**TOWN COUNCIL REGULAR MEETING**

21 Main Street

Tuesday, June 09, 2026 at 9:00 AM

**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. WORKSESSION - 9:00 AM

A. Finance Committee Update

B. Proposed Fiscal Year 2028 Budget Calendar

C. Planning Commission Update

D. Zoning Ordinance Update- Update

E. Safety Committee Update

F. Emergency Operations Plan

G. Agenda Review

H. Closed Session

## II. REGULAR MEETING - 6:30 PM

**A. INVOCATION.**

**B. PLEDGE OF ALLEGIANCE.**

**C. PROCLAMATIONS AND RECOGNITIONS.**

**D. CITIZEN'S TIME.**

**E. APPROVAL OF THE AGENDA.**

**F. PUBLIC HEARINGS.**

a. A Public Hearing on the Zoning Map Update pertaining to the parcels that were annexed into the Town of Warrenton per the Final Order.

**G. CONSENT AGENDA.**

a. Approval of Town Council Meeting Minutes

b. Town Council Handbook Update

**H. NEW BUSINESS.**

a. Emergency Coordinator Appointment

b. Appointment of Acting Town Manager

c. Appointment of Town Manager

**I. UNFINISHED BUSINESS.**

a. Adoption of FY 27 Budget

**J. TOWN ATTORNEY'S REPORT.**

**K. TOWN MANAGER'S REPORT.**

**L. COUNCILMEMBERS TIME.**

**M. ADJOURNMENT.**

Office of the Town Manager
Christopher E. Martino

# STAFF REPORT

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

| | |
|---|---|
| **Council Meeting Date:** | June 6th, 2026. |
| **Agenda Title:** | Finance Committee Update |
| **Requested Action:** | Receive the information from the presenter |
| **Department / Agency Lead:** | Town Council |
| **Staff Lead:** | Mr. William Semple, Vice Mayor |

## EXECUTIVE SUMMARY

Mr. William Semple, Vice Mayor, Will provide an update to the Council. Members of the Finance Committee have meet with Town Staff to review the proposed FY27 Budget.

## BACKGROUND

The Town Council has created a Finance Committee consisting of Mr. Paul Mooney and Vice Mayor William Semple.

## STAFF RECOMMENDATION

Receive the information from Mr. Semple.

## Service Level/Collaborative Impact

The Committees will require input and expertise from multiple Town departments and members of the Council.

## Policy Direction/Warrenton Plan 2040

**CF-5:** To provide a fiscally responsible infrastructure that maintains a high quality of life for residents, supports current businesses, and attracts new employers with a stable tax structure.

**CF-5.1:** Implement robust maintenance schedules on community facilities to extend the life of investments.

**CF-5.2:** Support the Town's current and future population through the provision of timely and comprehensive community facilities.

## Fiscal Impact

A fiscal impact analysis will be conducted on proposals brought forth by the Committee

## Legal Impact

Legal impact analysis has not been done on this agenda item.

## ATTACHMENTS

1.
2.
3.

Office of the Town Manager
Christopher Martino

# STAFF REPORT

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Michele O'Halloran, Ward 4
Eric Gagnon, Ward 5
Paul Mooney, At Large
David McGuire, At Large

| | |
|---|---|
| **Council Meeting Date:** | June 9, 2026 |
| **Agenda Title:** | Proposed Fiscal Year 2028 Budget Calendar |
| **Requested Action:** | Consideration of the Fiscal Year 2028 Budget Calendar |
| **Department / Agency Lead:** | Finance and Procurement |
| **Staff Lead:** | Stephanie Miller, Director of Finance and Procurement |

## EXECUTIVE SUMMARY

The Town Council has expressed a desire to accelerate the timeline for the annual budget process to align the adoption of property tax rates with the adoption of the budget. Calendar year property tax rates must be adopted no later than May 14th each year according to the Town Code. This allows time for processing first installment real estate tax bills to meet the June 15th due date.

## BACKGROUND

The Code of Virginia and the Code of the Town of Warrenton provide deadlines for certain actions related to the proposal and adoption of the Town's annual budget. These are:

| Date | Action | Reference |
|---|---|---|
| No later than April 1 | Delivery of proposed budget to governing body | Virginia Code § 15.2-2503 |
| No later than May 14 | Adoption of calendar year tax rates | Town Code Sec. 15-1 |
| 7 days prior to budget adoption | Public hearing on the proposed budget | Virginia Code § 15.2-2506 |
| No later than July 1 | Adoption of the budget | Virginia Code § 15.2-2503 |

The Town Code requires adoption of the calendar year tax rates by May 14th due to the billing cycle for real estate taxes. The first installment is due on June 15th, and bills must be mailed to taxpayers no later than 14 days prior to the due date (Virginia Code § 58.1-3912). A later adoption of the tax rates would not meet this Code requirement.

Council desires to receive the proposed budget earlier and to adopt the calendar year tax rates and the budget at the same time. Staff will work towards delivering the budget to the Council by March 1st with a public hearing in April, allowing for budget adoption when the calendar year tax

rates are set in May. However, there are several changes currently underway that may impact the timeline for the next fiscal cycle. These are:

1. **Town Manager**: The annual budget is an important planning process that impacts operations and capital investment. With the hiring of a new Town Manager, it is recommended to allow the new Manager time to gain familiarity with the Town and to evaluate the budget.

2. **New ERP System:** The Town is in the process of implementing the budget module of the Enterprise Resource Planning (ERP) software. The initial setup of the budget document in the system requires significant time. This phase of implementation begins in September 2026 and may pose a challenge in moving to the March 1st delivery date for the FY28 budget cycle.

As an interim measure, it is recommended that the Council consider the timeline shown on the next page. The blue box highlights some of the changes to this calendar, including:

- A Budget Development Progress Briefing will be added to the March meeting. This will highlight key elements in the FY28 budget. Topics may be chosen for subsequent budget work sessions at this time.
- The initial budget work session will be held at the April Council meeting.
- A second meeting will be planned in April for the budget public hearing. Budget work session #2 will be planned immediately prior to the public hearing.
- A third budget work session will be held the morning of the May Council meeting.
- The adoption of the budget, CIP, and tax rates will occur on the evening of the May meeting.

The benefits that this schedule provides include:

- A new Budget Development Progress Briefing prior to the delivery of the proposed budget;
- Three planned budget work sessions; and
- Alignment of the adoption of the budget with the setting of tax rates.

# Recommended Timeline

## FISCAL YEAR 2028 BUDGET CALENDAR

| DATE | EVENT |
|---|---|
| **September 2026** | Budget requests made available to Town Departments and Outside Agencies. |
| **November 2026** | Town Department budget requests due to the Finance Department. |
| **December 2026** | Outside Organization funding requests due to the Finance Department. |
| **December 2026** | Finance Director and Budget Manager meet with Town Manager to provide an overview of the compiled budget |
| **December - February 2027** | Town Manager meets with each Town Department to review budget requests. The Town Manager works with the Finance Director and Budget Manager to draft the proposed budget. |
| **January 2027** | Planning Commission work session to review the draft capital improvement plan (CIP) for consistency with the Comprehensive Plan. *As needed if new projects are added.* |
| **February 2027** | Planning Commission public hearing on the draft capital improvement plan. *As needed if new projects are added.* |
| **March 9, 2027** | Budget Development Progress Briefing provided to Town Council |
| **April 1, 2027** | Delivery of the Town Manager's proposed budget to the Town Council. |
| **April 13, 2027** | Town Council budget work session #1 |
| **April 27, 2027** | - Town Council budget work session #2<br>- Public Hearing on the Fiscal Year 2028 Proposed Budget and 2028 - 2033 Capital Improvement Plan |
| **May 11, 2027** | - Town Council budget work session #3<br>- Adoption of the Fiscal Year 2028 Budget, the 2028-2033 Capital Improvement Plan, and tax rates for the tax year beginning January 1, 2027 |
| **July 1, 2027** | Beginning of Fiscal Year 2028 |

## STAFF RECOMMENDATION

No action is necessary at this time. Staff recommends that Council consider following the budget calendar as noted herein. The date of the second April meeting may be adopted as part of the Town Council's organizational meeting in January 2027.

## Service Level/Collaborative Impact

The adoption of the budget with the calendar year tax rates will enhance clarity around the budget process.

## Policy Direction/Warrenton Plan 2040

This action will support Plan Warrenton 2040 by promoting greater efficiency and an aligned budget process.

## Legal Impact

The second April meeting should be set as part of the Town Council's organizational meeting in January 2027. The public hearing advertisement will be moved to accommodate the requirements of Virginia Code.

## Fiscal Impact

There is no additional cost associated with advancing the public hearing or the adoption of the budget.

## ATTACHMENTS

None

Community Development Department

# STAFF REPORT

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|---|---|
| **Town Council Meeting Date:** | June 9, 2026 |
| **Agenda Title:** | Planning Commission Update |
| **Requested Action:** | Informational Purposes |
| **Staff Lead:** | Casey DeHaven, Planning Manager |

## EXECUTIVE SUMMARY

The Planning Commission held a regular meeting on May 19, 2026.

**ZOTA 26-1:**

During the March 10, 2026 Town Council work session, Mr. Rob Walton discussed the initiation of a Zoning Ordinance Text Amendment to allow Hotels (up to 30 rooms) and associated Club facilities as a by-right use in the Central Business District, as requested by Town Council. This Zoning Ordinance Text Amendment initiation took place on April 14, 2026 during the Town Council Regular Meeting. The Zoning Ordinance Text Amendment is anticipated to include Article 3 and possibly Articles 9 and 12.

On April 28, 2026, the Planning Commission held a work session to discuss the proposed text amendment, led by Ms. Heather Jenkins, Zoning Administrator, where the Commission moved to hold a public hearing at their next regularly scheduled meeting so as to gather the input of citizens.

On May 19, 2026, the Planning Commission held a regularly scheduled meeting and held the public hearing – two citizens spoke in favor of the project and the public hearing was then formally closed. The Planning Commission did not take action on ZOTA 26-1 during this meeting and plans to revisit and make a recommendation at their regularly scheduled meeting on June 16, 2026.

The staff report and attachments from the May 19th regular meeting are provided as an attachment to this staff report.

This text amendment must follow the process outlined in Zoning Ordinance Section 11-3.9 Zoning Amendments, where the Planning Commission must hold a public hearing and make a recommendation to Town Council no later than August 6, 2026.

The Town Council can likely expect to see this item on their July agenda as a Work Session item.

**ZMA 26-1 & ZMA 26-2: Rezoning Requests for 18 Court Street and 10 Hotel Street:**

This application requests a zoning map amendment for the property located at 18 Court Street (ZMA 26-1) and 10 Hotel Street (ZMA 26-2) in Warrenton, Virginia, to change the current zoning designation from Public/Semi-Public (PSP) to Central Business District (CBD).

It has been determined that the proposed redevelopment of these buildings as a boutique hotel is a qualified tourism business per Town Code section 15-191, Tourism Zones. Staff has been directed to accelerate the review timeline of the rezoning application, as an available incentive per Code section 15-194(4). These items are currently under review by Staff and will be reviewed as a Work Session item at the June 16, 2026 Planning Commission Regular meeting.

**Zoning Ordinance Update – First Module:**

The first module of the Zoning Ordinance Update is now available to review and to provide feedback through an online survey. The first module of the updated Zoning Ordinance and the survey can be found at https://www.warrentonzoningordinanceupdate.com/

A key goal of the project is to implement key recommendations relating to land use in the Town's recently adopted comprehensive plan, *Plan Warrenton 2040*. The project will also make the Town's updated Ordinance more internally consistent, streamlined in language and processes, more user-friendly with the inclusion of additional graphics and tables, and aligned with contemporary zoning best practices.

The release of the first module is a key milestone in the Town's Zoning Ordinance update project. Module One is the first of two parts of the updated Zoning Ordinance and includes revisions to the Town's zoning districts, uses and use specific standards, general provisions, and rules of measurement, construction, and interpretation and definitions.
For more information about what's included in Module One, please visit the Work Products page.

Drafting of the new Zoning Ordinance (Phase 3 of the project) will continue throughout 2026. Module Two will include development standards (such as parking, landscaping, lighting, and signs), enforcement, and the process for nonconformities updated enforcement and development standards and is expected to be released to the public in fall 2026.

Clarion, the Town's consultant for the update to the Zoning Ordinance, will be in Town hosting a meeting to discuss the revisions in July, where we are hoping to have a joint review and discussion with members of both the Planning Commission and Town Council present.

More updates are to come!

## BACKGROUND

No additional background information.

## STAFF RECOMMENDATION

For Informational Purposes.

Office of the Town Manager
Christopher E. Martino

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David McGuire, At Large

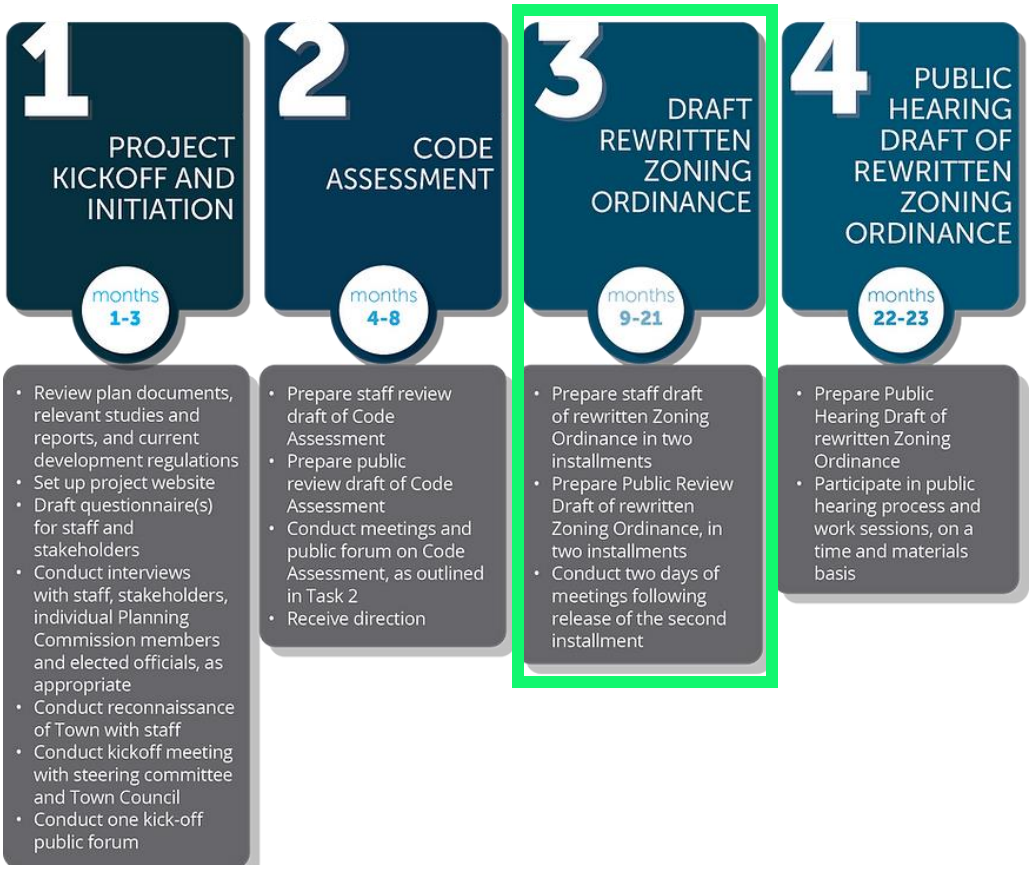
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| **Council Meeting Date:** | June 9, 2026 |
| **Agenda Title:** | Zoning Ordinance Update – Module One Draft Update |
| **Requested Action:** | Review the Module One Documents & Provide Feedback |
| **Department / Agency Lead:** | Community Development |
| **Staff Lead:** | Heather Jenkins, Zoning Administrator |

## EXECUTIVE SUMMARY

Town Council initiated an update to the Town of Warrenton Zoning Ordinance, and contracted with Clarion Associates to accomplish this task. The update process has been on-going, and at this time, Clarion Associates has Module One, the first half of the updated ordinance, available in draft form for public review.

## BACKGROUND

The Zoning Ordinance Update is scheduled as a four-step process, currently on Step 3, where a draft ordinance is prepared for public review and comment in two sections.



The first section, Module One, has four parts – General Provisions, Zoning Districts, Uses and Use-Specific Standards, and Rules of Measurement, Construction and Interpretation, and Definitions. Each of the four parts are summarized below, as found on the ordinance update webpage.

- **General Provisions (Article 1)**
  General provisions include certain rules that apply to the entire Zoning Ordinance. This section establishes a clear basis for authority for Warrenton to adopt, administer, and enforce zoning regulations. These standards are largely carried forward from the current Zoning Ordinance and aligned, where necessary, with state law. General provisions play an important role in the user-friendly nature of the updated Zoning Ordinance by clearly stating the applicability of the Ordinance, its purpose and intent, and how the new Ordinance interacts with other laws, covenants, or decrees, as well as the Town's current Zoning Ordinance.

- **Zoning Districts (Article 2)**
  Zoning districts establish the standards for the various zoning districts and govern the types of development and uses allowed in different parts of Warrenton.

  All of Warrenton's current zoning districts are carried forward, except for the planned unit development district. Instead, two new planned unit development districts are proposed. These new districts include a standard Planned Development district, providing flexibility for larger, phased developments, and a Planned Development – Traditional Neighborhood Design (TND) district, that replaces the TND development option in the current Zoning Ordinance by offering a specific planned development district for traditional neighborhood style development. Five new character overlay districts are also established to implement the recommendations in the Comprehensive Plan, Plan Warrenton 2040.

  Warrenton's new zoning district list is laid out in a single location in the Zoning Ordinance with a new layout that presents information in clear tables and includes new illustrations.

- **Uses and Use Specific Standards (Article 3)**
  Use regulations establish where specific uses are allowed or not allowed in Warrenton. For some uses, additional standards apply to limit a use's potential impacts on surrounding properties.

  The use regulations in Warrenton's updated Zoning Ordinance are organized into principal, accessory, and temporary uses and use specific standards in one location. The existing uses in Warrenton's current Zoning Ordinance are modernized and defined, with each use being clearly established and any necessary use specific standards included. New uses, such as missing middle housing types, are added to support the Town's long-term goals and vision based off of the Comprehensive Plan. These new uses are clearly defined and use specific standards, where needed, are established. Finally, a new section for interpretation of unlisted uses is established.

- **Rules of Measurement, Construction, and Interpretation and Definitions (Article 9)**
  Rules of measurement, construction, and interpretation and definitions are crucial elements of a user-friendly Zoning Ordinance. These sections guide the community to a mutual understanding of how the standards in the Zoning Ordinance function. This section in Warrenton's updated Zoning Ordinance builds on the rules established in the Town's current Zoning Ordinance.

## STAFF RECOMMENDATION

The Zoning Ordinance Steering Committee, as appointed by Town Council, will meet with Clarion Associates for a virtual presentation on June 10, 2026 to begin the Committee's review of Module One. At a later date, tentatively in July, the draft ordinance will be presented to both the Town Council and the Planning Commission at a joint meeting.

Module Two of the Zoning Ordinance Update will be prepared by Clarion Associates and provided for public review and comment at a later date. Module Two will include development standards such as parking, landscaping, lighting and signs, as well as code enforcement procedures.

Prior to any final adoption of the updated Ordinance sections, public hearings must be conducted, with a recommendation by the Planning Commission and final decision by the Town Council.

At this time, staff is requesting that the Town Council review the Module One provisions, and participate in the feedback survey that is available online. Any specific questions can be directed to Community Development staff, and can be answered by staff or by Clarion Associates, as appropriate. All work products, to include

The complete draft of Module One, as well as the feedback survey for this module and all other work products and background information can be accessed online at **www.warrentonzoningordinanceupdate.com**.

## Service Level/Collaborative Impact

The Zoning Ordinance is a legal document that lays out how land in the Town may be used and developed, which in turn generates the need for services that are provided by the Town to residents, business owners, and visitors.

## Policy Direction/Warrenton Plan 2040

The Zoning Ordinance Update was undertaken in direct response to the rewritten Comprehensive Plan, Plan Warrenton 2040, to transform the goals and objectives of that Plan into the built environment of the Town. While Comprehensive Plans are a guiding document, the Zoning Ordinance is a legally enforceable code of regulations that helps to ensure that new development and redevelopment within the Town will agree with what was envisioned in the Comprehensive Plan.

## Fiscal Impact

A fiscal impact study has not been prepared.

## Legal Impact

The Zoning Ordinance is an enforceable code of regulations that governs how property may be used within the Town.

Office of the Town Manager
Christopher E. Martino

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David McGuire, At Large

| | |
|---|---|
| **Council Meeting Date:** | June 9th, 2026 |
| **Agenda Title:** | Public Safety Committee Update |
| **Requested Action:** | Receive the information from the presenter |
| **Department / Agency Lead:** | Town Council |
| **Staff Lead:** | Ms. Michele O'Halloran, Ward 4 Representative. |

## EXECUTIVE SUMMARY

Ms. Michele O'Halloran will present an update on the Committee.

## BACKGROUND

The Town Council has created a Public Safety Committee consisting of Mr. David McGuire and Ms. Michele O'Halloran.

## STAFF RECOMMENDATION

Receive the information.

## Service Level/Collaborative Impact

These meetings will require input and expertise from multiple Town departments and members of the Council.

## Policy Direction/Warrenton Plan 2040

**CF-2:** Public safety services and policies are viewed as amongst the best in similar Virginia towns for the responsiveness, community trust, and effectiveness.

**CF-2.1:** Maintain accepted level of service in terms of staffing and response times.

**CF-2.2:** Incorporate security measures designed to be unobtrusive but affording protection for citizens and users alike at community built and electronic facilities.

**CF-2.3:** Partner with County on their space and operational needs for the Sheriff's Office, Joint Communications, and Fire Rescue

and Emergency Management.

**CF-2.4:** Identify and provide new substation and public safety facilities as new development/redevelopment occurs.

**CF-2.5:** Continue cooperative agreements with the County for public safety needs.

## Fiscal Impact

A fiscal impact analysis will be conducted on proposals brought forth by the Committee.

## Legal Impact

Legal impact analysis has not been done on this agenda item.

## ATTACHMENTS

1.
2.
3.

Office of the Town Manager
Christopher E. Martino

# STAFF REPORT

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Paul Mooney, At Large
David McGuire, At Large

| | |
|---|---|
| **Council Meeting Date:** | June 9, 2026 |
| **Agenda Title:** | Emergency Operations Plan Adaption |
| **Requested Action:** | Receive the Information |
| **Department / Agency Lead:** | Police/Chief Timothy M. Carter |
| **Staff Lead:** | Chief Timothy M. Carter |

## EXECUTIVE SUMMARY

The Town of Warrenton, Virginia, recognizes the importance of proactive emergency management and, in July 2022, following the establishment of an Office of Emergency Management in 2020, the Town adopted an Emergency Operations Plan.

The Town is responsible for its own comprehensive emergency management program in accordance with the Code of Virginia, Title 44. The Virginia Department of Emergency Management (VDEM) and the Code of Virginia require local jurisdictions to prepare, maintain, and periodically update an Emergency Operations Plan (EOP) to ensure the community is prepared to respond effectively to emergencies and disasters. Virginia law requires each local and interjurisdictional emergency management agency to maintain a current Emergency Operations Plan and to conduct a comprehensive review and revision of the plan at least every four years, with formal adoption by the governing body.

An Emergency Operations Plan serves as the Town's all-hazards framework for coordinating preparedness, response, recovery, and mitigation activities during emergencies such as severe weather events, flooding, hazardous material incidents, public health emergencies, utility disruptions, and other disasters. The plan establishes roles and responsibilities for Town departments, identifies coordination procedures with local, regional, state, and federal partners, and incorporates emergency management principles consistent with the National Incident Management System (NIMS).

## BACKGROUND

The Town of Warrenton's Office of Emergency Management was created in December 2020 in response to the COVID-19 pandemic. It was officially established as an agency of emergency management for the Town by Ordinance 2022-11 at the July 12, 2022, Town Council Meeting. The office operates under the Commonwealth of Virginia Emergency Services and Disaster Law of 2000. In accordance with State law and VDEM requirements, The Town adopted an emergency operations plan on July 12, 2022. State law also requires that the plan be reviewed, revised if necessary, and readopted every four years. The Town's Emergency Operations Plan has been reviewed and is being presented to the Council for consideration.

## STAFF RECOMMENDATION

Receive the Information and consider adoption of the Emergency Operations Plan at the July Meeting.

## Service Level/Collaborative Impact

Adoption of the Emergency Operations Plan (EOP) will enhance the Town's ability to coordinate and deliver essential services during emergencies and disasters. The plan establishes a comprehensive framework for preparedness, response, recovery, and mitigation activities, providing clear procedures for maintaining continuity of government operations and critical public services. While adoption of the EOP does not substantially alter the day-to-day delivery of Town services, it formalizes roles, responsibilities, communication protocols, and resource coordination procedures that would be activated during emergency incidents.

The EOP affects multiple Town functions, including public safety, public works, utilities, administration, communications, finance, and community services. The plan provides guidance for interdepartmental coordination, emergency resource management, public information dissemination, damage assessment, and recovery operations. Adoption also supports compliance with state and federal emergency management requirements and may improve eligibility for certain emergency management grants, training opportunities, and disaster assistance programs.

Implementation and enforcement of the staff recommendation will primarily affect Town personnel assigned emergency management responsibilities. The Town Manager, Emergency Management Coordinator, department heads, and designated emergency response personnel will be responsible for maintaining familiarity with the plan, participating in training and exercises, updating departmental procedures as necessary, and carrying out assigned responsibilities during emergency activations. Adoption of the EOP will require periodic staff training, plan reviews, and participation in emergency preparedness exercises; however, these activities are generally consistent with existing emergency management responsibilities and they may create significant operational burdens.

Overall, adoption of the Emergency Operations Plan will strengthen the Town's preparedness and response capabilities, improve coordination among departments and external agencies, and provide a clear organizational structure for managing emergencies while supporting the continued delivery of essential municipal services.

## Policy Direction/Warrenton Plan 2040

The Warrenton Plan 2040 establishes the long-term strategic vision for the Town’s growth, community character, and economic development. While the Comprehensive Plan focuses on standard municipal progress, the Emergency Operations Plan (EOP) serves as the critical operational safeguard for that vision. By establishing a robust framework to respond to unforeseen, outside-the-norm emergencies and disasters,

the EOP ensures the continuity of government and the protection of local infrastructure. This baseline resilience allows the Town to effectively navigate crises, swiftly stabilize operations, and seamlessly resume the day-to-day work necessary to achieve the goals outlined in the Warrenton Plan 2040.

## Fiscal Impact

There may be additional fiscal impacts associated with the readoption of the Emergency Operations Plan. While the Town Council has previously recognized the critical importance of emergency preparedness, Emergency response operations and agency maintenance are only partially incorporated into the Town's established budget, therefore additional appropriations may be required going forward.

## Legal Impact

The Code of Virginia requires a four-year review, revision, and re-adoption of the EOP. Failure to re-adopt the EOP would result in the Town being out of compliance with a mandatory state-law requirement tracked by VDEM. Failure to adhere to this requirement would put in jeopardy the Town’s status as an independent emergency management agency. It could also lead to legislative scrutiny, a loss of eligibility for state and federal grants tied to emergency management, and/or affect operational readiness and mutual aid coordination.

## ATTACHMENTS

1. ToW Emergency Operations Plan – Updated June 2022

# EMERGENCY OPERATIONS PLAN (EOP)

*Town of Warrenton, Virginia*
*2022*

# A RESOLUTION TO ADOPT AND IMPLEMENT THE TOWN OF WARRENTON EMERGENCY OPERATIONS PLAN

WHEREAS, the Town Council of Warrenton, Virginia recognizes the need to prepare for, respond to, and recover from natural and human-caused disasters; and

WHEREAS, the Town of Warrenton has a responsibility to provide for the safety and well-being of its citizens and visitors; and

WHEREAS, the Town of Warrenton has established and appointed a Director of Emergency Management and Emergency Management Coordinator;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of Warrenton, Virginia, this Emergency Operations Plan is officially adopted, and

IT IS FURTHER RESOLVED AND ORDERED, that the Director of Emergency Management, or their designee, is tasked and authorized to maintain and revise as necessary this document during the next four (4) year period or until such time it be ordered to come before this board.

Town Clerk

# PROMULGATION

Government is responsible for ensuring the health, safety, and welfare of its citizens. The welfare and safety of citizens is never more threatened than during disasters. Emergency Management aims to ensure that mitigation, preparedness, response, and recovery actions exist so that public welfare and safety are preserved.

The Town of Warrenton has adopted the Emergency Operations Plan (EOP) to ensure the effective allocation of resources during an emergency to protect life, property, and the environment. This Plan supersedes any previous plans promulgated for this purpose.

The EOP provides a comprehensive framework for the Town emergency management program. It addresses the roles and responsibilities of government organizations and provides a link to local, State, Federal, and private organizations and resources that may be activated to manage disasters and emergencies in the Town of Warrenton

The Town of Warrenton Emergency Operations Plan ensures consistency with current policy guidance and describes the interrelationship with other levels of government. The Plan will continue to evolve, responding to lessons learned from the actual disaster and emergency experiences, ongoing planning efforts, training and exercise activities, and Federal guidance.

Therefore, in recognition of the emergency management responsibilities of the Town of Warrenton government and with authority vested in me as the Chief Executive Officer of the Town of Warrenton, Virginia, I  hereby promulgate the Town of Warrenton Emergency Operations Plan.

Brandie Schaeffer, *Town Manager*
Town of Warrenton, Virginia

# A RESOLUTION TO ADOPT THE NATIONAL INCIDENT MANAGEMENT SYSTEM

BE IT RESOLVED, by the Town Council of Warrenton, Virginia as follows:

WHEREAS, the President in Homeland Security Directive (HSPD)-5, directed the Secretary of Homeland Security to develop and administer a National Incident Management System (NIMS), which provides a consistent nationwide approach to Federal, State and Local governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the collective input and guidance from all Federal, State, Territorial, Tribal, and local partners has been and will continue to be vital to the development, effective implementation and utilization of a comprehensive NIMS; and entities involved in emergency response to adopt NIMS; and

WHEREAS, it is necessary and desirable that all Federal, State and local emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the Town of Warrenton's ability to utilize federal funding to enhance local agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS the Governor of the State of Virginia has similarly endorsed NIMS by proclaiming it the official basis for management of incident response in Virginia; and

WHEREAS, that NIMS will enable responders at all levels to work together more effectively and efficiently to manage domestic incidents no matter what the cause, size or complexity, including catastrophic acts of terrorism and natural disaster; and

WHEREAS, the Town of Warrenton Office of Emergency Management currently uses the Incident Command System (ICS) as referred to in NIMS; and

WHEREAS, the Town of Warrenton Office of Emergency Management recognizes the need for a single Incident Management System to be used by all local agencies and disciplines;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Warrenton adopts the National Incident Management System and this system will be used at all incidents and drills, taught in all Town of Warrenton local OEM training courses, and reflected in all OEM emergency mitigation, preparedness, response and recovery plans and programs.

Town Clerk

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|---|---|---|---|---|
| 1 | | | | |
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# Record of Distribution

The Town of Warrenton EOP will be distributed to each agency and organization that has a role in the Plan and noted in the table below. Copies will be available to the public at Town Hall or the municipal website.

| Agency/Department | Title of Recipient | Format: electronic or hard-copy | Date Distributed | Date Acknowledged |
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# Introduction

The Town of Warrenton is committed to protecting life, the environment, and property. This Plan provides the basis for response and recovery operations in the Town of Warrenton, Virginia. The success of this Plan depends on the collaboration of the departments and agencies responsible for the development and maintenance of these plans and annexes.

Successful emergency planning utilizes a comprehensive approach to prepare for and plan for all-hazards. The Town of Warrenton is vulnerable to various natural hazards, including winter weather, severe storms & tornadoes, technological hazards, such as hazardous materials incidents & resource shortages, and human-caused events such as terrorist attacks & cyber threats. The threat of major disasters and events necessitates this Plan's all-hazards approach.

To respond effectively to any emergency of size or complexity beyond the routine response system, all Town of Warrenton public officials, departments and agencies, non-governmental emergency organizations and the public must understand their roles and responsibilities. These non-routine responsibilities begin when an incident is recognized, and response ensues. As an incident develops and command organizes beyond first responders' initial reactive phase, the roles and responsibilities highlighted in this Plan become more critical.

Per the *Commonwealth of Virginia Emergency Services and Disaster Law of 2000* (Code of Virginia, § 44-146.13 to 44-146.28:1), State and local governments are charged with developing and maintaining current Emergency Operations Plans (EOP) to be prepared for such events.

This Plan serves as the baseline by which the Town of Warrenton prepares for, mitigates against, responds to, and recovers from disasters and emergencies. It is the primary responsibility of the Emergency Management Coordinator of the Town of Warrenton to develop the Town of Warrenton Plan, update the Plan, and maintain a record of changes. This Plan seeks to address the Town of Warrenton emergency response procedures, roles and responsibilities of local departments, and other private organizations during disasters and emergencies.

# Purpose and Scope

This Plan aims to direct actions intended to preserve life and protect property from further destruction in the event of an emergency. The overall Plan establishes an emergency organization to direct and control operations during the emergency situation by assigning responsibilities to specific entities. These responsibilities are generally extensions of normal, day-to-day functions involving the same personnel and material resources. All essential entities are to utilize any and all available resources when mitigating against, preparing for, responding to, and recovering from a natural or human-caused emergency.

The EOP employs a multi-agency operational structure based upon the National Incident Management System Incident Command System (ICS) principles to manage, coordinate, and direct resources committed to an incident. The Town of Warrenton is a practitioner of the National Incident Management System (NIMS) and is committed to ensuring that required training is provided to all persons with direct responsibility for implementing the Plan and critical functions within the Plan. Supporting plans for all-hazards disasters set forth the concepts and procedures whereby Town of Warrenton can effectively apply available resources to insure that casualties and property damage will be minimized and those essential services will be restored as soon as possible following a disaster or emergency situation.

The Town of Warrenton includes all residents, governmental entities and departments, businesses, and non-profit organizations within the bounds of the Town of Warrenton and/or those individuals and entities operating or transiting through the Town of Warrenton.

The Town of Warrenton relies on contracts or MOU's/MAA's for key services that have a direct bearing on its emergency management organization; specifically, debris management, and sheltering. Close planning and coordination with these agencies and organizations is essential to the preparedness and response capabilities of the Town of Warrenton.

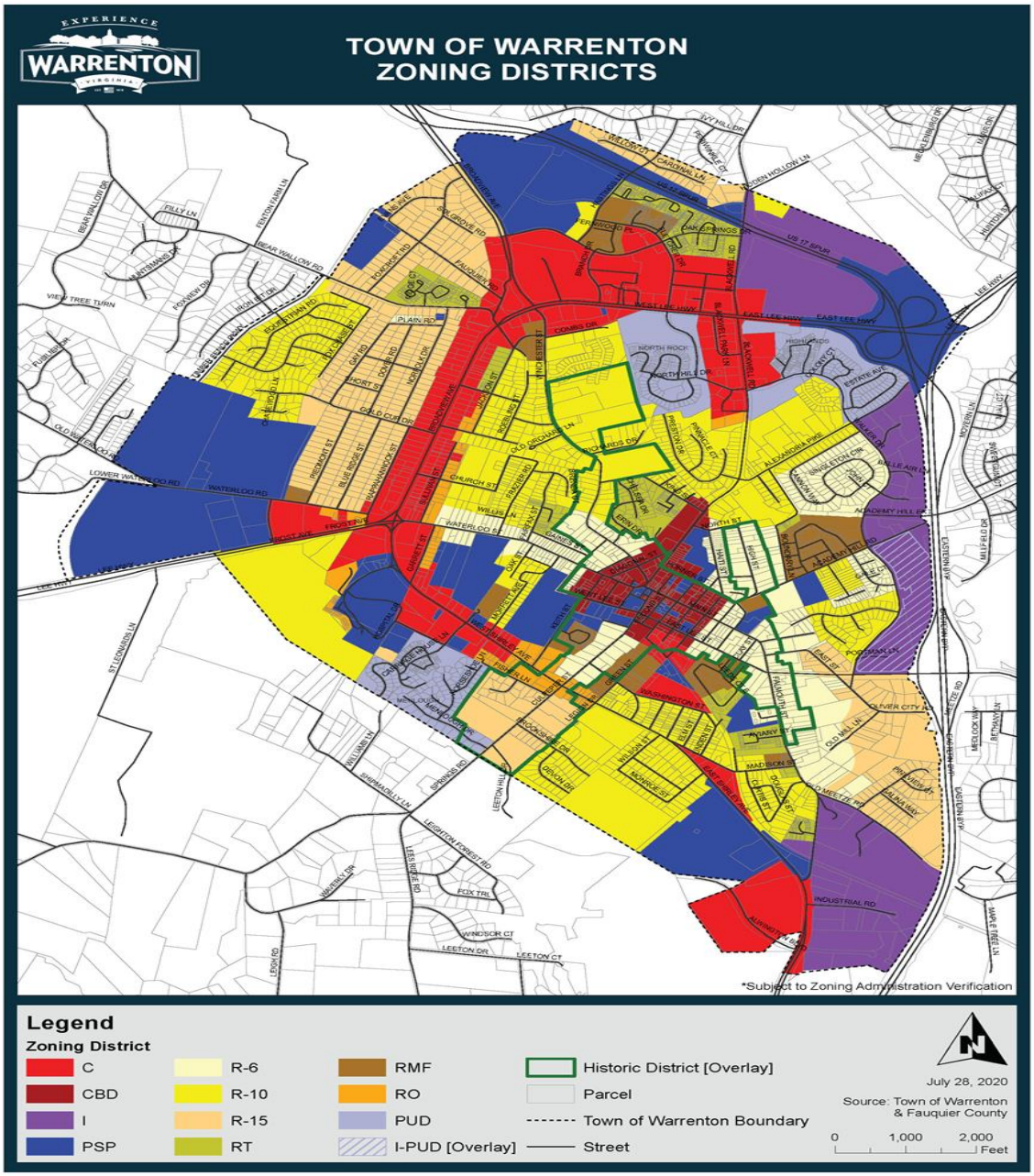
During emergencies, the Emergency Management Coordinator serves as the lead emergency management representative for the Town of Warrenton. The Town of Warrenton submits requests for additional support to the state through WebEOC. If the needs cannot be fulfilled at the state level, the request will be sent on to the Federal level in accordance with NIMS.

The Emergency Operations Plan (EOP) identifies a range of disasters that could possibly occur in or near this locality. The EOP works to anticipate the needs that the Town of Warrenton might experience during an incident and provides guidance across Town departments, agencies, and response organizations by describing an overall emergency response system:

- How Town departments/agencies will be organized during response to an event, including command authorities and resource management;
- Critical actions and interfaces during response and recovery;
- How the interaction between the Town of Warrenton, regional, state, and federal authorities is managed;
- How the interaction between the Town of Warrenton and its private partner organizations (hospitals, non-governmentl emergency organizations and others) is managed during emergencies; and

# Planning Situation and Assumptions

The Town of Warrenton is located in the north-central Piedmont region of Virginia, approximately 45 miles southwest of Washington, D.C. The Town encompasses 4.5 square miles and is the county seat for Fauquier County.



# Statistics

## Incorporation

| Detail / Statistic | Town of Warrenton | Virginia |
|---|---|---|
| Incorporated | 1810 | 1788 |

## Geological Features

| Detail / Statistic | Town of Warrenton | Virginia |
|---|---|---|
| Land Area | 4.5 square miles | 39,490.09 |
| Elevation | Approximately 643 feet | Sea Level to 5,729 feet |

## Population

| Detail / Statistic | Town of Warrenton | Virginia |
|---|---|---|
| 2019 Population Estimate | 10,057 | 8,535,519 |
| Median Age (2019) | 38 | 38.4 |
| High School Graduate or Above (2019) | 92.9% | 89.7% |

## Housing

| Detail / Statistic | Town of Warrenton | Virginia |
|---|---|---|
| Median Household Income (2019) | $73,402 | $74,222 |
| Median Family Income (2015 to 2019) | $37,031 | $39,278 |
| Poverty Rate (2019) | 6.0% | 9.90% |
| Living in the Same House 1 Year or More (2009 - 2013) | 85.8% | 84.70% |
| Homeownership Rate (2019) | 61% | 66.3% |

| Detail / Statistic | Town of Warrenton | Virginia |
|---|---|---|
| Median Value Owner-Occupied Units (2019) | $342,600 | $273,100 |
| Median Rent (2019) | $1,314 | $1,234 |

## Business

| Detail / Statistic | Town of Warrenton | Virginia |
|---|---|---|
| Total Number of Firms (2012) | 1,412 | 653,193 |
| Women-Owned Firms (2012) | 35% | 36.20% |
| Retail Sales Per Capita (2012) | $51,062 | $13,438 |
| Average Travel Time to Work in Minutes (2019) | 38.8 | 28.7 |

Based on hazard analysis of the area, the primary hazards in the Town of Warrenton are:

| High | Medium | Low |
|---|---|---|
| Wind<br>Winter Weather<br>Drought<br>Tornado | Flood<br>Earthquake | Landslide<br>Wildfire |

In addition to the hazards listed above, the additional risks below have also been identified and are listed in the table below.

| Natural | Technological | Human-Caused |
|---|---|---|
| Epidemic/Pandemic<br>Extreme Heat/Cold<br>Hurricane/Tropical Storm | Airplane Crash<br>Dam Failure<br>Traffic Gridlock<br>Infrastructure Failure (Water, Communications)<br>Hazardous Material Incident | Active Violence<br>Cyberattack<br>Civil Disturbance<br>Complex Coordinated Attack |

# Assumptions

Nothing in this EOP alters or impedes the ability of federal, state, or local departments and agencies to carry out their specific authorities or perform their responsibilities under all applicable laws, executive orders, and directives.

- When activated, the Town will commit all available resources to save lives, minimize property and environmental damage, and conduct emergency response and recovery operations while working to establish and maintain direction and control through the Town Emergency Operations Center.
- An emergency situation may escalate quickly and require the rapid mobilization and reallocation of available resources. The situation may overwhelm the local resources and capabilities, requiring mutual aid assistance from outside agencies and organizations.
- Emergencies of various types, sizes, intensities, and durations may occur within or near the jurisdictional boundaries of the Town of Warrenton with or without warning. These emergencies can develop into disasters that affect the safety, health, and welfare of the population and cause damage or destruction to private and public property as well as the environment.
- This Plan has been developed to address all hazards that threaten the Town of Warrenton by providing the response framework and guidance for any emergency or disaster situation that occurs. The organization and concept of operations allow flexibility and discretion through command and control of the incident, using the concepts of the Incident Command System (ICS). Emergency operations will be managed per the National Incident Management System (NIMS).
- The Town government must continue to function throughout a disaster or emergency situation. Depending upon the scope and magnitude of the incident, concurrent implementation of the Continuity of Operations Plan (COOP) may be necessary. All Town departments will maintain current COOP(s).
- Town departments may be required to respond on short notice and at any time of the day or night to provide adequate and timely assistance. It is the responsibility of each department to ensure staff and assets are trained, prepared, and available to respond.
- During emergencies, capabilities to respond to collateral and unrelated emergency situations must be maintained, further impacting the availability of resources for the emergency incident.
- Preparedness activities are a critical component of emergency management. Achieving and maintaining effective citizen and community preparedness reduces the immediate demands on response organizations. Community preparedness requires the Town to engage in continual and ongoing public awareness and education programs to ensure residents and businesses will take appropriate advance actions to reduce their vulnerability and increase their readiness for emergencies.
- Emergency preparedness is everyone's responsibility. Residents, business owners, and government staff should all understand their personal preparedness responsibilities and be educated on appropriately preparing for maintaining self-sufficiency in an emergency situation.

# Capability Assessment

The Town of Warrenton recognizes its limitations in its ability to handle complex incidents. The Town relies solely on outside agencies for fire suppression, emergency medical services, and hazardous materials response and sheltering. The external organizations responsible for handling these tasks are comprised of federal government, local government, and private not-for-profit agencies.

# Concept of Operations

The Emergency Operations Plan is the framework by which the Town will respond to events of high complexity or significant impact. The Emergency Management Coordinator is responsible for maintaining comprehensive situational awareness of all incidents that may increase in complexity/impact. Below a framework of incident complexity (which was adapted from the Federal Emergency Management Agency Incident Complexity Guide) is provided for reference, beginning with the least complex incident, a Type 5 incident.

| | INCIDENT INDICATORS | EXAMPLES |
|---|---|---|
| Type 5 | • Incident shows no resistance to stabilization or mitigation<br>• Incident objectives typically met within one or two hours once resources arrive on scene<br>• Minimal effects to population immediately surrounding the incident; few or no evacuations needed during mitigation<br>• No adverse impact on critical infrastructure and key resources (CIKR)<br>• Elected/appointed governing officials and stakeholder groups require little or no interaction and may not need notification<br>• Conditions or actions that caused the original incident do not persist; as a result, there is no probability of a cascading event or exacerbation of the current incident | Type 5 incidents and exercises can include a vehicle fire, a medical response to an injured/sick person, or a highrisk felony traffic stop.<br><br>Planned events can include a 5K or 10K road race. |
| Type 4 | • Incident shows little resistance to stabilization or mitigation<br>• Incident objectives typically met within several hours once resources arrive on scene<br>• Incident may extend from several hours to 24 hours<br>• Limited effects to population surrounding incident; few or no evacuations necessary during mitigation | Type 4 incidents and exercises can include a barricaded suspect, a hazardous materials (HAZMAT) spill on a roadway or waterway, a large commercial fire, or a localized flooding event affecting a neighborhood or subdivision. |

| | | |
|---|---|---|
| | • Incident threatens, damages, or destroys a minimal number of residential, commercial, cultural or environmental properties<br>• CIKR may suffer adverse impacts, but mitigation measures are uncomplicated and can be implemented within 24 hours<br>• Elected/appointed governing officials and stakeholder groups require little or no interaction, but they may need to be notified<br>• Conditions or actions that caused the original incident do not persist; as a result, there is little to no probability of a cascading event or exacerbation of the current incident | Planned events include single day events with a smaller attendance and limited resources deployed. |
| Type 3 | • Incident shows some resistance to stabilization or mitigation<br>• Incident objectives typically not met within the first 24 hours after resources arrive<br>• Incident may extend from several days to one week<br>• Population within and immediately surrounding incident area may require evacuations during mitigation<br>• Incident threatens, damages, or destroys residential, commercial, or cultural properties<br>• CIKR may suffer adverse impacts, and mitigation actions may extend into multiple operational periods<br>• Elected/appointed governing officials and stakeholder groups require some level of interaction<br>• Conditions or actions that caused the incident may persist; as a result, there is some possibility of a cascading event or exacerbation of the current incident | Type 3 incidents and exercises can include a tornado that damage a small section of Town; HAZMAT leak requiring evacuation of a neighborhood or section of a community; an active shooter; a sink hole; a water main break; a Category 1 or 2 hurricane; or a small aircraft crash in a populated area.<br><br>Planned events include those that are multi-day, have a large attendance or require a large deployment of resources to support. |
| Type 2 | • Incident shows high resistance to stabilization or mitigation<br>• Incident objectives typically not met within the first several days<br>• Incident may extend from several days to two weeks<br>• Population within and surrounding the general incident area are affected and may require evacuation during mitigation | Type 2 incidents and exercises can include a tornado with damage to an entire section of a city, village, or Town; HAZMAT leak requiring a several-dayslong evacuation of an entire section of Town; a wildland fire in an area with numerous residences, requiring evacuations and |

| | | |
|---|---|---|
| | • Incident threatens damages, or destroys residential, commercial, and cultural properties<br>• CIKR may suffer adverse impacts, including destruction, and mitigation actions may extend into multiple operational periods, requiring considerable coordination<br>• Elected/appointed governing officials, political organizations, and stakeholder groups require a moderate level of interaction<br>• Incident has resulted in external influences, has widespread impact, and involves political and media sensitivities requiring comprehensive management<br>• Conditions or actions that caused the original incident may persist, so a cascading event or exacerbation of the current incident is likely | several days of firefighting to bring under control; or a river flooding event affecting an entire section of Town, with continued precipitation anticipated.<br><br>Planned events can include a VIP visit, a large demonstration or strike, or a large concert. |
| Type 1 | • Incident shows high resistance to stabilization or mitigation<br>• Incident objectives cannot be met within numerous operational periods<br>• Incident extends from two weeks to over a month or longer<br>• Population within and surrounding the region or state where the incident occurred is significantly affected<br>• Incident threatens, damages, or destroys significant numbers of residential, commercial, and cultural properties<br>• Incident damages or destroys numerous CIKRs; mitigation extends multiple operational periods and requires long-term planning and extensive coordination<br>• Evacuated and relocated populations may require sheltering and housing for weeks or months<br>• Elected/appointed governing officials, political organizations, and stakeholder groups require a high level of interaction<br>• Incident has resulted in external influences, has widespread impact, and involves political and media sensitivities requiring comprehensive management<br>• Conditions or actions that caused the original incident still exist, so a cascading | Type 1 incidents and exercises can include a tornado with damage or destruction to an entire community; a multi-level terrorist attack; a Category 3, 4, or 5 hurricane; a pandemic; a large wind-driven wildland fire threatening the entire Town, causing several evacuations and destroying many homes, businesses, and critical infrastructure assets; or a widespread river flooding event in Town, with continued precipitation anticipated.<br><br>Planned events could include a political convention, the Super Bowl, the World Series, or a presidential visit |

| | | |
|---|---|---|
| | event or exacerbation of the current incident is likely | |

When the Emergency Management Coordinator becomes aware of an event that is increasing in complexity or community impact, the first step is to notify Town leadership of the details surrounding the event to ensure awareness and begin creating a common operating picture. This notification is accomplished by issuing an informational bulletin or spot report. At a minimum, the informational document will include the following details: type of incident, a brief narrative of impacts, timeframe, and required action or follow-up. This bulletin will be issued primarily via email, however redundant systems are in place to distribute this message via text/SMS.

If at the discretion of the coordinator, the event is of such scope or magnitude to require support from multiple Town departments, a recommendation to open the Town Emergency Operations Center (TEOC) will be made to the Director of Emergency Management. This activation signals the shift to a centralized and coordinated response. The primary goal of the TEOC is to coordinate response across all departments to streamline response and recovery operations. This goal is achieved by setting overarching objectives, providing accurate and timely event-specific information, and coordinating the deployment of resources required to stabilize the event. Departments will provide qualified personnel to fill roles in the TEOC to support field operations. Additionally, the coordinator may recommend a declaration of local emergency to the director. More detailed information regarding EOC Operations and Emergency Declaration can be found in the Direction, Control, and Coordination section.

When all recovery objectives have been met, the TEOC Manager will begin to demobilize personnel to return to their normal day-to-day jobs. The size, scale, and complexity of the significant event will determine the amount of time until full demobilization. It is important that all resources (human and equipment) must be accounted for and provided adequate time for rest or repair, before fully demobilizing.

# Organization and Assignment of Responsibility

This section identifies individuals and groups who have functional and/or operational responsibilities before, during, or after a significant event. The director may engage any Town department and assign specific tasks or missions even if the department is not pre-identified in this EOP.

## Town Council

The Town Council is the Town's legislative body and is empowered by the Town Charter to make Town policy. The Council is composed of a Mayor and seven Council members. Five are elected by ward and two at large. If the Mayor is incapacitated or otherwise unavailable, the duties will fall to the Vice Mayor who was selected by the council. During an emergency, the Town Council:

- Serves as a conduit of information to and from constituents sharing incident information with Town staff
- Endorses a declaration of local emergency in accordance with Chapter 20 of the Town Code and Title 44 of the Code of Virginia
- Liaise with elected officials of other jurisdictions

Prior to a significant event, the Town Council plays an important role in Town wide preparedness through the following actions:

- Adopting and promulgating the Town of Warrenton Emergency Operations Plan
- Adopting the Rappahannock-Rapidan Regional Commission Hazard Mitigation Plan
- Providing funding for preparedness, response and mitigation activities based on recommendations from the Emergency Management Coordinator

## Director of Emergency Management

In accordance with Chapter 20 of the Town Code, the Town Manager is designated as the Director of Emergency Management. If the Town Manager is unavailable, powers shall pass to a successor official, in the following order: Director of Community Development, Finance Director, Emergency Management Coordinator, or Director of Public Works. During an emergency, the director is authorized to:

- Declare a local emergency in response to an actual or impending incident • Implement any applicable emergency plan and mutual aid agreements
- Control, restrict, allocate or regulate the use, sale, production, and distribution of food, fuel, clothing, and other commodities, materials, goods, services, and resources systems that fall only within the Town
- Enter into contracts and incur obligations necessary to combat such threatened or actual disaster
- Protect the health and safety of persons and property and provide emergency assistance to the victims of such disaster
- Commandeer and appropriate automobiles, boats, other vehicles, or other personal property if needed to protect the public

- Direct any Town employees to work at such hours and to perform such duties as are reasonably necessary to help protect and serve the public
- Request assistance from the county administrator, superintendent of schools, the sheriff, the director of public health, or any other public official to make employees, officials, facilities, and equipment available to assist as needed with emergency efforts
- Order an emergency curfew
- Order the evacuation of areas of the Town. Any sworn law enforcement officer may enforce evacuations
- Provide support or cooperation for the county director of public health or the state health commissioner

Prior to a significant event, the Director of Emergency Management plays an important role in Town-wide preparedness through the following actions:

- Provide strategic direction to the Town-wide emergency management program
- Approve grant funding applications for preparedness, response, or mitigation activities
- Approve and authorize mutual aid agreements or memorandum of understanding supporting incident response

## Emergency Management Coordinator

The Emergency Management Coordinator is responsible for the day-to-day management of the comprehensive emergency management program. During an emergency, the coordinator:

- Ensures overall coordination between all Town departments and partner agencies to achieve emergency management goals
- Implements mutual aid agreements or requests resources from the Fauquier County EOC
- Coordinates with Fauquier County Emergency Management to issue public alerts and warnings
- Maintains a common operating picture and shares situational awareness with partner agencies at the local and state level
- Maintains a written record of all official actions taken hereunder for later review by applicable state, federal and local agencies

Prior to a significant event, the coordinator:

- Maintains the Town of Warrenton Emergency Operations Plan
- Assists departments with identifying and closing capability gaps
- Maintains awareness of Town resources and assists with the development of mutual aid agreements as required
- Provides training to educate personnel on their assigned roles and responsibilities • Conducts exercises to test and refine plans and procedures
- Coordinates with local, state, and federal agencies to increase preparedness
- Conducts public outreach to educate and prepare residents and businesses

## Town Government Departments

- Develops, maintains, and reviews detailed plans and procedures to support incident response and recovery

- Identifies sources of emergency supplies, equipment, and transportation
- Implements and maintains mutual aid agreements to support operations in the event resources become overwhelmed
- Maintains records of disaster-related expenditures and actions
- Protects and preserves records essential for the continuity of government
- Establishes and maintains a line of succession of key emergency personnel

## Residents

During a significant event, residents are the first to respond, taking critical first steps before the arrival of responding personnel to protect lives and property. Resident preparedness is a critical component of the overall resiliency of the Town. All residents are encouraged to:

- Develop an emergency plan based on the hazards presented in this Plan
- Regularly test, review and update your personal Plan
- Maintain a well-supplied emergency kit
- Maintain multiple ways to receive emergency information from Town officials

## Private Sector

Private sector organizations support emergency management through all phases. In the preparedness phase, they share information with the local government, identify risks, perform vulnerability assessments, and develop emergency response and business continuity plans to enhance their overall readiness. During the response and recovery phases, the private sector implements plans and may donate goods and services through contractual arrangements or government purchases. The Town strives to integrate the private sector into its emergency response activities and encourages these organizations to develop and maintain capabilities to respond and manage events of all size, scope and complexity.

# Direction, Control, and Coordination

## EOC Operations

The Town Emergency Operations Center (TEOC) serves as the central hub for incident coordination, focusing on sharing incident information and centralizing allocation of resources. The physical space provides audio visual and communications technology that allows staff to collect, analyze, and report incident specific information and create a common operating picture. The coordinator, or designee, is responsible for the maintenance and readiness of the TEOC.

In accordance with Chapter 20 of the Town Code, all departments will cooperate in full with all directives from the Director of Emergency Management or the Emergency Management Coordinator. During a significant event, Town departments will:

- Provide personnel qualified and authorized to act on behalf of their department to the TEOC
- Maintain and report situational awareness regarding activities within the department's area of responsibility
- Notify the Emergency Management Coordinator of any resource deficiencies and provide detailed resource request information
- Maintain documentation of all actions taken supporting incident response to include cost tracking procedures

The coordinator makes the recommendation to the director to activate the TEOC at one of three levels listed below depending on the size, scope and complexity of the event:

1. **Monitoring:** Activation of representatives from key agencies to maintain situational awareness of an emerging or impending event
2. **Partial:** Activation of five or less personnel
3. **Full:** Activation of six or more personnel

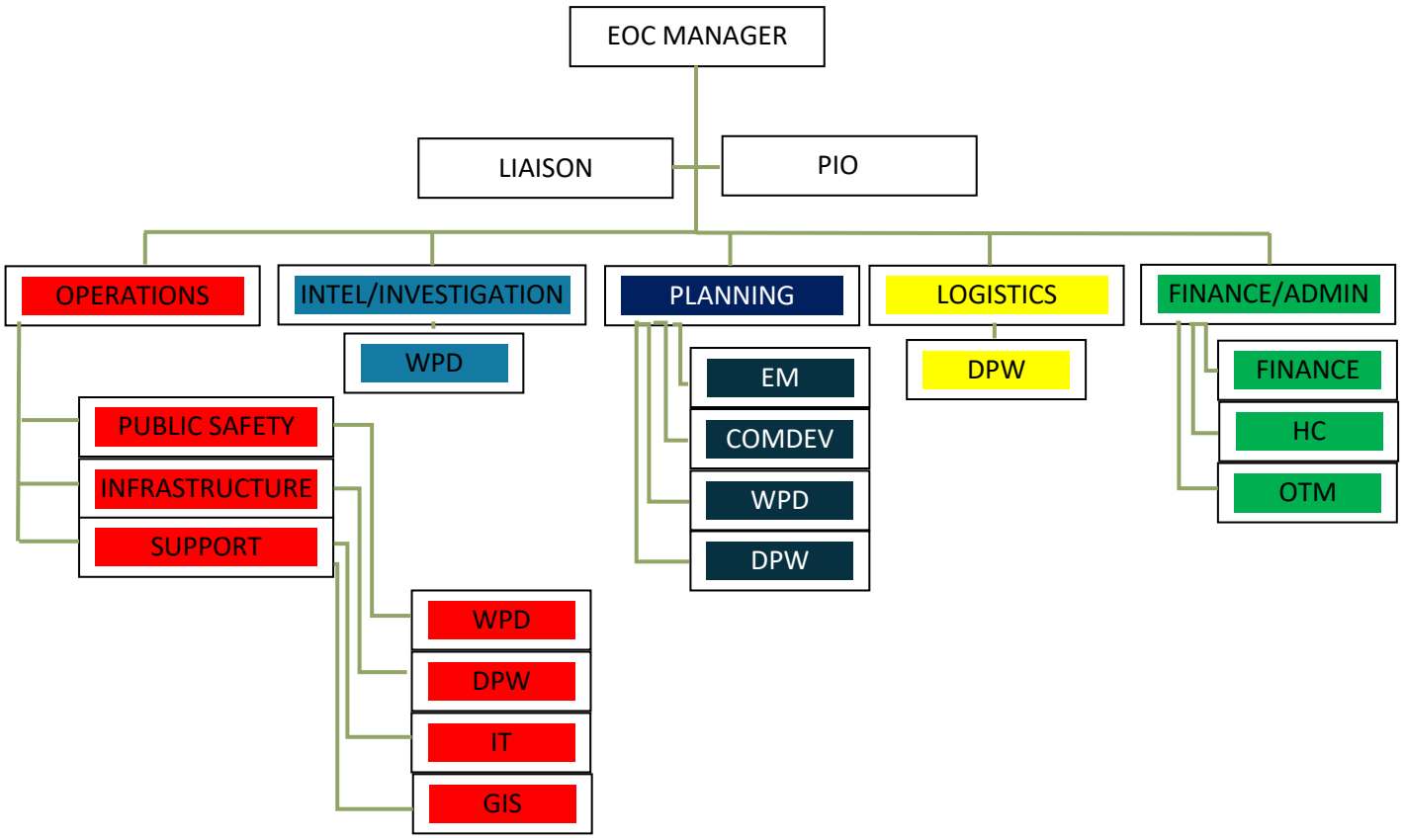
The coordinator will also ensure the following actions are completed:

- Create the initial incident action plan (IAP)
- Ensure the operational status of all TEOC equipment
- Notify Fauquier County DFREM and Virginia DEM of the activation

Operational periods in the TEOC will not exceed 12 hours, and if 24-hour operations are warranted, two 12-hour shifts will be implemented. Personnel will be provided adequate rest periods to ensure their safety and well-being.

## Organizational Structure

The organizational structure utilizes a hybrid NIMS/ICS approach with the goal of resolving resource and policy issues at the lowest possible organizational level. The structure also allows for complex issues to be tackled by groups with complementary skill sets, enhancing resolution through teamwork and collaboration. A graphical representation of the organization structure utilized during a significant event is below.



### Briefings

Briefings are an essential part of any TEOC activation. Each operational period will begin with a briefing that includes the following information:

- Situation overview
- Personnel assignments
- Review current objectives, unmet resources, and future actions
- Questions and answers

Following this formal briefing, personnel speak with the people they are relieving to gather any more specific information that was not covered in the larger briefing.

### Coordination with Fauquier County EOC

The Town recognizes that an incident of significance may require the activation of the County EOC. In the event of a County EOC activation, the Town will ensure that coordination processes are not being duplicated. The Town may deploy personnel to the County EOC to assist with staffing, information sharing, and resource requests to achieve coordination.

## Emergency Declaration

The director may declare a local emergency with the consent of the Town Council (council) per Section 20.5 of the Town Code and § 44-146.21 of the Code of Virginia. In the event the Council cannot convene due to the disaster or other exigent circumstances, the director or successor may declare the existence of a local emergency, subject to confirmation by the council at its next regularly scheduled meeting or at a special meeting within 45 days of the declaration, whichever occurs first.

A local emergency is defined as the condition declared by the local governing body when in its judgment, the threat or actual occurrence of an emergency or disaster is or threatens to be of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby. A declaration of local emergency shall activate this Plan and authorize the furnishing of aid and assistance thereunder.

The declaration shall be in writing and shall remain in effect for 45 days or until confirmed, modified, extended, or canceled by an official recorded council vote, whichever occurs first. If the council extends the declaration, it shall state the length of the extension and the conditions and procedures under which it shall be ended. When all emergency actions have been taken in the judgment of the council, the governing body shall take appropriate action to end the declared emergency.

## Information Collection, Analysis, and Dissemination

The Planning Section in the TEOC will be responsible for the collection, analysis, and dissemination of incident-specific information through various mechanisms, including situation status reports, briefings, email communication, maps, graphics, and WebEOC.

Each support function will be responsible for establishing the necessary communication and coordination mechanisms with partner organizations for information sharing and situational awareness.

Warrenton Police Department (WPD) receives intelligence products from various methods, including the Virginia Fusion Center. WPD will be responsible for sharing pertinent information with the Planning Section before or during an incident or event. WPD will also be responsible for reporting terrorist or potential terrorist activity to the Virginia Fusion Center.

During an activation of the TEOC, a situation report will be developed and issued at the end of each operational period or more frequently if necessary. Each activated support function will gather and provide information to the Planning Section. The Planning Section will be responsible for analyzing and developing a draft situation report that will be reviewed and approved by the TEOC manager before release.

# Communications

Effective communications are critical for staff response, intergovernmental coordination, public awareness, and rumor control. The Town has in place robust and redundant systems, both internal and external, to facilitate incident-related communications.

## Internal

The Town maintains or has access to multiple communications systems and infrastructure to facilitate critical communications during a significant event, including:

- Internal email system
- Internal VOIP phone system
- FirstNet cellular telephone service
- Town-owned and operated public works radio system
- Fauquier County-owned and operated public safety radio system
- Fauquier County-hosted Everbridge notification system
- Fauquier County-hosted WebEOC incident management software

## External

During a significant event, the Town uses a variety of means to communicate with residents, businesses, and visitors, including:

- Media notification to local print, radio, and television media
- Updates to the Town's website
- Postings to the Town's social media sites
- Electronic alerts through the Fauquier Alert Network (Everbridge) notification system
- Access to Wireless Emergency Alerts (WEA) or the Emergency Alert System (EAS) coordinated through Fauquier County Emergency Management
- Electronic signboards, as available
- Public notices posted at Town facilities, time and circumstances permitting
- Announcements via public safety vehicles, time and circumstances permitting

- Door-to-door notification, time and circumstances permitting
- Press conferences and briefings

Throughout the event and during the recovery phase, the Public Information Office (PIO) will ensure that available information is disseminated to the public regarding:

- Town response/recovery activities
- Safety information (boil water notices, etc.)
- Restricted areas
- Movement or travel restrictions
- Shelter location(s)
- Types and locations of emergency assistance available
- Changes to Town services
- Other pertinent information

# Resource Management

Before, during, and after a significant event, resource management is critical to a successful response. The Town adheres to the National Incident Management System (NIMS) tenants to conduct comprehensive resource management.

## Preparedness

In the preparedness phase, resource management focuses on four key areas: identifying and typing resources; qualifying, certifying, and credentialing personnel; planning for resources; and acquiring, storing, and inventorying resources.

## Identifying and Typing

Resource typing definitions establish a common language for discussing resources and defining minimum capabilities for personnel, teams, facilities, equipment, and supplies. All Town departments will maintain up-to-date resource inventories and work with the Emergency Management Coordinator annually to type resources using the FEMA Resource Typing Library Tool. This preparation will allow the Town to stand ready to support mutual aid requests and ensure horizontal and vertical integration with responding local, state, and federal response agencies if resources need to be requested to support Town response operations.

## Qualifying, Certifying, and Credentialing Personnel

Qualifying, certifying, and credentialing are the essential steps that ensure that personnel deploying through mutual aid agreements have the knowledge, experience, training, and capability to perform the duties of their assigned roles. The Emergency Management Coordinator will establish minimum training requirements for personnel supporting Town response operations and certify and credential individuals who have demonstrated proficiency.

## Planning for Resources

The Town will participate in the Fauquier County or Rappahannock Regional Commission-led Threat and Hazard Identification and Risk Assessment (THIRA), which should be conducted

every four years. Through this collaborative process, Town departments can identify resource requirements based on the threats to and vulnerabilities of the Town. Additionally, pre-event resource planning should consider:

- Storage of critical resources
- Establishing mutual aid agreements to obtain resources from neighboring jurisdictions
- Determining how and where to reassign existing resources from non-essential tasks
- Developing contracts to acquire resources from vendors rapidly when needed

## Acquiring, Storing, and Inventorying Resources

The Town maintains many resources to support daily operations but should also incorporate planning focused on periodic replenishments, preventive maintenance, and capital improvements to support response operations. Planning should also consider the potential for large or complex incidents that may require ancillary support, supplies, or spaces. Effective resource management involves establishing a resource inventory and maintaining the currency and accuracy of the information. Each department should keep an accurate resource inventory and promptly report needs to the Emergency Management Coordinator.

## During an Event

During a significant event, the TEOC facilitates resource management by identifying requirements, ordering and acquiring, mobilizing, tracking, and demobilizing.

## Identifying Requirements

A principal objective of the TEOC is to ensure that field personnel have the resources they need to complete incident objectives. TEOC personnel should continually identify, validate, and refine resource needs during activation, which may change frequently during a complex event.

## Ordering and Acquiring

Field and TEOC Personnel should work collaboratively to identify:

- Description of required capability or kind and type (if resource typing is known)
- Quantity needed
- Procurement source (if known)
- Required arrival date and time
- Required delivery or reporting location
- Who will receive and use the resource(s)

Once the information is known, TEOC personnel may begin acquiring the resource through the following sequential steps:

- Confirm the Town does not already have the requested resource
- Request the resource through Fauquier County Emergency Management
- Acquisition through existing Town contract
- Acquisition through emergency procurement under Town Code Section 20-6 and Code of Virginia § 44-146.17

Resource requests should include the following:

- Capability
  - Description of what you need and what it will be used for
- Size
  - A physical size descriptive word (small, large, adult, child, 4'x5')
- Amount
  - Numerical value
- Location
  - Address or coordinates where the resource will report
- Type
  - Unless the resource is FEMA typed, utilize descrpitve words
- Timeframe needed
  - When you need the resource

### Mobilization

Mobilization involves readying the resource for operations and providing the following critical information to the support department or agency:

- Reporting location (address, on-site point of contact, phone number, radio frequency)
- Anticipated incident assignment
- Anticipated duration of deployment
- Just-in-time training outlining Town geography, operations, and any other pertinent information

### Resource Tracking

Once the resource has completed the assigned task, it may be reassigned or demobilized. The resource will report to check-out, and a number of functions may occur:

- Rehabilitation
- Replenishment
- Disposal
- Returned to operational condition

TEOC personnel will then update the event documentation to match the disposition identified in the check-out process.

## Training and Exercise

A comprehensive training and exercise program is essential to support the effective implementation of the EOP. The Emergency Management Coordinator is responsible for the overall execution of training and exercises to support emergency operations utilizing the tenets identified in the Homeland Security Exercise and Evaluation Program (HSEEP). Annually, the Town departments and partner agencies will assist the coordinator with identifying training/exercise priorities and target capabilities to develop a yearly training and exercise plan.

This Plan will ensure that staff members from all departments with assigned roles and responsibilities are trained and prepared for response and recovery operations.

The Town will also coordinate with Fauquier County to ensure integration with training and exercise efforts at the county level. Departments are encouraged to engage in training and exercises with local and regional partner agencies.

## Improvement Planning

The Town will conduct improvement planning after exercises and incidents to ensure continual learning and capacity building. The improvement planning process aims to identify both strengths and measurable corrective actions to enhance preparedness, response, and recovery activities. Actions identified during the improvement planning process will help strengthen elements of the organization's capability to plan, organize/equip, train, and exercise consistent with Homeland Security Exercise and Evaluation Program process.

The Emergency Management Coordinator will facilitate the review process post-exercise or incident with affected departments focusing on:

- Discussion of strengths and areas of improvement by each department
- Prioritization of correction actions identified by participants
- Initiation of Plan, policy or procedure review or development
- Identification of needed training, equipment, or other resources
- Corrective action tracking and implementation

# Victim Services Reporting

Per the Code of Virginia § 44-146.19E, the Virginia Department of Criminal Justice Services (DCJS) and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01. DCJS has developed an online reporting form that can be accessed at: https://www.dcjs.virginia.gov/victims-services/report-campus-local-emergency.

Additional points of contact for DCJS / Virginia Victims Fund can be found below:

Department of Criminal Justice Services

Julia Fuller-Wilson, State Crisis Response Coordinator

- During office hours: (804) 371-0386
- After hours: (804) 840-4276

Virginia Victims Fund (officially the Criminal Injuries Compensation Fund)

Kassandra Bullock, Director

- During office hours: (804) 367-1018

Leigh Snellings, Assistant Director

- During office hours: 1-800-552-4007

# Authorities and Reference

The following authorities and references constitute the statutory and operational basis for response to a significant event in the Town of Warrenton.

**Authorities:**

- Federal
  - Disaster Mitigation Act of 2000, Public Law 106-390
  - Homeland Security Act of 2002, 6 U.S.C. 101, et seq., as amended
  - Homeland Security Presidential Directive 5, Management of Domestic Incidents, February 28, 2003
  - Homeland Security Presidential Directive 8, National Preparedness, December 17, 2003
  - Post-Katrina Emergency Management Reform Act of 2006, Public Law 109-295
  - Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended
- State
  - Code of Virginia, Title 44 Military and Emergency Laws, Chapter 3.2 Emergency Services and Disaster Law
- Local
  - Town Code of Warrenton Virginia, Part II, Chapter 20 Emergency Management

References:

- Federal
  - Homeland Security Exercise and Evaluation Program (HSEEP), January 2020
  - National Incident Management System, Third Edition, October 2017
  - National Preparedness Goal, Second Edition, September 2015
  - National Response Framework, Fourth Edition, October 2019
- State
  - Commonwealth of Virginia Emergency Operations Plan (COVEOP)
  - Virginia Department of Emergency Management Locality Plan Template
- Local
  - Fauquier County County Emergency Operations Plan
  - Town of Warrenton Community Water System Emergency Response Plan
  - Rappahannock-Rapidan Regional Hazard Mitigation Plan

# A SAMPLE RESOLUTION CONFIRMING THE DECLARATION OF LOCAL EMERGENCY MADE JANUARY XXXX

WHEREAS, on January XXX, Governor XXX declared a state of emergency in the Commonwealth of Virginia to prepare and coordinate our response to severe winter weather involving two storms, the first of which began Monday, XXXX and the second which is forecasted to move into Virginia in the afternoon of January XXXX

WHEREAS, on January XXXX, the Fauquier County Administrator, in his capacity as the local director of emergency management, upon the recommendation of the Fauquier County Chief of the Department of Fire, Rescue, and Emergency Management, issued a Declaration of Local Emergency; and

WHEREAS, the disruption in transportation routes threatens the delivery of public safety services and goods to citizens and businesses, requiring additional personnel, equipment, and personnel to be on standby; and

NOW, THEREFORE, IT IS HEREBY PROCLAIMED, on XXXX under the *Code of Virginia* § 44-146.19 **Powers and duties of political subdivisions,** and § 44-146.21 **Declaration of local emergency,** a local emergency exists in the Town of Warrenton, Virginia.

IT IS FURTHER PROCLAIMED AND ORDERED, that during the existence of said emergency, the powers, functions, and duties of the Emergency Manager of the Town of Warrenton shall be those prescribed by State law and the ordinances, resolutions, and approved plans of the Town, in order to mitigate the effects of said emergency.

NOW THEREFORE BE IT RESOLVED by the Town Council of Warrenton Virginia this day, January XXXX, That the Declaration of Local Emergency made by the Town Manager on January XXXX as a result of Winter Storm, ahead of anticipated impacts of the January XXXX winter storm is hereby, confirmed.

_____

H. E. Carter Nevill, Mayor Town of Warrenton, Virginia

**June 9, 2025**
**Town Council**
**Regular Meeting**
**Res. No.**

**A RESOLUTION TO ADOPT AND IMPLEMENT THE TOWN OF WARRENTON EMERGENCY OPERATIONS PLAN**

**WHEREAS,** the Town Council of Warrenton, Virginia recognizes the need to prepare for, respond to, and recover from natural and human-caused disasters; and

**WHEREAS**, the Town of Warrenton has a responsibility to provide for the safety and well-being of its citizens and visitors; and

**WHEREAS**, the Town of Warrenton has established and appointed a Director of Emergency Management and an Emergency Management Coordinator; and

**WHEREAS**, the Town of Warrenton adopted and implemented an emergency operations plan in July 2022; and

**WHEREAS**, this plan must be reviewed, revised if necessary, and adopted every four years;

**NOW, THEREFORE, BE IT RESOLVED, by the Town Council of Warrenton, Virginia, this Emergency Operations Plan is officially adopted, and**

**IT IS FURTHER RESOLVED AND ORDERED, that the Director of Emergency Management, or their designee, is tasked and authorized to maintain and revise as necessary this document during the next four (4) year period or until such time it be ordered to come before this Council.**

ATTACHMENT: None

**Votes:**
**Ayes:**
**Nays:**
**Absent from Vote:**
**Absent from Meeting:**

**For Information:**
Town Manager
Town Emergency Management Coordinator

**ATTEST:** _____
**Town Recorder**

# Motion for Convening a Closed Session

**Council Meeting Date:** June 9th, 2026.

**I move that the Council convene in closed session to discuss the following:**

____ As permitted by Virginia Code § 2.2-3711 (A)(1), a personnel matter involving:
____ Discussion, consideration or interviews of prospective candidates for employment or appointment; OR
____ assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the Town;
specifically dealing with _ *[Give department, job title(s), or job category].*

____ As permitted by Virginia Code § 2.2-3711 (A)(3), a matter involving:
____ discussion or consideration of the acquisition of real property for a public purpose; OR
____ disposition of publicly held real property
specifically involving _____ *[Give location of property]*, because discussion in an open meeting would adversely affect the City's bargaining position or negotiating strategy.

____ As permitted by Virginia Code § 2.2-3711 (A)(4), a matter requiring the protection of the privacy of individuals in personal matters not involving the public business.

__x__ As permitted by Virginia Code § 2.2-3711 (A)(7), consultation with legal counsel or briefing by staff members or consultants pertaining to:
____ probable litigation involving _____ *[Give subject]*; OR
__x__ the pending case of ____ **CFFC v. Town/Amazon, Amazon v. BZA/Town, Town v. Rababeh, Habitat for Humanity v. BZA, Building Code Violations, 3M and DuPont PFAS case,** where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the City.

__X__ As permitted by Virginia Code § 2.2-3711 (A)(8), consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, **Redistricting Ward/Districts Elections, Decorum Norms for elected and appointed individuals**__ *[Give nature of matter].*

____ As permitted by Virginia Code § 2.2-371 l (A)(29), discussion of the award of a public contract for _____ *[Give nature of the 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 City Council.

____ As permitted by Virginia Code § _____, a matter involving:
_____.

[IDENTIFY THE APPLICABLE PARAGRAPH OF § 2.2-3711(A) OR OTHER LAW AND GIVE THE SUBJECT MATTER AND PURPOSE FOR THE CLOSED SESSION.]

Votes:
Ayes:
Nays:
Absent from Vote: None

**CERTIFICATION MOTION AFTER RECONVENING IN PUBLIC SESSION:**
(requires a recorded roll call vote)

I move that the Council certify that, in the closed session just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be discussed in a closed session under the provisions of the Virginia Freedom of Information Act as cited in that motion.

Votes:
Ayes:
Nays:
Absent from Vote: None

For Information:
Town Clerk

Effective date: June 9th, 2026.

Stephen Clough, Town Recorder
_____.

Community Development Department

# STAFF REPORT

| | |
|---|---|
| **Town Council Meeting Date:** | June 9, 2026 |
| **Agenda Title:** | 2025 Annexation Properties |
| **Requested Action:** | Hold the Public Hearing |
| **Decision Deadline:** | Not Applicable |
| **Staff Lead:** | Rob Walton, Director of Community Development |

## EXECUTIVE SUMMARY

Effective June 1, 2025, several parcels totaling approximately 243.87 acres located to the southwest of the Town of Warrenton were annexed from Fauquier County per the Voluntary Settlement Agreement and Final Order of a Special Court appointed by the Supreme Court of Virginia (Attached). Per the Town's Zoning Ordinance Article 2-5.4 the Planning Commission shall prepare and present a report recommending the zoning classification of any annexed property to the Town Council within twelve months of the effective date of the annexation. In addition, the Future Land Use Map and Comprehensive Plan need to be updated to incorporate the new parcels.

## BACKGROUND

The Planning Commission held a Public Hearing on March 21, 2026 after holding three work sessions. The first work session introduced the topic. At that time, the Planning Commission requested Van Metre present their adopted development plans at the September work session to learn more specifics about the parcels.

At the September 26, 2025, work session, Van Metre presented to the Planning Commission. They requested the southern half acre R-15 parcel surrounded by commercial zoning be zoned commercial. Van Metre did not state a preference in zoning for the northern R-15 parcel as it would remain in open space; however, it would make sense to consider the PRD zoning to be consistent with the remainder of the development.

On September 19, 2025, Home Depot's attorney submitted a letter indicating the desire to remain commercial. The owner of Appleton Campell has also stated verbally the desire to remain commercial. The Fauquier County School Board, nor the property owner of the parcel at the northwest intersection of the Alwington Blvd and James Madison Highway have been in contact with staff. All property owners have been notified by mail about the Planning Commission work sessions before each meeting. ****Update – the**

**Fauquier County School Board requested to remain commercial by email dated December 11, 2025 from Matt Yonkey.**

The Final Order of the Voluntary Settlement Agreement specifies that the 234.08 acres subject to Fauquier County REZN-22-017978 shall be administered in a manner that is consistent and in substantial conformance with the Arrington Van Metre rezoning. This includes an adopted Concept Development Plan, Proffers, and Town of Warrenton Commercial zoning assigned to 25 acres in Land Bay W. For the remainder of the properties, the Planning Commission must recommend a zoning classification to the Town Council within twelve (12) months of the June 1, 2025 effective date of the annexation. A temporary zoning classification is applied per the Zoning Ordinance which states:

- Article 2-5.1 any property zoned in Fauquier County more intense than one dwelling per acre shall immediately be reclassified as R-15 (Residential) in the Town at time of the annexation.

- Article 2-5.3 any property zoned commercial in Fauquier County shall be reclassified as Commercial District in the Town at time of the annexation.

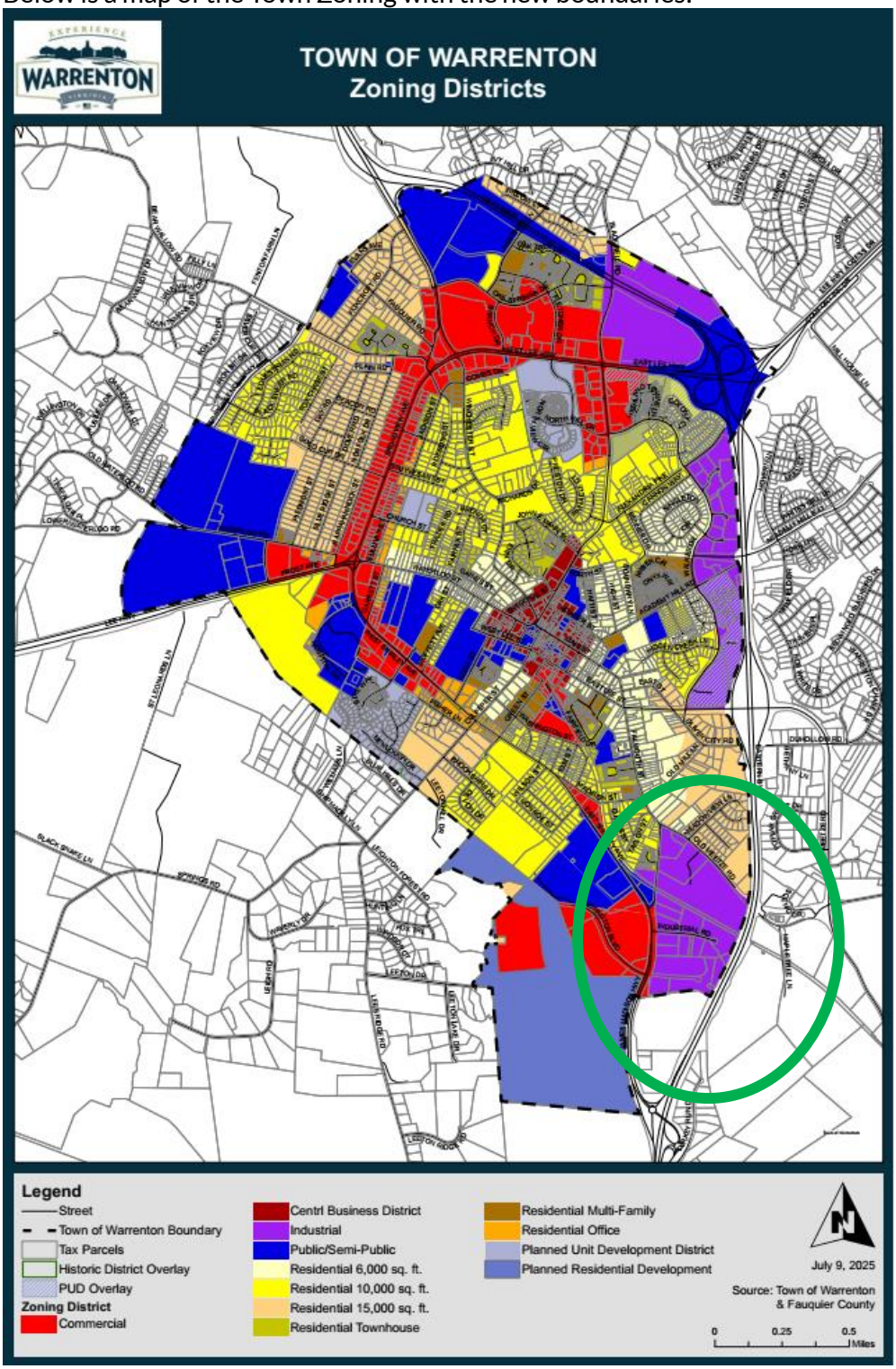
The table below outlines the parcels brought into the Town limits, the previously assigned Fauquier County zoning, and the current Town of Warrenton zoning.

| Name | GPIN | Acres | County Zoning | Town Zoning |
|---|---|---|---|---|
| **Van Metre Homes** | 6983-46-2435 | 236.85665 | PRD<br>R-1 | PRD and Commercial (Per Final Court Order)<br>R-15 |
| **Home Depot of MD** | 6983-57-1258 | 0.7361 | C1 | Commercial |
| **Padmaja and Srinivas Dasari** | 6983-57-9161 | 1.16 | C1 | Commercial |
| **Fauquier County Public Schools** | 6983-48-7973 | 0.81 | C1 | Commercial |
| **VABFT, LLC** | 6983-48-7006 | 4.31 | C-1 | Commercial |

Please note, parcels that were previously split by the County and Town boundary line (Home Depot and Fauquier County School Board) are now completely located in the Town under a singular GPIN. This may

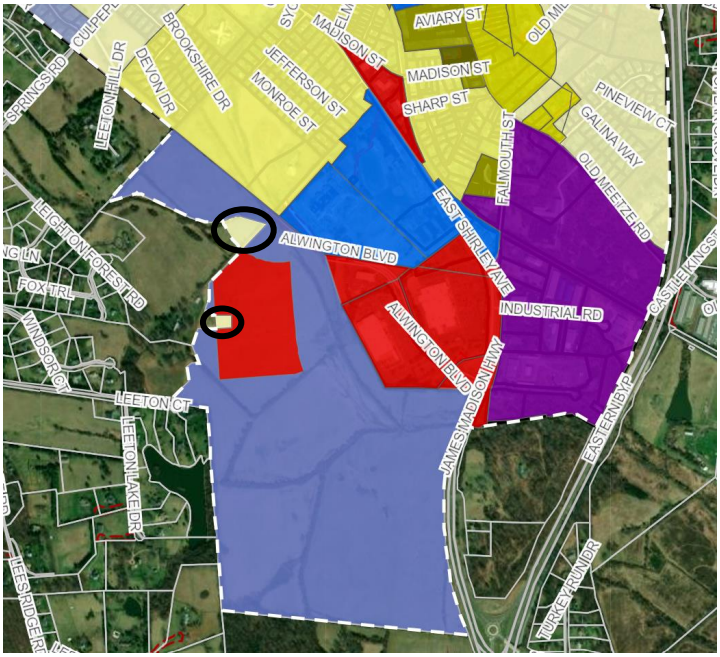
result in split zoning as is the case for the School property. On the next few pages, there are a series of maps providing more detail.

Below is a map of the Town Zoning with the new boundaries:

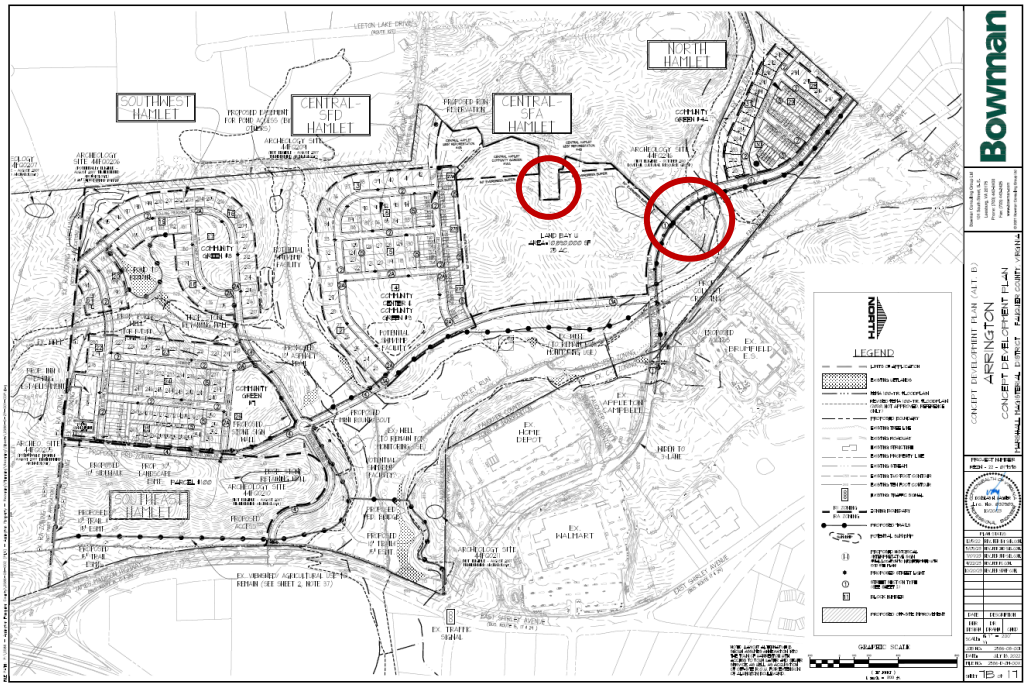


More closely, the parcels are:

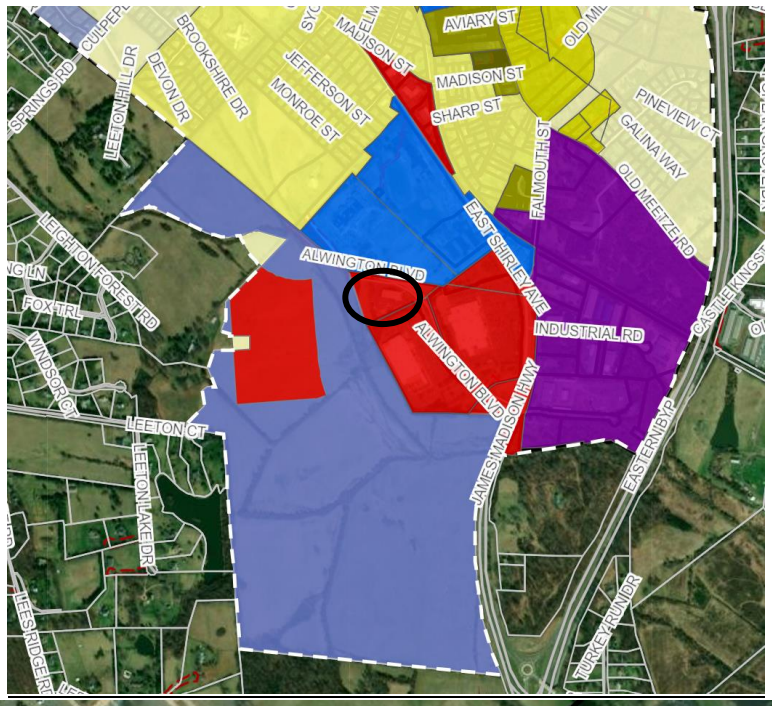
Owner: Van Metre
Zoning: R-15 (Residential)

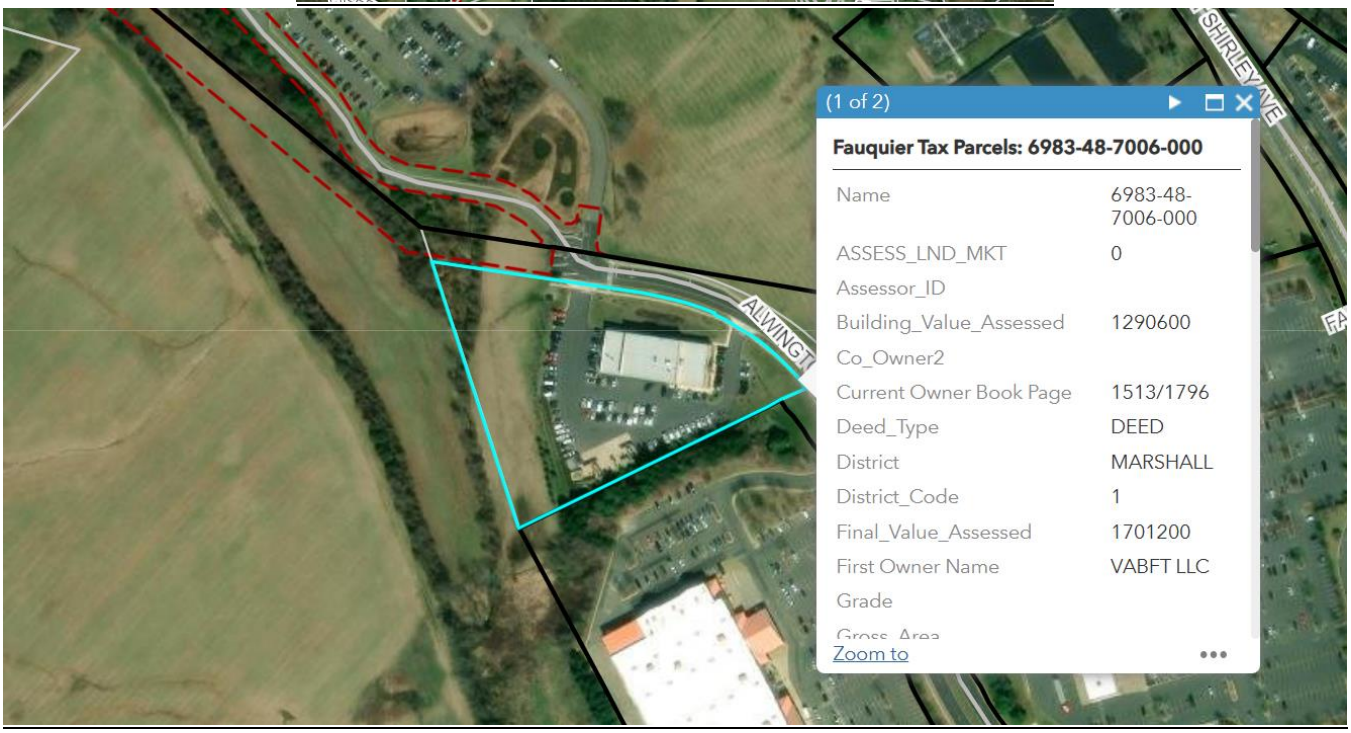



Approved Fauquier County Rezoning; Final Order Concept Development Plan Requirement:

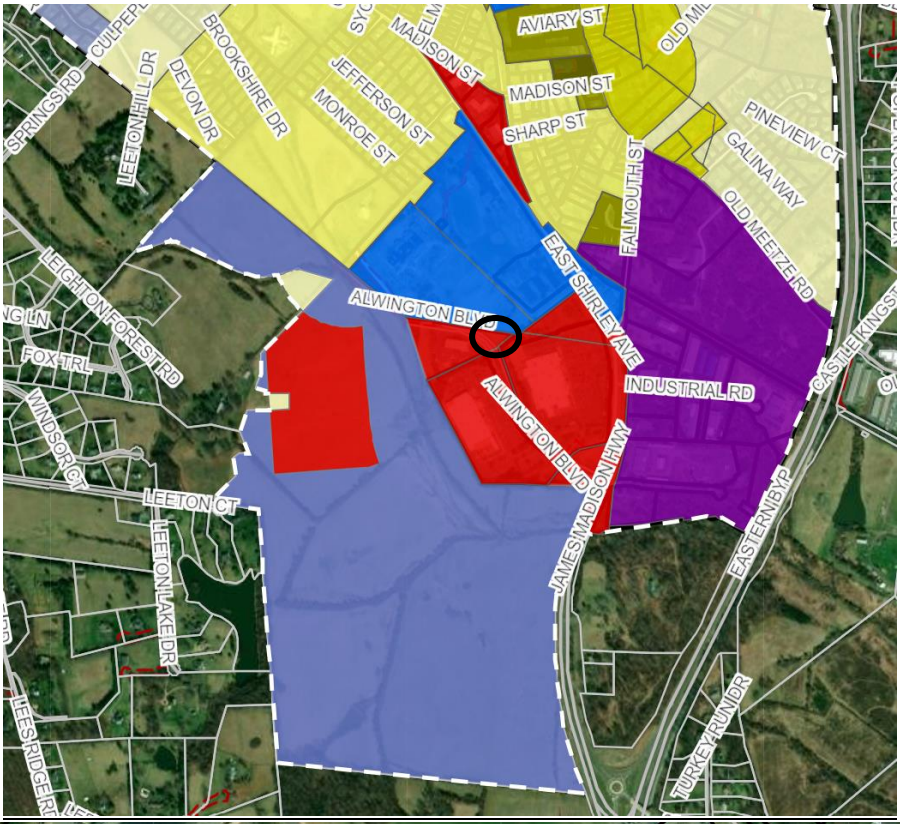


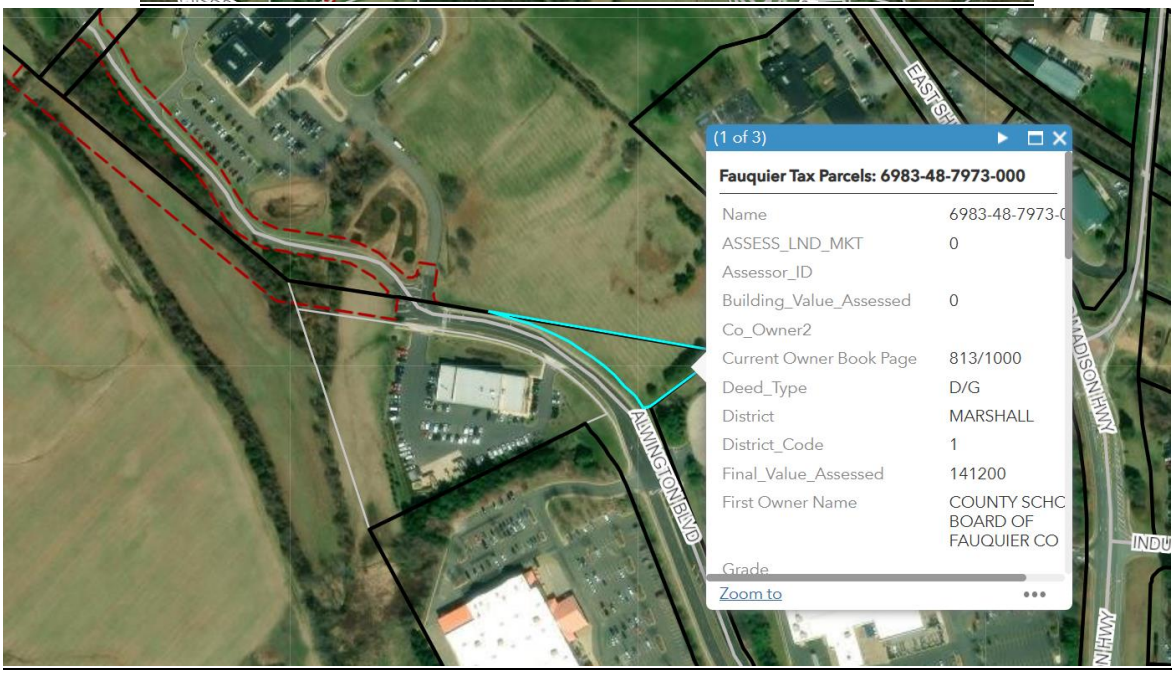
Owner: VABFT, LLC (Appleton Campbell Use)
Zoning: Commercial



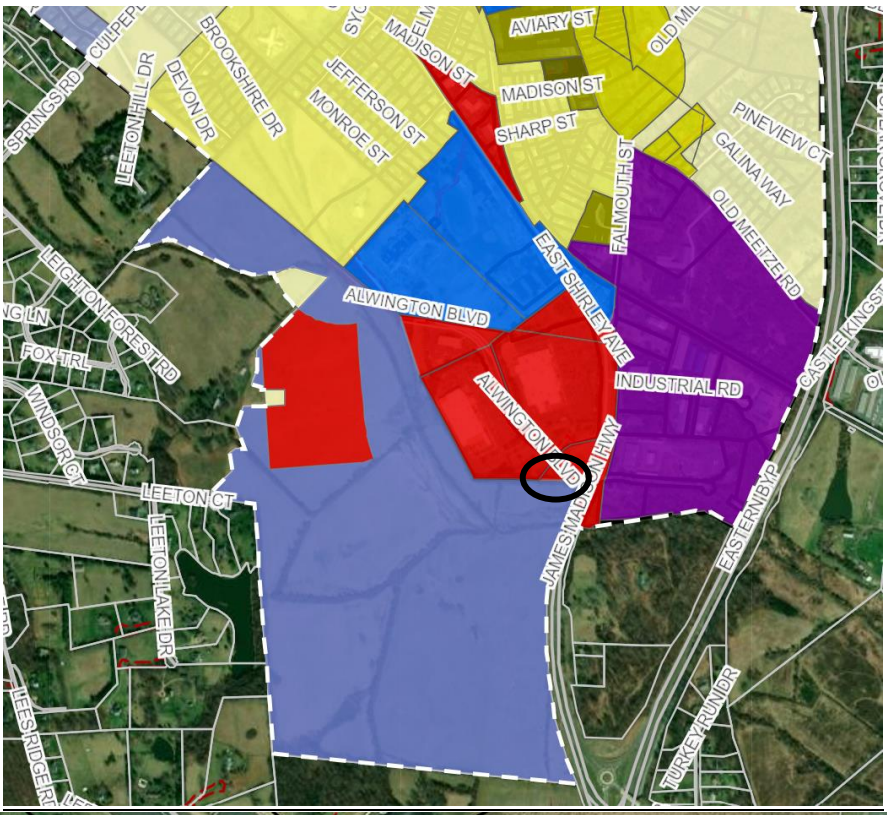



Owner: Fauquier County School Board
Zoning: Commercial



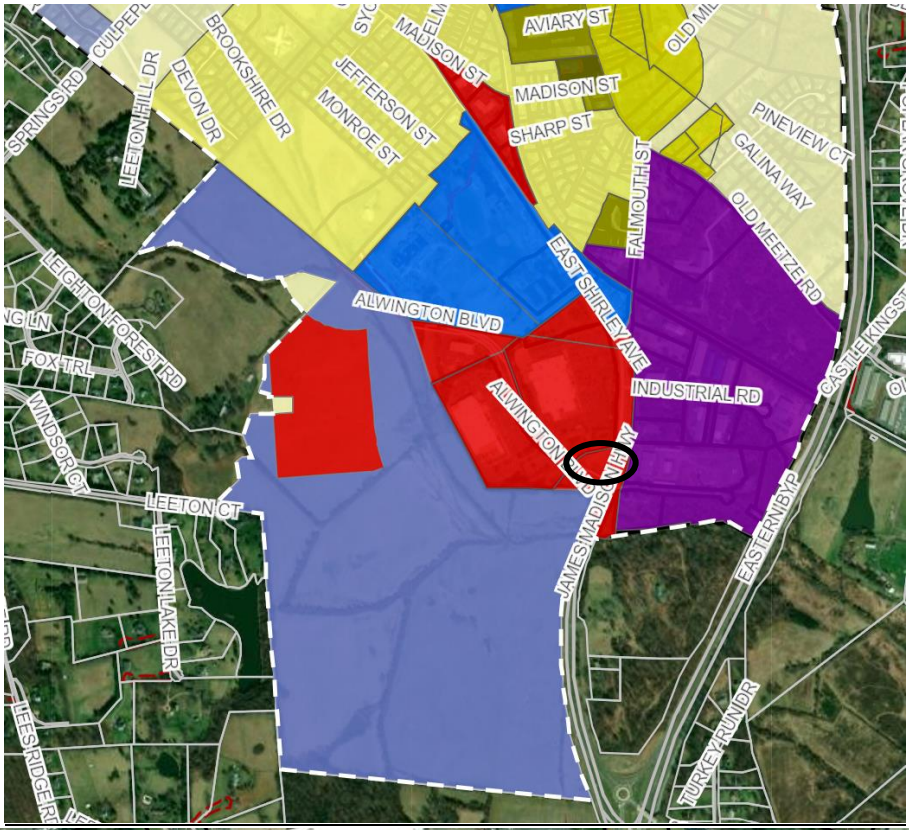



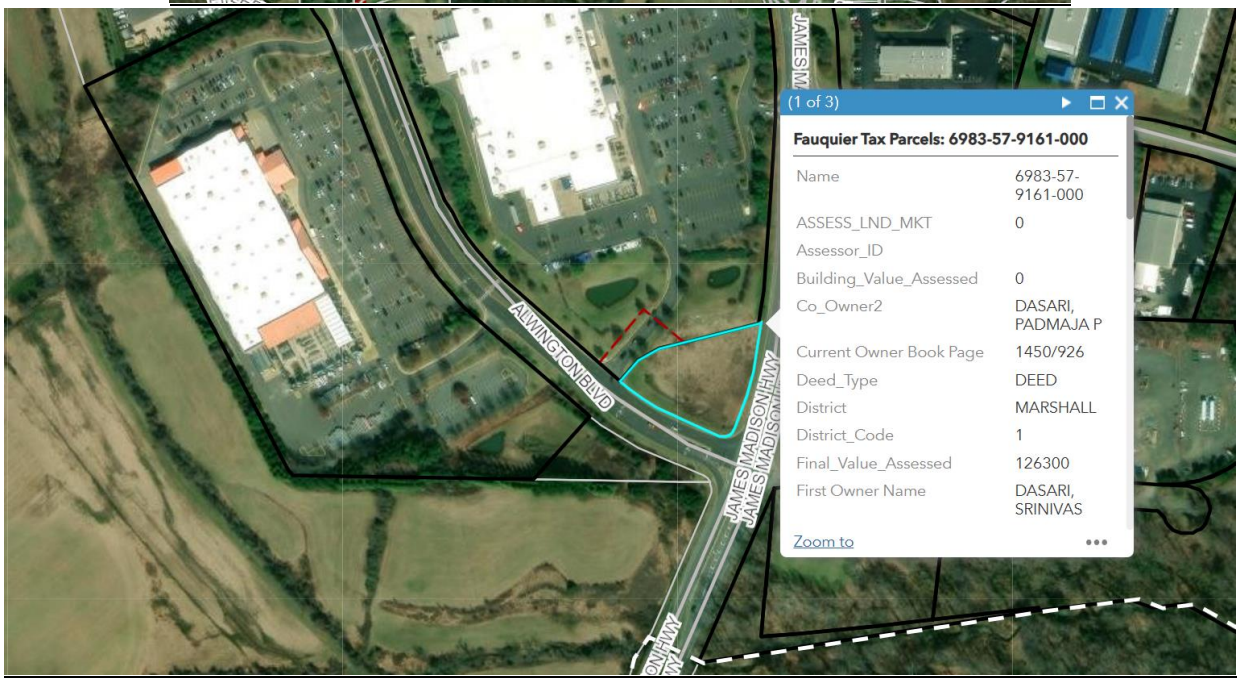
Owner: Home Depot Development of Maryland
Zoning: Commercial






Owner: Dasari
Zoning: Commercial



Future Land Use Map and Comprehensive Plan

The Future Land Use Map needs to be updated to include the new parcels located within the Town's boundaries. There are several options available for discussion, including extending the Greenway and Makers Character District, creating a new UDA and/or Character District, or simply assigning Future Land Use Map designations that are consistent with the land use.

The Town's adopted Future Land Use and Comprehensive Plan designates the area immediately adjacent to the annexed properties as the Greenway and Makers Character District and Public/Semi Public – Non Intensive. The Greenway and Makers Character District is also a designated Urban Development Area (UDA).

The benefits of a designated UDA, under (Virginia Code § 15.2-2223.1.), are adopted principles of a Traditional Neighborhood Development (TND) to accommodate residential and commercial growth for the next 10-20 years. Areas designated as an UDA in a local comprehensive plan are eligible to apply for Smart Scale transportation funding.

The 2018 adopted East Shirley UDA stated *"Future growth should promote this UDA as the southern gateway into the Town and maintain the critical linkages between education, civic uses and the surrounding neighborhoods, as well as the last remaining industrial uses located in the Town."*

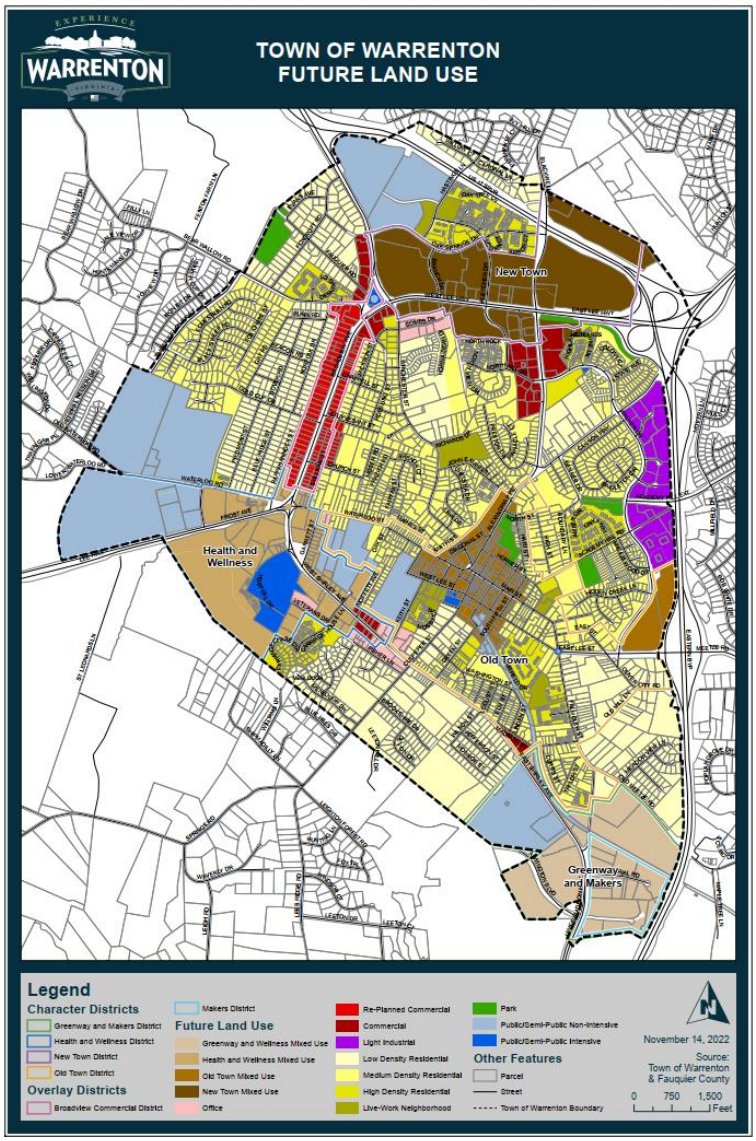
The adopted goals and policies were:

A. The Town, County and School District properties should be walkable and accessible from the adjoining neighborhoods.
B. Develop a land use strategy that keeps industrial use in the southeast half of the UDA and residential use in the northern half of the UDA.
C. Evaluate a possible pedestrian linkage to Walker Drive from the area to the north east, above the Warrenton Greenway Trail.
D. Evaluate more possibilities for pedestrian access to the Warrenton Greenway Trail from adjacent neighborhoods.
E. Design and implement a vertical gateway feature announcing arrival into the Town of Warrenton at the south end of the UDA along James Madison Highway.
F. Promote a mix of housing in the northern half of the UDA that includes of mixed-use residential development, multi-family housing and affordable housing that uses high quality materials
G. Create a Streetscape Plan for East Shirley UDA that promotes a consistent walking experience. The Streetscape Plan should define specifications for sidewalk, crosswalks, street trees, seating, lighting and bicycle infrastructure
H. Create development incentives that stimulate private investment and new development
I. Evaluate locations for a new park space within the East Shirley UDA.

This UDA became the foundation for the Greenway and Makers Character District in Plan Warrenton 2040. The goals and policies were incorporated into the Land Use and Character District Chapter.

Since the majority of the annexed land is already a planned traditional neighborhood, it may not be necessary to designate it as an UDA, unless the Planning Commission is seeking assurances if the development of the parcels are delayed.

Below is a map of the current Future Land Use Map.







## STAFF RECOMMENDATION

Staff recommends the Town Council hold the Public Hearing, following last month's Work Session, and approved the zoning classification changes as recommended by the Planning Commission.

## ATTACHMENTS

1. Final Order
2. Draft Resolution

MELISA G. MICHELSEN

DIRECT DIAL
(540) 437-3052

EMAIL
*mgm@littensipe.com*

LITTEN & SIPE L.L.P.
ATTORNEYS AT LAW
410 NEFF AVENUE
HARRISONBURG, VIRGINIA 22801-3434

FIRM TELEPHONE
(540) 434-5353

FAX
(540) 434-6069

WEB
*www.littensipe.com*

September 22, 2025

***Via First-Class Mail***

Gail Barb, Clerk
Fauquier County Circuit Court
29 Ashby Street
Warrenton, Virginia 20186

**Re:** ***The Town of Warrenton, Virginia and The County of Fauquier, Virginia for the Annexation of Land into the Town***

Dear Ms. Barb:

Enclosed please find a joint Motion to Amend Final Order Approving Annexation Agreement executed by all counsel of record in this matter. The Special Court entered a Final Order on April 24, 2025. The parties noticed two clerical errors in the description of the annexed property and are requesting the entry of an Amended Final Order correcting these errors. Also enclosed is an Amended Final Order Approving Annexation Agreement for the Court's consideration.

Please advise if a hearing on this matter is required for the entry of the Amended Final Order.

Thank you for your assistance in this matter. If you have any questions or concerns, please give me a call at the above number.

Cordially,

Melisa G. Michelsen
MGM/kgk/09244
Enclosure
cc w/encl: Janelle Downes
Chap Petersen
John Foote

**V I R G I N I A:**

**BEFORE THE SPECIAL COURT IN FAUQUIER COUNTY**

| | | |
|---|---|---|
| **IN RE: AN ORDER AFFIRMING A PROPOSED VOLUNTARY SETTLEMENT AGREEMENT BETWEEN THE TOWN OF WARRENTON, VIRGINIA, AND THE COUNTY OF FAUQUIER, VIRGINIA, FOR THE ANNEXATION OF 243.87295 ACRES OF LAND INTO THE TOWN OF WARRENTON, VIRGINIA** | ) | **Case No. CL24000655-00** |

**MOTION TO AMEND FINAL ORDER APPROVING ANNEXATION AGREEMENT**

This day came the Town of Warrenton ("Town"), Fauquier County, Virginia ("County"), and Van Metre Communities, LLC, ("Van Metre") pursuant to Va. Code § 8.01-428, and files a joint motion to correct two clerical mistakes in the Final Order entered on April 24, 2025, approving the annexation agreement between the Town and the County, and state in support as follows:

1. Pursuant to the provisions of Va. Code § 15.2-3400, the Special Court entered a Final Order on April 24, 2025, approving the voluntary agreement (the "Voluntary Settlement Agreement") incorporating certain parcels (the "Annexed Area") from Fauquier County into the Town of Warrenton as set forth in the parties' Voluntary Settlement Agreement.

2. The parties have identified two clerical errors in the legal description of the Annexed Area set forth in Exhibit A to the Final Order, which inadvertently omitted certain data and cited incorrect metes and bounds citations in the legal description.

3. The corrections do not substantively alter the terms of the Final Order or Voluntary Settlement Agreement as approved by the Court, nor does it affect any substantive rights or obligations of third parties.

**WHEREFORE**, the Town of Warrenton, Fauquier County, Virginia, and Van Metre Communities, LLC, respectfully request that the Final Order be amended to substitute the corrected legal description as set forth in Exhibit A, attached hereto and incorporated herein, and for any other relief deemed necessary.

**TOWN OF WARRENTON, VIRGINIA,**
**THE COUNTY OF FAUQUIER, VIRGINIA**
**VAN METRE COMMUNITIES, LLC**

*By Counsel*

**WE ASK FOR THIS:**

J. Chapman Petersen by Melissa Michelsen

J. Chapman Petersen
Chap Petersen & Associates, PLC
Warrenton Town Attorney
3970 Chain Bridge Road
Fairfax, VA 22030
(571) 459-2510 (direct dial)
(571) 459-2307 (facsimile)
jcp@petersenfirm.com

*Counsel for the Town of Warrenton*

and

Melissa Michelsen

Melisa Michelsen
VSB 40001
Litten & Sipe, LLP
Fauquier County Attorney
410 Neff Avenue
Harrisonburg, Virginia 22801
Phone: 540-434-5353; Fax: 540-434-6069
mgm@littensipe.com

*Counsel for Fauquier County*

and

John H. Foote by [illegible]

John H. Foote
VSB 14336
Walsh Colucci Lubeley & Walsh, PC
4310 Prince William Parkway, Suite 300
Prince William, Virginia 22192
Phone: 703.680.4664 x5114; Fax: 703.680.2161
jfoote@thelandlawyers.com

*Counsel for Van Metre Communities, LLC*

**V I R G I N I A:**

**BEFORE THE SPECIAL COURT IN FAUQUIER COUNTY**

| | |
|---|---|
| **IN RE: AN ORDER AFFIRMING A PROPOSED VOLUNTARY SETTLEMENT AGREEMENT BETWEEN THE TOWN OF WARRENTON, VIRGINIA, AND THE COUNTY OF FAUQUIER, VIRGINIA, FOR THE ANNEXATION OF 243.87295 ACRES OF LAND INTO THE TOWN OF WARRENTON, VIRGINIA** | **Case No. CL24000655-00** |

**AMENDED FINAL ORDER APPROVING ANNEXATION AGREEMENT**

This matter came before the Court on the joint motion of the Town of Warrenton ("Town"), Fauquier County, Virginia ("County"), and Van Metre Communities, LLC, ("Van Metre") pursuant to Va. Code § 8.01-428, to correct a clerical mistake in the Final Order entered on April 24, 2025, approving the annexation agreement between the Town and the County. Upon consideration of the joint motion, the record in this matter, and the representations of counsel, the Court finds as follows:

1. Pursuant to the provisions of Va. Code § 15.2-3400, the Special Court entered a Final Order on April 24, 2025, approving the voluntary agreement (the "Voluntary Settlement Agreement") incorporating certain parcels (the "Annexed Area") from Fauquier County into the Town of Warrenton, as set forth in the parties' Voluntary Settlement Agreement.

2. The parties identified two clerical errors in the legal description of the Annexed Area set forth in Exhibit A to the Final Order, which inadvertently omitted certain data and cited incorrect metes and bounds citations in the legal description, and requested these errors be corrected.

3. The corrections do not substantively alter the terms of the Final Order or Voluntary Settlement Agreement as approved by the Court, nor does it affect any substantive rights or obligations of third parties.

Accordingly, it is hereby **ORDERED** that:

1. The omitted curve data shall be added to and the chord bearing, chord length, and arc length corrected in the metes and bounds description of the Annexed Area, as set forth in Exhibit A hereto, which is incorporated herein;

2. These corrections are deemed effective as of April 24, 2025;

3. The Voluntary Annexation Agreement between the Town and the County remains in full force and effect, subject to the corrected description of the metes and bounds description of the Annexed Area;

4. The Clerk of the Court shall forward certified copies of this Amended Final Order to the Commissioner of the Revenue, the Department of Elections, Secretary of the Commonwealth, Auditor of Public Accounts of the Commonwealth of Virginia, and Census Bureau of the United States Department of Commerce in order that all such allocations of state and federal funds at various times to the Town of Warrenton, Virginia and Fauquier County, Virginia, as may be affected by changes to the boundaries of the Town herein described may be revised in accordance with the law on or after the effective date of the annexation. The Clerk shall also record this Amended Final Order in the land records of this Court and forward an attested copy to all counsel of record.

**ENTERED** this ___ day of _____, 2025.

_____

Judge

**SEEN AND AGREED:**

J. Chapman Petersen by Melissa Michelsen

J. Chapman Petersen
Chap Petersen & Associates, PLC
Warrenton Town Attorney
3970 Chain Bridge Road
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*Counsel for the Town of Warrenton*

**SEEN AND AGREED:**

Melissa Michelsen

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and

**SEEN AND AGREED:**

John H. Foote by Melissa Michelsen

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Federico J. Zablah
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Dylan M. Phillips
Patrick R. Corish+
Janice M. Jang^+

**April 24, 2025**

***Via delivery to Town Manager***

Town of Warrenton, Town Council
c/o Frank Cassidy, Town Manager
21 Main Street
Warrenton, VA 20186
fcassidy@warrenton.gov

**RE: Special Court approval of the Voluntary Settlement Agreement between the Town of Warrenton, Fauquier County, Van Metre Communities, LLC.**

Dear Members of Council:

Today, the Special Court assembled by the Supreme Court of Virginia, pursuant to Va. Code § 15.2-3400 heard the petition of the Town of Warrenton, Fauquier County and Van Metre Communities, LLC. to approve the Voluntary Settlement Agreement ("VSA") for the Town's annexation of certain land within the jurisdiction of Fauquier County, as well as its adoption of the development plan of Van Metre Communities.

This is the same VSA that was approved by the Town Council on December 10, 2024 by Ordinance 2024-17, and has been the subject of discussion at both the Mach 11, 2025 and April 21, 2025 meetings of the Council. In sum, the VSA adopts the terms for the annexation which will add 241 acres of land within the boundaries of the Town.

I appeared with counsel for the parties, including Fauquier County and the developer Van Metre Company. The Town Manager, Mr. Cassidy, also appeared to testify as to how the development projects would affect the Town. After hearing the testimony and reviewing the necessary records, the Court approved the VSA.

I have attached to this letter a copy of the entered Order granting and approving the VSA as presented to the Special Court, along with all exhibits. As you will see, the annexation will become effective on June 1, 2024.

If you have any questions about the process or the hearing that took place today, please do not hesitate to contact me or my office.

Very truly yours,

J. Chapman Petersen, Esq.

Enclosures as stated.

# ATTACHMENT 1

VIRGINIA:

IN THE CIRCUIT COURT OF FAUQUIER COUNTY

| | |
|---|---|
| IN RE: PETITION OF THE TOWN OF WARRENTON, VIRGINIA AND THE COUNTY OF FAUQUIER, VIRGINIA FOR AN ORDER AFFIRMING A VOLUNTARY SETTLEMENT AGREEMENT FOR THE ANNEXATION OF 243.87295 ACRES, MORE OR LESS INTO THE TOWN OF WARRENTON, VIRGINIA | Civil Action CL24000655-00 |

## FINAL ORDER APPROVING THE VOLUNTARY SETTLEMENT AGREEMENT BETWEEN THE TOWN OF WARRENTON, AND THE COUNTY OF FAUQUIER

This proceeding came before this Special Court on April 24, 2025, to be heard on the petition of the Town of Warrenton, Virginia (the "Town of Warrenton"), and the County of Fauquier, Virginia ("Fauquier County"), pursuant to Chapter 34 of Title 15.2 of the Code of Virginia (1950), as amended. That petition requests this Special Court to affirm a Voluntary Settlement Agreement between and among the Town and the County dated April 23, 2025, (the "Agreement") and to effectuate an agreed boundary line adjustment between the two jurisdictions.

Upon a report of the Virginia Commission on Local Government dated November 2024, upon the testimony heard by the Special Court and the exhibits received into evidence; and upon the arguments of counsel for the parties,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED by this Special Court as follows:

## I. Jurisdiction

1. This Special Court, consisting of Chief Judge Designate, the Honorable W. Edward Tomko, III, Chief Judge, Sixth Judicial Circuit, the Honorable Holly B. Smith, Chief Judge, Ninth Judicial Circuit, and the Honorable Claude V. Worrell, II, Chief Judge, Sixteenth Judicial Circuit, having been appointed by Order of the Chief Justice of the Supreme Court of Virginia dated January 3, 2025, was duly constituted and convened as provided in Chapter 30 (§ 15.2-3000 et seq. of Title 15.2 of the Code of Virginia (1950) as amended), to hear the joint petition of the Parties as to this Annexation and Agreement..

2. The Commission on Local Government conducted hearings and issued a report dated November 2024, as required by Va. Code Ann. § 15.2-3400(3), which report found that the Agreement is in the best interest of the Town of Warrenton, Fauquier County, and the Commonwealth.

3. The Town of Warrenton and Fauquier County have, by Ordinance, duly approved and adopted the Agreement by a recorded affirmative vote of a majority of the members of their respective governing bodies. Prior to the adoption of said ordinances, the Town Council of Warrenton, and the Fauquier County Board of Supervisors each held a public hearing on the Agreement, and each advertised its intention to approve the Agreement by publishing a notice once a week for two successive weeks in a newspaper having general circulation

in their respective jurisdictions. Each newspaper publication included a descriptive summary of the Agreement and a statement that a true copy of the Agreement was on file in the office of the Clerk of the Circuit Court of Fauquier County.

4. All necessary jurisdictional and procedural steps have been taken to bring this proceeding before the Special Court.

## II. Findings of the Court

The Special Court hereby makes the following findings:

5. The provisions of the Agreement are in the best interests of Town of Warrenton, Fauquier County, and the Commonwealth of Virginia.

6. The interests of the Commonwealth of Virginia in promoting the orderly growth and continued viability of Town of Warrenton, and Fauquier County will be furthered by the Agreement.

## III. Affirmation of the Agreement

The Special Court hereby affirms the Agreement entered into by Town of Warrenton and Fauquier County, pursuant to § 15.2-3400(5) of the Code of Virginia (1950), as amended. A copy of the Agreement is attached hereto as **Exhibit A** and is incorporated as part of this Order. The terms and conditions of the Agreement shall have full force and effect and shall be binding on future governing bodies of the Town of Warrenton and Fauquier County as of the date set forth below.

## IV. Territory Annexed

Pursuant to the Agreement, the Town's corporate boundaries shall be modified by the incorporation into the Town of that property, comprising approximately 243.87295 acres as more particularly described in the Survey thereof and the metes and bounds description of such property depicted on said Survey and incorporated herein by reference as **Exhibits B** and **C**.

Further, the use and development of the land annexed into the Town that is subject to Fauquier County Rezoning REZN-22-017978 specifically referenced therein, shall conform to the terms and conditions of the Agreement, subject to such changes as may be made in conformity with those terms and conditions or other applicable law.

## V. Effective Date

It is hereby ORDERED that pursuant to Va. Code Ann. § 15.2-3400(5) and Section 2.3 of the Voluntary Settlement Agreement, said annexation of territory shall be effective as of 12:00 a.m. on June 1, 2025.

## VI. Copies of the Order

The Clerk of Circuit Court of Fauquier County is directed to send an attested copy of this Order to the Secretary of the Commonwealth, to the Auditor of Public Accounts of the Commonwealth of Virginia, and to the Census Bureau of the United States Department of Commerce in order that all such allocations of state and federal funds at various times to the Town of Warrenton and Fauquier County as may be affected by changes the boundaries of the Town

herein described may be revised in accordance with law on and after the effective date of the annexation. The Clerk of Court shall also forward an attested copy of this Order to counsel for all parties. The Clerk of Court shall record this Order.

4-24-25

## VII. Adjournment

It is ORDERED that the Special Court be adjourned, but not dissolved, subject to being reconvened in any manner provided by law.

ENTERED this 24 day of April, 2025.

Chief Judge Designate
W. Edward Tomko, III

Judge Holly B. Smith

Judge Claude V. Worrell, II

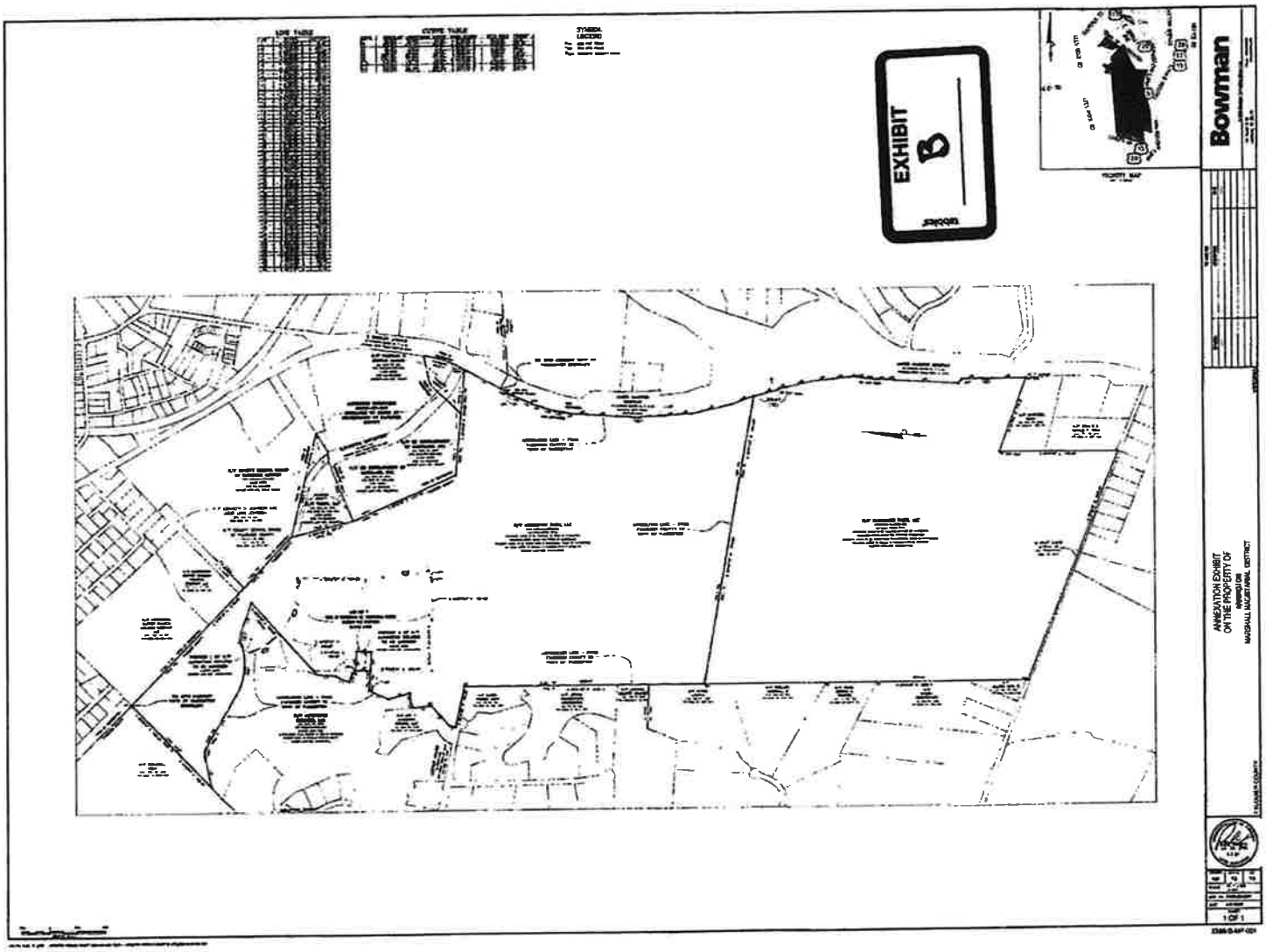
WE ASK FOR THIS:

J. Chapman Petersen, Esq.
Chap Petersen & Associates, PLC
Warrenton Town Attorney
3970 Chain Bridge Road
Fairfax, VA 22030
*Counsel for the Town of Warrenton*

Melisa Michelsen, Esq.
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*Counsel for Fauquier County*

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4310 Prince William Parkway, Suite 300
Prince William, Virginia 22192
*Counsel for Van Metre Communities, LLC*

U.S. Census
Dept Accts
Secy Comm
Petersen - HD
Michelsen - HD
Foote - HD
4/24/25


EXHIBIT
B
Bowman
ANNEXATION EXHIBIT
OF THE PROPERTY OF
MARSHALL INDUSTRIAL DISTRICT
1 OF 1

**Metes and Bounds Description of the proposed annexation line from Fauquier County, Virginia into the Town of Warrenton, Virginia. Prepared by Bowman on April 1, 2024.**

BEGINNING AT A POINT LOCATED IN THE WESTERN RIGHT OF WAY OF JAMES MADISION HIGHWAY, SAID POINT ALSO BENG IN THE EASTERN PROPERTY LINE OF ALWINGTON FARM, LLC (GPIN 6983-44-5875-000) AND ALSO A CORNER OF THE EXISTING FAUQUIER COUNTY/TOWN OF WARRENTON BOUNDARY LINE;

THENCE DEPARTING THE EXISTING FAUQUIER COUNTY/TOWN OF WARRENTON BOUNDARY LINE AND RUNNING WITH THE WESTERN RIGHT OF WAY OF JAMES MADISON HIGHWAY AND THE EASTERN LINE OF ALWINGTON FARM, LLC THE FOLLOWING SIXTEEN (16) COURSES AND DISTANCES:

S 31°25'06" W, A DISTANCE OF 72.79 FEET TO A CONCRETE VDOT MONUMENT;

S 13°59'17" W, A DISTANCE OF 51.72 FEET TO A POINT;

S 22°04'13" W, A DISTANCE OF 103.60 FEET TO A POINT;

S 18°34'38" W, A DISTANCE OF 104.43 FEET TO A CONCRETE VDOT MONUMENT FOUND;

S 15°36'32" W, A DISTANCE OF 105.49 FEET TO A POINT;

S 11°00'58" W, A DISTANCE OF 106.24 FEET TO A CONCRETE VDOT MONUMENT FOUND;

S 07°22'30" W, A DISTANCE OF 88.40 FEET TO A POINT;

S 03°07'44" W, A DISTANCE OF 117.67 FEET TO A POINT;

S 00°11'47" E, A DISTANCE OF 100.00 FEET TO A CONCRETE VDOT MONUMENT FOUND;

S 00°46'10" E, A DISTANCE OF 273.66 FEET TO A POINT;

WITH THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS IS 2651.48 FEET, WITH A CHORD BEARING OF S 05°00'11" E, AND A CHORD LENGTH OF 391.50 FEET, FOR AN ARC DISTANCE OF 391.86 FEET TO A POINT;

S 04°19'08" E, A DISTANCE OF 52.35 FEET TO A POINT;

S 11°15'54" E, A DISTANCE OF 118.14 FEET TO A POINT;

S 05°37'44" E, A DISTANCE OF 127.56 FEET TO A POINT;

S 17°17'31" E, A DISTANCE OF 382.87 FEET TO A POINT;

S 24°11'01" E, A DISTANCE OF 226.12 FEET TO A POINT;

THENCE DEPARTING THE WESTERN RIGHT OF WAY OF JAMES MADISON HIGHWAY AND THE EASTERN LINE OF ALWINGTON FARM, LLC AND RUNNING ACROSS THE LAND OF ALWINGTON FARM, LLC WITH A PROPOSED ZONING LINE N 84°41'24" W, A DISTANCE OF 1014.57 FEET TO A POINT;

THENCE CONTINUING WITH AN EXISTING ZONING LINE N 84°46'19" W, A DISTANCE OF 1715.84 FEET TO AN IRON PIPE FOUND ON THE EASTERN LINE OF THE PROPERTY OF LORETTA FLYNN (GPIN 6983-24-9581-000), SAID POINT ALSO BEING ALONG THE WESTERN PROPERTY LINE OF THE ALWINGTON FARM, LLC;



THENCE RUNNING WITH THE WESTERN LINE OF ALWINGTON FARM, LLC N 04°41'49" W, A DISTANCE OF 2228.67 FEET TO AN IRON PIPE FOUND AT THE NORTHEASTERN CORNER OF THE PROPERTY OF THOMAS KEITH BAKER (GPIN 6983-26-9461-000);

THENCE CONTINUING WITH THE WESTERN LINE OF ALWINGTON FARM, LLC AND THE NORTHERN RIGHT OF WAY OF LEETON COURT N 82°41'00" W, A DISTANCE OF 387.28 FEET TO A POINT AT THE SOUTHEASTERN CORNER OF LOT 1 OF ALWINGTON ESTATES, LLC (GPIN 6983-27-7006-000);

THENCE DEPARTING THE NORTHERN RIGHT OF WAY OF LEETON COURT, CONTINUING WITH THE WESTERN LINE OF ALWINGTON FARM, LLC AND RUNNING WITH THE EASTERN LINE OF LOT 1 OF ALWINGTON ESTATES, LLC THE FOLLOWING THREE (3) COURSES AND DISTANCES:

N 07°19'00" E, A DISTANCE OF 60.00 FEET TO A POINT;

N 44°42'38" E, A DISTANCE OF 248.17 FEET TO AN IRON PIPE FOUND;

N 09°04'10" W, A DISTANCE OF 163.68 FEET TO A POINT, SAID ALSO BEING THE SOUTHEASTERN CORNER OF ALWINGTON ESTATES, LLC (PIN 6983-28-8269);

THENCE DEPARTING THE EASTERN LINE OF LOT 1 OF ALWINGTON ESTATES, LLC, CONTINUING WITH THE WESTERN LINE OF ALWINGTON FARM, LLC AND RUNNING WITH THE EASTERN LINE OF ALWINGTON ESTATES, LLC THE FOLLOWING FIVE (5) COURSES AND DISTANCES:

N 57°28'59" E, A DISTANCE OF 59.66 FEET TO A POINT;

N 82°20'22" E, A DISTANCE OF 85.23 FEET TO A POINT;

N 20°54'31" W, A DISTANCE OF 205.75 FEET TO A POINT;

N 19°48'23" E, A DISTANCE OF 195.15 FEET TO A POINT;

N 88°31'08" E, A DISTANCE OF 188.95 FEET TO A POINT;

THENCE DEPARTING THE EASTERN LINE OF ALWINGTON ESTATES, LLC, DEPARTING THE WESTERN LINE OF ALWINGTON FARM, LLC, AND RUNNING ACROSS THE PROPERTY OF ALWINGTON ESTATES, LLC WITH A PROPOSED ZONING LINE N 04°04'55' W 136.14' TO A POINT LOCATED IN THE EASTERN LINE OF ALWINGTON ESTATES, LLC AND IN THE WESTERN LINE OF ALWINGTON FARM, LLC;

THENCE DEPARTING THE PROPOSED ZONING LINE AND RUNNING WITH THE WESTERN LINE OF ALWINGTON FARM, LLC AND WITH THE EASTERN LINE OF ALWINGTON ESTATES, LLC THE FOLLOWING SIX (6) COURSES AND DISTANCES:

S 88°31'08" W, A DISTANCE OF 21.49 FEET TO A POINT;

N 01°28'52" W, A DISTANCE OF 26.41 FEET TO A POINT;

N 76°23'49" W, A DISTANCE OF 91.85 FEET TO A POINT;

N 19°48'23" E, A DISTANCE OF 141.22 FEET TO A POINT;

N 00°32'50" E, A DISTANCE OF 172.37 FEET TO A POINT;

N 43°33'20" E, A DISTANCE OF 519.91 FEET TO A POINT;

THENCE DEPARTING THE EASTERN LINE OF ALWINGTON ESTATES, LLC, DEPARTING THE WESTERN LINE OF ALWINGTON FARM, LLC, AND RUNNING ACROSS THE PROPERTY OF ALWINGTON ESTATES, LLC WITH THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS 630.00 FEET, WITH A CHORD BEARING OF N 34°14'10" W, AND A CHORD LENGTH OF 328.54 FEET, FOR AN ARC DISTANCE OF 388.67 FEET TO A POINT TO A POINT LOCATED IN THE EASTERN LINE OF ALWINGTON ESTATES, LLC AND IN THE NORTHERN LINE OF ALWINGTON FARM, LLC;

THENCE RUNNING WITH THE WESTERN LINE OF ALWINGTON FARM, LLC AND WITH THE NORTHERN LINE OF ALWINGTON ESTATES, LLC THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

WITH THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS 600.00 FEET, WITH A CHORD BEARING OF N 88°01'06" W, AND A CHORD LENGTH OF 464.02 FEET, FOR AN ARC DISTANCE OF 476.44 FEET TO A POINT;

N 65°16'11" W, A DISTANCE OF 573.23 FEET TO A POINT;

WITH THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS IS 100.00 FEET, WITH A CHORD BEARING OF N 86°08'41" W, AND A CHORD LENGTH OF 71.27 FEET, FOR AN ARC DISTANCE OF 72.87 FEET TO A POINT;

S 72°58'49" W, A DISTANCE OF 301.64 FEET TO A POINT, SAID POINT BEING A NORTHWESTERN CORNER OF ALWINGTON ESTATES, LLC, AND ALSO IN THE EASTERN LINE OF HEIDI CROMWELL (GPIN 6983-19-5491);

THENCE DEPARTING THE NORTHERN LINE OF ALWINGTON ESTATES, LLC AND RUNNING WITH THE EASTERN LINE OF HEIDI CROMWELL AND THE WESTERN LINE OF ALWINGTON FARM, LLC N 41°53'27" E, A DISTANCE OF 480.15 FEET TO AN IRON ROD FOUND;

THENCE CONTINUING WITH THE EASTERN LINE OF HEIDI CROMWELL AND WITH THE WESTERN LINE OF ALWINGTION FARM, LLC, N 42°08'57" E, A DISTANCE OF 586.33 FEET TO IRON PIPE FOUND, SAID IRON PIPE BEING THE NORTHEASTERN CORNER OF HEIDI CROMWELL AND ALSO THE NORTHWESTERN CORNER OF ALWINGTON FARM, LLC AND ALSO A CORNER OF THE EXISTING FAUQUIER COUNTY/TOWN OF WARRENTON BOUNDARY LINE.

# 2024 TOWN OF WARRENTON / FAUQUIER COUNTY ANNEXATION VOLUNTARY SETTLEMENT AGREEMENT

THIS VOLUNTARY SETTLEMENT AGREEMENT is made and entered into this 23rd day of April, 2025, by and between the TOWN COUNCIL OF WARRENTON, VIRGINIA, a Virginia municipal corporation and a body politic (hereinafter "the Town Council"), THE BOARD OF SUPERVISORS OF FAUQUIER COUNTY, VIRGINIA (a political subdivision of the Commonwealth, hereinafter "the County Board of Supervisors"), and VAN METRE COMMUNITIES, LLC (together hereinafter "Van Metre"), (collectively referred to herein as the "Parties").

## RECITALS

R-1. WHEREAS, the Parties have reached this Agreement, pursuant to Title 15.2, Chapter 34, of the Code of Virginia, (i) providing for the annexation of certain territory of the County into the Town, and (ii) providing for the development of, and zoning of, the Annexation Area after approval of the proposed Annexation and

R-2. WHEREAS, Van Metre Homes at Aurora, L.L.C. is the owner of a certain tract of land containing approximately 234.08765 acres, as the same is more thoroughly identified below as the Arrington Annexation Property, which is a portion of an existing parcel of land, and

R-3. WHEREAS, HD Development of Maryland Inc. ("HD") is the owner of a tract of land containing approximately 0.7361 acres, as the same is more thoroughly identified below as the "HD Property," and

R-4. WHEREAS, Padmaja and Srinivas Dasari ("Dasari") are the owners of a tract of land containing approximately 1.1630 acres, as the same is more thoroughly identified below as the "Dasari Property," and

R-5. WHEREAS, VABFT, LLC, ("VABFT") is the owner of a tract of land containing approximately 4.3067 acres, as the same is more thoroughly identified below as the "VABFT Property," and

R-6. WHEREAS, the School Board of Fauquier County (the "School Board") is the owner of a tract of land containing 0.8105 acre, as the same is more thoroughly identified below as the "School Board Property," and

R-7. WHEREAS, the County Board of Supervisors is the owner of certain portions of the Alwington Boulevard right-of-way as the same is more thoroughly identified below as the "County Right-of-Way," and

R-8. WHEREAS, the County Board of Supervisors and the Town Council, after due consideration, have determined and agree that the boundary between the County and Town should be adjusted and relocated as identified herein, and that certain other matters should be resolved between the County Board of Supervisors and the Town Council, and

R-9. WHEREAS, Van Metre desires to acquire and develop the Arrington Annexation Property owned by it in a manner that is acceptable to the County Board of Supervisors and the Town Council, and

R-10. WHEREAS, on November 9, 2023, the Fauquier County Board of Supervisors approved a Rezoning of the Arrington Annexation Property as more specifically defined herein, that will permit its development in a manner that is acceptable to both the County Board of Supervisors and the Town Council, and the County Board of Supervisors and the Town Council have agreed that the conditions of development of the Arrington Annexation Property that were made proffered conditions of that Rezoning, including the Concept Development Plan, Code of Development and any other binding exhibits thereto and incorporated into the County's approval, should control the future land use thereof whether in the County or the Town's jurisdiction, and

R-11. WHEREAS, on December 12, 2023, the Town Council adopted a resolution in support of a Citizen-Initiated Petition for the inclusion of the Arrington Annexation Property within the corporate limits of the Town subject to Van Metre's agreement that such property would be developed in accordance with the Rezoning, and that the design and construction of the Relocated Taylor Run Pump Station and Alwington Boulevard Improvements would be completed at their sole expense, and

R-12. WHEREAS, after the effective date of the annexation as set out in Section 2.3 below, the Town will have zoning authority over the Annexation Area, subject to vested rights and the processes set out in the Code of Virginia and Town Code as amended from time to time, and

R-13. WHEREAS, the County Board of Supervisors and the Town Council have now determined that this Voluntary Settlement Agreement is necessary and appropriate to ensure the effective provision of Town public services to the area to be included within the corporate limits of the Town, to memorialize their agreement regarding the maintenance and effectuation of the Rezoning and the Town Commitments, and to determine other appropriate matters pursuant to the applicable Virginia statutory framework including certain specific land use and zoning arrangements deriving from the aforesaid Rezoning and Town Commitments as provided by Virginia law,

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the receipt and sufficiency of which are conclusively agreed to constitute such consideration, the County Board of Supervisors and the Town Council agree as follows:

**SECTION 1.** DEFINITIONS

The County Board of Supervisors and the Town Council agree that the following words, terms, and abbreviations as used in this Agreement shall have the following defined meanings, unless the context clearly provides otherwise:

1.1. "Additional Annexation Properties" means collectively the Dasari Property, the HD Property, the School Board Property, and the VABFT Property containing approximately 7.0163 acres.

1.2. The "Additional Annexation Area Property Owners" means Dasari, HD, the School Board, and VABFT.

1.3. "Alwington" means Van Metre Homes at Aurora, LLC, a Virginia limited liability corporation, and the current legal owner of the Arrington Annexation Property.

1.4. "Alwington Boulevard Improvements" means the widening of existing Alwington Boulevard, and the construction of an extension thereof in accordance with Town standards and specifications to provide a four-lane, median divided roadway from the current boundary between the County and Town northwesterly to the northerly line of Land Bay W (as defined in the Rezoning) ("Phase 1") and a two-lane undivided roadway from the northerly line of Land Bay W to the northerly line of the Arrington Annexation Property ('Phase 2") in accordance with the Rezoning.

1.5. "Annexation" means the adjustment of the boundary line between the County and the Town as set forth herein.

1.6. "Annexation Area" means that area to be included within the corporate boundaries of the Town pursuant to this Agreement consisting of the Arrington Annexation Property, the Additional Annexation Area, and the County Right-of-Way, all as further described herein, and as depicted in the attached Exhibits.

1.7. "Arrington Annexation Property" means the approximately 234.08765 acres of property owned by Van Metre that is the subject of the Annexation contemplated in this Agreement and delineated on Exhibit B. The Arrington

Annexation Property is currently a portion of a larger parcel containing approximately 431.19759 acres identified as GPIN 6983-44-5875-000 on the Tax Maps of Fauquier County. The remainder of the larger parcel containing approximately 197.10994 acres that is not herein identified shall remain in Fauquier County (the "Arrington Residual Property").

1.8. "Code" means the Code of Virginia (1950), as amended. A reference to a specific Code provision shall mean that Code provision as it existed on the date of execution of this Agreement, and any successor provision should the Code be amended after execution of this Agreement.

1.9. "Commission" means the Virginia Commission on Local Government.

1.10. "County" means the County of Fauquier, Virginia.

1.11. "County Board of Supervisors" means the Board of Supervisors of the County of Fauquier, Virginia.

1.12. "County Right-of-Way" means those portions of the right-of-way previously dedicated to the County Board of Supervisors for the construction of Alwington Boulevard from Shirley Avenue/James Madison Highway (Business Route 29/15/211) northwesterly to the Arrington Annexation Property boundary and that are not within the Town's boundary at the time of this Agreement.

1.13. "Dasari Property" means the approximately 1.1630 acres of property owned by Dasari and identified by GPIN 6983-57-9161-000 on the Tax Maps of Fauquier County.

1.14. "Effective Date" means the date upon which the last of the County Board of Supervisors and the Town Council has approved and affixed its signature to this Agreement.

1.15. "HD Property" means the approximately 0.7361 acres of property owned by HD and identified by GPIN 6983-57-1258-000 on the Tax Maps of Fauquier County.

1.16. The "Parties" refers to the County, Town, and Van Metre, collectively being the signatories to this Agreement.

1.17. The "Relocated Taylor Run Pump Station" means a new sanitary sewer pump station on the Arrington Annexation Property in the general location shown on Sheet 10 of the Concept Development Plan approved with the Rezoning, gravity sanitary sewer from the existing Taylor Run Pump Station to said pump station location, and sufficient sanitary sewer force main required to convey sewage from the new pump station to a connection manhole with capacity to accommodate such flow within the Town.

1.18. The "Rezoning" refers to Rezoning REZN-22-017978 approved by the Fauquier County Board of Supervisors on November 9, 2023, and the Proffered Conditions accepted therewith, together with the Concept Development Plan, Code of Development, and any other exhibits incorporated therein, all governing the development of the Arrington Annexation Property, with copies of such documents attached hereto and incorporated herein by reference as Exhibit C.

1.19. The "School Board Property" means the approximately 0.8105 acre of property owned by the School Board and identified by GPIN 6983-48-7973-000 on the Tax Maps of Fauquier County.

1.20. "Section" refers to the parts of this Agreement unless the context indicates that the reference is to sections of the Code.

1.21. "Special Court" means the Special Court appointed by the Supreme Court of Virginia pursuant to Title 15.2, Chapter 30, of the Code.

1.22. "Subsection" refers to the parts of this Agreement set out in the various "Sections."

1.23. "Survey" means the metes and bounds description and graphic depiction of the Annexation Area as set forth on Exhibits "A" and "B" attached hereto.

1.24. "Taylor Run Pump Station" means the existing sanitary sewer pump station located on approximately 0.0826 acre of property identified as GPIN 6983-49-6156-000 on the Tax Maps of Fauquier County, and owned by the Town,

1.25. "Town" means the Town of Warrenton, Virginia.

1.26. "Town Commitments" means the agreement by Van Metre to design and construct the Relocated Taylor Run Pump Station and Alwington Boulevard Improvements as depicted on Exhibit C, at no cost to the County Board of Supervisors or Town Council.

1.27. "Town Council" means the Town Council of the Town of Warrenton, Virginia.

1.28. "VABFT Property" means the approximately 4.31 acres of property owned by VABFT and identified by GPIN 6983-48-7006-000 on the Tax Maps of Fauquier County, and that is the subject of the Annexation contemplated in this Agreement.

1.29. "Van Metre" means Van Metre Communities, L.L.C., a Virginia limited liability company, and Van Metre Homes at Aurora, L.L.C., collectively.

**SECTION 2. VOLUNTARY ANNEXATION**

2.1. Annexation Agreement. The County Board of Supervisors and the Town Council agree to the annexation by the Town of that certain territory consisting of the Annexation Area as more specifically described by the Survey.

2.2. Submission of the Survey. The Survey shall be submitted to, and filed with, the Commission and the Special Court appointed to affirm, validate, and give full force and effect to this Agreement, and shall be incorporated into any final Order entered by the Special Court.

2.3. Effective Date of Annexation. The Annexation provided for herein shall become effective on the first day of the second calendar month after entry of the Final Order by the Special Court to affirm, validate, and give full force and effect to this Agreement.

**SECTION 3. LAND USE AND ZONING IN ANNEXATION AREA**

3.1. Land Use and Zoning Arrangements.

3.1.1. Pursuant to the provisions of Va. Code Ann. § 15.2-3400(2), the County Board of Supervisors and the Town Council agree that the orderly development of the Annexation Area is in the best interest of the County and Town.

3.1.2. The Town Council agrees to administer development of the Arrington Annexation Property in a manner that is consistent and in substantial conformance with the Rezoning. Portions of the Arrington Annexation Property that are zoned PRD will be administered in accordance with the terms of the PRD in effect as of the Effective Date (i.e., Zoning Ordinance of Fauquier County §§ 4-100 through 4-115) unless and until the Town rezones the property. Wherever those provisions of the Zoning Ordinance of Fauquier County reference the County or the Board of Supervisors, they will be read as referring to the Town and the Town Council, respectively. The Town shall have sole responsibility for interpretation and enforcement of the PRD zoning within the Arrington Annexation Property.

3.1.3. Notwithstanding the foregoing, the provisions of the Town's Zoning Ordinance shall govern the future use and development of that portion of Arrington Annexation Property identified in the Rezoning as to be developed in accordance with the Town of Warrenton's Commercial (C) Zoning District assigned to Land Bay W, as depicted on the Concept Development Plan, as if Land Bay W had been so zoned by the Town Council, and future development thereof shall be processed by the Town pursuant to its ordinary procedures therefor.

3.1.4. The Town agrees that upon validation of this Agreement by the Special Court that it will amend its Comprehensive Plan to incorporate the Rezoning into that Plan if it deems it necessary.

3.2. Zoning Classification of the Additional Annexation Properties. Upon the Effective Date of the Annexation, the non-PRD portions of the Arrington Annexation Property and the Additional Annexation Properties shall be deemed to be zoned to the applicable Town Zoning District pursuant to Warrenton Zoning Ordinance § 2-5, or any substantially similar provision as may be hereafter enacted as transitional zoning for such properties.

3.3. Sewer and Water Services.

3.3.1. The Town Council agrees that it shall permit connection of the properties within the Annexation Area to the Town sanitary sewer and water systems upon written request therefore, and payment of all appropriate fees and charges for such services, subject to compliance with the Town's Public Facilities Manual (as amended from time to time) and completion of the Relocated Taylor Run Pump Station.

3.3.2. In accordance with the Town's utility extension policies, each owner of a property within the Annexation Area shall construct or cause to be constructed, at no expense to the Town or County, such extensions of existing water and/or sanitary sewer mains and laterals as may be required to provide water and sanitary sewer service to their respective properties.

3.3.3. Upon completion of and the Town's final approval of such extension facilities, the property owner constructing same shall convey ownership of the facilities (not including laterals, whose ownership will remain private) and the necessary and associated easements to the Town for inclusion in the Town's public utility system.

3.3.4. Van Metre has responsibility to design and construct the Relocated Taylor Run Pump Station pursuant to the Town Commitments prior to issuance of the first certificate of occupancy. Van Metre has heretofore commenced design of construction plans for the Relocated Taylor Run Pump Station and shall diligently pursue completion of said plans and the submittal of same to the applicable regulatory agencies for approval. Within sixty (60) days following approval of the Relocated Taylor Run Pump Station construction plans by all applicable regulatory agencies and the recordation of any easements required for the construction of same, Van Metre shall commence construction of the Relocated Taylor Run Pump Station and diligently pursue completion thereafter.

3.4 Alwington Boulevard Improvements. Van Metre agrees to design, pursue approval of such design, bond, permit, and construct the entire length of the Alwington Boulevard Improvements. Phase 1 of such improvements shall be completed through base paving and open to traffic, but not necessarily accepted for maintenance by the Town, prior to issuance of the first certificate of occupancy for any homes or buildings constructed on the Arrington Annexation Property. Phase 2

of such improvements shall be completed through base paving and open to traffic, but not necessarily accepted for maintenance by the Town, prior to issuance of the first certificate of occupancy for any homes or buildings constructed in the North Hamlet (as defined in the Rezoning) of the Arrington Annexation Property.

3.5. Payment of Proffered Amounts. The Rezoning is subject to reasonable proffers voluntarily submitted and agreed to by Van Metre including cash proffers for schools, public safety and parks and recreation facilities specifically attributable to impacts created by the new development. The Parties agree and consent to the payment of those proffered amounts subsequent to any Annexation provided herein as follows:

3.5.1. Brumfield Elementary School Entrance. If Proffer 19.B(b) applies, the cash in lieu of constructing the entrance shall be payable to Fauquier County.

3.5.2. Schools. Proffer 19 associated with the Rezoning shall remain in effect and due and payable according to its terms to Fauquier County for Taylor Middle School.

3.5.3. Emergency Services. Proffer 12 associated with the Rezoning shall remain in effect and due and payable according to its terms to Fauquier County for the benefit of the Annexation Area.

3.5.4. Parks and Recreation. Proffer 9 associated with the Rezoning shall remain in effect and due and payable according to its terms to the Town of Warrenton.

**SECTION 4.** COMMISSION AND SPECIAL COURT APPROVAL

4.1. Commission on Local Government Review. The Parties agree to promptly undertake the steps necessary as required by Title 15.2, Chapter 34 of the Code to proceed with this Voluntary Settlement Agreement or other appropriate joint proceeding required to expedite the review of this Agreement by the Commission. The Additional Annexation Area Property Owners may, at their election, participate in those proceedings. The County Board of Supervisors and the Town Council shall cooperate in the scheduling and conduct of any hearings that may be required in order to facilitate and advance this Agreement and the Annexation, either in their separate jurisdictions, or with the Commission.

4.2. Special Court Approval. Following the issuance of the report of findings and recommendations by the Commission according to law, the County Board of Supervisors and the Town Council agree that they will each take all steps necessary, and will expeditiously submit this Agreement in its approved form to the Special Court for affirmation and validation, and to give it full force and effect, as required by Title 15.2, Chapter 34 of the Code.

4.3. Termination for Failure to Affirm and Validate and Give Full Force and Effect to This Agreement. The County Board of Supervisors and the Town Council

agree that if this Agreement is not affirmed, validated, and given full force and effect by the Special Court without modification, this Agreement shall immediately terminate; provided that the County Board of Supervisors and the Town Council may waive termination under this provision by mutually agreeing to any modifications recommended by the Commission or the Special Court.

**SECTION 5.** AUTHORITY.

The Town Council has authorized the execution and implementation of this Agreement by resolution, a copy of which is attached hereto as Exhibit D. The County Board of Supervisors has authorized the execution and implementation of this Agreement by resolution, a copy of which is attached hereto as Exhibit E.

The lawful consents or concurrences to this Agreement by Van Metre is attached hereto and incorporated herein by reference as Exhibit F.

**SECTION 6.** FURTHER REQUIREMENTS.

6.1. The County Board of Supervisors, the Town Council, and Van Metre agree to perform such other and further requirements as may be necessary to effectuate fully this Agreement and the terms and conditions hereof. Each of the aforesaid further agrees that it shall expeditiously perform those duties and obligations that may be imposed on it by the terms of this Agreement, including, but not limited to, the preparation and submission of necessary materials required for submitting and processing an application to the Commission as provided herein, or as requested by the Commission or its staff.

6.2. The County Board of Supervisors, Town Council, and Van Metre understand and agree that all reasonable costs associated with this Agreement shall be borne by the party incurring such costs. "Reasonable costs" shall include preparation of this Agreement and the Survey as well as such other materials as may be required or requested to be provided by the Commission.

**SECTION 7.** MISCELLANEOUS PROVISIONS

7.1. Binding Effect. This Agreement contains the final and entire agreement between the Parties with respect to this Annexation and is intended to be an integration of all prior understandings. It shall be binding upon and inure to the benefit of the Parties, and each of the future governing bodies of the Town and the County, and upon any heirs, successors, or assigns to or of any owner of property within the Annexation Area.

7.2. Amendments. This Agreement may be amended, modified, or supplemented in whole or in part, by mutual agreement of the Parties, prior to affirmation by the Special Court, by a written document of equal formality and dignity, duly executed by the authorized representatives of the Parties.

7.3. Enforceability. This Agreement shall be enforceable only by the Special Court affirming, validating, and giving full force and effect to this Agreement or by a successor Special Court appointed to pursuant to Title 15.2, Chapter 30 of the Code, pursuant to a declaratory judgment action initiated by any of the Parties hereto to secure the performance of any provisions, covenants, conditions and terms contained

in this Agreement or the Order affirming, validating, and giving full force and effect to this Agreement.

7.4. Standing. The Parties agree that each shall and does have standing to enforce any of the provisions, covenants, conditions, and terms of this Agreement.

IN CONSIDERATION of the foregoing, the authorized representatives of the Parties have executed this Agreement as of the date and year first herein written.

TOWN OF WARRENTON

By: _____
Carter Nevill
Mayor

Approved as to Form:

_____
Town Attorney

FAUQUIER COUNTY, VIRGINIA

By: KEVIN T. CARTER
Chair, Fauquier County Board of Supervisors

Approved as to Form:

County Attorney

VAN METRE COMMUNITIES, L.LC., a Virginia limited liability company,

By: VMC Homes, Inc., its manager

By: _____

Title: GROUP PRESIDENT

## LIST OF EXHIBITS

| | | |
|---|---|---|
| EXHIBIT - | A | METES & BOUNDS DESCRIPTION OF THE ANNEXATION AREA |
| EXHIBIT - | B | GRAPHIC DEPICTION OF ANNEXATION AREA |
| EXHIBIT - | C | ARRINGTON ANNEXATION PROPERTY REZONING DOCUMENTS |
| EXHIBIT - | D | RESOLUTION OF TOWN COUNCIL |
| EXHIBIT - | E | RESOLUTION OF COUNTY BOARD OF SUPERVISORS |
| EXHIBIT - | F | CONSENT AND CONCURRENCE BY VAN METRE COMMUNITIES, LLC |

**Metes and Bounds Description of the proposed annexation line from Fauquier County, Virginia into the Town of Warrenton, Virginia. Prepared by Bowman on April 1, 2024.**

BEGINNING AT A POINT LOCATED IN THE WESTERN RIGHT OF WAY OF JAMES MADISON HIGHWAY, SAID POINT ALSO BENG IN THE EASTERN PROPERTY LINE OF ALWINGTON FARM, LLC (GPIN 6983-44-5875-000) AND ALSO A CORNER OF THE EXISTING FAUQUIER COUNTY/TOWN OF WARRENTON BOUNDARY LINE;

THENCE DEPARTING THE EXISTING FAUQUIER COUNTY/TOWN OF WARRENTON BOUNDARY LINE AND RUNNING WITH THE WESTERN RIGHT OF WAY OF JAMES MADISON HIGHWAY AND THE EASTERN LINE OF ALWINGTON FARM, LLC THE FOLLOWING SIXTEEN (16) COURSES AND DISTANCES:

S 31°25'06" W, A DISTANCE OF 72.79 FEET TO A CONCRETE VDOT MONUMENT;

S 13°59'17" W, A DISTANCE OF 51.72 FEET TO A POINT;

S 22°04'13" W, A DISTANCE OF 103.60 FEET TO A POINT;

S 18°34'38" W, A DISTANCE OF 104.43 FEET TO A CONCRETE VDOT MONUMENT FOUND;

S 15°36'32" W, A DISTANCE OF 105.49 FEET TO A POINT;

S 11°00'58" W, A DISTANCE OF 106.24 FEET TO A CONCRETE VDOT MONUMENT FOUND;

S 07°22'30" W, A DISTANCE OF 88.40 FEET TO A POINT;

S 03°07'44" W, A DISTANCE OF 117.67 FEET TO A POINT;

S 00°11'47" E, A DISTANCE OF 100.00 FEET TO A CONCRETE VDOT MONUMENT FOUND;

S 00°46'10" E, A DISTANCE OF 273.66 FEET TO A POINT;

WITH THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS IS 2651.48 FEET, WITH A CHORD BEARING OF S 05°00'11" E, AND A CHORD LENGTH OF 391.50 FEET, FOR AN ARC DISTANCE OF 391.86 FEET TO A POINT;

S 04°19'08" E, A DISTANCE OF 52.35 FEET TO A POINT;

S 11°15'54" E, A DISTANCE OF 118.14 FEET TO A POINT;

S 05°37'44" E, A DISTANCE OF 127.56 FEET TO A POINT;

S 17°17'31" E, A DISTANCE OF 382.87 FEET TO A POINT;

S 24°11'01" E, A DISTANCE OF 226.12 FEET TO A POINT;

THENCE DEPARTING THE WESTERN RIGHT OF WAY OF JAMES MADISON HIGHWAY AND THE EASTERN LINE OF ALWINGTON FARM, LLC AND RUNNING ACROSS THE LAND OF ALWINGTON FARM, LLC WITH A PROPOSED ZONING LINE N 84°41'24" W, A DISTANCE OF 1014.57 FEET TO A POINT;

THENCE CONTINUING WITH AN EXISTING ZONING LINE N 84°46'19" W, A DISTANCE OF 1715.84 FEET TO AN IRON PIPE FOUND ON THE EASTERN LINE OF THE PROPERTY OF LORETTA FLYNN (GPIN 6983-24-9581-000), SAID POINT ALSO BEING ALONG THE WESTERN PROPERTY LINE OF THE ALWINGTON FARM, LLC;




1

THENCE RUNNING WITH THE WESTERN LINE OF ALWINGTON FARM, LLC N 04°41'49" W, A DISTANCE OF 2228.67 FEET TO AN IRON PIPE FOUND AT THE NORTHEASTERN CORNER OF THE PROPERTY OF THOMAS KEITH BAKER (GPIN 6983-26-9461-000);

THENCE CONTINUING WITH THE WESTERN LINE OF ALWINGTON FARM, LLC AND THE NORTHERN RIGHT OF WAY OF LEETON COURT N 82°41'00" W, A DISTANCE OF 387.28 FEET TO A POINT AT THE SOUTHEASTERN CORNER OF LOT 1 OF ALWINGTON ESTATES, LLC (GPIN 6983-27-7006-000);

THENCE DEPARTING THE NORTHERN RIGHT OF WAY OF LEETON COURT, CONTINUING WITH THE WESTERN LINE OF ALWINGTON FARM, LLC AND RUNNING WITH THE EASTERN LINE OF LOT 1 OF ALWINGTON ESTATES, LLC THE FOLLOWING THREE (3) COURSES AND DISTANCES:

N 07°19'00" E, A DISTANCE OF 60.00 FEET TO A POINT;

N 44°42'38" E, A DISTANCE OF 248.17 FEET TO AN IRON PIPE FOUND;

N 09°04'10" W, A DISTANCE OF 163.68 FEET TO A POINT, SAID ALSO BEING THE SOUTHEASTERN CORNER OF ALWINGTON ESTATES, LLC (PIN 6983-28-8269);

THENCE DEPARTING THE EASTERN LINE OF LOT 1 OF ALWINGTON ESTATES, LLC, CONTINUING WITH THE WESTERN LINE OF ALWINGTON FARM, LLC AND RUNNING WITH THE EASTERN LINE OF ALWINGTON ESTATES, LLC THE FOLLOWING FIVE (5) COURSES AND DISTANCES:

N 57°28'59" E, A DISTANCE OF 59.66 FEET TO A POINT;

N 82°20'22" E, A DISTANCE OF 85.23 FEET TO A POINT;

N 20°54'31" W, A DISTANCE OF 205.75 FEET TO A POINT;

N 19°48'23" E, A DISTANCE OF 195.15 FEET TO A POINT;

N 88°31'08" E, A DISTANCE OF 188.95 FEET TO A POINT;

THENCE DEPARTING THE EASTERN LINE OF ALWINGTON ESTATES, LLC, DEPARTING THE WESTERN LINE OF ALWINGTON FARM, LLC, AND RUNNING ACROSS THE PROPERTY OF ALWINGTON ESTATES, LLC WITH A PROPOSED ZONING LINE N 04°04'55' W 136.14' TO A POINT LOCATED IN THE EASTERN LINE OF ALWINGTON ESTATES, LLC, AND IN THE WESTERN LINE OF ALWINGTON FARM, LLC;

THENCE DEPARTING THE PROPOSED ZONING LINE AND RUNNING WITH THE WESTERN LINE OF ALWINGTON FARM, LLC AND WITH THE EASTERN LINE OF ALWINGTON ESTATES, LLC THE FOLLOWING SIX (6) COURSES AND DISTANCES:

S 88°31'08" W, A DISTANCE OF 21.49 FEET TO A POINT;

N 01°28'52" W, A DISTANCE OF 26.41 FEET TO A POINT;

N 76°23'49" W, A DISTANCE OF 91.85 FEET TO A POINT;

N 19°48'23" E, A DISTANCE OF 141.22 FEET TO A POINT;

N 00°32'50" E, A DISTANCE OF 172.37 FEET TO A POINT;

N 43°33'20" E, A DISTANCE OF 519.91 FEET TO A POINT;

THENCE DEPARTING THE EASTERN LINE OF ALWINGTON ESTATES, LLC, DEPARTING THE WESTERN LINE OF ALWINGTON FARM, LLC, AND RUNNING ACROSS THE PROPERTY OF ALWINGTON ESTATES, LLC WITH THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS 630.00 FEET, WITH A CHORD BEARING OF N 34°14'10" W, AND A CHORD LENGTH OF 328.54 FEET, FOR AN ARC DISTANCE OF 388.67 FEET TO A POINT TO A POINT LOCATED IN THE EASTERN LINE OF ALWINGTON ESTATES, LLC AND IN THE NORTHERN LINE OF ALWINGTON FARM, LLC;

THENCE RUNNING WITH THE WESTERN LINE OF ALWINGTON FARM, LLC AND WITH THE NORTHERN LINE OF ALWINGTON ESTATES, LLC THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

WITH THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS 600.00 FEET, WITH A CHORD BEARING OF N 88°01'06" W, AND A CHORD LENGTH OF 464.02 FEET, FOR AN ARC DISTANCE OF 476.44 FEET TO A POINT;

N 65°16'11" W, A DISTANCE OF 573.23 FEET TO A POINT;

WITH THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS IS 100.00 FEET, WITH A CHORD BEARING OF N 86°08'41" W, AND A CHORD LENGTH OF 71.27 FEET, FOR AN ARC DISTANCE OF 72.87 FEET TO A POINT;

S 72°58'49" W, A DISTANCE OF 301.64 FEET TO A POINT, SAID POINT BEING A NORTHWESTERN CORNER OF ALWINGTON ESTATES, LLC, AND ALSO IN THE EASTERN LINE OF HEIDI CROMWELL (GPIN 6983-19-5491);

THENCE DEPARTING THE NORTHERN LINE OF ALWINGTON ESTATES, LLC AND RUNNING WITH THE EASTERN LINE OF HEIDI CROMWELL AND THE WESTERN LINE OF ALWINGTON FARM, LLC N 41°53'27" E, A DISTANCE OF 480.15 FEET TO AN IRON ROD FOUND;

THENCE CONTINUING WITH THE EASTERN LINE OF HEIDI CROMWELL AND WITH THE WESTERN LINE OF ALWINGTON FARM, LLC, N 42°08'57" E, A DISTANCE OF 586.33 FEET TO IRON PIPE FOUND, SAID IRON PIPE BEING THE NORTHEASTERN CORNER OF HEIDI CROMWELL AND ALSO THE NORTHWESTERN CORNER OF ALWINGTON FARM, LLC AND ALSO A CORNER OF THE EXISTING FAUQUIER COUNTY/TOWN OF WARRENTON BOUNDARY LINE.

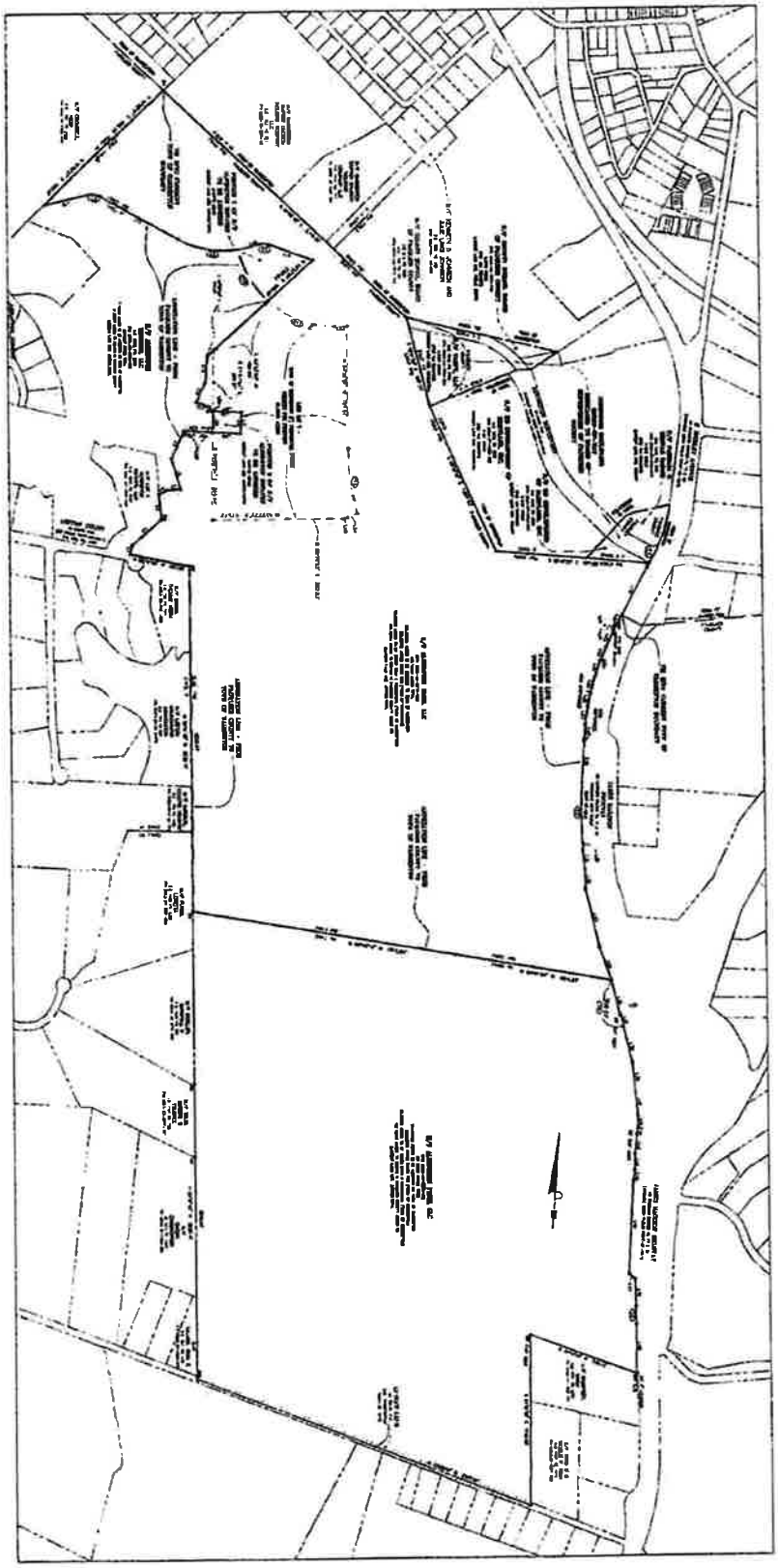


EXHIBIT
B

ANNEXATION EXHIBIT
ON THE PROPERTY OF
ARRINGTON
MARSHALL MAGISTARIAL DISTRICT

FAUQUIER COUNTY

Bowman

# ARRINGTON

## Proffer Statement
## Rezoning Case # REZN-22-017978

December 19, 2022
Revised through October 20, 2023

| | |
|---|---|
| CURRENT ZONING: | PRD (Planned Residential District) and RA (Rural Agricultural) |
| PROPOSED ZONING: | RA to PRD (Planned Residential District); and<br>Existing PRD (Planned Residential District) to<br>PRD (Planned Residential District) and Town of Warrenton Commercial (Alternative A and B Only) with Revised Proffers |
| PROPERTY: | Portion of PIN 6983-44-5875-000 |
| ACREAGE: | 234.0877 in the Marshall Magisterial District |
| RECORD OWNER: | Alwington Farm, LLC |
| APPLICANTS: | Alwington Farm Developers, LLC<br>Van Metre Communities, L.L.C. |

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Alwington Farm, L.L.C., as the owner of the approximately 234.08765 acre portion of the Arrington property subject of this application identified on Exhibit A and shown on the Zoning Plat (as defined below) as the Application Property (the "Property"), on behalf of itself and its successors in interest (the "Owner"), pursuant to § 15.2-2298 of the Code of Virginia (1950), as amended, and the Fauquier County Zoning Ordinance, as amended (the "Zoning Ordinance"), hereby voluntarily proffers that upon approval of Rezoning Application REZN-22-017978 by the Fauquier County Board of Supervisors (the "County"), development of the Property shall be in substantial conformance (as defined in § 13-202(2)(D)(5) of the Zoning Ordinance) with the Concept Development Plan and Code Of Development (each as defined below) and attached hereto as Exhibit B and Exhibit C, respectively, as well as this Proffer Statement (the "Proffers").

These Proffers shall govern unless an amendment thereto is mutually agreed upon by the County and the Owner. Each Proffer listed herein and made in connection with this application for rezoning is made voluntarily and complies with applicable law. Each proffer is reasonably related both in nature and extent to the impacts of the proposed development pursuant to § 15.2-2303.4(D) of the Code of Virginia (1950), as amended. The County, nor any agent of the County, has suggested or demanded a proffer that is unreasonable under applicable law.

EXHIBIT
C

Upon approval, these Proffers shall supersede all other Proffers that may have been made prior hereto with respect to the Property, or any portion of the parcel identified on the Fauquier County, Virginia, Land Records as Parcel Identification Number (PIN) 6983-44-5875-000 containing approximately 431.19759 acres (the "Parent Tract"), including, but not limited to, those Proffers set forth in the Proffer Statement last dated October 30, 2015, and approved by the County with rezoning application REZN-15-003477 on November 12, 2015 (the "Prior Proffers").

In the event the above referenced rezoning is not granted, these Proffers shall be deemed withdrawn and shall be null and void. In the event an appeal is considered by a court of competent jurisdiction and the application is thereafter remanded to the Board of Supervisors (the "Board") for reconsideration, or the rezoning is invalidated by that court, then these Proffers shall be deemed withdrawn unless the Owner affirmatively readopts all or any portion in writing specifically for that purpose. The headings of the Proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the Proffers.

1. DEVELOPMENT PLANNING DOCUMENTS:

A. All improvements proffered herein to be constructed or otherwise provided for by the Owner shall be provided at the time of development for that portion of the Property immediately adjacent thereto or including the improvement or other proffered requirement, unless otherwise specified herein or in the Code of Development as that term is defined below.

B. The term "Owner" as referenced herein shall include the current owner of the Property and all future owners, heirs, assigns, and successors in interest.

C. When used in these Proffers, the Concept Development Plan shall refer to Sheets 1, 2, 2A, 6, 7, 7A, 7B, 8, 8A, 8B, 9, 10, 15, 15A, and 15B of the plan set entitled "ARRINGTON, CONCEPT DEVELOPMENT PLAN, PLANNED RESIDENTIAL DEVELOPMENT PLAN, REZONING APPLICATION, MARSHALL MAGISTERIAL DISTRICT, FAUQUIER COUNTY, VIRGINIA" prepared by Bowman Consulting Group, Ltd. and dated July 18, 2022 with revisions through October 20, 2023, (the "CDP"); and the Code of Development (the "COD") shall refer to the document entitled "ARRINGTON CODE OF DEVELOPMENT" prepared by Bowman Consulting Group, Ltd. and dated October 20, 2023.

D. When used in these Proffers, the Zoning Plat shall refer to the "CERTIFIED ZONING PLAT" included as Sheets 16 and 17 of the plan set entitled "ARRINGTON, CONCEPT DEVELOPMENT PLAN, PLANNED RESIDENTIAL DEVELOPMENT PLAN, REZONING APPLICATION, MARSHALL MAGISTERIAL DISTRICT, FAUQUIER COUNTY, VIRGINIA" prepared by Bowman Consulting Group, Ltd., said sheets dated June 3, 2022, and signed September 25, 2023 (the "Zoning Plat").

E. The Property shall be developed using traditional neighborhood design principles and shall incorporate a variety of architectural styles, building forms, lot

categories and types, and design standards as set forth in the COD. The COD is hereby incorporated herein by reference and is made a part of this Proffer Statement.

F. Minor adjustments to the CDP and the COD may be made in connection with the review and approval of the Code of Development Site Plan (as such site plan is defined in Article 12, Part 8 of the Zoning Ordinance), and upon any further final engineering, subdivision plats and plans for the Property, and any associated construction documents that may be required. These minor adjustments may include, but are not limited to, modifications to road locations; open space boundaries; utility lines as necessary to accommodate topography and drainage, vehicular or pedestrian circulation; aesthetic considerations; or regulatory requirements. Such modifications shall be subject to approval by the Fauquier County Zoning Administrator in accordance with the parameters set forth in this Proffer Statement and the CDP, COD, and Zoning Ordinance. Modifications that are determined to be inconsistent with those parameters shall require amendment to this Rezoning.

2. THE PROPERTY ZONING UPON APPROVAL OF REZN-22-01798:

A. Under the Base Zoning (as defined in Proffer 4.A.(i) below), that portion of the Property comprising 206.43 acres as shown on the Zoning Plat shall be rezoned from PRD (as previously approved under REZN-15-003477), to PRD subject to these revised Proffers.

B. Under Alternative A (as defined in Proffer 4.A.(ii) below) or Alternative B (as defined in Proffer 4.A.(iii) below), that portion of the Property comprising 181.43 acres as shown on the Zoning Plat shall be rezoned from PRD (as previously approved under REZN-15-003477), to PRD subject to these Proffers.

C. Under Alternative A or Alternative B, that portion of the Property comprising 25.00 acres as shown on the Zoning Plat as "Land Bay W" shall be rezoned from PRD (as previously approved under REZN-15-003477), and developed in accordance with the regulations of the Town of Warrenton (the "Town") Commercial (C) Zoning District assigned to said Land Bay, but only in the event the municipal boundary between the County and the Town is adjusted through a Boundary Line Adjustment process or other suitable arrangement under Subtitle III of Title 15.2 of the Code of Virginia, and the Property is subsequently located within the corporate limits of the Town.

D. The remaining portion of the Property comprising 27.66 acres as shown on the Zoning Plat shall be rezoned from RA (as previously approved under REZN-15-003477) to PRD as applied for, subject to these Proffers.

E. The portions of the Property rezoned to PRD shall be collectively referred to herein as the "PRD Area".

3. CODE OF DEVELOPMENT:

A. The COD sets forth design standards and guidelines for the PRD Area and shall be binding on the development thereof. It shall govern all residential, common open space,

and other construction within the PRD Area as set forth therein. Notwithstanding anything to the contrary herein, however, or in the COD, photographs included in the COD (as distinguished from drawings and graphics) are illustrative in nature and are included solely to provide a visual reference for what may be built on the Property pursuant to the COD and shall not be binding. Further, the "Open Space & Amenities" graphics shown in the COD are preliminary and conceptual and actual layouts may vary. The final design of each open space and/or amenity area will adhere generally to the associated descriptions and provide, as a minimum, the facilities/features listed. In the event of any discrepancy between the COD and this Proffer Statement, this Proffer Statement shall control.

B. Deviations from the requirements of the COD will be permitted only in accordance with the standards set forth in the COD, and in this Proffer Statement.

4. LAND USE:

A. The CDP and COD provide for three (3) alternatives for the development of Arrington (the "Project"), depending on the availability of public water and sewer, as well as whether the Property is ultimately included within the corporate boundaries of the Town under a Boundary Line Adjustment Agreement or other suitable arrangement under Subtitle III of Title 15.2 of the Code of Virginia, and availability of off-site right-of-way and easements needed for the construction of Alwington Boulevard as provided herein. The three (3) alternatives are as follows:

(i) Base Zoning. The maximum base residential density option for the Property shall be 217 single-family detached Market-Rate Lots (as such term is defined below) served by (a) public water pursuant to the existing Joint Planning and Water Service Agreement of November 1, 2015, by and between the Town, the County, and Alwington Farm Developers, LLC, (the "Joint Planning and Water Service Agreement"); and (b) sewer services using (1) an alternative onsite sewage system and associated primary and reserve dispersal fields to be constructed on the Property, or (2) at the sole option of Owner, connection to public sanitary sewer, if available (the "Base Zoning").

(ii) Alternative A. In the event (a) adequate public water and sanitary sewer service are available from the Town to serve the proposed development of the Property, and (b) the municipal boundary between the County and the Town is adjusted through a Boundary Line Adjustment process or other suitable arrangement under Subtitle III of Title 15.2 of the Code of Virginia, and the Property is subsequently located within the corporate limits of the Town, the PRD Area shall consist of a maximum residential density of 211 lots comprised of 195 Market-Rate Lots (144 single-family detached lots and 51 single-family attached lots) and 16 single family attached Affordable Lots (as defined below), and a commercial component consisting of an eating establishment with a gross floor area no greater than 8,000 square feet and a hotel (inn) with a maximum of fifteen (15) sleeping rooms; and Land Bay W shall be developed in accordance with the regulations of the Town's Commercial (C) Zoning District assigned to said Land Bay ("Alternative A").

(iii) Alternative B. In the event (a) the municipal boundary between the County and the Town is adjusted through a Boundary Line Adjustment process or other suitable arrangement under Subtitle III of Title 15.2 of the Code of Virginia, and the Property is subsequently located within the corporate limits of the Town; and (b) the right-of-way dedication and associated easements required for the northerly extension of Alwington Boulevard through the parcel containing 50.0094 acres identified on County Tax Maps as PIN 6983-28-8269-000, and located at 8209 Leighton Forest Road, Fauquier County, Warrenton, Virginia, 20187, have been obtained at no cost to the County, Town, or Owner, and (c) adequate public water and sewer services are available from the Town to serve the development of the Property, the PRD Area shall consist of a maximum residential density of 270 lots comprised of 254 Market-Rate Lots (161 single-family detached lots and 93 single-family attached lots), and 16 single family attached Affordable Lots, as well as a commercial component consisting of an eating establishment with a gross floor area no greater than 8,000 square feet and a hotel (inn) with a maximum of fifteen (15) sleeping rooms; and Land Bay W shall be developed in accordance with the regulations of the Town's Commercial (C) Zoning District assigned to said Land Bay ("Alternative B").

B. The term "Affordable Lots" shall be defined as lots upon which single-family attached homes may be constructed and offered for rent, or for sale, to those families or individuals with an imputed household income maximum equal to, or less than, 80% of the Average Median Gross Income ("AMGI") of the Washington, DC Metropolitan Statistical Area ("Washington MSA") as published by HUD for the applicable household size as long as the average of the imputed income limitations for all households owning or renting the homes constructed on the Affordable Lots is equal to, or less than, 60% of AMGI. Notwithstanding the aforesaid, a minimum of two (2) of the single-family attached homes to be constructed on the Affordable Lots shall be offered for rent, or for sale, to those families or individuals with an imputed household income maximum equal to, or less than, 40% of the AMGI of the Washington MSA as published by HUD for the applicable household size.

C. The term "Market-Rate Lots" shall be defined as lots upon which single-family attached or single-family detached homes may be constructed and offered for rent, or for sale, without any income or age restrictions.

D. The Owner shall retain the existing farm pond; healthy, mature trees; and existing hedgerows on the Property in all of the potential alternatives except where home sites, roads, utilities, and drainfields are planned. In addition, proposed trail locations shall avoid existing landscape material greater than four inches (4") in diameter measured two feet (2') above the ground surface.

5. SUSTAINABLE AND AGE-FRIENDLY COMMUNITY DESIGN ELEMENTS:

A. Community Design. Development of the PRD Area shall include community design elements which support age-friendly and sustainable housing opportunities for all demographics as detailed below.

B. Green Building Practices. All residential dwelling units to be constructed within the PRD Area shall be designed to meet either (a) the certification requirements under one of the following programs, or (b) an alternative third-party program which includes standards and certification demonstrating that such program achieves the substantive intent of the programs identified below. Any alternative third-party program shall be selected by the Owner in consultation with the Zoning Administrator.

(i) ENERGY STAR®. Certification in accordance with the National Green Building Standard using the ENERGY STAR® Qualified Homes path for energy performance, as demonstrated through documentation submitted to the County from a home energy rater certified through the Home Innovation Research Labs that demonstrates that each residential dwelling unit constructed within the PRD Area has attained the certification prior to the issuance of the occupancy permit for said residential dwelling unit;

(ii) Earth Craft. Certification in accordance with the Earth Craft House Program, as demonstrated through documentation provided to the County prior to the issuance of the occupancy permit for each residential dwelling unit constructed within the PRD Area; or

(iii) NAHB National Green Building Program. Certification in accordance with the National Association of Home Builders (NAHB) National Green Building Program, Bronze level, as demonstrated through submission of a copy of the "Green Certificate" issued by NAHB in accordance with its "Green Certificate Program" prior to issuance of the occupancy permit for each residential dwelling unit constructed within the PRD Area.

C. Universal Design Elements. The Owner shall require all builders of single family detached residential dwelling units constructed on Market-Rate Lots and all builders of single family attached residential dwelling units constructed on Affordable Lots to include the following universal design features as standard features:

(i) Front entrance doors that are a minimum of 36" wide;

(ii) Rocker light switches, thermostats, and other environmental and security controls (if any) installed in accessible locations and at a maximum height of 48" above finished floor;

(iii) Electrical and multi-media outlets installed at a minimum height of 18" above finished floor;

(iv) Reinforcements provided in the walls of one bathroom, at a minimum, to allow for the installation of grab bars;

(v) Shower pan in one bathroom, at a minimum, with maximum curb height of 4.5";

(vi) Elevated (comfort height) toilets; and

(vii) Lever door handles on all hinged doors.

Prior to the approval of the zoning permit for each of the aforesaid residential dwelling units, the Owner shall submit architectural elevations and floor plans for such

residential dwelling unit to the Zoning Administrator and specifically identify each of the universal design features listed above to demonstrate compliance with the foregoing proffer.

D. Age-Friendly Bedroom and Bathroom. A first-floor bedroom and bathroom shall be included in the floor plans of a minimum of twenty five percent (25%) of the single family detached homes constructed on Market-Rate Lots. Each application for a building permit for the construction of a single family detached residential dwelling unit on a Market-Rate Lot shall include a tabulation of the number of single family detached residential dwelling units for which building permits have been issued and the number of such units that included a first-floor bedroom and bathroom in its floor plan. Building permits for no more than seventy five percent (75%) of the single family detached homes to be constructed on Market-Rate lots shall be approved unless the aforesaid tabulation shows that building permits have been issued for the construction of single family detached residential dwelling units which included a first-floor bedroom and bathroom in the floor plans for a minimum of twenty five (25%) of the single family detached homes constructed on Market-Rate Lots to demonstrate compliance with the aforesaid.

E. Central Hamlet Community Green. The age-friendly amenities to be constructed in Block 4 of the Central Hamlet as shown on Sheets 7, 7A, and 7B of the CDP and designated as "CENTRAL HAMLET COMMUNITY CENTER & COMMUNITY GREEN" in the COD shall include a community center with fitness facility (minimum of 2,000 gross square feet of floor area), outdoor swimming pool (minimum of 800 square feet of water surface area), one tot lot, and two multi-purpose courts, along with a storm water management pond (all subject to final engineering), trail, community green, and amenity parking area (the "Age-Friendly Block 4 Amenities"). The Age-Friendly Block 4 Amenities shall be shown on the Code of Development Site Plan for Phase 1 of the Central Hamlet and, upon approval, shall be bonded and installed concurrently with the site improvements shown on such plan, but in no event later than issuance of the 100th cumulative occupancy permit for residential dwelling units constructed on Market-Rate Lots. Such amenities shall be maintained by the Arrington Conservancy.

F. Other Community Amenities. The Owner shall construct the onsite open space amenities and trails as shown on the CDP and COD in phases, concurrently with construction of the infrastructure adjoining each amenity. Final design for such amenities will take place as part of the Code of Development Site Plan prepared for each hamlet. Such amenities shall be maintained by the Arrington Conservancy.

G. Trails Outside Public Right-Of-Ways. All trails not located within a public right-of-way shall be located within a public access easement with a minimum width of fifteen feet (15') and shall be maintained by the Arrington Conservancy.

6. RESIDENTIAL PHASING:

A. The Project consists of multiple distinct hamlets and blocks within each hamlet. A

phasing plan is provided as part of the COD. Hamlets may be phased in any order and multiple hamlets may be developed together, so long as no more than 100 residential occupancy permits are issued in any one calendar year.

7. CREATION OF PROPERTY OWNERS' ASSOCIATION:

A. An Arrington Conservancy ("Conservancy") shall be created as the property owners' association for all residential lot owners within the PRD Area. The Conservancy documents shall include all duties and responsibilities as set forth in these proffers or as otherwise may be assigned by the declarant. Such Conservancy shall have title to and responsibility for (i) common open space and landscape easement areas not dedicated to public use in accordance with these Proffers, and (ii) common buffer areas located outside of residential lots. The Conservancy shall also have responsibility for the perpetual maintenance of (i) any entrance feature (subdivision) signs and fencing, and perimeter or road buffers; (ii) any trails, walkways, trees and landscaping located in common open space areas; (iii) trees located within the street tree easement(s) or within the public right of way to the extent permitted by the governing body, (iv) street lights, trails, and sidewalks in the public right of way or in public access easements adjacent to public rights of ways; (v) private streets and alleys, and (vii) all community facilities, including, but not limited to buildings and other structures, swimming pool, tot lots, and multi-purpose courts, located within the common open space areas.

B. The Conservancy shall be granted such other responsibilities, duties, and powers as are customary for such property owner associations, or as may be required to effect the purposes for which such Conservancy is created. It shall also be granted sufficient powers as may be necessary, by regular or special levies or assessments, to raise revenues sufficient to perform the duties assigned hereby, or by the documents creating the Conservancy.

C. The Owner may elect to establish more than one Conservancy within the PRD Area, in which case an umbrella organization or master association shall be established whereby costs of and responsibility for maintenance of all open spaces and stormwater management facilities are shared by all residential lot owners within the PRD Area.

D. The Conservancy documents shall prohibit (i) conversion of garages constructed on the residential lots to living area or any other use that precludes the storage of vehicles within such garages; and (ii) parking of recreational vehicles on residential lots within the PRD Area, the common open space areas, and the public streets fronting such residential lots. Recreational vehicles shall include, but not be limited to, boats, trailers, and campers.

E. The Conservancy documents shall include provisions assuring that common open space and facilities for common use are made available to all residents.

F. In the event a private alternative onsite sewage system and associated primary and reserve dispersal fields are constructed to serve the residential lots within the PRD Area, the Conservancy documents shall (i) include a disclosure of the existence of such facilities as well as all fees to be paid by resident members of the Conservancy

associated with its operation and maintenance as required by Virginia law, and (ii) contain a statement that neither the Town nor County are responsible for the operation or maintenance of these facilities.

8. WATER AND SEWER:

A. The Base Zoning option with a residential density of 217 Market-Rate Lots will be served by public water in accordance with the existing Town/County Joint Planning and Water Service Agreement, and will be served by (i) a privately maintained Alternative On-Site Sewage System ("AOSS") and discharge dispersal fields as set forth in Paragraph 17 of these Proffers, all at the Owner's expense, or (ii) at the sole option of Owner connection to public sanitary sewer, if available.

B. In the event the municipal boundary between the County and the Town is adjusted through a Boundary Line Adjustment process or other suitable arrangement under Subtitle III of Title 15.2 of the Code of Virginia and the Property is subsequently located within the corporate limits of the Town, and adequate public water and sanitary sewer services are available from the Town to serve the proposed development of the Property, development of the Property may proceed under Alternative A, or Alternative B if the right-of-way dedication and associated easements required for the northerly extension of Alwington Boulevard through the parcel containing 50.0094 acres identified on County Tax Maps as PIN 6983-28-8269-000 is obtained, with public water and sewer service provided by the Town.

C. The Owner shall offer to the County, at no expense to the County, the two existing wells on the Property shown on Sheet 6 of the CDP and labeled "EX. WELL (TO REMAIN FOR MONITORING USE)" for use as part of the County's ground water monitoring program if such program does not include any additional above-grade devices or improvements to said wells. In the event the County does not accept one or both offered wells, such well, or wells, may be used by the Conservancy for irrigation purposes. Otherwise, such well, or wells, shall be abandoned in accordance with applicable standards and regulations.

D. The owner shall offer to the Town, at no expense to the Town, the existing well on the Property shown on Sheet 6 of the CDP and labeled "PROP. PUBLIC WELL (FOR FUTURE TOWN USE)". In the event the Town does not accept the offered well, such well may be used by the Conservancy for irrigation purposes. Otherwise, such well shall be abandoned in accordance with applicable standards and regulations.

9. PARKS AND RECREATION:

A. The Owner shall contribute to the County a one-time cash contribution in the amount of $804.63, as adjusted to include any escalation of said amount pursuant to Proffer 21 below, for each residential dwelling unit constructed on a Market-Rate Lot within the PRD Area. Such contribution shall be used by the County to support improvements to existing public park facilities and construction of new public park facilities within the County as identified in the Fauquier County Budget and Capital Improvement Program. The escalation adjustment, if any, shall be provided by the County to the

Owner at the time of approval of the building permit for construction of each residential dwelling unit to be constructed on a Market-Rate Lot within the PRD Area and the per-unit contribution plus escalation adjustment, if any, shall be payable to the County prior to the issuance of the occupancy permit for said dwelling unit.

B. Off-Site Easement Reservation for Future Linear Park and Trail. The Owner, being the current owner of the portion of the Parent Tract that is not subject to REZN-22-017978 (the "Residual Property"), shall provide a letter of agreement addressed to the County acknowledging that the Owner will refrain from constructing improvements or conducting any other activities or granting any easements on the Residual Property that would impact, be inconsistent with, or interfere with the general alignment of an easement for a future linear park and trail to be constructed by others on the Residual Property. The general location of such easement is shown on Sheet 6 of the CDP and noted as "EASEMENT RESERVATION (50' WIDE) FOR FUTURE LINEAR PARK AND TRAIL (TO BE CONSTRUCTED BY OTHERS)" (the "Easement Reservation for Future Linear Park and Trail"). The aforesaid letter of agreement shall be provided to the County prior to approval of the first Code of Development Site Plan for the Property and include the Residual Property landowner's agreement to the recordation of the Easement Reservation for Future Linear Park and Trail at the request of the County upon the County's finalization of the alignment on the Residual Property. The Owner, being the current Residual Property landowner also, acknowledges its continuing obligation to protect and preserve its ability to provide such reservation.

10. LANDSCAPE AND CONSERVATION:

A. The Arrington COD provides for the protection of certain existing trees and vegetation and for the installation of additional trees and plant material. The Owner shall incorporate covenants into the Conservancy documents that provide for the continuing protection of preserved or installed vegetation and trees for buffer areas, street trees, and open spaces. The Conservancy documents shall insure that appropriate plant materials as identified in the COD are used for landscaping of street and open spaces and shall provide standards for the maintenance of all landscaping. The Owner may install utilities and utility crossings through open spaces and landscaped areas, provided that the required landscaping standards are implemented and that the open space requirements of the COD are satisfied.

B. In recognition of the time required for trees to attain maturity, existing stands of trees and hedgerows are incorporated into development plans whenever possible, and efforts shall be made for the protection of these existing stands to the fullest extent possible. Such protection shall be shown on the Code of Development Site Plan.

C. No wetlands, floodplain, or archaeological site considered to be potentially eligible for nomination for inclusion in the National Register of Historic Places shall be located on any residential lot.

D. The Owner shall assure that the design, construction, and maintenance of all stormwater management facilities shall adhere to the current requirements set forth in the Stormwater Management/Erosion and Sediment Control Ordinance (Chapter 11

of the County Code) and Chapter 2 of the County Design Standards Manual (DSM). Virginia Stormwater Management Authority Permits will be issued by the County and General VPDES Permits for Discharges of Stormwater from Construction Activities will be issued by the Virginia Department of Environmental Quality. Drainage easements, where necessary, shall be placed on the final plat.

E. Signage related to the history of the property shall be placed near archaeological site 44FQ0205 (determined to be potentially eligible for inclusion in the National Register of Historic Places) as part of the development for the Project. Signage shall be coordinated with the County's historic preservation planner prior to installation. In addition, archaeological site 44FQ0206 shall be permanently protected as it has also been determined to be significant and potentially eligible for inclusion in the National Register of Historic Places. Archaeological site 44FQ0206 shall have a 25 foot (25') wide undisturbed buffer placed around the perimeter of the site as shown on the CDP.

F. The Owner shall supplement the existing vegetation behind lots 37-42 and 198-206 with additional plant materials located within a buffer twenty feet (20") in width. Plantings shall be spaced in a natural, random, pattern, and consist of materials native to the area. The planting shall occur at or before the time of infrastructure construction related to the development of each of the adjacent hamlets and shall count towards overall tree cover calculations for the PRD Area.

Lots 37-42 (approximately 600 LF Buffer) Additional plantings:
18 Canopy
18 Evergreen

Lots 198-206 (approximately 800 LF Buffer) Additional plantings:
24 Canopy
24 Evergreen

11. INTENTIONALLY DELETED: (This category of previously proffered improvement is no longer within the definition of "public facility improvement" under § 15.2-2303.4. of the Code of Virginia.)

12. EMERGENCY SERVICES:

A. The Owner shall contribute to the County a one-time cash contribution in the amount of $87.87, as adjusted to include any escalation of said amount pursuant to Proffer 21 below, for each residential dwelling unit constructed on a Market-Rate Lot within the PRD Area. Such contribution shall be used by the County to support construction of a Fire and Rescue Training Facility within the County as identified in the Fauquier County FY2023 Adopted Budget. The escalation adjustment, if any, shall be provided by the County to the Owner at the time of approval of the building permit for construction of each residential dwelling unit to be constructed on a Market-Rate Lot within the PRD Area and the per-unit contribution plus escalation adjustment, if any, shall be payable to the County prior to the issuance of the occupancy permit for said dwelling unit.

B. The Owner shall contribute to the County a one-time cash contribution in the amount of $3,076.84, as adjusted to include any escalation of said amount pursuant to Proffer 21 below, for each residential dwelling unit constructed on a Market-Rate Lot within the PRD Area. Such contribution shall be used by the County to support construction of a Fire and Rescue Station within the County as identified in the Fauquier County FY2023 Adopted Budget. The escalation adjustment, if any, shall be provided by the County to the Owner at the time of approval of the building permit for construction of each residential dwelling unit to be constructed on a Market-Rate Lot within the PRD Area and the per-unit contribution plus escalation adjustment, if any, shall be payable to the County prior to the issuance of the occupancy permit for said dwelling unit.

C. The Owner shall contribute to the County a one-time cash contribution in the amount of $976.48, as adjusted to include any escalation of said amount pursuant to Proffer 21 below, for each residential dwelling unit constructed on a Market-Rate Lot within the PRD Area. Such contribution shall be used by the County to support construction of a Public Safety Building within the County as identified in the Fauquier County FY2023 Adopted Budget. The escalation adjustment, if any, shall be provided by the County to the Owner at the time of approval of the building permit for construction of each residential dwelling unit to be constructed on a Market-Rate Lot within the PRD Area and the per-unit contribution plus escalation adjustment, if any, shall be payable to the County prior to the issuance of the occupancy permit for said dwelling unit.

13. INTENTIONALLY DELETED: (This item is now listed as Proffer 12.C above)

14. INTENTIONALLY DELETED: (This category of previously proffered improvement is no longer within the definition of "public facility improvement" under § 15.2-2303.4. of the Code of Virginia.)

15. INTENTIONALLY DELETED: (This category of previously proffered improvement is no longer within the definition of "public facility improvement" under § 15.2-2303.4. of the Code of Virginia.)

16. TRANSPORTATION:

A. The Owner shall be responsible for the design and construction of certain on-site and off-site transportation improvements serving the Property including the deceleration/turn lanes and median cross-over on Business Route 29 shown on Sheet 6 of the CDP and labeled "PROPOSED JAMES MADISON HIGHWAY INTERSECTION" (the Business 29 Improvements"), and the northerly extension of Alwington Boulevard within the Central SFD Hamlet as shown on Sheet 7 of the CDP ("Alwington Boulevard – Phase 1). In the event the Alternative B option is available and developed by the Owner, including the availability of any required off-site easements and right of way dedications, the Owner shall also design and construct the extension of Alwington Boulevard from Phase 1 to the northerly boundary of the Property as shown on Sheet 7B of the CDP ("Alwington Boulevard Phase 2").

B. The Owner shall dedicate sufficient right of way for, and shall design, those on-site and off-site transportation improvements as shown on the CDP concurrently with the Code of Development Site Plan for the hamlet in which such improvements are located.

C. All roads are intended to be public streets, maintained by the Virginia Department of Transportation or the Town, whichever has jurisdiction thereof, except for those private streets (alleys) that will serve as access to garages constructed on certain residential dwelling lots within the PRD Area.

D. The proposed Business 29 Improvements as described in Proffer 16. A., above and shown on Sheet 6 of the CDP shall be constructed and open to traffic, but not necessarily accepted into the public street system, prior to issuance of the first occupancy permit for a residential dwelling unit constructed within the PRD Area. The portion of Alwington Boulevard located within Phase 1 shall be constructed and open to traffic, but not necessarily accepted into the public street system, prior to issuance of the twenty-first (21st) occupancy permit for a residential dwelling unit constructed within the PRD Area. In the event the Property is developed pursuant to Alternative B, the portion of Alwington Boulevard located within Phase 5 shall be constructed and open to traffic, but not necessarily accepted into the public street system, prior to issuance of the first occupancy permit for a residential dwelling unit constructed within the North Hamlet of the PRD Area.

17. WASTEWATER TREATMENT AND SUBSURFACE DISPERSAL SYSTEM:

A. As previously proffered, the Base Zoning option with a residential density of 217 Market-Rate Lots is predicated on the availability of public sewer from the Town, or, alternatively, the construction of a privately owned alternative onsite sewer system ("AOSS") and associated primary and reserve dispersal fields. In the event sanitary sewer service is not available from the Town under the Base Zoning option, the Owner shall construct the aforesaid AOSS and associated primary and reserve dispersal fields. The AOSS and associated primary and reserve dispersal fields shall be designed, constructed, and operated in accordance with the standards set forth in the Virginia Department of Health (VDH) Alternative Onsite Sewerage System Regulations (12 VAC 5-613, et seq). These facilities shall be deeded to an entity approved by VDH for operation, maintenance, and monitoring as set forth below. The sanitary sewer collection system shall be designed and constructed pursuant to the Town's Specifications and Standards set forth in its Public Facilities Manual.

B. The Owner shall be responsible for all design and construction costs of the AOSS and associated primary and reserve dispersal fields provided, however, that the responsibility for these costs may be assigned to a separate AOSS Owner/Operator as defined below.

C. The Owner shall be responsible for all costs of operation and maintenance of the AOSS and associated primary and reserve dispersal fields until such works are conveyed to a licensed third-party owner/operator acceptable to the VDH (the "AOSS Owner/Operator"). The AOSS Owner/Operator shall comply with the requirements of the Public Service Companies, Utility Facilities Act (Va. Code § 56-265.1 et seq.), and acquire a Certificate of Convenience and Necessity pursuant that Act, which requires a Comprehensive Business Plan and reasonably assures system performance over the long term as determined by the Virginia State Corporation Commission ("SCC").

D. The AOSS Owner/Operator shall provide its Comprehensive Business Plan to the County at the same time it is provided to the SCC.

E. Prior to any required Code of Development Site Plan approval, the AOSS design shall be reviewed and approved by VDH. Documentation of approval shall be given to the County Department of Community Development.

F. The AOSS Owner/Operator of the entire system, (including: collection system, treatment facilities, primary dispersal fields and reserve dispersal fields), shall be vested with the legal authority to operate such facilities and shall, prior to assuming such responsibility, be provided with all necessary easements or interests in the property required to perform its duties.

G. Prior to County approval of the Code of Development Infrastructure Plan for construction of the AOSS and associated primary and reserve dispersal fields, the Owner shall acquire VDH approval of such plans.

H. The Owner shall comply with all published bonding requirements of the County and the SCC for construction and operation of the AOSS and associated primary and reserve dispersal fields.

I. In the event sanitary sewer service is not available from the Town under the Base Zoning option, prior to execution of any contract for the initial sale of a residential dwelling unit constructed, or to be constructed, within the PRD Area, the Owner shall require the builder of such dwelling unit to (a) disclose the existence of the AOSS and associated primary and reserve dispersal fields as well as all fees associated with its operation and maintenance as required by Virginia law, and (b) include a statement within the contract that neither the Town nor the County are responsible for the operation or maintenance of the AOSS and associated primary and reserve dispersal fields.

18. REQUIREMENTS FOR CONSTRUCTION OF SUBSURFACE STRUCTURES:

A. For all residences constructed within the PRD Area that will include basements, no below grade basements shall be constructed on soils with high water tables, unless the foundation drainage system of the structure is designed by licensed professional engineers to assure a dry basement and to preclude wet yards and recirculation of pumped or collected water and approved by the County.

B. The deeds to each unit with a basement so constructed shall include the following language:

> "This house has been constructed on property that has been determined to possess a high subsurface water table. A foundation drainage system for this home and lot has been engineered and built according to standard engineering practices. The property owner is advised that any disturbance of this foundation drainage system may result in excess water in the yard or basement of the home, and that any

such disturbance is undertaken at the sole risk of the property owner. The owner is advised to consult with a competent civil or geotechnical engineer prior to undertaking any land disturbance activity, which means any activity that changes the volume, velocity, or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity that bares soil or rock or involves the diversion or piping of any natural or man-made watercourse that may affect the foundation drainage."

19. SCHOOLS:

A. The Owner shall contribute to the County a one-time cash contribution in the amount of $3,334.62, as adjusted to include any escalation of said amount pursuant to Proffer 21 below, for each residential dwelling unit constructed on a Market-Rate Lot within the PRD Area. Such contribution shall be used by the County to support construction of the W.C. Taylor Middle School expansion as identified in the Fauquier County Capital Improvement Program (FY 2023 Adopted). The escalation adjustment, if any, shall be provided by the County to the Owner at the time of approval of the building permit for construction of each residential dwelling unit to be constructed on a Market-Rate Lot within the PRD Area, and the per-unit contribution plus escalation adjustment, if any, shall be payable to the County prior to the issuance of the occupancy permit for said dwelling unit.

B. (a). Subject to approval by the Town and/or County and Virginia Department of Transportation (VDOT), as well as the School Board of Fauquier County, the adjoining property owner and beneficiary of the following entrance improvements, and the granting of any necessary easements and dedication of any required right-of-way at no cost to the Town, County, or Owner, the Owner shall design, provide a bond for construction of, and construct the ultimate roadway, curb and gutter, sidewalk, and drainage improvements along the east side of Alwington Boulevard at the entrance to Brumfield Elementary School as shown on Sheet 6 of the CDP and labeled "PROPOSED BRUMFIELD ELEMENTARY SCHOOL ENTRANCE IMPROVEMENTS" (the "School Improvements"). Provided the above-referenced approvals and easements are granted and right-of-way dedicated, the School Improvements shall be open to traffic prior to the issuance of the twenty-first (21st) occupancy permit for a residential dwelling unit constructed within the PRD Area.

(b). In the event the School Board of Fauquier County and/or the Zoning Administrator request the Owner to delay construction of the School Improvements and complete same in accordance with an alternative schedule, then the completion of the School Improvements prior to the issuance of the twenty-first (21st) occupancy permit for a residential dwelling unit constructed within the PRD Area shall no longer be a requirement under this Proffer and completion of such improvements shall conform to the approved alternative schedule. In the event such approval and easements are not granted or the required right-of-way is not dedicated within six (6) months after the Owner submits such request, at no fault of Owner, then, in lieu of constructing the aforesaid entrance improvements, the Owner shall provide a cash contribution to the

County in the amount of $250,000.00 prior to issuance of the twenty-first (21st) occupancy permit for a residential dwelling unit constructed within the PRD Area and, upon the County's receipt of such payment, the Owner shall have no further obligation to construct the entrance improvements under this Proffer 19.B.

20. FURTHER ASSURANCES OF COMPLIANCE WITH THESE PROFFERS IN THE EVENT OF A COUNTY/TOWN BOUNDARY LINE ADJUSTMENT

A. It is the Owner's intention that although this Rezoning is being undertaken pursuant to the Ordinances of, and under the jurisdiction of, the County, that these proffers and the exhibits incorporated herein by reference will continue to bind the development of the Property if the Property is adjusted into the Town's boundary.

B. In the event that the County and the Town enter into a Boundary Line Adjustment Agreement or other suitable arrangement under Subtitle III of Title 15.2 of the Code of Virginia such that the Property is subsequently located within the corporate limits of the Town, these Proffers shall be deemed Proffers imposed by the Town Council of the Town and the Town's officials shall assume the roles assigned to similar County officials as designated herein, as shall be set forth in any such Agreement and the Owner will cooperate fully with the jurisdictions in that event.

C. The Owner shall furthermore affirmatively request both the Town and the County to include in any such Boundary Line Adjustment Agreement, or other suitable arrangement under Subtitle III of Title 15.2 of the Code of Virginia, restrictions on future amendments to these Proffers, or other future legislative land use applications with respect to the Property, on such terms and conditions as the jurisdictions may therein jointly impose, and the Owner will cooperate fully with the jurisdictions in that event.

C. Alternatively, the Owner shall request that any Order of a Special Court arising out of a citizen-initiated petition for a boundary line adjustment under the aforesaid Subtitle include provisions consistent with, and implementing, the foregoing paragraphs of this Proffer 20.

21. ESCALATOR CLAUSE

A. Any monetary contributions set forth in this Proffer Statement which are paid to the Board of Supervisors after 36 months from the date of rezoning approval by the Board shall be adjusted in accordance with the Urban Consumer Price Index ("CPI-U"), as published by the United States Department of Labor. The adjustment shall be calculated from the CPI-U published most nearly to and following January 1st from that date 36 months after rezoning approval and the date the contributions are paid, subject to a cap of 3% per year, non-compounded.

*** Owner Signature on the following page***

**OWNER: Alwington Farm LLC**

By: W Boyd Laws
Print Name: W. Boyd Laws
Title: Manager
Date: Oct. 28, 2023

## EXHIBIT A

### Application Property

The Property subject to rezoning application REZN-22-017978 shall consist of the 234.08765 acres identified as "APPLICATION PROPERTY" on the "CERTIFIED ZONING PLAT" included as Sheets 16 and 17 of the plan set entitled "ARRINGTON, CONCEPT DEVELOPMENT PLAN, PLANNED RESIDENTIAL DEVELOPMENT PLAN, REZONING APPLICATION, MARSHALL MAGISTERIAL DISTRICT, FAUQUIER COUNTY, VIRGINIA" prepared by Bowman Consulting Group, Ltd., said sheets dated June 3, 2022 and signed September 25, 2023.

## EXHIBIT`B

## Concept Development Plan

# ARRINGTON

## CONCEPT DEVELOPMENT PLAN
## PLANNED RESIDENTIAL DEVELOPMENT PLAN

### REZONING APPLICATION

MARSHALL MAGISTERIAL DISTRICT FAUQUIER COUNTY, VIRGINIA

OWNER
ALBINGTON FARM LLC
4894 GARLETT ROAD
GARLETT, VA 22910

APPLICANTS
ALBINGTON FARM DEVELOPERS, L L C
1669 GROVE ROAD
CHARLOTTESVILLE, VA 22901

VAN METRE COMMUNITIES, L L C
3180 MAIN STREET, SUITE 3600
FAIRFAX, VA 22031

APPLICATION CASE NUMBER

REZN-22-007518

REQUESTED WAIVERS & MODIFICATIONS

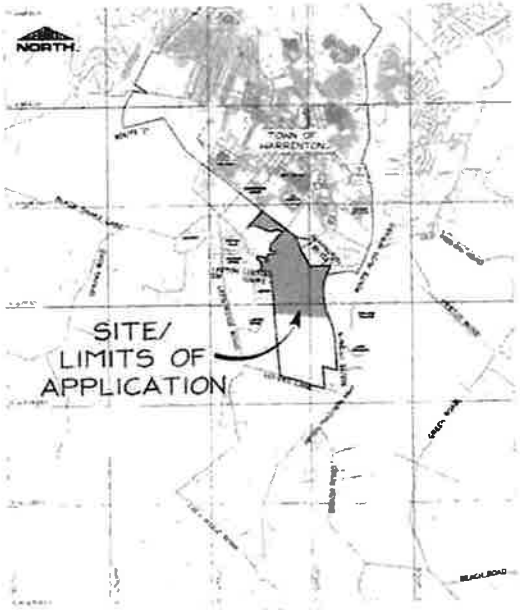
PURSUANT TO FAUQUIER COUNTY ZONING ORDINANCE SECTION 4-20 - MODIFICATIONS, THE FOLLOWING WAIVERS AND MODIFICATIONS ARE BEING REQUESTED

1. MODIFICATION TO FAUQUIER COUNTY ZONING ORDINANCE ARTICLE 8, SECTION 8-101 MINIMUM FRONT YARD SETBACK OF 35 FEET.
SECTION 4-101 C.3 REQUIRES SINGLE FAMILY RESIDENTIAL UNITS SHALL BE LOCATED LATERALLY NOT BACK NOT FURTHER THAN 40-20 FEET. STREET TREES ARE PROPOSED IN FRONT YARDS WITHIN A STREET TREE EASEMENT THAN REQUIRING A LARGER FRONT YARD SETBACK

2. MODIFICATION TO FAUQUIER COUNTY ZONING ORDINANCE ARTICLE 8, SECTION 8-101 MINIMUM SIDE YARD SETBACK OF 35 FEET FOR SIDE YARDS ADJACENT TO PUBLIC STREETS.
SECTION 4-101 C.3 REQUIRES THE DWELLING NOT TO EXCEED 40 FEET FOR AN INTERIOR REFERENCE. WE REQUEST THE DWELLING MEASURE TO 2 FEET AS IT APPROACHES THE DRIVEWAY AREA IN ACCORDANCE WITH THE PERMIT WIDTH OF A PRIVATE ENTRANCE AS REQUIRED BY VIRGINIA DEPARTMENT OF TRANSPORTATION.

3. WAIVER OF FAUQUIER COUNTY ZONING ORDINANCE ARTICLE 7-300 TO ALLOW PUBLIC STREETS DESIGN TO TOWN OF WARRENTON STANDARDS.
SECTION 7-101 REQUIRES PUBLIC STREETS TO BE DESIGNED TO VDOT STANDARDS UNLESS A TYPICAL EXCEPTION IS APPROVED WAIVING THE REQUIREMENT. A WAIVER IS REQUESTED TO ALLOW PUBLIC STREETS TO BE DESIGNED TO THE TOWN'S DESIGN STANDARDS AND SPECIFICATIONS IN THE EVENT THE PROPERTY IS INCLUDED WITHIN THE CORPORATE BOUNDARIES OF THE TOWN. FURTHER THE WAIVER INCLUDES PERMITTING THE PROPOSED ALLEYS TO BE DESIGNATED AS PRIVATE STREETS MAINTAINED BY THE HOMEOWNER'S ASSOCIATION. - EVEN WHEN THE PROPOSED ALLEY SERVES AS THE ONLY STREET PROVIDING FRONTAGE FOR A LOT ON CREATING OF LOTS THAT AS WHEN SUCH LOTS(S) POINTS A COMMON AREA OR COMMUNITY GARTH

4. MODIFICATION TO FAUQUIER COUNTY ZONING ORDINANCE ARTICLE 8, SECTION 8-101 SIDE YARD SETBACK OF 35 FEET FOR SIDE YARDS ADJACENT TO PUBLIC STREETS.
SECTION 4-101 C.3 REQUIRES RESIDENTIAL UNITS TO BE DESIGNED SO THAT GARAGES DO NOT DOMINATE THE STREET, WITH NO DRIVEWAYS OR REAR LOADED GARAGES. WE REQUEST A MODIFICATION TO ALLOW SIDE LOAD GARAGES TO ALIGN WITH THE FRONT OF THE HOUSE AND BE INTEGRATED INTO THE FRONT ELEVATION WITH THE SAME ARCHITECTURAL TREATMENTS




VICINITY AND CONTEXT MAP
SCALE 1" = 2000'

DESIGN TEAM

PLANNING, LANDSCAPE ARCHITECTURE & CIVIL ENGINEERING
BOWMAN CONSULTING GROUP, LTD
[illegible]

TRANSPORTATION ENGINEERING
[illegible]

ENVIRONMENTAL ENGINEERING
BOWMAN CONSULTING GROUP, LTD
13461 SUNRISE VALLEY DR SUITE 500
HERNDON, VIRGINIA 20171

WASTEWATER ENGINEERING
[illegible]

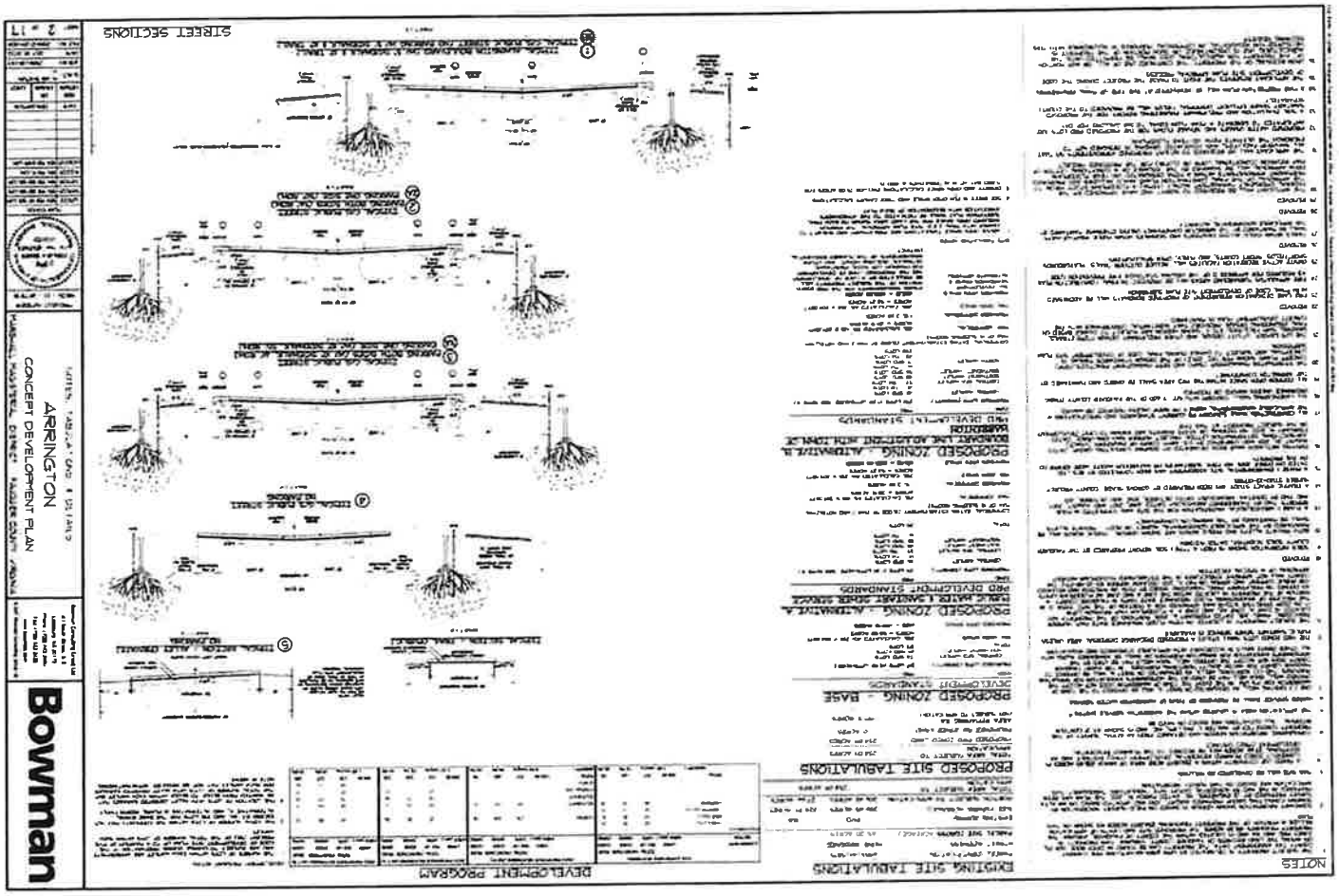
LEGAL
[illegible]

SHEET INDEX

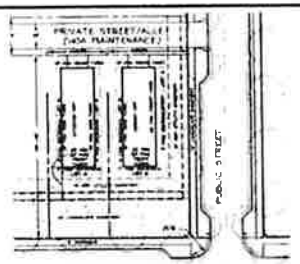
1 COVER SHEET
2 [illegible]
3A [illegible]
4 EXISTING CONDITIONS PLAN
5 SOILS MAP
6 SOIL CHARACTERISTICS
7 OVERALL ILLUSTRATIVE PLAN
8 CONCEPT DEVELOPMENT PLAN
9A CONCEPT DEVELOPMENT PLAN (ALT A)
9B CONCEPT DEVELOPMENT PLAN (ALT B)
10 CONCEPTUAL CIRCULATION PLAN
10A CONCEPTUAL CIRCULATION PLAN (ALT A)
10B CONCEPTUAL CIRCULATION PLAN (ALT B)
11 CONCEPTUAL GRADING & UTILITY PLAN
11A CONCEPTUAL GRADING & UTILITY PLAN (ALT A)
12 POST-DEVELOPED DRAINAGE DIVIDES
13 POST-DEVELOPED DRAINAGE DIVIDES (ALT B)
13A BMP MAP
13B BMP MAP (ALT B)
14 PRELIMINARY BMP CALCULATIONS
14A PRELIMINARY BMP CALCULATIONS (ALT B)
15 HAMLET OPEN SPACE & CONSERVATION PLAN
15A HAMLET OPEN SPACE & CONSERVATION PLAN (ALT A)
15B HAMLET OPEN SPACE & CONSERVATION PLAN (ALT B)
16 CERTIFIED ZONING PLAT
17 CERTIFIED ZONING PLAT

Bowman

COVER SHEET
ARRINGTON
CONCEPT DEVELOPMENT PLAN
MARSHALL MAGISTERIAL DISTRICT, FAUQUIER COUNTY, VIRGINIA



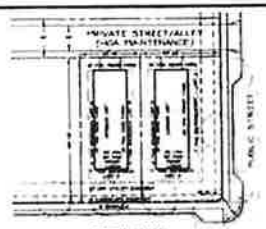
LOT STANDARDS



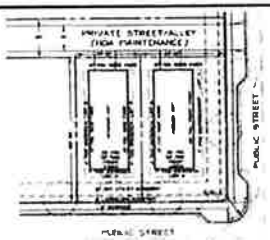

TYPICAL VILLAGE BLOCK 23 SINGLE FAMILY DETACHED (REAR-LOAD)

NOT TO SCALE

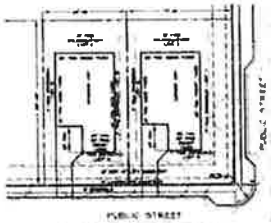
SEE LOT STANDARDS TABLE FOR BLOCK 23 FRONT YARD REQUIREMENT



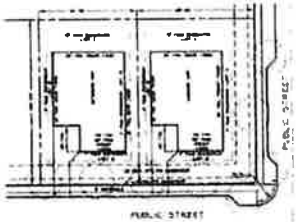

TYPICAL VILLAGE TYPE A SINGLE FAMILY DETACHED (REAR-LOAD)



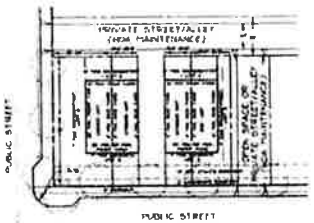

TYPICAL VILLAGE TYPE B SINGLE FAMILY DETACHED (REAR-LOAD)



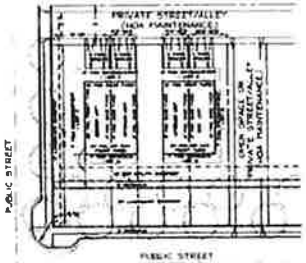

TYPICAL NEIGHBORHOOD TYPE A SINGLE FAMILY DETACHED (FRONT-LOAD)



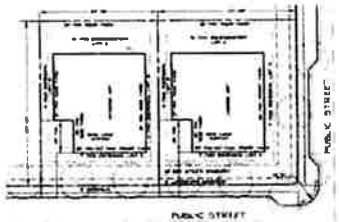

TYPICAL NEIGHBORHOOD TYPE B SINGLE FAMILY DETACHED (FRONT-LOAD)



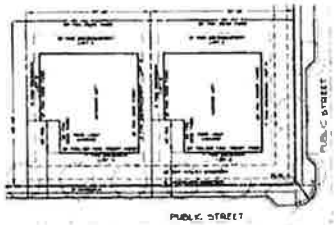

TYPICAL TOWNHOUSE (REAR-LOAD)




TYPICAL TOWNHOUSE AFFORDABLE (BLOCK 24 & 25) (REAR-LOAD)




TYPICAL ESTATE TYPE A SINGLE FAMILY DETACHED (SIDE-LOAD)




TYPICAL ESTATE TYPE B SINGLE FAMILY DETACHED (SIDE-LOAD)

LOT STANDARDS NOTE:

THE REAR PROPERTY LINE SETBACK FOR LOTS 88 AND 89 SHALL BE MEASURED FROM THE EDGE OF PAVEMENT OF THE SHARED DRIVEWAY

Bowman

NOTES, TABULATIONS & DETAILS

ARRINGTON

CONCEPT DEVELOPMENT PLAN

MARSHALL MAGISTERIAL DISTRICT FAUQUIER COUNTY, VIRGINIA

PROJECT NUMBER

PLAN STATUS

| DATE | DESCRIPTION |
|---|---|
| 6/27/22 | |
| 8/29/23 | |
| 12/1/23 | |
| 4/22/24 | |
| 6/20/24 | |

| DRAWN BY | CHECKED BY |
|---|---|
| DP | DMW |

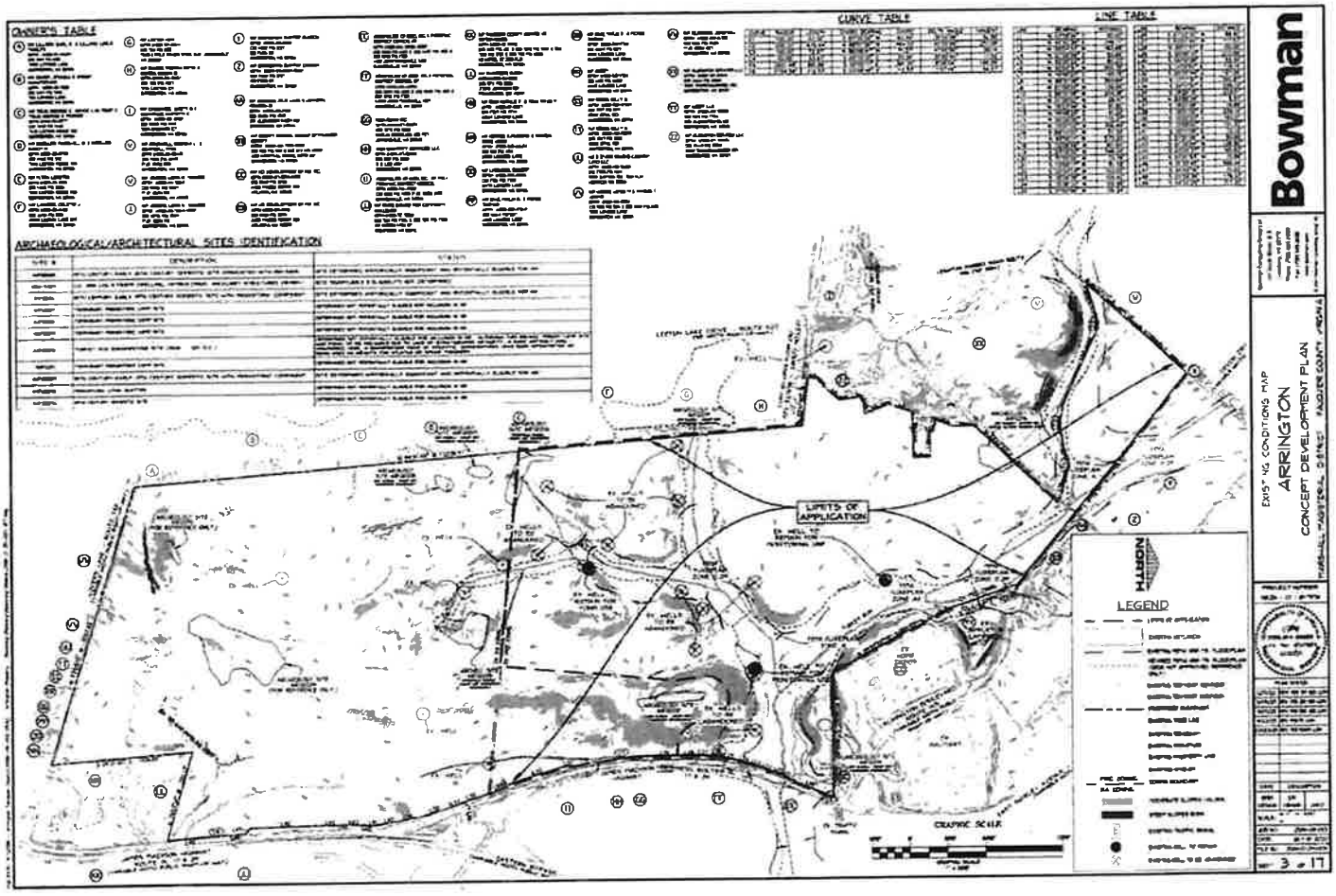
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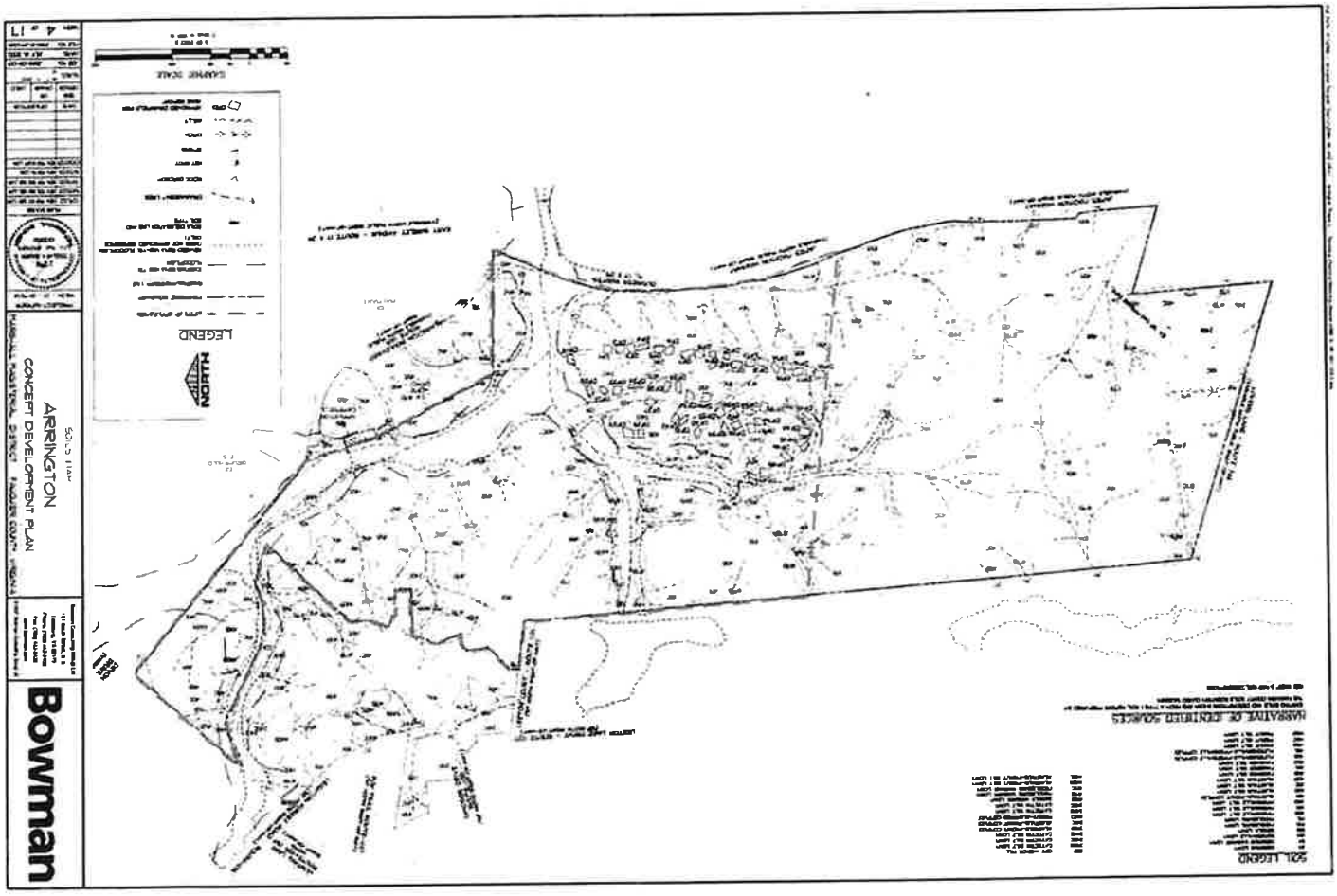
JOB NO. 2018-07-00

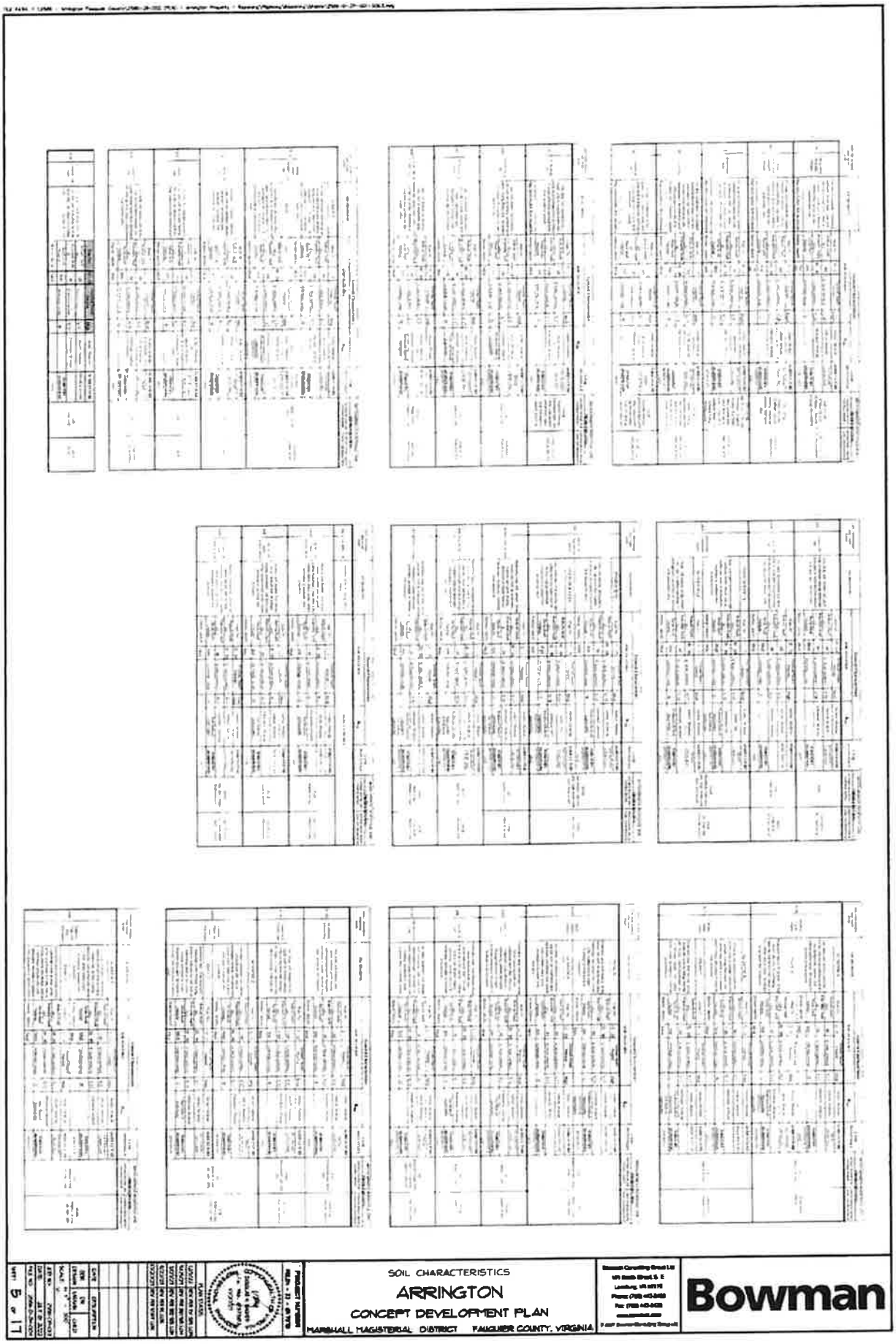
DATE 6.6.2022

FILE NO. 2018-07-CDP

SHEET 2A of 17


OWNER'S TABLE
CURVE TABLE
LINE TABLE
ARCHAEOLOGICAL/ARCHITECTURAL SITES IDENTIFICATION
LIMITS OF APPLICATION
LEGEND
NORTH
GRAPHIC SCALE
Bowman
EXISTING CONDITIONS MAP
ARRINGTON
CONCEPT DEVELOPMENT PLAN
3 of 17


Bowman
ARRINGTON
CONCEPT DEVELOPMENT PLAN
LEGEND
NORTH
SOIL LEGEND



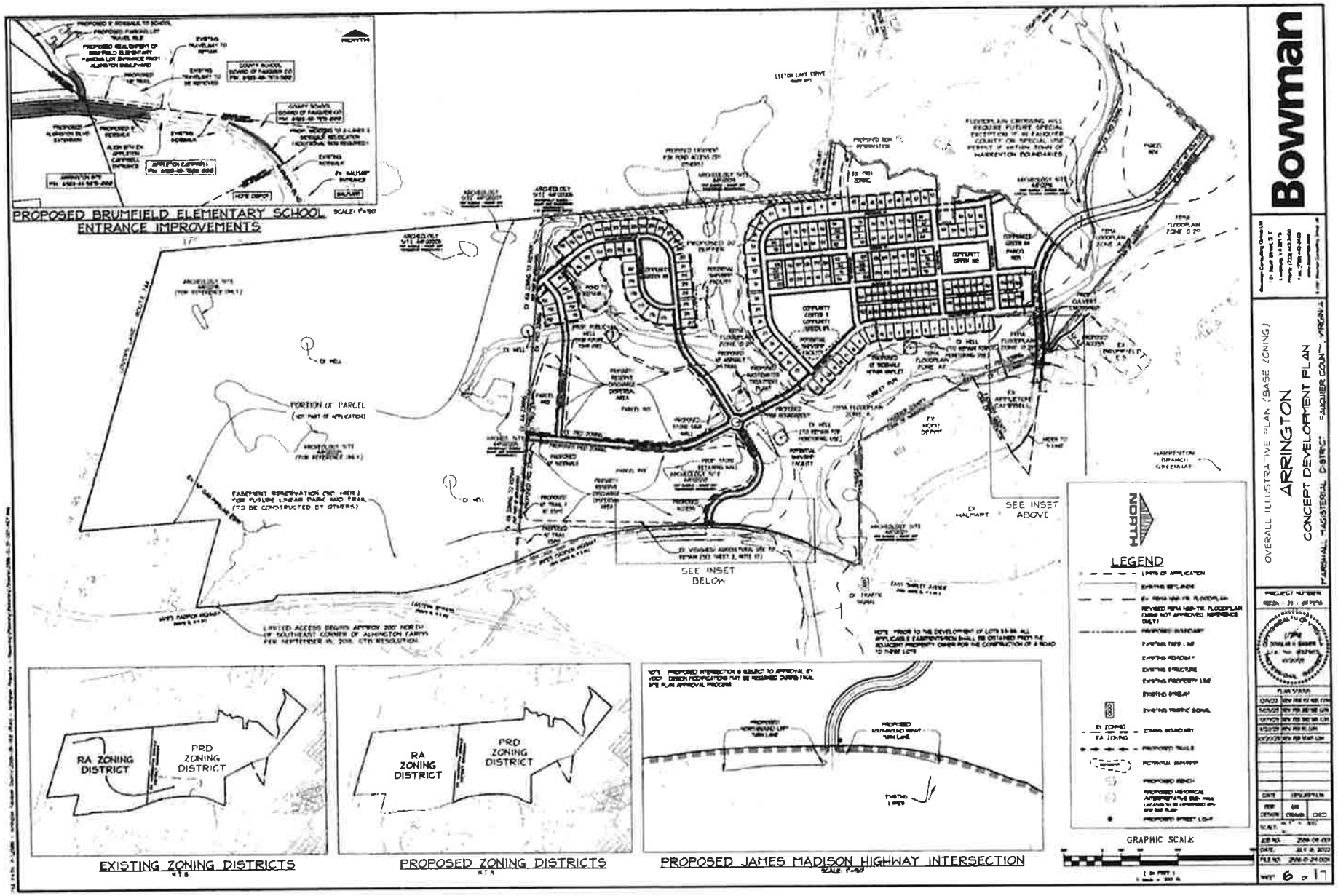
SOIL CHARACTERISTICS

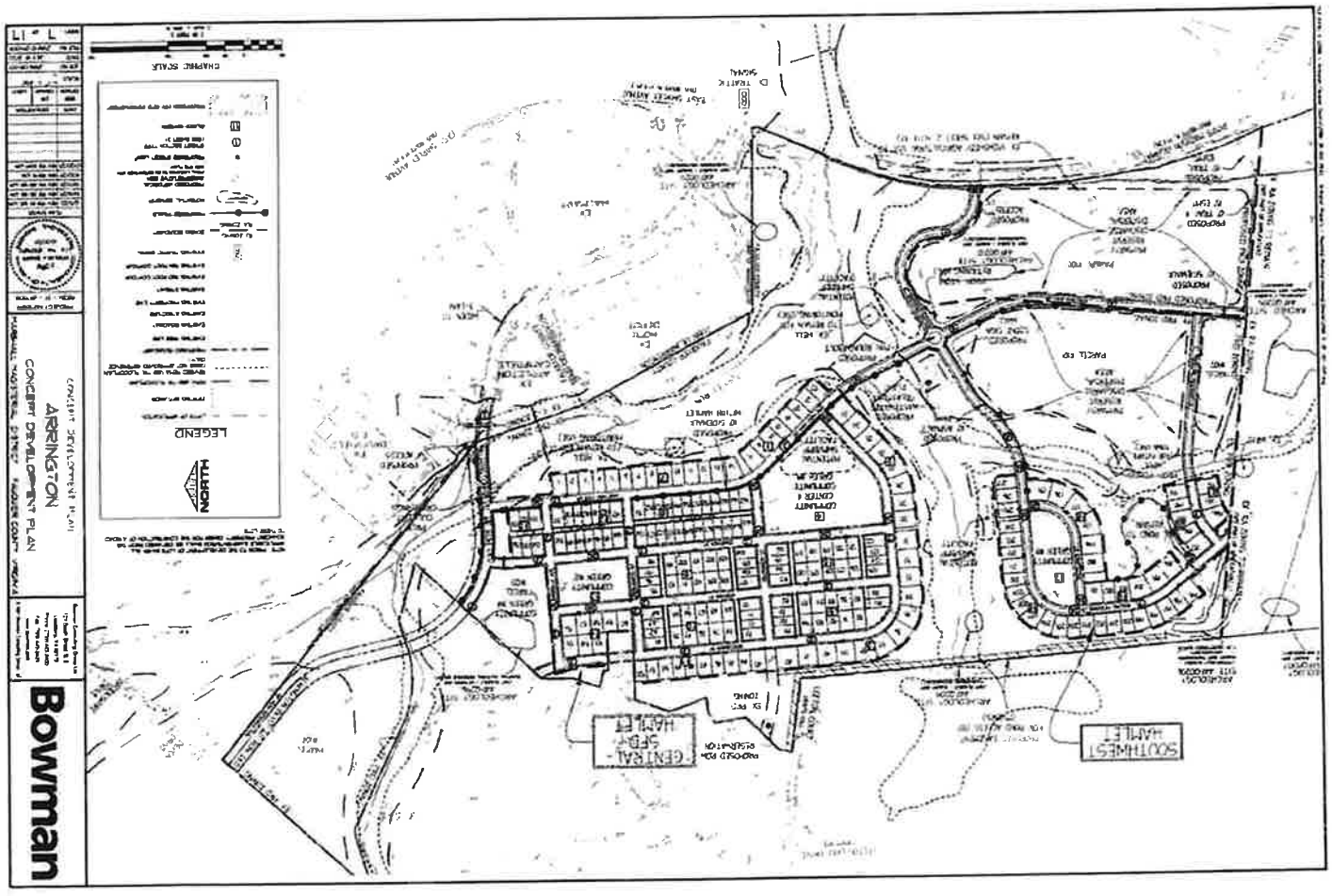
ARRINGTON

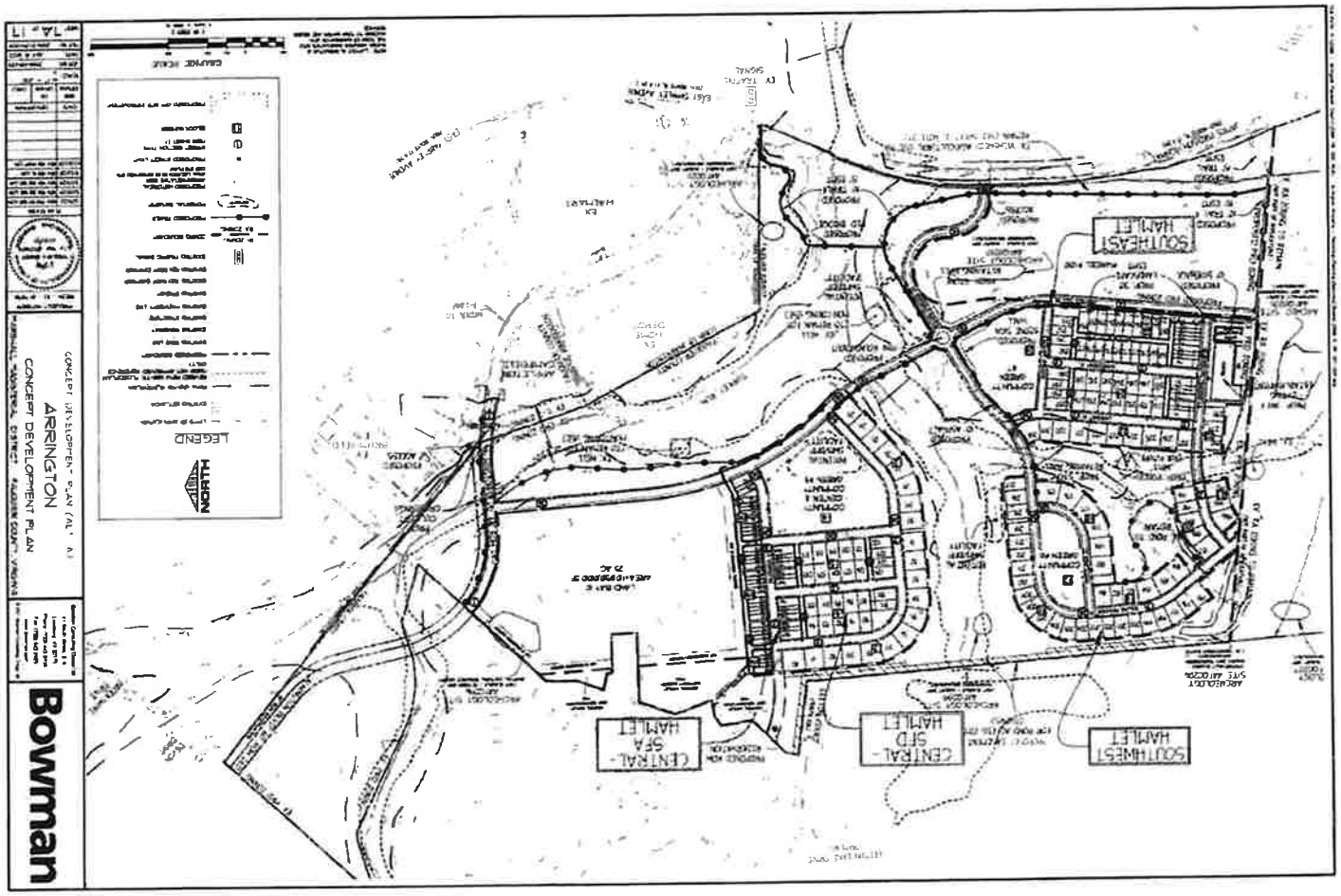
CONCEPT DEVELOPMENT PLAN

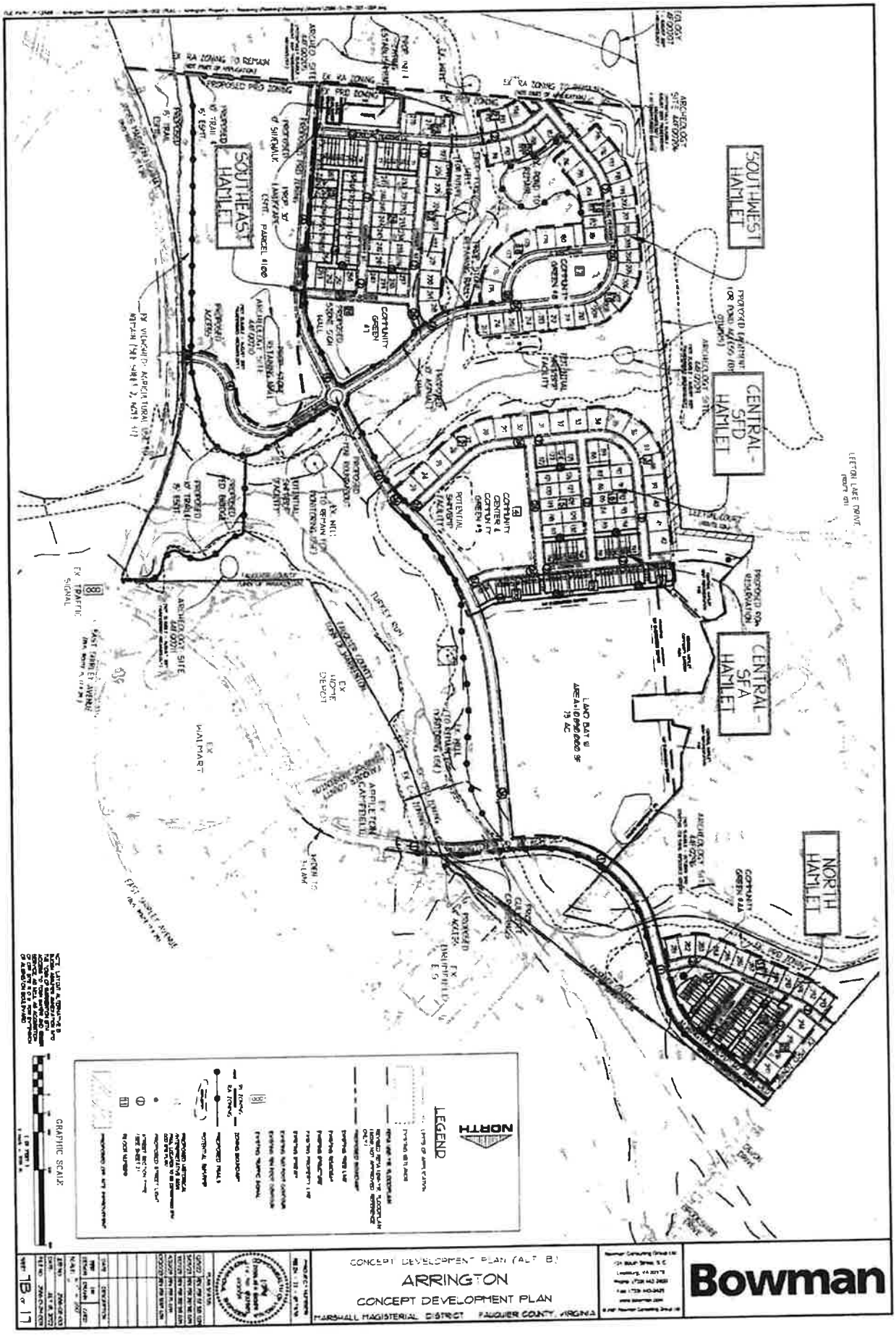
MARSHALL MAGISTERIAL DISTRICT FAUQUIER COUNTY, VIRGINIA

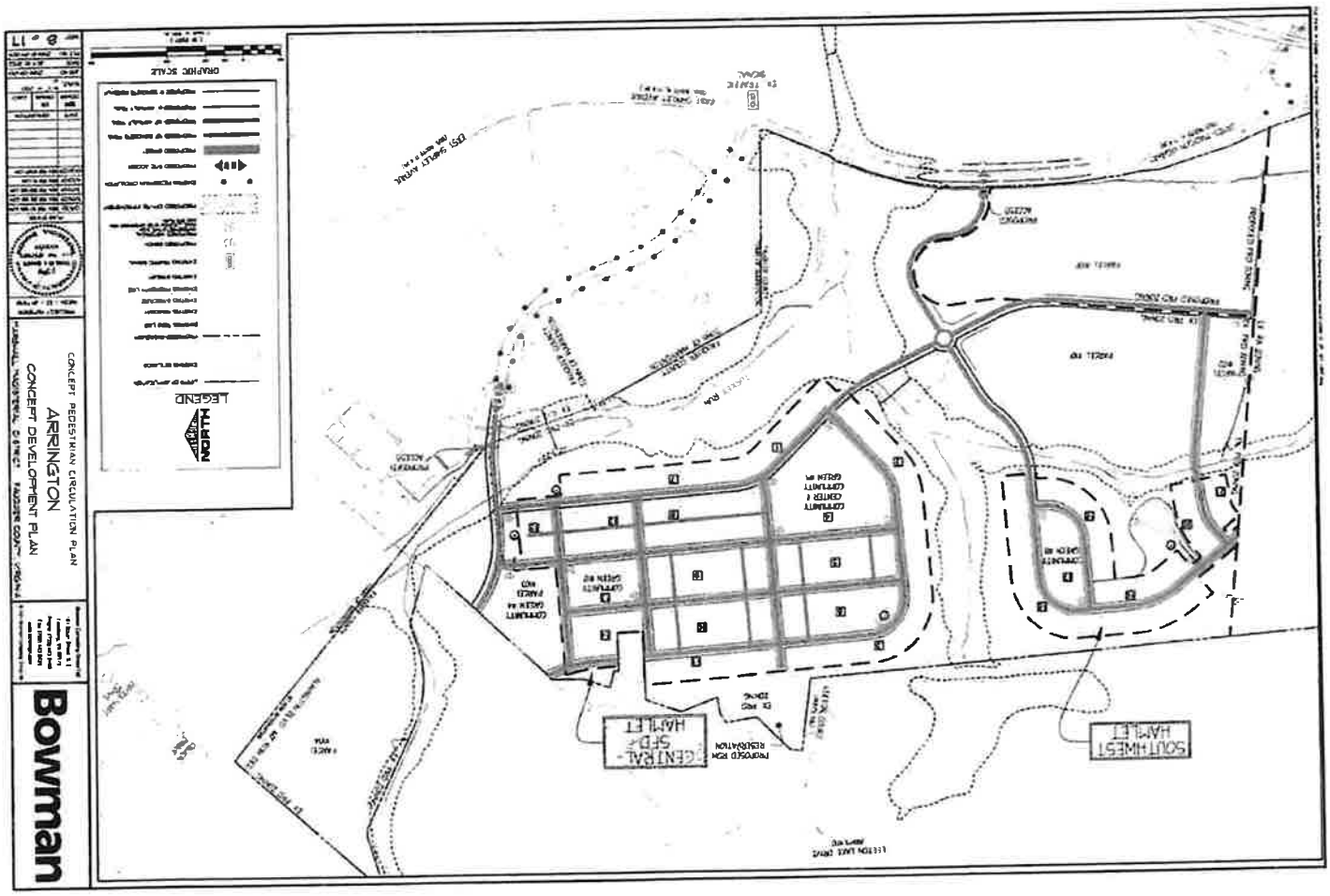
Bowman

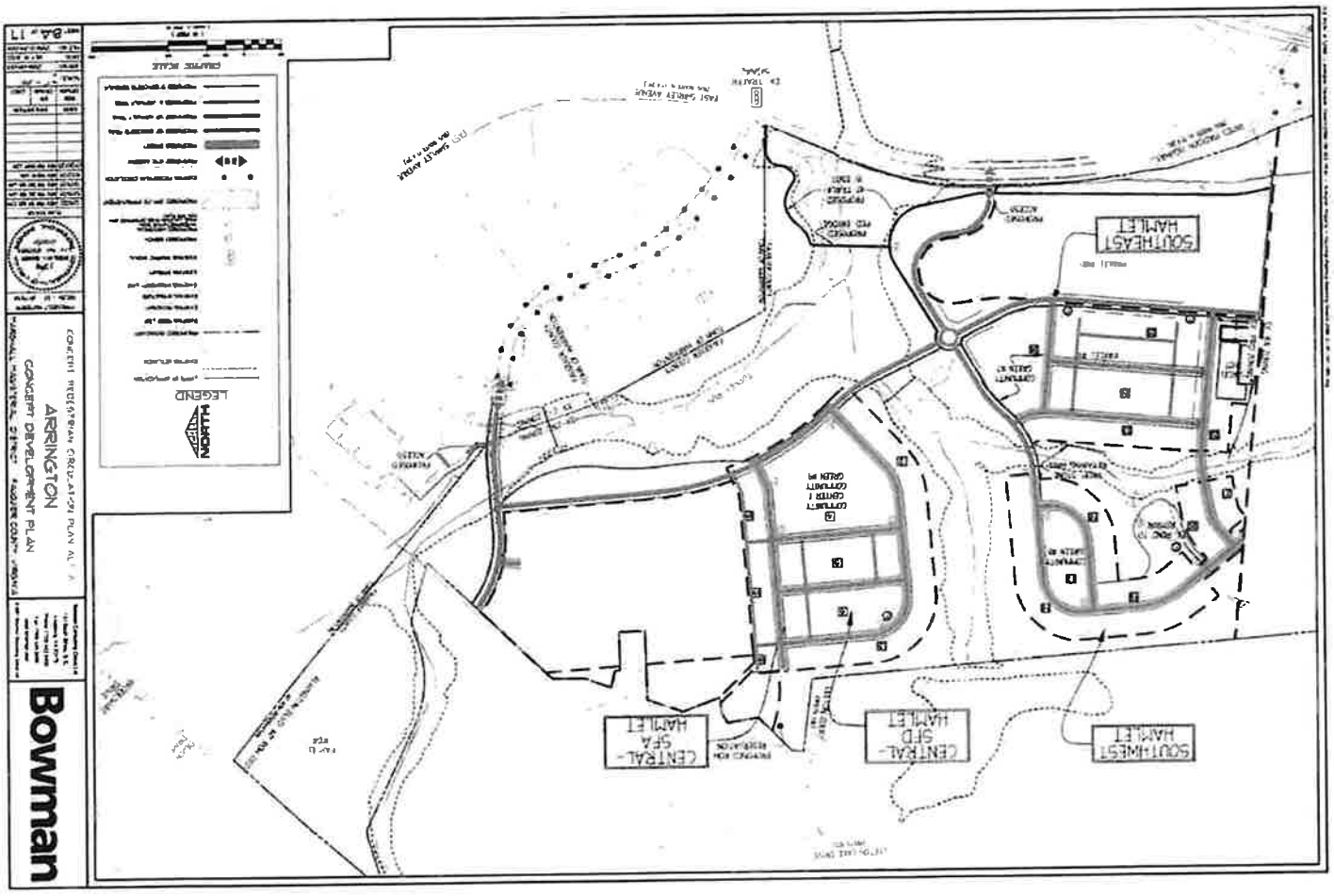

PROPOSED BRUMFIELD ELEMENTARY SCHOOL ENTRANCE IMPROVEMENTS
SCALE: 1"=50'
PORTION OF PARCEL
(NOT PART OF APPLICATION)
SEE INSET BELOW
SEE INSET ABOVE
LEGEND
GRAPHIC SCALE
RA ZONING DISTRICT
PRD ZONING DISTRICT
EXISTING ZONING DISTRICTS
PROPOSED ZONING DISTRICTS
PROPOSED JAMES MADISON HIGHWAY INTERSECTION
SCALE: 1"=40'
Bowman
OVERALL ILLUSTRATIVE PLAN (BASE ZONING)
ARRINGTON
CONCEPT DEVELOPMENT PLAN
MARSHALL MAGISTERIAL DISTRICT FAUQUIER COUNTY, VIRGINIA
6 of 17


Bowman
ARRINGTON
CONCEPT DEVELOPMENT PLAN
LEGEND
HILLTOP
CENTRAL SPEC HAMLET
SOUTHWEST HAMLET

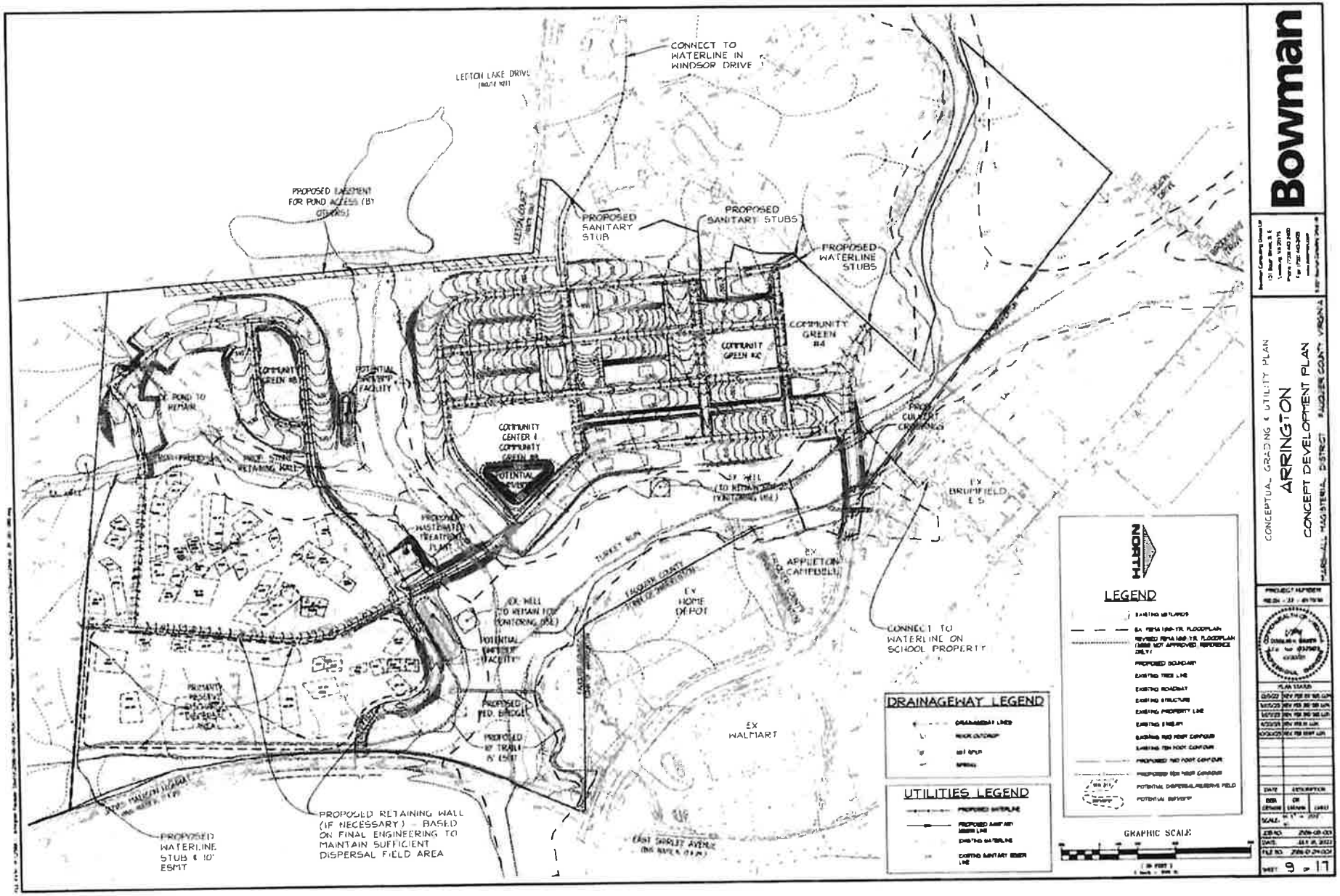

ARRINGTON
CONCEPT DEVELOPMENT PLAN
Bowman
LEGEND
NORTH
SOUTHEAST HAMLET
CENTRAL-SFD HAMLET
CENTRAL-SFA HAMLET
SOUTHWEST HAMLET

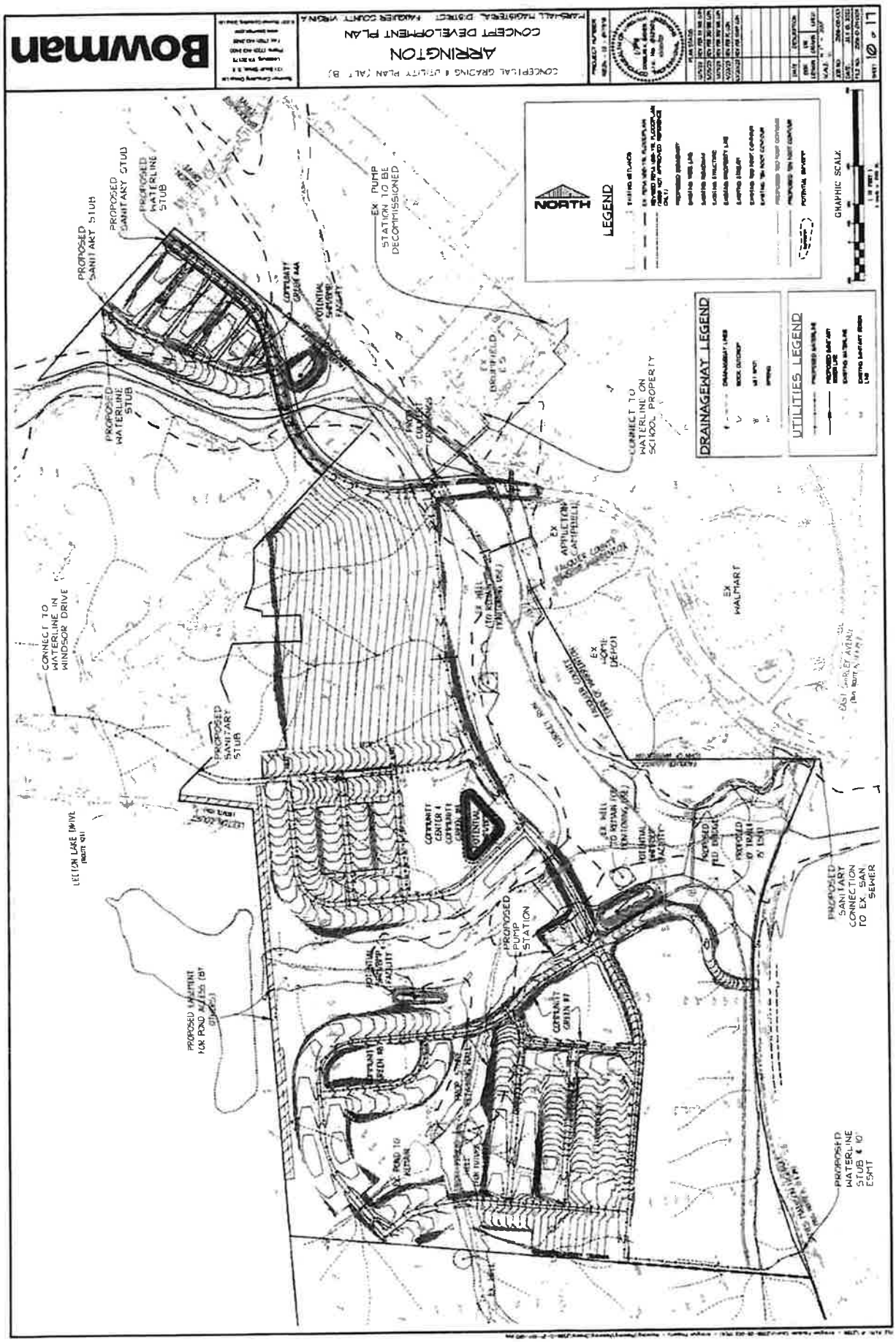

SOUTHWEST HAMLET
CENTRAL-SFD HAMLET
CENTRAL-SFA HAMLET
NORTH HAMLET
SOUTHEAST HAMLET
NORTH
LEGEND
GRAPHIC SCALE
CONCEPT DEVELOPMENT PLAN (ALT. B)
ARRINGTON
CONCEPT DEVELOPMENT PLAN
MARSHALL MAGISTERIAL DISTRICT FAUQUIER COUNTY, VIRGINIA
Bowman

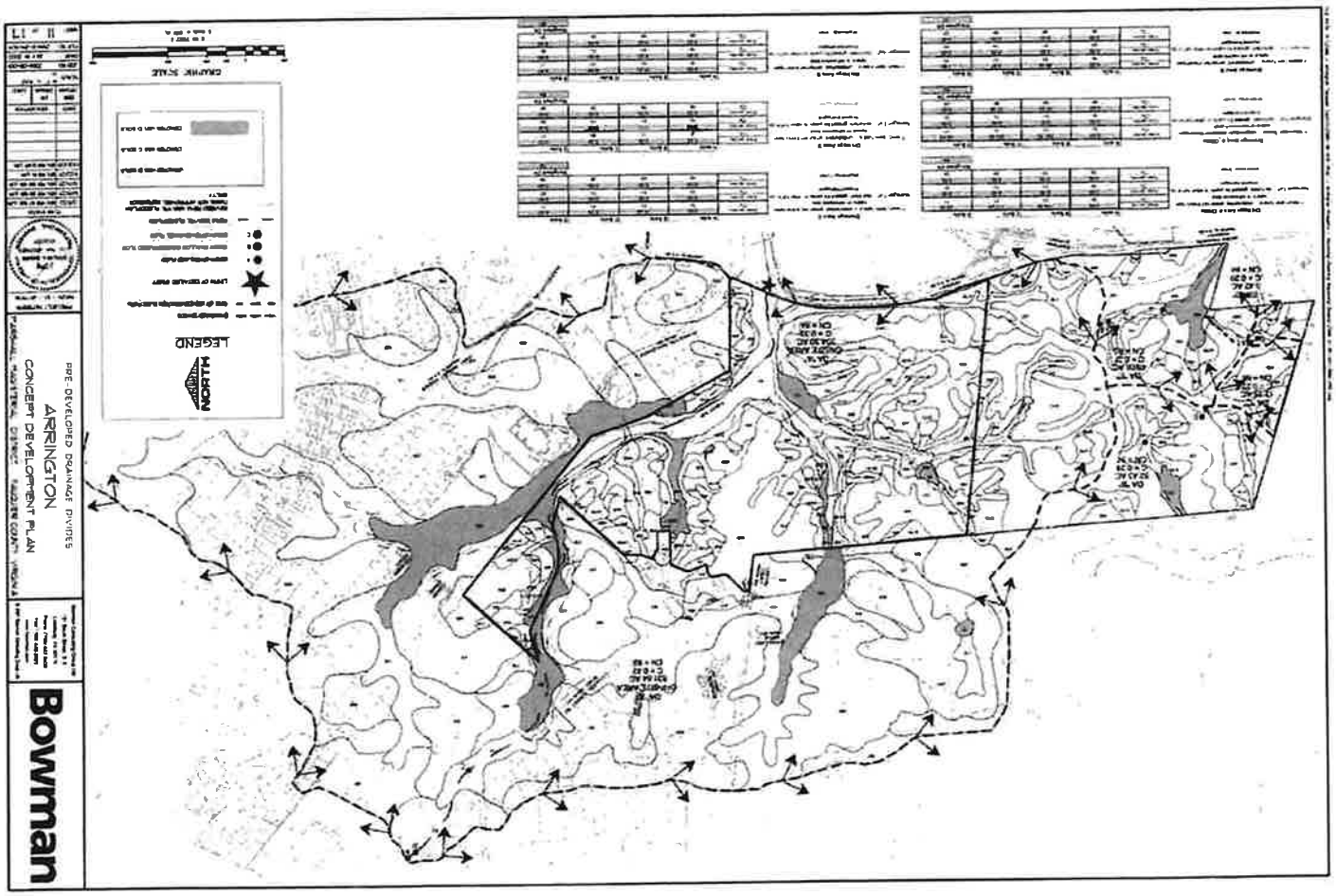

Bowman
ARRINGTON
CONCEPT DEVELOPMENT PLAN
CONCEPT PEDESTRIAN CIRCULATION PLAN
LEGEND
NORTH
GRAPHIC SCALE
SOUTHWEST HAMLET
CENTRAL SF HAMLET

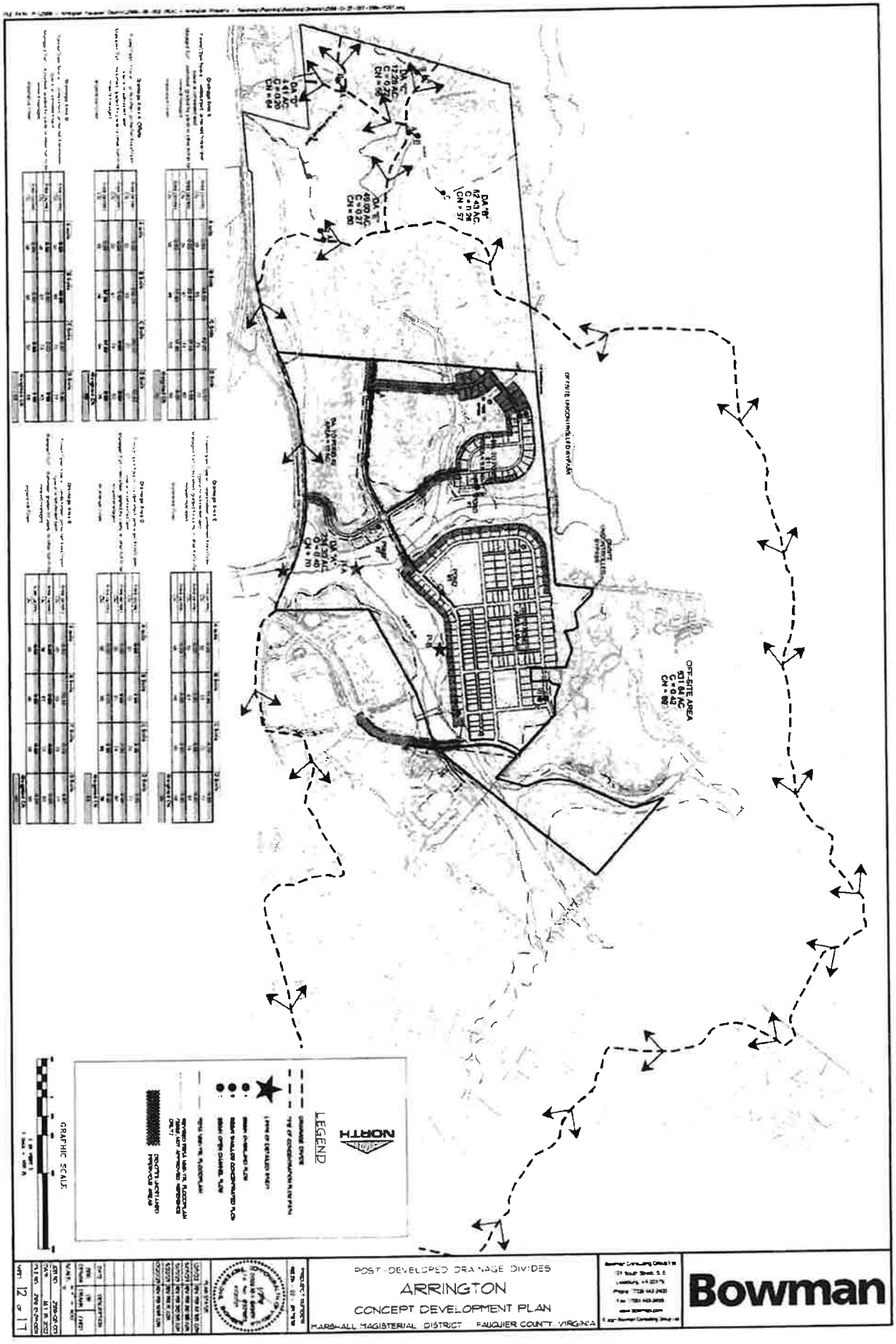

Bowman
ARRINGTON
CONCEPT DEVELOPMENT PLAN
LEGEND
NORTH
SOUTHEAST HAMLET
CENTRAL-SFD HAMLET
CENTRAL-SFA HAMLET
SOUTHWEST HAMLET

Bowman
CONCEPT PEDESTRIAN CIRCULATION PLAN ALT B
ARRINGTON
CONCEPT DEVELOPMENT PLAN
MARSHALL MAGISTERIAL DISTRICT, FAUQUIER COUNTY, VIRGINIA
NORTH
LEGEND
GRAPHIC SCALE:
NORTH HAMLET
CENTRAL-SFA HAMLET
CENTRAL-SFD HAMLET
SOUTHWEST HAMLET
SOUTHEAST HAMLET
EAST SHIRLEY AVENUE
LEETON LAKE DRIVE
PROPOSED ACCESS
PROPOSED PED BRIDGE
PROPOSED 10' TRAIL TO EAST
CX TRAFFIC SIGNAL

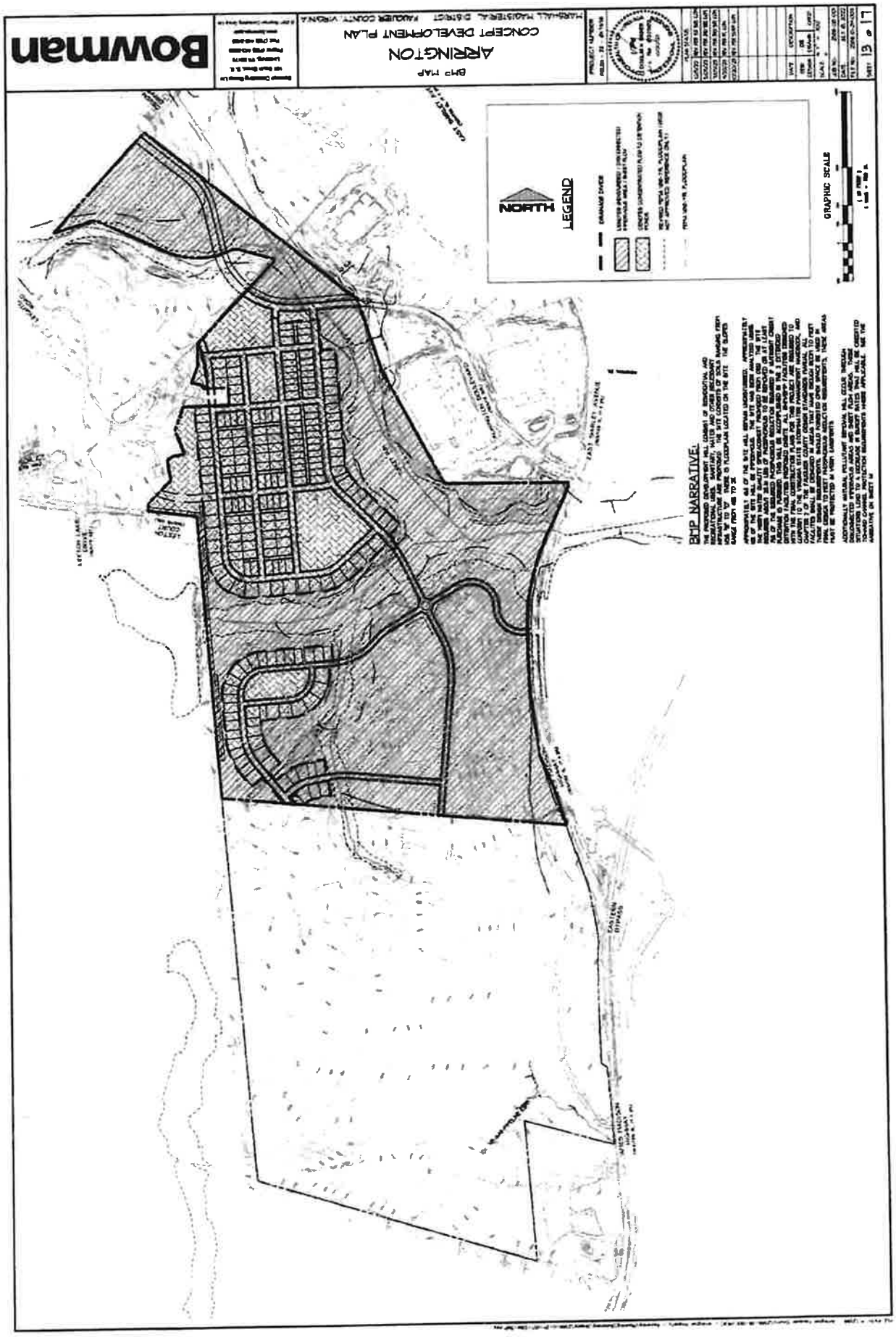

CONNECT TO WATERLINE IN WINDSOR DRIVE
LEETON LAKE DRIVE
PROPOSED EASEMENT FOR POND ACCESS (BY OTHERS)
PROPOSED SANITARY STUB
PROPOSED SANITARY STUBS
PROPOSED WATERLINE STUBS
COMMUNITY GREEN #4
COMMUNITY GREEN #3
COMMUNITY GREEN #2
POTENTIAL PUMP STATION FACILITY
EX POND TO REMAIN
COMMUNITY CENTER & COMMUNITY GREEN #1
POTENTIAL PUMP STATION FACILITY
PROPOSED WASTEWATER TREATMENT PLANT
EX WELL (TO REMAIN FOR MONITORING USE)
EX BRUMFIELD ES
EX APPLETON CAMPBELL
EX HOME DEPOT
EX WALMART
CONNECT TO WATERLINE ON SCHOOL PROPERTY
PROPOSED RETAINING WALL (IF NECESSARY) - BASED ON FINAL ENGINEERING TO MAINTAIN SUFFICIENT DISPERSAL FIELD AREA
PROPOSED WATERLINE STUB & 10' ESMT
EAST SHIRLEY AVENUE
NORTH
LEGEND
DRAINAGEWAY LEGEND
UTILITIES LEGEND
GRAPHIC SCALE
Bowman
CONCEPTUAL GRADING & UTILITY PLAN
ARRINGTON
CONCEPT DEVELOPMENT PLAN
MARSHALL MAGISTERIAL DISTRICT FAUQUIER COUNTY, VIRGINIA
9 OF 17

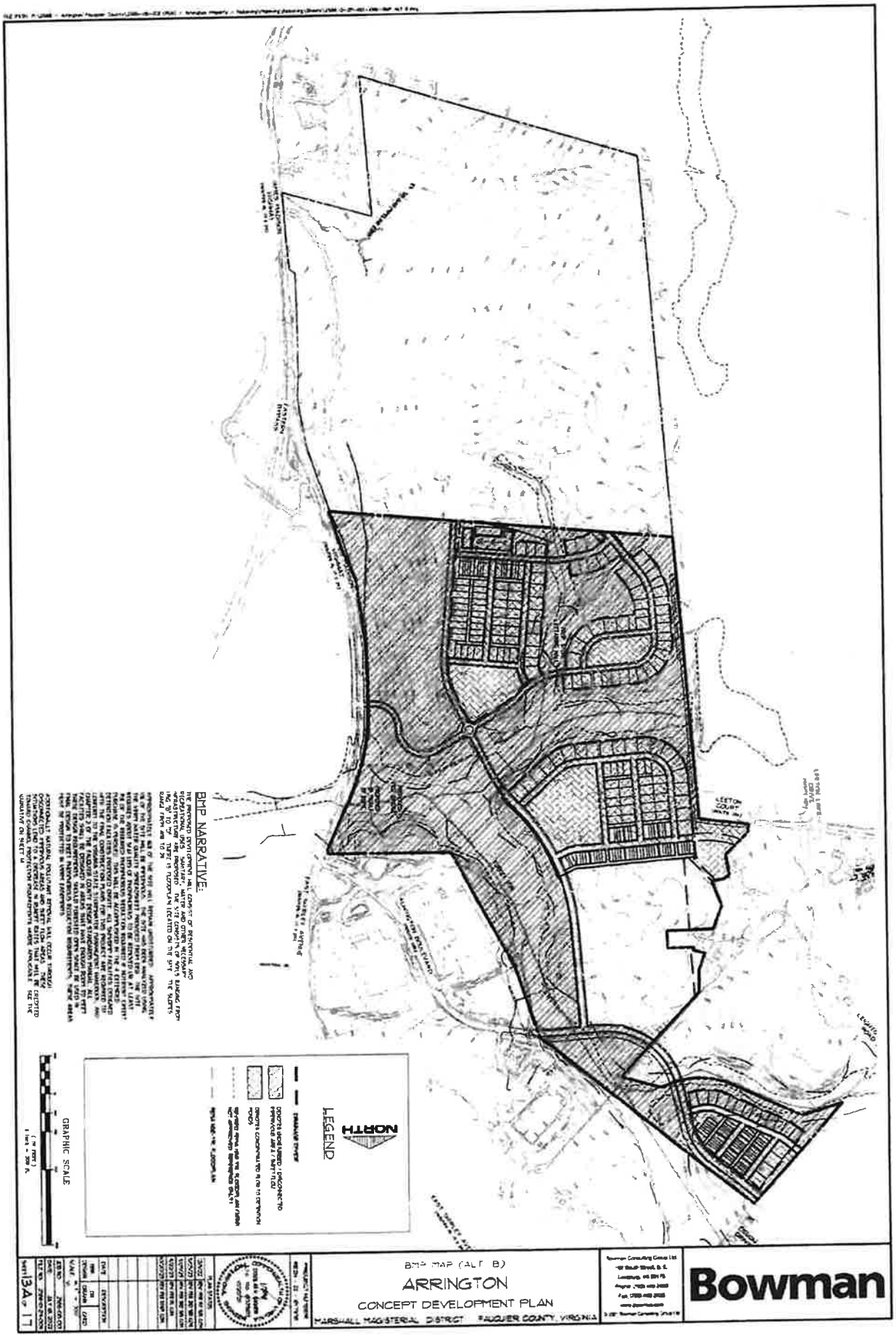

Bowman
ARRINGTON
CONCEPT DEVELOPMENT PLAN
CONCEPTUAL GRADING & UTILITY PLAN (ALT. B)
NORTH
LEGEND
GRAPHIC SCALE
DRAINAGEWAY LEGEND
UTILITIES LEGEND
EX PUMP STATION TO BE DECOMMISSIONED
PROPOSED SANITARY STUB
PROPOSED WATERLINE STUB
CONNECT TO WATERLINE ON WINDSOR DRIVE
CONNECT TO WATERLINE ON SCHOOL PROPERTY
EX WALMART
EX HOME DEPOT
PROPOSED PUMP STATION
PROPOSED SANITARY CONNECTION TO EX SAN SEWER
PROPOSED WATERLINE STUB @ 10' ESMT
LEITON LAKE DRIVE


Bowman
PRE-DEVELOPED DRAINAGE DIVIDES
ARRINGTON
CONCEPT DEVELOPMENT PLAN
LEGEND
NORTH


POST-DEVELOPED DRAINAGE DIVIDES
ARRINGTON
CONCEPT DEVELOPMENT PLAN
MARSHALL MAGISTERIAL DISTRICT FAUQUIER COUNTY, VIRGINIA
Bowman
LEGEND
NORTH
GRAPHIC SCALE
OFF-SITE AREA
51.84 AC.
C = 0.42
CN = 86

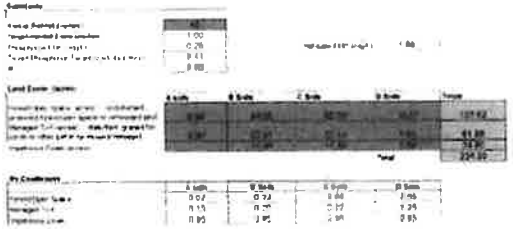
Bowman
ARRINGTON
CONCEPT DEVELOPMENT PLAN
POST-DEVELOPMENT DRAINAGE DIVIDES (ALT B)
FAUQUIER COUNTY, VIRGINIA
DISTRICT
MAGISTERIAL
LEGEND
NORTH
GRAPHIC SCALE
OFF-SITE AREA
831.54 AC
C = 0.42
CN = 68
DA "A"
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DA "D"
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DA "E"
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Bowman
ARRINGTON
CONCEPT DEVELOPMENT PLAN
BMP MAP
MARSHALL MAGISTERIAL DISTRICT FAUQUIER COUNTY, VIRGINIA
NORTH
LEGEND
GRAPHIC SCALE
BMP NARRATIVE:


BMP NARRATIVE:
LEGEND
NORTH
GRAPHIC SCALE
BMP MAP (ALT B)
ARRINGTON
CONCEPT DEVELOPMENT PLAN
MARSHALL MAGISTERIAL DISTRICT FAUQUIER COUNTY, VIRGINIA
Bowman

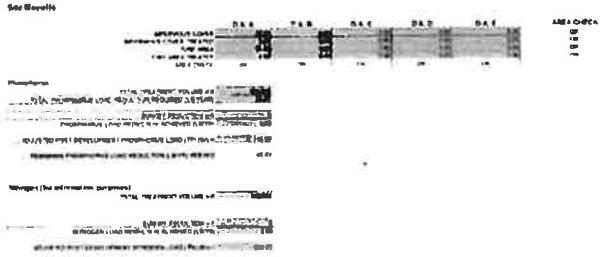
## VRRM SPREADSHEET:

1 Post Development Project & Land Cover Information





Site Results



**NOTE:**

THE AREAS INCLUDED IN THE VRRM SPREADSHEET IS THE SITE AREA, OR ALL AREA WITHIN THE BOUNDARY POLYGON OF ZONE THAT INCLUDES THOSE AREAS ASSOCIATED WITH THE RESIDENTIAL PARCEL (GRASSED AREA) ALONG POWER AND PARK AREAS. IMPERVIOUS AREAS FOR THIS DEVELOPMENT ARE ALSO INCLUDED.

THE COMMERCIAL PROPERTY HAS NOT BEEN ENTERED INTO THE VRRM SPREADSHEET. IN THE EVENT THAT THE PROPERTY IS DEVELOPED, IT SHALL MEET CURRENT STORMWATER MANAGEMENT REQUIREMENTS.

## PRELIMINARY STORMWATER MANAGEMENT NARRATIVE:

THE SITE WILL COMPLY TO THE REQUIREMENTS FOR CHANNEL PROTECTION BY INSTALLING 3 PONDS AT THE OUTFALL OF STORM SEWER SYSTEMS AND INSTALLED OUTSIDE OF THE FLOODPLAIN.

PRELIMINARY APPLICATION OF THE ENERGY BALANCE EQUATION TO THE UNDEVELOPED AREAS OF THE DEVELOPMENT RESULT IN A MAXIMUM RELEASE RATE FOR THE PONDS AS SHOWN HEREIN FOR ALL PONDS. SHEETFLOW AND DISCONNECTED PERVIOUS AREAS NEED NOT BE EVALUATED FOR CHANNEL PROTECTION. FLOW VELOCITIES WILL BE REDUCED TO NON-EROSIVE VELOCITIES WHILE CONVEYING THE FLOW WITHIN THE DEFINED CHANNEL. IF UNACCOUNTED CHANNEL FLOW IS CREATED WITH THE FINAL DESIGN OF THE PROPOSED IMPROVEMENTS, CHANNEL PROTECTION FEASIBLES SHALL BE APPLIED.

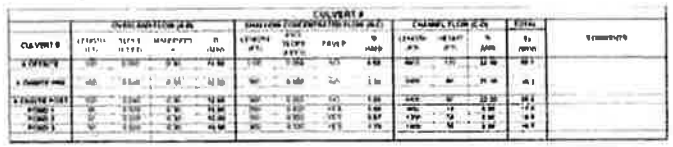
EACH POND HAS BEEN ASSIGNED WITH PERIMETER SOFTWARE TO CONFIRM THAT THE REQUIRED STORAGE VOLUME FOR EACH POND CAN BE ACHIEVED WITHOUT DISTURBING AREAS WITHIN THE FLOODPLAIN. EACH POND CAN REDUCE THE 1-YEAR RUN-OFF RATE TO THE TARGET RATE AND PASS THE 10-YEAR STORM WHILE PROVIDING THE APPROPRIATE FREEBOARD. THE ROUTING IS PRELIMINARY AND DOES NOT REFLECT A DETAILED ENGINEERING OF EACH POND. DETAILED ENGINEERING WILL BE PROVIDED WITH CONSTRUCTION PLANNING.

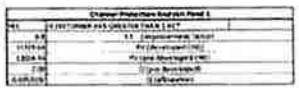
## SWM GENERAL NOTES:

PONDS 1 - 3 WILL BE DESIGNED AS EXTENDED DETENTION DRY PONDS AT A MINIMUM WHICH WILL SATISFY THE REQUIRED POLLUTANT REMOVAL FOR THIS SITE FOR QUALITY AND ADDITIONALLY BE SIZED TO CONFORM TO THE CHANNEL PROTECTION CRITERIA. FINAL CALCULATIONS FOR THE ENERGY BALANCE WILL BE PROVIDED AT FINAL ENGINEERING. OTHER FACILITIES IN ACCORDANCE WITH VA SWM CLEARINGHOUSE WILL BE EVALUATED AT FINAL DESIGN IF NEEDED.

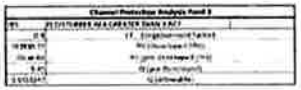
THIS PROJECT WILL BE REQUIRED TO PAY A WQMP PERMIT UNDER THE STATE VSMP CRITERIA.

## CHANNEL PROTECTION CALCULATIONS:









Bowman

PRELIMINARY SWM CALCULATIONS

ARRINGTON

CONCEPT DEVELOPMENT PLAN

TAX MAP 41, PARCEL 7, MAGISTERIAL DISTRICT, FAUQUIER COUNTY, VIRGINIA

PROJECT NUMBER

REZN - 22 - 007956

| DATE | DESCRIPTION |
|---|---|
| 12/1/23 | REV PER 1ST SUB |
| 5/31/24 | REV PER 2ND SUB |
| 10/1/24 | REV PER 3RD SUB |
| 4/23/25 | REV PER 4TH SUB |
| 6/20/25 | REV PER 5TH SUB |

| DES | DR | CHKD |
|---|---|---|
| DWM | DWM | |

SCALE: N/A

JOB NO. 2021-0001

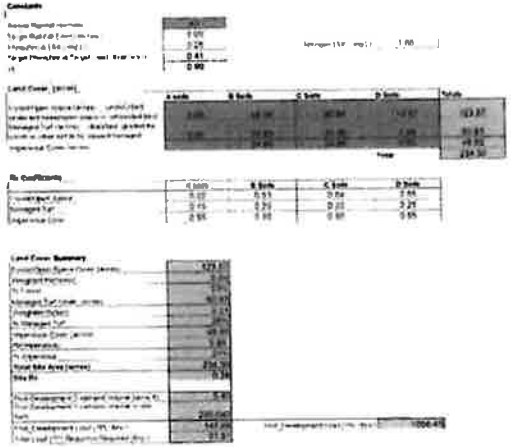
DATE JULY 31, 2023

FILE NO. 2021-0001.DWG

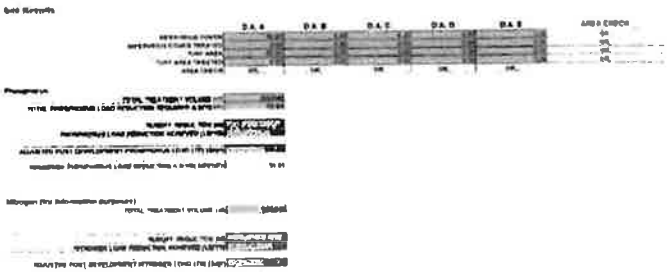
SHT 14 of 17

## VRRM SPREADSHEET:

1. Post-Development Project & Land Cover Information







**NOTE:**

THE AREAS INCLUDED IN THE VRRM SPREADSHEET ARE IN THE SITE AREA, OR ALL AREA WITHIN THE BOUNDARY REGARDLESS OF ZONE. THIS INCLUDES TURF AREAS ASSOCIATED WITH THE RESIDENTIAL TYPICAL, CLUSTERED SHALLS ALONG ROADS AND PARK AREAS. IMPERVIOUS AREAS FOR TURF DEVELOPMENT ARE ALSO INCLUDED.

THE COMMERCIAL PROPERTY WAS NOT EVEN ENTERED INTO THE VRRM SPREADSHEET. IN THE EVENT THAT THE PROPERTY IS DEVELOPED, IT SHALL MEET CURRENT STORMWATER MANAGEMENT REQUIREMENTS.

## PRELIMINARY STORMWATER MANAGEMENT NARRATIVE:

THE SITE WILL CONFORM TO THE REQUIREMENTS FOR CHANNEL PROTECTION BY INSTALLING 6 PONDS AT THE OUTFALL OF STORM SEWER SYSTEMS AND INSTALLED OUTSIDE OF THE FLOODPLAIN.

PRELIMINARY APPLICATION OF THE ENERGY BALANCE EQUATION TO THE DISTURBED AREAS OF THE DEVELOPMENT RESULT IN A MAXIMUM RELEASE RATE FOR THE PONDS AS SHOWN HEREIN FOR ALL POND. SHEETFLOW AND DISCONNECTED IMPERVIOUS AREAS NEED NOT BE EVALUATED FOR CHANNEL PROTECTION. FLOW VELOCITIES WILL BE REVISED TO NON-ERODIVE VELOCITIES WHILE CONTAINING THE FLOW WITHIN THE DEFINED CHANNEL. IF UNACCOUNTED CHANNEL FLOW IS CREATED WITH THE FINAL DESIGN OF THE PROPOSED IMPROVEMENTS, CHANNEL PROTECTION MEASURES SHALL BE APPLIED.

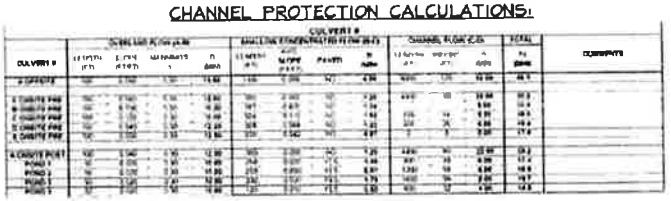
EACH POND HAS BEEN ROUTED WITH PONDPACK SOFTWARE TO CONFIRM THAT THE REQUIRED STORAGE VOLUME FOR EACH POND CAN BE ACHIEVED WITHOUT DISTURBING AREAS WITHIN THE FLOODPLAIN. EACH POND CAN REDUCE THE 1-YEAR RUN-OFF RATE TO THE TARGET RATE AND PASS THE 100-YEAR STORM WHILE PROVIDING THE APPROPRIATE FREEBOARD. THE ROUTING IS PRELIMINARY AND DOES NOT REFLECT A DETAILED ENGINEERING OF EACH POND. DETAILED ENGINEERING WILL BE PROVIDED WITH CONSTRUCTION PLANNING.

## SWM GENERAL NOTES:

PONDS 1 - 6 WILL BE DESIGNED AS EXTENDED DETENTION DRY PONDS AT A MINIMUM WHICH WILL SATISFY THE REQUIRED POLLUTANT REMOVAL FOR THE SITE FOR QUALITY AND ADDITIONALLY BE SIZED TO CONFORM TO THE CHANNEL PROTECTION CRITERIA. FINAL CALCULATIONS FOR THE ENERGY BALANCE WILL BE PROVIDED AT FINAL ENGINEERING. OTHER FACILITIES IN ACCORDANCE WITH VA SWM CLEARINGHOUSE WILL BE EVALUATED AT FINAL DESIGN IF NEEDED.

THIS PROJECT WILL BE REQUIRED TO PULL A VSMP PERMIT UNDER THE STATE VA SWM/VSMP CRITERIA.

## CHANNEL PROTECTION CALCULATIONS:





Bowman

Bowman Consulting Group Ltd
101 South Street, S.E.
Leesburg, VA 20175
Phone: (703) 443-0088
Fax: (703) 443-0089
www.bowman.com

PRELIMINARY SWM CALCULATIONS (ALT B)

ARRINGTON

CONCEPT DEVELOPMENT PLAN

MARSHALL MAGISTERIAL DISTRICT AUGUSTA COUNTY, VIRGINIA

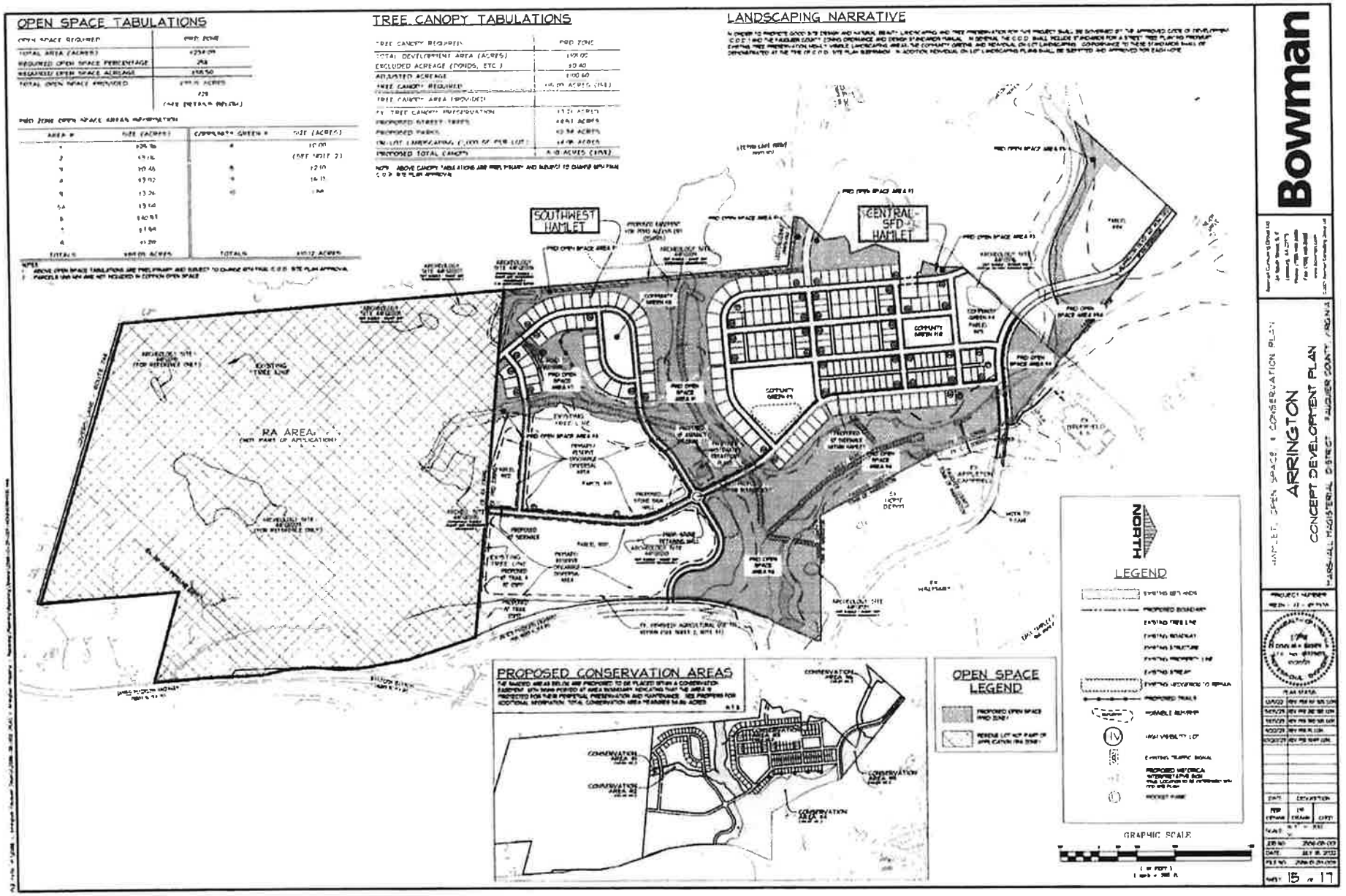
PROJECT MANAGER

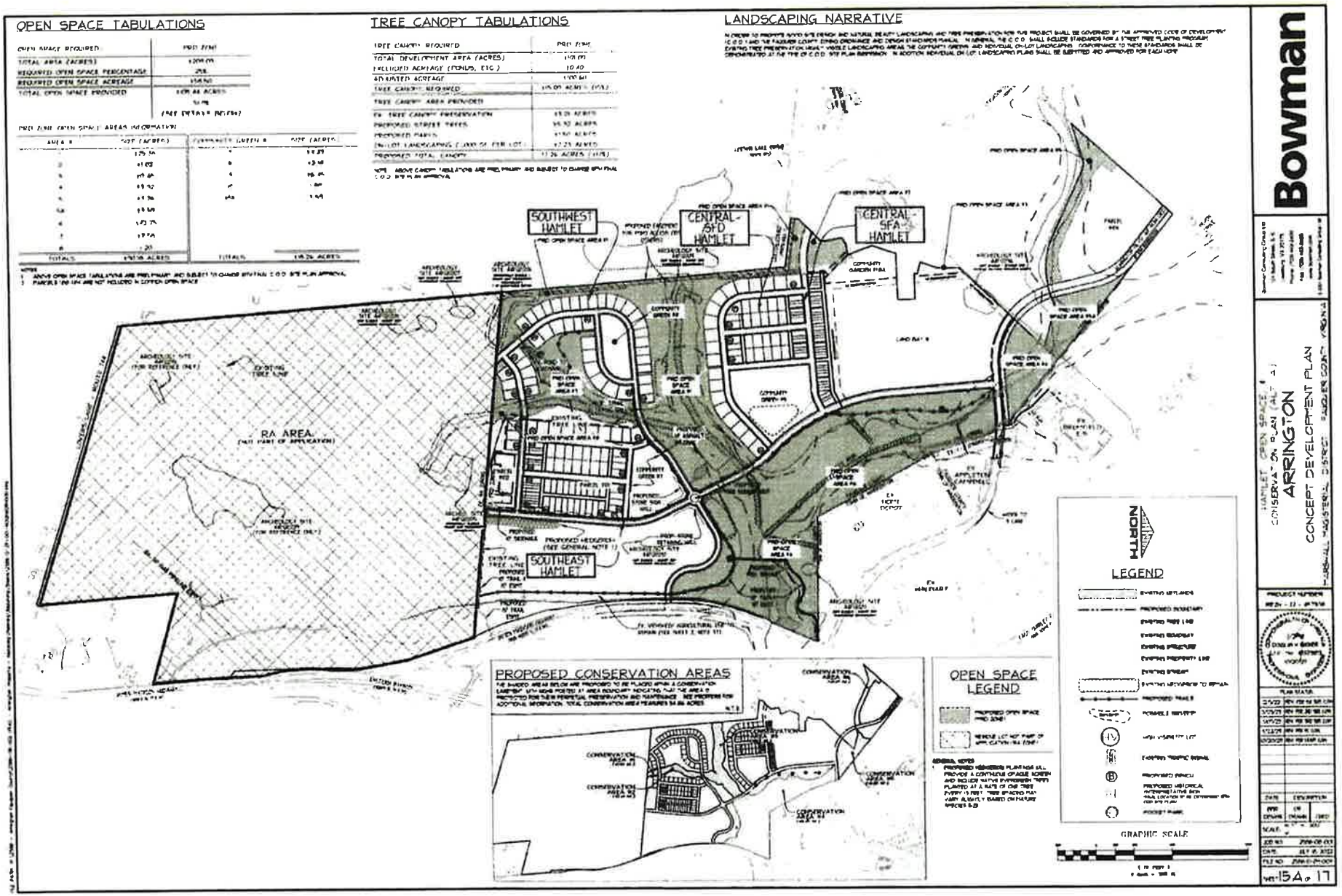
PLAN STATUS

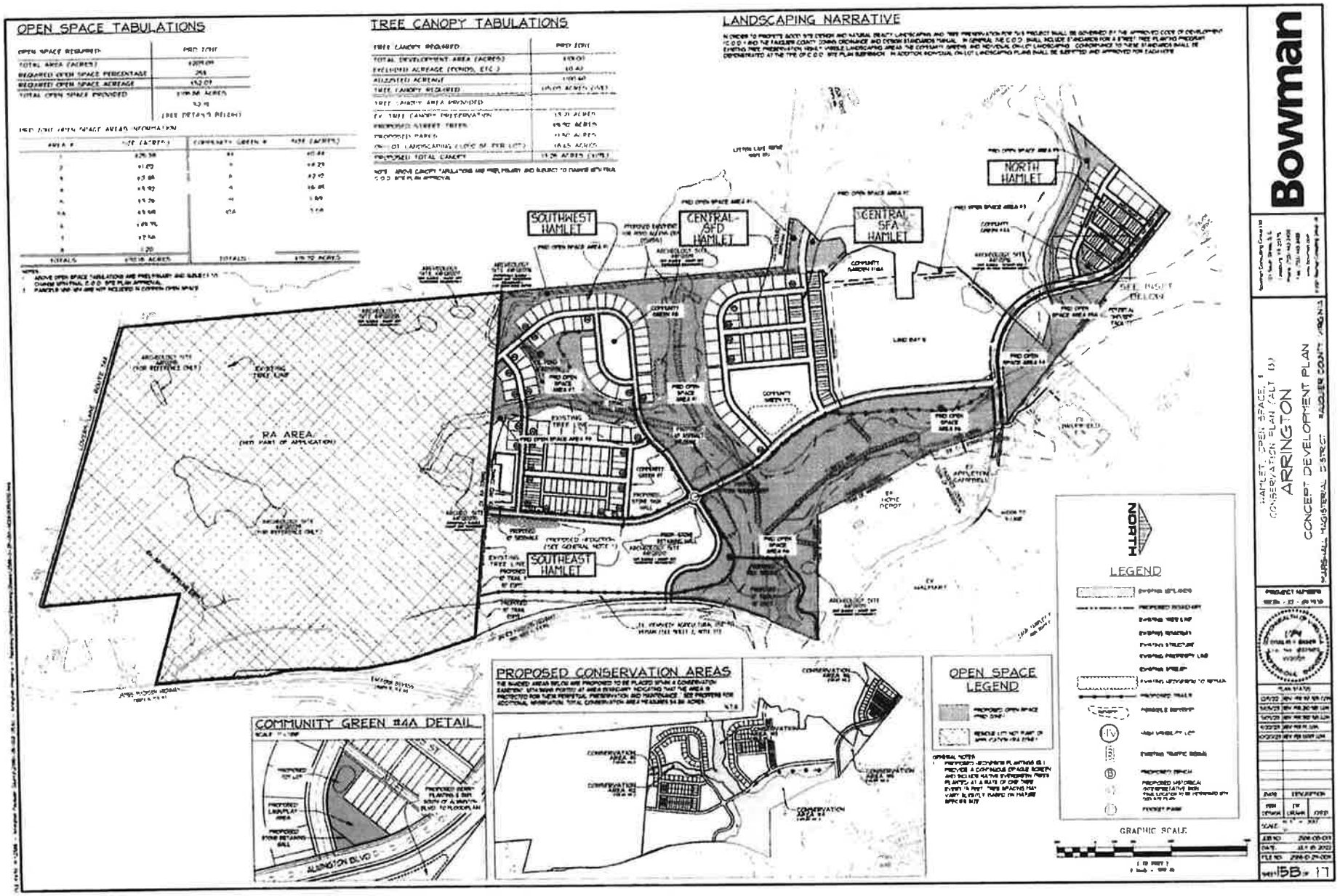
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| 5/31/23 | REV PER 2ND SUB COM |
| 10/17/23 | REV PER 3RD SUB COM |
| 4/22/24 | REV PER PLANC |
| 6/20/24 | REV PER STAFF COM |

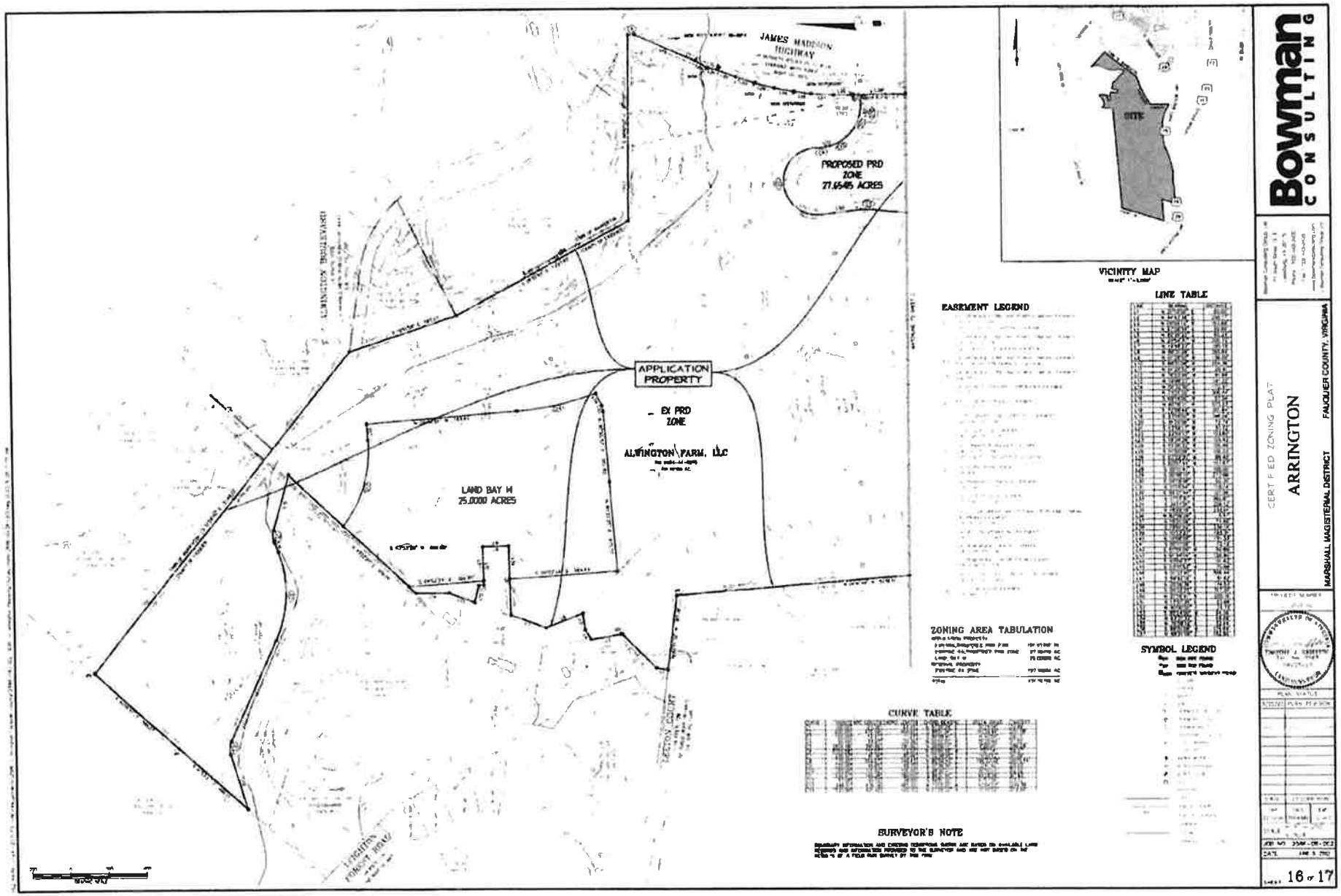
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DATE JULY 19, 2022
FILE NO. 2184-01-24-0004

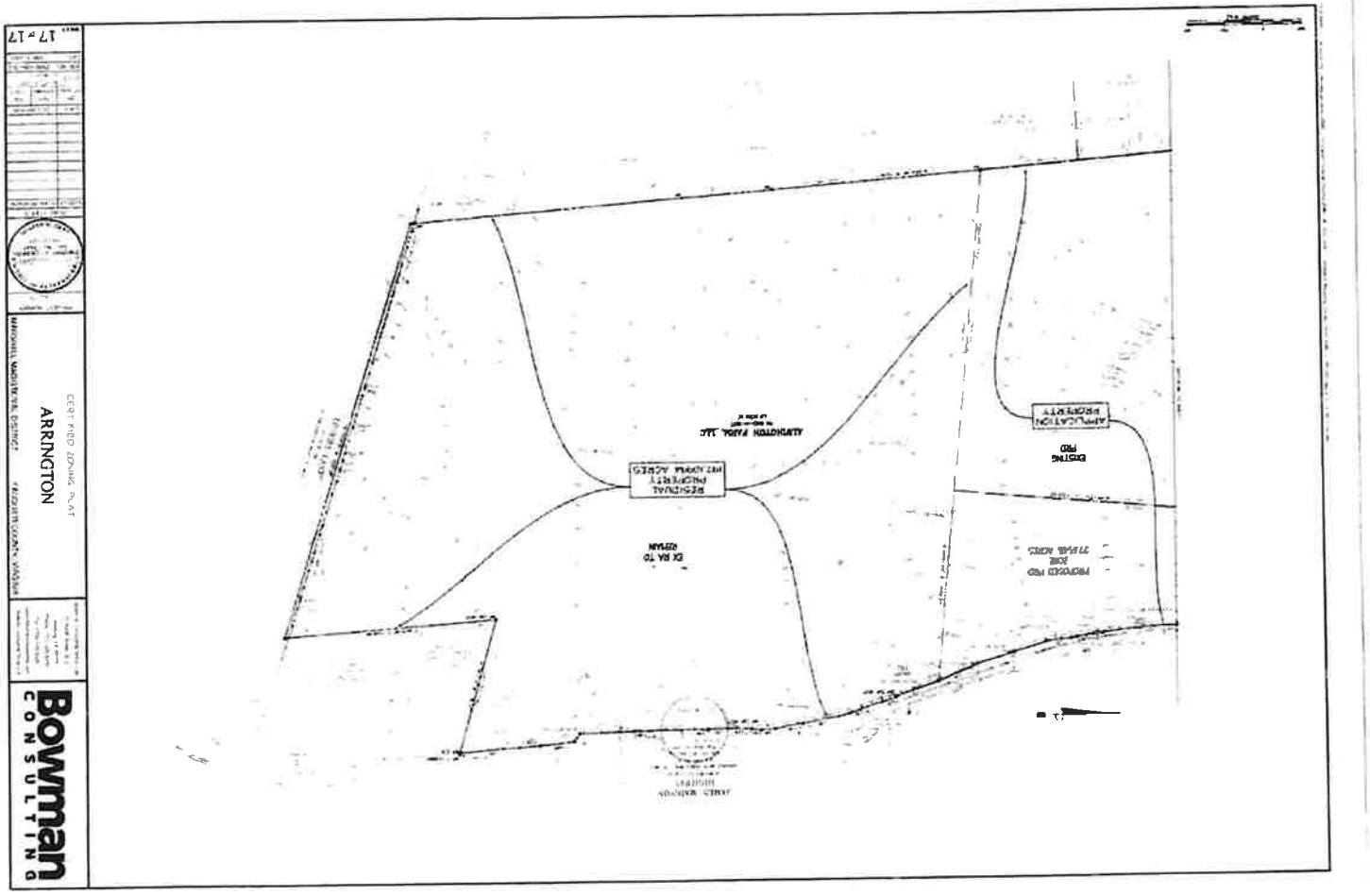
sheet 14A of 17

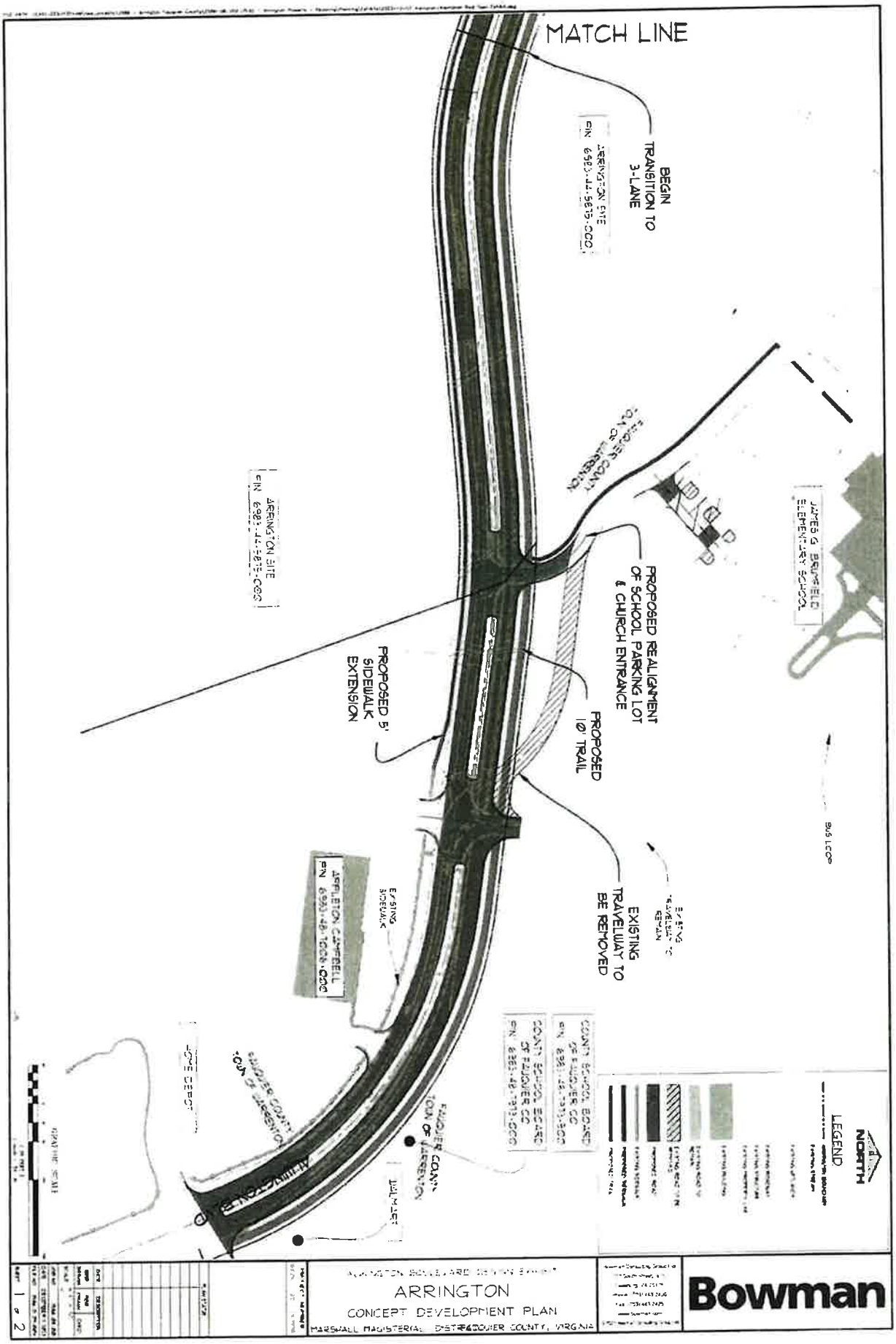

OPEN SPACE TABULATIONS
TREE CANOPY TABULATIONS
LANDSCAPING NARRATIVE
SOUTHWEST HAMLET
CENTRAL SFD HAMLET
RA AREA
PROPOSED CONSERVATION AREAS
OPEN SPACE LEGEND
LEGEND
NORTH
GRAPHIC SCALE
Bowman
ARRINGTON
CONCEPT DEVELOPMENT PLAN


OPEN SPACE TABULATIONS
TREE CANOPY TABULATIONS
LANDSCAPING NARRATIVE
SOUTHWEST HAMLET
CENTRAL - SFD HAMLET
CENTRAL - SFA HAMLET
SOUTHEAST HAMLET
RA AREA
(NOT PART OF APPLICATION)
PROPOSED CONSERVATION AREAS
OPEN SPACE LEGEND
LEGEND
NORTH
GRAPHIC SCALE
Bowman
HAMLET OPEN SPACE & CONSERVATION PLAN (ALT. A)
ARRINGTON
CONCEPT DEVELOPMENT PLAN
NELSON COUNTY, VIRGINIA


OPEN SPACE TABULATIONS
TREE CANOPY TABULATIONS
LANDSCAPING NARRATIVE
SOUTHWEST HAMLET
CENTRAL - SFD HAMLET
CENTRAL - SFA HAMLET
NORTH HAMLET
SOUTHEAST HAMLET
RA AREA
(NOT PART OF APPLICATION)
SEE INSET BELOW
COMMUNITY GREEN #4A DETAIL
PROPOSED CONSERVATION AREAS
OPEN SPACE LEGEND
LEGEND
NORTH
GRAPHIC SCALE
Bowman
ARRINGTON
CONCEPT DEVELOPMENT PLAN
HAMLET OPEN SPACE, CONSERVATION PLAN (SHEET 1 OF 3)
PURCELL MAGISTERIAL DISTRICT
LOUDOUN COUNTY, VIRGINIA


JAMES MADISON HIGHWAY
PROPOSED PRD ZONE 77.65485 ACRES
APPLICATION PROPERTY
EX PRD ZONE
ALWINGTON FARM, LLC
LAND BAY M 75.0000 ACRES
LEIGHTON COURT
LEIGHTON FOREST ROAD
SITE
VICINITY MAP
EASEMENT LEGEND
LINE TABLE
ZONING AREA TABULATION
SYMBOL LEGEND
CURVE TABLE
SURVEYOR'S NOTE
Bowman CONSULTING
CERTIFIED ZONING PLAT
ARRINGTON
MARSHALL MAGISTERIAL DISTRICT FAUQUIER COUNTY, VIRGINIA
16 of 17


ARRINGTON
CERTIFIED ZONING PLAT
Bowman
CONSULTING


MATCH LINE
BEGIN TRANSITION TO 3-LANE
PROPOSED REALIGNMENT OF SCHOOL PARKING LOT & CHURCH ENTRANCE
PROPOSED 10' TRAIL
PROPOSED 5' SIDEWALK EXTENSION
EXISTING TRAVELWAY TO BE REMOVED
EXISTING SIDEWALK
JAMES G. BRUMFIELD ELEMENTARY SCHOOL
BUS LOOP
ARRINGTON SITE
JOHNSTON CAMPBELL
COUNTY SCHOOL BOARD OF FAUQUIER CO
FAUQUIER COUNTY
TOWN OF WARRENTON
LEGEND
NORTH
ARRINGTON
CONCEPT DEVELOPMENT PLAN
MARSHALL MAGISTERIAL DISTRICT, FAUQUIER COUNTY, VIRGINIA
Bowman

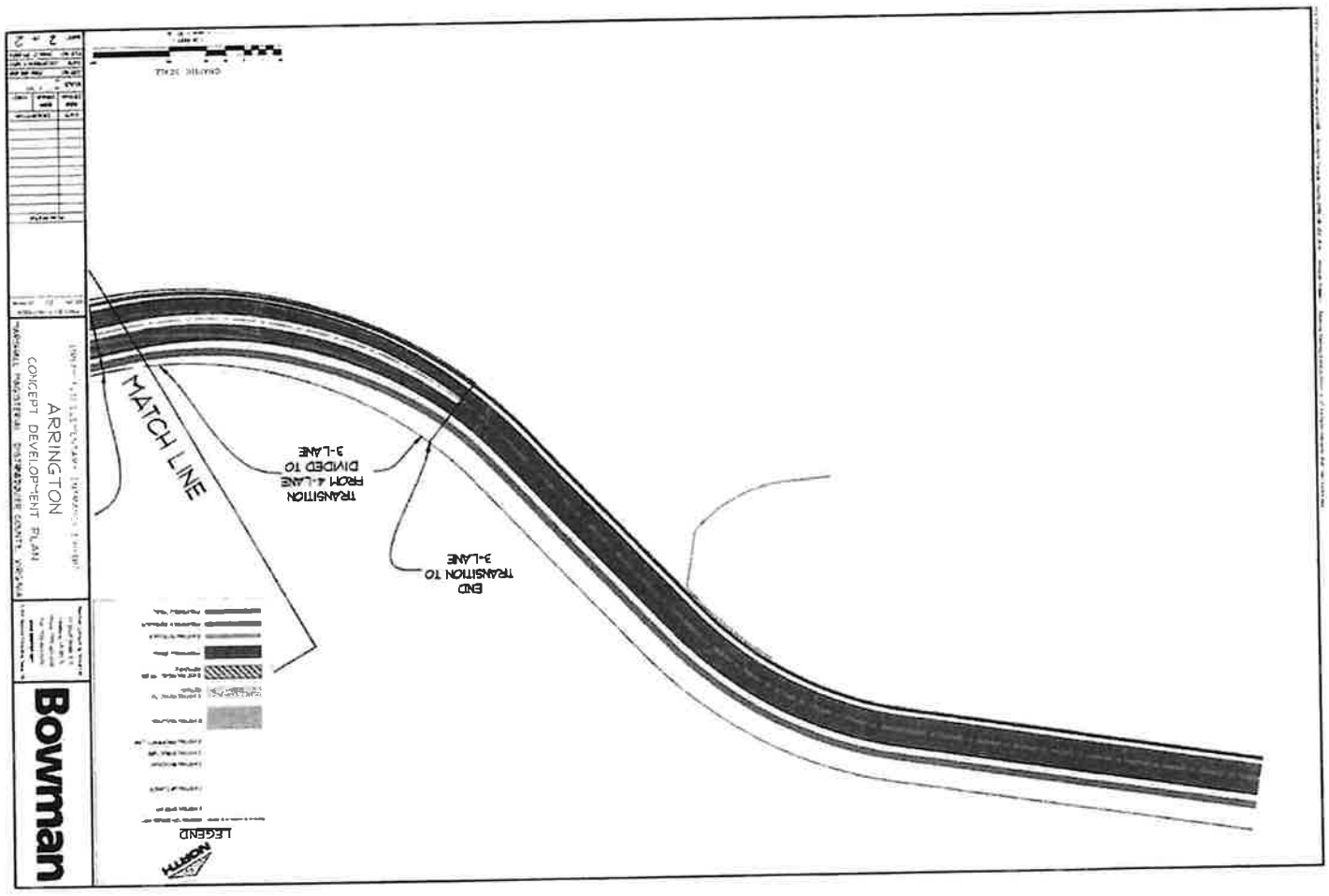

MATCH LINE
TRANSITION FROM 4-LANE DIVIDED TO 3-LANE
END TRANSITION TO 3-LANE
LEGEND
NORTH
Bowman
ARRINGTON
CONCEPT DEVELOPMENT PLAN

**EXHIBIT C**

**Code of Development**

# Arrington

## CODE OF DEVELOPMENT

REZN-22-017978



FAUQUIER COUNTY, VIRGINIA | OCTOBER 20, 2023

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**OWNER**
Arrington Farm, LLC

**DEVELOPER/APPLICANTS**
Arrington Farm Development, LLC
[illegible]
[illegible], VA [illegible]

Van Metre Communities, LLC
9800 Main Street, Suite 500
Fairfax, VA 22031

**CIVIL ENGINEERING, PLANNING & LANDSCAPE ARCHITECTURE**
[illegible]
[illegible]
[illegible], VA [illegible]

**TRANSPORTATION ENGINEERING**
Grove Slade
4114 Legato Road
Suite 650
Fairfax, VA 22033

**WASTEWATER ENGINEERING**
[illegible]
[illegible]
Suite 101
[illegible], VA [illegible]

**LEGAL**
Attention: John Foote
Walsh Colucci Lubeley & Walsh
4310 Prince William Parkway
Suite 300
Prince William, VA 22192


Bowman




ARRINGTON LOCATION MAP

## DESCRIPTION OF THE PROJECT

Arrington is a development that organizes the design of homes, public spaces and environmental areas in a manner that complements and respects the traditional time-honored planning models of Warrenton and Fauquier County. Arrington embraces Traditional Neighborhood Design (TND) as a way that exemplifies the goals and objectives of the Planned Residential Development zoning district. Arrington is designed as a small, eclectic neighborhood that features the very best aspects of neo-traditional planning with an appreciation for the qualities that best represent Warrenton and Fauquier County. The community reflects the aesthetic form and warmth of older, established residential areas of Warrenton as well as the goals and objectives expressed in the recently adopted Town of Warrenton 2040 Plan and the Warrenton Service District Plan within the Fauquier County Comprehensive Plan. The Base Zoning plan for Arrington is composed of a combination of residential blocks, each with home constructed on lots of varying width and area, small pocket parks and internal open spaces served by a system of interconnected streets, sidewalks and trails providing multi-modal connectivity to nearby schools, shopping, recreation and services. Arrington is envisioned and designed as a walkable community. The residences will be of a Piedmont vernacular and vary in categories, type, architectural style, form, and roof line (e.g. federal, colonial



ARRINGTON FARM POND

Revival, Farmhouse, Arts and Crafts styles), and contain Arrington's unique and carefully detailed Part IV: front area, and garage orientation.

The Arrington community will consist of two hundred seventeen (217) residential lots under the Base Zoning plan. The base density at Arrington is 0.93 dwelling units per acre. Alternative development plans are proposed which depend on the actions of Arrington with the corporate boundaries of the Town of Warrenton, availability of public water and sewer service, and, with Alternative B, the availability of offsite right-of-way for the construction of the off-site portion of Phase 2 of the currently extension of Arrington Boulevard.

Development Alternative A consists of two hundred and seventy (270) residential lots, of which 15 lots are reserved for the construction of affordable housing units with a density of 1.01 dwelling units per acre. This alternative includes twenty-five (25) acres to be developed in accordance with the regulations of the Town's Commercial (C) Zoning District. Development of the Arrington community under this alternative is based on Arrington being within the corporate boundaries of the Town of Warrenton and the availability of public water and sewer service.

Development Alternative B consists of two hundred and seventy (270) residential lots of which 15 are reserved for the construction of affordable housing units. Proposed density of this plan is 1.01 dwelling units per acre. This alternative includes twenty-five (25) acres to be developed in accordance with the regulations of the Town's Commercial (C) Zoning District. Acceptance of this area by the Town of Warrenton during the Town/County boundary line adjustment process. Development of the Arrington community



ARRINGTON ILLUSTRATIVE PLAN - BASE ZONING

## ILLUSTRATIVE PLAN

The Base Zoning Development Plan consists of two hundred seventeen (217) residential lots with a density of 0.93 dwelling units per acre. This is the same number of residential lots that was approved under the original Arrington PRD Rezoning of 2015.




ARRINGTON ILLUSTRATIVE PLAN (ALTERNATIVE A)

■ Illustrative Plan

The Alternative A Development Plan consists of two hundred and eleven (211) residential lots with a density of 1.61 dwelling units per acre, an eating establishment, and a small retention pond to a maximum of 15 acres. The alternative also includes the Town of Arrington within the corporate boundaries of the Town of Warrenton and the availability of town public water and sewer service. With town sewer, there is no need for the discharge treatment area located south of Turkey Run. The increase in developable upland allows for 21 single family attached (townhouse) and single family detached units with a lakefront and eating establishment restaurant. The location is within Alternative A includes approximately (23) acres (Land Bay W) to be developed in accordance with the provisions of the Town's Commercial (C) Zoning District, contained within the Town of Warrenton Zoning Ordinance.

■ Illustrative Plan




ARRINGTON ILLUSTRATIVE PLAN (ALTERNATIVE B)

## PROCESS

In accordance with these Building and Lot Requirements (the "BLRs") for the development of the Arlington Community, all new construction shall conform to the building and lot requirements, and design and construction specification requirements set forth below. The requirements set forth herein cover a broad scope of design elements including, but not limited to, lot layout of building and accessory structures (including garages and driveways), architectural design elements and requirements, fencing, lighting and landscape design and installation. The intention of these regulations is to ensure a consistent level of high quality design throughout the community.

All house designs and landscape plans, as well as the architectural details and details of each home to be constructed within the Arlington community, shall be submitted by the Builder ("Builder") and approved by the Arlington Conservancy Architectural Review Committee ("ARC") before construction commences. ARC approval does not relieve the applicant of the responsibility of obtaining all other necessary approvals and permits required by Town of Warrenton, Fauquier County, the Commonwealth of Virginia, and/or other governmental agencies having jurisdiction over the construction of the same.

## INITIAL ARCHITECTURAL REVIEW COMMITTEE:

### MEMBERSHIP

The role of the ARC is the review and approval of all site planning, appearance, architectural design, and aesthetics of lots and homes in the Arlington community.

The ARC shall consist of three members, two of whom shall be appointed by the Declarant, and the third of whom shall be appointed by the applicable jurisdiction at its discretion. The ARC will select an architect to advise it as to conformance of applications with these BLRs. The Architect shall be licensed to practice architecture in the Commonwealth of Virginia, shall possess a minimum of ten years of experience working with Architectural Review Boards for historic districts, and traditional neighborhood design developments, and shall have completed previous projects that incorporate historical and/or adjacent community architectural styles found in Warrenton, Fauquier County and the broader Virginia Piedmont. Each of the three members shall have an equal vote.

Following completion of construction (defined herein as the issuance of the final certificate of occupancy of the first home constructed on 95% of the residential lots subject to these BLRs), and/or at the earlier the jurisdiction surrenders or yields its right to appoint a member of the ARC, whichever first occurs, the Declarant shall thereafter appoint all three members of the ARC.

### NON-LIABILITY

Neither the ARC nor its members, their successors, agents, consultants, representatives, employees, or attorneys, shall be liable for damages, or other relief of any kind whatsoever, to anyone submitting plans to it for approval, or to any applicant, by reason of mistake in judgment, negligence arising out of any action of the ARC with respect to any submission, for failure to follow these BLRs, or for the performance or non-performance of any duty or responsibility assigned hereunder.

### ACCURACY OF INFORMATION

Any person submitting plans to the ARC shall be responsible for verification and accuracy of all components of ALL submission, including, without limitation, all site components, grades, elevations, all lot locations, and all other pertinent features of the lots or plans.

### REGULATORY COMPLIANCE

It is the responsibility of any Builder to obtain all necessary permits and ensure compliance with all applicable governmental regulations and requirements. Plans submitted for ARC review shall comply with all applicable building codes, zoning regulations, and the requirements of all governmental entities having jurisdiction over the building project or the property. Regulatory approvals do not preclude or supersede the authority and responsibility of the ARC, which is independent of any other agency or entity with jurisdiction and which is established by the BLRs. It is not the responsibility or function of the ARC to review submissions for compliance with applicable governmental regulations and it will decline to do so.

### NEW CONSTRUCTION APPROVAL PROCEDURES

In order to construct new homes, or any combination thereof, on Arlington Reserve, plans must be submitted for review and approved by the ARC.

- Applications for plan approval. A submittal package (referred to herein as the "Application") shall include two copies of hi-res plot plans including, among other things, driveway layout with lot grading, and landscaping plans (including detailed plant lists), architectural floor plans and elevations, material samples, color palette samples, light fixture literature or photograph, and details of any proposed decking or fencing. The application shall also include a tabulation showing compliance with corresponding Lot Standards for the Lot Category and Type as well as the Lot Mix Per Block standards and Unit Mix table listed in Part II and the Lot Layout Variety requirements set forth within Part III. The ARC may request additional materials that it deems necessary to complete a proper review of any building or other plans required hereby.

- ARC Review and Approval. The ARC will review the submission within fourteen (14) calendar days of receipt of a complete Application. The Applicant will within that time receive written approval (that may include conditions thereon), or written disapproval stating the bases for disapproval. Approval by the ARC does not relieve the applicant of the responsibility of obtaining all other necessary approvals and permits required by the Town of Warrenton, Fauquier County, the Commonwealth of Virginia, and/or any other agency having jurisdiction over the project.

  Notification of the ARC's final approval constitutes a binding agreement and commitment between the Builder and the ARC, and deviation from approved plans is prohibited without formal modification thereof pursuant to the procedures established herein.

  The Committee's action on any Application shall be in its sole discretion and shall be final and unappealable.

## SUBMISSION OF A CODE OF DEVELOPMENT SITE PLAN:

The County's process under the PRD zoning for the submission of a Code of Development Site Plan shall be followed, including the submission of additional information as necessary to determine compliance with this Code of Development. A Code of Development Site Plan shall be submitted for administrative approval by the Zoning Administrator. A Code of Development Site Plan may include any combination of grading, infrastructure, lots or buildings for any portion of the development subject to phasing and proffers, provided it is consistent with the approved Concept Development Plan (CDP) referenced in this Code of Development. The established process for issuance of Land Disturbing Permits associated with site plans, infrastructure plans, and all construction plans involving land disturbance shall also be followed subsequent to the approval of a Code of Development Site Plan.

## SUBMISSION OF FINAL PLATS:

The County's process under the PRD zoning and the applicable Subdivision Ordinance for the submission of a Final Plat shall be followed, including the submission of additional information as necessary to determine compliance with this Code of Development and the approved Code of Development Site Plan.

## SUBMISSION OF BUILDING/ZONING PERMITS FOR INDIVIDUAL HOUSES OR OTHER STRUCTURES:

The established process for Building/Zoning Permits shall be followed, except that:

- A review by the ARC for compliance with the Code of Development shall occur. The ARC review shall be completed prior to submittal for zoning review for Zoning/Building Permits.

- A copy of the ARC's approval letter, the Application and all supporting materials submitted to the ARC shall be submitted with the building plans. Compliance with the Code of Development shall be required for issuance of a Zoning or Building Permit.

- Every structure on a residential lot, including all sheds (even those less than 150 square feet) and residential fences shall require a zoning permit.

- Upon completion of construction and prior to issuance of an occupancy permit for each house, the Owner shall submit to the County a copy of a letter issued by the ARC which confirms that such house was constructed in substantial conformance with the approved ARC application.

## DEVIATIONS FROM THE CODE OF DEVELOPMENT:

The developer/applicant shall comply with the provisions of this Code of Development, provided that the Zoning Administrator shall have the authority and discretion to approve certain deviations from the requirements within the parameters specifically set forth in this Code. Deviations beyond those authorized by the language of this Code or the Proffer Statement shall be considered an amendment to the Arrington rezoning and shall require a rezoning and/or proffer amendment application, as determined by the jurisdiction.

## APPEALS:

An appeal of any Zoning Administrator decision related to the interpretation of this Code of Development shall be made to the governing authority, following the established procedures for appeals of proffer interpretations.

## DEVIATIONS IN PROCESS:

Should the jurisdiction amend the Zoning or Building Permit approval process or the approval authority, Arrington shall be required to follow that amended process.




EXISTING SERVICE DISTRICT MAP




PROPOSED ZONING MAP

DEVELOPMENT PROGRAM - BASE ZONING

| 2015 APPROVED REZONING | | | | | 2022 PROPOSED REZONING (BASE) | | | | |
|---|---|---|---|---|---|---|---|---|---|
| COMMUNITY SECTOR | LAND AREA (acs.) | TOTAL NO. OF LOTS | FRONT/SIDE LOAD (MAX) | REAR LOAD (MIN) | | LAND AREA (acs.) | TOTAL NO. OF LOTS | FRONT/SIDE LOAD (MAX) | REAR LOAD (MIN) |
| PREMIERE'S | | | | | | | | | |
| VIGNERONS | | 62 | 48 | 14 | | | | | |
| MEURAGES | | 53 | 45 | 8 | CENTRAL | | 174 | 100 | 74 |
| COOPERS QUARTER | | 52 | 52 | 0 | | | | | |
| VINTNERS | | 55 | 11 | 44 | SOUTHEAST | | 55 | 11 | 0 |
| | | | | | SOUTHEAST | | | | |
| | | | | | CENTRE SEA | | | | |
| | | | | | NORTH | | | | |
| TOTAL | 206.41 | 212 | 162 | 50 | TOTAL | 238.09 | 212 | 148 | 74 |
| DENSITY | 1.03 | lots/ac | 76.4% | 23.6% | DENSITY | 0.93 | lots/ac | 69.8% | 34.1% |

## LAND USE - BASE ZONING

The Arrington development proposes a mixed-use community consisting of single family dwelling units with varying lot frontages in a village design concept with the Greenway/Gateway Residential districts existing in the Warrenton Service District Plan. Approximately 23 acres of the property was subject of a recent change in land use designation from "Public" or "Open Space" or "Park" and remains within the Warrenton Service District. As illustrated in the Development Program Chart below, the 212 residential lots proposed under the current Base Zoning Plan is the same as the 212 residential lots approved under the 2015 Rezoning even though the acreage of the community has increased by the 23 acres. Further, the number of lots with alley/reardon garages has been increased from 55 lots (25.8% of total) to 74 lots (34.1%) to further emphasize the pre-traditional design of the Arrington community and is consistent with the objective for the property outlined in the Warrenton Service District Plan.

## LAND USE - ALTERNATIVES A & B







DEVELOPMENT PROGRAM - ALTERNATIVES A & B

| | 2022 PROPOSED REZONING (ALT A) | | | | 2022 PROPOSED REZONING (ALT B) | | | |
|---|---|---|---|---|---|---|---|---|
| COMMUNITY SECTOR | LAND AREA (acs.) | TOTAL NO. OF LOTS | FRONT/SIDE LOAD (MAX) | REAR LOAD (MIN) | LAND AREA (acs.) | TOTAL NO. OF LOTS | FRONT/SIDE LOAD (MAX) | REAR LOAD (MIN) |
| PREMIERE | | | | | | | | |
| CENTRAL | | 60 | 30 | 30 | | 66 | 36 | 30 |
| SOUTHWEST | | 33 | 33 | 0 | | 33 | 33 | 0 |
| SOUTHEAST | | 77 | 77 | 33 | | 77 | 77 | 33 |
| CENTRAL SEA | | 33 | | 33 | | 33 | | 33 |
| NORTH | | | | | | | | |
| TOTAL | 209.09 | 211 | 110 | 101 | 209.09 | 220 | 127 | 141 |
| DENSITY = | 1.01 | lots/ac | 52.1% | 47.9% | 1.29 | lots/ac | 47.0% | 53.0% |

## PERMITTED USES:

PRINCIPAL USES PERMITTED (PER ZO 4-103)

A. Detached, single family dwellings

B. Attached, single family dwellings including duplex, townhouses, atrium houses and patio houses

SECONDARY USES PERMITTED (PER ZO 4-104)

A. Parks, playgrounds, community centers and non-commercial recreational and cultural facilities such as tennis courts, swimming pools, game rooms, libraries and related facilities.
B. Electric, gas, water, sewer, and communication facilities, including transformers, pipes, meters, pump stations and related facilities for distribution of local service
C. Intentionally Deleted
D. Accessory uses and structures including home occupations, storage buildings, and detached garages
E. Temporary buildings, the uses of which are incidental to construction during development being conducted on the same or adjoining tract or section which shall be removed upon completion or abandonment of such construction
F - H. Intentionally Deleted
I. Eating establishments (maximum floor area of 8,000 square feet)
J - R. Intentionally Deleted
S. Farmer's market
T. Intentionally Deleted
U. Commercial/Office uses collocated with residential dwelling units
V. Bed and breakfast, inn (maximum of 15 guest rooms)

## GENERAL USE LIMITATIONS:

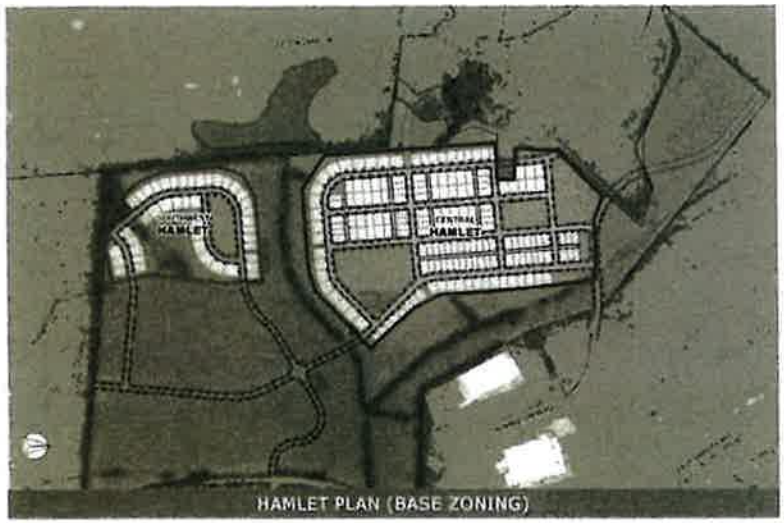
Unless otherwise specified under a specific provision of this Code of Development, all uses shall conform to the following use limitations and performance standards of the Fauquier County Zoning Ordinance:

1. Section 2-502: Limitations on the Occupancy of a Dwelling Unit
2. Section 2-508: Limitations on Junk and Inoperable Vehicles
3. Section 2-510: Sales from Vehicles
4. Section 2-512: Limitations on Keeping of Animals
5. Section 2-600: Common Open Space and Common Improvement Facilities
6. Article 5: Administrative Permits, Special Permits and Special Exceptions
7. Article 8: Signs
8. Article 9: Performance Standards
9. Article 11: Telecommunications Ordinance

ACCESSORY USES (PER ZO 6-102)

The following accessory uses shall be allowed within A1 and A10 in conjunction with and incidental to, and on the same lot as the principal use, provided that all other requirements of this Code of Development are also met:

1-3. Intentionally Deleted
4. Child's play house not to exceed 100 SF & play equipment
5-7. Intentionally Deleted
8. Gardening
9. Intentionally Deleted
10. Parking and loading spaces, off-street, as regulated by Article 7.
11-17. Intentionally Deleted
18. Statues, arbors, trellises, barbecue stoves, flagpoles, fences, walls and hedges. Maximum height for fences is 6 feet located to the rear of the front façade of the house.
19. Intentionally Deleted
20. Storage structures incidental to a permitted use
21. Swimming pool and bathhouses, private
22. Tennis, basketball or volleyball court and other similar private outdoor recreational uses
23a. Intentionally Deleted
24. Intentionally Deleted
25. Yard/garage sales accessory to residential uses (per ZO)
26-29. Intentionally Deleted
30. A Family day home for four or fewer children
31. The letting for hire of not more than two rooms to not more than two persons for periods not shorter than one month
32-33. Intentionally Deleted




HAMLET PLAN (BASE ZONING)

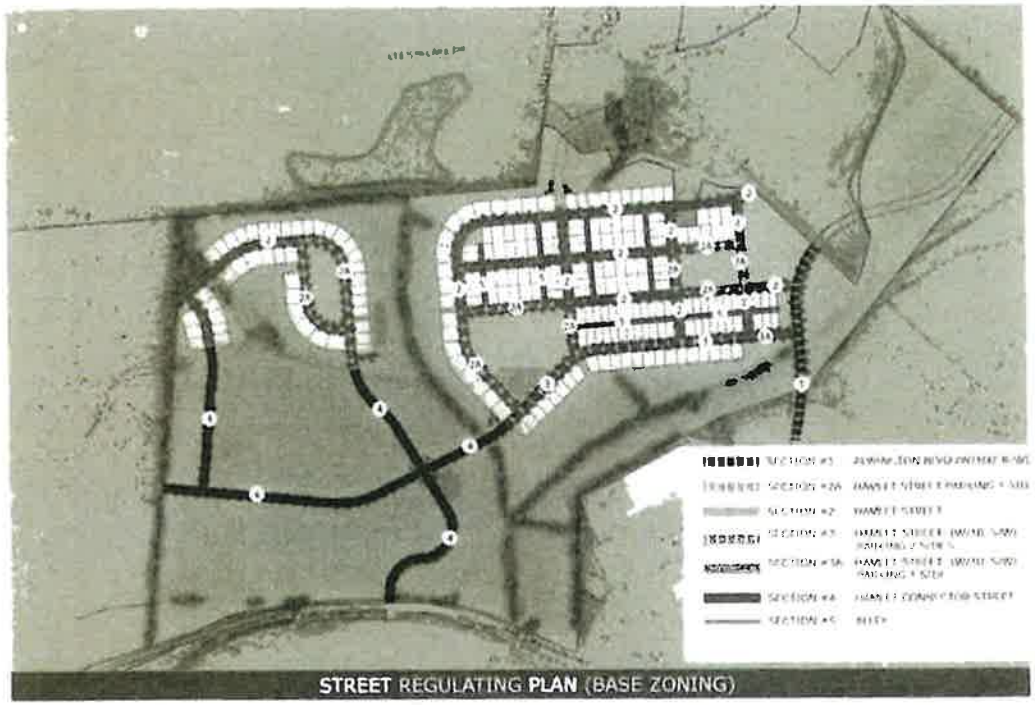



HAMLET PLAN (ALTERNATIVE B)

## GENERAL REQUIREMENTS

**STREETS:**

All streets, excluding alleys, shall be public streets. Alleys shall be private streets owned and maintained by the HOA. All public streets and alleys shall be designed in a manner consistent with the typical sections shown on the subsequent pages subject to any modifications required to meet the applicable jurisdictional design standards and specifications. Arrington has been designed to provide an interconnected street grid within the community, with strategically located access points for future interparcel connectivity. This street grid design encourages a more friendly pedestrian circulation system, provides for dispersion of traffic, and



**STREET REGULATING PLAN (BASE ZONING)**



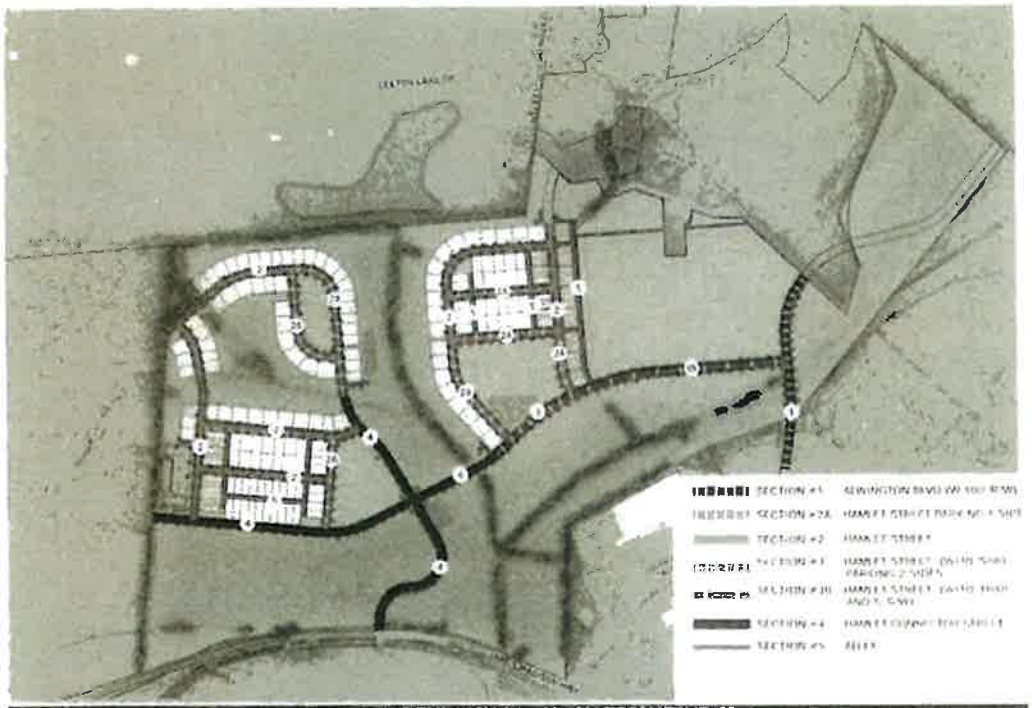
VDOT ROUNDABOUT



ALWINGTON BLVD. EXTENSION THROUGH FLOODPLAIN



PROPOSED CONNECTION TO WARRENTON WATER SYSTEM



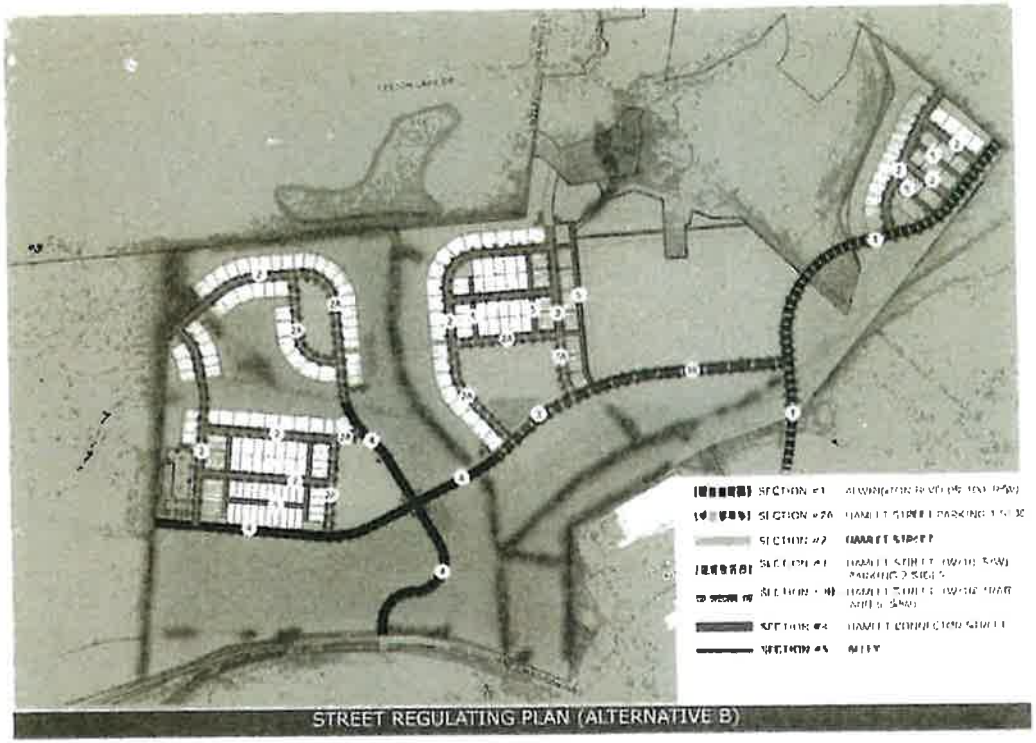
STREET REGULATING PLAN (ALTERNATIVE A)



ON-STREET PARKING:

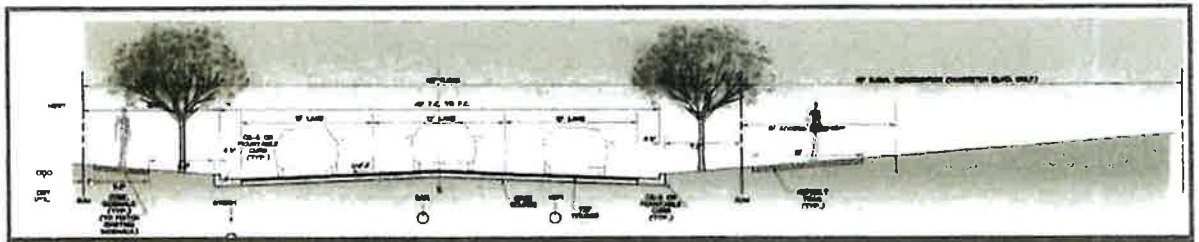
UTILITIES AND EASEMENTS:

STREETSCAPE:

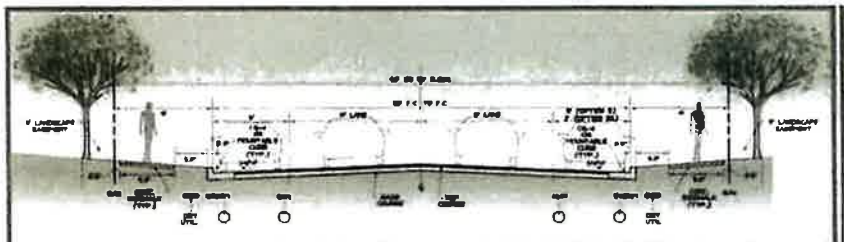


STREET REGULATING PLAN (ALTERNATIVE B)

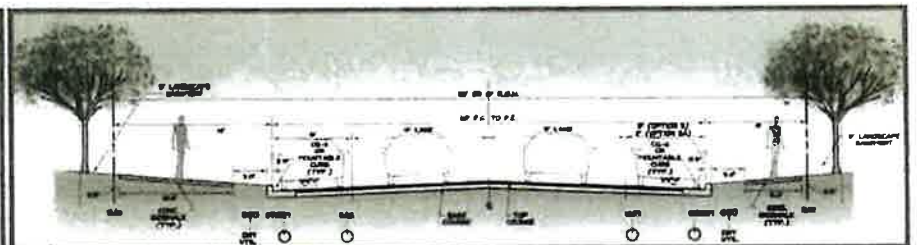
*Typical Section:*



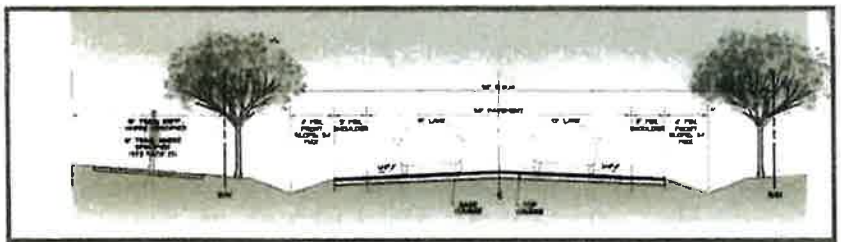
SECTION #1 & 3B - ALWINGTON BLVD & PUBLIC STREET, NO PARKING (W/5' SIDEWALK & 10' TRAIL) (NOT TO SCALE)



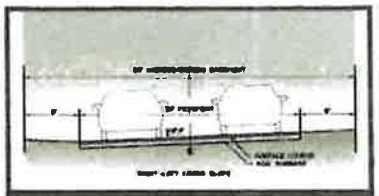
SECTION #2 & 2A - HAMLET STREET, PARKING ONE/BOTH SIDES (NOT TO SCALE)



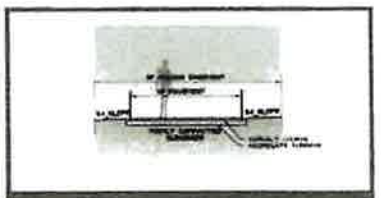
SECTION #3 & 3A - HAMLET STREET - PARKING ONE/BOTH SIDES & 10' SIDEWALK (NOT TO SCALE)



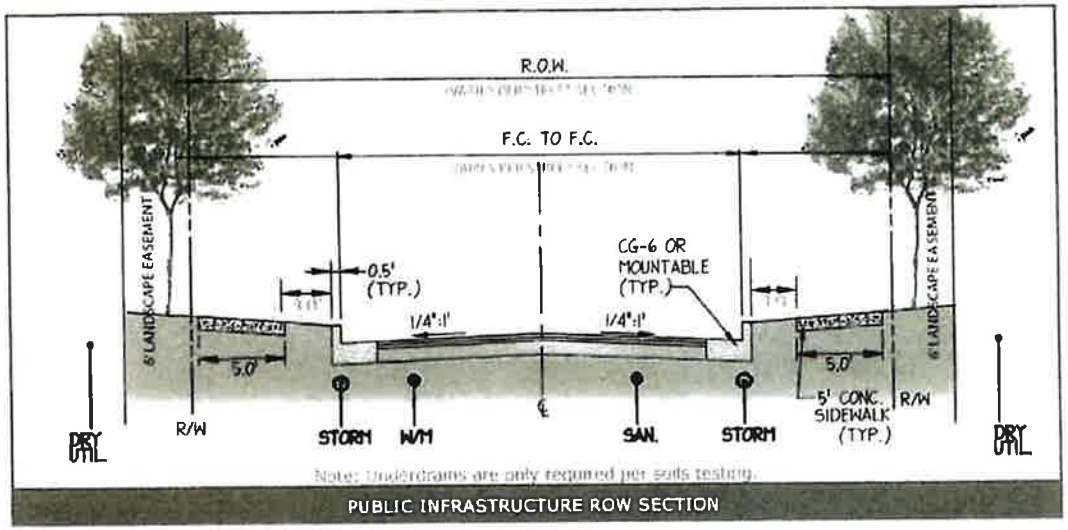
SECTION #4 - HAMLET CONNECTOR STREET, NO PARKING (NOT TO SCALE)



SECTION #5-PRIVATE ALLEY (NOT TO SCALE)



TYPICAL TRAIL (NOT TO SCALE)




Note: Underdrains are only required per soils testing.

PUBLIC INFRASTRUCTURE ROW SECTION

## UTILITIES AND EASEMENTS

**LOCATION:**
All utilities and utility easements will be located in a manner that supports the goal of creating traditional character within Arrington. All new utility lines shall be placed underground. Wet utility lines/easements will be located within the public right of way to the greatest extent possible. Dry utility line/easements will be allowed to be placed within front yards to the extent such placement does not interfere with required landscaping or other required elements of the plan. To the extent achievable, shared easement and easements of reduced width will be utilized as allowed by various dry utilities.

**FIRE HYDRANTS:**
Placement of fire hydrants shall occur at locations that minimize spacing to adjacent parcels (and to street corners) subject to fire and rescue approval. And as contemporary with fire and rescue standards.



TRANSFORMERS/UTILITY BOXES





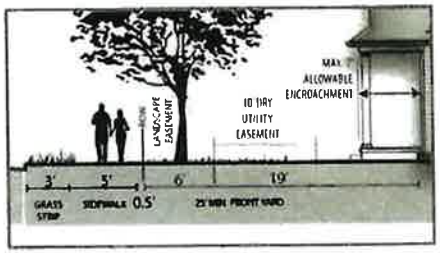
*Streetscape*

## STREETSCAPE:

The streets within Arrington are designed to reflect the traditional neighborhood character of the development, as well as their carrying capacity. The goal is to provide narrow, traffic-calmed streets with on-street parallel parking in keeping with traditional forms of development. Every paved street is lined with sidewalks and canopy trees, helping to create an environment that accommodates cars, but also welcomes pedestrians to walk through the neighborhood. Streetscape features shall include pedestrian scale street lights. Standards for lighting are found on the following page.

## STREET TREE REQUIREMENTS:

1. Every street shall have street trees planted on both sides of each street adjacent to the public sidewalks or trails.
2. Street trees shall generally be located just outside the right of way within landscape easements on each lot located between the sidewalk and house. The number of street trees to be planted shall result in an average density of one tree per 40 feet of cumulative block frontage. Spacing and location may be adjusted in order to create unique effects and to accommodate utility crossings and other site design constraints.
3. Street trees shall be selected from those listed in the table titled Appropriate Street Trees at Arrington in Appendix C. The list highlights specific cultivars of tree types specifically recommended for street tree use in Virginia by VDOT and the Virginia Tech Department of Forestry.
4. Street trees shall be planted in a manner that helps to create special character and identity for individual streets. This shall be accomplished by using the same tree type along both sides of the street, and varying that type from street to street.

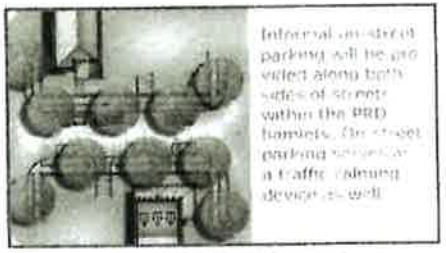



TYPICAL STREETSCAPE

SIDEWALK NOTES:

1. Concrete sidewalks shall be provided as shown on the typical street section.
2. Score joints shall be provided to demark the ends of sidewalk through driveway aprons subject to jurisdictional approval.
3. Sidewalks shall be constructed so there is no change in grade at the driveway apron, subject to jurisdictional approval.






ON-STREET PARKING





## PEDESTRIAN STREET LIGHTS:



DOMINION CUTOFF ACORN FIXTURE

| Comparable HID Wattage | Finish Color | Initial Lamp Lumens | Lighting Pattern | Correlated Color Temperature (CCT) | Input Wattage |
|---|---|---|---|---|---|
| 70 | Black | 3838 | Type III | 5000K | 45 |
| 100 | Black | 5472 | Type III | 5000K | 66 |
| 150 | Black | 8133 | Type III | 5000K | 131 |

The illumination of streets will be provided in accordance with the following standards:

1. Street lights shall be provided along every street with a sidewalk or trail.
2. Street lights shall be a maximum of 12 feet in height as required by Dominion or the applicable jurisdiction.
3. Light shall be spaced at intervals of 200-240 feet, or as determined by final photometrics.
4. Lights shall be shielded to direct light downward.
5. Fixtures and poles shall have a dark finish and be generally of a traditional design, consistent in character and quality to those shown on this page subject to approval in the public ROW by Dominion and the applicable jurisdiction.

## GUARDRAIL:

Guardrail and guardrail approaches (as required) shall utilize materials and colors as required by the applicable jurisdictional authority.



## MAIL BOXES:

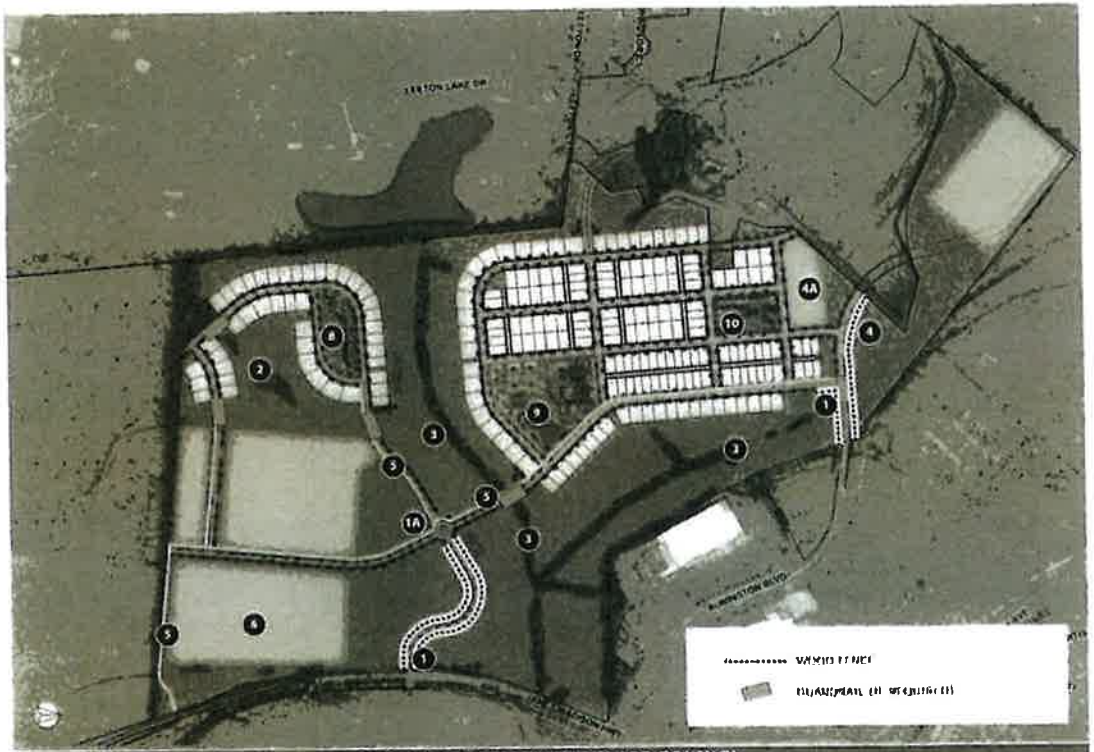
Mail boxes shall be simple, functional, set in accordance with approved projects standards. Their design and location should minimize their visual impact and comply with all applicable design standards and codes. Individual freestanding mailboxes shall be allowed, with a requirement for dark finishes for the mailboxes and posts. No separate newspaper delivery boxes shall be allowed. Grouped mailboxes shall be allowed where required by the United States Postal Service (Postal Service). All group mailboxes shall be in dark finishes, subject to approval by the Postal Service.



FREESTANDING MAILBOX
BLACK IN COLOR



GROUPED MAILBOX
BLACK IN COLOR




OPEN SPACE SYSTEM MAP (BASE ZONING)

■ Open Space to Amenities

## OWNERSHIP, MANAGEMENT AND ACCESS TO OPEN SPACE:

Arrington includes a system of open spaces that will connect the development with its surroundings. The open space strategy is designed to provide access to the surrounding region by vehicle and pedestrian networks and will provide for open space for recreation. All of the open spaces created within the development will be owned and maintained by the Arrington Property Owners Association, unless otherwise noted herein and/or within the plan.

## PROGRAMMED OPEN SPACE AREAS: (BASE ZONING)

| | |
|---|---|
| 1 Active Recreation | 6 Acres |
| 1A Dog Park | 0.1 Acre |
| 2 Lake Park | 9.6 Acres |
| 3 Wildflower Meadow | 20.9 Acres |
| 4 Open Pavilion | 0.7 Acres |
| 4A Central Garden Park/Plaza | 1.1 Acres |
| 5 Trails | 1.4 Acres |
| 6 Waterfront Open Space Area | 27.5 Acres |
| 7 N/A | |
| 8 Neighborhood Garden Community Green | 2.1 Acres |
| 9 Central Harvest Community Center and Community Green | 6.1 Acres |
| 10 Central Harvest Community Green | 1.0 Acre |
| Total Programmed Open Space | 76.6 Acres |
| Offset Open Space | 13.5 Acres |
| Total Open Space | 90.1 Acres |




OPEN SPACE SYSTEM MAP (ALTERNATIVE A)

## PROGRAMMED OPEN SPACE AREAS: (ALTERNATIVE A)

| | | |
|---|---|---|
| 1 | Entry Signage | 0 Acres |
| 1A | Fort Earthen | 1.1 Acres |
| 2 | Open Field | 2.0 Acres |
| 3 | Wildflower Meadow | 20.0 Acres |
| 4 | Berry Planting | 0.1 Acres |
| 4B | Central Hamlet West Retail Square | 2.0 Acres |
| 5 | Lawn | 1.5 Acres |
| 6 | Village Green Passive Area | 2.0 Acres |
| 6A | Entry & Information Kiosk and Agricultural CSA Zones | 0.3 Acres |
| 7 | Southeast Hamlet Community Garden | 1.2 Acres |
| 8 | Southwest Hamlet Community Garden | 1.1 Acres |
| 9 | Central Hamlet Community Center and Community Green | 0.3 Acres |
| 10A | Food & Agricultural Complex | 5.8 Acres |
| | Total Programmed Open Space | 38.5 Acres |
| | Other Open Space | 161.5 Acres |
| | Total Open Space | 200.0 Acres |






OPEN SPACE SYSTEM MAP (ALTERNATIVE B)

Open Space & Amenities

## PROGRAMMED OPEN SPACE AREAS: (ALTERNATIVE B)

1 Park Service [illegible] Acres
1A Lake Park [illegible] Acres
2 Open Park [illegible] Acres
3 Old Town Meadow [illegible] Acres
4 Berg Park [illegible] Acres
4B Central Upper Park Related Open [illegible] Acres
5 Bow [illegible] Acres
6 Viewshed Conservation Area [illegible] Acres
6A Falling Hillside Conservation [illegible] Acres
Area Agribusiness (PA Zoned Area)
7 Southeast Hamlet Community Garden [illegible] Acres
8 Southeast Hamlet Community Garden [illegible] Acres
9 Center Hamlet Community Center [illegible] Acres
and Community Garden
10A Center Hamlet Community Garden [illegible] Acres

Total Programmed Open Space [illegible] Acres
Other Open Space [illegible] Acres
Total Open Space [illegible] Acres









Accomack County Virginia

## 1 & 1A. ENTRY SIGNAGE & ENTRY FEATURE:

Muted entry signage will consist of a contemporary, hanging frame sign on a post flanked by stone columns and black farm fencing. Imagery is provided on page 59 in the signage section of the Appendices. Two natural fieldstone retaining walls framing a non-roundabout exit behind Accomack ridge will signify arrival to the community. One wall will have a muted sign board farm fencing adjacent to it before visitors will continue into the community. The entrance will be accented with trees, shrubs, and/or perennial flowers, building on the heritage along the historical fence line.

## 2. FARM POND:

The small farm pond will keep its current size and informal, unmanicured appearance. Invasive vegetation will be removed and replace with native wetland plantings. A proposed trail will provide access to its banks for fishing and sightseeing. One bench will be provided for contemplation and retreat from everyday life.

## 3. WILDFLOWER MEADOW: (FLOODPLAIN)

This passive recreational area will provide native wildflowers seeding to the stream valley ecosystem as it is re-established as a natural meadow for passive recreational enjoyment of residents and visitors alike. Bird houses will also be provided within the meadow. It will be visible from James Madison Highway and be a major contribution to the southern gateway of Wattsville. Select areas within the floodplain will be seeded based on field conditions and increased visibility. Alternatives A and B will include a trail meandering through the meadow with two seating areas.

## 4. BERRY PLANTINGS: (1,200 LINEAR FT.)

An informal thicket containing hawthorn, blackberries, beach plums, and/or huckleberries will be planted for the enjoyment of people and wildlife alike. They are located along a proposed paved trail in sufficient amounts to graze or harvest.

## 4A. CENTRAL HAMLET NORTH GREEN (BASE) OR NORTH HAMLET GREEN (ALTERNATIVE B)

The design will be a visible focal point when entering the site from Abingdon Boulevard. This informal green will provide a well landscaped perimeter along Abingdon Boulevard with active recreation and lots on the interior. It will incorporate perimeter trees and internal pathways and plantings.

Open Space & Amenities

## 4B. CENTRAL HAMLET WEST REFORESTATION

Native [illegible] trees [illegible] shall be planted at a rate of one (1) tree per 1,000 square feet of land area or approximately two (2) acres. Along the western boundary of the site. This entire stream area will serve as a natural outside buffer, passive recreational area, and an additional western buffer.

## OPEN SPACE AMENITIES/FEATURES:

- [illegible]
- Bench
- Bridge
- Communal green
- Pedestrian paths
- Community gardens
- Berry Plantings
- Wildflower meadows with bird houses
- Gazebo or covered structure
- Community center
- Pool
- Patio
- Trail
- Stone wall
- Ornamental tree
- Fencing

## OPEN SPACE AMENITY DESIGN NOTE

Open space amenity designs suggested are preliminary and conceptual. Actual design will follow the ordinance descriptions and provide the amenities/features mentioned. Actual layout may vary. Parking in the community center, tot lot, restaurant will be provided per the Zoning Ordinance.










### 5. TURKEY RUN TRAIL:

The Turkey Run Trail (minimum 10ft wide) will provide a pedestrian/bicycle and equestrian connection from the southerly boundary at Arrington near the intersection of James Madison Highway and the Eastern Avenue northward through the Arrington community to its northern boundary. A public access easement shall be provided for any portion of the Turkey Run Trail not located with a dedicated public street right of way. The easement shall be a minimum of fifteen feet (15') in width. The proposed trail system will connect sidewalks in and around Arrington to provide access and interconnectivity to each of the hamlets, the stream valley corridor, and all community amenities. The Turkey Run Trail will be privately maintained but open to the public.

### 6. VIEWSHED AGRICULTURAL AREA:

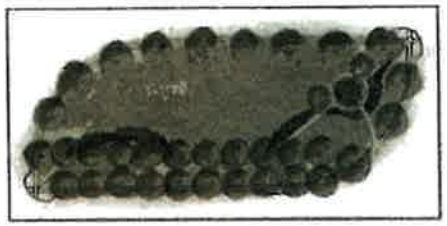
The Arrington ridge and its views framing the southern gateway to Warrenton will remain in agricultural use. [illegible] Various agricultural uses along the ridge and other areas of the site will preserve the county's farming tradition and community identity. If the Property is developed under the Base Zoning, only shallow root crops requiring no tilling will be planted within the area reserved for future drainfields.

### 6A. RESTAURANT, INN & FUT. AGROBUSINESS

A special amenity of the site will be an eating establishment and hotel/inn proposed under development Alternatives A and B bordering the RA area to the south. The proposed eating establishment and hotel/inn, along with the adjoining RA zoned parcel holds picturesque views west to the mountains. The RA zoned area could also provide the perfect setting for a single residence, farm, or agribusiness that could be a unique rural destination within Arrington. A winery could be the venue of weddings and special events which could be served by the adjacent inn and restaurant. Furthermore, the site is home to the historic Turton Forest Plantation ruins which could be restored and displayed or restored and adaptively reused within the grounds of the agribusiness.

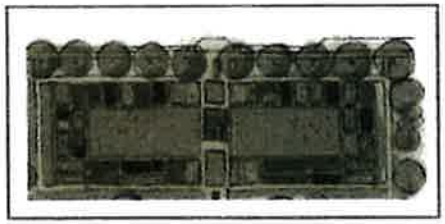
### FORMAL & COMMUNITY GREENS:

[illegible] Arrington [illegible] A [illegible] community [illegible] [illegible] [illegible]

















■ Open Space & Amenities

### 8. SOUTHWEST HAMLET COMMUNITY GREEN

Retaining the current Pecatonica Road (CR-2) alignment and allows the existing entrance to meet the street at the same grade after making that way through the first existing bungalow. Atop the knoll, this green is a welcome point of convergence open space. Trees and shrubs line the perimeter, while the interior holds a meandering path with two benches, within the proposed planting area. The [illegible] outlet of the green, being located at the southern boundary

### 9. CENTRAL HAMLET

COMMUNITY CENTER & COMMUNITY GREEN

This is the largest green and will be the most active and heavily programmed. It will house the community center, pool, one tennis court or two pickleball court, formal garden with seating, and contain the largest area of open turf providing the opportunity for more active recreation. A gazebo or other covered structure is also proposed at this location, sized to allow for the [illegible] and events. Plantings will [illegible] the [illegible] and [illegible] the street.

### 10. CENTRAL HAMLET COMMUNITY GREEN

The central green will be a focal point and amenity within the largest Central Hamlet. This [illegible] green will provide supplemental recreation amenities not provided by the more active community green in the Central Hamlet. Much like the Southwest green, it will incorporate perimeter tree and interior pathways, two benches, and plantings. It will have a relatively flat topography so could be used from active play as well as passive recreation.

### 10A. CENTRAL HAMLET COMMUNITY GARDEN

Development of the community garden under Alternatives A and B will be a place where residents can gather to socialize, share gardening skills and get fresh herbs and vegetables to garden. Three (3) benches and a [illegible] table or potting and planting will be available as well as a shed to hold tools and supplies. Raised beds will contain the soil, produce and provide easy maintenance. Design of the bed and paths will be well organized and carefully designed to take the place of the topography. A rain collection system may be provided for irrigation.

## LOT TYPES:

The Arrington community will provide a mix of homes of varying category, type, and architectural styles to ensure neighborhood quality and visual diversity. Market-rate single family detached homes will consist of three categories (Village, Neighborhood, and Estate) with two distinct lot types (A and B) within each category. The widths of the market-rate single family detached lots will range from 40 feet to 116 feet with the specific range of lot widths for each lot category and type listed on page 27. The "Lot Regulating Plan" corresponding lot areas range from 4,752 square feet to 12,093 square feet as listed in the Lot Standards included on Pages 31 and 32 in this Code of Development. The width of each rectangular lot shall be measured at the front lot line. The width of each lot on a curvilinear street shall be measured at the minimum front setback line. The variation in lot widths and lot areas will facilitate a corresponding diversity in home sizes, placement on the lots, and garage orientation. Development under Alternative A would add a single family attached (townhome) lot category for the construction of market-rate and affordable townhomes. The location of all lot categories is shown on the Lot Regulating Plan. The "Lot Mix (Per Block and Total)" table on the right provides the proposed distribution of the lot categories, types, and garage orientations by block and hamlet under the Base Zoning to further define lot variation and distribution throughout the community. A similar table is provided for Alternatives A & B on page 26A. Visual diversity will be further enhanced through varying architectural styles of a Piedmont vernacular (e.g. Federal, Colonial Revival, Bungalow, American Four-square, and Contemporary Variations) with each style having distinct form, massing, and roofline definitions as well as window, door, and porch details as illustrated in Part IV of this Code of Development. The variety in architectural styles is assured within these Plan Requirements as well as the Lot & Building Requirements in Part III.

All hamlets as defined on Page 12 of this Code of Development and shown on the Concept Development Plan are required to have a variation of lot type, architectural styles, and setbacks (both front and side), all as set forth within this COD.

Corner lots with generous front and side yards are important to the character of the development because they are highly visible and serve as key features within the community. Homes on corner lots should include architectural features for both the front and side elevations fronting street, including items like wrap around porches, turrets, columns, balconies, or other unique items.

LOT MIX PER BLOCK NOTE:

The number of lots of a certain category and type to be located within each block is subject to change during preparation of the Code of Development Site Plan up to a maximum of twenty percent (20%) for each category type (rounded up) within each block for those types within a category with more than two (2) lots in such block as long as the cumulative effects of any changes do not exceed the maximum allowable change in number of lots of each category and type per hamlet as set forth in the overall hamlet tabulations previously described herein.

No more than three (3) market-rate single family detached lots of the same category and type (e.g. Village, Type A) may be located adjacent to each other along each street frontage of a block.

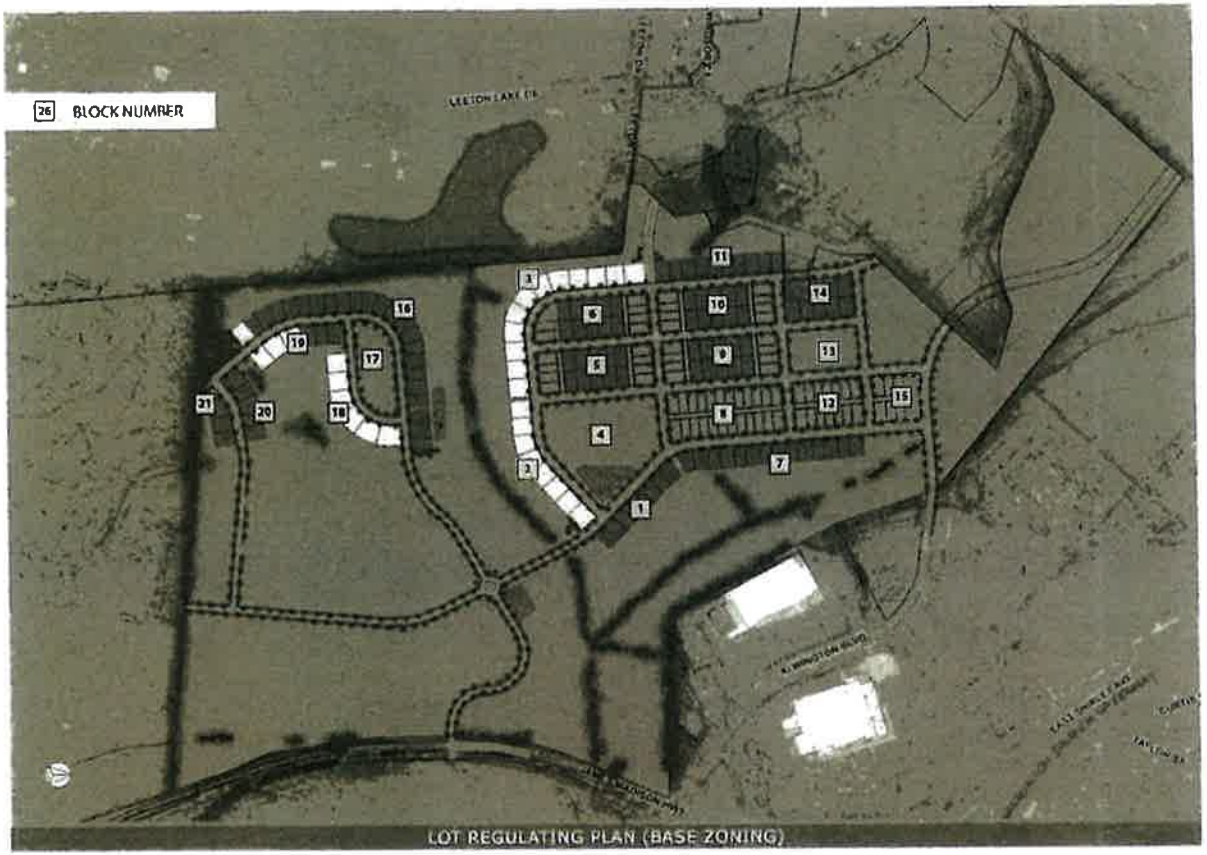
**BASE ZONING LOT MIX (PER BLOCK AND TOTAL)**

| | SINGLE FAMILY DETACHED | | | | | | SINGLE FAMILY ATTACHED | | |
|---|---|---|---|---|---|---|---|---|---|
| | Estate | | Neighborhood | | Village | | Townhome | Townhome | |
| | A | B | A | B | A | B | Market | Affordable | |
| HAMLET/BLOCK | Side Load Garage | | Front Load Garage | | Alley Load Garage | | Alley Load Garage | | TOTAL |
| CENTRAL HAMLET: | | | | | | | | | |
| 1 | | | 4 | 4 | | | | | 8 |
| 2 | 5 | 1 | | | | | | | 6 |
| 3 | 1 | 5 | | | | | | | 12 |
| 4 | CENTRAL HAMLET COMMUNITY CENTER & COMMUNITY GREEN (9) | | | | | | | | |
| 5 | | | 6 | 3 | 6 | 2 | | | 18 |
| 6 | | | 5 | 4 | 4 | 3 | | | 16 |
| 7 | | | 7 | 5 | | | | | 12 |
| 8 | | | | | 8 | 16 | | | 24 |
| 9 | | | 6 | 4 | 6 | 2 | | | 18 |
| 10 | | | 6 | 3 | 4 | 2 | | | 15 |
| 11 | | | 3 | 3 | | | | | 6 |
| 12 | | | | | 8 | 5 | | | 13 |
| 13 | CENTRAL HAMLET COMMUNITY GREEN (10) | | | | | | | | |
| 14 | | | 3 | 5 | | | | | 8 |
| 15 | | | | | | 6 | | | 6 |
| SUBTOTAL | 6 | 12 | 44 | 34 | 36 | 36 | 0 | 0 | 168 |
| SOUTHWEST HAMLET: | | | | | | | | | |
| 16 | 4 | | 11 | 9 | | | | | 24 |
| 17 | SOUTHWEST HAMLET COMMUNITY GREEN (8) | | | | | | | | |
| 18 | 1 | 5 | | | | | | | 6 |
| 19 | 4 | | 3 | 2 | | | | | 9 |
| 20 | | | 2 | 4 | | | | | 6 |
| 21 | | | | 1 | | | | | 1 |
| SUBTOTAL | 9 | 5 | 16 | 17 | 0 | 0 | 0 | 0 | 49 |
| TOTAL (BASE) | 13 | 17 | 62 | 51 | 38 | 36 | 0 | 0 | 217 |
| MIX % | 6.0% | 7.8% | 28.6% | 23.5% | 17.5% | 16.6% | 0.0% | 0.0% | 100.0% |

## ALTERNATIVE A LOT MIX (BY BLOCK AND TOTAL)

| | SINGLE FAMILY DETACHED | | | | | | SINGLE FAMILY ATTACHED | | |
|---|---|---|---|---|---|---|---|---|---|
| | Estate | | Neighborhood | | Village | | Townhouse | Townhouse | |
| | A | B | A | B | A | B | Market | Affordable | |
| HAMLET/BLOCK | Side-load Garage | | Front-load Garage | | Alley-load Garage | | Alley-load Garage | | TOTAL |
| CENTRAL HAMLET | | | | | | | | | |
| 2 | 5 | 8 | | | | | | | 8 |
| 3 | 3 | 9 | | | | | | | 12 |
| 4 | CENTRAL HAMLET COMMUNITY CENTER & COMMUNITY GREEN (9) | | | | | | | | |
| 5 | | | 6 | 6 | 3 | 1 | 7 | | 21 |
| 6 | | | 6 | 4 | 1 | 1 | 7 | | 19 |
| SUBTOTAL | 8 | 12 | 12 | 8 | 4 | 2 | 14 | 0 | 60 |
| SOUTHWEST HAMLET | | | | | | | | | |
| 16 | 1 | | 13 | 9 | | | | | 23 |
| 17 | SOUTHWEST HAMLET COMMUNITY GREEN (8) | | | | | | | | |
| 18 | 1 | 5 | | | | | | | 6 |
| 19 | 3 | | 1 | 2 | | | | | 6 |
| 20 | | | 2 | 3 | | | | | 5 |
| 21 | | | | 3 | | | | | 3 |
| SUBTOTAL | 5 | 5 | 16 | 17 | 0 | 0 | 0 | 0 | 43 |
| SOUTHEAST HAMLET | | | | | | | | | |
| 22 | | | | 3 | | | | | 3 |
| | COMMERCIAL - EATING ESTABLISHMENT AND HOTEL (INN) | | | | | | | | |
| 24 | 3 | 4 | 3 | | | | | | 10 |
| 25 | | | 8 | 6 | 3 | 1 | | 7 | 25 |
| 26 | | | | | 10 | 14 | | 9 | 33 |
| | SOUTHEAST HAMLET COMMUNITY GREEN (7) | | | | | | | | |
| SUBTOTAL | 3 | 4 | 11 | 9 | 13 | 15 | 0 | 16 | 71 |
| CENTRAL SFA HAMLET | | | | | | | | | |
| 27A | | | | | | | 5 | | 5 |
| 27B | | | | | | | 20 | | 20 |
| 27C | | | | | | | 12 | | 12 |
| | CENTRAL HAMLET COMMUNITY GARDEN (10A) | | | | | | | | |
| | CENTRAL HAMLET WEST REFORESTATION (4B) | | | | | | | | |
| SUBTOTAL | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 0 | 37 |
| **TOTAL (ALT A)** | **16** | **21** | **39** | **34** | **17** | **17** | **51** | **16** | **211** |
| **MIX %** | **7.6%** | **10.0%** | **18.5%** | **16.1%** | **8.1%** | **8.1%** | **24.2%** | **7.6%** | **100.0%** |
| NORTH HAMLET: | | | | | | | | | |
| 28 | 2 | 2 | | | | | | | 4 |
| 29 | | | | | | | 75 | | 75 |
| 30 | | | | | | | 17 | | 17 |
| 31 | | | 7 | 6 | | | | | 13 |
| SUBTOTAL | 2 | 2 | 7 | 6 | 0 | 0 | 92 | 0 | 109 |
| **TOTAL (ALT B)** | **18** | **23** | **46** | **40** | **17** | **17** | **93** | **16** | **270** |
| **MIX %** | **6.7%** | **8.5%** | **17.0%** | **14.8%** | **6.3%** | **6.3%** | **34.4%** | **5.9%** | **100.0%** |

Lot Regulating Plan




| LOT WIDTHS | | | | |
|---|---|---|---|---|
| RESIDENTIAL LOTS CATEGORY | TYPE | INTERIOR/ CORNER/ END | LOT WIDTH MIN (Ft) | LOT WIDTH MAX (Ft) |
| VILLAGE | A | INTERIOR | 48 | 48 |
| | A | CORNER | 59 | 63 |
| | B | INTERIOR | 49 | 53 |
| | B | CORNER | 64 | 68 |
| NEIGHBORHOOD | A | INTERIOR | 62 | 66 |
| | A | CORNER | 77 | 81 |
| | B | INTERIOR | 74 | 78 |
| | B | CORNER | 89 | 93 |
| ESTATE | A | INTERIOR | 89 | 93 |
| | A | CORNER | 103 | 108 |
| | B | INTERIOR | 97 | 101 |
| | B | CORNER | 112 | 116 |
| TOWNHOUSE | | INTERIOR | 19.5 | 20.5 |
| | | CORNER - PUB STREET | 35 | 40 |
| | | END - PVT. ALLEY/OS | 29.5 | 30.5 |
| TOWNHOUSE - AFFORDABLE | | INTERIOR | 19.5 | 20.5 |
| | | CORNER - PUB STREET | 35 | 40 |
| | | END - OPEN SPACE | 29.5 | 30.5 |

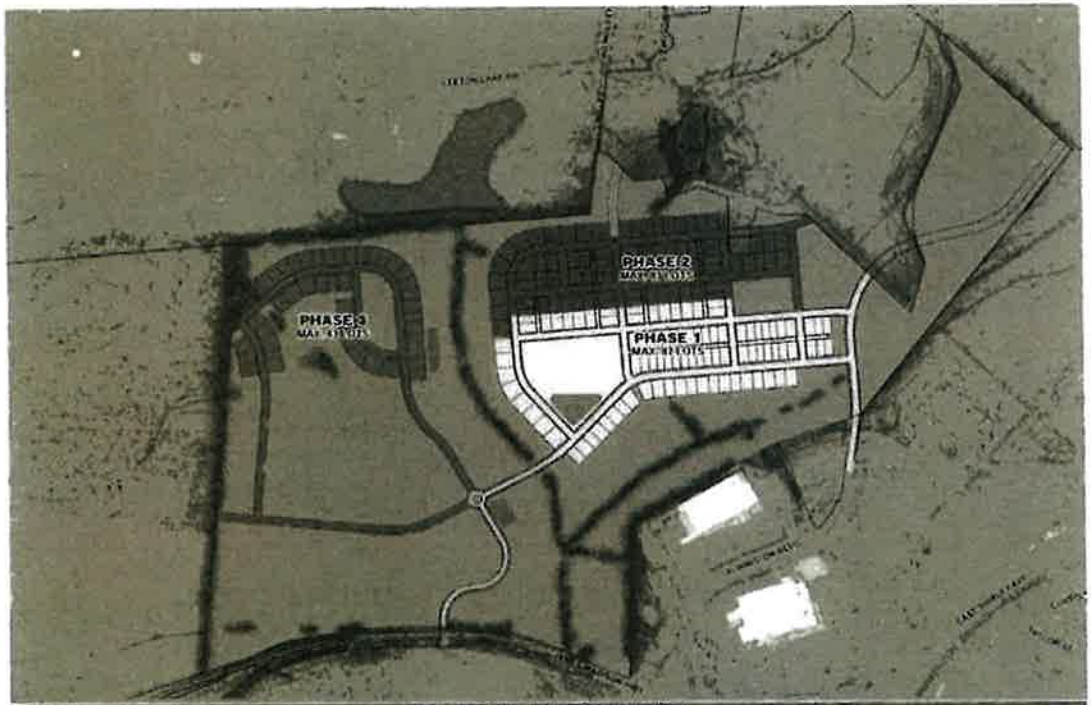




Note: See page 29 and profiles for project phasing.

BLOCK NUMBER
LOT REGULATING PLAN (ALTERNATIVE A)


BLOCK NUMBER
LOT REGULATING PLAN (ALTERNATIVE B)




PHASING PLAN (BASE ZONING)

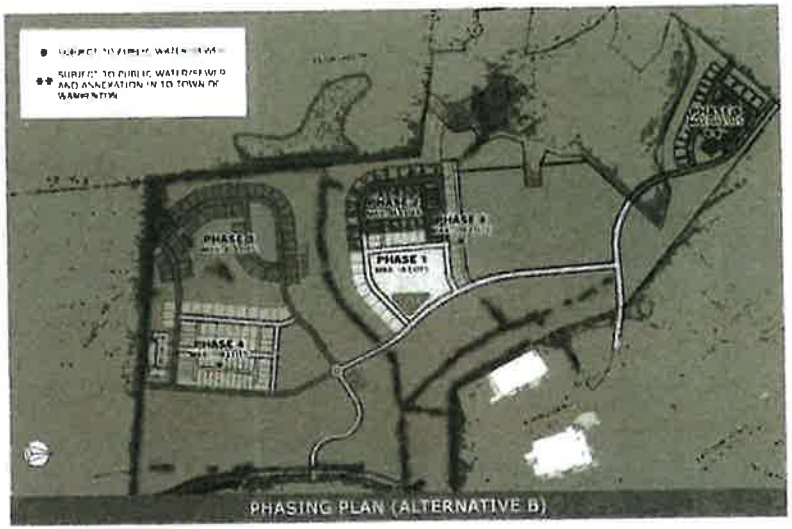
## DEVELOPMENT PHASING

| PHASING TABULATIONS (BASE ZONING) | | |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |




PHASING PLAN (ALTERNATIVE A)

| PHASING TABULATIONS (ALTERNATIVE A) | | |
|---|---|---|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| TOTAL UNITS PROPOSED | | |




PHASING PLAN (ALTERNATIVE B)

| PHASING TABULATIONS (ALTERNATIVE B) | | |
|---|---|---|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |
| TOTAL UNITS PROPOSED | | |

Notes:

1. Phase 4 is subject to access to town water and sewer service and inclusion of Arlington within the corporate boundaries of the Town of Warrenton.
2. Phase 5 is subject to access to Town water and sewer service, inclusion of Arlington within the corporate boundaries of the Town of Warrenton, and availability of offsite right-of-way for the northerly extension of Alwington Boulevard.

## LOT LAYOUT STANDARDS (SINGLE-FAMILY DETACHED HOMES)

### ACCESSORY STRUCTURES (EXCLUDES DETACHED GARAGES):

Notwithstanding the side and rear yard setbacks as set forth in the Lot Standards, accessory structures and pools may be located in the side and rear yard provided a minimum of five (5) feet setback is provided from all side and rear property lines and the accessory structure in use is located at least ten (10) feet to the rear of the principal structure on the subject lot. The floor area of any accessory structure, except detached garage, shall be no larger than 150 square feet and the building height shall be limited to fifteen feet (15').

### CURB-CUTS:

Driveway curb-cuts shall be no wider than the width of 12 feet or the minimum width allowed by the applicable jurisdiction. Curb-cuts and driveways shall be designed to encourage and facilitate the continuation of the sidewalk across the apron.

### DRIVEWAYS:

Driveways serving front loaded garages shall not exceed the width of the garage for a distance of 20 feet in front of the garage (the "Front Required Parking Area"), and shall then transition (within no [illegible] 10 feet) from the width of the garage to the width of the curb-cut referenced above and the remainder of the driveway from the transition to the curb-cut shall not exceed the width of the curb-cut.

Driveways serving rear loaded garages shall not exceed the width of the garage for a distance of 20 feet between the alley and the garage (the "Rear Required Parking Area"). Driveways serving side loaded garages shall not exceed the width of the garage and shall transition (within 10' forward of the front face of the garage) to the width of the curb-cut referenced above and the remainder of the driveway from the transition to the curb-cut shall not exceed the width of the curb-cut. Driveways and the Required Parking Areas may be constructed of asphalt, brick or concrete pavers. No gravel, grass pavers, or broom finished concrete.

### GARAGES:

All front loaded garages shall be sized for no more than two (2) vehicles, with a maximum width of 24 feet. Front loaded garages shall be set back a minimum of 20 feet behind the "front" of the house. Side loaded garages need not be set back where the side wall of the garage is aligned with, or set back to the extent that, the main mass of house and only contain garage parking for up to three (3) vehicles.

Any rear loaded garage shall be sized for no more than two (2) car. Rear loaded garages shall be set to meet all side and rear yard setbacks as set forth on the Typical Lot Details sheet.

The "Front" of a house shall be defined as that element of the residential structure that is located closest to a street (e.g. the main mass, front addition, or greatest frontward projection of a bay or box window or front porch). Side and rear loaded garages are required for those lots designated as side garages.





## LOT LAYOUT VARIETY:

Each residential block shall incorporate a variety of lot category, type, and architectural styles, and a variety of setbacks between the front lot line and the front of each house to ensure visual diversity. To achieve the aforesaid, the following design requirements shall be followed:

- Each street frontage of a block shall include a variety of setbacks between the front lot line and front of each house with a minimum setback of two feet (2') and a maximum setback of five feet (5') between the main massing of adjacent houses.
- Architectural front facades of the same style shall not be utilized on market-rate single family detached homes placed on adjacent lots of the same category and type or on lots of the same category and type directly across the street from each other.
- Market-rate single family detached homes with the same architectural style shall not be constructed on more than three lots of the same category and type along each street frontage of a block.
- Architectural styles with two-story elevations shall be offered for all lot categories and types except the Cottage category.
- No more than more twenty percent (20%) of the homes located along each street frontage of a block shall be the same color scheme.
- No more than 50% of all single-family detached houses constructed along each street frontage of a block shall consist of front facades with all siding above the water table, or utilize a front elevation where siding is the predominant (more than 50%) material above the water table.
- Homes on corner lots warrant special consideration due to the visibility of the home's side elevation. The side elevation of homes on corner lots shall be designed to include similar architectural elements and articulations as the front façade including items like wrap around porches, number of windows, and window treatments (e.g. shutters).
- Each street frontage of a block with more than five (5) market-rate single family detached lots adjoining such street shall include a minimum of three (3) different lot widths for said lots with a minimum of ten feet of variation between the narrowest and widest lot widths. Each street frontage of a block with five (5) or less market rate single family detached lots adjoining such street shall include a minimum of two (2) different lot widths for said lots with a minimum of ten feet of variation between the narrowest and widest lot widths.
- Homes on no more than three (3) adjoining market rate single family detached lots along each street frontage of a block may be of the same width.

## MECHANICAL AND ELECTRICAL EQUIPMENT:

All mechanical and electrical equipment for each individual house (i.e., meters and condenser units) shall be located no closer to the street than the front line of the house and shall be screened from view from any public travel way by architectural treatment, landscaping, or both. Electric, telecommunication, and video distribution cable and equipment maintained by a municipality or public utility company (i.e. transformers and splicing pedestals) is excluded from this requirement.

## LOT LAYOUT STANDARDS (SINGLE-FAMILY ATTACHED HOMES)

## ACCESSORY STRUCTURES (EXCLUDES DETACHED GARAGES):

Accessory structures shall be located on the rear half of the lot and shall meet all side and rear yard setbacks as set forth in the Lot Regulating Standards. The floor area of any accessory structures, except detached garage, shall be no larger than 50 square feet and the building height shall be limited to one-story.

## CURB-CUTS:

Driveway curb-cuts along public ROW shall be prohibited. Access for garages shall only be off of a private alley.

## DRIVEWAYS:

Driveways serving rear loaded garages from an alley shall not exceed the width of the garage (the "Rear Parking Area"). Driveways and the parking areas may be constructed of asphalt, brick or concrete pavers, (to include open paver), stamped concrete, or broom finished concrete.

## GARAGES:

Garages shall not be required, but if provided, shall be rear loaded and sized for no more than two (2) cars. Garages shall be sited to meet all side and rear yard setbacks as set forth in the Zoning Ordinance.

## LOT LAYOUT VARIETY:

No more than six (6) single family attached dwelling units shall be located in any one building and no more than thirty-seven (37) units shall be located in any block. Each building shall incorporate a variety of setbacks and front facades for the townhome units (consist of a minimum of two (2) units with a porches within each building). Variation in architectural styles and building heights is recommended. The intent of these requirements is to create variation along each block. No two adjacent, diagonal, or opposite buildings may be of the same elevation or color scheme. It is the intent of the architectural style of two adjoining townhomes is to create a massing and appearance of a single larger townhome.

## MECHANICAL AND ELECTRICAL EQUIPMENT:

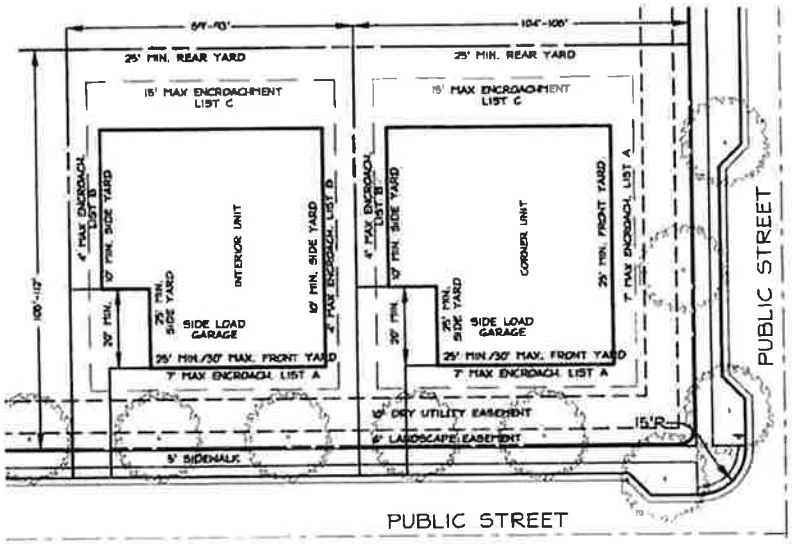
All mechanical and electrical equipment for each individual house (i.e., meters and condenser units) shall be located no closer to the street than the front line of the house and shall be screened from view from any public travel way by architectural treatment, landscaping, or both. Electric, telecommunication, and video distribution cable and equipment maintained by a municipality or public utility company (i.e. transformers and splicing pedestals) is excluded from this requirement.

## LIGHTING (SINGLE-FAMILY DETACHED AND ATTACHED):

## ALLOWABLE ENCROACHMENTS:

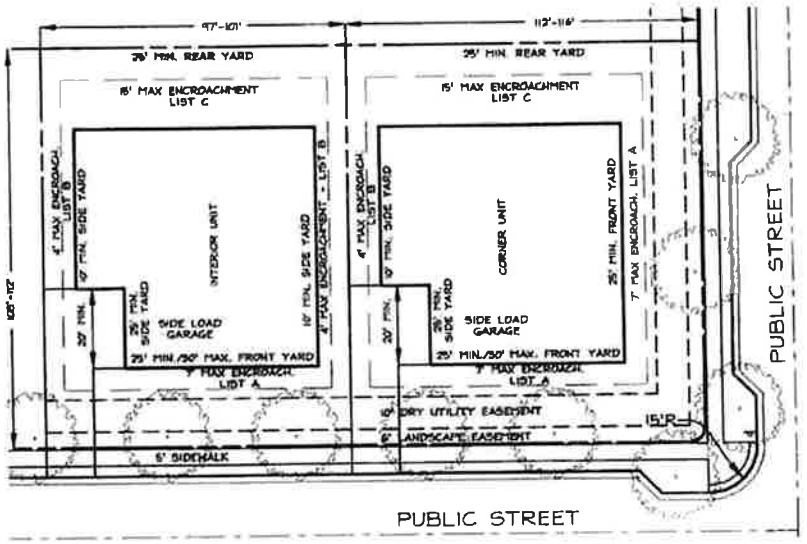
## ESTATE LOT LAYOUT STANDARDS (TYPE A)
## (SIDE-LOAD, SINGLE-FAMILY DETACHED)

NOT TO SCALE



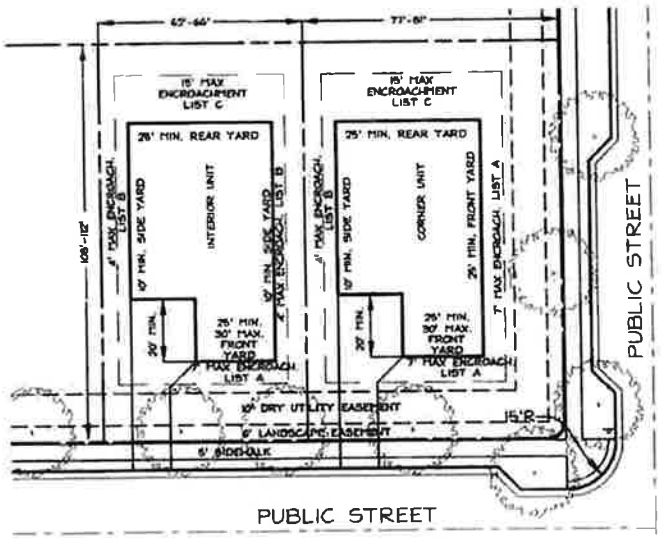

## ESTATE LOT LAYOUT STANDARDS (TYPE B)
## (SIDE-LOAD, SINGLE-FAMILY DETACHED)

NOT TO SCALE



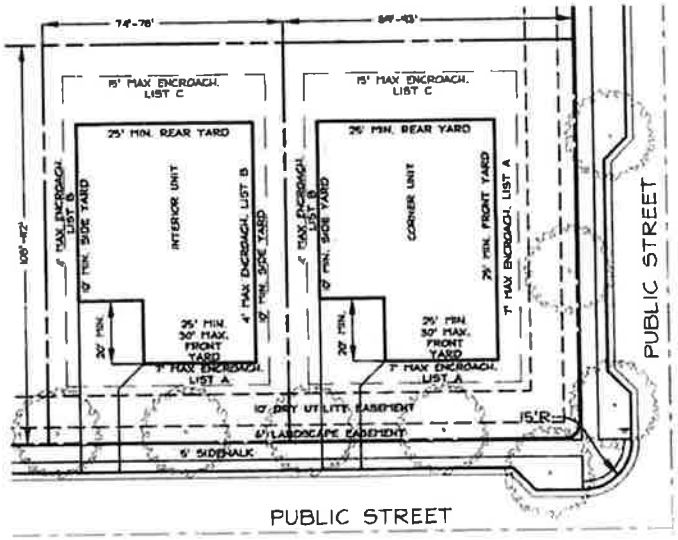
## NEIGHBORHOOD LOT LAYOUT STANDARDS (TYPE A) (FRONT-LOAD, SINGLE-FAMILY DETACHED)

NOT TO SCALE



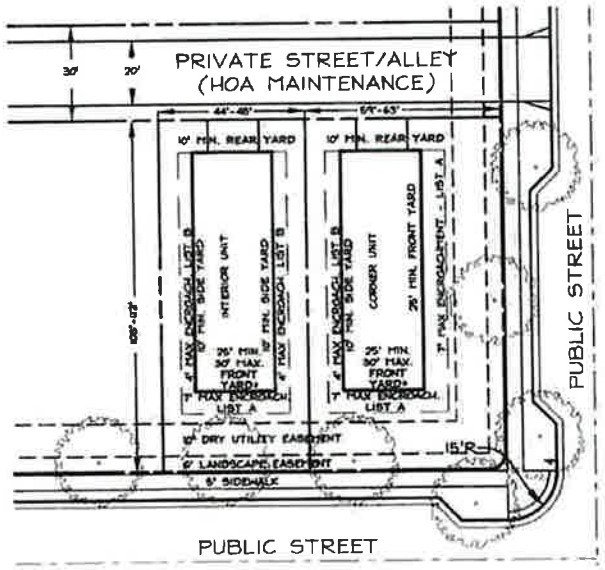

## NEIGHBORHOOD LOT LAYOUT STANDARDS (TYPE B) (FRONT-LOAD, SINGLE-FAMILY DETACHED)

NOT TO SCALE



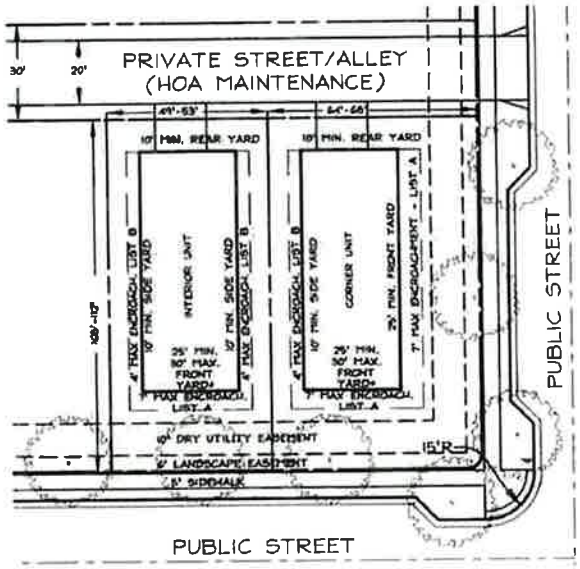
## VILLAGE LOT LAYOUT STANDARDS (TYPE A)
## (REAR-LOAD, SINGLE-FAMILY DETACHED)

NOT TO SCALE



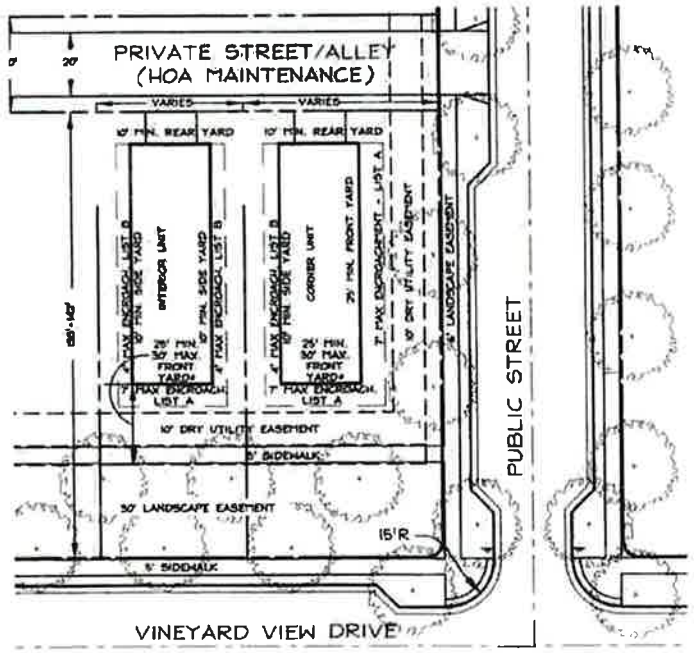

## VILLAGE LOT LAYOUT STANDARDS (TYPE B)
## (REAR-LOAD, SINGLE-FAMILY DETACHED)

NOT TO SCALE



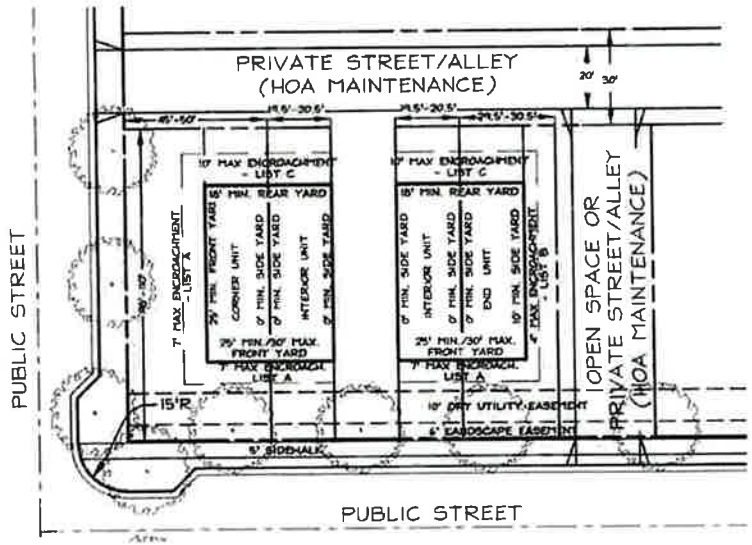
## VILLAGE LOT LAYOUT TYPE A & B, BLOCK 24 & 25
## (REAR-LOAD, SINGLE-FAMILY DETACHED)

NOT TO SCALE



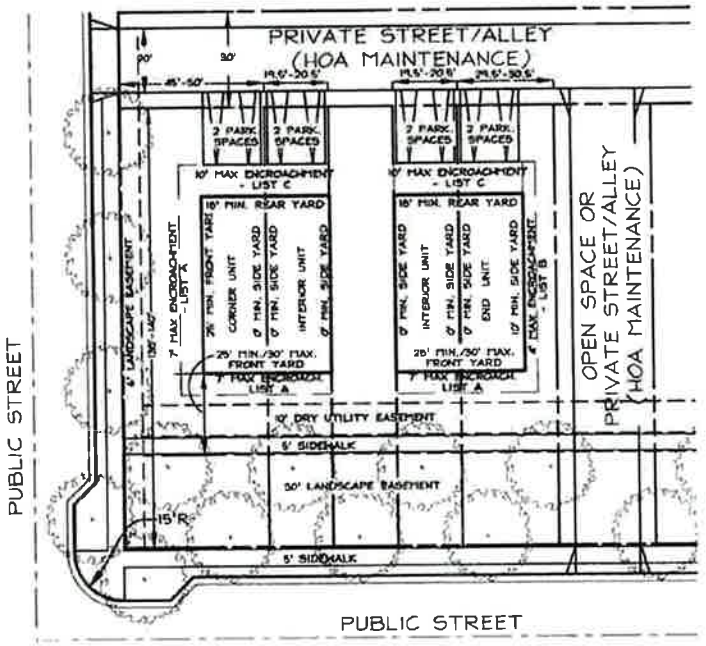
## TOWNHOUSE LOT LAYOUT STANDARDS
## (REAR-LOAD, SINGLE-FAMILY ATTACHED)

NOT TO SCALE




## AFFORDABLE TOWNHOUSE LOT LAYOUT STANDARDS
## (REAR-LOAD, SINGLE-FAMILY ATTACHED)

NOT TO SCALE



## ARCHITECTURAL STANDARDS:

### ACCESSORY STRUCTURES (EXCLUDES DETACHED GARAGES)

Accessory structures such as gazebos or sheds shall be of similar architectural design and color scheme as the primary structure.

### GARAGES:

All attached garages shall be integrated into the architectural design of, and consist of the same quality of material and finish as, the principal structure. Attached garage foundation walls shall be of the same material as the main structure. Detached garages shall be of consistent architectural character as the principal dwelling.

### BRICK DETAILING:

A minimum water table of two (2) course brick is required on all brick facades under three (3) feet in height. Brick veneer ending at architectural features (i.e. brick chimney) are encouraged.

### BUILDING HEIGHT:

Building heights for single family detached homes may range between 1 and 2 ½ stories above the grade. Building heights













for single-family attached homes may range between 2 and 4 stories above grade. Building heights for detached garages may range from 1 to 2 stories, provided that no detached garage shall exceed the height of the main structure and provided further that no structure shall exceed the height permitted under the Lot Regulating Standards.

### BUILDING MATERIALS

Building materials shall be restricted to those listed under Building Material Standards in Part IV, Section B of the Code of Development.




### CHIMNEYS:

Chimneys exterior surfaces shall be of a material consistent with the building and have a natural or manufactured finish. Exposed chimneys on the ground level (including wood, pellet, coal stoves) and be constructed to grade and may not appear to be suspended in the air while those on upper levels must have a concealed base returning to the building facade. Metal roof jack flues should extend no higher than the minimum required by the building code. Unpainted galvanized or stainless steel flues should be concealed from view.

### CONSISTENT DESIGN:

Exterior building elevations shall be of consistent architectural design and style. Design features, such as [illegible] shall be used consistently on all sides of a building. Buildings shall not present [illegible] to any street. Use of different materials on a building elevation or transitions of materials at corners or [illegible] shall be avoided.

### FOUNDATION:

Brick or stone water table is required on the front and side of all residential structures constructed on corner lots and on all interior lots where the exposed basement wall is [illegible] greater than twelve inches (12") in height. This same [illegible] requirement for sides of homes shall not be required if the water table is not visible from a public street as determined by [illegible].

### GUTTERS AND DOWNSPOUTS:

Gutters and downspouts must be painted to match the color of the surface to which they are attached or [illegible] the fascia and soffit.

### METAL FLASHING:

Exposed metal flashing, vents, pipes, etc. shall be painted to blend with the surface to which they are attached.

### PROJECTING EAVES:

All homes shall have a roof overhang of no less than the typical dimension that is consistent with the architectural style of the main building mass, except where the building designer can demonstrate to the satisfaction of the ARC that the building adheres to a particular style that does not include eaves.

### ROOFING:

Roof line and pitch shall be consistent with the architectural style of the building. The roof pitch on any major roof is required to be not less than 6:12. A variety of roof styles (such as hip, gable, and gambrel) are recommended. Intersecting of gable roof homes or a dropped roof ridges is encouraged to promote a visually exciting and animated streetscape. Flat or low pitch roof designs may be appropriate for porches and breezeways but are not permitted for the main building mass unless there is historic architectural evidence of the use of same with a certain architectural style.









### SECURITY DEVICES:

Security devices must be installed without detracting from the design integrity of the building. Security signage should be placed proximate to the front door.

### SKYLIGHTS:

Skylights must be well integrated into the overall building design, with a low profile and shall be flat or with a slight curve. Skylights shall be installed parallel with the roof ridge and edges, with frames painted to blend with the color of the roof. Skylights should be located only on the backside of the roof ridge. Skylights on the front elevation are strongly discouraged.

### WINDOWS:

Bay windows on the first floor should have a substantial base or extend to the ground. The extension of the bay window from the wall of the house and the pitch of the roof of the bay window should achieve maximum dramatic effect as it relates to the house.

### PATIOS, DECKS & BALCONIES:

Decks, patios, and balconies should generally be located in rear yards. Decks more than two feet above grade shall be finished with heavy trimmed latticework and plant materials to screen views to the underside. Decks, porches, and railings shall be painted, stained or left natural depending on the architectural style, color combinations and detailing of the house as well as visibility from any public street.

### CONSTRUCTION OPERATIONS

### TEMPORARY FACILITIES:

Sales offices, construction offices/trailers, storage sheds, trade yards and necessary construction operations are permitted during construction only and only in accordance with any applicable zoning requirements. These facilities and related items must be removed promptly when construction is substantially complete as determined by the ARC. Site planning, architectural and landscape guidelines for permanent structures shall apply to the location and design of temporary facilities as well.

### TRASH AND CONSTRUCTION DEBRIS:

Builders and contractors shall be responsible for maintaining a neat environment. Dumpsters and recycling containers shall be emptied frequently, and shall not be overflowing. Contractors shall also clean adjacent streets, sidewalks and curbs regularly.

### PRESALES STRUCTURES AND MODEL HOME SALES CENTERS:

Temporary sales office(s)/trailer(s) shall be located so as to minimize traffic impacts. Site design, off street parking and accessibility shall be provided as required by the applicable governmental agencies having jurisdiction. All plans shall be submitted, reviewed, and approved by the ARC in the same manner as set forth in Section II above.

### RIGHT OF ENTRY:

The Arrington Community shall have the right to enter onto any of the Arrington property subject hereto, at reasonable times, for the purpose of inspecting the property and ascertaining conformance with the Code of Development.

## DEVIATIONS FROM THE BUILDING AND LOT REQUIREMENTS:

The Zoning Administrator may approve deviations from the Lot and Building Requirements set forth in Part III of this Code of Development when such deviation does not impact neighborhood quality and visual diversity nor detract from the overall goal of creating a traditional, pedestrian oriented community.

## A. PARKING AND LOADING REQUIREMENTS:

Parking and loading design will meet applicable jurisdictional standards.

## B. SCREENING & ON-LOT LANDSCAPE REQUIREMENTS:

Landscape related requirements are set forth in Part IV, Section C of this Code of Development.

## EXAMPLES OF PIEDMONT VERNACULAR



# NON-RESIDENTIAL DESIGN GUIDELINES (PRD ZONE)

## INTRODUCTION

The Arrington community includes non-residential buildings such as a community center and other amenity facilities as outlined in Part Two of the ODP. In the event the Arrington community is developed under either Alternative A or Alternative B plan options, a commercial area at the southwestern portion of the community will be included. The commercial area will consist of two additional non-residential buildings – an eating establishment with a gross floor area no greater than 8,000 square feet and a hotel (inn) with a maximum of fifteen (15) sleeping rooms. Separately, and not included in REZN-22-017978, is the potential to complement these commercial uses with a winery and/or brewery constructed on the residual portion of PIN 6983-44-5825-000 which is currently zoned RA. These commercial uses will provide the residents of Arrington and their guests, as well as the local Warrenton community, with jobs and lodging opportunities. Arrington residents will have the ability to access these services via a pedestrian trail connecting the residential areas to the commercial uses in addition to vehicular access on Vineyard View Drive. Throughout the commercial component of Arrington, landscaping, site planning, and architectural design will be implemented which creates a friendly and welcoming environment.

In order to maintain the character of Arrington's residential community, the above referenced non-residential uses shall be developed with a compatible architectural design and harmonious quality. These Non-Residential Design Guidelines will help guide the design and construction of these non-residential uses to maintain uniformity in architectural and quality innovative site design that contributes to the character of the entire Arrington community. Through well executed planned, architecture, and landscape design, these non-residential uses within Arrington are intended to complement the residential community.

The design of these non-residential uses within Arrington shall adhere to the following Guiding Principles:

- Buildings should contribute to the qualitative nature of the overall neighborhood and be of compatible scale and proportions in massing and details.
- Buildings should have an enduring quality and the architectural design, materials, and colors should be reflective of the Virginia Piedmont vernacular.
- Open spaces should be pedestrian friendly, and
- Parking areas should be deemphasized as much as possible.

## NON-RESIDENTIAL COMMUNITY ARCHITECT SELECTION PROCESS

These design guidelines are to be used as a general tool to guide the development of the above referenced non-residential uses within the Arrington community. All site plans for these non-residential uses within Arrington as well as the architectural design and details of such non-residential buildings to be constructed within the Arrington community, shall be submitted, and approved by the Owner and the Non-Residential Community Architect before construction commences. Such approval does not relieve the applicant of the responsibility of obtaining all other necessary approvals and permits required by laws of Warrenton, Fauquier County, the Commonwealth of Virginia, and/or other governmental agencies having jurisdiction over the construction of each non-residential building. The Non-Residential Community Architect shall be licensed to practice architecture in the Commonwealth of Virginia, possess a minimum of ten years of experience working with Architectural Review Boards for historic districts and traditional neighborhood design developments, have completed previous projects that incorporate historical and/or agrarian community architectural styles found in Warrenton, Fauquier County and/or the Virginia Piedmont area, and not be affiliated with the Owner, or contracted by the Owner, for any architectural design services while serving as the Non-Residential Community Architect. In the event the Non-Residential Community Architect is not the same person as the Architect who served on the Architectural Review Committee for residential homes and lots, then the Owner shall coordinate with the Zoning Administrator at the outset of the Non-Residential Community Architect's review process to ensure consistency with the above-referenced requirements.

## NON-RESIDENTIAL COMMUNITY ARCHITECT REVIEW AND COUNTY SUBMISSION PROCESS

In addition to the Non-Residential Community Architect review and approval process, the following non-residential guidelines shall supplement applicable provisions of the following:

- A review by the Non-Residential Community Architect for compliance with these Non-Residential Design Guidelines shall be completed prior to submittal for zoning permits and/or building permits.
- A copy of the Non-Residential Community Architect's letter of approval accompanied by all materials or drawings shall be submitted with the permits, plans and applications for these uses, including but not limited to building permits and zoning permits.
- Upon completion of construction and prior to issuance of an occupancy permit for each non-residential building, the Owner shall submit to the County Zoning Administrator a letter signed by the Non-Residential Community Architect which confirms that such building was constructed in substantial conformance with the approved applications and architectural plans.

## SITE PLANNING

### ORIENTATION/SETBACKS:

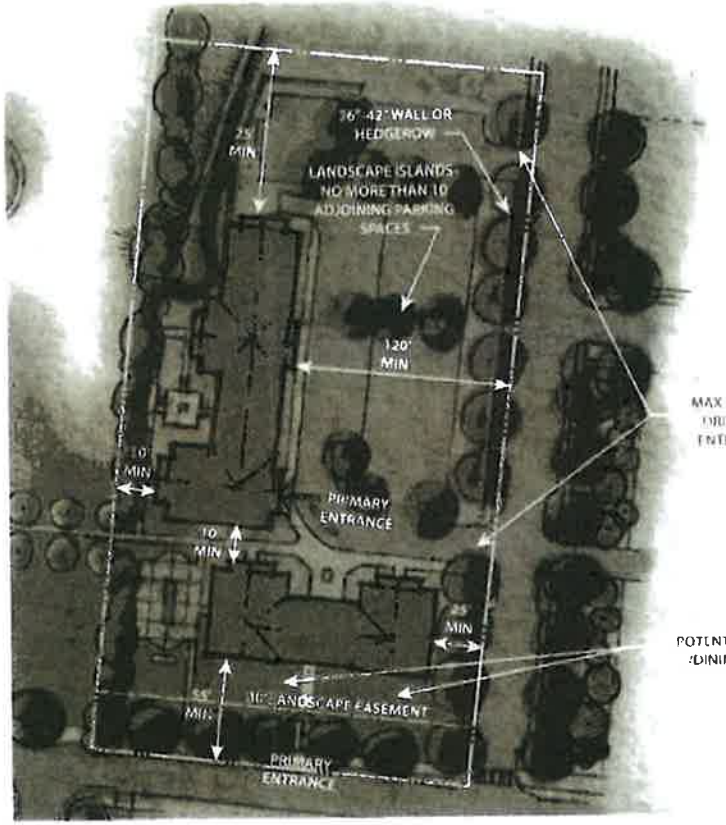
Non-Residential development within Arrington can contribute the peer area friendly character established in the

residential community. By reducing the impact of the automobile on the appearance of the non-residential development, appropriate site planning can de-emphasize the vehicle, creating a pleasant outdoor environment without ignoring the necessary needs of vehicular traffic. Buildings shall front, and be oriented for best visibility from, the surrounding streets. Windows and the primary entry shall face the adjoining street with the widest frontage. All other entries should face onto a street or a connecting internal walkway. The sides of buildings along street edges should be landscaped within the setback to soften the buildings appearance to the street. Free standing residential buildings with commercial uses shall adhere to the property line setbacks as well as the maximum floor area and building height requirements prescribed in the Lot Standards.

## NON-RESIDENTIAL STREET FRONTAGES AND PARKING LOTS:

Parking areas for the commercial uses shall not front on, nor be visible from, Valley View Drive. Such parking shall be accessed from Rolling Meadows Lane via a maximum of two driveway connections. Parking areas adjacent to Rolling Meadows Lane shall be designed to minimize the dominant façade of the automobile along the street and be screened from street view from each roadway through installation of a continuous (except for driveway entrances) hedgerow maintained with a minimum height of 36 inches, or construction of a stone wall with a minimum height of 30 inches. Any walls along public streets should not exceed 42 inches in height. The streetscape shall also include street trees planted at a density equal to one tree for each 40 linear feet of lot width. Parking areas using non-residential uses shall not include more than ten contiguous parking spaces. Each group of ten or less contiguous parking spaces shall be separated from another grouping by a landscaped island no less than nine feet in width.

An illustrative of the commercial buildings area is shown on the right for purposes of clarity of site requirements and property line setbacks.



### SIDEWALKS:

Sidewalks shall be installed to provide pedestrian access from parking areas to all building entries and access to open space areas and courtyards. Sidewalks should be a minimum of 6 feet wide when in pedestrian pathways.

### OUTDOOR STORAGE AND LOADING AREAS:

Outdoor storage and loading areas are to be located behind or to the side of buildings, using only secondary access and not primary streets. These areas should not be visible from adjoining public streets and should not conflict with pedestrian walkways.

### REFUSE CONTAINERS, UTILITY AND MECHANICAL EQUIPMENT:

Refuse containers and utility and mechanical equipment should be easily accessed by service vehicles but screened from view of public streets, parking lots, and connecting walkways through roof forms, walls, and/or landscaping. Screening details should incorporate elements that are compatible with the architectural style of the building. Proper landscaping, including trellises, also may help to screen these elements. Equipment and enclosures shall not be located near pedestrian walkways.

### SITE ACCESSORIES:

Site accessories, such as bike racks, trash cans, planters, and benches, should use material and have an architectural character consistent with the selected building architectural style.

### COURTYARDS AND GREENS:

Courtyards and greens are encouraged as part of the site design for the commercial uses to encourage a pleasant, pedestrian friendly environment. These outdoor places may include water features, landscaping, and other elements to create a comfortable place to sit.

### LANDSCAPING:

Landscaping helps to soften the look of the buildings and parking lots while enhancing the visual quality of the site. The following landscaping techniques may be used:

- Provide special landscaping treatment at the primary building entries.
- Provide shade/canopy trees within parking lot areas.
- Use plants to define outdoor spaces such as edges, outdoor courtyards and greens, or pedestrian walkways between parking and building entrances, and/or
- Choose plantings that will provide a continuity of form across the entire project site.

### LIGHTING:

Light pole height and fixture design shall be consistent with those prescribed for the neighborhood generally. Building and landscaping can be illuminated indirectly to create a strong positive image. Along pedestrian walks, lighting should provide appropriate illumination at a human scale without glare. Lighting within large parking lots should be adequate to provide safe area but should be positioned to not be seen from the public streets or adjoining residential home.

### BUILDING DESIGN

### ARCHITECTURAL STYLE OF COMMERCIAL BUILDINGS:

A commercial architectural style should be used for the adjoining eating establishment and hotel uses to create a sense of continuity between the two commercial uses. Re-

[illegible] planters, split-faced [illegible] and [illegible] to help [illegible] the [illegible] buildings shall be of a historical style or a style compatible with architectural style found in Warrenton, Fauquier County and/or the Virginia Piedmont area.

### BUILDING MASSING:

With larger buildings, appropriate massing becomes important to maintain the human scale of the development and create a visually pleasing environment. Facades that are visible from adjacent street or walkways should display enough relief and interest by using [illegible] to avoid [illegible].

### ENTRY DESIGN:

Building entrances [illegible] and shall be [illegible] by [illegible] including massing, location, materials and [illegible] a change in roof line.

### BUILDING WALL TREATMENT:

All walls should include [illegible] to reduce [illegible] and to add architectural [illegible]. Further, [illegible] every thirty feet [illegible] in uninterrupted length should [illegible] one of the following:

- Change in texture
- Change in material
- Change in plane
- Addition of a [illegible] box or bay window or [illegible]
- Extensive Application of Lattice, and/or
- Planting of a [illegible] [illegible] [illegible] [illegible]

## EXTERIOR MATERIALS:

Recommended materials include stucco, exterior plaster, brick, cement siding, or stone. Selected materials and detailing should be consistent with the selected architectural vernacular and have an enduring appearance. All sides of each building will be substantially similar in architectural design, exterior finish, and detailing to any other side of such building, unless otherwise approved by the Non-Residential Community Architect and Zoning Administrator.

## ROOF FORMS/MATERIALS/COLORS:

Hipped and gable roofs are encouraged. Roof pitches should be compatible with the architectural style of the building. Flat roofs, if utilized, should vary in height and be accompanied by cornice, trim, or other accent features. Hipped and gable roof materials that are generally acceptable include metal standing seam, architectural grade asphalt shingles, and slate or slate like materials. The color of the roof materials should be consistent with the selected architecture style.

## ARCHITECTURAL STYLES

The Code of Development requires that the elevations of every house be designed to be consistent with one of more historical architectural styles found in Warrenton, Fauquier County, or the greater Virginia Piedmont in order to create a sense of place for Avington with a scale and character that is sympathetic to the regional context.

The range of architectural styles allowed include: Federal, Colonial Revival, Bungalow, and American Foursquare. Other historical styles documented to be found repeatedly in the Town of Warrenton, Fauquier County or the greater Piedmont may also be included at the discretion of the Zoning Administrator taking into account the advice of the Community Architect. Contemporary housing design will only be allowed on a limited basis, with no more than one such house allowed on any block and only then if it is determined by the jurisdiction that the design complements rather than conflicts with surrounding buildings and does not undermine the broader principle of creating a community with a character reflective of a traditional Piedmont neighborhood. Examples of acceptable contemporary variation are included at the end of this Appendix A.

Elevations will generally adhere to the key defining features of styles identified to include massing, height, roof-line, windows, doors, porches and trim details. These principles are grounded in historic precedent. Contemporary interpretations of building elements, such as windows, shall be allowed provided the overall form and mass are consistent with the chosen style, and the house retains an overall architectural character derived from that style.

At the time of application for a building and/or zoning permit, the Community Architect shall review the proposed elevations and accompanying details as required sufficient to determine compliance with the Code of Development, including compliance with the stylistic and materials standards and variation set forth in this Appendix and in Appendix B. The community Architect review of the proposed elevations of each house shall be required prior to issuance of a zoning permit for said house by the Zoning Administrator.

## DISCLOSURE:

The following sketches, details, dimensions and photographs are for illustrative purposes only and are not intended to be exact representations of the elevation required for each house. Alternative designs and details are permitted, provided they adhere to the general characteristics for the particular architectural style or styles identified for each house, and are approved by the Zoning Administrator, taking into account the advice of the Community Architect.

## FEDERAL STYLE:

Federal architecture is formal and balanced in design, with classically inspired detailing. Federal Style buildings generally are relatively plain and rectangular, oriented with gable-ends with their ridge lines parallel to the street. Windows aligned horizontally and vertically, are double hung, with small panes. In Federal Style buildings, porches typically have a modest projection, and the principal ornamentation of the façade is lavished on the door surround, which often features pilasters, full classical entablatures, and transom windows. Federal houses were most typically built in brick in this area, although some frame examples can also be found.

KEY DEFINING FEATURES OF THE FEDERAL HOME:

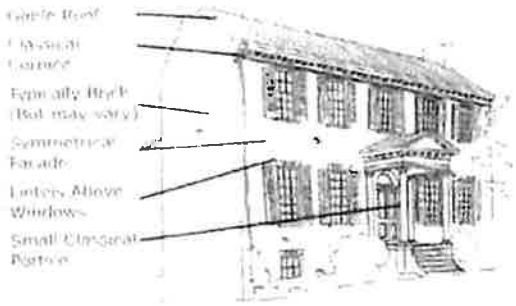
- Formal symmetry, with three and five bay facades most common.
- Gable end box, with paired or end chimneys.
- Central entrance on five-bay facades, but off center on three-bay facades.
- Modillioned entablatures with rectangular transom's or elliptical fanlight above doors, with or without sidelights.
- Double hung windows, usually with 6 to 9 panes per sash, narrow muntins; windows rarely paired.
- Modest portico detailing.

GENERAL STANDARDS

MASSING: Rectangular or block form oriented with the long side facing the street. Façade symmetrical, with three and five bays most common. Chimney placement usually at either end of the main block of the house, shifting the ridgeline but keeping the ridge parallel to the street and walls oriented greater flexibility for interior room configurations. In some high style houses it is not unusual to see a pair of chimneys at either end of the house.

ROOF:

Typically a low pitched side gabled or shallow hipped roof. Dormers are typical, but sometimes found, particularly in larger formal homes. Sometimes parapet walls on gable end.



WINDOWS:

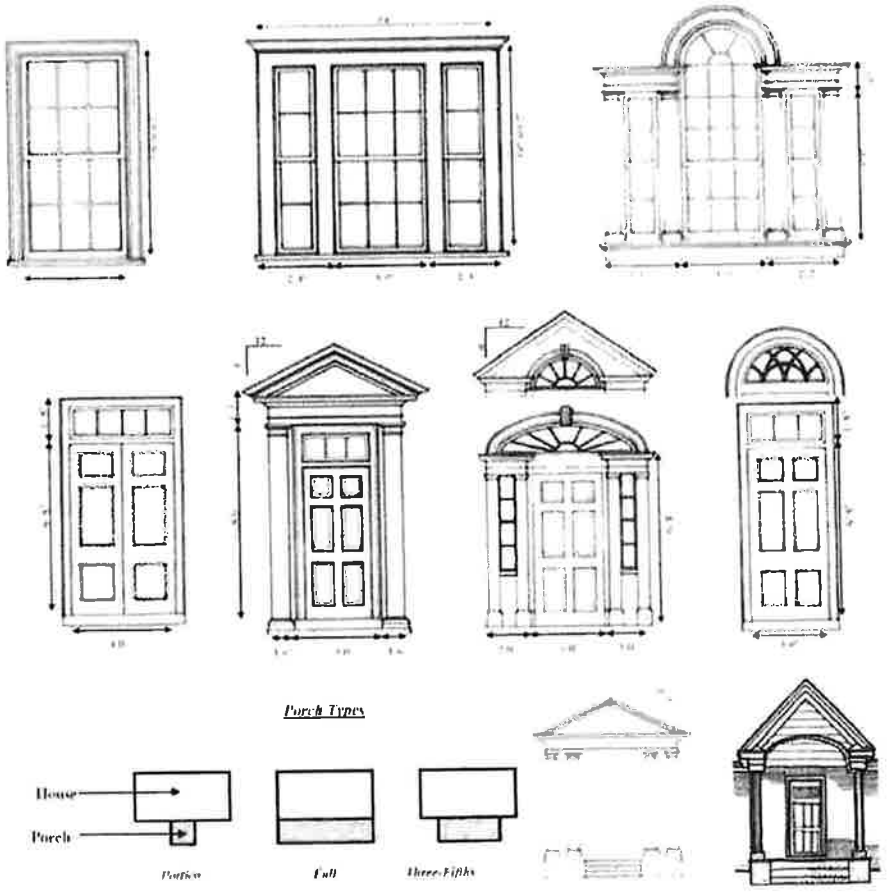
Windows, aligned vertically and horizontally, are double-hung, and were originally glazed with 6-over-6 sash panes. Many windows are simply flush with the wall without any decorative detail, or when present, lintels are simple, usually constructed with a keystone or a segmental arch. Pediment or overdoor elements, splayed voussoirs, garlands, urns and geometric patterns. Double-hung windows have six panes per sash. In three-story houses, window openings may get smaller as they go up the façade. For example, the first floor windows might be large paired six-over-six sashes and the top floor might be a three-part, 12-over-12 sashes and the top floor might be a three-part, 12-over-12 sashes. Box framing treatment was used to enhance the perception of a building's height. Several types of ornamental window forms were used as decorative elements in Federal homes including semi-circular windows, Palladian windows, and fan-shaped transom windows. The windows were originally all shuttered with solid shutters on the first floor and louvers on upper floors. Shutters should be sized and mounted to appear functional.

DOORS:

Doors are typically multi-paneled. The front door is usually centered on the primary façade with a semi-circular or elliptical fanlight window above it, or flanked by sidelights that typically have leaf tracery.

PORCHES:

Federal homes rarely have full porches. The door is often accentuated with simple pilasters and a broken triangular pediment. In some houses, the entry pediment is carried forward to create an entrance portico. The portico may be rectangular or elliptical and is often supported by groupings of slender, Greek columns.



## COLONIAL REVIVAL STYLE:

The Colonial Revival style encompasses a number of architectural traditions, such as English, Dutch, and Spanish colonial influences that were combined during the late nineteenth and early twentieth centuries to create buildings that celebrated Colonial America. The Cape Cod cottage, gambrel roofed houses, large formal Georgians, Federal rowhouses, columned southern mansions, as a wide variety of one, two and two and a half story houses can fall under the Colonial Revival heading, with emphasis on entrances, dormers and windows are outfitted with classical details.

KEY DEFINING FEATURES OF THE COLONIAL REVIVAL HOME:

- Small to large scaled, simple massing
- Symmetrical façade with orderly relationships between windows, doors and building mass
- Classical details on doors, windows, rooflines and corners
- Prominent front entry, door with decorative pediment supported by pilasters or posts supported by classical columns
- Multi-pane windows
- Steep side gable 7:12 or 12:12 main roof pitch



COLONIAL REVIVAL

GENERAL STANDARDS:

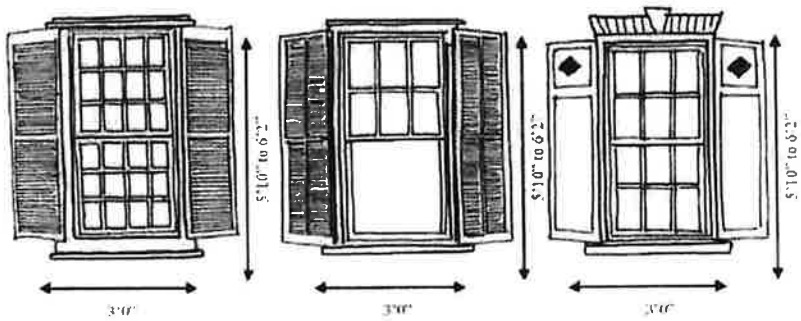
MASSING: The Colonial Revival house is rectangular in form and one to 2 ½ stories in height with a side gabled roof. The façade will feature either three or five bays with a centered door and symmetrically balanced windows. Chimneys are often located at the gable end of the houses. Projections in Colonial Revival houses should be designed as secondary elements that retain the overall massing and scale of the main body of the house. A projection should never be larger or wider than the main mass of the residence.

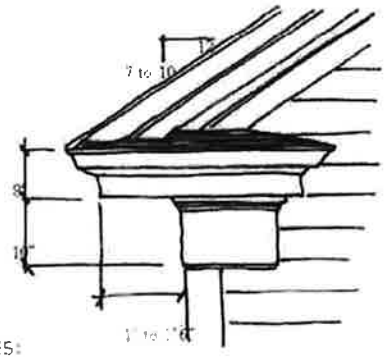
WINDOWS:

Colonial Revival windows are symmetrically placed, usually frequently occurring pairs. Double hung windows, typically six over six, eight over eight, nine over nine, or twelve over twelve window sashes. Multi-pane upper sashes may also occur over a single light lower sash. The windows on Colonial Revival windows are typically 1 inches (2.5 cm) wider) traditional profile. Roof sheathing typically have a 2 inch bracketed and a soldier course at the head of the window while buildings with siding have 6 inch ill at trim. Some brick home will feature a six over six pane windows instead of a soldier course. Shutters are typically louvered or paneled, and should be sized and mounted to appear functional.




COLONIAL REVIVAL COTTAGE



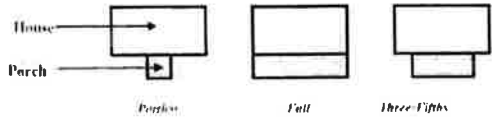


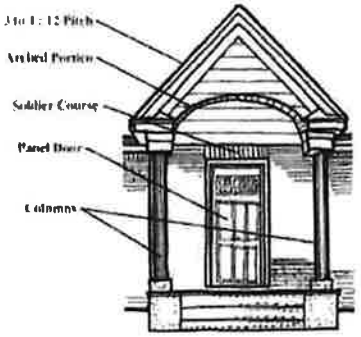

EAVES:

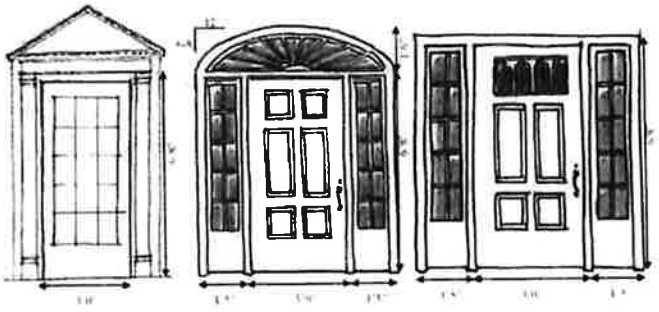
The Colonial Revival typically has an 18 inch overhang. Dentiled, modillioned or bracketed cornices and other classical details are commonly found on roof eaves and gable ends.

PORCHES:

The Colonial Revival features entry porches, full width front porches and wrap around porches in key areas. Porches consist of classical columns (10 to 12 inches wide and 9 to 10 feet tall), either smooth or fluted that supported an arch or an entablature over the front entry. Porches can also be flattened against the house with a broken, segmental or triangular pediment or entablature supported by pilasters. Flattened columns, if a railing is included, it is typically straight with wooden square balusters spaced no more than 4 inches on center.



DOORS:

Rectangular, segmental and broken pediments over side lights as well as fanlight and sidelights often flank a six-panel door. Each is centered on the façade. When a pediment and pilasters are not used, brick dwellings have a 2 inch keystone and a soldier course at the head of the door while dwellings with siding have 6 inch straight trim.

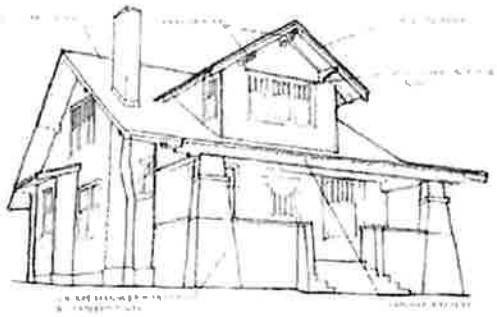


## BUNGALOW STYLE:

One of the chief principles of Bungalow design was the importance of light and openness. The harmony between dwelling and nature takes the form of wide open porches, wood trellises, windows and generous window. The Bungalow's roots in the Arts and Crafts movement account for the prevalence of windows as character defining features; as a result, Bungalows may feature an assortment of glass and casement windows, as well as double-hung windows.

KEY DEFINING FEATURES OF THE BUNGALOW HOME:

- One-and-a-half story - ample horizontal lines.
- Low pitched gable roof rafters and triangular knee braces and a gabled or shed dormer.
- Prominent low, broad front porch supported by square masonry pedestals with straight or tapered wood posts, occasionally solid brick or stone supports are found.
- Multi-paned windows and door glazing in a variety of geometric shape.

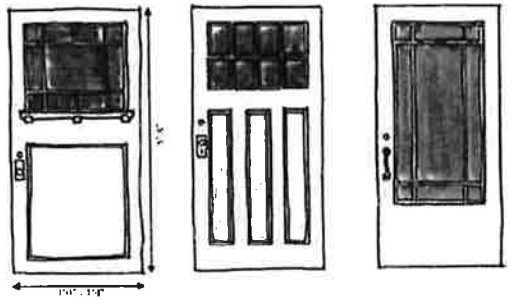


GENERAL STANDARDS:

**MASSING: A bungalow is a one or one and one half story, square or rectangular in plan with a gabled roof and projected front porch. Projections to the main mass can be creatively located to the rear of the building or as smaller side wings, and are typically a single story in height. Projections should never be larger or wider than the main mass of the house.**

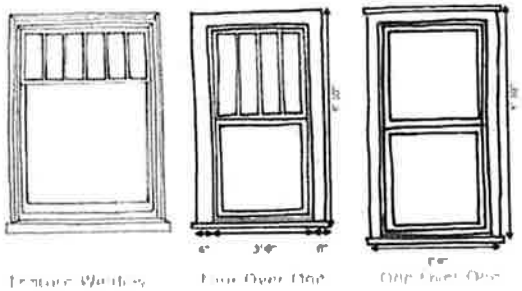
DOORS:

Bungalow feature a variety of doors that reflect both the Craftsman and Prairie styles. In most cases, wood panel doors with upper glazing are flanked by sidelights and a transom. Glazing is always divided by thick wood muntins into geometric molds. Brick dwellings typically have a 2 inch brick mold and a soldier course at the head of the door while dwelling with siding have 6 inch straight trim.



WINDOWS:

A variety of multi-light double hung and casement windows occur on bungalows, with two-over-one, four-over-one and five-over-one double hung windows are the most common window configurations. Sometimes casement windows that feature small panes divided into various patterns are used. Brick dwellings typically have a 2 inch brick mold and a soldier course at the head of the window while dwelling with siding have 6 inch straight trim. Shutters were not used on the Bungalow.



ROOF:

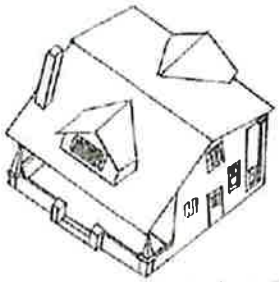
The Bungalow has a side or front gabled roof, with wide eaves. The pitch of the main roof typically ranges from 6:12 to 8:12 and dominates the bungalow's horizontal silhouette. A large single dormer, twice as wide as the roof typically is located on the main roof. An exterior flue chimney usually projects through the eave. The porch roof is usually shallower with a 4:12 to 6:12 pitch. The shape sometimes varies with hip roof intersecting low pitched front gable, or a hipped or pitched roof. Projects should have roof pitch that are appropriate to the primary roof pitch.




Exposed Rafter Tails and Knee Braces

EAVES:

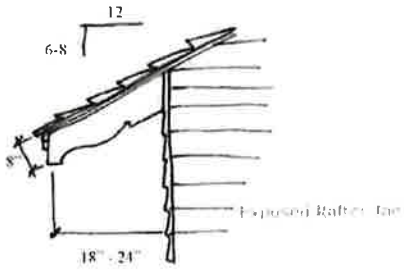
Bungalow style homes and their overhanging eaves with exposed beam and rafter tails are Bungalow hallmarks. The predominate type of eave on the Bungalow style is the open eave with exposed rafter tails, sometimes almost never boxed or enclosed.



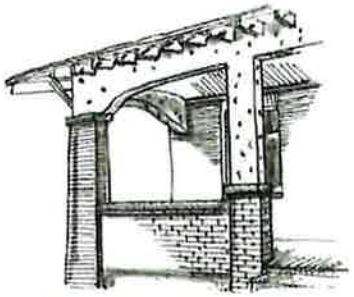
Side Gabled Roof with Central Dormer

PORCHES:

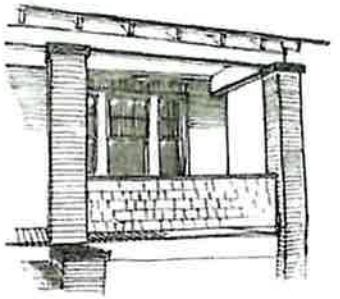
Bungalows typically have full-width front porches supported by a variety of porch supports that are unique to the Craftsman tradition. It is common to find massive brick pedestals with thick tapered wood columns, occasionally the columns will be placed on top of the pier. These pedestal columns can also be constructed of brick, stone, concrete or a combination of materials, including stucco. Brick knee walls capped with concrete coping usually run between the piers. Other variations will feature wood railings with 2 rails and square balusters closely spaced together or a panel of wooden lattice. Bungalow porches are typically accessed by concrete steps that match the foundation that sometimes feature flanking brick and concrete sidewalks.



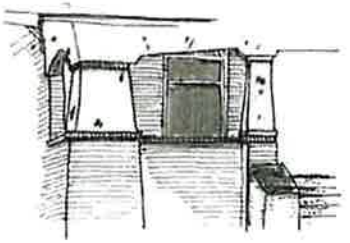

Bay Projection with Shed Roof and Porch Entrance with Knee Wall Capped with Concrete



Brick Piers with Lattice Infill panel and Wood Railing



Brick Pedestal and Square Post with Brick Knee Wall

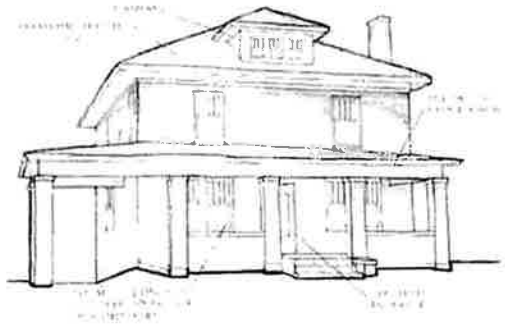


## AMERICAL FOURSQUARE STYLE:

The American Four Square began appearing on American streets around the turn of the twentieth century. This new style promised affordable, utilitarian housing for middle-class families trying to build the most from a modest lot. Simple and practical, American Four Squares are a common housing type in Worcester and Fauquier County.

### KEY DEFINING FEATURES OF THE FOURSQUARE HOME:

- Cubical shaped, two story house, square in plan and elevation
- Hipped or pyramidal hipped roof with hipped, gabled or pedimented dormers on one or more sides of main roof
- Deep, full width or wrap around porch, one story in height, with simple post structural components
- Centered front entrance with equal groupings of windows on either side of both stories or off-centered entrance with symmetrical upper story windows
- Craft simple or Colonial Revival influence present on doors, windows, porches and eaves





## GENERAL STANDARDS:

MASSING: The American Foursquare is characterized by a simple box like form and low hipped roof, rather than its style. The standard American Foursquare truly is square in floor plan measuring 28' x 28', 29' x 29' or 30' x 30'. The American four square is always two stories tall. A wedding cake composition of the front façade with dormers of two windows (sometimes paired) and a centered or off-centered dormer on the first floor, two windows (sometimes paired) on the second floor and a centered dormer in the roof. The American Foursquare typically has an exterior end chimney projecting through the eaves. Projections to the main square mass should be recessed or secondary element or wings that are compatible with the overall massing and scale of the main square mass. A projection should never be taller or wider than the main mass. The most appropriate location for extending the main mass is to the rear of the property to minimize visibility from the street.

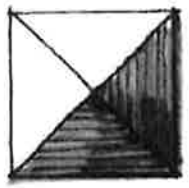
## ROOF:

The American Foursquare roof is either hipped or pyramidal hipped with a hipped, gabled or pedimented dormer on one more sides with a roof ranging from 6:12 to 8:12. The roof is typically accented with a wide eave.



Gable Dormer

Hipped Dormer





Pyramidal Roof

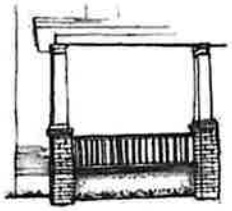
Hipped Roof

PORCHES:

A full length, one story front porch is a widespread element of the American Foursquare. The porch often extends to one side as either a wrap around porch or as a gable-protected area for parking vehicles. American Foursquare porches are typically accented by masonry piers that match the foundation with flanking square brick posts. Because most American Foursquare are brick, new porch supports are 12 inch square brick posts of full height. Brick knee walls capped with concrete siding usually span between the brick posts. Other variations will feature a brick pier with tapered wood posts (10 to 12 inches wide) and wood railings with 2 inch square balusters.



Brick Piers with Knee Wall Capped with Concrete Capital



Tapered Post on Brick Pedestal with Wood Railings



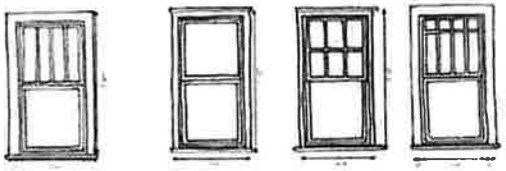
Brick Piers with Wood Railings

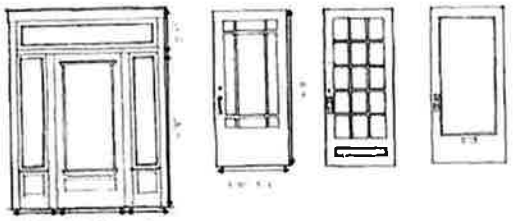
DOORS:

The American Foursquare door is similar to other front doors of the 1920s with rectangular shaped glass and raised wood panels. Sidelights and a transom often accent the front door while allowing more light into the living area. The design of the sidelights and transom will often match that of the door. Brick dwellings typically have a 2 inch brickmold and a soldier course at the head of the door while dwellings with siding have 6 inch straight trim.

WINDOWS:

Paired, double hung wood windows with four over one sashes typify the American Foursquare. Other common window sash types include a one over one or a six over one double hung window. Sometimes decorative six or eight over one windows were used. Brick dwellings typically have a 2 inch brickmold and a soldier course at the head of the window while dwellings with siding have 6 inch square trim. Shutters were rarely used on the American Foursquare. Window placement reflects the American Foursquare floor plan. For example, sets of double or triple windows, and in some instances a bay window, on a side elevation will denote the first floor living room/dining room or a second floor master bedroom. A small window between floors will light the staircase, while a small second floor window located between larger windows indicates a bathroom or closet.





STYLISTIC INFLUENCES:

The early American architecture design has used a number of architectural styles effortlessly and inexpensively. Typical influences include the Colonial Revival or Craftsman styles as follows:

- Colonial Revival: Pedimented gable over entry with classical columns. Cornice with dentils or modillions. Dormer with a Palladian-style window.
- Craftsman: Low pitched roof, gable over entry with exposed rafter tails or knee braces. Large gabled or shed dormers with exposed rafter tails and braces.

## CONTEMPORARY VARIATIONS IN STYLE:

The [illegible] designed homes [illegible] innovative energy efficient designs sensitive to both the natural and built context. In Arrington the builder may elect to [illegible] styles ranging from both local architectural [illegible] to more contemporary designs that [illegible] principals that [illegible] solar orientation, wind power, material, and building placement on the [illegible].

PHIL MARAHAM ARCHITECTS [illegible] on the environmental impact as well as maintaining a high level of design and detail. The building takes cues from the local rural context expressed in the simple forms of barns and farmhouses. The building is [illegible] by its orientation and [illegible]. It is insulated with [illegible] and has an open plan that allows southern daylight to [illegible].



BURR AND MACCULLUM'S design [illegible] the [illegible] Shaker communities in New England. The layout [illegible] the New England farmstead with outbuildings all close to the main house, but this house is an attached new arrangement of those forms and the types of window openings typically found on the original farmhouses.



CHRISTINA BROWN [illegible] a contemporary interpretation of local [illegible] design. This building reflects an interest [illegible] to its context and place. But it also stands as an example of a building of its own place and time. The windows are [illegible] efficient single pane or double panes. The building includes roof overhangs and the strategic placement of windows to maximize solar energy.



KAPLAN THOMPSON ARCHITECTS [illegible] the [illegible] to [illegible] with [illegible] [illegible] to take advantage of the [illegible] [illegible] [illegible]

## BUILDING MATERIALS STANDARDS:

**BUILDING WALLS:**
Building walls shall be limited to the following materials:

- Wood siding, including Board and Batten (and cedar shingles, where architecturally appropriate for style).
- Fiber cement siding (such as Hardie-Plank).
- Stucco (two or three coat over metal lathe on wood or masonry backing). The use of exterior polystyrene sheet board is not allowed. Stucco homes must have the stucco return back to window casing (brickmold is acceptable) unless substantial trim is applied as deemed appropriate by the Zoning Administrator. The window must appear inset into the thickened wall and not flush or proud of the stucco unless in a bay condition.
- Brick
- Natural or cultured stone. Concrete masonry units shall not be considered acceptable for exposed applications
- Vinyl siding, limited to Premium Grade. Premium Grade is defined as beaded vinyl siding with no less than a 6.5" exposed lap and a nominal wall thickness of 0.004".

**RETAINING WALLS:**
Retaining walls shall have an exterior veneer limited to the following materials:

- Natural Stone or Brick
- Segmental retaining wall systems may be acceptable provided that they are designed and constructed to appear natural.

**ROOFS:**

- Primary roof masses shall be architectural grade asphalt shingles, slate, wood, cedar and faux slate materials, metal roofs, including standing seam. Secondary roof masses may be clad in galvanized steel, copper, anodized or ESP aluminum.
- Oversized hip and valley caps are prohibited.
- Gutters, down spouts, rain chains, when used, shall be made of galvanized steel, copper and anodized or ESP aluminum. Down spouts shall be placed at the corner of the building least visible from nearby streets or integrated into the façade.
- No through roof penetrations for mechanical or electrical devices may be visible from the street, unless painted to match roof color.

**WINDOWS:**

- Wood, aluminum clad wood, or vinyl. True divided light or simulated divided light (SDL) sash with muntin profile as appropriate for particular architectural style
- Window sills shall have a minimum 2" sill horn.
- Window sills in masonry construction shall project a minimum of 1 inch from the face of the building.
- Shutters, when used, must be sized to match the openings. Shutter designs shall be in accordance with specific architectural style of the home as shown on the architectural drawings

**DOORS:**

- Painted or stained wood, fiberglass or steel with raised panel profiles.
- Transoms and sidelights shall have true divided lights or simulated divided lights with authentic muntins and mullions.
- Garage doors shall be wood, fiberglass or aluminum and shall be painted or stained. Garage doors on front or side loaded garages shall be a maximum of 10' in width. Rear loaded garages may have larger doors.

**PORCHES, DECKS, AND BALCONIES:**

- Porch railings shall be made of wood or composite materials; while porch floors may be wood, composite wood, or masonry; and posts and columns may be wood, composite wood, masonry, or fiberglass.
- Porches may not be less than 6 feet in depth.
- Glass or screened enclosures are not permitted on street facades. Porch ceilings may be enclosed with painted or stained wood or composite wood.
- Exposed joists shall be painted or stained
- Stoops shall be made of wood, brick, stone, or concrete

**TRIM:**

- Exterior architectural trim shall be suitable for retaining a painted finish or be prefinished.
- Stone or cast stone trim details may be used
- Metal elements shall be natural colored galvanized steel, anodized or ESP aluminum, marine grade aluminum, copper, cast iron, or wrought iron.
- All corner trim shall be a minimum width of 3 inches

**CHIMNEYS:**

- Natural Stone or Brick

**FENCES AND GARDEN WALLS:**

- Fence material may be wood or painted wood
- Wall material may be natural stone or brick

**DRIVEWAY, APRONS AND PARKING PADS**

- Driveways and parking pads are to be concrete, asphalt, or brick
- Aprons to be concrete

**COLORS:**

- Building wall shall be one color per material used.
- Paints for masonry applications shall have a flat finish.
- All exterior wood siding shall be painted or stained. Trim (balcony and porch posts, rails, window trim, rafter tails etc.) shall be painted to compliment the main color of the building. An accent color, for items such as the front door, balusters, trim, and shutters, may be used. Garden walls and fences shall be in a range of colors approved for their respective material and similar to the main house

**DEVIATIONS FROM BUILDING MATERIAL STANDARDS:**

The Zoning Administrator may approve deviations from these building materials standards. This applies in select locations where uniformity is not necessary or visible to adjacent properties. Deviations may be made in a manner that does not detract from the goal of traditional design and architecture.

## GENERAL LANDSCAPE STANDARDS:

As a Site Planning and Architecture, overall Landscape Design is an integral part of the image and character of the community. It is important that the community possess a well-landscaped appearance and high quality environment.

TREE PRESERVATION:
The preservation of existing trees is important and shall be a fundamental part of any Landscape Plan. The purpose is the preservation of structurally sound, healthy and functional trees, and directed as such, development shall occur in a manner that limits the extent of land disturbance to the minimum area needed to construct the proposed use. Tree preservation standards shall also minimize the retention of high risk tree conditions that have the potential to cause personal injury or property damage. The intent of Arrington is to preserve all trees not in necessary for construction of driveways, access associated with the development, clear sighting of traffic, or the open space as provided and shall be limited to these areas needed for construction of stormwater management facilities and trails and other amenities shown on the plan.

LIMITS OF CLEARING AND TREE PROTECTION:
Particular care shall be devoted to preservation of trees and landforms that are found throughout the property. Grading and parking of equipment or vehicles, dumping of materials, or deposition of sediment, topsoil or fill, or dumping of any materials or liquids/chemical is prohibited within the drip line of trees designated to be saved on the ARC approved final construction plans. All existing trees to be saved, individually or in groups, shall be included in a tree conservation easement and protected during construction by fencing (minimum height of four feet) placed at the outer perimeter of the spread of branches (drip line). The Tree Conservation Easement shall include a provision preventing the removal of any tree within the easement area which are greater than six inches (6") in diameter without the specific permission of the applicable governmental agency, except as necessary to accommodate forest management techniques performed by, or recommended by, a professional forester or certified arborist that are necessary to protect or enhance the stability of the canopy. Such management techniques may include, without limitation, pruning, and the removal of vines, diseased species, trees uprooted or damaged by extreme weather conditions, and trees or limbs that are diseased, insect infested, dead, or considered a hazard to life or property. The Tree Conservation Easement prohibiting tree removal shall not be amended without written approval from the Town of Warrenton, Fauquier County, and/or other governmental agencies having jurisdiction over same. Each subdivision plat for Arrington as well as the Arrington Conservancy documents shall contain a note stating that the removal of trees within the Tree Conservation Area is prohibited except in accordance with the above provisions.

STREET TREE & STREET LIGHT REQUIREMENTS:
Street trees must be planted along both sides of all proposed public streets within the community at an interval of [illegible] 40 feet of centerline footage. Street trees will be planted within Street Tree Planting Easements, located adjacent to and outside of the public right-of-way along street frontages with adjacent lots. Tree types for Decades Vacations planting shall be permitted when necessary to accommodate other improvements such as utility lines, intersection sight distance, fire hydrants, driveways, etc. as long as the total number of required trees are installed along each street. All street trees shall be deciduous with a minimum of 2 ½" to 3" caliper and shall be the same species along both sides of each street. Species may change at each intersection.

Street lights shall be of a decorative acorn design (or such other decorative design as may be requested by the Developer and approved by the ARC).







## YARD PLANTINGS:

A [illegible] planting [illegible] per [illegible] feet, between the front of the house and the sidewalk. The [illegible] edge of the [illegible] and trees, depending on the space available, [illegible] ornamentals accompanied [illegible] [illegible] and [illegible] [illegible] [illegible]

## RECOMMENDED TREE SPECIES

### RECOMMENDED STREET TREES

| | |
|---|---|
| • Acer rubrum | Red Maple |
| • Fraxinus pennsylvanica | Green Ash |
| • Fraxinus americana | White Ash |
| • Platanus acerifolia | London Plane Tree |
| • Quercus phellos | Willow Oak |
| • Ulmus parvifolia | Lacebark Elm |
| • Zelkova serrata | Zelkova |

### RECOMMENDED CANOPY TREES

| | |
|---|---|
| • Acer saccharum | Sugar Maple |
| • Liquidambar styraciflua | Sweetgum |
| • Liriodendron tulipifera | Tulip Poplar |
| • Nyssa sylvatica | Black Gum |
| • Platanus occidentalis | Sycamore |
| • Quercus palustris | Pin Oak |

### RECOMMENDED ORNAMENTAL/FLOWERING TREES

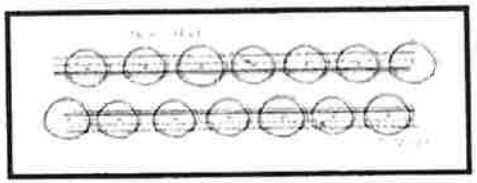
| | |
|---|---|
| • Aesculus parviflora | Bottlebrush Buckeye |
| • Amelanchier canadensis | Serviceberry |
| • Betula nigra | River Birch |
| • Cercis canadensis | Eastern Redbud |
| • Cornus florida | Flowering Dogwood |
| • Chionanthus virginicus | White Fringetree |

### RECOMMENDED EVERGREEN TREES

| | |
|---|---|
| • Cedrus deodara | Deodar Cedar |
| • Ilex opaca | American Holly |
| • Juniperus virginiana | Eastern Red Cedar |
| • Magnolia grandiflora | Southern Magnolia |
| • Magnolia virginiana | Sweet Bay Magnolia |
| • Pinus virginiana | Virginia Pine |
| • Thuja occidentalis | Eastern Arborvitae |

## DEVIATIONS FROM GENERAL LANDSCAPE REQUIREMENTS:

The Zoning Administrator may approve deviations from the Landscape Requirements and Plant List set forth in this section upon a finding that deviations do not change the overall character, quality and purpose of the landscaping but rather enhance these elements. Deviations from these requirements should be outlined in the Code of Development Site Plan.



STREET TREE PLANTING DIAGRAM

- Single canopy species (typ. street)
- Formal canopy spacing @ 40' from tot center

Note: See street tree requirements at Part II for additional planting requirements and design flexibility.







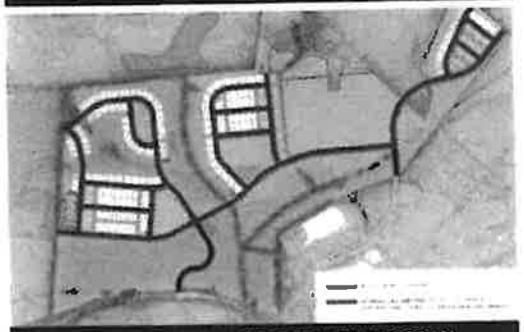




(BASE ZONING) STREET TREE PROGRAM



(ALTERNATIVE A) STREET TREE PROGRAM



(ALTERNATIVE B) STREET TREE PROGRAM

## SIGNAGE

# Arrington

## CODE OF DEVELOPMENT

REZN-22-017978

FAUQUIER COUNTY, VIRGINIA | OCTOBER 20, 2023

# ORDINANCE

## AN ORDINANCE TO APPROVE REZONING REZN-22-017978 – ARRINGTON – AN APPLICATION TO AMEND PORTIONS OF A PREVIOUSLY APPROVED PROFFER STATEMENT, CONCEPT DEVELOPMENT PLAN AND CODE OF DEVELOPMENT ON APPROXIMATELY 206.43 ACRES ZONED PLANNED RESIDENTIAL DEVELOPMENT (PRD) WITH PROFFERS AND ASSOCIATED WITH REZN-15-003477, AND TO ALSO REZONE APPROXIMATELY 27.66 ACRES FROM AGRICULTURE (RA) TO PLANNED RESIDENTIAL DEVELOPMENT (PRD) WITH PROFFERS (PIN 6983-44-5875-000, MARSHALL DISTRICT)

WHEREAS, Alwington Farm LLC (Owner) and Alwington Farm Developers, LLC and Van Metre Communities, LLC (Applicants), have applied to amend portions of a previously approved Proffer Statement, Concept Development Plan and Code of Development on approximately 206.43 acres zoned Planned Residential Development (PRD) with proffers and associated with REZN-15-003477, and to also rezone approximately 27.66 acres from Agriculture (RA) to Planned Residential Development (PRD) with proffers on land located along James Madison Highway (Routes 17/29/15) south of Alwington Boulevard (Route 1105), Warrenton, PIN 6983-44-5875-000; and

WHEREAS, on November 12, 2015, the Fauquier County Board of Supervisors approved REZN-15-003477, which rezoned approximately 234.3 acres from Residential: 1 Dwelling Unit/Acre (R-1) to approximately 27.9 acres of Rural Agricultural (RA) and approximately 206.4 acres of Planned Residential District (PRD) with proffers, subject to the Alwington Farm Zoning Plat, dated September 30, 2015; Arrington Code of Development, dated October 30, 2015; Arrington Concept Development Plan, dated September 30, 2015; and Arrington Proffer Statement dated October 30, 2015; and

WHEREAS, REZN-15-003477 allowed for the PRD portion of the property to be developed with a maximum of 217 single-family active adult residential lots to be served with public water, provided by the Town of Warrenton and a private sewage community collection and treatment system; and

WHEREAS, on August 17, 2023, the Fauquier County Planning Commission held a public hearing on the application and considered both oral and written testimony; and

WHEREAS, on November 9, 2023, the Fauquier County Board of Supervisors held a public hearing on the application and considered both oral and written testimony; and

WHEREAS, the Board of Supervisors agrees to a modification of Zoning Ordinance Section 4-104.A.1 to allow front-yard setbacks, which are greater than 10 to 20 feet, to be as shown in the Concept Development Plan (CDP) and Code of Development (COD); and

WHEREAS, the Board of Supervisors agrees to a modification of Zoning Ordinance Section 4-107.C.3 to allow a maximum curb-cut onto a public street, for a front-loaded lot, of 12

feet in width with a driveway which transitions to the width of the garage occurring between 20 and 30 feet from the garage; and

WHEREAS, the Board of Supervisors agrees to a modification of Zoning Ordinance Section 7-303 to allow public streets within Arrington to be designed to the standards of the public organization, the Virginia Department of Transportation (VDOT) or Town of Warrenton, that will ultimately provide maintenance of the streets; and

WHEREAS, by adoption of this Ordinance, the Board of Supervisors has determined that the public necessity, convenience, general welfare, and good zoning practice are satisfied by this amendment to the Fauquier County Zoning Map; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 9th day of November 2023, That the Rezoning request REZN-22-017978, to amend portions of a previously approved Proffer Statement, Concept Development Plan and Code of Development on approximately 206.43 acres zoned Planned Residential Development (PRD) with proffers and associated with REZN-15-003477, and to also rezone approximately 27.66 acres from Agriculture (RA) to Planned Residential Development (PRD) with proffers, on PIN 6983-44-5875-000 be, and is hereby, approved, subject to the Arrington Certified Zoning Plat, dated June 03, 2022, last revised on September 25, 2023, and received by Community Development on October 24, 2023; Arrington Code of Development (COD), dated October 20, 2023 and received by Community Development on October 24, 2023; Arrington Concept Development Plan (CDP), dated July 18, 2022, last revised on October 20, 2023, and received by Community Development on October 24, 2023; and Arrington Proffer Statement dated December 19, 2022, revised through October 20, 2023, and received by Community Development on October 24, 2023.

## EXHIBIT D

### Listing of Zoning Ordinance Modifications

*Section 4-107 A.1 (Maximum Front Yard Setback)*

Section 4-107 A.1 of the Zoning Ordinance states, "Single family residential units should generally be set back no further than 10-20 feet, with a variety of setbacks provided within blocks."

Modification of the aforesaid requirement to allow homes to be constructed consistent with the typical lot standards in the proposed Code of Development with a larger front yard setback (25') to accommodate proposed street tree easements.

*Section 4-107 C.3 (Driveway Width)*

Section 4-107 C.3 of the Zoning Ordinance states, "[w]here garages cannot be rear loaded from alleys, the driveway for an individual house shall not exceed 10 feet in width up to where the driveway meets the vertical plane of the front wall or porch of the house."

Modification of the aforesaid requirement to allow the width of driveways providing access to garages from public streets to be designed to the standards and specifications of the Virginia Department of Transportation and/or Town of Warrenton, dependent on jurisdictional responsibility for ongoing operation and maintenance of the public street upon completion of construction.

*Section 7-303 (Public Street Design Requirement)*

Section 7-303 of the Zoning Ordinance says that "[p]ublic streets shall be required for all development as indicated in Table 7-303.1. Public streets shall meet the minimum applicable requirements of the Virginia Department of Transportation (VDOT) and dedicated to public use unless a special exception waiving this requirement is granted by the Board in accordance with Part 29 of Article of this Ordinance."

Modification of the aforesaid requirement to allow public streets to be designed to the Town's design standards and specifications in the event the Property is included within the corporate boundaries of the Town. Further, the waiver includes permitting the proposed alleys to be designated as private streets maintained by the homeowner's association - even when the proposed ~~alley~~ serves as the only street providing frontage for a lot or grouping of lots such as when such lot(s) fronts a common area or community green.

*Section 4-107 C.3 (Sideload Garages)*

Section 4-107 C.3 of the Zoning Ordinance states, "Any side loading garage shall be set back a minimum of 8 feet behind the front wall of the house."

Modification of the aforesaid requirement to allow a side loaded garage to align with the front of the house to which it is attached and be integrated into the front elevation with the same architectural style and treatments.

**December 10th, 2024**
**Town Council**
**Public Hearing**
**Ordinance 2024-17**

**AN ORDINANCE TO APPROVE A VOLUNTARY SETTLEMENT AGREEMENT FOR THE BOUNDARY ADJUSTMENT INTO THE TOWN OF WARRENTON OF APPROXIMATELY 243.87295 ACRES OF LAND BELONGING TO ALWINGTON FARM, LLC, ALWINGTON ESTATES, LLC, HD DEVELOPMENT OF MARYLAND, INC., PADMAJA AND SRINIVAS DASARI, THE FAUQUIER COUNTY SCHOOL BOARD, AND VABFT, LLC, AND CERTAIN ROAD RIGHT-OF-WAY, AS RECOMMENDED BY THE VIRGINIA COMMISSION ON LOCAL GOVERNMENT**

**WHEREAS**, the Town of Warrenton, Virginia, (the "Town"), and the County of Fauquier, Virginia, ("the County") filed a Notice with the Virginia Commission on Local Government of their intention to effect a Boundary Line Adjustment ("BLA") by and between the Town and the County to incorporate into the Town approximately 243.87295 acres of land presently subject only to County jurisdiction (the Adjusted Property") belonging to Alwington Farm, LLC, Alwington Estates, LLC, HD Development of Maryland, Inc., Padmaja and Srinivas Dasari, the Fauquier County School Board, and VABFT, LLC, together with such road right-of-way as may lie within the proposed BLA area; and

**WHEREAS**, the Town and the County have mutually agreed upon terms and conditions for a boundary adjustment in a Voluntary Settlement Agreement (the "VSA") pursuant to Va. Code Ann. §15.2-3400, as an alternative to a fully contested litigation to adjust jurisdictional boundaries, and submitted that VSA to the Virginia Commission on Local Government (the Commission) for review and recommendation; and

**WHEREAS**, the Commission has reviewed the VSA and has recommended its approval of the said BLA and Agreement in its report dated November 2024, all according to law, a copy of which is incorporated herein by reference as Exhibit A; and

**WHEREAS**, the Town desires to approve and present the VSA to the Circuit Court for further action thereon;

**NOW THEREFORE, BE IT HEREBY ORDAINED** by the Town Council of the Town of Warrenton, Virginia, as follows:

1. The aforesaid Whereas clauses are incorporated herein by reference.

2. The Town Council hereby consents to the adjustment of the Adjusted Property into the Town's corporate limits consistently with the VSA.

3. The Town Council hereby agrees to the terms and conditions as set forth in the VSA, a copy of which is separately attached hereto and incorporated herein by reference as Exhibit A, and authorizes the execution thereof by the Mayor or his designee.

4. The Town Council hereby directs the Mayor, Town Manager, and Town Attorney, together with the Fauquier County Attorney, to forward the VSA, and any necessary exhibits thereto, to the Circuit Court of Fauquier County, and by a

EXHIBIT
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D

proper petition to that Court request it to have the Supreme Court of Virginia appoint a Special Court pursuant to the provisions of Va. Code Ann. § 15.2-3400(5), to hear and decide this matter in accordance with law.

5. The Mayor, Town Manager, and Town Attorney, shall take such other and further steps as may be needed to effectuate the purposes of this Ordinance and the incorporation of the Adjusted Land into the Town's boundaries.

**Votes:**
**Ayes:** Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Paul Mooney; Mr. David McGuire

**Nays:** Mr. Eric Gagnon
**Absent from Meeting:**

**For Information:**
Town Attorney

**ATTEST:** _____
**Town Recorder**

RES-24-042

# EXHIBIT E

## RESOLUTION

## A RESOLUTION AUTHORIZING STAFF AND COUNTY ATTORNEY TO INITIATE THE PROCESS OF VOLUNTARY SETTLEMENT OF ANNEXATION WITH THE TOWN OF WARRENTON

WHEREAS, Chapter 34 of Title 15.2 recognizes that Virginia localities may be able to voluntarily negotiate and settle boundary matters in an efficient and beneficial manner to the orderly growth and continued viability of the localities; and

WHEREAS, the County determined after due consideration that the boundary between the County and Town of Warrenton should be adjusted and relocated as outlined in the Voluntary Settlement Agreement between the localities; and

WHEREAS, the County passed a resolution on March 14, 2024, to move forward with the Voluntary Settlement Agreement process; and

WHEREAS, two additional small portions of a property owned by Alwington Estates, LLC, PIN 6983-28-8269-000, containing 2.20772 acres and 0.56128 acres are desired to be added to the property adjusted into the boundary of the Town of Warrenton; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of April 2024, That, the County Administrator and County Attorney are hereby authorized to take all actions necessary to negotiate a Voluntary Settlement Agreement with the Town of Warrenton; and, be it

RESOLVED FURTHER, That the County Attorney is authorized to present jointly with the Town of Warrenton such Proposed Settlement Agreement to the Commission on Local Government, subject to any changes to the Agreement approved by the County Administrator and County Attorney, to initiate the boundary line adjustment process in *Code of Virginia* § 15.2-3400; and, be it

RESOLVED FINALLY, That the County intends, subject to input received during the public hearing processes of the entities involved and review by the Commission, to adopt the Voluntary Settlement Agreement and directs that the principal point of contact for the County during this process is Tracy A. Gallehr, County Attorney, 10 Hotel Street, 2nd Floor, (540) 422-8010 phone, (540) 422-8022 fax, tracy.gallehr@fauquiercounty.gov.

*A Copy Teste*

*Janelle J. Downes, County Administrator*
*Clerk to the Board of Supervisors*

# ALWINGTON FARM DEVELOPERS, L.L.C.

## CORPORATE RESOLUTION

WHEREAS, following a review of the proposed Voluntary Settlement Agreement between and among the Fauquier County Board of Supervisors, the Warrenton Town Council, Van Metre Communities, LLC, Alwington Farm, LLC, and Alwington Farm Developers, L.L.C., for the proposed annexation by the Town of approximately 241 acres more or less of land lying in Fauquier County; and he

WHEREAS the corporation deems it appropriate to join in the aforesaid process as a party thereto and to seek review of the proposed Agreement by the Virginia Commission on Local Government pursuant to the Notice thereof submitted in our names; and

WHEREAS, the corporation believes that it is in its best interests for its landholding to be annexed as so proposed, now therefore be it

RESOLVED, that the corporation hereby authorizes its managing member to provide the aforesaid Commission with this Resolution indicating its concurrence in the submission of the aforesaid Agreement in the form submitted herewith, and further authorizes the managing member to take such other and further steps as may be necessary to effectuate the aforesaid annexation.

EXECUTED this 16th day of May, 2024.

Russell Manks

Managing Member
Alwington Farm Developers, L.L.C.
a Virginia Limited Liability Company

EXHIBIT
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F

# VAN METRE COMMUNITIES, L.L.C.
## CORPORATE RESOLUTION

WHEREAS, following a review of the proposed Voluntary Settlement Agreement between and among the Fauquier County Board of Supervisors, the Warrenton Town Council, Van Metre Communities, LLC, Alwington Farm, LLC, and Alwington Farm Developers, L.L.C., for the proposed annexation by the Town of approximately 241 acres more or less of land lying in Fauquier County; and he

WHEREAS the corporation deems it appropriate to join in the aforesaid process as a party thereto and to seek review of the proposed Agreement by the Virginia Commission on Local Government pursuant to the Notice thereof submitted in our names; and

WHEREAS, the corporation believes that it is in its best interests for the properties proposed to be annexed consistently with the aforesaid Agreement, now therefore be it

RESOLVED, that the corporation hereby authorizes its managing member to provide the aforesaid Commission with this Resolution indicating its concurrence in the submission of the aforesaid Agreement in the form submitted herewith, and further authorizes the managing member to take such other and further steps as may be necessary to effectuate the aforesaid annexation.

EXECUTED this 17th day of May, 2024.

Van Metre Communities, L.L.C.,
a Virginia Limited Liability Company

By: VMC Homes, L.L.C., its Manager

Julie van der Vate

Julie van der Vate,
Chief Operating Officer – Finance and Strategic Growth

EXHIBIT
G

**June 9, 2026**
**Town Council**
**Regular Meeting**

**RESOLUTION TO APPROVE THE ZONING CLASSIFICATION CHANGES PURSUANT TO SECTIONS 2-5.1 AND 2-5.3 OF THE ZONING ORDINANCE OF THE TOWN OF WARRENTON (GPINS 6983-46-2435 APPROXIMATELY 236.85665 ACRES, 6983-57-1258 APPROXIMATELY 0.7361 ACRE, 6983-57-9161 APPROXIMATELY 1.16 ACRES, 6983-48-7973 APPROXIMATELY 0.81 ACRE, AND 6983-48-7006 APPROXIMATELY 4.31 ACRES)**

**WHEREAS,** Warrenton, VA (Hereinafter "the Town") is a municipal corporation located within the County of Fauquier; and

**WHEREAS,** the parcels listed above owned by Van Metre Homes at Aurora, LLC (GPIN 6983-46-2435), HD Development of Maryland INC (GPIN 6983-57-1258), Padmaja and Srinivas Dasari (GPIN 6983-57-9161), County School Board of Fauquier County (GPIN 6983-48-7973) and VABFT, LLC (GPIN 6983-48-7006) and hereinafter referred to as the "Properties"; and

**WHEREAS,** the Properties were annexed into the Town of Warrenton effective on June 1, 2025 by a Final Order, as Amended; and

**WHEREAS,** GPIN 6983-46-2435 is subject to Fauquier County Rezoning REZN-22-017978 and will be zoned PRD and Commercial (C) subject to all proffers, Concept Development Plan, Code of Development, and other binding exhibits incorporated into the County's approval; and

**WHEREAS**, GPIN 6983-57-1258 is to remain Commercial (C District) within the Town of Warrenton; and

**WHEREAS**, GPIN 6983-57-9161 is to remain Commercial (C District) within the Town of Warrenton; and

**WHEREAS**, GPIN 6983-48-7973 is to remain Commercial (C District) within the Town of Warrenton; and

**WHEREAS**, GPIN 6983-48-7006 is to remain Commercial (C District) within the Town of Warrenton; and

**WHEREAS,** the Planning Commission held three public work sessions on August 19, 2025, September 16, 2025, and November 18, 2025; and

**WHEREAS,** pursuant to Sections 2-5.1 and 2-5.3 of the Zoning Ordinance, the Planning Commission upon advertisement and notice properly given pursuant to §15.2-2204 of the Virginia Code held a Public Hearing on March 17, 2026; and

**WHEREAS,** the Planning Commission, in consideration of all of the foregoing, is of the opinion that the zoning changes to the Properties are recommended for approval to the Town Council;

DRAFT

**WHEREAS**, the Town Council held a public work session on May 12, 2026; and

**WHEREAS**, pursuant to Sections 2-5.1 and 2-5.3 of the Zoning Ordinance, the Town Council upon advertisement and notice properly given pursuant to §15.2-2204 of the Virginia Code held a Public Hearing on June 9, 2026; and

**WHEREAS**, Council finds that the zoning classification changes promote public necessity, public convenience, general welfare, or good zoning practice within the Town of Warrenton; and

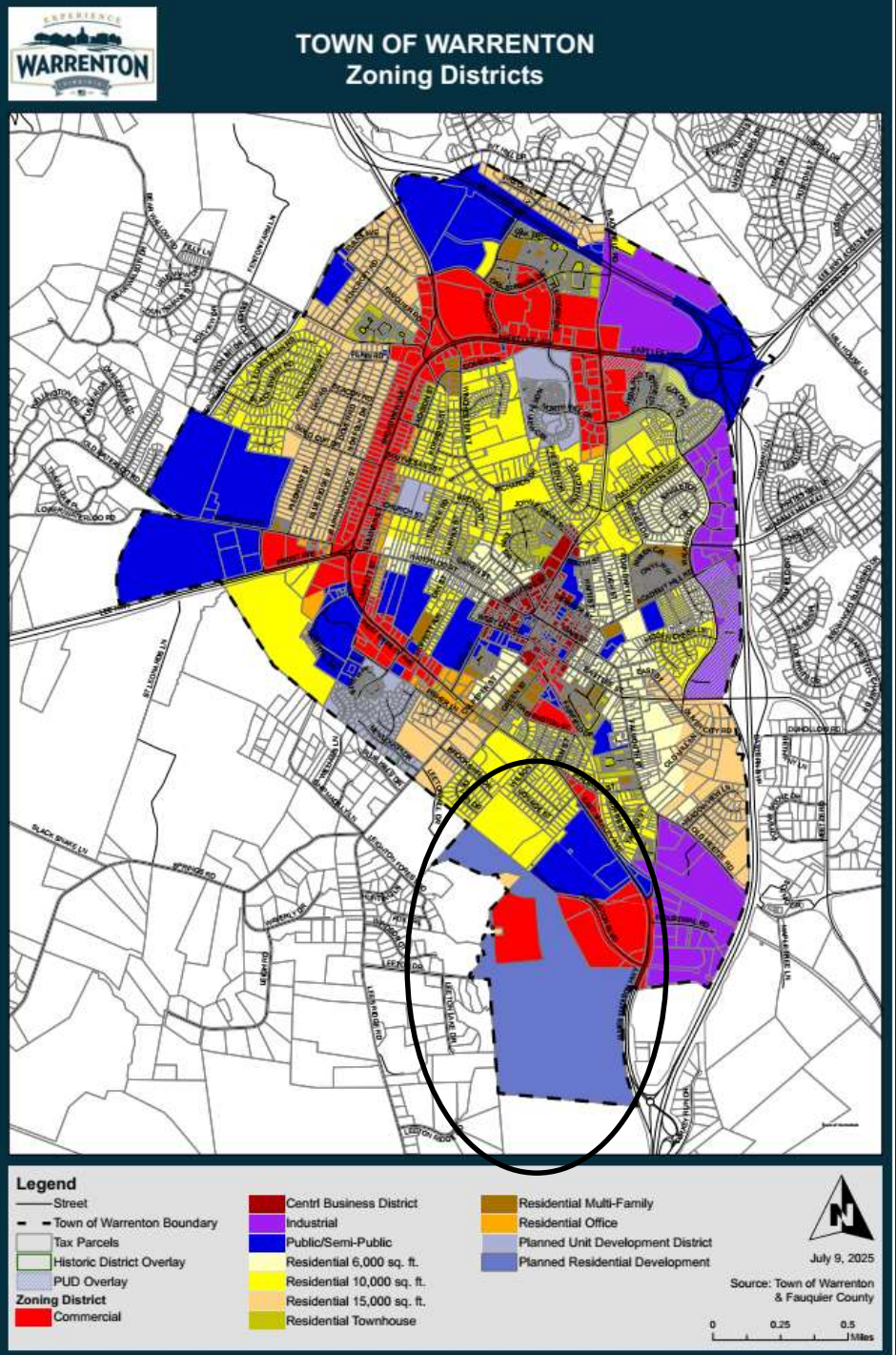
**NOW, THEREFORE, BE IT RESOLVED** that the Warrenton Town Council on this 9th day of June 2026, approves the zoning changes.

**Votes:**
**Ayes:**
**Nays:**
**Absent from Vote:**
**Absent from Meeting:**

**ATTEST:** _____
**Stephen Clough, Town Clerk**

EXPERIENCE WARRENTON VIRGINIA EST. 1810

# Town Council Public Hearing
# Annexation Zoning
# June 9, 2026




# New Boundaries

Effective June 1, 2025, several parcels totaling approximately 243.87 acres located to the southwest of the Town of Warrenton were annexed from Fauquier County per the Voluntary Settlement Agreement and Final Order of a Special Court

# Zoning Ordinance

- Article 2-5.1 any property zoned in Fauquier County more intense than one dwelling per acre shall immediately be reclassified as R-15 (Residential) in the Town at time of the annexation.

- Article 2-5.3 any property zoned commercial in Fauquier County shall be reclassified as Commercial District in the Town at time of the annexation.

# Final Order



Specifies that the 234.08 acres subject to Fauquier County REZN-22-017978 shall be administered in a manner that is consistent and in substantial conformance with the Arrington Van Metre rezoning.

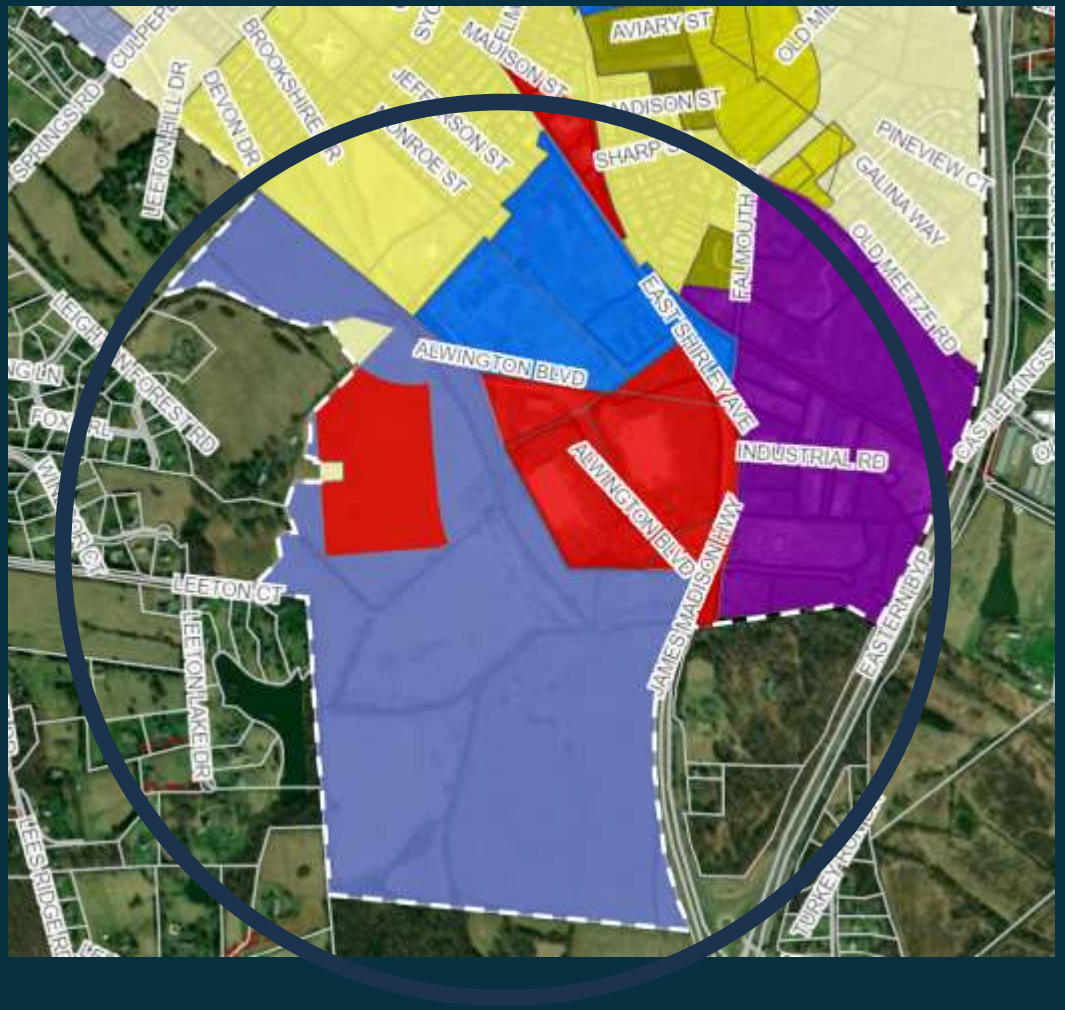
# Zoning Categories

| Name | GPIN | Acres | County Zoning | Town Zoning |
|---|---|---|---|---|
| Van Metre Homes | 6983-46-2435 | 236.85665 | PRD<br>R-1 | PRD and Commercial (Per Final Court Order)<br>R-15 |
| Home Depot of MD | 6983-57-1258 | 0.7361 | C1 | Commercial |
| Padmaja and Srinivas Dasari | 6983-57-9161 | 1.16 | C1 | Commercial |
| Fauquier County Public Schools | 6983-48-7973 | 0.81 | C1 | Commercial |
| VABFT, LLC | 6983-48-7006 | 4.31 | C-1 | Commercial |

# Specific Parcels



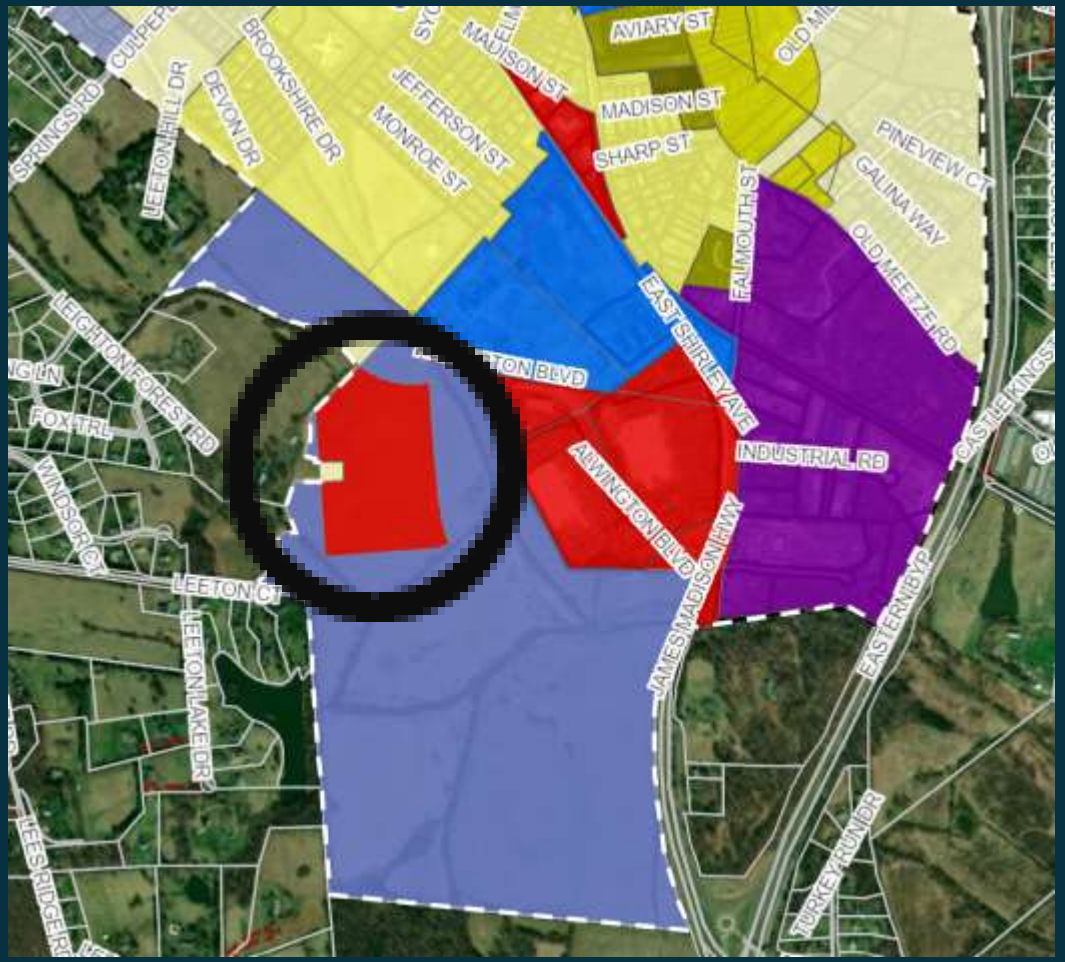
Shaded Light Purple is part of the Final Court Order to be zoned PRD per Rezoning.



# Specific Parcels



Shaded Red Commercial part of Final Court Order per Rezoning



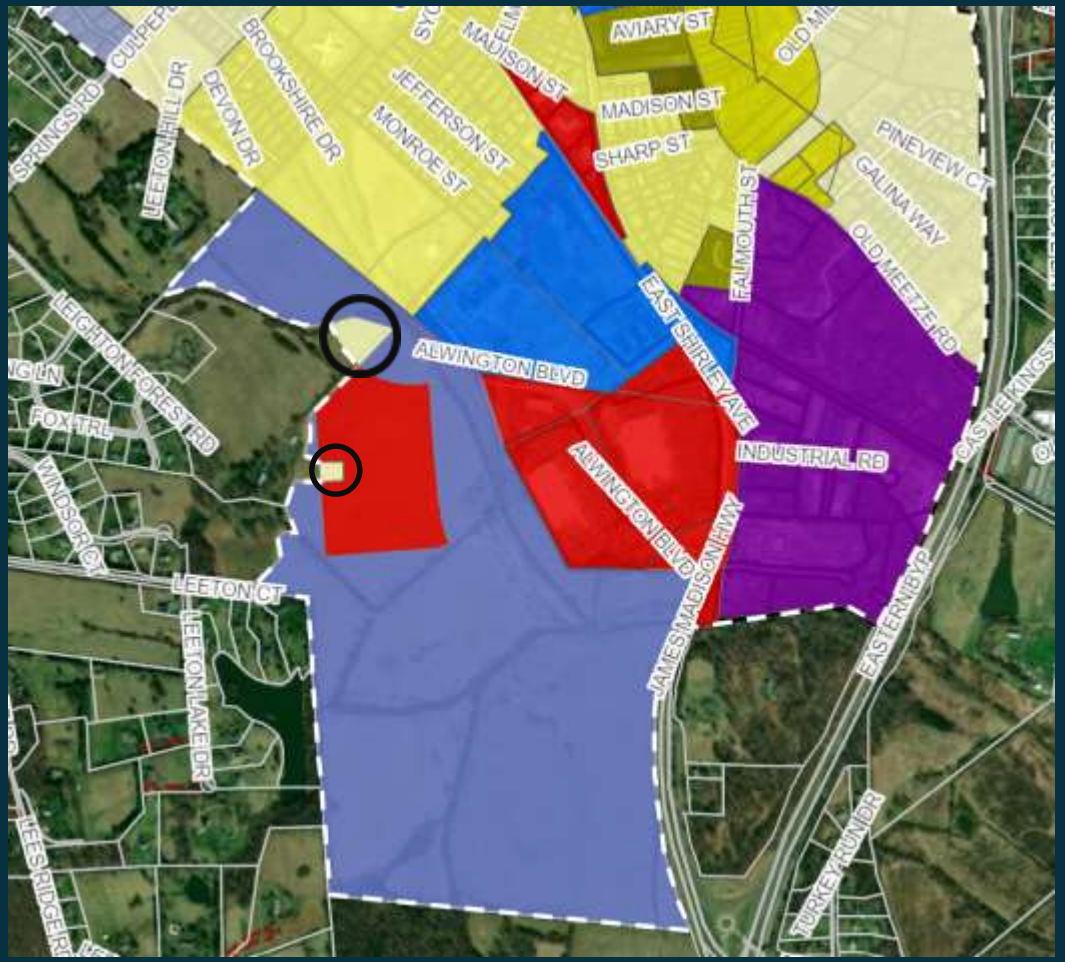
# Specific Parcels



Light Tan

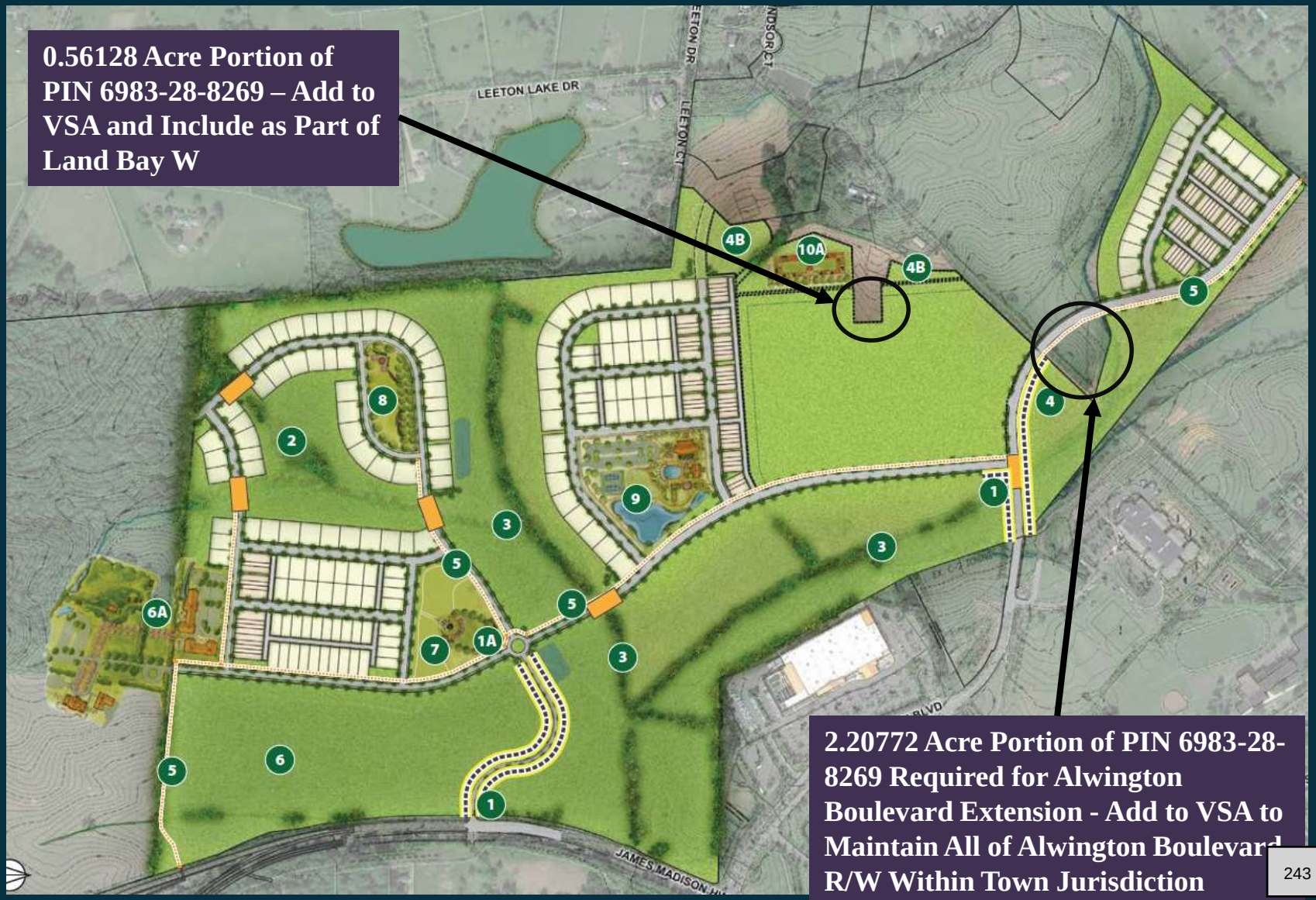
County Zoned more intense than 1 dwelling/ acre

Town Zoned R-15



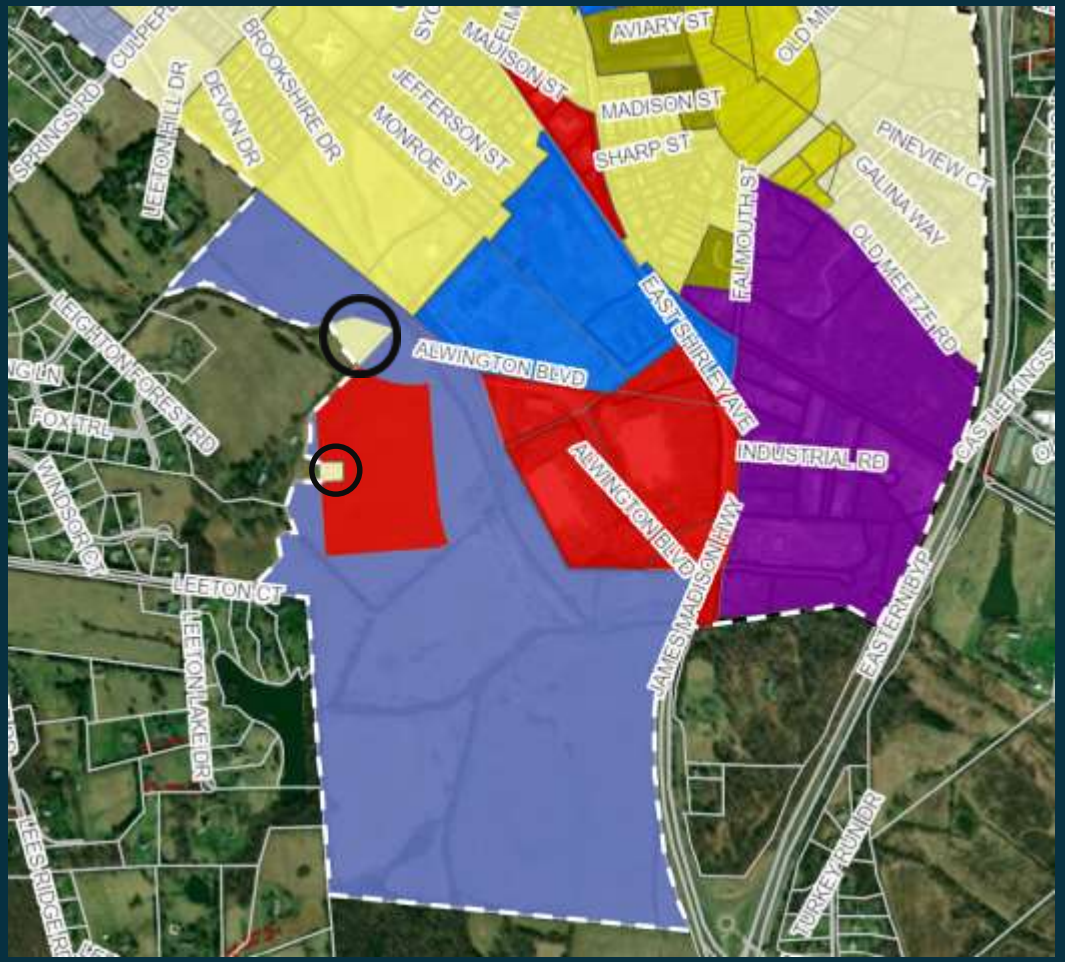
# Specific Parcels





# Specific Parcels

Van Metre indicated during a PC Work Session a desire for the southern parcel to be Commercial; no preference for the northern parcel as it will be in open space.



# Specific Parcels

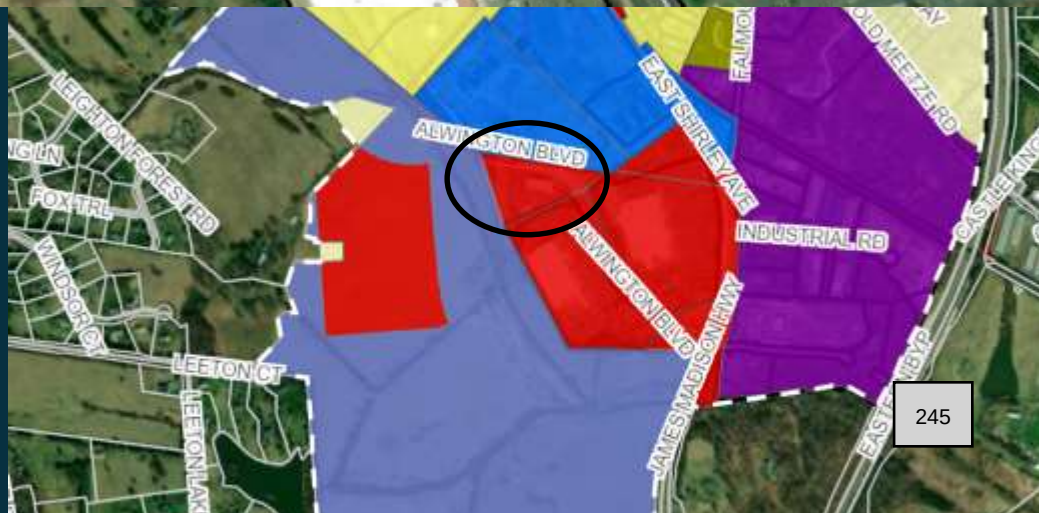


Red
Existing
Appleton
Campbell
Building

County Zoned
Commercial

Town Zoned
Commercial



# Specific Parcels



<u>Red</u>
Existing
Appleton
Campbell
Building

County Zoned
Commercial

Town Zoned
Commercial



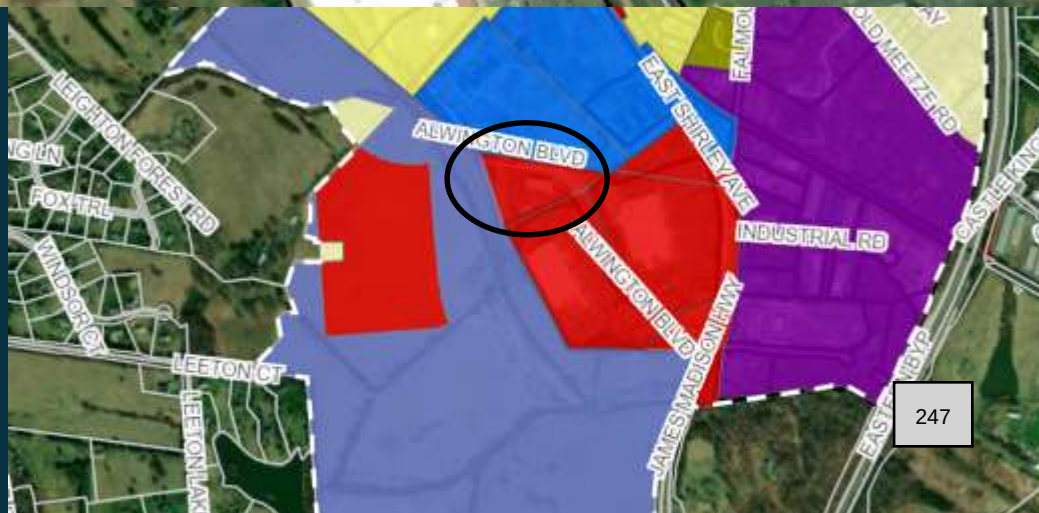



# Specific Parcels



Appleton Campbell owner verbally expressed an interest in remaining Commercial zoning.



# Specific Parcels



Red
Fauquier
County Public
Schools

County Zoned
Commercial

Town Zoned
Commercial






# Specific Parcels



Red
Fauquier County Public Schools

County Zoned Commercial

Town Zoned Commercial






# Specific Parcels





# Specific Parcels



Fauquier County Public Schools expressed a preference for this portion to remain commercially zoned.






# Specific Parcels

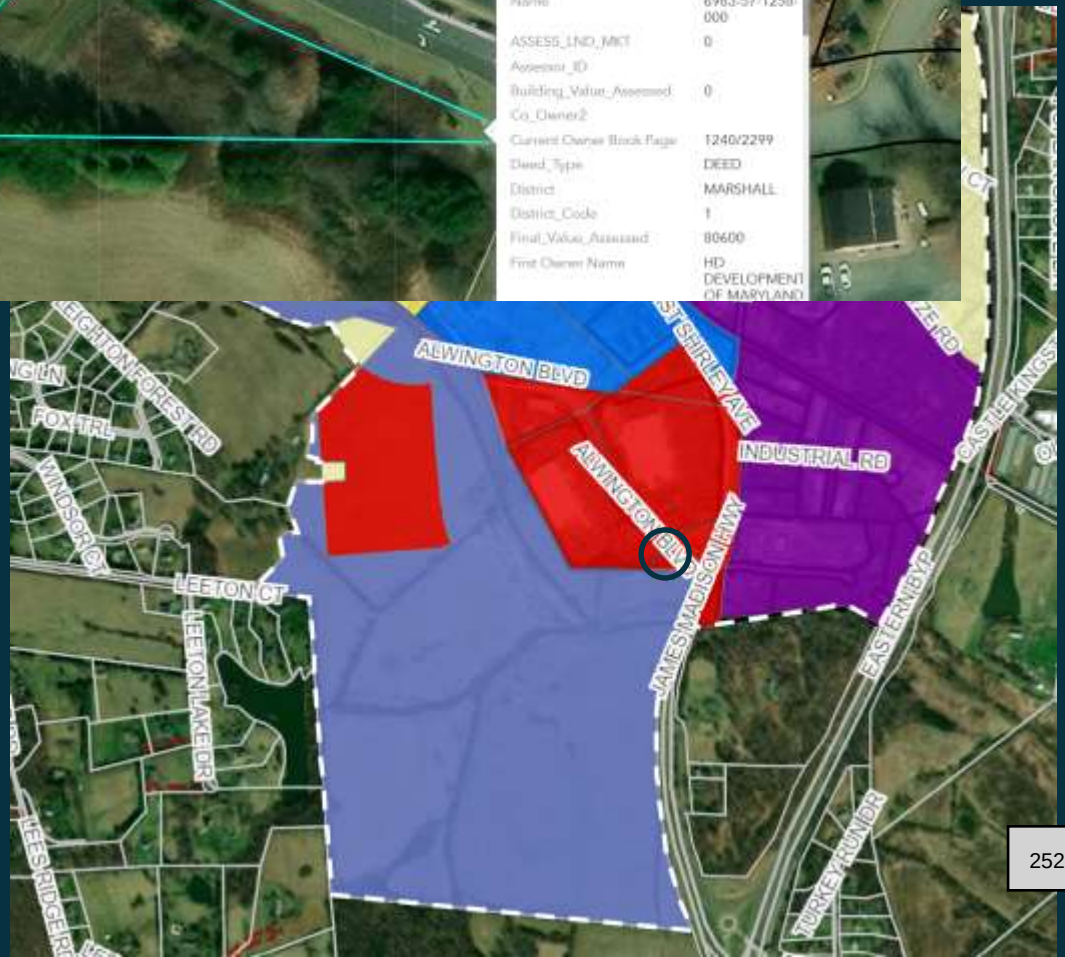





Red
Home Depot

County Zoned
Commercial

Town Zoned
Commercial



# Specific Parcels






Red
Home Depot

County Zoned
Commercial

Town Zoned
Commercial

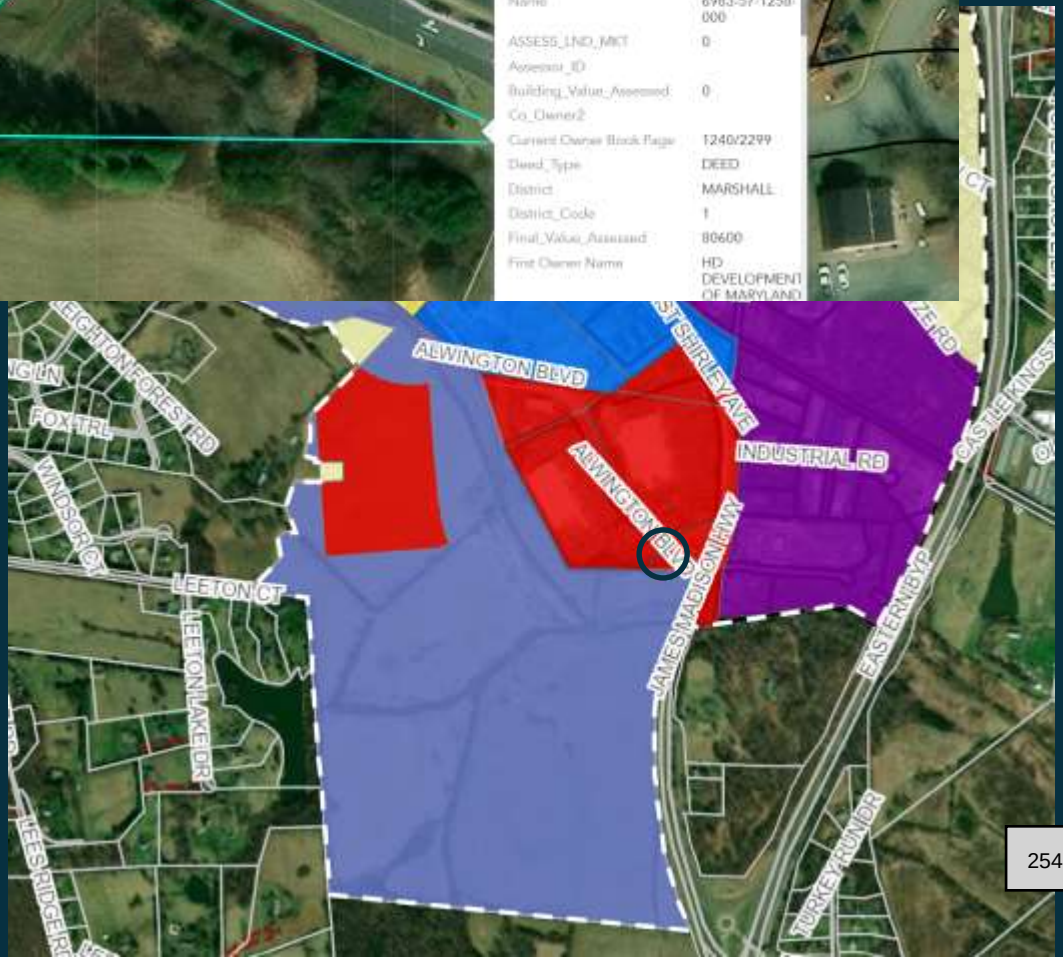


# Specific Parcels



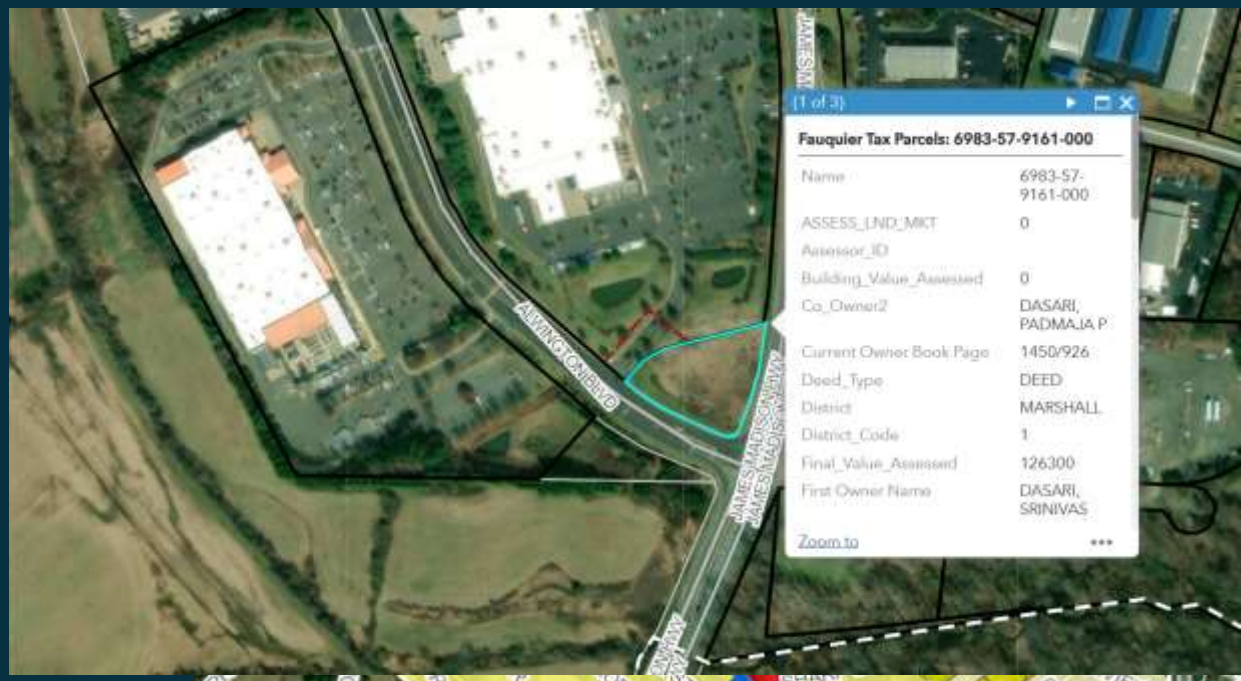



Home Depot provided a legal letter expressing a desire to remain Commercial



# Specific Parcels

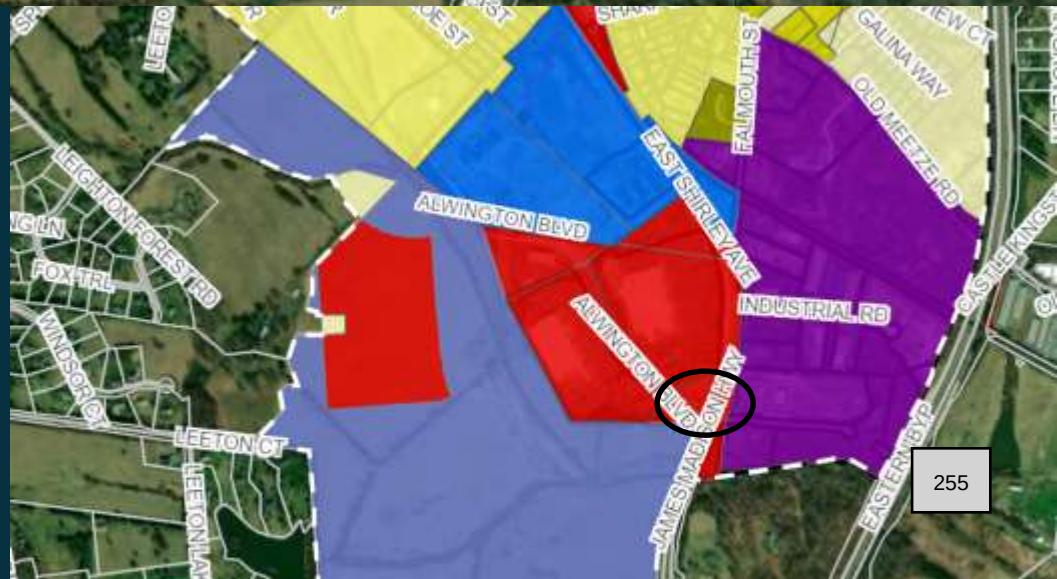





Red
Vacant lot

County Zoned
Commercial

Town Zoned
Commercial



# Specific Parcels



Red
Vacant lot

County Zoned
Commercial

Town Zoned
Commercial

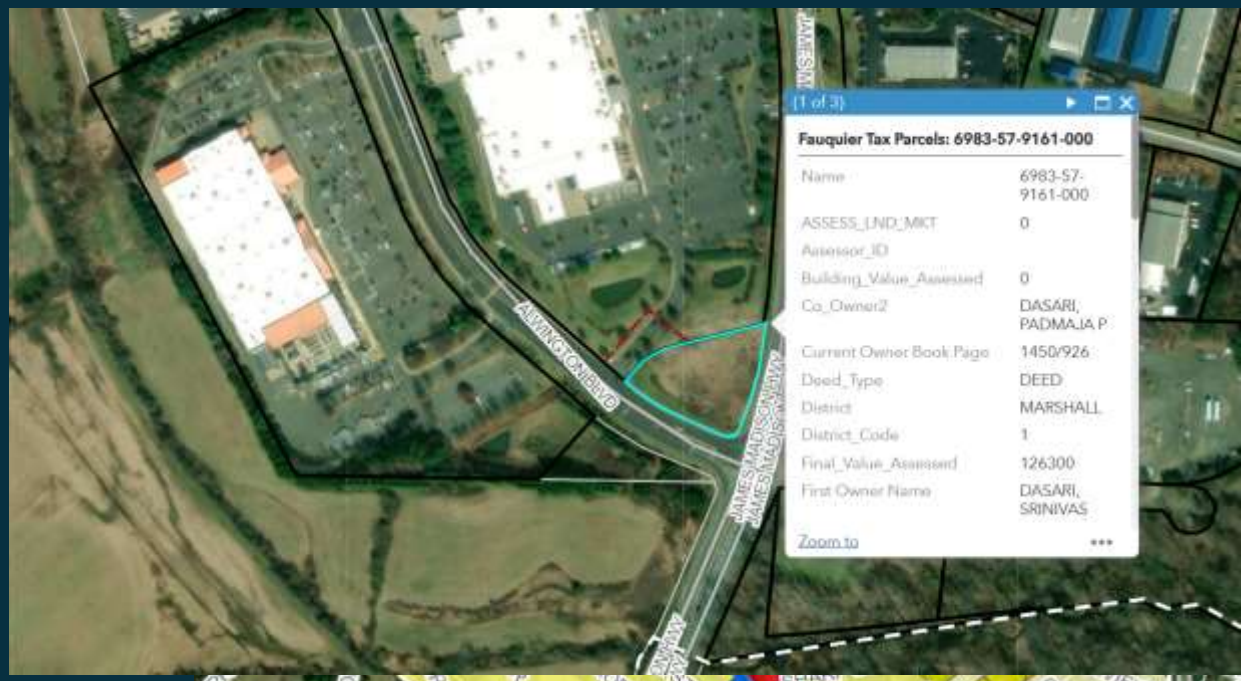


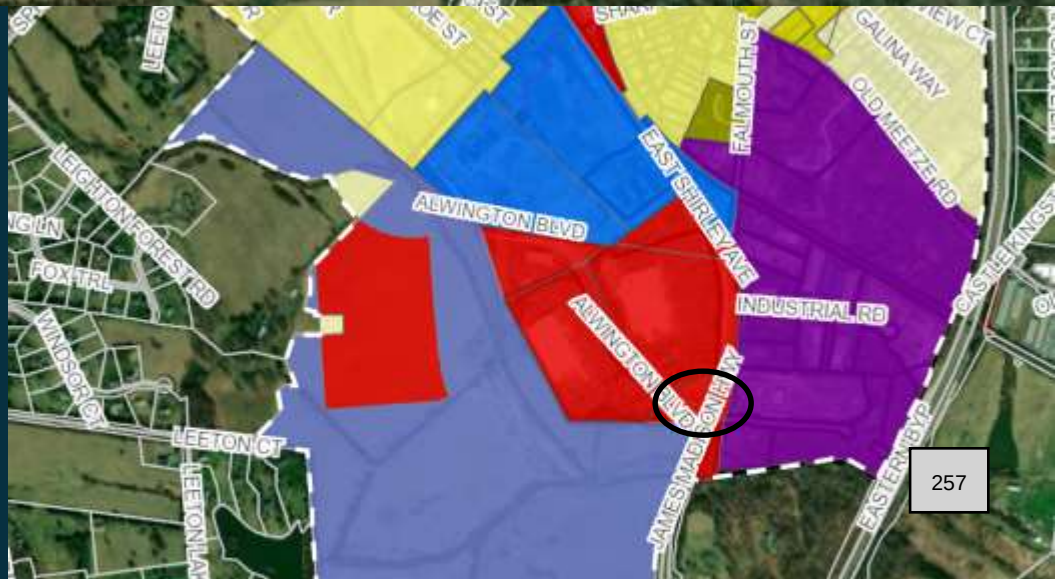



# Specific Parcels



Property owner has not expressed a desired Zoning



# Zoning Categories

| Name | GPIN | Acres | Recommendation |
|---|---|---|---|
| **Van Metre Homes** | 6983-46-2435 | 236.85665 | Northern – PRD<br><br>Southern - Commercial |
| **Home Depot of MD** | 6983-57-1258 | 0.7361 | C1 |
| **Padmaja and Srinivas Dasari** | 6983-57-9161 | 1.16 | C1 |
| **Fauquier County Public Schools** | 6983-48-7973 | 0.81 | C1 desired by FCPS |
| **VABFT, LLC** | 6983-48-7006 | 4.31 | C-1 |

# Next Steps

- Hold a Public Hearing.
- Decide the zoning of the annexed parcels.

Office of the Town Manager
Christopher E. Martino

# STAFF REPORT

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

| | |
|---|---|
| **Council Meeting Date:** | June 9th, 2026 |
| **Agenda Title:** | Consent Agenda- Meeting Minutes |
| **Requested Action:** | Review and consider approval of the Town Council Meeting Minutes |
| **Department / Agency Lead:** | Town Clerk |
| **Staff Lead:** | Stephen Clough, MMC |

## EXECUTIVE SUMMARY

The following draft minutes have been submitted by the Town Clerk for consideration for approval by the Town Council:

- Draft May 13th, 2025, Regular Town Council meeting.
- Draft May 30th, 2025, Special Town Council meeting.

## BACKGROUND

The Town Council Meeting minutes are created by the Town Clerk for each meeting of the Town Council to summarize the meetings and act as an official record for the proceedings per Warrenton Town Code (Code 1981, § 2-31).

Per Virginia Code § 2.2-3707(i) the meeting minutes will contain the following:

(a) the date, time, and location of the meeting;
(b) the members of the public body recorded as present and absent; and
(c) a summary of the discussion on matters proposed, deliberated, or decided, and a record of any votes taken.

In addition, for electronic communication meetings conducted in accordance with § 2.2-3708.2 or 2.2-3708.3, minutes shall include (1) the identity of the members of the public body who participated in the meeting through electronic communication means, (2) the identity of the members of the public body who were physically assembled at one physical location, and (3) the identity of the members of the public body who were not present at the location identified in clause (2) but who monitored such meeting through electronic communication means.

## STAFF RECOMMENDATION

Review and consider approval of the Town Council Meeting Minutes.

## Service Level/Collaborative Impact

The minutes of the Town Council Meetings help facilitate transparency in Government with records management and availability.

## Policy Direction/Warrenton Plan 2040

The minutes are an integral part of Plan Warrenton 2040 as they document the steps taken by the Staff and Town Council towards every goal laid out in the Comprehensive plan.

## Fiscal Impact

No additional impact is expected. Minutes creation is an assigned duty of the Town Clerk and falls within the budget amount for that role.

## Legal Impact

The Town Council Meeting minutes are the legal record of the proceedings and actions of the Town Council

## ATTACHMENTS

- Draft May 13th, 2025, Regular Town Council meeting.
- Draft May 30th, 2025, Special Town Council meeting.

**TOWN COUNCIL REGULAR MEETING**

21 Main Street

Tuesday, May 13, 2025 at 9:00 AM

**MINUTES**

**AN OPEN MEETING OF THE TOWN COUNCIL OF THE TOWN OF WARRENTON, VIRGINIA, WAS HELD ON MAY 13th, 2025, AT 9:00 AM**

Work Session

PRESENT — Mr. Carter Nevill, Mayor; Mr. Roy Francis; Mr. William Semple; Mr. Larry Kovalik; Ms. Michele O'Halloran; Mr. Eric Gagnon; Mr. Paul Mooney; Mr. David McGuire; Mr. Frank Cassidy, Town Manager; Mr. Stephen Clough, Town Clerk; Mr. Chap Petersen Town Attorney.

ABSENT

Regular Meeting

PRESENT — Mr. Carter Nevill, Mayor; Mr. Roy Francis; Mr. William Semple; Mr. Larry Kovalik; Ms. Michele O'Halloran; Mr. Eric Gagnon; Mr. Paul Mooney; Mr. David McGuire; Mr. Frank Cassidy, Town Manager; Mr. Stephen Clough, Town Clerk; Mr. Chap Petersen Town Attorney.

## I. WORKSESSION - 9:00 AM

Mayor Carter Nevill called the work session to order at 9:00 AM. A quorum was established with all members present.

Councilmen Mooney made a motion to modify the agenda to add a discussion of two committees (a Finance Committee and a Public Safety and Sanitation Committee) immediately following the Ethics Committee discussion. Seconded by Mr. McGuire.

The vote was as follows:

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

Nays: None.

The motion passed unanimously, and the agenda was amended.

Draft

## 1. Fiscal Year 2025-2026 Budget Work Session: Budget Scenarios

Town Manager Frank Cassidy introduced the topic. He explained that the discussion stems from collaborative work since February and follows the April 24 budget hearing. He introduced Kasey Braun, Human Capital Director, for a presentation on Human Capital.

*Human Capital Presentation*

Ms. Kasey Braun, Human Capital Director, presented on staffing, compensation, and retention.

Ms. Braun presented on the evolution of the modern employee, emphasizing that workforce retention now requires flexibility, continuous growth, and a focus on work-life balance in addition to competitive salaries. During a review of historical staffing data, Mr. Semple pointed out that the Town has added roughly 30 full-time equivalent employees since 2015, which dropped the ratio of residents served per employee from 102 to 72. He asked for an explanation regarding the growth in administrative roles.

Mr. Cassidy answered that prior to 2015, the town's population doubled while staff numbers remained stagnant, leading to severe employee burnout. He explained that the recent increases were necessary to address unfunded state mandates like stormwater management, vital IT modernization, and the absorption of the WARF into the Parks and Recreation department.

The conversation transitioned to compensation. Ms. Braun detailed the difference between Cost of Living Adjustments (COLA) and Merit increases, noting that 84% of employees received Merit pay on average over the last three years.

Mr. Francis expressed concern over the compounding financial impact of offering both simultaneously, suggesting the Council should choose one or the other, or transition Merit pay to a one-time bonus structure.

Addressing retention, Ms. Braun noted that turnover is currently below average at 9%.

Mr. Mooney highlighted that 34% of employees who received a specific 10% pay adjustment in 2023 have still left the Town's employment, suggesting compensation alone does not guarantee retention.

Mr. Kovalik asked if it was viable to consolidate vacant roles and use the savings to increase the salaries of remaining staff.

Ms. Braun cautioned against this approach, warning it would lead to staff burnout.

Mr. Gagnon proposed a hiring freeze, and Mr. Cassidy confirmed that a temporary hiring freeze was already in place during the budget process.

Mr. McGuire emphasized the Council's fiduciary responsibility to go "line by line" to find efficiencies, stating the Town is not a jobs program. He suggested that all department heads should be required to live within the Town boundaries and suggested a hiring and promotion freeze.

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Ms. O'Halloran countered that because taxes have not increased in eight years and local living expenses have skyrocketed, the budget can no longer be balanced without a tax increase.

*Budget Scenarios Presentation*

Ms. Brooke Campbell, Budget Manager, presented five budget scenarios to inform the Council's tax rate decision. The scenarios ranged from the proposed base real estate tax rate of 6.5 cents to a reduced 5.0 cent rate, integrating various combinations of cuts to outside agencies and reductions to the proposed COLA. A robust debate followed regarding the tax rate.

Mr. Francis advocated for a 1.5 cent increase as a compromise, while Mr. Semple supported a 2 cent increase to generate surpluses for the capital improvement plan rather than relying on debt.

Mayor Nevill framed the increase as a necessary step to equalize an unsustainably low real estate tax revenue stream so that businesses do not bear the brunt of subsidizing residents.

Mr. Gagnon reluctantly supported floating the rate back to pre-equalization levels, representing roughly a 1 cent increase, to begin a dialogue with citizens while aggressively cutting expenses.

*Proposed scenarios*

Scenario 1 (Base): The proposed budget with a 6.5 cent real estate tax rate, resulting in a 49.5% projected unassigned fund balance.

Scenario 2: A 6.5 cent tax rate with cuts to outside agency funding, resulting in a 51.9% fund balance.

Scenario 3: A 5.5 cent tax rate (1 cent reduction) with outside agency cuts.

Scenario 4: A 6.5 cent tax rate with outside agency cuts and a reduction of COLA from 3% to 2%.

Scenario 5: A 5.0 cent tax rate with outside agency cuts and a COLA reduction. This results in a 50.4% fund balance.

The discussion then moved to specific line-item variances. Mr. Mooney, Mr. McGuire, and Mr. Kovalik questioned expenditures such as IT professional services and police equipment.

Mr. Mooney specifically questioned the necessity of a $125,000 budget for police radios and $160,000 for police vehicles.

Timothy Carter, Chief of Police and Fleet & Facilities Manager Johnny Switzer answered that the radio upgrades are strictly mandated by the County's System Administrator to meet new encryption standards.

Mr. Switzer clarified that the vehicle budget covers one CID pickup truck and two replacement police motorcycles.

Mr. McGuire argued that the motorcycle unit is seasonal and unnecessary for the Town's size, suggesting the funds be cut or repurposed.



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To resolve the need for further detailed analysis, Mr. McGuire made a motion to meet in a special session to approve proposed and recommended cuts based on staff input. Council added that the meeting will be aligned to the specific requests of the Council regarding cuts to the Police Department, sanitation, and recycling.

Ms. O'Halloran seconded the motion. The vote was as follows:

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

Nays: None.

Special Meeting: Council agreed by unanimous consent to schedule an additional special work session to go through proposed budget cuts line by line before the final budget adoption in June.

Proposed Fee Schedule

Ms. Campbell and Ms. Kelly Kornick (Director of Parks and Recreation) presented proposed updates to the fee schedule.

A roughly 10% increase was proposed for WARF user rates, which have not been increased since 2017.

Increases were also proposed for staff time fees at special events.

Council directed staff to re-advertise the proposed fees at slightly higher, rounded amounts to provide flexibility for the final vote in June.

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The Council recessed for lunch at 12:30 PM and reconvened at 12:47 PM.

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2. **Planning Commission Update: PC held a work session on April 22, 2025 on ZOTA-25-1 – A Text Amendment to Remove Data Centers as a Permissible Use within the Industrial District.**
3. 

Ms. Denise Harris, Planning Manager, reported that the Planning Commission held a work session on April 22, 2025, regarding the zoning text amendment to remove data centers as a permissible use in the Industrial District. A public hearing on the matter is scheduled for the Planning Commission's next meeting.

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4. **Denim and Pearls Fee Waiver Request**

Mr. Cassidy introduced a request from Denim and Pearls to waive $3,400 in outstanding parklet fees from the previous year. He recommended denying the request to maintain consistency across Town businesses, explaining that the Town had only prorated the bill for the three months the parklet was physically set up prior to the First Street construction. Jen Robinson, the owner of Denim and Pearls, addressed the Council, explaining that the construction was originally projected to take 4 to 6 weeks but ultimately extended to 13 weeks. She stated that their entrances were frequently blocked without notice, which severely impacted their business.

Mr. Kovalik made an initial motion to add a resolution to the evening's new business to consider the fee waiver. Mr. Gagnon seconded this motion, The Motion was subsequently withdrawn.

Mr. Kovalik then made a direct motion to waive the fees and approve the attached resolution. Mr. Gagnon seconded the motion.

The vote was as follows:

Ayes: Mr. David McGuire; Mr. Eric Gagnon; Mr. Larry Kovalik; Mr. William Semple; Mr. Roy Francis; Mr. Paul Mooney.

Nays: Ms. Michele O'Halloran.

The motion passed 6-1, and the request from Denim & Pearls for a fee waiver was granted.

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**5. ARB Committee Appointment**

The Council voted to establish a special committee to review applications for vacancies on the Architectural Review Board (ARB). The committee would be tasked with conducting interviews and returning to the Council with a final recommendation.

A motion was put forth by Ms. O'Halloran to establish the committee. Seconded by Mr. Francis.

The vote was as follows:

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

Nays: None.

The motion passed unanimously. Mayor Nevill nominated Vice Mayor Semple and Mr. Kovalik to the committee, and the appointments were approved unanimously.

The vote was as follows:

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

Nays: None.

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### 6. Ethics Committee

Ms. O'Halloran proposed reinstating the Ethics Committee to review and finalize the code of conduct documents drafted during the previous year. Mr. Gagnon strongly opposed the reinstatement, arguing that the previous iteration of the committee had "gutted" the code. He stated that the current code of ethics is already robust and suggested that any necessary modifications be handled through individual motions instead. Mr. Semple suggested that the issue would be better handled operating as a "Committee of the Whole." Acknowledging the consensus to handle ethics updates as a full Council, Ms. O'Halloran withdrew her motion.

### 7. Mr. Mooney's Request: Discussion of addition of a Finance Committee and a Public Safety Committee

Following up on the agenda modification, Mr. Mooney formally introduced the creation of a Finance Committee and a Public Safety Committee. He proposed that the Finance Committee be headed by Mr. Semple and himself, and that the Public Safety Committee be headed by Mr. McGuire and Ms. O'Halloran. The Mayor charged both new committees with establishing clear deliverables, maintaining a strict relationship with staff to prevent mission creep, and focusing on generating long-term policy directives. Mr. Mooney made a motion to move the approval of the Finance Committee and the Public Safety Committee to the evening's Consent Agenda. Mr. Francis seconded the motion.

The vote was as follows:

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

Nays: None.

The item was added to the Consent Agenda.

### 8. Agenda Review

Mr. Cassidy reviewed the items slated for the evening meeting, beginning with a public hearing for the Waterloo Junction Electrical Easement.

The agenda review included discussion on items for consideration that evening including Tax Relief for the Elderly and Disabled, an update designed to match the County's ordinance limits of a $72,000 combined income. During this discussion, Mr. McGuire made a motion to amend the updated tax relief to include disabled veterans starting at a 10% disability rating. Ms. O'Halloran seconded the motion. It was subsequently noted that the motion may not be in order due to state constitutional requirements regarding uniform taxation. Mr. McGuire attempted to withdraw

the motion, but it was clarified that the motion could not be withdrawn under those procedural conditions. As the item was out of order it was not available for consideration.

Mr. Cassidy then noted the public hearing to set the FY25 proposed budget tax rate. He also clarified the RRRC Water Supply Planning Resolution, explaining that it strictly allows the RRRC to apply for grants on the Town's behalf and does not physically connect the Town's utilities to the Water and Sewer Authority or mandate water sharing.

Ms. Campbell presented the Parks and Recreation fee schedule, which proposed 10% increases to WARF user rates and special event staff fees. The Council directed staff to re-advertise the special event fees with higher caps to provide the Council with maximum flexibility during the final vote.

Finally, Mr. Semple requested a change to the rules regarding Council Member's Time, asking that the Mayor speak first rather than last. He cited fairness and the inability of Councilmen to rebut political statements made by the chair at the close of meetings. Town Attorney Chap Peterson stated he would review Robert's Rules regarding the chair's speaking privileges. The Mayor denied the request to alter the speaking order but committed to refraining from making un-rebuttable political statements in the future.

**With no further business, this meeting was adjourned at 1:43 PM on Tuesday, may 13th, 2025.**

## II. REGULAR MEETING - 6:30 PM

The Mayor called the meeting to order at 6:31PM, a quorum was present and business could be conducted.

**INVOCATION.**

Dr. Ethel Bethel provided the invocation.

**PLEDGE OF ALLEGIANCE.**

Mayor Nevill led the pledge of Allegiance.

**PROCLAMATIONS AND RECOGNITIONS.**

Mr. Frank Cassidy, Town Manager, led the "Excellence in Action" recognitions for the month.

- **New Hires & Certifications:** He welcomed new employees Jacob Keller and Craig King and congratulated Jesse Bender on receiving his Water Works Operator license.
- **Valor Awards:** He congratulated several members of the Warrenton Police Department who were honored at the Fauquier Chamber of Commerce Valor Awards, including officers Steven Hall, Jay Perez, and Jory Farnsworth for the Meritorious Service Award, and a team of officers for the Meritorious Unit Award. The Mayor added that Police Chief Timothy Carter received the Lifetime Achievement Award.

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- **Employee Achievements:** Mr. Cassidy recognized Communications Manager Lindy Paul for completing a national emergency management course; Public Works employees Johnny Powers, Michael Fisher, and Luke Taylor for earning traffic signal technician certifications; and Emergency Management Coordinator Johnny Switzer for graduating from the National Emergency Management Basic Academy.

- **Departmental Awards:** He congratulated the Water Treatment Plant for achieving a Silver Award for water quality from the Office of Drinking Water and the Finance Department for receiving the GFOA Certificate of Achievement for Excellence in Financial Reporting.

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**CITIZEN'S TIME.**

The Mayor opened Citizen's Time and clarified that comments regarding the budget should be reserved for the public hearing later in the meeting.

Elizabeth Scullion: A Town resident, spoke in support of the Warrenton Aquatic and Recreation Facility (WARF), highlighting its importance for her health and as a community center that attracts new residents. She stated she would be willing to pay an increase in taxes to keep the WARF vibrant.

James Cornwell: Founder of Fauquier Pride, thanked the Town, police department, fire department, and local businesses and churches for their incredible support. He invited the community to the Fauquier Pride flag-raising event on May 30th.

Penny Perry: A Town resident, spoke about the WARF's vital role in teaching the life-saving skill of swimming to all ages. She noted that the facility's swim lessons have a waitlist and that it trains lifeguards, helping to build a safer community.

Darine Barbour: A Ward 1 resident and Planning Commissioner, urged the Council to reconsider their decision from the morning's work session not to formally review the Town's Code of Ethics and Code of Conduct. She argued that the new Council should look at the documents to ensure clarity, transparency, and accountability.

Casey Ward: A Ward 5 resident and business owner, reported that the current temporary outdoor seating layout on Main Street was not popular with customers or businesses, describing feedback that it is obstructive and not intuitive. He asked the Council to continue working with stakeholders to find a better solution.

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**APPROVAL OF THE AGENDA.**

Prior to the vote on the agenda, a clarification was made regarding the wording of the public hearing for the budget. It was confirmed that while the hearing covers the entire proposed budget, the only binding action to be taken during this meeting would be the adoption of the real

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estate and personal property tax rates. Mr. Semple made a motion to approve the agenda as presented, Seconded by Mr. Mooney.

The vote was as follows:

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

Nays: None.

The motion passed unanimously.

**PUBLIC HEARINGS.**

**Vacation of the Electric Easement for Waterloo Junction**

Town Attorney Chap Petersen presented an ordinance to vacate an unused, relic public utility easement at the Waterloo Junction mixed-use development. He explained that the town has no plans to use the easement and that state statute allows for its vacation without compensation. With no citizens signed up to speak, the public hearing was promptly closed

The public hearing was opened at 6:58 PM and, with no speakers coming forward, was closed at 6:58 PM. Following the hearing, a motion was made by Mr. Mooney to approve the vacation of the easement.

Motion made by Mr. Mooney to approve the Ordinance, Seconded by Mr. Francis. The vote was as follows:

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

Nays: None

The motion passed unanimously, The Ordinance vacating the easement was approved.

**Update of Tax Relief for the Elderly and Disabled Ordinance**

Stephanie Miller, Finance Director, presented an ordinance to align the Town's code with Fauquier County's by increasing the income threshold for tax relief from $58,000 to $72,000 and the acreage limit from one to five acres. The public hearing was opened at 7:01 PM and, with no speakers coming forward, was closed at 7:01 PM. Mr. Kovalik put forth a motion to approve the Ordinance updating tax relief for the elderly and disabled as written. Ms. O'Halloran Seconded the motion.

Public Hearing Open: 7:01pm

Public Hearing Closed: 7:01pm

The vote was as follows:

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

Nays: None

The Ordinance updating the tax relief for the elderly and disabled was approved.

**A Public Hearing to Consider the Fiscal Year 2026 Proposed Budget, the Fiscal Year 2026-2031 Proposed Capital Improvement Plan, 2025 Tax Rates, Fiscal Year Water and Sewer Rates, Warrenton Aquatic & Recreational Facility (WARF) Fees, and Special Events Fees**

Budget Manager Brooke Campbell opened the hearing by summarizing the proposed $52.9 million budget, the Capital Improvement Plan (CIP), and proposed increases to water/sewer rates, WARF user fees, and special events fees. She reiterated that the Council was only required to adopt the calendar year 2025 real estate and personal property tax rates during this session. The proposed base rate was 6.5 cents per $100 of assessed value, representing an increase from the current 4.01 cent rate.

Mayor Nevill opened the Public Hearing at 7:06pm.

Joe Saffer, representing the Warrenton Volunteer Fire Company (WVFC) as treasurer and operational member, explained that life safety is their single core value and detailed the heavy operational costs born by the company, noting that county tax levies only fund 60% of their operations while equipment replacement costs run in the millions.

Scott Ross, Fire Chief of the Warrenton Volunteer Fire Company and former resident of Moffett Avenue, detailed the expansion of calls to over 5,000 annually and urged the Council to maintain funding to ensure their $5 million emergency fleet remains ready, recounting historical and recent structural fires where volunteers saved local lives and taxpayer dollars.

Raeid Ebrahim of Ward 4, Warrenton, strongly opposed the proposed $424,000 in budget cuts, stating that defunding the volunteer fire company, local employees, and crucial community lifelines like the food bank, hospice support, and free clinic would heavily penalize the working class during an affordable housing crisis.

Josephine Gilbert of the Scott District, speaking as a board member for Encompass and on behalf of Aging Together, stressed that Warrenton's over-60 population is rapidly increasing and requested that the town maintain its partnership funding for critical senior support services that facilitate aging in place.

Joe Ficarelli of 102 Winchester Street, Warrenton, voiced his dismay regarding proposed public safety funding cuts, stating that defunding fire and emergency medical services undermines resident safety and response times, while contrasting the cuts against an over-budget expenditure on outside legal fees.

John McCarthy of Menlo Drive, Warrenton, stated that while consecutive past councils had kicked structural infrastructure liabilities down the road, the current body should

avoid panicky budget decisions regarding local staff and safety nets, openly requesting that the Council raise his real estate taxes to responsibly cover proper town services.

Brandon Neil of Warrenton focused his remarks on economic development, suggesting that relying on nonprofits acts as a temporary bandage and that the town should instead prioritize robust economic incentives and tourism investments, pointing to models like Middleburg to attract high-quality businesses and stabilize revenue streams.

James Brown, Vice President of the Fauquier Historical Society, spoke against the proposed $7,600 reduction to their organization, demonstrating that the Fauquier Historical Museum at the Old Jail serves as a direct economic driver for downtown sales tax revenue, with 77% of their visitors shopping on Main Street.

Darine Barbour of Ward 1, Warrenton, opposed the public safety and non-profit funding cuts, sharing an emotional narrative of how the prompt response of the Warrenton Fire Department directly saved the life of her five-year-old granddaughter and explaining the critical daily necessity of programs like the circuit rider bus for local seniors.

Jim Jelenic of 60 Rock Point Lane, Warrenton, highlighted the widespread financial stress and anxiety currently facing citizens living paycheck to paycheck, supporting cuts to non-essential services and programs like the WARF if they burden taxpayers, but strongly opposing any cuts to fire and public safety.

Renard Carlos of 54 E Shirley Avenue, Warrenton, acknowledged the complex weight of budget decisions facing the new Council and recommended that members take the time to physically visit the volunteer fire company and affected non-profit entities to fully evaluate how funding changes would impact actual community capabilities.

Captain Tomei, training captain and chaplain for the Warrenton Volunteer Fire Company, emphasized the necessity of balancing commercial interests with community service investments, explaining that the fire company brings in and heavily trains local youth for public service careers at no operational cost to the county.

Jaden Carey of 8567 Meadows Road, Warrenton, shared a personal account of surviving a severe vehicle accident due to the rapid response times of local public safety personnel, stating that the volunteer firehouse provided a vital place of support and family during his time in the foster system and expressing deep concern over potential cuts.

Following the citizen testimony, the public hearing was paused at 7:45 PM. The Mayor announced that the public hearing for the overall budget would remain open and continue at the June meeting, transitioning the Council into a debate strictly on setting the tax rate.

Discussion began with Mr. Gagnon raising a point of order regarding the drafted Town Council agenda language, noting it incorrectly referenced the tax year beginning January 1, 2024. Staff confirmed this was a scrivener's error and that the ordinance legally applied to the tax year beginning January 1, 2025, feeding into the Fiscal Year 2026 budget.

A motion was made by Mr. Gagnon to approve Ordinance 2025-05 with the real estate tax rate set at $0.05 per $100 of assessed value. The motion was seconded by Mr. Kovalik.

Immediately following, Mr. Semple moved to amend the motion to set the tax rate at 6.0 cents, which was seconded by Ms. O'Halloran. Mr. Semple justified the two-cent increase by stating that for the first time, the Town is facing the prospect of borrowing $5 million for capital asset replacements—expenses that are normally covered by cash surpluses. He argued the higher rate is necessary to preserve the fund balance, make cash contributions toward capital requirements, and prevent serious financial strain down the road.

Mr. Gagnon defended his 5.0-cent proposal by pointing out that an upcoming property reassessment is scheduled. He argued that conservative estimates suggest property values will increase by 10 to 15 percent, which would naturally generate the additional revenue the Town needs without requiring a steeper two-cent rate hike. Ms. O'Halloran strongly disagreed with this incremental approach. She stated that a one-cent increase merely returns the Town to its pre-equalization rate. She warned that implementing "teeny weeny" incremental increases would fail to get the Town ahead of its debt and would eventually force a future Council to implement a massive 10-cent hike to dig out of the hole.

Mr. McGuire countered that the Council must not fall into the habit of continuously raising taxes, reminding the body that Warrenton residents bear the unique burden of paying both Town and County taxes. He argued that the Council needs to make hard budget cuts rather than raising taxes on a population largely made up of retirees and government workers. He specifically pointed to past financial decisions where water funds were redirected to the Warrenton Aquatic and Recreational Facility (WARF).

Mr. Francis agreed with the need for strict cuts but acknowledged the Council was stuck between the 1.0-cent and 2.0-cent options, suggesting a 1.5-cent increase would be a necessary compromise to get the budget over the hump toward a surplus.

Mr. Kovalik shifted the conversation to town expenditures, arguing against using taxpayer funds for charitable contributions to local nonprofits. He suggested that citizens who can afford to should donate directly to these organizations out of their own pockets rather than the Town mandating it through taxes. He also highlighted that $2.1 million in proffers from recent local developments are currently directed to Fauquier County for a public safety building. He argued that under proximity and nexus laws, the Town should secure those funds locally, which could easily cover the $200,000 funding request from the Warrenton Volunteer Fire Company.

To clarify the direct financial impact on residents, Mr. Semple asked Budget Manager Brooke Campbell for the average out-of-pocket tax bill increase.

Ms. Campbell confirmed the average home value in Warrenton is $423,000, and under the originally proposed 6.5-cent rate, the average annual tax bill increase would only be $105.33.

Mr. Gagnon then offered a stark analogy to contextualize the Town's financial position, comparing the municipality to a family earning $230,000 a year but taking on $51,000 in credit card debt for basic maintenance, while keeping a $42,000 cabin cruiser parked out back. He stated that adding two zeros to those figures accurately represents the Town's operating deficit, and he characterized the WARF as a $42 million hole in the budget over the past 25 years. He strongly advocated for the 5.0-cent rate to hold the line on taxes while the Council takes the next year to evaluate deep expense cuts.

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Ms. O'Halloran immediately defended the WARF against Mr. Gagnon's analogy, noting that an annual town membership is only $385, which is a tremendous value compared to the low tax burden residents face. She pointedly noted that four members of the current Council had previously served without raising taxes for years, which directly contributed to the current financial deficit and delayed maintenance.

Mr. McGuire retorted that Warrenton is not the Hamptons with yachts in backyards, reiterating that the Town is a community of working-class people and retirees who cannot absorb constant tax hikes.

Following this exchange, Mr. Semple moved to call the question to suspend the debate, which was seconded by Ms. O'Halloran.

The Mayor confirmed this action officially closed the discussion on Mr. Semple's pending amendment to raise the tax rate to 6.0 cents. The Council then proceeded to vote on the 6.0-cent amendment, which failed by a vote of 5-2, with Aye votes from Mr. Semple and Ms. O'Halloran, and Nay votes from Mr. Mooney, Mr. Francis, Mr. Kovalik, Mr. Gagnon, and Mr. McGuire.

A motion to amend the rate to $0.06 was made by Mr. Semple and seconded by Ms. O'Halloran. After discussion, the motion to amend failed by a vote of 2-5.

Ayes: Semple, O'Halloran

Nays: Mooney, Francis, Kovalik, Gagnon, McGuire

Before further motions were made, Mr. Mooney asked for clarification on when the property reassessments would actually take effect. Ms. Campbell confirmed the reassessments take place on January 1, 2026, meaning the rate being voted on tonight would apply to the current, lower assessments, not the future increased ones.

With this clarification, Mr. Francis moved to amend the primary motion to set the tax rate at 5.5 cents, representing a 1.5-cent increase. He stated this would yield a slight surplus and serve as the most balanced compromise between the one-cent and two-cent proposals. Mr. McGuire seconded the amendment.

> A motion to amend the main motion to a rate of $0.055 was made by Mr. Francis and seconded by Mr. McGuire. The motion to amend passed by a vote of 6-1.
>
> Ayes: Semple, O'Halloran, Mooney, Francis, Kovalik, McGuire
>
> Nay: Gagnon

A final vote was taken on the main motion as amended, to adopt Ordinance 2025-05 with the real estate tax rate set at $0.055 per $100 of assessed value. The vote was as follows:

Ayes: Mr. William Semple; Mr. David McGuire; Mr. Paul Mooney; Ms. Michele O'Halloran; Mr. Roy Francis . Nays: Mr. Eric Gagnon; Mr. Larry Kovalik. Abstention: None. Absent: None.

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The motion passed 5-2, the motion was amended. The Council then proceeded to vote on the principal motion as amended: to adopt Ordinance 25-05, establishing the calendar year real estate tax rate at 5.5 cents per $100 of assessed value, alongside the proposed water and sewer rates. The motion passed 5-2, with

Aye: Mr. Mooney, Mr. Francis, Mr. Semple, Ms. O'Halloran, and Mr. McGuire

Nay: Mr. Kovalik and Mr. Gagnon.

The Ordinance was passed setting a tax rate of 5.5 cents per $100 of assessed value.

**CONSENT AGENDA.**

*Departmental Quarterly Reports*

*Police Department Report*

*Finance Department Report*

*Community Development Department Report*

*Parks and Recreation Department Report*

*Public Works and Utilities Department Report*

*Capital Improvement Program*

*Street Maintenance Report*

*Human Capital*

*Office of Emergency Management Report*

*Fleet and Facilities Department Report*

*Information and Technology Department Report*

*Approval of Town Council Minutes*

*RRRC Water Supply Planning Resolution*

*Creation of a Finance Committee and the appointment of Mr. William Semple and Mr. Paul Mooney to the Finance Committee*

*Creation of a Public Safety Committee and the appointment of Ms. Michele O'Halloran and Mr. David McGuire to the Committee.*

A motion was made to approve the consent agenda. The agenda included Departmental Quarterly Reports, Town Council Minutes, the RRRC Water Supply Planning Resolution, and the

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creation of the Finance and Public Safety Committees with their initial appointments. The items were approved without discussion .

Motion made by Mr. McGuire, Seconded by Mr. Francis. The vote was as follows:

Ayes: Mr. William Semple; Mr. Eric Gagnon; Mr. David McGuire; Mr. Paul Mooney; Mr. Larry Kovalik; Ms. Michele O'Halloran; Mr. Roy Francis . Nays: None. Abstention: None. Absent: None.

The motion passed unanimously.

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**NEW BUSINESS.**

**Acceptance of SLAF grant award/agreement – Garrett Street Pond**

**Motion made by Ms. O'Halloran, Seconded by Mr. Mooney.**
**Voting Yea: Mr. Semple, Mr. Gagnon, Mr. McGuire, Mr. Mooney, Mr. Kovalik, Ms. O'Halloran, Mr. Francis**

Ms. Stephanie Miller presented the item, explaining that the Town had been awarded a Stormwater Local Assistance Fund (SLAF) grant for a project that was completed in Fiscal Year 2023 . She noted that the total project cost was $162,727, and this grant would reimburse the Town for $65,000 of the $85,000 it had spent, serving as a cost recovery .

Motion made by Ms. O'Halloran, Seconded by Mr. Mooney. The vote was as follows:

Ayes: Mr. William Semple; Mr. Eric Gagnon; Mr. David McGuire; Mr. Paul Mooney; Mr. Larry Kovalik; Ms. Michele O'Halloran; Mr. Roy Francis . Nays: None. Abstention: None. Absent: None.

The motion passed unanimously

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**UNFINISHED BUSINESS.**

The Mayor confirmed there was no unfinished business to discuss.

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**TOWN ATTORNEY'S REPORT.**

Town Attorney Chap Petersen provided several legal updates to the Council. He reported that the annexation hearing for the Arrington property was held on April 24, and the court approved the Voluntary Settlement Agreement. The new property will officially be incorporated into the Town on June 1. Regarding the ongoing emails case, the Court of Appeals has issued its mandate, and the case will return to the circuit court, where a motion will be made for a final order of dismissal. Mr. Petersen noted that insurance counsel is being used to minimize further costs to the Town.

Additionally, there are two upcoming code compliance trials scheduled for June 4 and July 2, where the Town is seeking relief from the court to repair properties that are out of compliance

and place a lien to secure the Town's financial interest. Addressing questions raised during the morning work session, he stated he is researching the legal distinction between the mandatory state constitutional tax exemption for 100% disabled veterans and the discretionary exemption for the elderly and disabled that localities can adopt by ordinance. Finally, regarding the order of speaking during Councilmember's Time, he reported that Robert's Rules of Order defers to "local custom," and that the order of the agenda—including items like "Mayor's Time"—can be amended by the Council at its discretion.

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**TOWN MANAGER'S REPORT.**

Town Manager Frank Cassidy congratulated the Town staff on the successful Touch a Truck and Dog-a-poolooza events. He also noted that the area was currently under a flood watch, reporting that the recent 2.1-inch rain event had caused a surge at the wastewater treatment plant, increasing the flow to 4 million gallons per day. However, he assured the Council and the public that the plant was handling the influx successfully.

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**COUNCILMEMBERS TIME.**

**Mr. McGuire** expressed his deep appreciation for the volunteer firefighters, quoting Bobby Kennedy on the government's duty to find the middle ground between plenty and poverty to help its people. He stressed that while budget cuts are necessary, the Council must prioritize "mission first, people always," and suggested the state government should explore a sliding-scale tax exemption for disabled veterans.

**Mr. Gagnon** clarified his earlier analogy from the tax debate, explicitly identifying the WARF as the "cabin cruiser" and estimating its cost at $42 million over 25 years. He cautioned the Council to be mindful of potential massive federal job cuts looming under the current administration, noting that Warrenton's economy relies heavily on federal employment, which makes tax increases on residents especially precarious right now.

**Ms. O'Halloran** thanked Dr. Bethel for the invocation and urged the Council to remember the Town's dedicated staff when finalizing the budget. She highlighted the immense workload placed on employees—such as a single worker spending all day mowing the reservoir property—and stressed the importance of fair compensation to keep the Town running smoothly.

**Mr. Kovalik** thanked residents for their input and shared an anecdote of Town public works employees safely clearing dangerous debris from Culpeper Street. He praised their dedication and emphasized the need to be good financial stewards to protect the "missing middle"—young couples who grew up in Warrenton but are currently struggling to afford to live in their hometown.

**Mr. Semple:** S reflected on his 20 years of professional experience managing and establishing nonprofits, acknowledging the constant slog these organizations face in securing funding. He

emphasized the intrinsic "value added" that nonprofits bring to a community beyond just the dollars spent and stated he looks forward to having further conversations with the Warrenton Volunteer Fire Company.

**Mr. Francis:** thanked the residents of Ward 1 for their attendance, acknowledging the recent disruptions they faced due to local gas line work. He reiterated that no final decisions on budget cuts have been made, noting that setting the tax rate tonight simply provides the baseline the Council needs to finalize the rest of the budget. He also reminded the Council to respond to the Town Clerk regarding scheduling the upcoming special budget meeting.

**Mr. Mooney:** concluded the commentary by highlighting the Town's rapid budget growth—from $26.5 million in FY22 to a proposed $52.9 million in FY26. He warned that continuing business as usual is unsustainable. He acknowledged the incredibly difficult decisions ahead to balance affordable housing, commercial development, public safety, and taxpayer relief, but commended the Council and staff for their professional and diligent work throughout the day's sessions.

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**ADJOURNMENT.**

**With no further business, this meeting was adjourned at 8:42 PM on Tuesday, May 13th, 2025.**

**I hereby certify that this is a true and exact record of actions taken by the Town Council of the Town of Warrenton on May 13th, 2025.**

_____

Stephen M. Clough
Town Recorder

Attachments:

1) Handouts to Council from Citizen's time. May 13th, 2025.
2) Citizen Comment Emails and form submissions.
3) Signed legislation.

Draft

**The Town of Warrenton**
P.O. Box 341
Warrenton, VA 20188
P (540) 347-1101
F (540) 349-2414

# May 13th, 2025, Regular Town Council Meeting Minutes

## Attachment 1: Citizen Comment emails and form submissions.

Draft

**From:** "noreply@civicplus.com" on behalf of "noreply@civicplus.com" <noreply@civicplus.com>
**Sent:** 24 Apr 2025 21:41:00 -0500
**To:** """ <citizencomment@warrentonva.gov>
**Subject:** Online Form Submittal: Public Comment

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

## Public Comment

| | |
|---|---|
| Name | Sue Kellon |
| Address | 9628 Springs Road |
| City | Warrenton |
| State | VA |
| Zip Code | 20186 |
| Email Address | [redacted] |
| Phone Number | *Field not completed.* |
| Committee, Board, or Commission Type | Town Council |
| Agenda Item | WARF |
| Comment | The purpose of good government is to serve its constituents and to oversee services for the benefit of all that are not available to the individual. The WARF enables citizens to exercise, both in the facility and outdoors, children to compete in sports, people rehabilitating after surgeries, those with arthritis and other debilitating health issues to prolong their well-being.<br>I urge the town of Warrenton to consider the benefit to the town, and more widely, the county and even beyond (one lady I met drives from Stafford) and find a way to continue to keep the WARF contributing to our quality of life.<br>Thank you. |

Draft

Email not displaying correctly? View it in your browser.

Draft

**From:** "noreply@civicplus.com" on behalf of "noreply@civicplus.com" <noreply@civicplus.com>
**Sent:** 25 Apr 2025 05:37:15 -0500
**To:** """ <citizencomment@warrentonva.gov>
**Subject:** Online Form Submittal: Public Comment

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

## Public Comment

| | |
|---|---|
| Name | Bob Dart |
| Address | 9174 Harts Mill Rd |
| City | Warrenton |
| State | VA |
| Zip Code | 20186 |
| Email Address | [redacted] |
| Phone Number | [redacted] |
| Committee, Board, or Commission Type | Town Council |
| Agenda Item | WARF |
| Comment | Our community is so fortunate to have such a stellar facility as the WARF. I would be willing to pay more for my yearly county membership. I thank the town leadership for its foresight in recognizing the importance of both the physical and mental health of its citizens through fitness. |

Email not displaying correctly? View it in your browser.

Draft

**From:** "noreply@civicplus.com" on behalf of "noreply@civicplus.com" <noreply@civicplus.com>
**Sent:** 26 Apr 2025 14:07:20 -0500
**To:** """ <citizencomment@warrentonva.gov>
**Subject:** Online Form Submittal: Public Comment

## Public Comment

| | |
|---|---|
| Name | Denise Glasser |
| Address | 7265 Joshua Tree Cir |
| City | Warrenton |
| State | VA |
| Zip Code | 20187 |
| Email Address | [redacted] |
| Phone Number | [redacted] |
| Committee, Board, or Commission Type | Town Council |
| Agenda Item | WARF |
| Comment | I wanted to speak on the importance of the WARF to our community. I have been a member of the WARF since 2010. I see many purposes of the WARF to both the town and Fauquier county. First, it serves as an economical option for health and wellness. I consistently attend Spin classes and they have done so much for my physical and mental health. Second, I use the WARF as a family entertainment option. During bad weather days, the swimming option has been life saving. Finally, the swim programs offered benefit all ages, especially safety for our little learning swimmers. Please continue to support the WARF and keep this gem for the entire community. |

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**Subject:** Online Form Submittal: Public Comment

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## Public Comment

| | |
|---|---|
| Name | Denise Glasser |
| Address | 7265 Joshua Tree Cir |
| City | Warrenton |
| State | VA |
| Zip Code | 20187 |
| Email Address | [redacted] |
| Phone Number | [redacted] |
| Committee, Board, or Commission Type | Town Council |
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| Comment | I wanted to speak on the importance of the WARF to our community. I have been a member of the WARF since 2010. I see many purposes of the WARF to both the town and Fauquier county. First, it serves as an economical option for health and wellness. I consistently attend Spin classes and they have done so much for my physical and mental health. Second, I use the WARF as a family entertainment option. During bad weather days, the swimming option has been life saving. Finally, the swim programs offered benefit all ages, especially safety for our little learning swimmers. Please continue to support the WARF and keep this gem for the entire community. |

Draft

Email not displaying correctly? View it in your browser.

Draft

**From:** "Stephen Clough" <sclough@warrentonva.gov>
**Sent:** Tue, 6 May 2025 15:47:47 +0000
**To:** "citizencomment" <citizencomment@warrentonva.gov>
**Subject:** FW: Funding Loss for the Warrenton Volunteer Fire Company

Stephen Clough, CMC
Town Clerk, FOIA Officer
Department of the Town Clerk

21 Main Street
Warrenton, VA 20186
O:(540) 347-1101 x(124)
M: (540) 714-9270
warrentonva.gov

*CONFIDENTIALITY NOTICE: This electronic message is intended to be viewed only by the individual or entity to whom it is addressed. It may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any dissemination, distribution or copying of this communication is strictly prohibited without the permission of the sender. If the reader of this message is not the intended recipient, or if you have received this communication in error, please notify the sender immediately by return e-mail and delete the original message and any copies of it from your computer system.*

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**From:** Carter Nevill <cnevill@warrentonva.gov>
**Sent:** Tuesday, May 6, 2025 11:41 AM
**To:** Stephen Clough <sclough@warrentonva.gov>
**Cc:** Fran Faylor [redacted]>; Stephanie Miller <smiller@warrentonva.gov>
**Subject:** Fw: Funding Loss for the Warrenton Volunteer Fire Company

Stephen, (council bcc'ed)

Please submit this to public comment..

Thank you
Carter
Get Outlook for iOS

---

**From:** David Achter [redacted]>
**Sent:** Tuesday, May 6, 2025 10:52 AM
**To:** Carter Nevill <cnevill@warrentonva.gov>
**Subject:** Funding Loss for the Warrenton Volunteer Fire Company

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

You don't often get email from [redacted]. Learn why this is important

Mr. Nevill,

I hope this message finds you well. I am reaching out to you both as your constituent and a concerned citizen, as well as a member of the Warrenton Volunteer Fire Company. It has recently been brought to the Company's attention that the Town Council intends to completely cease all funding to my organization, presumably in the name of fiscal responsibility for the Town Government. I absolutely understand that in the post-COVID era of inflation, an increased emphasis on spending money efficiently is necessary for any government to best serve its people. However, the Council's plan to gut the WVFC of its funding is shortsighted and could cost lives.

The WVFC is a volunteer department unlike any other in the county. Warrenton's large population necessitates complex, specialty fire apparatus and tools run and maintained by our volunteers at great financial expense. Additionally, Warrenton's high call volume puts volunteers in the crucial position of managing the peaks of demand, most notably during the spring Columbia Gas crisis but more commonly everyday, in a role that doesn't make headlines. It is therefore a preposterous proposition for the Council to suggest that the county and Warrenton's local population should pick up the tab for such a vital public service.

I am writing to you to express my deep disappointment in the decision of the Council. As volunteer firefighters and EMTs, we miss holidays, family events, and life milestones to provide public safety to our community with no personal compensation in return. This decision, whether intentional or not, demonstrates to me that the town pays no regard to the sacrifices we make for our community. But far more importantly, when lives are on the line, none of us can possibly afford to be constrained in the field by such a reckless experiment in funding. I urge the Council to reconsider their position for the sake of our organization and the citizens we serve.

Thank you for your attention to this matter. Please reach out to me with any questions or concerns.

*Respectfully,*

**David E. Achter**
EMT-B | BLS Instructor
Warrenton Volunteer Fire Co.
540-229-1700 (cell)

Draft

**From:** "noreply@civicplus.com" on behalf of "noreply@civicplus.com" <noreply@civicplus.com>
**Sent:** 6 May 2025 14:24:27 -0500
**To:** """ <citizencomment@warrentonva.gov>
**Subject:** Online Form Submittal: Public Comment

## Public Comment

| | |
|---|---|
| Name | Elizabeth D Scullin |
| Address | 118 Culpeper Street |
| City | Warrenton |
| State | VA |
| Zip Code | 20186 |
| Email Address | [redacted] |
| Phone Number | [redacted] |
| Committee, Board, or Commission Type | Town Council |
| Agenda Item | 2026 Budget |
| Comment | Thank you for giving citizens the time to voice our opinions about the budget.<br><br>When my husband and I moved here 38 years ago, I had to go to a neighboring county to swim during the winter months. We had to join a club to exercise, a club so that we could swim with the children during the summer months, a club for yoga classes, and my husband had to run the city streets/hills in order to train for marathons and to stay healthy.<br><br>We heard people complain that there was nothing for children and young adults to do for recreation and certainly nothing that families could enjoy together. I enjoy watching families in the leisure pool and the lazy river at the WARF having fun together. During swim meets I hear people talking about what a great facility we have and how they plan on returning one day.<br><br>I retired two years ago and while I was physically active before |

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I retired, I am now able to take advantage of the numerous classes offered at the WARF during the day. I have had both knees and one shoulder replaced, four stress fractures in my foot and a broken wrist. It can be painful to move at times yet I can join a deep water and/or shallow water class and still get the cardio exercise and joint flexibility that I need. I have made exercise a priority in my life and I go to the WARF to exercise an average of six times a week. I have met countless people from our community that would come to my aid if I said that I needed them.

The Mayor's message in the 2040 Comprehensive Plan mentions the WARF and its part in making Warrenton a genuine, sincere community defined by the people who live here. Warrenton attracts visitors and future residents alike because of its small town feel with parks and recreation to satisfy the needs of all ages.

It's often said that if you don't have your health, you don't have anything. While this is not the ideal time to raise taxes given today's economic climate, I would be willing to pay an increase to keep the WARF vibrant. Please include the WARF in the Town's budget and ensure that the residents of the Town and the County have the opportunity to stay healthy.

Thank you for your consideration.

Elizabeth D. Scullin
Warrenton, VA

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Email not displaying correctly? View it in your browser.

Draft

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**Sent:** 6 May 2025 14:24:27 -0500
**To:** """ <citizencomment@warrentonva.gov>
**Subject:** Online Form Submittal: Public Comment

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## Public Comment

| | |
|---|---|
| Name | Elizabeth D Scullin |
| Address | 118 Culpeper Street |
| City | Warrenton |
| State | VA |
| Zip Code | 20186 |
| Email Address | [redacted] |
| Phone Number | [redacted] |
| Committee, Board, or Commission Type | Town Council |
| Agenda Item | 2026 Budget |
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leisure pool and the lazy river at the WARF having fun together. During swim meets I hear people talking about what a great facility we have and how they plan on returning one day.

I retired two years ago and while I was physically active before I retired, I am now able to take advantage of the numerous classes offered at the WARF during the day. I have had both knees and one shoulder replaced, four stress fractures in my foot and a broken wrist. It can be painful to move at times yet I can join a deep water and/or shallow water class and still get the cardio exercise and joint flexibility that I need. I have made exercise a priority in my life and I go to the WARF to exercise an average of six times a week. I have met countless people from our community that would come to my aid if I said that I needed them.

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Thank you for your consideration.

Elizabeth D. Scullin
Warrenton, VA

Email not displaying correctly? View it in your browser.

Draft

**From:** "matt Olney" [redacted]
**Sent:** Wed, 7 May 2025 15:03:47 -0400
**To:** """ <townmanager@warrentonva.gov>
**Cc:** """ <citizencomment@warrentonva.gov>
**Subject:** Proposed cuts to Warrenton FD

[Some people who received this message don't often get email from [redacted]. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification ]

Mr Cassidy,

I have been made aware of proposed cuts to the Warrenton FD and I strenuously object to these cuts. I have two boys born and raised here in town. My youngest started off volunteering for the Warrenton FD and now works for Prince William FD but continues to volunteer for Warrenton FD. He chose PW because the county could not come close to what was offered in PW. Of all the things Warrenton spends our tax dollars on I believe the FD is close to the top of the list. The amount of work these young men put into training to keep us safe has to be rewarded with staying fully funded. We cannot cut the FD funding and try to stay competitive with the surrounding counties at the same time.

I appreciate your time.

Matt Olney
Sent from my iPhone

Draft

**From:** "A Meade" [redacted]>
**Sent:** Wed, 7 May 2025 16:38:40 -0400
**To:** """ <citizencomment@warrentonva.gov>
**Subject:** Urgent Support for Warrenton Volunteer Fire Company – Oppose Proposed Funding Cut

You don't often get email from [redacted] Learn why this is important

Dear Warrenton Town Council Members,

I am writing to express deep concern and strong opposition to the Town of Warrenton's proposed elimination of the $210,000 in annual funding for the Warrenton Volunteer Fire Company (WVFC).

These are not optional or occasional services—they are lifesaving, essential, and expected by every tax paying resident and business in the Town of Warrenton. The Town continues to collect taxes from its citizens, yet is proposing to withdraw financial support for one of the most fundamental responsibilities of local government: public safety. Defunding emergency services sends a troubling message—that the safety and well-being of Warrenton residents are not a priority.

Furthermore, cutting this funding does not make the need for emergency services go away. It merely shifts the burden onto Fauquier County, which would be forced to hire additional career-paid fire and EMS personnel to fill the gap. This reactive approach is not only less efficient, but also significantly more costly—ultimately leading to higher taxes for everyone, including Town residents.

I urge you to reconsider this decision and continue to invest in the services that protect lives, homes, and businesses every single day.

On behalf of those who value the vital work of our volunteer responders, I ask you to restore and preserve this essential funding.

Sincerely,

Amy Meade
Employed in the Town of Warrenton

Draft

**From:** "Katelynn Stern" [redacted]
**Sent:** Wed, 7 May 2025 17:14:39 -0400
**To:** """ <citizencomment@warrentonva.gov>
**Subject:** Opposition to Proposed Budget Cuts to the Warrenton Fire Department

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

You don't often get email from [redacted] Learn why this is important

Dear Council Members,

I am writing to express my deep concern regarding the proposed budget cuts to the Warrenton Fire Department. As a resident and active member of this community, I urge you to reconsider any action that would reduce critical funding to this essential public safety service.

Our fire department is not just a line item in the town's budget—it is a lifeline for the people of Warrenton. From responding to house fires, medical emergencies, and traffic accidents, to providing vital fire prevention education, these brave men and women put their lives on the line every day to protect us. Reducing their funding would jeopardize not only their safety but the safety of every family, business, and visitor in Warrenton.

Cutbacks could result in longer response times, fewer trained personnel on duty, and a diminished ability to respond effectively to simultaneous emergencies. In a town that continues to grow and develop, the demand for prompt and professional emergency response is only increasing. Weakening our emergency response infrastructure sends a dangerous message about the value we place on community safety.

I understand the need to make difficult budgetary decisions, but public safety should never be compromised. Instead of cuts, we should be discussing how to strengthen and support our fire department to meet the evolving needs of Warrenton's population.

I respectfully ask you to fully fund the Warrenton Fire Department and explore alternative cost-saving measures that do not put lives at risk. The residents of this town depend on your leadership to protect the services that protect us.

Thank you for your time and consideration.

Sincerely,
Katelynn Stern

Draft

--
Katelynn Stern

Draft

**From:** "Hank and Jolynn Desch" [redacted]>
**Sent:** Thu, 8 May 2025 00:08:04 +0000
**To:** "citizencomment@warrentonva.gov" <citizencomment@warrentonva.gov>
**Subject:** Funding for the Warrenton Volunteer Fire Company

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

You don't often get email from [redacted] Learn why this is important

To whom it may concern:

Not only is the Warrenton Volunteer Fire Company full of brave individuals who sacrifice their time and risk their lives for our entire community, it is also dedicated to providing higher education for those interested in making firefighting or emergency services a career. WVFC provided years of on-site training, hands-on critical skills and fire and EMT classes for our son. He joined the company at 15 years old, and as a high school senior, before he's even finished high school, he has earned his fully certified firefighter and EMT titles. For a young person who knows college is not their calling, the fire department has been a place to provide hands-on learning and given him purpose and a passion. The funding graciously provided by our town has been a life-giving blessing to our son, our family, and to the Town of Warrenton.

Yes, indeed, WVFC, saves lives!

Please reinstate the funding to Warrenton Volunteer Fire Company!

Grateful for your sincere support and consideration,

Jolynn and George Desch

Draft

**From:** "Dylan Garrett" <[redacted]>
**Sent:** Wed, 7 May 2025 20:41:58 -0400
**To:** """ <citizencomment@warrentonva.gov>
**Subject:** WVFC Budget Cut

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

[You don't often get email from [redacted]. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification ]

Good evening, i'm emailing regarding the budget cut for the Warrenton Volunteer Fire Company. Since 1924 this organization has been the busiest fire company for the county. It has served the town of Warrenton and its citizens in all times of need, responding swiftly, efficiently, and professionally to all calls for service. A volunteer organization like this is key to ensure our towns safety. Fauquier County Fire Rescue only pays 3 individuals to be at the firehouse 24/364. The Warrenton Volunteer Fire Company has 7 key pieces of apparatus, out of the 7 career staff only staffs the Engine. Leaving the 6 other pieces of apparatus to souly leave the firehouse due to the commitment of the volunteers of the organization. With the top of the line equipment they are able to handle everything that is thrown at them to serve our community and county. However cutting them out of the budget will have long lasting effects that will never be recoverable. Lack of equipment due to insufficient funds will prevent our volunteers to be able to do their duties which will eventually lead to the nonexistence of volunteers, which in the grand scheme of things will force more money out of everyone's pockets to employe individuals to fill the volunteers role. A organization like this cannot have their budget cut, it will be detrimental to the citizens of the town which do not deserve anything less from the best. I would like you all to consider very carefully what you plan to do prior to making a decision and to consider all the negative effects it will have. Thank you.

Sincerely,
Dylan A. Garrett

Draft

**From:** "Cal Hickey" [redacted]
**Sent:** Wed, 7 May 2025 20:48:28 -0400
**To:** """ <citizencomment@warrentonva.gov>
**Subject:** 2021 Data Center Zoning Ordinance

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

[You don't often get email from [redacted]. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification ]

Members of the Warrenton Planning Commission,

I heartily endorse revocation of the 2021 Data Center Zoning Ordinance.

Development of such a facility within our town is thoroughly inconsistent with the character of our community. Moreover, the proposed data center is a massively intrusive visual eyesore and documented by subject matter expertise as a threat to public health due to the noise pollution from cooling systems and standby electric generators.

Residents of Warrenton and its immediate environs repeatedly voiced their objection to the proposed Amazon data center in public comment, both during open sessions of our town council and through emails in 2022 and 2023. Official public records of the town show more than 2,800 citizens voiced their disapproval of this project, while a mere 11 residents expressed support; a virtually unanimous sentiment of 255-to-1 against constructing the data center.

Furthermore, citizens were thoroughly outraged over the egregious manner in which officials of the town and Amazon colluded to push this project forward in a manner intended to avoid public scrutiny. Nondisclosure agreements, refusal to comply with Freedom of Information Act inquiries, and town officials engaged in a relationship with Amazon that ultimately resulted in their personal gain through a strongly suggested conflict of interest that violated the trust of their public office all served to prove the 2021 Data Center Zoning Ordinance a violation of the best interests of the Town of Warrenton.

A vote by the Planning Commission to recommend continuance of the 2021 Data Center Zoning Ordinance would be nothing less than a betrayal of the trust of the citizens of Warrenton.

You work for us. Not for yourselves. And certainly not for Amazon.

We will remember how you vote on this issue.

R/

Draft

Calvin W. Hickey
183 North View Circle
Warrenton, VA

Draft

**From:** "Judith L. Bodenschatz" [redacted]>
**Sent:** Thu, 8 May 2025 10:06:30 -0400
**To:** """ <citizencomment@warrentonva.gov>
**Subject:** Funding Cuts to Warrenton Fire Department

You don't often get email from [redacted] Learn why this is important

Town Council Members,

As a thirty year resident of this town, I have been very disappointed in the “progress” of our town. Any vacant property is being developed for homes without regard for aesthetics or quality of life for current residents. The idea that you are considering cutting funds to the Warrenton Fire Department is absurd. Will you be willing to personally help put out fires or provide emergency aid to those in need? I doubt it. With our growing population and people’s irresponsible behavior we need to fund our emergency responders more than ever. Please consider your decision very carefully.

Respectfully,

Judith L. Bodenschatz
96 High Street
Warrenton, VA

Draft

**From:** "townmanager" <townmanager@warrentonva.gov>
**Sent:** Thu, 8 May 2025 14:44:01 +0000
**To:** "matt Olney" [redacted]>; "townmanager" <townmanager@warrentonva.gov>
**Cc:** "citizencomment" <citizencomment@warrentonva.gov>
**Subject:** RE: Proposed cuts to Warrenton FD

Good morning.

Thank you for your email, I will forward this on to our Mayor and Council.

Frank Cassidy
Town Manager

21 Main Street
Warrenton, VA 20186
Office: (540) 347-1101 Ext. 123
warrentonva.gov

-----Original Message-----
From: matt Olney [redacted]>
Sent: Wednesday, May 7, 2025 3:04 PM
To: townmanager <townmanager@warrentonva.gov>
Cc: citizencomment <citizencomment@warrentonva.gov>
Subject: Proposed cuts to Warrenton FD

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

[Some people who received this message don't often get email from [redacted]. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification ]

Mr Cassidy,

I have been made aware of proposed cuts to the Warrenton FD and I strenuously object to these cuts. I have two boys born and raised here in town. My youngest started off volunteering for the Warrenton FD and now works for Prince William FD but continues to volunteer for Warrenton FD. He chose PW because the county could not come close to what was offered in PW. Of all the things Warrenton spends our tax dollars on I believe the FD is close to the top of the list. The amount of work these young men put into training to keep us safe has to be rewarded with staying fully funded. We cannot cut the FD funding and try to stay competitive with the surrounding counties at the same time.

I appreciate your time.

Matt Olney
Sent from my iPhone

Draft

**From:** "noreply@civicplus.com" on behalf of "noreply@civicplus.com" <noreply@civicplus.com>
**Sent:** 13 May 2025 07:49:26 -0500
**To:** """ <citizencomment@warrentonva.gov>
**Subject:** Online Form Submittal: Public Comment

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

## Public Comment

| | |
|---|---|
| Name | Alec Burnett |
| Address | 279 Alexandria Pike |
| City | Warrenton |
| State | VA |
| Zip Code | 20186 |
| Email Address | [redacted] |
| Phone Number | [redacted] |
| Committee, Board, or Commission Type | Town Council |
| Agenda Item | Consent Agenda |
| Comment | Why are the August 2024 Town Council minutes listed under the Consent Agenda for approval? |

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Draft

**From:** "noreply@civicplus.com" on behalf of "noreply@civicplus.com" <noreply@civicplus.com>
**Sent:** 13 May 2025 09:05:08 -0500
**To:** """ <citizencomment@warrentonva.gov>
**Subject:** Online Form Submittal: Public Comment

## Public Comment

| | |
|---|---|
| Name | Andrea Dunn |
| Address | 5092 RIDGE VIEW CT |
| City | Jeffersonton |
| State | VA |
| Zip Code | 22724 |
| Email Address | [redacted] |
| Phone Number | [redacted] |
| Committee, Board, or Commission Type | Town Council |
| Agenda Item | WARF |
| Comment | I know I'm not a town member, but the WARF has been such a positive influence on our lives even in Culpeper. It has been a part of many stages of our lives here. From the daycare center when I was a new mom, to swim lessons for our child and even now my son takes classes with me when school is out. The WARF has alowed my son and his friends have have a safe and inviting environment to grow up in. Please don't lose this treasure! |

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Draft

**The Town of Warrenton**
P.O. Box 341
Warrenton, VA 20188
P (540) 347-1101
F (540) 349-2414

# May 13th, 2025, Regular Town Council Meeting Minutes

## Attachment 2: Signed Documents- Resolutions, Ordinances, Closed Session Motions

Draft

**ORDINANCE 2025-03**

**April 13th, 2025**
**Town Council**
**Public Hearing**
**Ordinance 2025-03**

**AN ORDINANCE VACATING PORTIONS OF SUBDIVISION AND CERTAIN EASEMENTS ENCUMBERING TAX MAP PARCEL 6984-18-3854-000 FURTHER FACILITATING COMPLETION OF THE WATERLOO JUNCTION COMMUNITY DEVELOPMENT PROJECT.**

**WHEREAS**, Broadview Holdings, LLC. ("Owner"") is the owner of certain real property located in the Town of Warrenton, Virginia, identified as Tax Map Parcel 6984-18-3854-000 containing 2.9733 acres and located at the address 394 Broadview Ave, Warrenton, VA 20186 (the "Property").

**WHEREAS**, on November 9, 2022, the Town approved the development of the Property for the construction of 47 townhomes, retail space, and a private park, among other usable structures; and,

**WHEREAS**, portions of the Property were previously known as Lots 41, 42, and 43, Block B, Broadview Acres as shown on that certain plat recorded in Deed Book 197 at Page 41 on September 7, 1956 (said plat also included as pages 156-158 within the body of a deed recorded in Deed Book 200 at Pages 153-159) (the "Original Lots"); and portions of Lots 21, 22, and 23, Block A, Broadview Acres as shown on that certain plat recorded in Deed Book 185 at Page 43 on September 20, 1955; said Lots 21, and 22, Block A, Broadview Acres were subsequently identified as Lots 21A and 22A, Block A, Broadview Acres as shown on that certain plat of resubdivision recorded in Deed Book 626 at Pages 248-251 on September 28, 1989; and all of the aforesaid lots and a portion of former road right-of-way were redefined as Lot-21A-R, Lot-22A-R, Lot-23R, Lot 41R, Lot-42R, and Lot-43R as shown on that certain boundary line adjustment plat recorded in Deed Book 863 at Pages 978-989 (collectively, "Instruments") among the Fauquier County, Virginia land records (the "Land Records").

**WHEREAS**, these Instruments each identify "utility easements" and/or "drainage easements" on the Lots and noted as follows:

- Deed Book 197 at Page 41, "utility easements" and "drainage easements" identified on Lots 41, 42, and 43, Block B, Broadview Acres;

- Deed Book 200 at Pages 156-158, "utility easements" and "drainage easements" identified on Lots 41, 42, and 43, Block B, Broadview Acres;

- Deed Book 196 at Pages 261-264, the width of certain of the aforesaid "utility easements" on Lots 21, 22, and 23, Block A, and Lots 41, 42, and 43, Block B, Broadview

Acres were reduced and an additional "utility easement" (5.12 feet wide) was created on Lots 41, 42, and 43, Block B, Broadview Acres; and

- Deed Book 626 at Pages 248-251, "utility easements" shown on Lot 42 and Lot 41, Block B, Broadview Acres (collectively, all of the aforesaid easements are defined as the "Easements" with such Easements subsequently shown on a boundary line adjustment plat recorded in Deed Book 863 at Pages 978-989).

**WHEREAS**, these Easements are originally reserved by the previous deed owner, Broad View Acres, for use in the development and improvement of the Original Lots and the Easements are specified for "utility usage"; however, no utility is specified in any of the Instruments; and further, the easements state no specific grantee or benefitted party, and there are no improvements constructed in the easement areas; and

**WHEREAS,** Broad View Acres has been fully developed for decades, and the subdivision, by separate grants of specific utility easements are fully served for water, sanitary sewer, and similar public utilities, thus there is no need for any other utility connectivity to be established for the use and benefit of the Original Lots, as subsequently redefined, and that reserved easements are not necessary for Owner's development of its real property since the Town of Warrenton has approved the site plan and accounted for specific utility easements to serve Broadview Holdings' development, either by grant or the use of existing specific utility easements; and

**WHEREAS,** the Easements, therefore, have been unused, forgotten, or otherwise abandoned for the purpose to which they were established; they now impede Broadview Holdings' current development of the Property in a project commonly known as the Waterloo Junction Development Project; and

**WHEREAS,** the Town of Warrenton has the authority via statutory method to cause the vacation of the portion of the plats containing the "Original Lots" and the Easements shown thereon, and the authority to decide which easements are non-specific as to purpose, and recognize that Owner has no use for the aforementioned Easements since all public utility easements in Broadview Holdings' development are accounted for in its own utility easements by specific grant; and,

**WHEREAS** it is the desire of the Owner and the Town to vacate the aforesaid portions of the plats showing the Original Lots and Easements thereon as permitted by Code of Virginia Section 15.2-2272 (2); and

**WHEREAS** the Town Council desires to adopt this ordinance to vacate the aforementioned utility easement as set forth on the aforesaid plats of survey;

**NOW THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Warrenton, Virginia, as follows:

1. That the Council vacates the portions of the subdivision plats showing the Original Lots and Easements; and

2. That the Town's staff and Town attorney are hereby directed to execute a deed of vacation of such Original Lots and Easements to be recorded and registered with the

Land Records of Fauquier County, and take any other actions necessary to give effect to this Ordinance.

**Votes:**
**Ayes:** Mr. Roy Francis; Mr. William Semple, Vice Mayor; Mr. Larry Kovalik; Ms. Michele O'Halloran; Mr. Eric Gagnon; Mr. David McGuire; Mr. Paul Mooney.
**Nays:**
**Absent from Meeting:**

**For Information:**
Town Attorney

**ATTEST:** _____
**Town Recorder**

Draft

**May 13, 2025**
**Town Council**
**Regular Meeting**
**Ordinance 2025-04**

**ORDINANCE 2025-04**
**AN ORDINANCE TO AMEND CHAPTER 15, ARTICLE IV – REAL ESTATE TAX RELIEF FOR THE ELDERLY OF THE TOWN OF WARRENTON CODE OF ORDINANCES**

**WHEREAS,** Chapter 15, Article IV, of the Code of the Town of Warrenton (hereinafter the "Town") provides a provision for real estate tax relief for the elderly and disabled; and

**WHEREAS,** the Fauquier County Commissioner of the Revenue serves as the assessor for real and personal property located in the Town and administers the application and approval process to provide Tax Relief for the Elderly and Disabled. This program provides an exemption on real estate and personal property for persons aged 65 and over or persons who are permanently and totally disabled and who meet certain income and net financial worth requirements; and

**WHEREAS,** Town Code Chapter 15, Article IV requires several updates to align with the requirements of the County's tax relief program, including acreage, income limits, and to provide a provision for personal property tax exemptions; and

**NOW THEREFORE BE IT ORDAINED,** by the Town Council of the Town of Warrenton, Virginia, this 13th Day of May 2025, that Chapter 15, Article IV of the Code of the Town of Warrenton be, and hereby, is amended as provided in the attachment.

ATTATCHMENT: Article IV. Real Estate and Personal Property Tax Relief for Elderly and Disabled Persons.

**Votes:**
**Ayes:** Mr. Roy Francis; Mr. William Semple, Vice Mayor; Mr. Larry Kovalik; Ms. Michele O'Halloran; Mr. Eric Gagnon; Mr. David McGuire; Mr. Paul Mooney.
**Nays:**
**Absent from Vote:**
**Absent from Meeting:**
**For Information:**

**ATTEST:** _____
**Town Recorder**

Draft

# ARTICLE IV. REAL ESTATE AND PERSONAL PROPERTY TAX RELIEF FOR ~~THE~~ ELDERLY AND DISABLED PERSONS[1]

## Sec. 15-66. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Net combined financial worth.* All assets of the owners of the dwelling and the spouse of any owner who resides therein, including equitable interests but excluding the value of the dwelling and the land in an amount not to exceed one (1) acre upon which it is situated.

*Permanently and totally disabled.* Any person unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment o deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

*Total combined income.* Gross income from all sources, of the owners of the dwelling residing therein and of any relatives of the owner who reside in the dwelling.

(Code 1981, § 16-13)

State law reference(s)—"Permanently and totally disabled" defined, Code of Virginia, § 58.1-3217.

## Sec. 15-67. Eligibility for exemption.

Any person sixty-five (65) years of age or older on December 31 of the year immediately preceding the taxable year who owns or partially owns a dwelling as the sole dwelling of that person, or who is sixty-five (65) years of age and resides in a hospital, nursing home, convalescent home or other facility for physical or mental care for extended periods of time, provided such residence is not used or leased to others for consideration or who is determined to be permanently and totally disabled as defined herein, shall be eligible for and may apply for an exemption of real estate taxes on such dwelling and land, in an amount not to exceed ~~one (1)~~ five (5) acres on which it is situated; provided that:

(1) The total combined income during the immediately preceding calendar year from all sources of the owners of the dwelling living therein and of the owners' relatives living in the dwelling does not exceed ~~fifty-eight thousand dollars ($58,000.00)~~ seventy-two thousand dollars ($72,000.00), the first ten thousand dollars ($10,000.00) of the income of each relative, other than spouse, of the owner or owners, who is living in the dwelling shall not be included in such total.

(2) Notwithstanding subsection (1) of this section, if a person has already qualified for an exemption or deferral under this article, and if the person can prove by clear and convincing evidence that after so qualifying the person's physical or mental health has been deteriorated to the point that the only alternative to permanently residing in a hospital, nursing home, convalescent home or other facility for physical or mental care is to have a relative move in and provide care for the person, and if relative

[1]State law reference(s)—Real estate tax exemptions for elderly and handicapped, Code of Virginia, § 58.1-3210 et seq.



Draft

does move in for that purpose, then none of the relative's income shall be counted towards the income limit.

(3) The net combined financial worth, as hereinabove defined, as of December 31 of the immediately preceding year, cannot exceed four hundred forty thousand dollars ($440,000.00).

(Code 1981, § 16-14; Ord. No. 1989-2, 5-2-89; Ord. No. 1992-17, 8-11-92; Ord. No. 1997-07, 6-10-97; Ord. No. 2017-01 , 2-14-17)

State law reference(s)—Restrictions and exemptions, Code of Virginia, §§ 58.1-3211, 58.1-3213; absence from residence, Code of Virginia, § 58.1-3214.

## Sec. 15-68. Application for real estate exemption.

(a) The person claiming an exemption provided for herein, shall file in writing an application with the commissioner of the revenue annually, on a form prescribed by the commissioner. The application shall be accompanied by an affidavit, setting forth the names of all persons occupying such dwellings and stating that the total combined income, and the net combined financial worth, do not exceed the limitations set forth in section 8-3. Such application shall be accepted on a rolling basis throughout the year.

(b) In lieu of the filing of an annual application once a taxpayer is determined to be eligible, an application may be filed on a three-year cycle with an annual certification by the taxpayer that no information contained on the last preceding application filed has changed to violate the limitations and conditions provided in section 8-3. Such annual certification, on a form prescribed by the commissioner, shall be accepted on a rolling basis throughout the year.

(c) The commissioner of the revenue may require an applicant to answer questions under oath, as to his requirements under this article or to produce for inspection certified federal income tax returns for the preceding three (3) years to establish the total combined income or net combined financial worth as hereinbefore defined. If such person is under sixty-five (65) years of age, such form shall have attached thereto a certification by the Social Security Administration, the veteran's administration, or the railroad retirement board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two (2) medical doctors licensed to practice medicine in the commonwealth, or who are military officers on active duty who practice medicine with the United Stated Armed Forces, to the effect that the person is permanently and totally disabled as defined in section 8-2. The affidavit of at least one (1) of the doctors shall be based on a physical examination of the person by such doctor. The commissioner of the revenue shall further determine that a permanently disabled person meets the test prescribed in Code of Virginia, 1950, §§ 58.1-3217 and 58.1-3213(c), as amended.

~~First-time applicants for the exemption provided for herein shall make application with the county commissioner of the revenue, on a form prescribed by the commissioner, between January 1 and June 30 of that year for which exemption is sought. In lieu of the filing of an annual application, once a taxpayer is determined to be eligible, an application may be filed on a three-year cycle with an annual certification by the taxpayer that no information contained on the last preceding application filed has changed to violate the limitations and conditions provided in this section. Such annual certification, on a form prescribed by the commissioner, shall be filed no later than March 5 of the taxable year.~~

~~The application shall be accompanied by an affidavit, setting forth the names of all persons occupying such dwelling and stating that the total combined income, and the net combined financial worth, do not exceed the limitations set forth in section 15-67. The commissioner of the revenue may require an applicant to answer questions under oath as to his requirements under this article or to produce for inspection certified federal income tax returns for the preceding three (3) years to establish the total combined income or net combined financial worth as hereinbefore defined. If such person is under sixty-five (65) years of age, such form shall have attached~~

~~thereto a certification by the social security administration, the department of veteran's affairs, or the railroad retirement board, or, if such person is not eligible for certification by any of these agencies, a sworn affidavit by two (2) medical doctors licensed to practice medicine in the commonwealth, or who are military officers on active duty who practice medicine with the United States Armed Forces to the effect that the person is permanently and totally disabled as defined in section 15-66. The affidavit of at least one (1) of the doctors shall be based on a physical examination of the person by such doctor. The affidavit of one (1) of the doctors may be based upon medical information contained in the records of the civil service commission which is relevant to the standards for determining permanent and total disability as defined in section 15-66. The commissioner of the revenue shall determine that a person meets the test as to being permanently and totally disabled as prescribed in Section 58.1-3217 of the Code of Virginia of 1950, as amended.~~

(Code 1981, § 16-15; Ord. No. 1992-18, 8-11-92; Ord. No. 1998-11, 8-11-98)

State law reference(s)—Application for exemption, Code of Virginia, § 58.1-3213.

## Sec. 15-69. Application for personal property exemption.

(a) The person applying under this article shall file annually with the commissioner of the revenue of the county, city or town assessing officer, or such other officer as may be designated by the governing body, on forms to be supplied by the county, city or town concerned, an affidavit setting forth that the total combined net worth, including equitable interests and the combined income from all sources, of the persons specified in Code of Virginia, § 58.1-3506.2 does not exceed the limits prescribed in such ordinance.

(b) In lieu of the annual affidavit filing requirement, a county, city or town may prescribe by ordinance for the filing of the affidavit on a three-year cycle with an annual certification by the taxpayer that no information contained on the last preceding affidavit filed has changed to violate the limitations and conditions provided herein.

(c) Notwithstanding the provisions of subsections (a), (b), and (e) of this section, any county, city or town may, by local ordinance, prescribe: (i) the content of the affidavit described in subsection (a), subject to the requirements established in Code of Virginia, § 58.1-3506.2; and (ii) the frequency with which an affidavit, or certification as described in subsection (b) of this section must be filed, and may include a procedure for late filing of affidavits.

(d) If such person is under sixty-five (65) years of age, the form shall have attached thereto a certification by the Social Security Administration, the department of veterans affairs or the railroad retirement board or, if such person is not eligible for certification by any of these agencies, a sworn affidavit by two medical doctors who are either licensed to practice medicine in the commonwealth or are military officers on active duty who practice medicine with the United States Armed Forces, to the effect that the person is permanently and totally disabled, as defined in Code of Virginia, § 58.1-3506.3. The affidavit of at least one (1) of the doctors shall be based upon a physical examination of the person by the doctor. The affidavit of one (1) of the doctors may be based upon medical information contained in the records of the civil service commission which is relevant to the standards for determining permanent and total disability as defined in Code of Virginia, § 8.1-3506.3.

(e) Such affidavit or certification shall be filed after January 1 of each year, but before April 1, or such later date as may be fixed by ordinance. Such ordinance may include a procedure for late filing by first-time applicants or for hardship cases.

(f) The commissioner of the revenue or town assessing officer, or another officer designated by the governing body of the county, city or town, shall also make any other reasonably necessary inquiry of persons applying under this article, requiring answers under oath, to determine qualifications as specified herein, including qualification as permanently and totally disabled as defined in Code of Virginia, § 58.1-3506.3, or as specified

by county, city or town ordinance. The local governing body may, in addition, require the production of certified tax returns to establish the income or financial worth of any applicant for tax relief.

~~**Sec. 15-69. Change in status.**~~

~~Any change in respect to total combined income, net combined financial worth, ownership of the dwelling exempted, or other factors, which occur during the taxable year for which the affidavit is filed, and which has the effect of exceeding or violating the limitations and conditions of this article, receive the exemption or deferral for the portion of the year during which he or she qualifies and lose the exemption or deferral only for the remainder of the year, and the taxable year immediately following. However, change in ownership to a spouse due to the death of the qualified individual will result in a prorated exemption for the then eligible year. Such prorated portion shall be determined by multiplying the amount of the exemption or deferral by a fraction, wherein the number of complete months of the year such property was properly eligible for such exemption or deferral is the numerator and the number of twelve (12) is the denominator.~~

## Sec. 15-70. Changes in ownership, income or financial worth.

(a) Any change in respect to total combined income, net combined financial worth, ownership of the dwelling exempted, or other factors, which occur during the taxable year for which the affidavit is filed, and which has the effect of exceeding or violating the limitations and conditions of this article, receive the exemption or deferral for the portion of the year during which he or she qualifies and lose the exemption or deferral only for the remainder of the year, and the taxable year immediately following. However, change in ownership to a spouse due to the death of the qualified individual will result in a prorated exemption for the then-eligible year. Such prorated portion shall be determined by multiplying the amount of the exemption or deferral by a fraction wherein the number of complete months of the year such property was properly eligible for such exemption or deferral is the numerator and the number of twelve (12) is the denominator.

(b) An individual who does not qualify for the exemption under this article based upon the previous year's income limitations and financial worth limitations, may nonetheless qualify for the current year by filing an affidavit that clearly shows a substantial change of circumstances, that was not volitional on the part of the individual to become eligible for the exemption, and will result in income and financial worth levels that are within the limitations of the ordinance.

(c) A death of a spouse, resulting in loss of income during the current tax may qualify the surviving spouse, provided that no other source of income with the exception of insurance proceeds is available to the surviving spouse. Upon filing an affidavit as prescribed by the commissioner of the revenue, that includes a copy of the death certificate and a federal tax return from the immediately preceding calendar year, the current year tax shall be prorated from the date the substantial change in income occurred.

(d) Any exemption under this section is conditioned upon the individual filing another affidavit in the year following the year in which the exemption was granted, showing that the actual income and financial net worth levels were within the limitations set by the ordinance. If the actual income and financial net worth levels exceeded the limitations, any exemption granted shall be nullified for that taxable year and the taxable year immediately following.

(Code 1981, § 16-16; Ord. No. 1992-19, 8-11-92)

State law reference(s)—Similar provisions, Code of Virginia, § 58.1-3215.

## Sec. 15-7~~0~~1. Amount of exemption; proration.

(a) Real estate described in section 15-67 shall be exempt from real estate taxes under the provision of this article for any year in which proper application is made; provided, that if the ownership of the property for



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which application for exemption is made is not held solely by the applicant, or jointly with the applicant's spouse, then the amount of the tax exemption hereunder shall be in proportion to the applicant's ownership interest in the subject real property, as that ownership interest may appear.

(b) A change in ownership to a spouse, when such change results solely from the death of the qualifying individual, or a sale of such property, shall result in a prorated exemption for the then current taxable year. The proceeds of the sale which would result in the prorated exemption or deferral shall not be included in the computation of net worth or income as provided in section 15-67. Such prorated portion shall be determined by multiplying the amount of the exemption or deferral by a fraction wherein the number of complete months of the year such property was properly eligible for such exemption or deferral is the numerator and the number of twelve (12) is the denominator.

(Code 1981, § 16-17; Ord. No. 1992-20, 8-11-92)

### Sec. 15-7~~1~~2. Notification to finance director of eligible persons.

The county commissioner of the revenue shall annually certify to the town finance director those persons who qualify under this article for an exemption and the amount thereof. The finance director shall deduct the amount of exemption from the applicant's real estate tax bill for that year.

(Code 1981, § 16-18)

### Secs. 15-7~~2~~3—15-85. Reserved.

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**May 13, 2025**
**Town Council**
**Public Hearing**
**Ordinance 2025-05**

**ORDINANCE 2025-03 AN ORDINANCE TO ESTABLISH TAX RATES FOR THE TAX YEAR BEGINNING JANUARY 1, 2025**

BE IT ORDAINED by the Council of the Town of Warrenton, Virginia, that the following tax rates are hereby levied for the tax year beginning January 1, 2025:

| | |
|---|---|
| Real Property | $0.055 per $100 assessed value |
| Mobile Homes | $0.00 per $100 assessed value |
| Tangible Personal Property-General | $1.00 per $100 assessed value |
| Tangible Personal Property-Handicapped | $0.00 per $100 assessed value |
| Motor Homes, Campers and Boats | $0.00 per $100 assessed value |
| Machinery and Tools | $1.00 per $100 assessed value |
| Business Personal Property & Computers | $1.00 per $100 assessed value |
| Bank Stock | $0.80 per $100 of net capital |

Tangible Personal Property as defined in Section 58.1-3504of the Code of Virginia of 1950, as amended, shall be exempt from taxation under this ordinance.

**Votes:**

**Ayes:** Mr. Roy Francis; Mr. William Semple, Vice Mayor; Ms. Michele O'Halloran; Mr. David McGuire; Mr. Paul Mooney.

**Nays:** Mr. Eric Gagnon; Mr. Larry Kovalik.

**Absent from Meeting:**

**For Information:**
Budget Manager

**ATTEST:** _____
**Town Recorder**

Draft

**May 13, 2025**
**Town Council**
**Regular Meeting**
**RES-25-05-01**

**RESOLTUION TO WAIVE PARKLET FEE OWED BY "DENIM AND PEARLS" DURING THE MONTHS OF APRIL 2024 TO JUNE 2024**

**WHEREAS**, the Town of Warrenton, VA, (the "Town") is a municipal corporation located within the County of Fauquier, VA;

**WHEREAS,** the Town implemented a 'parklet' program as part of its RolloutWarrenton! Program to encourage foot traffic in the Town's downtown business sector in response to COVID-19's impact on local business.

**WHEREAS**, local businesses could acquire a parklet for a fee with the Town, with the last year for the RolloutWarrenton! Parklet scheme being 2024;

**WHEREAS**, the local business, Denim and Pearls Restaurant ("Denim and Pearls"), acquired a parklet for the year of 2024;

**WHEREAS**, Denim and Pearls entered into an agreement with the Town while the town was conducting repairs to its town hall facility sealing its basement, whereby the Denim and Pearls would also seal its basement using the Town's already contracted contractor to perform work on their property.

**WHEREAS**, during the time of the joint work the contractor conducted for the Town, Denim and Pearls could not use its parklet.

**WHEREAS**, due to this inability to use its Parklet, the Town granted further permission to use its parklet past the time of its permit's expiration, until the month of November, 2024; and

**WHEREAS**, while the Town abated Denim and Pearls' parklet fees for the months of July to October 2024, Denim and Pearls asks that the fees owed for April to June 2024 also be abated due to financial hardship;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Warrenton, VA this 13th day of May, 2025 hereby abates and forgives the fees Denim and Pearls owes the Town for use of a parklet for the months of April 2024 to June 2024.

**Votes:**

**Ayes:** Mr. Roy Francis; Mr. William Semple, Vice Mayor; Mr. Larry Kovalik; Mr. Eric Gagnon; Mr. David McGuire; Mr. Paul Mooney

**Nays:** Ms. Michele O'Halloran

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**Absent from Meeting:**

**For Information:**
Town Attorney

**ATTEST:** _____ **Town Recorder**

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DEQ

RES-25-05-02

# RESOLUTION

## A Resolution Regarding Local and Regional Water Supply Planning and Application for a FY2025 Water Supply Planning Grant

Whereas, the Virginia General Assembly has mandated the development of regional water supply plans throughout the Commonwealth and the State Water Control Board has developed regulations to implement this planning process; and

Whereas, based upon these regulations the Town of Warrenton is required to contribute towards a regional water supply plan that fulfills the regulations by deadlines established in 9VAC25-780-50.A, specifically:

> "Each locality in a regional planning area shall assist its regional planning unit in developing and submitting a single jointly produced regional water supply plan to the Department within **five years from October 9th, 2024**"

Whereas, regional planning areas are designated by 9VAC25-780-45.B, and a local government may request that the Department change its designated regional planning area to an adjoining planning area in accordance with 9VAC25-780-45.C.

Whereas, the following elements must be included in regional water supply plans in accordance with 9VAC25-780:

- A description of existing water sources in accordance with the requirements of 9VAC25-780-70;
- A description of existing water use in accordance with the requirements of 9VAC25-780-80;
- A description of existing water resource conditions in accordance with the requirements of 9VAC25-780-90;
- An assessment of projected water demand in accordance with the requirements of 9VAC25-780-100;
- A statement of need for the regional planning unit in accordance with the requirements of 9VAC25-780-100;
- An alternatives analysis to address projected deficits in water supplies in accordance with the requirements of 9VAC25-780-100;
- A description of water management actions in accordance with the requirements of 9VAC25-780-110 and 9VAC25-780-120;
- A description of drought response and contingency plans for each local government in the RPU, in accordance with the requirements of 9VAC25-780-120;
- An identification of water supply risks and regional strategies to address identified risks in accordance with the requirements of 9VAC25-780-125; and
- A map identifying important elements discussed in the water supply plan that may include existing environmental resources, existing water sources, significant existing water uses, and proposed new sources, and

Whereas, the Virginia Department of Environmental Quality has announced the availability of grant funds to assist Regional Planning Units and offset some of the costs related to the development of these Plans and are encouraging RPUs to submit applications for grant funds; and

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RES-25-05-02

Whereas, for purposes of this DEQ water supply grant fund program, the Town of Warrenton will participate within the Northern Piedmont 1 Regional Planning Unit, and

Whereas, the Regional Planning Unit, through the Rappahannock-Rapidan Regional Commission wishes to apply for and secure DEQ grant funds to help offset the cost of regional water supply plan development.

NOW, THEREFORE BE IT RESOLVED that the Town of Warrenton agrees to participate with all local governments and water authorities within the Northern Piedmont 1 Regional Planning Unit in the development of a regional water supply plan that will comply with mandated regulations; and

BE IT FURTHER RESOLVED that the Rappahannock-Rapidan Regional Commission is authorized to develop an application for water supply planning grant funds to offset to the extent feasible the cost of developing said regional water supply plan; and

BE IT FURTHER RESOLVED that the Rappahannock-Rapidan Regional Commission agrees to manage all grant funds received and allocate these shared funds towards the tasks and deliverables proposed in the grant application for the benefit of the entire Regional Planning Unit, and

BE IT FINALLY RESOLVED that the Rappahannock-Rapidan Regional Commission is authorized to sign the DEQ contract and other appropriate documents related to the water supply planning grant and the regional water supply plan.

Upon the Motion of Mr. David McGuire and second by Mr. Roy Francis, this RESOLUTION is hereby approved on this the 13th day of May, 2025.

ATTACHMENT:

**Votes:**

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

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

**For Information: Director of Utilities**

**ATTEST:** _____

**Town Recorder**



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**May 13th, 2025**
**Town Council**
**Regular Meeting**
**RES-25-05-03**

**A RESOLUTION ESTABLISHING A FINANACE COMMITTEE FOR THE TOWN OF WARRENTON**

**WHEREAS,** the Town of Warrenton, Virginia, is committed to responsible fiscal management, transparency, and long-term financial sustainability; and

**WHEREAS,** the Town Council recognizes the need for focused oversight and guidance on financial planning, budgeting, and investment strategies; and

**WHEREAS,** it is in the best interest of the Town to establish a temporary advisory body to support Council in reviewing, analyzing, and making recommendations on matters relating to town finances;

**NOW, THEREFORE, BE IT RESOLVED** that the Warrenton Town Council by the Town Council of the Town of Warrenton, Virginia, that:

1. **Establishment of Committee:** A Special Finance Committee is hereby established for the purpose of advising the Town Council on financial matters, including but not limited to budgeting, forecasting, investment policies, and capital planning.
2. **Composition:** The Committee shall consist of Mr. William Semple and Mr. Paul Mooney

3. **Meetings and Reporting:** The Committee shall meet as needed and shall report its findings and recommendations to the Town Council on a regular basis, with a final report due prior to the adoption of the next annual budget.
4. **Support:** Town staff shall provide reasonable administrative and logistical support to the Committee to enable it to carry out its responsibilities effectively.

**BE IT FURTHER RESOLVED** that the Town Council expresses its appreciation to those who volunteer their time and expertise to serve the Town of Warrenton through this Special Finance Committee.

ATTACHMENT:

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

**Nays:**
**Absent from Vote:**
**Absent from Meeting:**

**For Information:**

**ATTEST:** _____ **Town Recorder**

Draft

**May 13th, 2025**
**Town Council**
**Regular Meeting**
**RES-25-05-04**

**A RESOLUTION TO APPOINT A SPECIAL PUBLIC SAFETY COMMITTEE FOR THE TOWN OF WARRENTON**

**WHEREAS,** the Town of Warrenton is committed to ensuring the health, safety, and well-being of its residents, businesses, and visitors; and

**WHEREAS,** the Town Council acknowledges the importance of evaluating and enhancing public safety policies, resources, and community engagement; and

**WHEREAS,** the Council finds it prudent to establish a temporary advisory body to assist in the review of public safety operations and to recommend strategies to address evolving community needs;

**NOW, THEREFORE, BE IT RESOLVED** that the Warrenton Town Council by the Town Council of the Town of Warrenton, Virginia, that:

1. **Establishment of Committee:** A Special Public Safety Committee is hereby established for the purpose of advising the Town Council on issues related to public safety, including but not limited to law enforcement, fire and emergency response, traffic safety, and emergency preparedness.

2. **Composition:** The Committee shall consist of Ms. Michele O'Halloran and Mr. David McGuire

3. **Meetings and Reporting:** The Committee shall meet as needed and shall report its findings and recommendations to the Town Council on a regular basis, with a final report due prior to the adoption of the next annual budget.

4. **Support:** Town staff shall provide reasonable administrative and logistical support to the Committee to enable it to carry out its responsibilities effectively.

**BE IT FURTHER RESOLVED** that the Town Council expresses its thanks the individuals who serve on the Special Public Safety Committee for their commitment to enhancing public safety in the Town of Warrenton.

ATTACHMENT:

**Votes:**
**Ayes:** Mr. Roy Francis; Mr. William Semple, Vice Mayor; Mr. Larry Kovalik; Ms. Michele O'Halloran; Mr. Eric Gagnon; Mr. David McGuire; Mr. Paul Mooney.
**Nays:**
**Absent from Vote:**
**Absent from Meeting:**

**For Information:**

**ATTEST:** _____
**Town Recorder**

Draft

May 14th, 2024
Mayor H.E. Carter Nevill
PRO-25-05-01

**A PROCLAMATION RECGONIZING MAY 4TH – 10TH AS THE 56th ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK AND RECGONIZING THE EFFORTS OF THE MUNICIPIAL CLERKS IN OUR REGION**

**WHEREAS,** The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

**WHEREAS,** The Office of the Professional Municipal Clerk is the oldest among public servants, and

**WHEREAS,** The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

**WHEREAS,** Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

**WHEREAS,** The Professional Municipal Clerk serves as the information center on functions of local government and community.

**WHEREAS,** Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

**WHEREAS,** It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

**NOW, THEREFORE BE IT PROCLAIMED** , Mayor of The Town of Warrenton, Virginia, recognize the week of May 4th through 12th, 2025, as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerk, Mr. Stephen Clough, and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

TOWN OF WARRENTON VIRGINIA

H. E. Carter Nevill
Mayor Town of Warrenton

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# TOWN COUNCIL SPECIAL MEETING

21 Main Street

Thursday, May 29, 2025 at 9:00 AM

**MINUTES**

**AN OPEN MEETING OF THE TOWN COUNCIL OF THE TOWN OF WARRENTON, VIRGINIA, WAS HELD ON MAY 29th, 2025, AT 9:00 AM**

Work Session

| | |
|---|---|
| PRESENT | Mr. Roy Francis; Mr. William Semple; Mr. Larry Kovalik; Ms. Michele O'Halloran; Mr. Eric Gagnon; Mr. Paul Mooney; Mr. David McGuire; Mr. Frank Cassidy, Town Manager; Mr. Stephen Clough, Town Clerk; Mr. Chap Petersen Town Attorney. |
| ABSENT | Mayor Carter Nevill |

## I. WORKSESSION - 9:00 AM

1. **Fiscal Year 2025-2026 Budget Work Session: Updates to General Fund Budget Scenario**

The special meeting was called to order by Vice Mayor Semple, acting as chair. He noted that as a special meeting, discussion would be limited to the budget, and no votes would be taken as the public hearing was still open.

1. **Fiscal Year 2025-2026 Budget Work Session: Updates to General Fund Budget Scenario**

Mr. Frank Cassidy, Town Manager, opened the discussion and stated that setting the budget is an important part of Council's work. He noted that the meeting was not being livestreamed because the Town did not have staff available and the third-party provider was unavailable, but that the meeting was being recorded and would be made available. Mr. Cassidy introduced Ms. Brooke Campbell, Budget Manager, and stated that department heads were available to answer questions. He stated that staff had prepared budget scenarios based on the previously adopted 5.5-cent real estate tax rate and had identified additional cuts in areas that would not immediately affect customer service levels, although some cuts could have downstream effects and may require staff to return to Council later in the year if additional funding were needed.

Councilman McGuire stated that while Council could consider staff recommendations, Council itself was responsible for making budget cuts and developing the final plan. He stated that Council should go line by line through the budget to determine what should be removed, retained, or adjusted.

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Ms. Campbell stated that at the May 13 Council meeting, Town Council adopted a real estate tax rate of 5.5 cents per $100 of assessed value for calendar year 2025. She explained that the rate represented a 1.49-cent increase over the calendar year 2024 rate of 4.01 cents per $100 of assessed value and would result in an estimated annual increase of $63.03 for the average homeowner. She stated that the adopted 5.5-cent rate was one cent lower than the proposed 6.5-cent rate, requiring $220,981 in cuts to balance the General Fund operating budget.

Ms. Campbell reviewed a proposed budget scenario 7 and scenario 8. She stated that both scenarios produced a structurally balanced budget and satisfied the Town's fund balance policy. Scenario 7 included flat funding for outside agencies, revised legal fee projections, adjusted insurance expenditures based on the Town's renewal from VRSA, and adjustments to professional services. She stated that Scenario 7 produced an operating surplus of $52,883 and left the fund balance at 50.50%. She stated that Scenario 8 was similar, but included additional adjustments to outside agency funding as suggested by Councilwoman O'Halloran. She stated that Scenario 8 increased the outside agency adjustment to $140,000, produced an operating surplus of approximately $80,000, and left the fund balance at 50.70%.

Councilman McGuire stated that he appreciated staff's work but believed Council could find additional savings. He stated that Council had a fiduciary responsibility to the Town and that Council members were the decision-makers.

Councilman Gagnon agreed and stated that Council members should bring forward their proposed budget cuts for discussion. He stated that the scenarios should be treated as a starting point and that any additional operating surplus would help the Town in the following fiscal year, which he expected to be more challenging.

Vice Mayor Semple stated that one reason staff had proposed this budget posture was that, for the first time, capital expenses would be covered through borrowing. He stated that every dollar of operating surplus could be used to reduce the amount borrowed for capital expenses while maintaining the Town's required 50% unassigned fund balance.

Ms. Campbell confirmed that the General Fund capital program was approximately $5.1 million and that any operating surplus would reduce the amount needed to be borrowed.

Council discussed how to proceed with the work session. Councilman McGuire suggested that Council go line by line through the budget. Vice Mayor Semple stated that because the meeting was a work session, discussion could be more open than during a regular meeting. Council generally agreed to begin with outside agency contributions.

Councilwoman O'Halloran reviewed her proposed reductions to outside agency funding. She stated that she had spoken with the Warrenton Volunteer Fire Company and that they were agreeable to reducing the Town contribution from $210,000 to $130,000. She stated that although some Council members were not in favor of funding outside agencies, many of the organizations contributed to the health and well-being of Town citizens.

Councilman Mooney clarified that the concern was not necessarily opposition to funding the organizations, but concern about Town taxpayers funding the same services twice through both County and Town taxes.

Councilman Kovalik stated that he had spoken with members of the Warrenton Volunteer Fire Company and still had questions about the funding request. He noted that two vehicle payments totaled approximately $128,000 and that a warehouse item was not clearly explained in the request. He also raised questions about fleet maintenance and whether the Town was funding items that should be funded by the County. He stated that he wanted to better understand the relationship among the Town, the County, and the Warrenton Volunteer Fire Company to ensure that Town funding was used for Town needs and not County obligations.

Councilman McGuire agreed that additional accountability was needed and suggested that funding could be conditioned on the Fire Company or other agencies returning with explanations of how the funds would be used.

Councilman Gagnon stated that the Town had no contractual or formal financial obligation to support the Fire Company and that the County had taken over funding for the two full-time employees previously funded by the Town. He stated that there may be goodwill and historical reasons for continued Town support, but that Town residents were effectively being taxed by both the County and the Town for fire services. He suggested that the Police and Fire Committee or Council should seek a full accounting from the County regarding fire funding and whether County funding was proportional to call volume. He stated that Chief Ross had indicated that the Fire Company responded to approximately 2,000 calls in Town and 4,000 calls in the County. Councilman Gagnon stated that any Town funding should be contingent on receipt of sufficient financial information.

Councilwoman O'Halloran noted that mutual aid is part of fire and rescue operations and that if Warrenton units are dispatched outside of Town, other units may respond into Town. She stated that the Town benefits from the regional fire and rescue system.

Vice Mayor Semple stated that he had reviewed the Fire Company's IRS Form 990 filings and believed there were questions about the organization's surplus and asset purchases. He stated that he supported some contribution to the Fire Company in recognition of the Town's historical relationship and the benefit of having the Fire Company located in Town, but that Council needed to determine the appropriate amount.

Councilman McGuire stated that the issue was part of a larger concern about Town and County financial relationships, citing County offices in the Town building and County charges for recycling services as examples of areas where the Town should evaluate whether it was paying twice or not receiving appropriate value.

Councilman Kovalik asked questions regarding vehicle replacements, the County CIP, and whether proffers from the Arrington project could be used to support public safety needs such as a tanker replacement.

Mr. Cassidy stated that the proffers had already been set and could only be changed through an applicant-initiated rezoning. He stated that the proffers were being folded into the County CIP and were earmarked for the purposes designated in the proffers, which included public safety. He stated that the Town could ask questions about the funding but could not simply take the proffer money. He also noted that proffers are typically received at the end of construction, which could be several years away.

Council discussed whether the Fire Company contribution should be $128,605, matching the identified vehicle payments, or rounded to $130,000.

Councilwoman O'Halloran stated that she rounded the number to $130,000 for simplicity. Councilman Kovalik stated that he preferred tying the contribution to specific identified needs. Councilman Francis stated that he preferred $100,000. A majority of Council expressed support for a $130,000 placeholder, with the understanding that additional financial and accounting information should be provided before funds were disbursed.

Councilwoman O'Halloran then reviewed her proposed outside agency funding adjustments. She stated that Virginia Regional Transit/Circuit Rider funding should remain at $185,927 because it was federally matched. She proposed $60,000 for the Main Street program, stating that Experience Old Town Warrenton brings revenue to the Town through hotels and restaurants. She proposed maintaining the Virginia Commission for the Arts at $9,000, noting that the Town receives a state match. Councilman Mooney asked why the budget showed a $9,000 expense if the Town's responsibility was only half.

Ms. Campbell explained that accounting rules require the Town to show the full $9,000 expenditure and to record the $4,500 state match separately as revenue.

Councilwoman O'Halloran proposed no funding for new requests, including the African American Historical Association, Habitat for Humanity, and The Arc of Northern Virginia. She proposed reductions to several existing agencies, including Aging Together, Fauquier Community Action Committee, Fauquier Community Child Care, Fauquier Food Bank, Fauquier Family Shelter, Fauquier Free Clinic, Fauquier Historical Society, Hospice Support of Fauquier County, Laurel Ridge Community College, Literacy Volunteers, and Piedmont Dispute Resolution Center/Piedmont Peace Center.

Councilman Kovalik asked whether organizations generally remain in the funding cycle once they begin receiving Town funding.

Ms. Campbell confirmed that funded organizations are notified each year when the application becomes available, but that the application is also publicly available on the Town website. She stated that many organizations budget for the Town contribution once they begin receiving it.

Councilman Kovalik asked whether Council could review the process through the Finance Committee for the next budget cycle.

Ms. Campbell stated that applications are typically made available in late September or early October and are due in December, which would allow time for committee review and process changes.

Council discussed the proposed $4,000 allocation for Aging Together. Councilman McGuire and Councilman Gagnon supported reducing the allocation to zero.

Councilman Francis and Councilwoman O'Halloran supported keeping the allocation, noting the organization's positive impact on elderly residents in the community. Council generally supported maintaining the amount at $4,000.

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Vice Mayor Semple stated that because Council was late in the budget process, the outside agency reductions could be treated as reductions for the current year while the Finance Committee conducts a more thorough review for the next cycle.

Councilman McGuire stated that organizations should be expected to show where the money is going and how it is being used.

Mr. Cassidy noted that applications include Form 990 materials and that staff review applications for minimum requirements before incorporating them into the budget.

Councilman Francis stated that he viewed many of the outside agency contributions as private or charitable matters that should be funded through foundations, businesses, private donations, or churches. He stated that he supported funding for the Fauquier Free Clinic and the Fauquier Historical Society, and that he was not opposed to funding the Fire Company but preferred a lower amount.

Councilman Gagnon stated that while the organizations were worthy, he questioned whether it was a proper function of Town government to redistribute taxpayer dollars to charitable organizations. He stated that he supported funding safety-net organizations such as the Free Clinic and Food Bank and also recognized the economic benefit of the Historical Society through tourism.

Councilman Mooney stated that he agreed with the general concerns but also believed that the middle of the budget process was not the best time to zero out longstanding contributions. He stated that Council could accept Councilwoman O'Halloran's reductions for the current year and have the Finance Committee review the broader policy for future years. Council generally reviewed the outside agency list and provided guidance consistent with Councilwoman O'Halloran's proposed reductions, including no funding for new requests, reduced funding for existing outside agencies, and $130,000 for the Warrenton Volunteer Fire Company subject to additional financial information.

Council then moved to the expense variance list and departmental expenses. Councilman Kovalik asked whether the $1.49 million contingency for water and sewer capital projects, representing 10% of the Capital Improvement Plan, could be reduced to 5%.

Mr. Michael Wharton, Senior Project Manager, responded that a 10% contingency is standard industry practice after the engineering phase to handle change orders and unexpected conditions. He stated that reducing the contingency could cause project delays by requiring Council approval for every overrun.

Council discussed information technology maintenance contracts. Councilman Mooney noted that IT maintenance costs were approximately $75,000 per month.

Mr. Jonathan Stewart, IT Director, responded that vendor costs had increased by approximately 23% that year. He also stated that the Town was historically approximately 15 years behind on IT infrastructure spending and was currently catching up to standard operational levels.

Councilman Gagnon asked why IT professional services had increased from approximately $21,926 to an estimated $81,000.

Mr. Stewart stated that the funds were for a short-term specialized vendor to restructure the network, a project that had been delayed in prior years. He stated that completing the project would reduce long-term professional service dependencies.

Council discussed Police Department salaries and rank structure.

Councilman McGuire asked why some officers hold the rank of Corporal if they do not supervise personnel on a daily basis.

Timothy Carter, Chief of Police, responded that Corporal is often used as a specialty rank, such as for detectives or the training officer, and that those positions serve as force multipliers and backup supervisors during critical shortages.

Ms. Kasey Braun, Human Capital Director, added that a recent restructuring resulted in three Corporals being downgraded to Officer to better align titles with duties.

Council discussed part-time wages in the Police Department, including the part-time accreditation manager.

Councilman McGuire proposed eliminating the part-time accreditation manager and assigning those duties to a full-time officer as an additional responsibility.

The Police Chief responded that accreditation requires a strict 29-hour-per-week commitment. He stated that shifting the work to a full-time supervisor would leave that officer with only approximately 11 hours for patrol or supervision and could risk the Town's accreditation status.

Ms. Braun advised against cutting the position without a formal structural assessment. Council generally agreed to maintain the position and refer the matter to the Police and Fire Committee for further evaluation.

Council discussed landfill tipping fees and refuse collection.

Councilwoman O'Halloran asked why the Town budgets $40,000 for landfill operations if the County waives the first $200,000.

Ms. Campbell and Mr. John Ward, Public Works Director, responded that the waiver applies only to household waste and that the Town is charged for commercial trash, limbs, and bulk clean-up items.

Councilman McGuire asked whether reducing residential trash pickup to once a week would save money.

Mr. Cassidy and Mr. Ward responded that the same overall tonnage of trash would still have to be collected and that reducing pickup frequency would not result in immediate savings in equipment or labor hours.

Councilman McGuire proposed eliminating the Police Department's $1.25-per-hour night shift differential.

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The Police Chief and Ms. Braun responded that the shift differential is important for recruiting and retaining officers against competing regional agencies, particularly with the department already having six vacancies.

Council then moved to debt and capital improvement items. Council discussed the salt shed facility.

Councilwoman O'Halloran asked whether the $775,000 project could be broken down or deferred.

Mr. Johnny Switzer, Fleet and Facilities Manager, responded that the project was already phased over multiple years, but that financial policies require the full purchase order amount to be budgeted up front in order to secure contractors. He stated that replacing the current facility was important for DEQ compliance. Staff further explained that the project would move salt and bulk materials from the existing Public Works facility on Falmouth Street to a material storage facility at the landfill in partnership with the County. Staff stated that the project would improve compliance, reduce industrial loading operations near residential areas, improve safety at the Public Works facility, and avoid the much larger public works facility project that had previously been contemplated.

Council discussed Eva Walker Park improvements.

Councilman Kovalik asked about the long-term project cost and suggested pushing the current $230,000 allocation out one year to reduce immediate debt issuance. Staff explained that the current funding was for final design and that later phases would implement improvements such as basketball courts, playground expansion, a splash pad, trail improvements, steps, and a pavilion.

Councilman McGuire stated that he supported the project but wanted staff to explore sponsorships and consider whether the splash pad should be located at the WARF instead.

Councilman Kovalik questioned whether the project should be deferred given other budget priorities and the current condition and use of the park.

Vice Mayor Semple stated that Eva Walker Park is in his ward and that he strongly supported the project due to its historical importance and potential as a destination park, but acknowledged that Council had to weigh priorities.

Councilman Francis stated that he supported the project but believed it should be pushed out at least one year due to budget constraints. Council generally agreed to defer the $230,000 for final design to FY 2027 while leaving the project in the CIP so staff could pursue grants and other outside funding.

Council discussed the WARF water play structure.

Councilman Mooney asked whether the $375,000 replacement cost could be reduced.

Ms. Kelly Koernig, Director of Parks and Recreation, stated that the current structure had severe rusting and safety concerns. Staff explained that the replacement was for the leisure pool play

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structure, not the competition pool, and that the structure was heavily used by families and young children. Council members questioned the estimated cost and asked staff to look for less expensive alternatives.

Councilman Mooney stated that the play structure should not simply be removed, but that Council should consider setting a lower budget and asking staff to identify options.

Councilwoman O'Halloran stated that the area is heavily used by children and families and is an important Town amenity.

Vice Mayor Semple asked whether the structure could safely last another year or whether surplus funds could be used to reduce the debt impact.

Councilman Francis asked staff to look for a lower-cost option, possibly around $200,000. Council generally directed staff to seek a more cost-effective alternative for the replacement structure.

Council discussed police fleet replacement.

Councilman McGuire proposed eliminating the department's motorcycles to save on maintenance and replacement costs, favoring standard cruisers instead.

Mr. Switzer stated that, following discussions with the Police Chief, staff was reviewing whether the motor fleet could be reduced to one motorcycle while maintaining mission-critical traffic enforcement capabilities.

Council discussed the fleet replacement program for a wastewater treatment plant dump truck. Staff explained that the truck is used to move dewatered solids to drying beds and that the current truck is an old retired vehicle that is unreliable. Staff stated that when the truck fails, staff must shovel solids back onto the truck, creating operational and DEQ concerns. Staff stated that the replacement would be assigned specifically to the wastewater plant.

Council discussed sanitation equipment and trash collection.

Councilman McGuire asked whether reducing trash pickup to once per week could defer the need for a new trash truck or produce savings. Staff responded that the Town would still collect the same amount of tonnage and that immediate savings were not clear without broader equipment and operational changes. Staff stated that the Town had picked up approximately 80 tons of trash the previous week and that the same work would have to be performed even if spread over fewer pickup days. Staff noted that some neighboring jurisdictions charge fees for trash or brush collection and that broader sanitation program changes could be reviewed over the year through committee work. Staff also stated that the Town was seeking to move away from the blue recycling trucks, which had not worked well, and that a replacement trash truck would allow one recycling truck to be surplused. Staff noted that trash trucks are evaluated by hours, stops, and operational wear, not simply mileage, and that new trucks may have long lead times.

Council discussed the hiring freeze.

Mr. Cassidy requested that Council lift the unofficial hiring freeze for mission-critical vacancies, including a wastewater plant mechanic, utility line locator, motor equipment operator, and police officer positions. He stated that the freeze was affecting staff. Staff clarified that the vacant positions were backfills rather than new positions.

Mr. Steven Friend, Director of Public Utilities, explained that the wastewater plant mechanic position was important because one of the two personnel who help maintain and repair the plant was vacant, leaving the work to one person with supplemental help. He also explained that the utility locator position is necessary for Miss Utility/811 responses and that without a dedicated locator, other personnel must be pulled from field work to locate Town water and sewer lines.

Councilman McGuire stated that he supported filling wastewater-related positions but preferred to revisit other positions in June.

Councilwoman O'Halloran disagreed and stated that two police officers were already in the hiring pipeline and that the freeze had stalled those hires. Staff stated that employee morale and retention were being affected by the perception that employees were not valued. Staff cautioned that a hiring freeze could lead to loss of service, disruption, compliance issues, and higher costs if the Town loses employees and has to backfill a large number of positions.

Councilman McGuire stated that Council had a responsibility to taxpayers and needed to review positions carefully before lifting the freeze. Vice Mayor Semple stated that the freeze had been rushed and that the budget already included the positions.

A motion was put forth by Vice Mayor Semple to lift the hiring freeze. Seconded by Mr. Kovalik. The vote was as follows:

Ayes: Mr. William Semple; Mr. Larry Kovalik; Ms. Michele O'Halloran; Mr. Roy Francis.

Nays: Mr. Eric Gagnon; Mr. Paul Mooney; Mr. David McGuire.

The motion passed 4-3, and the hiring freeze was lifted.

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**Adjournment**

A motion to adjourn was made by Mr. Kovalik and seconded by Councilwoman O'Halloran,

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

The meeting was adjourned.

**ADJOURNMENT.**

**With no further business, this meeting was adjourned at 3:00 PM on Thursday, May 29th, 2025.**

**I hereby certify that this is a true and exact record of actions taken by the Town Council of the Town of Warrenton on May 29th, 2025.**

Draft

Stephen M. Clough
Town Recorder

Attachments:

1) None

Draft

Office of the Town Manager
Christopher E. Martino

# STAFF REPORT

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

| | |
|---|---|
| **Council Meeting Date:** | June 9th, 2026. |
| **Agenda Title:** | Town Council Handbook Update |
| **Requested Action:** | Consider adoption of the Updates |
| **Department / Agency Lead:** | Town Clerk |
| **Staff Lead:** | Stephen Clough, MMC, Town Clerk |

## EXECUTIVE SUMMARY

The Town Council Handbook is one of the Town Council's governing documents and serves as a reference for Council procedures, roles, expectations, appointments, and related governance matters.

Staff is recommending that the Town Council approve limited administrative updates to the Handbook at this time. These updates include revising names of Council members and appointees and adding a provision allowing the Clerk, the Town Manager, or their designee to update names and similar administrative information in the Handbook without requiring the document to return to Town Council for formal approval.

Staff is also requesting Council's consent to initiate the standard review process for the Town Council Handbook. The Handbook was last reviewed prior to the most recent Town election. Since that time, there have been changes in Council membership, updates in law, changes in policy direction, and new legal guidance from the Town Attorney. In addition, the current structure of Council meetings now includes additional individuals at the dais, including the Town Manager, making this an appropriate time to review the Handbook's policies, processes, and procedures.

The purpose of the broader review is to ensure that the Handbook reflects current law, Council direction, Town practice, and the Town's own adopted guidelines for governance. Any substantive proposed amendments identified through that review would be brought back to Town Council at a later meeting for review and consideration.

Staff recommends that the Town Council approve the proposed administrative updates and authorize staff to initiate the standard Handbook review process.

## BACKGROUND

The Town Council Handbook is maintained as one of the Town Council's governing documents. It provides guidance regarding Council operations, procedures, appointments, meeting practices, and other matters related to the effective governance of the Town.

The Handbook was last reviewed prior to the 2024 Town elections. Since that review, there have been changes in Council membership and appointments, as well as changes in the structure and administration of Council meetings. With the addition of a New Town Attorney and an Imminent Net Town Manager and an upcoming election, now is the time to review processes to ensure alignment of the guidance documents with the actions of the Council.

Because the Handbook is intended to guide Council operations and support consistent governance practices, it should be reviewed periodically to ensure that it remains accurate, current, and aligned with the Town's needs. The period following an election and changes in Council composition is a natural and appropriate time to conduct that review.

The immediate proposed update before Council is limited in scope. Staff is recommending that the Handbook be updated to reflect current names of Council members and appointees. Staff is also recommending that the Handbook include a provision authorizing the Clerk, the Town Manager, or their designee to make future administrative updates to names and similar references without requiring formal Council action, provided that such updates do not change the substance, meaning, or policy direction of the Handbook.

In addition to these immediate administrative updates, staff is requesting Council's consent to begin a broader standard review of the Handbook. That review would evaluate the Handbook's policies, processes, and procedures to ensure that they reflect current law, Council policy direction, legal guidance, meeting structure, and Town practice. The review would also help ensure that the Town is operating within its own adopted guidelines.

At this time, staff is not requesting adoption of any broader substantive amendments. Any substantive proposed changes identified through the review process would be brought back to Town Council at a later meeting for discussion, review, and possible action.

## STAFF RECOMMENDATION

Staff recommends that the Town Council:

1. Approve the proposed administrative updates to the Town Council Handbook; and
2. Authorize staff to initiate the standard review process for the Town Council Handbook to evaluate potential future updates related to changes in law, Council policy direction, legal guidance, Council meeting structure, and Town practice.

## Service Level/Collaborative Impact

The proposed administrative update is expected to have a positive operational impact by allowing staff to keep the Town Council Handbook accurate and current without requiring formal Council action for routine, non-substantive updates.

The broader review process will support consistency in Town operations by ensuring that Council's governing document reflects current policies, processes, procedures, and meeting practices. This review will assist Council, the Town Manager, the Clerk, the Town Attorney, and staff in working from a shared and current understanding of the Town's adopted governance guidelines.

The review will require collaboration among the Clerk, the Town Manager, the Town Attorney, and other staff as appropriate. Any substantive recommendations resulting from the review will be brought back to Town Council for consideration.

**Policy Direction/Warrenton Plan 2040**

The proposed updates support the Town's broader commitment to effective governance, transparency, administrative efficiency, and clear public records.

While this item does not directly implement a specific land use or capital project goal of the Warrenton Plan 2040, it supports the Town's general policy direction of maintaining clear, accurate, and accessible governing documents. Reviewing the Handbook after changes in Council membership and meeting structure helps ensure that the Town's policies, processes, and procedures remain aligned with current practice and Council expectations.

The broader review process will also help ensure that the Town is operating within its own adopted guidelines and that the Handbook continues to support orderly, transparent, and effective governance.

**Fiscal Impact**

There is no direct fiscal impact associated with the proposed administrative update.
The administrative update may result in minor efficiency by reducing staff time associated with preparing formal agenda items for routine name changes or other non-substantive updates.

The broader Handbook review is expected to be completed using existing staff and legal resources unless otherwise directed by Council. If future proposed amendments create a fiscal impact, that impact will be identified when those amendments are brought back to Town Council for consideration.

**Legal Impact**

The proposed administrative update is limited to non-substantive revisions, including updates to names of Council members, appointees, staff, or other persons identified in the Handbook. These administrative updates would not alter the substance, meaning, policy direction, procedures, duties, or authorities established by the Handbook.

The broader review process will allow staff and the Town Attorney to evaluate the Handbook for consistency with current law, legal guidance, Council policy direction, and Town practice. This review is intended to ensure that the Town Council Handbook remains legally current and operationally consistent with the Town's own adopted governance guidelines.

Any substantive changes to the Handbook, including changes to Council procedures, governance policy, legal requirements, duties, authorities, or Council direction, would be brought back to Town Council for review and approval.

**ATTACHMENTS**

1. Proposed Changes to the Town Council Handbook- Redline
2. Current Town Council Handbook V4.1 and appendixes.

# WARRENTON TOWN COUNCIL HANDBOOK

**Town Council 2023-2024**

**H. E. Carter Nevill, Mayor**
**~~Heather D. Sutphin~~Roy Francis, Ward 1**
**William T. Semple II, Ward 2 Vice Mayor**
**~~Brett A. Hamby~~Larry Kovalik, Ward 3**
**~~James N. Hartman III~~Michele O'Halloran, Ward 4, ~~Vice Mayor~~**
**Eric Gagnon, Ward 5**
**David A. McGuire, At Large**
**Paul W. Mooney, At Large**

**V4.1 ~~11.20.23~~ 06.09.26Updated as of ~~November 2023~~JHune 2026**

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# I. INTRODUCTION

This Handbook was prepared for you and is intended to describe the laws, rules, and practices by which the Warrenton Town Council operates. The Handbook includes excerpts from the Warrenton Town Charter and Code of the Town of Warrenton as well as the Code of the Commonwealth of Virginia, plus excerpts from the Handbook for Virginia Mayors & Council Members. Unless otherwise noted, the text of the Handbook is assumed to be Council established practices and procedures in addition to those established in law. The Handbook serves as a quick reference.

Sources are indicated as follows:

- Charter = Town Charter
- Code = Town Code
- RR = Robert's Rules of Order
- VML = Virginia Municipal League's Handbook for Mayors and Council Members
- VA Code = Code of Virginia

The Clerk, the Town Manager, or their designee is authorized to make administrative updates to this Handbook to reflect changes in the names of Town Council members, appointees, staff, or other persons identified in the Handbook. Such administrative updates shall not require further action of the Town Council, provided that the updates do not alter the substance, meaning, policy direction, procedures, duties, or authorities established by the Handbook.

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Any substantive amendment to the Handbook, including changes related to Council procedures, governance policy, legal requirements, duties, authorities, or Council direction, shall require review and approval by the Town Council.

## II. WARRENTON TOWN COUNCIL OATH OF OFFICE

"I do solemnly swear I will support the Constitution of the United States and the Constitution of the Commonwealth of Virginia and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as a member of the Warrenton Town Council, for a term of four (4) years, according to the best of my ability, so help me God."

## III. ORGANIZATIONAL CHART

## PART ONE

## TOWN COUNCIL STRUCTURE AND FUNCTIONS

### I. POWERS OF TOWN COUNCIL

Local Government powers are conferred on the elected Mayor and Town Council by the Commonwealth of Virginia and the people of Warrenton, Virginia. Powers are defined by the Charter of the Town of Warrenton, the Code of Virginia, and the Virginia Constitution. As interpreted by the Dillon Rule, localities are "tenants at will" of the state legislature and depend on the Virginia General Assembly for their operating authority.

### TOWN CHARTER

**Charter Sec. 2.1. - General grant of powers.**

The Town of Warrenton shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this Charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation.

In addition to the general rights and powers conferred on "towns" by the Code of Virginia, the Council has several powers specifically enumerated in its Charter, including the ability to:

- Fill vacant Council seats. Charter Sec.3.5
- Appoint/remove the Town Manager, Town Attorney, Town Recorder, and Town Clerk*. Charter Sec. 6.1, 3.7 and 3.8
- Possess the power of Eminent Domain pursuant to Title 15.2 of the Code of Virginia. Charter 2.5
- Enact a Conflict of Interest Act. Charter 4.6

## II. MAYOR AND VICE MAYOR DUTIES

### The Mayor

The Mayor is elected every four years by the people of Warrenton. The Mayor shall preside over the meetings of the Council and shall have the same right to speak therein as Councilmembers, however the Mayor shall not have the right to vote except in the case of a tie, in which event they shall be entitled to cast one vote. The Mayor shall be recognized as the head of the Town for all ceremonial purposes, the purposes of military law and the service of civil process. The Mayor serves as the presiding officer at Town Council meetings and performs other duties consistent with the office. The Mayor is recognized as the official head of the Town for:

- Participation in public ceremonies.
- Recognition by the courts for serving civil process.
- Recognition for ceremonial and military purposes.
- Signing and delivering of required or authorized documents and instruments. Charter Sec.5.2

### The Vice Mayor

The Vice Mayor is chosen by a majority of Councilmembers present at the first meeting of the Council, every two years, to possess the powers of and perform the duties of the Mayor in the absence or disability of the Mayor.

## III. FILLING MAYOR AND COUNCIL VACANCIES

The Charter addresses the filling of a Mayor or Council vacancy however in certain circumstances sections of the Code of Virginia my also apply. Legal counsel from the Town Attorney should be sought regarding this subject. Charter Sec. 3.5.

**Charter Sec. 3.5. Vacancies on council.**

Vacancies on the Council shall be filled for the unexpired portion of the term by a majority vote of the remaining members of the Council, if such vacancy shall occur two years or less before the date of expiration of such term. If the vacancy shall occur more than two years before the expiration of the term, the vacancy shall be filled by a majority vote of the remaining members of Council only until the next councilman election, at which election the qualified voters shall elect a person to serve as councilman for the remaining two years of the term. (1964, c. 47)

## IV. COUNCIL-MANAGER GOVERNMENT

Originating in 1908 with Staunton, Virginia's provision by ordinance for the appointment of a general manager, the Council-Manager plan has become the most widely accepted system of local government in the United States.

The plan is modeled after the American corporation, as opposed to the Mayor-Council plan which is modeled after the elected branches of government found in the U.S. Constitution.

In the Council-Manager plan, the governing body is composed of public-spirited citizens serving on a part-time basis to decide major policy issues, much in the same manner as the Board of Directors of a private corporation. The Mayor's role is to preside over Council meetings much like a Chairman of the Board. The Mayor and Councilmembers serve the interests of the citizens who elected them to office -- the stockholders of the corporation.

## V. THE TOWN MANAGER'S ROLE IN TOWN GOVERNMENT

The Town Manager, who is a professionally trained public administrator charged with implementing the policies and directives of Town Council, is the Town's Chief Administrative Officer. The Town Manager has broad administrative authority with strict rules prohibiting political interference in administrative matters. Likewise, the Town Manager refrains from participating in partisan political activities which would impair professional administration.

Town Council delegates broad administrative power to the Town Manager subject to its continuing review. Qualifications, powers, and duties of the Town Manager are provided for in Article VI of the Charter. Delegated duties include the ability to:

(a) To see that all laws and ordinances are enforced;

(b) To exercise supervision and control over all administrative departments and divisions;

(c) To attend all regular meetings of the Council, with the right to take part in the discussion, but having no vote;

(d) To recommend to the Council for adoption such measures as they may deem necessary or desirable;

(e) To execute all contracts on behalf of the Town;

(f) To prepare and submit to the Council the annual budget;

(g) To keep the Council advised as to the present and future needs of the Town and as to all operations of its government;

(h) To perform all such other duties as may be prescribed by the Charter or be required of him by the Council. (1964, c. 47).

While the Town Manager and Town Attorney serve at the pleasure of the Council, all other Town staff are employees of the Town Manager. Thus, neither the Council nor any of its members should direct or request the appointment or removal of officers and employees in the administrative service of the Town.

**Charter Article VI. The Manager**
6-1. Appointment.

There shall be a Town Manager who shall be the chief executive officer of the Town and shall be responsible to the Council for the proper administration of the Town government. They shall be chosen by the Council without regard to his political beliefs and solely on the basis of his executive and administrative qualifications. They shall be appointed for an indefinite period and shall hold office during the pleasure of the Council. (1964, c. 47)

§ 6-2. Employees.

The Town Manager shall appoint for an indefinite term the heads of all departments and all other officers and employees of the Town. The Manager shall have the power to remove any officer or employee appointed by him. (1964, c. 47)

## VI. COUNCIL/STAFF RELATIONSHIPS AND COMMUNICATIONS

Except for the purposes of inquiry and timely communication, the Council and its members should deal with that portion of administrative service for which the Manager is responsible through the Manager, and neither the Council nor any individual member should give orders or direction to any subordinate of the Manager, either publicly or privately. Any violation by a member of the Council should be brought to the immediate attention of the Council as a whole.

Information that would be difficult or time consuming to produce, however, or that relates to a current or future agenda item should be formally requested of the Town Manager, preferably during a Town Council meeting, rather than requested of an individual staff member. Work assignment and policy directions should come from the elected body as a whole and not from individual members. To avoid confusion and conflicting priorities, certain guidelines for Council/staff relationships must be followed. Councilmembers' initiatives generally fall into one of four categories:

**CATEGORIES OF STAFF INITIATIVES FROM COUNCIL (Department Heads)**

1. Requests for information readily available.
2. Follow-up for a constituent relative to a municipal problem or question.
3. Requests for information not readily available and requiring considerable staff time and research effort.
4. Initiation of a new priority or program.

Normally, Items 1 and 2 can be handled directly between the Town Councilmember and the department head. Items 3 and 4 should be channeled through the Town Manager. In the past, understanding and common sense have guided Council/staff relationships and difficulties have seldom developed.

If a Councilmember is less than satisfied with the channels of communication, that Councilmember should approach the Town Manager who will work to improve the flow of information to and from key staff members.

## VII. IMPLEMENTING THE WILL OF THE MAJORITY

Perhaps the most challenging aspect of Town Council/staff relationships arises when an issue lacks Council consensus. Once a vote is taken and the issue decided, however, Town Council speaks to the staff with a single voice. It is sometimes tempting for Councilmembers holding the minority view to pursue their viewpoint, first through staff and later with Council. Nevertheless, the Town staff must respond to the majority view, regardless of whether an individual Councilmember agrees, and regardless of whether the staff may agree. While staff may like to be responsive to each individual Councilmember, an impossible situation develops when staff is requested to accommodate a Councilmember apart from the Council-to-Manager-to-staff line of authority.

## VIII. ROLE OF THE TOWN ATTORNEY

The Code of Virginia and the Town's Charter require that a Town Attorney be appointed.

**Sec. 2-112. - Powers and duties generally.**

The town attorney shall have the management, charge and control of all legal affairs of the town and shall be the legal adviser of the town council or any committee thereof, town officers and the several departments of the town government. When required by the mayor or town manager, [the town attorney] shall furnish written or verbal opinions upon any legal affairs of the town.
(Code 1981, § 2-23)

## IX. ELECTRONIC COMMUNICATIONS

The widespread use of the electronic mail system (E-Mail) raises concerns over the appropriate communications among Councilmembers and between Council staff. All E-Mailcommunications among Councilmembers should be considered open to Freedom of Information Act inquiries. All E-Mail communications to and from staff members should be in accordance with established guidelines for staff inquiries.

There are occasions when Councilmembers communicate among themselves electronically. These communications constitute public records under FOIA and are subject to release under FOIA. Communications marked "confidential" are not shared with the general public or any individual not privy to confidential information. Merely marking a document "confidential," however, does not guarantee exclusion from FOIA and the document may be considered a public record subject to release under FOIA.

At the start of a Town Councilmember's term and at the request of the Town Councilmember, the Information Technology Department will provide an iPad for the member to use at home for the purpose of conducting business. In addition to the iPad, the Town will also establish an e- mail address at the Town and Internet access.

## X. COUNCIL REPRESENTATIVES ON VARIOUS COMMITTEES

The Town Council is represented on a number of committees and groups. These include ad hoc Town committees, VML policy committees, intergovernmental bodies, and various organizations in the community. Such representation is distinct from formal appointments to Boards and Commissions as provided in Part Four of this Handbook.

Representation originates in two main ways. Outside groups often invite the Council to participate in their activities. Alternatively, the Council as a whole, deeming its participation to be important, decides to send a representative to the committee or group.

See Part Four of this document for a current listing of Council representatives on committees.

## XI. CONFLICT OF INTEREST RULES

To ensure citizens that the judgment of public officers and employees is not compromised or affected by inappropriate conflicts, the General Assembly adopted the Virginia State and Local Government Conflict of Interest Act. Violation is a criminal offense. To keep standards of conduct uniform throughout the Commonwealth, no local government may regulate conflict of interest more strictly than the Virginia Code. The law requires all Councilmembers to:

- Disclose financial interests when appropriate.
- Refrain from contracting for business with the local government.
- Abstain from voting on items of personal interest that apply solely to the Councilmember or that prevent impartial voting.
- Not engage in unethical conduct, such as accepting anything of value or disclosing confidential information.

The Town Attorney and the local Commonwealth's Attorney are the proper persons to turn to for competent legal advice concerning conflict of interest questions. As a member of a local governing body, Councilmembers are entitled by statute to obtain a formal opinion from the local Commonwealth's Attorney. A Councilmember cannot be prosecuted for violating the Act if that Councilmember acts based on a written opinion of the Commonwealth's Attorney (assuming full disclosure of all the relevant facts). VML. Provisions of Virginia's Conflict of Interest Act concerning financial disclosure apply to councilmembers of all cities and towns with populations greater than 3,500 people.

## XII. STATEMENTS OF ECONOMIC INTERESTS AND DISCLOSURE OF REAL ESTATE HOLDINGS

Generally, in January of each year, the Town Clerk will supply a Statement of Economic Interests to members of Council. A Disclosure of Real Estate Holdings is provided to the Town Manager and members of boards and commissions as required by State Code. The required forms must be filed by February 1, respectively.

## XIII. CAMPAIGN FINANCIAL DISCLOSURE ACT

The Warrenton Town Council adopted the provisions of Chapter 9.3, Campaign Disclosure Act of 2006, Title 24.2, Elections, of the Code of Virginia, making the act apply with necessary changes to all elections for Town offices in the Town and to participants therein. (Warrenton Town Code, Chapter 2 (Administration), Section 2.23 (Campaign Financial Disclosure Act)

**Code Sec. 2-23 - Campaign Finance Disclosure Act.**

Code of Virginia, Chapter 9.3, Campaign Finance Disclosure Act of 2006, of title 24.2, Elections, as amended, shall be applicable to elections for town offices in the town pursuant to Code of Virginia, § 24.2-945, as amended.
(Ord. No. 2014-04, 12-9-14)

## IX. CODE OF ETHICS

The Town Council has adopted for itself the Code of Ethics. To the extent the Town's Code of Ethics conflicts with Virginia Law (e.g. Virginia State and Local Government Conflict of Interest Act, Virginia Freedom of Information Act), State Law shall prevail. The Town of Warrenton Code of Ethics follows:

### TOWN OF WARRENTON CODE OF ETHICS

The Town Council adopted the attached Code of Ethics at its meeting on August 9, 2016. The Code addresses how members will conduct themselves in an ethical manner to earn and maintain the public's full confidence for integrity.

The Code of Ethics is adopted for execution by each elected or appointed member of a Town public body, including the Mayor and Town Council Members, the Planning Commission, Board of Zoning Appeals and Architectural Review Board.

Preamble

The citizens and businesses of Town of Warrenton, Virginia, are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. In keeping with the Town of Warrenton's Commitment to Excellence, the effective functioning of democratic government therefore requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; that public officials be independent, impartial and fair in their judgment and actions; that public office be used for the public good, not for personal gain; and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Town of Warrenton Town Council has adopted this Code of Ethics for members of the Council and of the Town's boards, commissions, and committees to assure public confidence in the integrity of local government and its effective and fair operation.

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of the Town of Warrenton and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims, and transactions coming before the Town of Warrenton Town Council, boards, commissions, and committees.

2. Conduct of Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Town Council, boards, commissions, and committees, the staff or public.

3. Respect for Process

Members shall perform their duties in accordance with the processes and rules of order established by the Town Council and boards, committees, and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Town Council by Town staff.

4. Conduct of Public Meetings

Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

5. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

6. Communication

Members shall publicly share substantive information that is relevant to a matter under consideration by the Town Council or boards, committees and commissions, which they may have received from sources outside of the public decision-making process.

7. Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship that may give the appearance of a conflict of interest.

In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

8. Gifts and Favors

Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

9. Confidential Information

Members shall respect the confidentiality of information concerning the property, personnel, or affairs of the Town. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.

10. Use of Public Resources

Members shall not use public resources that are not available to the public in general, such as Town staff time, equipment, supplies or facilities, for private gain or personal purposes.

11. Representation of Private Interests

In keeping with their role as stewards of the public interest, members of the Council shall not appear on behalf of the private interests of third parties before the Town Council or any board, committee, commission or proceeding of the Town, nor shall members of boards, committees or commissions appear before their own bodies or before the Town Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

12. Advocacy

Members shall represent the official policies or positions of the Town Council, boards, commissions, or committees to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the Town of Warrenton, nor will they allow the inference that they do.

13. Policy Role of Members

The Town Council determines the policies of the Town with the advice, information and analysis provided by the public, boards, commissions, and committees, and Town staff. The Town Council delegates authority for the administration of the Town to the Town Manager.

Members therefore shall not interfere with the administrative functions of the Town

or the professional duties of Town staff; nor shall they impair the ability of staff to implement Council policy decisions.

In order to prioritize staff time, members shall not cause Town staff to spend more than one hour of time on any project without the specific approval of all Councilmembers in a majority vote in an open meeting, unless such time is the result of a closed session discussion involving duly authorized projects such as work on litigation, the sale or purchase of real property, etc. Any project requiring more than one hour by staff shall be brought to the attention of the Town Manager and Mayor who shall place the project for discussion on the next Town Council meeting's agenda.

14. Independence of Board and Commissions

Because of the value of the independent advice of boards, committees and commissions to the public decision-making process, members of the Town Council shall refrain from using their positions to unduly influence the deliberations or outcomes of board, committee, or commission proceedings.

15. Positive Workplace Environment

Members shall support the maintenance of a positive and constructive work place environment for Town employees and for citizens and businesses dealing with the Town. Members shall recognize their special role in dealings with Town employees and in noway create the perception of inappropriate direction to staff.

16. Implementation

As an expression of the standards of conduct for members expected by the Town, the Town of Warrenton Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientations for candidates for the Town Council, applicants to boards, committees and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understood the Town of Warrenton Code of Ethics. In addition, the Town Council, boards, committees and commissions, shall annually review the Code of Ethics and the Town Council shall consider recommendations from boards, committees and commissions to update it as necessary.

17. Compliance and Enforcement

The Town of Warrenton Code of Ethics expresses standards of ethical conduct expected of members of the Town Council, boards, committees and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards, committees and commissions and the Mayor have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics are brought to their attention.

The Town Council may impose sanctions on members whose conduct does not comply with the Town's ethical standards, such as reprimand, formal censure, loss of seniority or committee assignment, or budget restriction. Where allowed by law, the Town Council also may remove members of Town-appointed boards, committees and commissions from office.

A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Town Council, board, and committee or commission decision.

**PART TWO**

## I. TOWN COUNCIL MEETINGS

The Warrenton Town Council meets for regular meetings in the Council Chambers at 21 Main Street, Warrenton, Virginia at 9:00 a.m. for a work session and 6:30 p.m. on the second Tuesday of each month. The Town Council may by resolution prescribe any public place or prescribe a day or time other than those established in this section, for a regular meeting of the Town Council.

Special meetings may be called at any time by the Mayor, the Town Manager, or any four members of the Council, and shall prescribe the method of giving notice thereof, provided such notice shall contain a statement of the specific item or items of business to be transacted, and no other business shall be transacted at such meetings except by the unanimous consent of all the members of Council; provided, however, that a special meeting may be held at any time without notice if all members of the Council attend said meeting or waive notice thereof. (1964, c. 47)

If the day established for a regular meeting falls on a legal holiday, that meeting shall be held on the next duty day at 6:30 p.m. in the Council Chambers Building.

- Public Hearings as required by law or Council policy. Public hearings may cover subjects such as proposed budgets, proposed Comprehensive Plan amendments, rezoning and special exceptions.
- Reports and Recommendations from Town Manager, Town Attorney and departments.
- Ordinances and Resolutions which are legal instruments whereby Council establishes public policy either in the form of local laws (ordinances) or formal statements of fact and intent (resolutions).

## II. OPEN MEETING LAW

The Virginia Freedom of Information Act (FOIA) generally requires that all meetings of the Council as well as most other public bodies, such as Planning Commissions, Boards of Zoning Appeals, School Boards, Redevelopment and Housing Authorities, be open to the public. It is important to note that committees appointed by Council or any other public body subject to the FOIA must also be open to the public. Therefore, all committees appointed by Council, whether composed of selected members of Council or of non-council persons or a mixture, and regardless of number are subject to the FOIA's public meeting requirement. Section 2.2-3702. of the Act states that public officials shall read and familiarize themselves with the provisions of the Virginia Freedom of Information Act.

The FOIA provides that in order to constitute a "meeting" a quorum must be present. Therefore, FOIA applies to regular meetings as well as gatherings of three or more Councilmembers **where Town business is discussed**. Likewise, FOIA also applies to regular meetings as well as gatherings of members of any committee or subcommittee appointed by or from Council where the business of such committee or subcommittee is discussed and where a quorum of such committee or

subcommittee is present. Except in the case of a committee or subcommittee consisting of at least four members (where a quorum would be three members), a meeting or gathering of two or more committee or subcommittee members at which the business of such committee or subcommittee is discussed constitutes a meeting covered by FOIA.

FOIA requires that Council and committees and subcommittees appointed by Council give advance written notice of every meeting to every citizen, including news media, who has requested to receive such notice. Council may require that the requests for notice be renewed annually. In addition, copies of agendas and materials distributed to Council must be simultaneously made available for public inspection. Unless exempted by the FOIA, all materials must be made available to the public. The Town Clerk typically handles the notice requirement to media for Council.

Information packets are posted electronically approximately one week before the council meeting to Councilmembers and are made available to the public and press. Minutes must be kept of all meetings of Council, including work sessions and informal meetings at which no official action is taken. Votes are recorded in the minutes of the meeting. Secret ballots are prohibited by the Code of Virginia.

## III. CLOSED MEETINGS

Meetings of the Council shall be open to the public except when the public welfare requires Closed Meetings. A Town Council or committee may go into Closed Meeting and exclude the public for certain stated reasons. More than 20 items are exempted from the Freedom of Information Act and may be discussed in a closed meeting. Closed Meeting issues typically involve:

- Personnel VA Code § 2.2-3711.1
- Property VA Code § 2.2-3711.3
- Legal briefings VA Code § 2.2-3711.7

The procedure for convening a Closed Meeting is as follows:

(1) While in public session, a majority of Councilmembers must approve a motion to go into Closed Meeting. The motion must include the reason and a citation of the specific code section containing the FOIA exemption allowing the Closed Meeting. Exclusions are located in Section 2.2-3705.1 of the Virginia Code.
(2) While in the Closed Meeting, Councilmembers may discuss only the subject mentioned in the motion.
(3) Certify by recorded vote, after Council completes the Closed Meeting and returns to public session, that all the discussion in closed meeting was appropriate under the law. (See Code of Virginia text below.)

**Code of Virginia Section 2.2-3712**

"Now, therefore, be it resolved that the Town Council of Warrenton hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia Law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed of considered by the Town Council of Warrenton."

## IV. SETTING THE MEETING AGENDA

All meeting agenda items which require formal Council action are placed on the agenda for consideration. The agendas for meetings are finalized and taken public approximately one week prior to the meeting. If an item involves a legal matter, it should be submitted in sufficient time to allow a review by the Town Attorney.

Councilmembers should forward requests for agenda items to the Town Manager and the Mayor at least three weeks prior to a work session. Department directors submit agenda items to the Town Manager to be included at the Manager's discretion on the agenda depending on the topic and its importance. The Town Clerk is responsible for preparing and distributing the agenda. (See samples of information and guidelines sheet and agendas in the appendixes.

## V. MAYOR AS PRESIDING OFFICER

The Mayor presides at every meeting of the Council and at the hour appointed, calls the Council to order, provided a quorum is present. The Mayor signs various ordinances and resolutions on behalf of the Council. All legislative actions are certified by the Town Recorder.

The Mayor preserves order and, with the assistance of the Town Attorney and Town Clerk, speaks to and decides all points of order. The Mayor has control of the Council Chamber and the connecting halls and corridors. In case of a disturbance or disorderly conduct, the Mayor may order the same to be cleared.

The Vice Mayor presides in the Mayor's absence. Warrenton Town Code Section 2.36.

## VI. ORDER OF BUSINESS

1. Call to Order
2. Invocation
3. Pledge of Allegiance to the United States of America (1954)
4. Citizen Comments
5. Proclamations and Recognitions
6. Approval of the Agenda

7. Public Hearings
8. Consent Agenda
9. New Business
10. Unfinished Business
11. Town Attorney's report
12. Town Manager's report
13. Council Member's time
14. Adjournment

## VII. PUBLIC PARTICIPATION IN COUNCIL MEETINGS

The public is invited to speak on all public hearing items. The public is also permitted to speak on any topic not listed as a public hearing item during the "Citizens Time" portion of the meeting. The Chair will recognize all speakers, who shall state their name and address for the record; have up to three minutes to address council; and may only address Council once on each topic unless called back by the Chair at the request of Council.

**Citizen's Time:** Individuals may address the Council on any matter not listed on the agenda as a public hearing. This is Their time to address the Council and share what's important to them. Each speaker has up to three minutes to address Council. When called to the podium, speakers should state their name and address for the record. Copies of written statements and supporting materials should be given to the Town Clerk for the record. The Mayor will establish the order of speakers and will maintain decorum. Citizen's Time is not designed as a question-and-answer session or a debate.

**Public Hearings:** Formal proceedings held to hear from the public on a specific topic. All public hearings are advertised prior to the scheduled hearings, and the notices indicate where citizens can obtain information pertinent to matters scheduled for public hearings. Applicants, or representatives of the applicant, will be allowed to introduce information regarding the matter advertised for public hearing. Public hearings are intended to enable citizens to influence the public decision process based on prior research and discussions with appropriate public officials and to address only those issues pertinent to the matters advertised for public hearing. Public hearings are not question and answer sessions or debates, and all statements should be addressed to the Town Council.

## VIII. ORDINANCES AND RESOLUTIONS

A copy of each ordinance or resolution is included in the Warrenton Town Council agendas.

No ordinance can be passed, or resolution adopted that appropriates money, levies taxes and licenses without a two- thirds vote of Council Members. Virginia State Code § 15.2-1427.

## IX. ELECTRONIC PARTICIPATION

The electronic participation in meetings is governed by Virginia State Code § 2.2-3708.3. A Resolution was passed at a special meeting on November 7th, 2022, updating the policy.

***Town Policy – Remote electronic participation in meetings.***

*It is the policy of the Town Council of the Town of Warrenton that individual Town Council Members may participate in meetings of the Town Council by electronic means as permitted by Virginia State Code § 2.2-3708.3. This policy shall apply to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.*

*Whenever an individual member wishes to participate from a remote location, the law requires a quorum of the Town Council to be physically assembled at the primary or central meeting location, and there must be arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location. The reason that the member is unable to attend the meeting and the remote location from which the member participates must be recorded in the meeting minutes.*

*Automatic Approval with Vote if Challenged.*

*Individual participation from a remote location shall be approved unless such participation would violate this policy of the provisions of the Virginia of Freedom of Information Act. IF a member's participation from a remove location is challenged, the Town Council of the Town of Warrenton shall vote whether to allow such participation. If the Town Council of the Town of Warrenton votes to disapprove of the member's participation because of such participation shall be recorded in the minutes with specificity.*

## X. ORGANIZATIONAL MEETINGS

The biennial organizational meeting of the Council is traditionally at the first regular meeting in January every other year. The last organizational meeting was held in January 2023. The first order of business is for Council to consider a resolution adopting the schedule of meetings for the Town Council and to consider a resolution electing a vice mayor for the electing term.

## XI. RULES OF CONDUCT DURING COUNCIL MEETINGS

Robert's Rules of Order is the classic statement of present-day parliamentary procedure. Familiarity with and use of Robert's Rules provides the means whereby the affairs of the Council can be controlled by the general will of the members. Council meetings can proceed in a controlled and predictable manner, allowing the business of the citizens of Warrenton to be handled in a direct, constructive, and democratic manner. The following rules of conduct are adapted from the pages of Henry M. Robert's time-honored book and merit the Council's special attention.

## PROCEDURES FOR SMALL BOARDS

Since the Town Council is relatively small compared with other organizations using Robert's Rules, some of the procedural formality can be dispensed with. The following Procedures for Small Boards from Robert's Rules is modified for use by the Warrenton Town Council. Modifications to Robert's Rules for Small Boards are noted in italics.

- While members are required to obtain the floor before making motions or speaking, they may do so while seated. (Text normally reads that members are not required to obtain the floor beforehand.)
- Motions must be seconded. (Text normally reads, "Motions need not be seconded.")
- No limit is placed on the number of times a member may speak to a question. However, motions to close or limit debate may be entertained. (Text normally reads that such motions "should not be entertained.")
- Informal discussion of a subject is permitted while no motion is pending. It is normally expected, however, that discussion will follow a motion on the floor.
- Sometimes when a proposal is perfectly clear to all present, a vote can be taken without a motion having been introduced. Unless agreed to by general consent, however, all proposed actions of a board must be approved by vote under the same rules as other assemblies, except that a vote can be taken initially by a show of hands. Normally, the ayes and nays on any question must be recorded. Code Sec. 2-29.
- The chairman can speak in discussion without rising or leaving the chair, can make motions, and votes on all questions.

## MEMBER CONDUCT

Every member who wishes to speak must first respectfully address the Mayor / Chair, and not proceed until recognized by the Mayor / Chair. They will confine themselves to the immediately pending question and avoid mentioning all personalities. No member shall address the Chair out of his place, nor interrupt another without the consent of the member who has the floor, except when making a point of order.

The member upon whose motion is subject to debate is first entitled to the floor and is entitled to close debate after each member who wishes to speak has been allowed to do so.

## COUNCIL VOTING

In most instances, the affirmative vote of a majority of the members elected to Council present at a regular or special meeting at which a quorum is present and voting shall be necessary to adopt any ordinance, resolution, or pass other matters presented to the Council. Four members constitute a quorum. However, some ordinances and resolutions appropriating money, imposing taxes or authorizing the borrowing of money shall only pass by a recorded affirmative vote of a majority of all Councilmembers. In some cases, as prescribed by Code, a super majority of all Councilmembers

may be required. Every member present at a Council meeting when a question is put shall give his vote, unless excused by the Chair. All votes are recorded in the minutes of the meeting. Secret ballots are prohibited.

After a vote is announced, no member shall change his vote without the consent of the Council. The right to change a vote shall be limited to the current meeting and not continue for any subsequent.

**KEY PASSAGES FROM ROBERTS RULES**

Several key passages are included to help familiarize Councilmembers with Robert's Rules. The Town Clerk and Town Attorney serve as the parliamentarian of the Council and should be consulted on the proper application of Robert's Rules and applicable laws.

**Obtaining the Floor (RR § 3).** Before a member can make a motion, or address the Council in debate, it is necessary that they obtain the floor -- that is, they must address the presiding officer by official title, thus, "Madame Mayor, Mayor or Mayor Smith." If the member is entitled to the floor, the chair recognizes them by name.

**Main Motions (RR § 4).** A motion is made by a member obtaining the floor and saying, "I move that," and then stating the proposed action. Typically, no member can make two motions at a time except by general consent. Main motions, which introduce business, take precedent over nothing. That is, they cannot be made when another question is before the assembly. Privileged, incidental, and subsidiary motions may be made while a main motion is pending.

That the motion be stated by the chair for the benefit of the Council and audience. The fact that a motion has been made does not put it before the Council. The chair alone can put a motion before the Council. The chair must either rule the motion out of order or state the question so that all may know the immediately pending question.

**Debate (RR § 7).** After a question has been stated, it is before the Council for consideration and action. All but a few motions are subject to debate. Debate must be limited to the merits of the immediately pending question -- that is the last question stated by the Chair. Speakers must address their remarks to the Chair, be courteous in their language, avoid all personalities, and never allude to the motives of members.

**Amendments (RR § 33).** Amendments may be made on all motions except those listed by Robert's Rules.

The motion to amend is made in a form similar to this: "I move to amend the resolution by inserting (or striking or substituting) the word 'very' before the word 'good';" or simply "I move to insert (or strike or substitute) 'very' before 'good'."

An amendment can be amended itself, but this "amendment to an amendment" cannot be amended.

In other words, an amendment of the third degree would be too complicated and is not in order.

An amendment of a pending question requires only a majority vote for its adoption, even though the question to be amended requires higher threshold (ex., two-thirds or unanimous vote).

Robert's Rules lists a number of improper amendments in Section 33, including ones that are not germane to the question being amended, or are identical to questions previously decided.

**Reconsideration of a motion (RR § 36).** A motion to reconsider a previous vote must be made by one who voted with the prevailing side. Normally, a reconsideration motion can only be made on the day that the original vote was taken, or on the day of the next succeeding Council meeting. The motion to reconsider cannot interrupt pending business. However, as soon as the pending item is disposed of, it can be called up with preference over other main motions and general orders.

**Rescind, Repeal, or Annul (RR § 37).** Any vote taken by the Council, except those listed by Robert's Rules, may be rescinded by a majority vote, provided notice has been given at the previous meeting or in the call for this meeting. When no notice is given, a two-thirds vote or majority vote of the elected Council is required.

The motion to rescind can be applied to votes on all main motions. It is itself a main motion without any privilege, and therefore can only be introduced when there is nothing else before the assembly. It may be made by any member, and is debatable.

Among the votes that Robert's Rules specifies cannot be rescinded are ones that occur:

- After something has been done because of that vote that the Council cannot undo; or,
- Where it is in the nature of a contract and the other party is informed of the fact; or,
- Where a resignation has been acted upon.

# XII. QUICK REFERENCE CHART

| | Must be Seconded | Open for Discussion | Can be Amended | Vote Count Required to Pass | May be Reconsidered or Rescinded |
|---|---|---|---|---|---|
| **Main Motion** | ✓ | ✓ | ✓ | Majority | ✓ |
| **Amend Motion** | ✓ | ✓ | | Majority | ✓ |
| **Limit Debate** | ✓ | | ✓ | ⅔ Supermajority | ✓ |
| **Close Discussion** | ✓ | | | ⅔ Supermajority | ✓ |
| **Recess** | ✓ | | ✓ | Majority | |
| **Adjourn Meeting** | ✓ | | | Majority | ✓ |
| **Refer to Committee** | ✓ | ✓ | ✓ | Majority | ✓ |
| **Postpone to a Later Time/Date** | ✓ | ✓ | ✓ | Majority | |
| **Table** | ✓ | | | Majority | |
| **Postpone Indefinitely** | ✓ | ✓ | ✓ | Majority | ✓ |

**PART THREE**

**TOWN COUNCIL POLICY MAKING PROCESS**

**Please note: This is a living document that is updated annually by the Town Council. The Goals will be updated at a Strategic retreat scheduled for January of 2024.**

## I. BIENNIAL GOAL SETTINGS POLICY AND PROCEDURES

The Town recognizes the importance of setting specific goals. Goals provide both a means of sorting out priorities, and a standard against which to measure effectiveness. More than any other determinant stated goals drive the budget. Goal setting is an integral part of the budget process.

The chart included in this section outlining the two-year election cycle fits well with a biennial goal setting cycle.

# Town of Warrenton Biannual FY24-FY25 Strategic Plan

## Mission Statement

In Cooperation With And For Our Citizens...

...The Mayor, Town Council and the Staff of Warrenton are dedicated to providing public safety, economic opportunity, and quality public services in an attractive, well-planned community with historic character for the benefit, enjoyment and accessibility of all.

## Vision & Value Statement

Provide high level services in a cost-effective manner; display honesty, respectfulness, and fairness in all relationships; support the health and economic well-being of our citizens and businesses; preserve our historic small-town character; encourage opportunities, services and infrastructure that allow people of all means to live, work and visit here; and address public concerns and opportunities promptly and effectively.

We recognize our Mission can be achieved only by the exchange of information and that through teamwork we can maintain an environment in which we can maximize our potential.

### Strategic Plan Goals and Focus Areas:

**Goal 1: Resiliency**

Goal Statement: Identify key actions and initiatives that will protect and promote a successful future for Warrenton in the areas of financial and workforce resources.

- **Financial**
  - Objective 1: Review current fiscal policies to determine if they are in the best interest of financial resiliency for Town operations.
    - Action Strategy: Following review, bring forward recommended policy changes for Council review.

- Objective 2: Create an economic development marketing strategy that includes a detailed retail retention and recruitment strategy.
  - Action Strategy: Evaluate the ability to hire an Economic Development Manager and Communications Manager to support this objective and bring it to fruition.
- **Workforce**
- Objective 1: Conduct a Compensation and Classification Study for all Town Staff.
  - Action Strategy: Report to Council the details and recommendations associated with the study conducted so that they may decide upon the best way to address identified weaknesses in the current structure.
- Objective 2: Conduct an Organizational Study of all town departments.
  - Action Strategy: Report to Council the details and recommendations associated with the study conducted so that they may decide upon the best way to address identified weaknesses in the current structure.

**Goal 2: Preparedness**

Goal Statement: Identifying key actions and initiatives that will protect and promote a successful future for Warrenton in the areas of technology and utility investments.

- **Technology**
- Objective 1: Implement infrastructure improvements that benefit town-owned community facilities.
  - Action Strategy: Evaluate our current IT infrastructure and initiate the process of addressing deferred maintenance.
- **Utilities**
- Objective 1: Maintain a reliable and sufficient quantity of wastewater treatment capacity and a sufficient quantity and quality of public water supply to meet the needs of expected long term residential and commercial growth.
  - Action Strategy: Utilize the Capital Improvement Program to address deferred maintenance issues.
- Objective 2: Implement robust maintenance schedules on community facilities to extend the life of investments.
  - Action Strategy: Develop a facility master plan for Town facilities to determine viable maintenance schedules that support their longevity.

## PART FOUR
## I. APPOINTMENTS

**Current as of January 2023**

| Board or Committee | Name | Residency | Term Expiration |
|---|---|---|---|
| **Architectural Review Board** | | | |
| Four Year Term | | | |
| Michael Beidler, AIA (Chair) | Michael Beidler, AIA (Chair)~~Steve Wojcik~~ | Architect[1]~~Town resident~~ | 12/31/2029~~6~~ |
| | Steven Wojcik (Vice Chair)~~Laura Bartee~~ | ~~Architect~~[2]Town Redisent | 12/31/2026 |
| | William Hemmingson~~Virginia Gerrish~~ | Town resident | 12/31/~~2026~~2029 |
| | Tim Burch~~Karen Lavarnway~~ | Town resident | ~~12/31/2025~~01/13/2030 |
| | John Scoggin~~John Thorsen~~ | Town resident | ~~12/32/2025~~01/13/2030 |
| **BOARD OF ZONING APPEALS** | | | |
| Five Year Term | | | |
| | Melea Maybach, Chair~~Amos Crosgrove~~ | Town resident | 12/31/2026 |
| | A. Van Baggett, Vice Chair~~Larry Kovalik~~ | Town resident | ~~12/31/2026~~03/14/2029 |
| | Susan Helander~~Melea Maybach~~ | Town resident | ~~12/31/2026~~06.19.2029 |
| | Kenneth "Charlie" Mulliss~~Betsy Sullivan~~ | Town resident | ~~12/31/2026~~03/14/28 |
| | Elizabeth D. Scullin~~Vacant~~ | ~~-~~Town resident | ~~-~~01/01/2031 |
| **Planning Commission** | | | |

[1] May or may not be a Town resident.
[2] ~~May or may not be a Town resident.~~

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Four Year Term

| | | |
|---|---|---|
| Darine Barbour, Chair~~Terry Lasher~~ | Town Resident | 12/31/2026 |
| Ryan J. Stewart, Vice Chair~~Darine Barbour~~ | Town Resident | 12/31/~~2026~~2028 |
| James Lawrence, Secretary~~James Lawrence~~ | Town Resident | 12/31/~~2024~~2028 |
| Steve Ainsworth~~Ryan Stewart~~ | Town Resident | 12/31/2028~~4~~ |
| Raeid Ebrahim ~~Steve Ainsworth~~ | Town Resident | 12/31/2029~~4~~ |
| ~~Vacant~~ David McGuire (Town Council Member) | ~~-~~Town resident | ~~-~~12/31/2026 |
| Vacant | - | - |

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**Appendix 2)** Staff Report Information

**Appendix 3)** Town Council Meeting Information Handout

**Appendix 4)** Town Council Meeting Draft Agenda information

**Appendix 5)** VML FOIA/ COIA handbook.

# WARRENTON TOWN COUNCIL HANDBOOK

**Town Council 2023-2024**

**H. E. Carter Nevill, Mayor**
**Heather D. Sutphin, Ward 1**
**William T. Semple II, Ward 2**
**Brett A. Hamby, Ward 3**
**James N. Hartman III, Ward 4, Vice Mayor**
**Eric Gagnon, Ward 5**
**David A. McGuire, At Large**
**Paul W. Mooney, At Large**

**V4 11.20.23 Updated as of November 2023**

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Appendix 5) VML FOIA/ COIA handbook.

# I. INTRODUCTION

This Handbook was prepared for you and is intended to describe the laws, rules, and practices by which the Warrenton Town Council operates. The Handbook includes excerpts from the Warrenton Town Charter and Code of the Town of Warrenton as well as the Code of the Commonwealth of Virginia, plus excerpts from the Handbook for Virginia Mayors & Council Members. Unless otherwise noted, the text of the Handbook is assumed to be Council established practices and procedures in addition to those established in law. The Handbook serves as a quick reference.

Sources are indicated as follows:

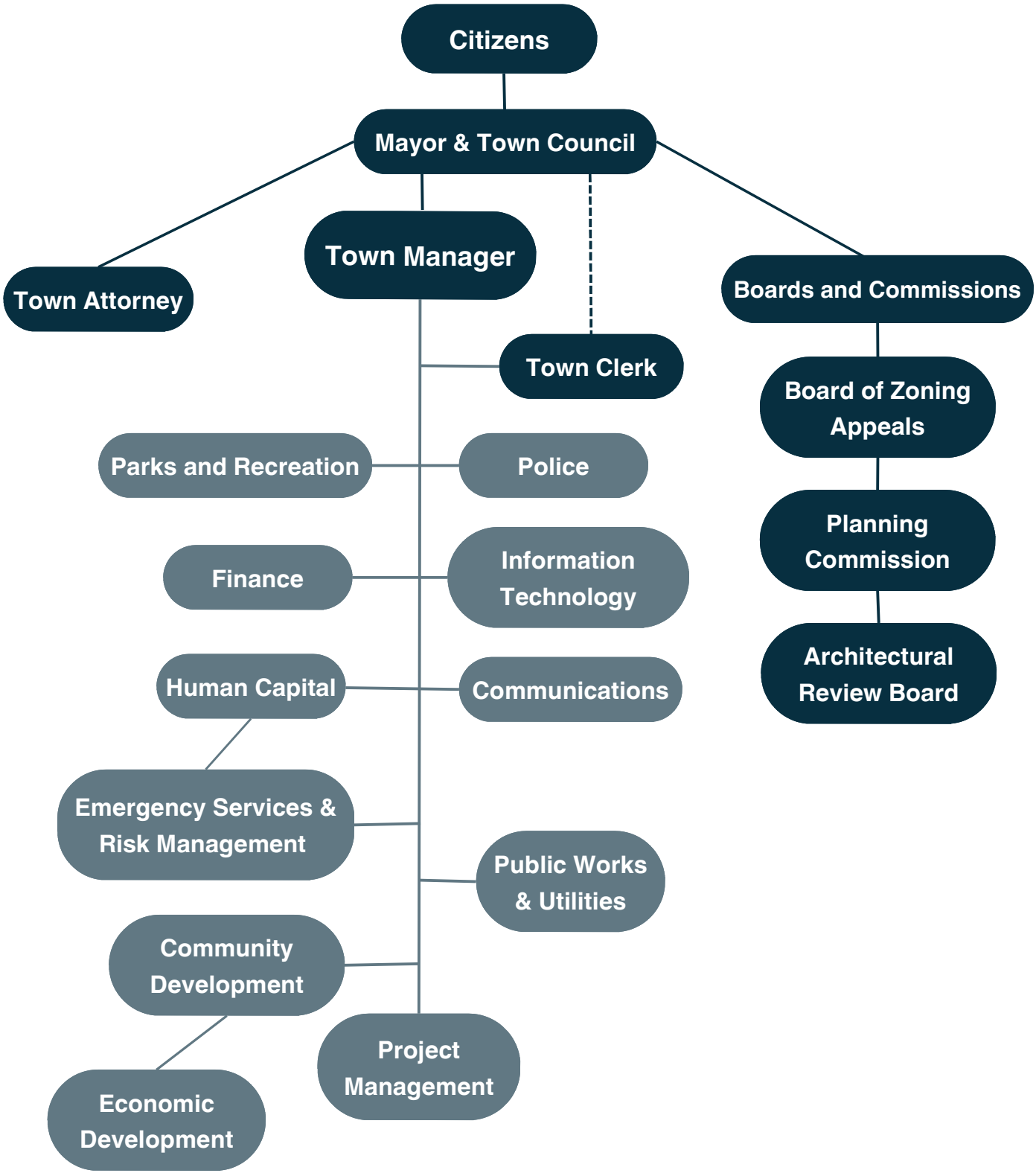
- Charter = Town Charter
- Code = Town Code
- RR = Robert's Rules of Order
- VML = Virginia Municipal League's Handbook for Mayors and Council Members
- VA Code = Code of Virginia

# II. WARRENTON TOWN COUNCIL OATH OF OFFICE

"I do solemnly swear I will support the Constitution of the United States and the Constitution of the Commonwealth of Virginia and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as a member of the Warrenton Town Council, for a term of four (4) years, according to the best of my ability, so help me God."

# Town of Warrenton

## Organizational Chart



# PART ONE

## TOWN COUNCIL STRUCTURE AND FUNCTIONS

### I. POWERS OF TOWN COUNCIL

Local Government powers are conferred on the elected Mayor and Town Council by the Commonwealth of Virginia and the people of Warrenton, Virginia. Powers are defined by the Charter of the Town of Warrenton, the Code of Virginia, and the Virginia Constitution. As interpreted by the Dillon Rule, localities are "tenants at will" of the state legislature and depend on the Virginia General Assembly for their operating authority.

### TOWN CHARTER

**Charter Sec. 2.1. - General grant of powers.**

The Town of Warrenton shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this Charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation.

In addition to the general rights and powers conferred on "towns" by the Code of Virginia, the Council has several powers specifically enumerated in its Charter, including the ability to:

- Fill vacant Council seats. Charter Sec.3.5
- Appoint/remove the Town Manager, Town Attorney, Town Recorder, and Town Clerk*. Charter Sec. 6.1, 3.7 and 3.8
- Possess the power of Eminent Domain pursuant to Title 15.2 of the Code of Virginia. Charter 2.5
- Enact a Conflict of Interest Act. Charter 4.6

## II. MAYOR AND VICE MAYOR DUTIES

### The Mayor

The Mayor is elected every four years by the people of Warrenton. The Mayor shall preside over the meetings of the Council and shall have the same right to speak therein as Councilmembers, however the Mayor shall not have the right to vote except in the case of a tie, in which event they shall be entitled to cast one vote. The Mayor shall be recognized as the head of the Town for all ceremonial purposes, the purposes of military law and the service of civil process. The Mayor serves as the presiding officer at Town Council meetings and performs other duties consistent with the office. The Mayor is recognized as the official head of the Town for:

- Participation in public ceremonies.
- Recognition by the courts for serving civil process.
- Recognition for ceremonial and military purposes.
- Signing and delivering of required or authorized documents and instruments. Charter Sec.5.2

### The Vice Mayor

The Vice Mayor is chosen by a majority of Councilmembers present at the first meeting of the Council, every two years, to possess the powers of and perform the duties of the Mayor in the absence or disability of the Mayor.

## III. FILLING MAYOR AND COUNCIL VACANCIES

The Charter addresses the filling of a Mayor or Council vacancy however in certain circumstances sections of the Code of Virginia my also apply. Legal counsel from the Town Attorney should be sought regarding this subject. Charter Sec. 3.5.

**Charter Sec. 3.5. Vacancies on council.**

Vacancies on the Council shall be filled for the unexpired portion of the term by a majority vote of the remaining members of the Council, if such vacancy shall occur two years or less before the date of expiration of such term. If the vacancy shall occur more than two years before the expiration of the term, the vacancy shall be filled by a majority vote of the remaining members of Council only until the next councilman election, at which election the qualified voters shall elect a person to serve as councilman for the remaining two years of the term. (1964, c. 47)

## IV. COUNCIL-MANAGER GOVERNMENT

Originating in 1908 with Staunton, Virginia's provision by ordinance for the appointment of a general manager, the Council-Manager plan has become the most widely accepted system of local government in the United States.

The plan is modeled after the American corporation, as opposed to the Mayor-Council plan which is modeled after the elected branches of government found in the U.S. Constitution.

In the Council-Manager plan, the governing body is composed of public-spirited citizens serving on a part-time basis to decide major policy issues, much in the same manner as the Board of Directors of a private corporation. The Mayor's role is to preside over Council meetings much like a Chairman of the Board. The Mayor and Councilmembers serve the interests of the citizens who elected them to office -- the stockholders of the corporation.

## V. THE TOWN MANAGER'S ROLE IN TOWN GOVERNMENT

The Town Manager, who is a professionally trained public administrator charged with implementing the policies and directives of Town Council, is the Town's Chief Administrative Officer. The Town Manager has broad administrative authority with strict rules prohibiting political interference in administrative matters. Likewise, the Town Manager refrains from participating in partisan political activities which would impair professional administration.

Town Council delegates broad administrative power to the Town Manager subject to its continuing review. Qualifications, powers, and duties of the Town Manager are provided for in Article VI of the Charter. Delegated duties include the ability to:

(a) To see that all laws and ordinances are enforced;

(b) To exercise supervision and control over all administrative departments and divisions;

(c) To attend all regular meetings of the Council, with the right to take part in the discussion, but having no vote;

(d) To recommend to the Council for adoption such measures as they may deem necessary or desirable;

(e) To execute all contracts on behalf of the Town;

(f) To prepare and submit to the Council the annual budget;

(g) To keep the Council advised as to the present and future needs of the Town and as to all operations of its government;

(h) To perform all such other duties as may be prescribed by the Charter or be required of him by the Council. (1964, c. 47).

While the Town Manager and Town Attorney serve at the pleasure of the Council, all other Town staff are employees of the Town Manager. Thus, neither the Council nor any of its members should direct or request the appointment or removal of officers and employees in the administrative service of the Town.

**Charter Article VI. The Manager**
6-1. Appointment.

There shall be a Town Manager who shall be the chief executive officer of the Town and shall be responsible to the Council for the proper administration of the Town government. They shall be chosen by the Council without regard to his political beliefs and solely on the basis of his executive and administrative qualifications. They shall be appointed for an indefinite period and shall hold office during the pleasure of the Council. (1964, c. 47)

§ 6-2. Employees.

The Town Manager shall appoint for an indefinite term the heads of all departments and all other officers and employees of the Town. The Manager shall have the power to remove any officer or employee appointed by him. (1964, c. 47)

## VI. COUNCIL/STAFF RELATIONSHIPS AND COMMUNICATIONS

Except for the purposes of inquiry and timely communication, the Council and its members should deal with that portion of administrative service for which the Manager is responsible through the Manager, and neither the Council nor any individual member should give orders or direction to any subordinate of the Manager, either publicly or privately. Any violation by a member of the Council should be brought to the immediate attention of the Council as a whole.

Information that would be difficult or time consuming to produce, however, or that relates to a current or future agenda item should be formally requested of the Town Manager, preferably during a Town Council meeting, rather than requested of an individual staff member. Work assignment and policy directions should come from the elected body as a whole and not from individual members. To avoid confusion and conflicting priorities, certain guidelines for Council/staff relationships must be followed. Councilmembers' initiatives generally fall into one of four categories:

**CATEGORIES OF STAFF INITIATIVES FROM COUNCIL (Department Heads)**

1. Requests for information readily available.
2. Follow-up for a constituent relative to a municipal problem or question.
3. Requests for information not readily available and requiring considerable staff time and research effort.
4. Initiation of a new priority or program.

Normally, Items 1 and 2 can be handled directly between the Town Councilmember and the department head. Items 3 and 4 should be channeled through the Town Manager. In the past, understanding and common sense have guided Council/staff relationships and difficulties have seldom developed.

If a Councilmember is less than satisfied with the channels of communication, that Councilmember should approach the Town Manager who will work to improve the flow of information to and from key staff members.

## VII. IMPLEMENTING THE WILL OF THE MAJORITY

Perhaps the most challenging aspect of Town Council/staff relationships arises when an issue lacks Council consensus. Once a vote is taken and the issue decided, however, Town Council speaks to the staff with a single voice. It is sometimes tempting for Councilmembers holding the minority view to pursue their viewpoint, first through staff and later with Council. Nevertheless, the Town staff must respond to the majority view, regardless of whether an individual Councilmember agrees, and regardless of whether the staff may agree. While staff may like to be responsive to each individual Councilmember, an impossible situation develops when staff is requested to accommodate a Councilmember apart from the Council-to-Manager-to-staff line of authority.

## VIII. ROLE OF THE TOWN ATTORNEY

The Code of Virginia and the Town's Charter require that a Town Attorney be appointed.

**Sec. 2-112. - Powers and duties generally.**

The town attorney shall have the management, charge and control of all legal affairs of the town and shall be the legal adviser of the town council or any committee thereof, town officers and the several departments of the town government. When required by the mayor or town manager, [the town attorney] shall furnish written or verbal opinions upon any legal affairs of the town.
(Code 1981, § 2-23)

## IX. ELECTRONIC COMMUNICATIONS

The widespread use of the electronic mail system (E-Mail) raises concerns over the appropriate communications among Councilmembers and between Council staff. All E-Mailcommunications among Councilmembers should be considered open to Freedom of Information Act inquiries. All E-Mail communications to and from staff members should be in accordance with established guidelines for staff inquiries.

There are occasions when Councilmembers communicate among themselves electronically. These communications constitute public records under FOIA and are subject to release under FOIA. Communications marked "confidential" are not shared with the general public or any individual not privy to confidential information. Merely marking a document "confidential," however, does not guarantee exclusion from FOIA and the document may be considered a public record subject to release under FOIA.

At the start of a Town Councilmember's term and at the request of the Town Councilmember, the Information Technology Department will provide an iPad for the member to use at home for the purpose of conducting business. In addition to the iPad, the Town will also establish an e- mail address at the Town and Internet access.

## X. COUNCIL REPRESENTATIVES ON VARIOUS COMMITTEES

The Town Council is represented on a number of committees and groups. These include ad hoc Town committees, VML policy committees, intergovernmental bodies, and various organizations in the community. Such representation is distinct from formal appointments to Boards and Commissions as provided in Part Four of this Handbook.

Representation originates in two main ways. Outside groups often invite the Council to participate in their activities. Alternatively, the Council as a whole, deeming its participation to be important, decides to send a representative to the committee or group.

See Part Four of this document for a current listing of Council representatives on committees.

## XI. CONFLICT OF INTEREST RULES

To ensure citizens that the judgment of public officers and employees is not compromised or affected by inappropriate conflicts, the General Assembly adopted the Virginia State and Local Government Conflict of Interest Act. Violation is a criminal offense. To keep standards of conduct uniform throughout the Commonwealth, no local government may regulate conflict of interest more strictly than the Virginia Code. The law requires all Councilmembers to:

- Disclose financial interests when appropriate.
- Refrain from contracting for business with the local government.
- Abstain from voting on items of personal interest that apply solely to the Councilmember or that prevent impartial voting.
- Not engage in unethical conduct, such as accepting anything of value or disclosing confidential information.

The Town Attorney and the local Commonwealth's Attorney are the proper persons to turn to for competent legal advice concerning conflict of interest questions. As a member of a local governing body, Councilmembers are entitled by statute to obtain a formal opinion from the local Commonwealth's Attorney. A Councilmember cannot be prosecuted for violating the Act if that Councilmember acts based on a written opinion of the Commonwealth's Attorney (assuming full disclosure of all the relevant facts). VML. Provisions of Virginia's Conflict of Interest Act concerning financial disclosure apply to councilmembers of all cities and towns with populations greater than 3,500 people.

## XII. STATEMENTS OF ECONOMIC INTERESTS AND DISCLOSURE OF REAL ESTATE HOLDINGS

Generally, in January of each year, the Town Clerk will supply a Statement of Economic Interests to members of Council. A Disclosure of Real Estate Holdings is provided to the Town Manager and members of boards and commissions as required by State Code. The required forms must be filed by February 1, respectively.

## XIII. CAMPAIGN FINANCIAL DISCLOSURE ACT

The Warrenton Town Council adopted the provisions of Chapter 9.3, Campaign Disclosure Act of 2006, Title 24.2, Elections, of the Code of Virginia, making the act apply with necessary changes to all elections for Town offices in the Town and to participants therein. (Warrenton Town Code, Chapter 2 (Administration), Section 2.23 (Campaign Financial Disclosure Act)

**Code Sec. 2-23 - Campaign Finance Disclosure Act.**

Code of Virginia, Chapter 9.3, Campaign Finance Disclosure Act of 2006, of title 24.2, Elections, as amended, shall be applicable to elections for town offices in the town pursuant to Code of Virginia, § 24.2-945, as amended.
(Ord. No. 2014-04, 12-9-14)

# IX. CODE OF ETHICS

The Town Council has adopted for itself the Code of Ethics. To the extent the Town's Code of Ethics conflicts with Virginia Law (e.g. Virginia State and Local Government Conflict of Interest Act, Virginia Freedom of Information Act), State Law shall prevail. The Town of Warrenton Code of Ethics follows:

## TOWN OF WARRENTON CODE OF ETHICS

The Town Council adopted the attached Code of Ethics at its meeting on August 9, 2016. The Code addresses how members will conduct themselves in an ethical manner to earn and maintain the public's full confidence for integrity.

The Code of Ethics is adopted for execution by each elected or appointed member of a Town public body, including the Mayor and Town Council Members, the Planning Commission, Board of Zoning Appeals and Architectural Review Board.

Preamble

The citizens and businesses of Town of Warrenton, Virginia, are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. In keeping with the Town of Warrenton's Commitment to Excellence, the effective functioning of democratic government therefore requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; that public officials be independent, impartial and fair in their judgment and actions; that public office be used for the public good, not for personal gain; and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Town of Warrenton Town Council has adopted this Code of Ethics for members of the Council and of the Town's boards, commissions, and committees to assure public confidence in the integrity of local government and its effective and fair operation.

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of the Town of Warrenton and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims, and transactions coming before the Town of Warrenton Town Council, boards, commissions, and committees.

2. Conduct of Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Town Council, boards, commissions, and committees, the staff or public.

3. Respect for Process

Members shall perform their duties in accordance with the processes and rules of order established by the Town Council and boards, committees, and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Town Council by Town staff.

4. Conduct of Public Meetings

Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

5. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

6. Communication

Members shall publicly share substantive information that is relevant to a matter under consideration by the Town Council or boards, committees and commissions, which they may have received from sources outside of the public decision-making process.

7. Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship that may give the appearance of a conflict of interest.

In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

8. Gifts and Favors

Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

9. Confidential Information

Members shall respect the confidentiality of information concerning the property, personnel, or affairs of the Town. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.

10. Use of Public Resources

Members shall not use public resources that are not available to the public in general, such as Town staff time, equipment, supplies or facilities, for private gain or personal purposes.

11. Representation of Private Interests

In keeping with their role as stewards of the public interest, members of the Council shall not appear on behalf of the private interests of third parties before the Town Council or any board, committee, commission or proceeding of the Town, nor shall members of boards, committees or commissions appear before their own bodies or before the Town Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

12. Advocacy

Members shall represent the official policies or positions of the Town Council, boards, commissions, or committees to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the Town of Warrenton, nor will they allow the inference that they do.

13. Policy Role of Members

The Town Council determines the policies of the Town with the advice, information and analysis provided by the public, boards, commissions, and committees, and Town staff. The Town Council delegates authority for the administration of the Town to the Town Manager.

Members therefore shall not interfere with the administrative functions of the Town

or the professional duties of Town staff; nor shall they impair the ability of staff to implement Council policy decisions.

In order to prioritize staff time, members shall not cause Town staff to spend more than one hour of time on any project without the specific approval of all Councilmembers in a majority vote in an open meeting, unless such time is the result of a closed session discussion involving duly authorized projects such as work on litigation, the sale or purchase of real property, etc. Any project requiring more than one hour by staff shall be brought to the attention of the Town Manager and Mayor who shall place the project for discussion on the next Town Council meeting's agenda.

14. Independence of Board and Commissions

Because of the value of the independent advice of boards, committees and commissions to the public decision-making process, members of the Town Council shall refrain from using their positions to unduly influence the deliberations or outcomes of board, committee, or commission proceedings.

15. Positive Workplace Environment

Members shall support the maintenance of a positive and constructive work place environment for Town employees and for citizens and businesses dealing with the Town. Members shall recognize their special role in dealings with Town employees and in noway create the perception of inappropriate direction to staff.

16. Implementation

As an expression of the standards of conduct for members expected by the Town, the Town of Warrenton Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientations for candidates for the Town Council, applicants to boards, committees and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understood the Town of Warrenton Code of Ethics. In addition, the Town Council, boards, committees and commissions, shall annually review the Code of Ethics and the Town Council shall consider recommendations from boards, committees and commissions to update it as necessary.

17. Compliance and Enforcement

The Town of Warrenton Code of Ethics expresses standards of ethical conduct expected of members of the Town Council, boards, committees and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards, committees and commissions and the Mayor have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics are brought to their attention.

The Town Council may impose sanctions on members whose conduct does not comply with the Town's ethical standards, such as reprimand, formal censure, loss of seniority or committee assignment, or budget restriction. Where allowed by law, the Town Council also may remove members of Town-appointed boards, committees and commissions from office.

A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Town Council, board, and committee or commission decision.

## PART TWO

# I. TOWN COUNCIL MEETINGS

The Warrenton Town Council meets for regular meetings in the Council Chambers at 21 Main Street, Warrenton, Virginia at 9:00 a.m. for a work session and 6:30 p.m. on the second Tuesday of each month. The Town Council may by resolution prescribe any public place or prescribe a day or time other than those established in this section, for a regular meeting of the Town Council.

Special meetings may be called at any time by the Mayor, the Town Manager, or any four members of the Council, and shall prescribe the method of giving notice thereof, provided such notice shall contain a statement of the specific item or items of business to be transacted, and no other business shall be transacted at such meetings except by the unanimous consent of all the members of Council; provided, however, that a special meeting may be held at any time without notice if all members of the Council attend said meeting or waive notice thereof. (1964, c. 47)

If the day established for a regular meeting falls on a legal holiday, that meeting shall be held on the next duty day at 6:30 p.m. in the Council Chambers Building.

- Public Hearings as required by law or Council policy. Public hearings may cover subjects such as proposed budgets, proposed Comprehensive Plan amendments, rezoning and special exceptions.
- Reports and Recommendations from Town Manager, Town Attorney and departments.
- Ordinances and Resolutions which are legal instruments whereby Council establishes public policy either in the form of local laws (ordinances) or formal statements of fact and intent (resolutions).

# II. OPEN MEETING LAW

The Virginia Freedom of Information Act (FOIA) generally requires that all meetings of the Council as well as most other public bodies, such as Planning Commissions, Boards of Zoning Appeals, School Boards, Redevelopment and Housing Authorities, be open to the public. It is important to note that committees appointed by Council or any other public body subject to the FOIA must also be open to the public. Therefore, all committees appointed by Council, whether composed of selected members of Council or of non-council persons or a mixture, and regardless of number are subject to the FOIA's public meeting requirement. Section 2.2-3702. of the Act states that public officials shall read and familiarize themselves with the provisions of the Virginia Freedom of Information Act.

The FOIA provides that in order to constitute a "meeting" a quorum must be present. Therefore, FOIA applies to regular meetings as well as gatherings of three or more Councilmembers **where Town business is discussed**. Likewise, FOIA also applies to regular meetings as well as gatherings of members of any committee or subcommittee appointed by or from Council where the business of such committee or subcommittee is discussed and where a quorum of such committee or

subcommittee is present. Except in the case of a committee or subcommittee consisting of at least four members (where a quorum would be three members), a meeting or gathering of two or more committee or subcommittee members at which the business of such committee or subcommittee is discussed constitutes a meeting covered by FOIA.

FOIA requires that Council and committees and subcommittees appointed by Council give advance written notice of every meeting to every citizen, including news media, who has requested to receive such notice. Council may require that the requests for notice be renewed annually. In addition, copies of agendas and materials distributed to Council must be simultaneously made available for public inspection. Unless exempted by the FOIA, all materials must be made available to the public. The Town Clerk typically handles the notice requirement to media for Council.

Information packets are posted electronically approximately one week before the council meeting to Councilmembers and are made available to the public and press. Minutes must be kept of all meetings of Council, including work sessions and informal meetings at which no official action is taken. Votes are recorded in the minutes of the meeting. Secret ballots are prohibited by the Code of Virginia.

## III. CLOSED MEETINGS

Meetings of the Council shall be open to the public except when the public welfare requires Closed Meetings. A Town Council or committee may go into Closed Meeting and exclude the public for certain stated reasons. More than 20 items are exempted from the Freedom of Information Act and may be discussed in a closed meeting. Closed Meeting issues typically involve:

- Personnel VA Code § 2.2-3711.1
- Property VA Code § 2.2-3711.3
- Legal briefings VA Code § 2.2-3711.7

The procedure for convening a Closed Meeting is as follows:

(1) While in public session, a majority of Councilmembers must approve a motion to go into Closed Meeting. The motion must include the reason and a citation of the specific code section containing the FOIA exemption allowing the Closed Meeting. Exclusions are located in Section 2.2-3705.1 of the Virginia Code.

(2) While in the Closed Meeting, Councilmembers may discuss only the subject mentioned in the motion.

(3) Certify by recorded vote, after Council completes the Closed Meeting and returns to public session, that all the discussion in closed meeting was appropriate under the law. (See Code of Virginia text below.)

**Code of Virginia Section 2.2-3712**

"Now, therefore, be it resolved that the Town Council of Warrenton hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia Law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed of considered by the Town Council of Warrenton."

## IV. SETTING THE MEETING AGENDA

All meeting agenda items which require formal Council action are placed on the agenda for consideration. The agendas for meetings are finalized and taken public approximately one week prior to the meeting. If an item involves a legal matter, it should be submitted in sufficient time to allow a review by the Town Attorney.

Councilmembers should forward requests for agenda items to the Town Manager and the Mayor at least three weeks prior to a work session. Department directors submit agenda items to the Town Manager to be included at the Manager's discretion on the agenda depending on the topic and its importance. The Town Clerk is responsible for preparing and distributing the agenda. (See samples of information and guidelines sheet and agendas in the appendixes.

## V. MAYOR AS PRESIDING OFFICER

The Mayor presides at every meeting of the Council and at the hour appointed, calls the Council to order, provided a quorum is present. The Mayor signs various ordinances and resolutions on behalf of the Council. All legislative actions are certified by the Town Recorder.

The Mayor preserves order and, with the assistance of the Town Attorney and Town Clerk, speaks to and decides all points of order. The Mayor has control of the Council Chamber and the connecting halls and corridors. In case of a disturbance or disorderly conduct, the Mayor may order the same to be cleared.

The Vice Mayor presides in the Mayor's absence. Warrenton Town Code Section 2.36.

## VI. ORDER OF BUSINESS

1. Call to Order
2. Invocation
3. Pledge of Allegiance to the United States of America (1954)
4. Citizen Comments
5. Proclamations and Recognitions
6. Approval of the Agenda

7. Public Hearings
8. Consent Agenda
9. New Business
10. Unfinished Business
11. Town Attorney's report
12. Town Manager's report
13. Council Member's time
14. Adjournment

## VII. PUBLIC PARTICIPATION IN COUNCIL MEETINGS

The public is invited to speak on all public hearing items. The public is also permitted to speak on any topic not listed as a public hearing item during the "Citizens Time" portion of the meeting. The Chair will recognize all speakers, who shall state their name and address for the record; have up to three minutes to address council; and may only address Council once on each topic unless called back by the Chair at the request of Council.

**Citizen's Time:** Individuals may address the Council on any matter not listed on the agenda as a public hearing. This is Their time to address the Council and share what's important to them. Each speaker has up to three minutes to address Council. When called to the podium, speakers should state their name and address for the record. Copies of written statements and supporting materials should be given to the Town Clerk for the record. The Mayor will establish the order of speakers and will maintain decorum. Citizen's Time is not designed as a question-and-answer session or a debate.

**Public Hearings:** Formal proceedings held to hear from the public on a specific topic. All public hearings are advertised prior to the scheduled hearings, and the notices indicate where citizens can obtain information pertinent to matters scheduled for public hearings. Applicants, or representatives of the applicant, will be allowed to introduce information regarding the matter advertised for public hearing. Public hearings are intended to enable citizens to influence the public decision process based on prior research and discussions with appropriate public officials and to address only those issues pertinent to the matters advertised for public hearing. Public hearings are not question and answer sessions or debates, and all statements should be addressed to the Town Council.

## VIII. ORDINANCES AND RESOLUTIONS

A copy of each ordinance or resolution is included in the Warrenton Town Council agendas.

No ordinance can be passed, or resolution adopted that appropriates money, levies taxes and licenses without a two- thirds vote of Council Members. Virginia State Code § 15.2-1427.

# IX. ELECTRONIC PARTICIPATION

The electronic participation in meetings is governed by Virginia State Code § 2.2-3708.3. A Resolution was passed at a special meeting on November 7th, 2022, updating the policy.

***Town Policy – Remote electronic participation in meetings.***

*It is the policy of the Town Council of the Town of Warrenton that individual Town Council Members may participate in meetings of the Town Council by electronic means as permitted by Virginia State Code § 2.2-3708.3. This policy shall apply to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.*

*Whenever an individual member wishes to participate from a remote location, the law requires a quorum of the Town Council to be physically assembled at the primary or central meeting location, and there must be arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location. The reason that the member is unable to attend the meeting and the remote location from which the member participates must be recorded in the meeting minutes.*

*Automatic Approval with Vote if Challenged.*

*Individual participation from a remote location shall be approved unless such participation would violate this policy of the provisions of the Virginia of Freedom of Information Act. IF a member's participation from a remove location is challenged, the Town Council of the Town of Warrenton shall vote whether to allow such participation. If the Town Council of the Town of Warrenton votes to disapprove of the member's participation because of such participation shall be recorded in the minutes with specificity.*

# X. ORGANIZATIONAL MEETINGS

The biennial organizational meeting of the Council is traditionally at the first regular meeting in January every other year. The last organizational meeting was held in January 2023. The first order of business is for Council to consider a resolution adopting the schedule of meetings for the Town Council and to consider a resolution electing a vice mayor for the electing term.

# XI. RULES OF CONDUCT DURING COUNCIL MEETINGS

Robert's Rules of Order is the classic statement of present-day parliamentary procedure. Familiarity with and use of Robert's Rules provides the means whereby the affairs of the Council can be controlled by the general will of the members. Council meetings can proceed in a controlled and predictable manner, allowing the business of the citizens of Warrenton to be handled in a direct, constructive, and democratic manner. The following rules of conduct are adapted from the pages of Henry M. Robert's time-honored book and merit the Council's special attention.

## PROCEDURES FOR SMALL BOARDS

Since the Town Council is relatively small compared with other organizations using Robert's Rules, some of the procedural formality can be dispensed with. The following Procedures for Small Boards from Robert's Rules is modified for use by the Warrenton Town Council. Modifications to Robert's Rules for Small Boards are noted in italics.

- While members are required to obtain the floor before making motions or speaking, they may do so while seated. (Text normally reads that members are not required to obtain the floor beforehand.)
- Motions must be seconded. (Text normally reads, "Motions need not be seconded.")
- No limit is placed on the number of times a member may speak to a question. However, motions to close or limit debate may be entertained. (Text normally reads that such motions "should not be entertained.")
- Informal discussion of a subject is permitted while no motion is pending. It is normally expected, however, that discussion will follow a motion on the floor.
- Sometimes when a proposal is perfectly clear to all present, a vote can be taken without a motion having been introduced. Unless agreed to by general consent, however, all proposed actions of a board must be approved by vote under the same rules as other assemblies, except that a vote can be taken initially by a show of hands. Normally, the ayes and nays on any question must be recorded. Code Sec. 2-29.
- The chairman can speak in discussion without rising or leaving the chair, can make motions, and votes on all questions.

## MEMBER CONDUCT

Every member who wishes to speak must first respectfully address the Mayor / Chair, and not proceed until recognized by the Mayor / Chair. They will confine themselves to the immediately pending question and avoid mentioning all personalities. No member shall address the Chair out of his place, nor interrupt another without the consent of the member who has the floor, except when making a point of order.

The member upon whose motion is subject to debate is first entitled to the floor and is entitled to close debate after each member who wishes to speak has been allowed to do so.

## COUNCIL VOTING

In most instances, the affirmative vote of a majority of the members elected to Council present at a regular or special meeting at which a quorum is present and voting shall be necessary to adopt any ordinance, resolution, or pass other matters presented to the Council. Four members constitute a quorum. However, some ordinances and resolutions appropriating money, imposing taxes or authorizing the borrowing of money shall only pass by a recorded affirmative vote of a majority of all Councilmembers. In some cases, as prescribed by Code, a super majority of all Councilmembers

may be required. Every member present at a Council meeting when a question is put shall give his vote, unless excused by the Chair. All votes are recorded in the minutes of the meeting. Secret ballots are prohibited.

After a vote is announced, no member shall change his vote without the consent of the Council. The right to change a vote shall be limited to the current meeting and not continue for any subsequent.

## KEY PASSAGES FROM ROBERTS RULES

Several key passages are included to help familiarize Councilmembers with Robert's Rules. The Town Clerk and Town Attorney serve as the parliamentarian of the Council and should be consulted on the proper application of Robert's Rules and applicable laws.

**Obtaining the Floor (RR § 3).** Before a member can make a motion, or address the Council in debate, it is necessary that they obtain the floor -- that is, they must address the presiding officer by official title, thus, "Madame Mayor, Mayor or Mayor Smith." If the member is entitled to the floor, the chair recognizes them by name.

**Main Motions (RR § 4).** A motion is made by a member obtaining the floor and saying, "I move that," and then stating the proposed action. Typically, no member can make two motions at a time except by general consent. Main motions, which introduce business, take precedent over nothing. That is, they cannot be made when another question is before the assembly. Privileged, incidental, and subsidiary motions may be made while a main motion is pending.

That the motion be stated by the chair for the benefit of the Council and audience. The fact that a motion has been made does not put it before the Council. The chair alone can put a motion before the Council. The chair must either rule the motion out of order or state the question so that all may know the immediately pending question.

**Debate (RR § 7).** After a question has been stated, it is before the Council for consideration and action. All but a few motions are subject to debate. Debate must be limited to the merits of the immediately pending question -- that is the last question stated by the Chair. Speakers must address their remarks to the Chair, be courteous in their language, avoid all personalities, and never allude to the motives of members.

**Amendments (RR § 33).** Amendments may be made on all motions except those listed by Robert's Rules.

The motion to amend is made in a form similar to this: "I move to amend the resolution by inserting (or striking or substituting) the word 'very' before the word 'good';" or simply "I move to insert (or strike or substitute) 'very' before 'good'."

An amendment can be amended itself, but this "amendment to an amendment" cannot be amended.

In other words, an amendment of the third degree would be too complicated and is not in order.

An amendment of a pending question requires only a majority vote for its adoption, even though the question to be amended requires higher threshold (ex., two-thirds or unanimous vote).

Robert's Rules lists a number of improper amendments in Section 33, including ones that are not germane to the question being amended, or are identical to questions previously decided.

**Reconsideration of a motion (RR § 36).** A motion to reconsider a previous vote must be made by one who voted with the prevailing side. Normally, a reconsideration motion can only be made on the day that the original vote was taken, or on the day of the next succeeding Council meeting. The motion to reconsider cannot interrupt pending business. However, as soon as the pending item is disposed of, it can be called up with preference over other main motions and general orders.

**Rescind, Repeal, or Annul (RR § 37).** Any vote taken by the Council, except those listed by Robert's Rules, may be rescinded by a majority vote, provided notice has been given at the previous meeting or in the call for this meeting. When no notice is given, a two-thirds vote or majority vote of the elected Council is required.

The motion to rescind can be applied to votes on all main motions. It is itself a main motion without any privilege, and therefore can only be introduced when there is nothing else before the assembly. It may be made by any member, and is debatable.

Among the votes that Robert's Rules specifies cannot be rescinded are ones that occur:

- After something has been done because of that vote that the Council cannot undo; or,
- Where it is in the nature of a contract and the other party is informed of the fact; or,
- Where a resignation has been acted upon.

# XII. QUICK REFERENCE CHART

| | Must be Seconded | Open for Discussion | Can be Amended | Vote Count Required to Pass | May be Reconsidered or Rescinded |
|---|---|---|---|---|---|
| **Main Motion** | ✓ | ✓ | ✓ | Majority | ✓ |
| **Amend Motion** | ✓ | ✓ | | Majority | ✓ |
| **Limit Debate** | ✓ | | ✓ | ⅔ Supermajority | ✓ |
| **Close Discussion** | ✓ | | | ⅔ Supermajority | ✓ |
| **Recess** | ✓ | | ✓ | Majority | |
| **Adjourn Meeting** | ✓ | | | Majority | ✓ |
| **Refer to Committee** | ✓ | ✓ | ✓ | Majority | ✓ |
| **Postpone to a Later Time/Date** | ✓ | ✓ | ✓ | Majority | |
| **Table** | ✓ | | | Majority | |
| **Postpone Indefinitely** | ✓ | ✓ | ✓ | Majority | ✓ |

# PART THREE

## TOWN COUNCIL POLICY MAKING PROCESS

**Please note: This is a living document that is updated annually by the Town Council. The Goals will be updated at a Strategic retreat scheduled for January of 2024.**

### I. BIENNIAL GOAL SETTINGS POLICY AND PROCEDURES

The Town recognizes the importance of setting specific goals. Goals provide both a means of sorting out priorities, and a standard against which to measure effectiveness. More than any other determinant stated goals drive the budget. Goal setting is an integral part of the budget process.

The chart included in this section outlining the two-year election cycle fits well with a biennial goal setting cycle.

# Town of Warrenton Biannual FY24-FY25 Strategic Plan

## Mission Statement

In Cooperation With And For Our Citizens...

...The Mayor, Town Council and the Staff of Warrenton are dedicated to providing public safety, economic opportunity, and quality public services in an attractive, well-planned community with historic character for the benefit, enjoyment and accessibility of all.

## Vision & Value Statement

Provide high level services in a cost-effective manner; display honesty, respectfulness, and fairness in all relationships; support the health and economic well-being of our citizens and businesses; preserve our historic small-town character; encourage opportunities, services and infrastructure that allow people of all means to live, work and visit here; and address public concerns and opportunities promptly and effectively.

We recognize our Mission can be achieved only by the exchange of information and that through teamwork we can maintain an environment in which we can maximize our potential.

### Strategic Plan Goals and Focus Areas:

**Goal 1: Resiliency**

Goal Statement: Identify key actions and initiatives that will protect and promote a successful future for Warrenton in the areas of financial and workforce resources.

- **Financial**
  - Objective 1: Review current fiscal policies to determine if they are in the best interest of financial resiliency for Town operations.
    - Action Strategy: Following review, bring forward recommended policy changes for Council review.

- Objective 2: Create an economic development marketing strategy that includes a detailed retail retention and recruitment strategy.
  - Action Strategy: Evaluate the ability to hire an Economic Development Manager and Communications Manager to support this objective and bring it to fruition.
- **Workforce**
- Objective 1: Conduct a Compensation and Classification Study for all Town Staff.
  - Action Strategy: Report to Council the details and recommendations associated with the study conducted so that they may decide upon the best way to address identified weaknesses in the current structure.
- Objective 2: Conduct an Organizational Study of all town departments.
  - Action Strategy: Report to Council the details and recommendations associated with the study conducted so that they may decide upon the best way to address identified weaknesses in the current structure.

**Goal 2: Preparedness**

Goal Statement: Identifying key actions and initiatives that will protect and promote a successful future for Warrenton in the areas of technology and utility investments.

- **Technology**
- Objective 1: Implement infrastructure improvements that benefit town-owned community facilities.
  - Action Strategy: Evaluate our current IT infrastructure and initiate the process of addressing deferred maintenance.
- **Utilities**
- Objective 1: Maintain a reliable and sufficient quantity of wastewater treatment capacity and a sufficient quantity and quality of public water supply to meet the needs of expected long term residential and commercial growth.
  - Action Strategy: Utilize the Capital Improvement Program to address deferred maintenance issues.
- Objective 2: Implement robust maintenance schedules on community facilities to extend the life of investments.
  - Action Strategy: Develop a facility master plan for Town facilities to determine viable maintenance schedules that support their longevity.

# PART FOUR
## I. APPOINTMENTS

**Current as of January 2023**

| Board or Committee | Name | Residency | Term Expiration |
|---|---|---|---|
| **Architectural Review Board** | | | |
| Four Year Term | | | |
| | Steve Wojcik | Town resident | 12/31/2026 |
| | Laura Bartee | Architect[1] | 12/31/2026 |
| | Virginia Gerrish | Town resident | 12/31/2026 |
| | Karen Lavarnway | Town resident | 12/31/2025 |
| | John Thorsen | Town resident | 12/32/2025 |
| **BOARD OF ZONING APPEALS** | | | |
| Five Year Term | | | |
| | Amos Crosgrove | Town resident | 12/31/2026 |
| | Larry Kovalik | Town resident | 12/31/2026 |
| | Melea Maybach | Town resident | 12/31/2026 |
| | Betsy Sullivan | Town resident | 12/31/2026 |
| | Vacant | - | - |
| **Planning Commission** | | | |
| Four Year Term | | | |
| | Terry Lasher | Town Resident | 12/31/2026 |
| | Darine Barbour | Town Resident | 12/31/2026 |
| | James Lawrence | Town Resident | 12/31/2024 |
| | Ryan Stewart | Town Resident | 12/31/2024 |
| | Steve Ainsworth | Town Resident | 12/31/2024 |
| | Vacant | - | - |
| | Vacant | - | - |

[1] May or may not be a Town resident.

# APPENDIX

**Appendix 1)** Warrenton Plan 2040

**Appendix 2)** Staff Report Information

**Appendix 3)** Town Council Meeting Information Handout

**Appendix 4)** Town Council Meeting Draft Agenda information

**Appendix 5)** VML FOIA/ COIA handbook.

EXPERIENCE WARRENTON VIRGINIA EST. 1810

ADOPTED COPY APRIL 13, 2021

# PLAN WARRENTON 2040



# ACKNOWLEDGMENTS

*The Town of Warrenton would like to acknowledge the dedication and commitment to the individual citizens, students, teachers, business owners, merchants, property owners, non-profits, and community partners who participated in the process of updating the Comprehensive Plan. In addition, the Town would like to thank Fauquier County, the Rappahannock-Rapidan Regional Commission, and the Virginia Department of Transportation for participating in the planning process. Special thanks to the PATH Foundation for their support of the Complete Streets and Walkability Audit components.*

*Town Council*

*Carter Nevill, Mayor*
*Renard Carlos, At-Large*
*Sean Polster, At-Large*
*Heather Sutphin, Ward 1*
*William Semple, Ward 2*
*Brett Hamby, Ward 3*
*James Hartman, Ward 4*
*Kevin Carter, Ward 5*

*Planning Commission*

*Susan Rae Helander, Chair*
*Ali Zarabi, Vice Chair*
*Gerald Johnston*
*James Lawrence*
*Mark Moore*
*Ryan Stewart*

*Comprehensive Plan Steering Committee*

*Chris Coutts*
*Doug Larson*
*Jim Lawrence*
*John W. McCarthy*
*Kirsten Dueck*
*Marie E. Washington*
*Melanee Montalvo*
*Fauquier County Community Development Staff*

*Urban Development Area Steering Group*

*Roy Anderson*
*Trey Austin*
*Merle Fallon*
*Susan Helander*
*Nick Kalis*
*Brian Larson*
*Joe Martin*
*John McAuliff*
*Brian Roeder*
*Kevin Roop*
*Ryan Stewart*
*Walter Story*
*Pablo Teodoro*
*John Thompson*

*Town of Warrenton Staff*

*Brandie Schaeffer, Town Manager*
*Whit Robinson, Town Attorney*
*Frank Cassidy, Community Development Director*
*Denise Harris, Planning Manager*
*Rob Walton, Zoning Administrator*
*Millie Latack, Preservation Planner*
*Kelly Machen, Zoning Planner*
*Stephanie Miller, Director of Finance and Human Resources*
*Paul Bernard, Assist. Public Works / Public Utilities Director*
*Michael Kochis, Chief of Police*
*Rodney Woodward, Warrenton Volunteer Fire Company*
*Timothy Carter, Deputy Chief of Police*
*Edward Tucker, Former Public Works / Public Utilities Director*
*Margaret Rice, Former Director Parks and Recreation*

Michael Baker INTERNATIONAL

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# MAYOR'S MESSAGE 2040

*"We are a sum of our past, we are the hope of our future, all rolled into one, and we can see that every day when we walk down the streets of Warrenton. Whether its in Old Town, or going down to the WARF, or walking the streets in our neighborhoods. It is a genuine, sincere community, and it is defined by the people, and the place where we live.*

***THIS IS YOUR TOWN,***
***THIS IS YOUR NEIGHBORHOOD,***
***AND THIS IS YOUR PLAN."***

**- Mayor Carter Nevill**

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# EXECUTIVE SUMMARY 2040

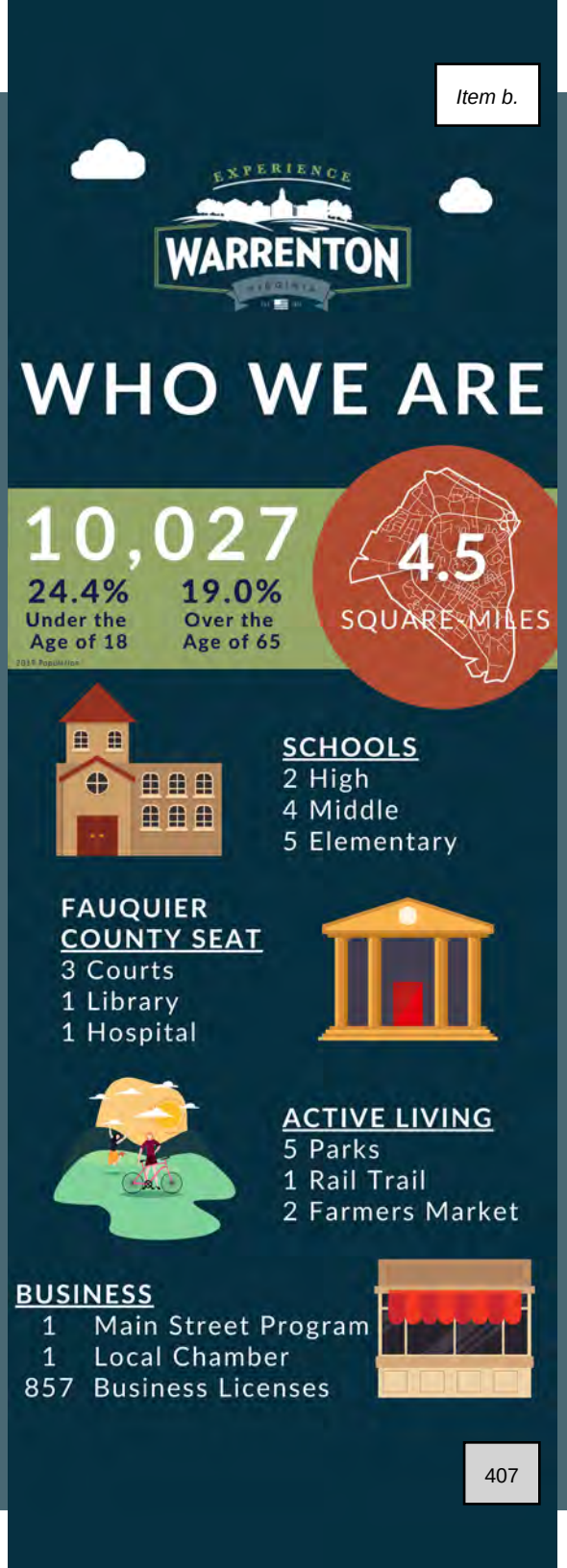
# Introduction

*The Plan Warrenton 2040 was adopted in one of the most challenging years of recent history. The international pandemic of COVID-19 impacted fundamental aspects of personal and community life calling into question how people live, work, go to school, and recreate. It threw into high relief how our communities are designed to support, or fail to support, the needs of a functioning economy through infrastructure and public spaces. Simply, the pandemic exposed our collective community strengths and challenges.*

*Communities do well if they have the preparedness and flexibility to respond quickly to the changing nature of the environment. Communities who lay the groundwork for strategic investments can weather the many types of u n foreseen storms. A comprehensive plan serves its greatest purpose in these instances. Plan Warrenton 2040 begins with recognition of the nexus between planning, economic resiliency, and public health. This plan is built on the premise that the physical, mental, social, and economic health of our community reaches into all aspects of our quality of life. These central themes have already been instilled in our community from the passage of the Healthy Eating Active Lifestyle (HEAL) Resolution by the Town Council in 2015, the Walkability Audit and Complete Streets Guide in 2017, the Fiscal Impact Model of 2019, the Robert Wood Johnson Culture of Health nomination, and the Eva Walker Park Master Plan in 2021.*

*Plan Warrenton 2040 lays out a vision that enhances these themes and protects the character of the Town of Warrenton, while it works to anticipate a rapidly changing future due to technological advancements and the prolonged impacts of the pandemic. The plan focuses on the elements of community to maintain a standard of living. Public spaces, a notable goal in previous Comprehensive Plans, are now a necessity for the mental, physical, and social health of our residents. Opening the built environment of the Town's assets and right-of-way is essential for the economic health of our business and food supply. Further necessity of multi-modal, active transportation has become more apparent as people seek a means to safely leave their residences after working from home or learning virtually. The shifting demands on water, sewer, and telecommunications infrastructure become apparent as society begins to reallocate how and where it spends its time. Perhaps most importantly, the design of our community needs to support the needs of all residents and businesses through elements like attainable housing to encourage resident diversity and retention. These elements of community allow Warrenton to positively respond to the needs of its residents, ensuring that even through change we are still Warrenton: a community that deeply cares for all its members.*

*While no one can yet state with certainty the long-term shifts in behavior the pandemic will have on communities, the goals and objectives remain the same. Plan Warrenton 2040 seeks to capture the community spirit to ensure the Town is the best Warrenton it envisions for itself during the greatest and most trying of times.*



## WHAT IS A COMPREHENSIVE PLAN?

**A Comprehensive Plan is a holistic, aspirational vision to guide future decisions of the Town of Warrenton.**

The Code of Virginia §15.2223 states the Comprehensive Plan's purpose is to guide and accomplish a coordinated, adjusted and harmonious development, keeping in accordance with present and probable future needs and resources, to best promote the health, safety, morals, order, convenience, prosperity and general welfare of the residents, including the elderly and persons with disabilities. The Comprehensive Plan is to be general in nature, in that it designates the general or approximate location, character, and extent of features. Plan Warrenton 2040 serves as the official document tying together community features with the overall vision for its future.

## WHAT IS PLAN WARRENTON 2040?

Plan Warrenton 2040 is the outcome of thoughtful conversations throughout the community. It contains a vision of equity for its residents, a high quality of life for the community, and fiscal vibrancy for the businesses. The vision contains three drivers that serve as the backbone of the seven topical elements.

DRIVERS

### Community Character

*Community Character seeks to preserve and enhance the identity and quality of life in Warrenton as a place for everyone to meet, talk, and be neighborly; as a place that is interconnected, human scaled, and walkable; as a place, historic and new, that combines aesthetic form, development patterns, and amenities that ensure the heritage of the Town is honored for current and future generations.*

### Community Health

*Community Health prioritizes social, physical, environmental, and mental health through policies and equitable investments that promote personal well-being, fiscal strength, and a strong community fabric through a safe, vibrant, and thriving community.*

### Economic & Fiscal Resilience

*Economic and Fiscal Resilience cultivates entrepreneurial opportunities by leveraging community-based assets, in conjunction with integral geographic and regional relationships, to attract high quality investors, creating a resilient multi-faceted fiscal base that provides residents the ability to live and work in the community.*

TOPICAL ELEMENTS




**Historic Resources**
Preserve the place making features that continue to give the Town its unique identity, its character, and its feeling of home.

**Community Facilities**
Strategic investments in accessible community facilities improving health and overall quality-of-life for a diverse community.

**Housing**
Preserve established residential neighborhoods, while expanding housing options to ensure inclusive, attainable housing for all ages, incomes, and needs. Create walkable communities with shared open space developments compatible with existing uses in scale and character.

**Open Space, Parks, & Environment**
Boast a network of open spaces to strengthen community health, protect the natural environment, and maintain the aesthetic and image of Warrenton as a critical element of Town character.

**Transportation & Circulation**
Strategic investments for a safe, vibrant, and interconnected multi-modal transportation network.

**Economic & Fiscal Resilience**
Encourage a community where people may choose to live and work with a robust economy that cultivates entrepreneurial opportunities for a diverse and talented workforce.

**Land Use & Character Districts**
Expand amenity options within character districts and existing neighborhoods to improve quality-of-life and maintain community character.

## HOW COMPREHENSIVE PLANS ARE IMPLEMENTED

Plan Warrenton 2040 sets the overall guidance for informed decisions, while the Virginia State Code identifies several methods for implementation of goals and strategies. Comprehensive plans are to be aspirational to communicate an agreed upon future form for the Town. The implementation tools are developed and updated to carry out the goals of the community. Below are a few of these implementation documents.

## ZONING ORDINANCE

Zoning ordinances regulate the use of land within a locality and provide an official zoning map. This document details the allowable uses properties are entitled to utilize, the specifics to how the built environment will be structured (size, height, area, bulk, location, etc), the requisite areas and dimensions of the land and required elements, and identifies how localities may grant changes to these modifications.

## SUBDIVISION ORDINANCE

The purpose of the Subdivision Ordinance is to establish reasonable and desirable subdivision standards and procedures for the Town of Warrenton. These regulations apply to all divisions of land into parcels or adjustments to the boundaries of parcels within the Town. This document incorporates a Public Facilities Manual that applies to all utilities constructed, including transportation, stormwater, water, and sewer.

## HISTORIC DISTRICT GUIDELINES

The Historic District Guidelines provide the framework for consistent decision-making by elaborating upon the Zoning Ordinance's goal to identify, protect and preserve the buildings within historic district boundaries. The Secretary of Interior's Standards for Treatments of Historic Properties, in conjunction with the goals and strategies of the Comprehensive Plan, provide the framework for this important document.

## CAPITAL IMPROVEMENT PLAN

The Capital Improvement Program (CIP) provides for an orderly implementation of short and long range plans for construction of Capital Improvement Projects and Land Acquisition. It further provides for the scheduling of the associated expenditures over a period of many years. The first year of the program represents the proposed Capital Budget for the upcoming fiscal year.

## TOWN CODE

The Town Code is adopted by localities to enable the codification of ordinances. Related to the goals of Comprehensive Plan it enforces licensing, noise, how business is conducted, and a number of items specific to public streets, water, and sewer.

## OTHER DOCUMENTS

While the Comprehensive Plan provides a "high level" set of goals and strategies, more focused efforts produce site, topical, or area specific objectives. For example, the Eva Walker Park Master Plan speaks to the long term improvements envisioned and specific to that public space. The Broadview Safety Improvement Project contains the engineered design to fulfill the Smartscale grant. Roll Out Warrenton and Warm Out Warrenton serve as examples of providing opportunities that seek to support the business community.

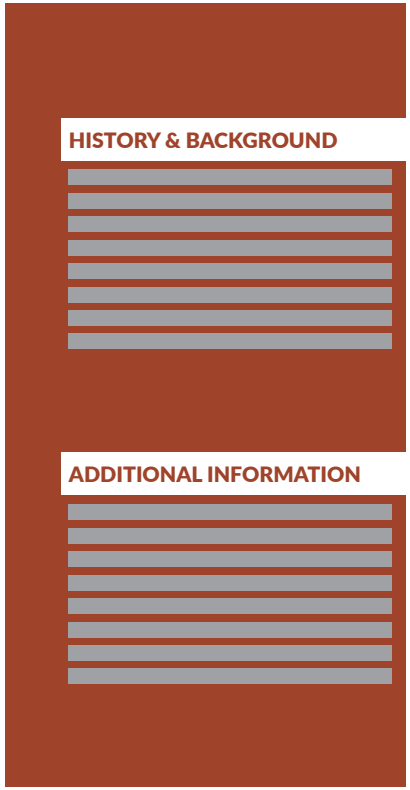
## ADOPTION BY REFERENCE

Plan Warrenton 2040 includes the adoption of documents that were previously developed and produced as part of this process or in the same timeframe. Documents adopted by reference into the Comprehensive Plan include:

- Complete Streets Guidance Report (Toole Design Group, September 2017)
- Walkability Audit Report (Toole Design Group, September 2017)
- Urban Development Areas (Town Council Adopted March 13, 2018)
- Plan Warrenton 2040 Background Report
- Demographic and Housing Analysis White Paper (RKG Associates, February 1, 2020)
- Fiscal Sustainability Analysis White Paper (RKG Associates, February 1, 2020)
- Economic Base White Paper (RKG Associates, February 1, 2020)
- Character Districts Design Guide Book Plan Warrenton 2040 Hyperlink
- Density Bonus Recommendations Plan Warrenton 2040 Hyperlink
- Eva Walker Park Master Plan (Town Council Adopted February 9, 2021)

## HOW TO USE THIS PLAN

Decision makers, staff, and the community should look to this document as a guide for important policies and land use decisions. It serves to inform budgeting and Capital Improvement Plans, regulatory documents, and legislative actions. The vision and goals, with the Future Land Use and Transportation maps, serve to coordinate the harmonious development of the Town's current and future needs to best promote the prosperity and general welfare of all its residents.




### HYPERLINKS

Each section will have a sidebar like this one to the left. The white bars are clickable hyperlinks that will pull up more information for each title subject.

Any words formatted like the example below are also clickable hyperlinks embed in the text for quick references.

**EXAMPLE**

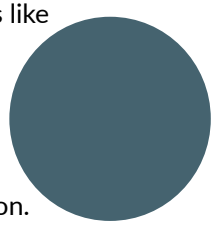
### METRICS

Each section will have a metrics sidebar like below that lists markers to tract progress of Comprehensive Goals with successful implementations in Town.




### ROLLOVERS

If you find a dot that looks like this one, rollover with you mouse for quick information.



## OTHER TOWN PLANS AND RESOURCES

Plan Warrenton 2040 builds upon, and works in conjunction with, many other documents in the Town to support the vision. Throughout this document, hyperlinks are included to allow the reader to do a "deeper dive" into topical areas. Many of these documents are adopted on their own or serve as informational data points that are updated throughout time. They are not adopted in this official plan unless specifically stated. This structure allows for the long-term vision and goals to stay consistent, while the associated regulatory documents, small area plans, and data may be to be updated as needed on sho time horizons.

## PUBLIC INPUT

Plan Warrenton 2040 sought out innovative public outreach while also building upon words the community have spoken throughout previous planning efforts. It began with the simple premise that the adults of today hold our Town's future in trust for our children. Almost 25% of Warrenton's residents are under the age of 18. Yet, as Planning Magazine wrote "*…young people sometimes fly under the radar even though they are a huge part of our communities and have very different needs, perspectives – and tech skills – than their parents and grandparents.*" Warrenton decided to correct this in the Student Postcard Project by asking the youth ages 5-18 what they valued today and for the future. The over 1,000 students who participated have different needs and different perspectives, yet the values proved similar to the adults in the community:

- Community Gathering Spots
- Walkability
- Accessibility
- Age Friendly
- Sense of Place

After a reception presenting the voice of the youth, the larger community was invited to contribute to the conversation. The "This is Your Town, Your Neighborhood, Your Plan" video, linked on page 11, encouraged residents and businesses to add their voice to the developing vision and goals. Public outreach was conducted in multiple formats, across multiple groups. Warrentonians provided their unique perspectives by attending meetings, taking surveys, and participating in workshops to help shape the Town's future. Listening to the whole community, across spectrums of age, income, background, gender, and employment, creates a vision to equitably serve the entire community. Plan Warrenton 2040 seeks to ensure ALL its residents are afforded a high quality of life.



2016
# STUDENT POSTCARD PROJECT

Students of Warrenton schools were asked to draw the Town now and what they hoped it would look like in 2040. Throughout the document there will be some of these "postcards" of Warrenton with insight on what our youngest residents find important.

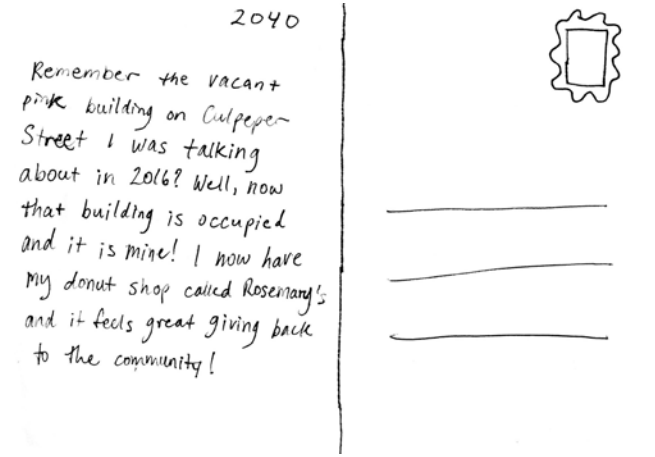





















## BACKGROUND REPORT

2018 analysis of the 2002 Warrenton Comprehensive Plan and subsequent planning, including an analysis of existing conditions and external influences outside the Town boundaries.

## PUBLIC COMMENT SURVEYS

Response data from a public survey released in 2019 for community input on Town needs and enhancements.

Click here to watch

# Let Your Voice Be Heard

Produced for the Town of Warrenton 2040 Comprehensive Plan









# Plan Warrenton 2040 Vision : Your Town, Your Neighborhood, Your Plan

Warrenton in 2040 is a vibrant historic town with a strong sense of place. Families, retirees, students, young people just starting out, professionals, and business entrepreneurs live here because we have great pride in our community character, a healthy community and quality of life, and are economically strong and resilient.

Warrenton in 2040 has great neighborhoods, historic character and charm, community facilities and places to gather that reflect distinct architecture, and human-scaled design and housing options to meet people's needs at different stages of life.

Warrenton in 2040 is a healthy community with a thriving arts and cultural scene, well designed parks and open spaces for all citizens, access to local foods, interconnected trails, educational options, and nearby wellness services. Our residents enjoy safe streets and the ability to enjoy a 10-minute walk, bike ride or local bus trip to their favorite Town park, shopping area or other destination. Commercial corridors are thriving economically and support a mix of transportation modes designed to make them walkable and accessible.

Our Town is fiscally sound, and we provide a high level of services and public amenities for our citizens and visitors to enjoy.

Warrenton is recognized nationally as one of the best places to live, work and visit in the Virginia Piedmont region.

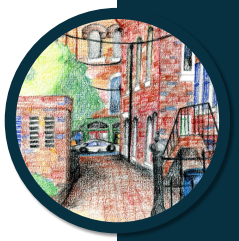
We are thriving as the county seat of Fauquier, where we have a clustering of jobs in government services, healthcare, education, tourism, non-profits, high-tech and specialty trades. We attract visitors to our Town that enjoy authentic experiences derived from our historic resources, recreational and wellness assets, local art, and local foods. People visit us for a day or stay for the weekend to escape the hustle and bustle of other parts of the region. We are a place where people want to be in 2040 and for a lifetime.







## HISTORIC RESOURCES GOALS



**HR-1:** Conserve, reuse, and promote historic resources to enhance the Town's sense of place and grow the economy.

**HR-2:** Preserve the authenticity and tell the stories of historic resources for generations to come through documentation.

**HR-3:** Educate the community on the value of historic resources.

**HR-4:** Enhance the environment through preservation and sustainability best practices.

**HR-5:** Protect the rich histories of existing neighborhoods.

**HR-6:** Promote asset-based economic development through historic resources.

## COMMUNITY FACILITIES GOALS



**CF-1:** Serve as the central inviting public service center for Town and County residents with a proportionate share of community services provided by other governments, including a fair and reasonable balance in funding sources for community facilities.

**CF-2:** Public safety services and policies are viewed as amongst the best in similar Virginia towns for the responsiveness, community trust, and effectiveness.

**CF-3:** Green infrastructure and sustainability are incorporated into community facilities to promote energy efficiency and environmental protections.

**CF-4:** Ensure healthy, safe, adequate water and wastewater services.

**CF-5:** To provide a fiscally responsible infrastructure that maintains a high quality of life for residents, supports current businesses, and attracts new employers with a stable tax structure.

**CF-6:** Identify telecommunications facility locations to ensure a broad range of communications services that also respect the character and viewsheds of the Town.

## HOUSING GOALS



**H-1:** Ensure equitable, attainable housing opportunities across residents of all ages, incomes, and abilities by catering to the needs of a diverse community, including young families, professionals early in their careers, essential workforce, and those entering retirement.

**H-2:** Character Districts will accommodate a balance of available housing typologies that are compatible to existing neighborhoods in scale, character, and transition.

**H-3:** Preserve existing neighborhoods and promote infill that supports the character and heritage of Warrenton.

**H-4:** Create regional partnerships to address and enhance attainable housing supply.

## OPEN SPACE, PARKS, & ENVIRONMENT GOALS



**P-1:** Preserve, enhance, and protect the environmental, scenic, and natural quality of the Town.

**P-2:** The Town of Warrenton's Parks, Open Space, and Environment serve as key elements to the Town's public health

**P-3:** infrastructure. All Town residents will have the opportunity to access its recreational assets and natural resources, including public spaces and recreational amenities.

**P-4:** Create a long-term approach to the development of parks, recreation, and open space in the Town of Warrenton.

## TRANSPORTATION & CIRCULATION GOALS



**T-1:** Improve multi-modal capacity and safety that encourages trips by walking, bicycling, and transit.

**T-2:** Enhance the traveling experience by creating great streets.

**T-3:** Promote livability in the Town by creating great places where residents and visitors feel welcome and safe.

**T-4:** Provide an equitable and connected Multi-Modal Network.

## ECONOMIC & FISCAL RESILIENCE GOALS



**E-1:** Grow a strong, diversified, and resilient economy that supports residents and businesses alike.

**E-2:** Increase the employment base to allow residents to live and work in Warrenton.

**E-3:** Promote Warrenton as a cultural, entertainment, and arts center.

**E-4:** Support Character Districts as unique mixed-use neighborhood centers.

**E-5:** Be proactive in the Town's Economic Development.

## LAND USE & CHARACTER DISTRICTS



**L-1:** Organize Land Use According to Character Districts in select areas and protect existing neighborhoods.

**L-2:** **Old Town Character District:** The Old Town Character District will include a mix of infill and new mixed-use development that is designed to maintain, preserve, reuse, and renovate Old Town's historic character.

**L-3:** **New Town Character District:** The New Town Character District will support the revitalization of the commercial shopping malls with a walkable development pattern that includes a mix of uses, green space and public amenities, as well as provide a location for a major employer.

**L-4:** **Health and Wellness Character District:** The Health and Wellness Character District will support and promote a mix of uses that are health related, such as workforce housing, medical and emergency services and aging in-place related uses.

**L-5:** **Greenway and Makers District Character District:** The Greenway and Makers District will be promoted as the southern gateway into the Town and maintain the critical linkages between education, civic uses, and the surrounding neighborhoods, as well as the remaining industrial uses located in the Town.

**L-6:** **Experience Broadview Character District:** The Experience Broadview Character District will maintain and enhance the existing commercial corridor with mixed use residential nodes to serve as transitions to adjacent neighborhoods.



PLAN WARRENTON 2040

# HISTORIC RESOURCES

"My favorite place in Warrenton is the [Old] Jail Museum. I love historical things. I like hearing what it was like back in the old days." *Brittan, Age 9*




*Main Street, 2019.*

## Vision

**In the 21st Century, Warrenton's historic fabric will be the place-making feature that continues to give the Town its unique identity, its character, and its feeling of home. Residents and visitors alike will appreciate the unique and distinctive heritage of this place while understanding the Town's historic fabric is what makes Warrenton, Warrenton.**

**The Town and property owners will work toward a common goal of preserving the historic built environment for current and future generations, knowing their efforts will strengthen Warrenton's neighborhoods, complement place-based economic development, encourage local economic growth, promote equity of its residents, and conserve natural resources.**

**Key aspiration related to vision include:**

- **Conserve, reuse, and promote historic resources to enhance the Town's sense of place and grow the economy through economic activity.**

# GOALS

## HR-1: Conserve, reuse, and promote historic resources to enhance the Town's sense of place and grow the economy.

### POLICIES & STRATEGIES

**HR-1.1:** Maintain the Historic District Guidelines to ensure relevant information is available by correlating modern building materials, preservation practices, and other forms of legislation.

**HR-1.2:** Create a Historic Preservation Plan to define the Town's long-range historic resource goals and implementation standards.

**HR-1.3:** Update the Zoning Ordinance to complement Historic District Guidelines and Preservation Plan.

**HR-1.4:** Reward responsible property owners by streamlining the permitting process.

**HR-1.5:** Incentivize investment of responsible property owners through maintenance programs and tax incentive education.

**HR-1.6:** Explore all viable options to preserve and maintain historic resources, regardless of whether in the Local or National Historic District.

## HR-2: Preserve the authenticity and tell the stories of historic resources for generations to come by thorough documentation.

### POLICIES & STRATEGIES

**HR-2.1:** Maintain an accurate inventory of historic resources that stays current with the Period of Significance and integrates with the Town's Geographic Information System (GIS).

**HR-2.2:** Update the National Register of Historic Places nomination to align with the local Historic District boundaries.

**HR-2.3:** Identify potential new historic resources that are eligible under the Period of Significance.

## HR-3: Educate the community on the value of historic resources.

### POLICIES & STRATEGIES

**HR-3.1:** Promote the Architectural Review Board as a resource for the entire community to consult on matters of materials, scale, massing for preservation, and new build best practices.

**TOWN HISTORY & DEVELOPMENT**

Outline of the Town development over 200 years and the background related to policies and information for historic resources.

**WARRENTON HISTORIC DISTRICT**

Updated information regarding the formation and development of the National and Local Warrenton Historic Districts, their relation to Town wide resources, and community importance.

**VDHR VCRIS DATABASE**

External link to the Virginia Department of Historic Resources VCRIS Database listing all Historic District surveys.

**HISTORIC NEIGHBORHOODS**

Descriptions of assessed historic neighborhoods with historic background and images where available.

**HR-3.2:** Provide information to the community on federal, state, and local economic incentives available to help finance rehabilitation and restoration.

**HR-3.3:** Raise awareness of cultural and historic resources through awards programs, heritage related signage, events and tours, and training.

## HR-4: Enhance the Environment Through Preservation and Sustainability Best Practices.

### POLICIES & STRATEGIES

**HR-4.1:** Update the Historic District Guidelines and Zoning Ordinance to keep pace with emerging energy saving technologies promoted by the U.S. Secretary of the Interior.

**HR-4.2:** Encourage adaptive reuse of historic buildings to reduce new carbon footprints and resource consumption.

**HR-4.3:** Educate property owners on LEED Certifications when rehabilitating structures.

## HR-5: Protect the Rich Histories of Existing Neighborhoods.

### POLICIES & STRATEGIES

**HR-5.1:** Explore a Historic Gateway Corridor Overlay District.

**HR-5.2:** Creation of new local historic districts in appropriate existing neighborhoods within the period of significance to protect from demolition and provide review for by-right new builds.

**HR-5.3:** Help property owners preserve the historic building stock through maintenance programs.

**HR-5.4:** Ensure all infill is context sensitive and respects the existing character of the surrounding area.

## HR-6: Promote Asset-Based Economic Development Through Historic Resources

### POLICIES & STRATEGIES

**HR-6.1:** Encourage heritage tourism showcasing the Town's unique cultural resources.

**HR-6.2:** Partner with the Town's Main Street organization and other entities to strengthen economic opportunities highlighting the Town's historical, arts, and culinary assets for placemaking events.

**HR-6.3:** Conserve the natural and market-built landscape to encourage investments and job creation in historic resources.

## METRICS

1. **The creation of a comprehensive survey, including all parcels with both the National and Local historic significance.**
2. **Submission of a successful National Register of Historic Places district nomination update or expansion, approved by the Virginia Department of Historic Resources and the National Parks Service.**
3. **Complete a reconnaissance-level survey of historic-age resources throughout the Town.**
4. **Town sponsorship of one or more cultural resource training event(s) per year.**
5. **Review, revise, and amend the Warrenton historic preservation ordinance.**
6. **Initiate the Historic Gateway Corridor Overlay District through a zoning ordinance.**
7. **The completion of a stand-alone Historic Preservation Plan.**

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PLAN WARRENTON 2040

# COMMUNITY FACILITIES

"The [police] are important because if something goes wrong, they will be there. Also, in the mornings they give you free breakfast." *Ashleigh, Age 9*




*Warrenton Volunteer Fire Department, 2019.*

## Vision

**In 2040 Warrenton residents and visitors alike benefit from strategic investments in accessible community facilities located throughout the Town that meet the 2040 vision of providing a high quality of life to a diverse community. Community facilities play an important role in a healthy, safe, and connected community. Recognizing Town residents are also County residents, in 2040 County facilities continue to be integrated into the fabric of the Town of Warrenton, providing economic benefits to reinforce the Town's vibrant small-town appeal, while promoting the Town's health by connecting assets and building on an economic and fiscal resilience strategy.**

**Key aspirations related to this vision include:**

- **Foster high-quality, equitable, and accessible community facilities that meet the Town's service requirements and support a high quality of life for the community.**
- **Make responsible and strategic community facility investments that support the Town's vision for a live/work community, sustaining its fiscal well-being and economic resiliency.**
- **Promote sustainability in all Town-owned facilities.**
- **Reinforce the role of County community facilities into the Town fabric**
- **Promote livability through properly located Town services, schools, libraries, courts, and County administrative functions.**
- **Support the connection of residential dwellings to public water and sewer.**
- **Provide a high quality of life to capture economic benefits through diverse businesses, employers, and residences.**

# GOALS

## CF-1: Serve as the central, inviting public service center for Town and County residents with a proportionate share of community services provided by other governments, including a fair and reasonable balance in funding sources for community facilities.

### POLICIES & STRATEGIES

**CF-1.1:** Foster high-quality, equitable, and accessible community facilities that meet the Town's service requirements and support a high quality of life for the community.

**CF-1.2:** Locate in person customer-serving facilities in high-visibility areas and incorporate design elements that speak to the character of the Town. Use technology and electronic capabilities to promote efficiencies for services.

**CF-1.3:** Ensure that community facilities are accessible to persons in all stages of life and all abilities.

**CF-1.4:** Encourage and strengthen a sense of community and the character of Warrenton through the design and appearance of public facilities.

**CF-1.5:** Encourage the use of community facilities and grounds for community events and public functions.

**CF-1.6:** Provide efficient, right-sized community facilities that meet identified levels of service.

**CF-1.7:** Address space needs in a cohesive partnership with the County, courts, and other agencies.

**CF-1.8:** Emphasize the retention of key economic driving facilities such as, County courts, library, school and administration offices, as well as the Post Office.

**CF-1.9:** Continue to promote Fauquier Hospital and Fauquier County as a contributor to the Health and Wellness Character District.

**CF-1.10:** Implement infrastructure improvements that benefit county-owned community facilities.

**CF-1.11:** Identify synergy between the Town's and County's Capital Improvement Programs and the infrastructure priorities in areas that serve Town residents like libraries, schools, and social services.

**CF-1.12:** Encourage schools to retain their presence in Town in walkable, safe, environmentally appropriate locations.

## CF-2: Public safety services and policies are viewed as amongst the best in similar Virginia towns for the responsiveness, community trust, and effectiveness.

### POLICIES & STRATEGIES

**CF-2.1:** Maintain accepted level of service in terms of staffing and response times.

**CF-2.2:** Incorporate security measures designed to be unobtrusive but affording protection for citizens and users alike at community built and electronic facilities.

**CF-2.3:** Partner with County on their space and operational needs for the Sheriff's Office, Joint Communications, and Fire Rescue and Emergency Management.

**CF-2.4:** Identify and provide new substation and public safety facilities as new development/redevelopment occurs.

**CF-2.5:** Continue cooperative agreements with the County for public safety needs.

## CF-3: Green infrastructure and sustainability are incorporated into community facilities to promote energy efficiency and environmental protections.

### POLICIES & STRATEGIES

**CF-3.1:** Promote energy efficiency, green infrastructure, pervious surfaces, and healthy building environments in all community facilities and parking lots through a Green Infrastructure and Facilities Program. Leverage green infrastructure and ecosystem services as key economic and health benefits to the Town.

**CF-3.2:** Prioritize energy and water conservation and waste reduction in community facilities.

**CF-3.3:** Promote the use of third-party building certification systems such as Leadership in Energy and Environmental Design (LEED) in the design of public facilities.

**CF-3.4:** Where appropriate, encourage the design of community facilities in a multi-story configuration to reduce building footprints.

**CF-3.5:** Encourage water conservation and adopt new technologies to conserve water in the Town's administrative buildings.

**CF-3.6:** Promote use of native and water-conserving landscaping in the design of community facilities.

**CF-3.7:** All public facilities and utilities should be designed and developed so as to limit environmental degradation and protect the public environment. Safegaurd floodplain and environmentally critical areas through the prohibitions against public facility development.

**CF-3.8:** Minimize impervious areas in new developments and future road construction projects, thereby reducing stormwater flows and impacts to the Municipal Separate Storm Sewer System program.

## CF-4: Ensure healthy, safe, adequate water and wastewater services.

### POLICIES & STRATEGIES

**CF-4.1:** Maintain a reliable and sufficient quantity of wastewater treatment capacity and a sufficient quantity and quality of public water supply to meet the needs of expected long term residential and commercial growth.

**CF-4.2:** Meet the future infrastructure needs through careful planning and acquisition of required permits.

**CF-4.3:** Reduce Infiltration and Inflow (I&I) and promote sustainability within the wastewater infrastructure system.

**CF-4.4:** Ensure that the fee/rate structure is consistent with water and wastewater capital works expenditure to ensure financial operating capacity of the public works department.

**CF-4.5:** Evaluate and update the Town of Warrenton – Fauquier County Master Water and Sewer Plan's Tri-Party Agreement as needed, creating a regional strategy for future needs, and reevaluating the Town boundaries in relationship to its service areas.

**CF-4.6:** Continue installing smart metering systems to identify user demands and optimize the load on the water system.

**CF-4.7:** Explore policies that give credits for development that use water conservation practices and reduce water consumption.

**CF-4.8:** Explore resources to help property owners and promote connection to public water and sewer within the Town boundaries.

## CF-5: To provide a fiscally responsible infrastructure that maintains a high quality of life for residents, supports current businesses, and attracts new employers with a stable tax structure.

### POLICIES & STRATEGIES

**CF-5.1:** Implement robust maintenance schedules on community facilities to extend the life of investments.

**CF-5.2:** Support the Town's current and future population through the provision of timely and comprehensive community facilities.







## METRICS

1. Development and maintenance of community facilities that meet the needs of the existing and future populations.
2. Increase of community facilities provision consistent with the LOS guidelines.
3. County, court, and school buildings that meet space needs while maintaining a Town address.
4. Construction of sustainable LEED-certified projects.
5. Increase patronage and promote greater user value for community facilities.
6. Invest in walkability improvements, transportation accessibility and linkages.
7. Increase in private developer interest in the Town.
8. Number of households or total population served by water and wastewater facilities.
9. Reduce I&I each year.
10. Number of buildings or developments with water conservation techniques or technologies installed.



22

**CF-5.3:** Anticipate and provide community resources where needed.

**CF-5.4:** Evaluate broadband to provide reliable high-speed broadband service to customers to attract residents and businesses and support civic, social, and educational purposes.

## CF-6: Identify telecommunications facility locations to ensure a broad range of communications services that also respect the character and viewsheds of the Town.

### POLICIES & STRATEGIES

**CF-6.1:** Survey and determine potential locations of future telecommunication facilities that address needs.

**CF-6.2:** Locate facilities in a manner that is compatible with adjacent and nearby uses and in conformance with federal, state, and county requirements and procedures for review and approval of such facilities.

**CF-6.3:** Prioritize and encourage wireless network deployment in a manner that protects the Town's historic resources, scenic byways, recreational amenities, visual landscape, natural resources.

**CF-6.4:** Prioritize and encourage the collocation of wireless facilities on any existing buildings or structures, such as the water tower.

**CF-6.5:** Develop new wireless structures only if it can be shown that no alternative location or co-location on existing structure is possible, that there is a justified need for service, and if service cannot be provided in any other way.

The hierarchy of preferred new telecommunication facilities, from most desirable to least, is:

1) co-location antenna on existing tower

2) co-location antenna on existing buildings or structures not a tower

3) non-concealed antenna on existing building or structures not a tower

4) concealed support structure

5) an un-concealed support structure (prohibit guyed and lattice towers)

**CF-6.6:** New telecommunication structures are prohibited in the Historic District.

## METRICS

**11. Develop a plan addressing the telecommunications infrastructure and broadband that meets the needs of the community and preserves community character.**

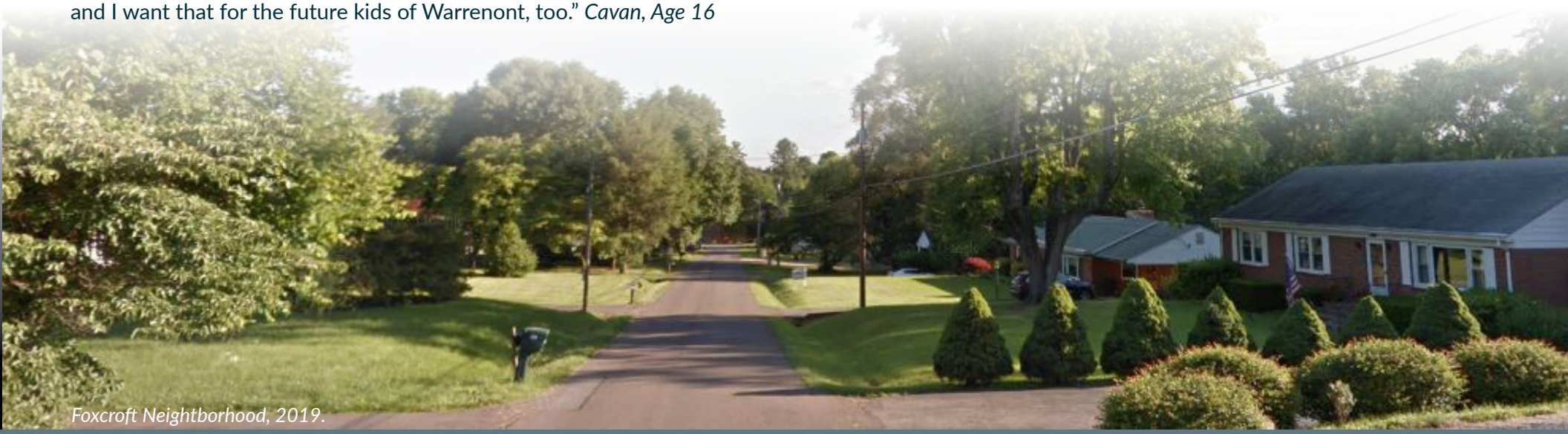
**12. Implementation of Green Infrastructure and Facilities program.**

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PLAN WARRENTON 2040

# HOUSING

"I want Warrenton to be like it is today with a few additions [in 25 years]... Warrenton has become a great place for me to grow up and go to school and I want that for the future kids of Warrenont, too." *Cavan, Age 16*



*Foxcroft Neightborhood, 2019.*

## Vision

**In 2040, Warrenton will have inclusive and attainable housing for all ages, incomes, and needs that is compatible with existing Town character to create walkable communities with shared open space and a sense of place.**

**Existing housing stock is improved and maintained to preserve established residential neighborhoods, while expanding housing options in Character Districts to ensure that the Town supports infill development that contributes to the Town's small town feeling where neighbors know their neighbors.**

**Key aspirations related to this vision:**

- **Allow for housing types that cater to the needs of a diverse community: include young families, professionals early in their careers, essential workforce (e.g. teachers and police officers), and those entering retirement.**
- **Design new housing developments as walkable interconnected communities with shared open spaces, creating a sense of place.**
- **Promote Character Districts as the place to accommodate a range of housing typologies. Place an emphasis on physical form of the housing (e.g. number of stories, building profile, and appropriate transitions to adjoining neighborhoods), while protecting the character of existing residential neighborhoods.**

# Housing Recommendations

When considering implementation, conventional zoning that separates land uses and measures development intensities by dwelling units per acre (DU/AC) is not compatible with a vision of mixed-use, walkable neighborhoods with a range of housing types. The Character Districts use physical form rather than a separation of uses as the organizing

principal, providing a framework for the implementation of middle-range housing. For each Character District, the number of stories, setbacks, and range of design elements (such as exterior materials, terraces, stoops, awnings, etc.) are articulated to provide the Town with options to ensure its small-town character and friendly street frontages are maintained

Middle-range housing types are similar in form and scale to detached, single-family homes, but with more units, they often vary dramatically in their densities, making them impossible to regulate with a traditional dwellings-per-acre density-based system. For example, four (approximately 750 square foot) bungalow court homes cannot become part of a single-family residential zoning district that allows one 2,400 square foot home on a 10,000 square foot lot. The dwelling units per acre would be significantly higher than what is typically allowed in this zoning district. If the density requirements for a zoning district are revised accordingly, the chances are high that a typical multi-family building will be built. Setting district standards based on form (e.g., height, setbacks) rather than density offers flexibility to achieve the middle-range housing types desired by current and potential future residents. Specific zoning recommendations for middle-range housing types are provided in the Goals and Stretegies section of this chapter.

## Missing Middle Housing Options



# GOALS

## H-1: Ensure equitable, attainable housing opportunities across residents of all ages, incomes, and abilities by catering to the needs of a diverse community, including young families, professionals early in their careers, essential workforce, and those entering retirement.

### POLICIES & STRATEGIES

**H-1.1:** Encourage development of the "Missing Middle" housing types beyond traditional single-family homes, townhouses, and apartments by updating the Zoning Ordinance to create a beneficial mix.

**Accessory Dwelling Unit (Carriage House or ADU)**

An accessory structure typically located at the rear of a lot providing space for a small residential unit, home office, or other small commercial or service use. This unit could be above a garage or at ground level.

**Duplex: Side-by-Side**

A small to medium-sized structure that consists of two dwelling units, one next to the other, both of which face and are entered from the street.

**Duplex: Stacked**

A small to medium-sized structure that consists of two dwelling units, one on top of the other, both of which face and are entered from the street.

**Fourplex**

A medium-sized structure that consists of four units: typically, two on the ground floor and two above often with a shared entry.

**Bungalow Court**

A series of small, detached structures providing multiple units arranged to define a shared court that is typically perpendicular to the street. The shared court takes the place of a private rear yard and is an important community-enhancing element.

**Courtyard Apartments**

A medium to large-sized structure consisting of multiple side-by-side and/or stacked dwelling units accessed from a courtyard or series of courtyards. Each unit may have its own individual entry or up to three units may share a common entry.

**Townhouse**

A small to medium-sized structure consisting of two to eight (usually) attached single-family homes placed side by side.

**Multiplex Apartment**

A medium structure that consists of five to 10 side-by-side and/or stacked dwelling units, typically with one shared entry or individual entries along the front.

**Live/Work**

A small to medium-sized attached or detached structure consisting of one or two dwelling units above or behind a flexible ground-floor space for residential, service, or retail uses. Both the primary ground-floor flex space and the second unit are owned by one entity.

EXISTING CONDITIONS & BACKGROUND
WHAT IS ATTAINABLE HOUSING?
RANGE OF HOUSING TYPES
Fruther definition for what a range in housing type looks like and how it interacts with the community.
DEMOGRAPHIC & HOUSING ANALYSIS
White Paper analysis identifying demographic and housing information on the Town.
ZONING RECOMMENDATIONS
PREVIOUS STUDIES & TOWN INITIATIVES
REGIONAL HOUSING STUDY
DENSITY BONUS RECOMMENDATIO

**H-1.2:** Create a range of housing types that are compatible to existing neighborhoods in scale and character to attract a more diverse demographic.

**H-1.3:** Encourage the development of workforce housing by revising the existing density bonus program.

**H-1.4:** Expand the Accessory Dwelling Unit (ADU) ordinance by updating the Zoning Ordinance to allow for greater lot coverage for development of detached ADUs (i.e. converted garage or granny unit) and set appropriate square footage maximums.

**H-1.5:** Encourage the use of universal design principles for new construction and home renovations to allow residents to age-in-place.

**H-1.6:** Promote aging in place policies and revise the Zoning Ordinance to facilitate multi-generational residential development.

**H-1.7:** Engage community partners and residents to create a committee to address affordability, optimum percentages of housing typology mix, and design.



## H-2: Character Districts will accommodate a balance of available housing typologies that are compatible to existing neighborhoods in scale, character, and transition.

### POLICIES & STRATEGIES

**H-2.1:** Place an emphasis on physical form of the housing (e.g. number of stories, building profile, and appropriate transitions to adjoining neighborhoods) by updating the Zoning Ordinance, while protecting the character of existing residential neighborhoods.

**H-2.2:** Increase opportunities for multi-family and mixed-use residential development by updating the commercial corridors in the Character Districts to allow for appropriate use and scale transitions into existing neighborhoods.

**H-2.3:** Review the Zoning Ordinance minimum lot size, density requirements, setbacks, parking requirements, and open space requirements to realize opportunities to encourage affordability without sacrificing Warrenton's character and place-based, walkable design.

**H-2.4:** Examine allowing fee waivers and tax exemptions relating to lot and building regulations and the creation of Incentive Housing Zones to offer exemptions to regulations.

## H-3: Preserve existing neighborhoods and promote infill that supports the character and heritage of Warrenton.

### POLICIES & STRATEGIES

**H-3.1:** Encourage property owners for both rentals and owned homes to undertake renovations to modernize and maintain the Town's housing stock.

**H-3.2:** Preserve the existing neighborhoods by maintaining and improving existing housing stock for all income levels through financial incentives.

## METRICS

1: Measure the total number of net new housing units by type.

2: Net new ADUs created by 2040.

3: Net new housing in mid-range housing price point and at varying density levels by 2040.

4: Total number of net new housing enabled by total DUs per acre by 2040.

5: Percentage of housing at price points affordable to households earning between 60 percent and 120 percent of resident AMI.

6: Track the number of new and renovated housing units that include universal design principles.

7: Measure the number of properties that have been rehabilitated, retained, and improved.

8: Measure the number of renovated housing units.

## H-4: Create regional partnerships to address and enhance attainable housing supply.

### POLICIES & STRATEGIES

**H-4.1:** Engage and expand existing partnerships for the rehabilitation and retention of existing affordable housing.

**H-4.2:** Continue working with non-profit partners to acquire at-risk properties to protect, rehabilitate, and retain affordable housing stock.

**H-4.3:** Partner with Commonwealth, County, and regional stakeholders to provide financing tools to defray costs for construction/ renovation of accessory dwelling units.

**H-4.4:** Encourage establishment and participate in a Housing Committee to address affordability on a regional level and the recommended qualifications of established Area Median Income.

# HOUSING QUICK STATS



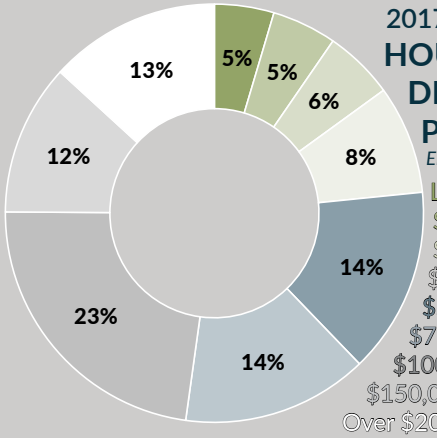
## WARRENTON

AVERAGE
**6.2**
New Construction
houses built (*based on 5-year data*)

2017 AVERAGE
**2.52**
Household Size

AVERAGE
**61.7%**
Owner Occupied Housing Unit
(*based on US Census 2014-2018 data*)

**75.3%**
Single Family
(*attached and dettached dwellings*)
46.8% DETTACHED
28.5% ATTACHED
5.4% 2-4 UNITS
18.9% 5+ UNITS
.30% OTHER




2017
**HOUSEHOLD INCOME DISTRIBUTION BY PERCENTAGE**
*ERSI & RKG ASSOCIATES, INC. 2018*

Less than $15,000
$15,000-24,999
$25,000-$34,999
$35,000-$49,999
$50,000-$74,999
$75,000-$99,999
$100,000-$149,999
$150,000-$199,999
Over $200,000

## FAUQUIER COUNTY

**"Since 1967, the underpinning of the Fauquier County planning goal is to concentrate and guide growth into Service Districts."**
*Fauquier County Comprehensive Plan*

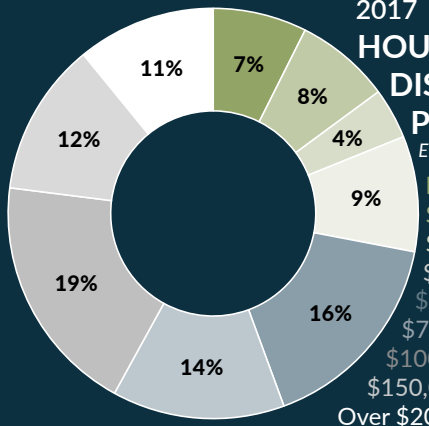
**4.1**
average new housing permits
per 1,000 population in Virginia
(*based on 2019 US Census data*)

NEW DWELLING PERMITS
**30%**
In-Service District

NEW DWELLING PERMITS
**70%**
Rural

AVERAGE
**78.2%**
Owner Occupied Housing Unit
(*based on US Census 2014-2018 data*)

**90%**
attached and dettached single
family homes in Fauquier County
59.9% SINGLE FAMILY
3.5% MULTI FAMILY
8% GOVERNMENT
28.6% COMMERCIAL/ INDUSTRIAL




2017
**HOUSEHOLD INCOME DISTRIBUTION BY PERCENTAGE**
*ERSI & RKG ASSOCIATES, INC. 2018*

Less than $15,000
$15,000-24,999
$25,000-$34,999
$35,000-$49,999
$50,000-$74,999
$75,000-$99,999
$100,000-$149,999
$150,000-$199,999
Over $200,000



PLAN WARRENTON 2040

# OPEN SPACE, PARKS, & ENVIRONMENT

"In 25 years I wish to have a garden area where people could plant or pick!...I wonder if maybe this will help our town become a more healthy and clean place."




*Rady Park, 2017.*

## Vision

**In 2040, Warrenton will boast an accessible network of active and passive open spaces that contribute to the community's well-being, while protecting the environmental health and unique natural features, to be enjoyed by a diverse mix of residents and visitors. The Town's open space, parks, trails, and rural buffer are just as much part of the aesthetic and image of the community as Old Town and Main Street, providing an important facet to the Town's character.**

**Key aspirations related to this vision:**

- **Embrace a long term approach to the development of open space, parks and recreation areas, and environment that provides safe, interconnected spaces that reflect the needs and priorities of the residents of the Town.**
- **Protect and enhance environmental features that honor the natural beauty of the Town's rolling hills, water features and springs, viewsheds, and native flora and fauna.**
- **Ensure access to a green space, trail, park, parklet, or pedestrian trail from anywhere within the Town.**
- **Incorporate green infrastructure and low-impact development into all new facilities.**
- **Promote a healthy community lifestyle through nature, active mobility, healthy food, and social interactions.**
- **Recognize that the visitor experience in open space parks is paramount, regardless of the size of the land. The Town will ensure equal consideration will be given throughout the Town for passive and active amenities.**
- **Aspire for open space access within a 10 minute walk radius.**

# GOALS

## P-1: Preserve, enhance, and protect the environmental, scenic, and natural quality of the Town.

### POLICIES & STRATEGIES

**P-1.1:** Create an environmental resources map that includes floodplains, wetlands, perennial streams, steep slopes, soils, Heritage trees, tree cover, and viewsheds. Consider adopting performance measures into the Zoning Ordinance to protect these features.

**P-1.2:** Incorporate green infrastructure and low impact development into new open space and park development and improvements to existing open spaces.

**P-1.3:** Use a nature-based systems approach in development to mitigate stormwater and improve habitat within the Town's open spaces.

**P-1.4:** Protect and enhance environmental features that honor the natural beauty of the Town's rolling hills, water features and springs, viewsheds, and native flora and fauna through policies and development regulations.

**P-1.5:** Minimize the loss of existing tree cover and promote the addition of new trees in the development process to realize air, noise, and water quality benefits as well as habitat preservation, reduced stormwater management costs, carbon sequestration, and energy conservation.

**P-1.6:** Review the landscaping requirements and update as necessary to reflect native species and best practices.

EXISTING CONDITIONS & BACKGROUND

Information regarding elements of the Town's current environment.

PARKS FACILITIES & AMENITIES

OPEN SPACE & NATURAL ENVIRONMENT

WATERSHEDS & FLOODPLAINS

SOILS & TYPOLOGY

CLIMATE

SOIL MAPPING

Custom Soil Resource Report for the Town of Warrenton.

WATERS OF WARRENTON

Flood hazard zones and wetlands.

## P-2: The Town of Warrenton's Parks, Open Space and Environment serve as key elements to the Town's public health infrastructure.

### POLICIES & STRATEGIES

**P-2.1:** Provide a dynamic system of safe, interconnected spaces for a variety of public uses that promote healthy, active, recreational activities in spaces throughout the Town. These spaces will reflect the culture, ecology, and natural environment of Warrenton.

**P-2.2:** Recognize that the visitor experience in open space parks is paramount, regardless of the size of the land. The Town will ensure equitable consideration will be given throughout the Town for passive and active amenities.

**P-2.3:** Build connectivity improvements for sidewalks, shared roadways, and trails, including improving access and use of the Greenway Trail.

**P-2.4:** Dedicate Capital Improvement Program funding for land acquisition to create new public parks and open space.

**P-2.5:** Increase the number of safe routes for pedestrians, including safe routes to schools and parks, homes, and workplaces. Focus on increasing Walk Scores that rate safe active transportation routes.

**P-2.6:** Promote and support community gardens that will be managed by committed community groups, such as schools, clubs, and neighborhoods.

### CHARACTER DISTRICT PARK DESIGN ELEMENTS

Guidance on elements of open space, parks, and environment tailored to each Character District. (Please see Land Use & Character District for more information on each Character District.)

### EVA WALKER PARK MASTER PLAN

Complete master plan for Eva Walker Park adopted by Town Council on February 9th, 2021.

## P-3: All Town residents will have the opportunity to access its recreational assets and natural resources, including public spaces and recreational amenities.

### POLICIES & STRATEGIES

**P-3.1:** Ensure a 10-minute walk to a green space, trail, park, parklet, or pedestrian trail from anywhere within the Town per Trust for Public Land and NPRA guidance.

**P-3.2:** Acquire additional park and recreation spaces throughout the Town in areas that currently do not have these resources within a 10-minute walk (half mile radius).

## P-4: Create a long-term approach to open space and environment, preserving existing trees and parks in the Town of Warrenton.

### POLICIES & STRATEGIES

**P-4.1:** Create a Town-wide Tree Plan that promotes the health of the community by increasing the total tree canopy of Warrenton's public open spaces and parks through targeted stewardship.

**P-4.2:** Partner with the County to maintain rural buffers around the Town.

**P-4.3:** Develop a System Parks Master Plan for the Town to guide long term investments.

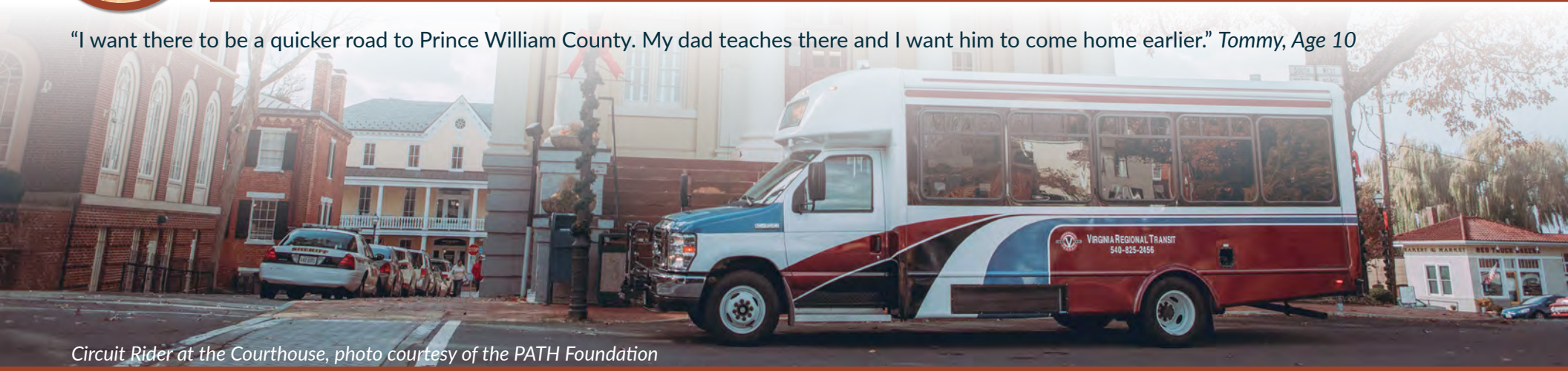
## METRICS

1. Track parks, recreation, and open space success through public engagement surveys
2. Measure increasing percentage of residential units within a half mile of trail, green space, park, or parklet, number of linear feet (LF) of new trails and sidewalks built annually.
3. Measure participation in public events.
4. Measure the percentage of residential units within a half mile of a trail, green space, or parklet, and LF of new trails and sidewalks built annually.
5. Measure the number of new permanent, temporary, or pop-up parks.
6. Measure the total number of green infrastructure projects built over time.
7. Measure LF of improvement, Americans with Disabilities Act (ADA) access, and the number of new light fixtures added annually.
8. Measure square footage of garden space and community.
9. LF of new sidewalk and number of new canopy trees planted for each new or retrofitted residential development frontage.
10. Number of trees maintained and new trees planted.

PLAN WARRENTON 2040

# TRANSPORTATION & CIRCULATION

"I want there to be a quicker road to Prince William County. My dad teaches there and I want him to come home earlier." *Tommy, Age 10*




*Circuit Rider at the Courthouse, photo courtesy of the PATH Foundation*

## Vision

**In 2040, Warrenton residents and businesses benefit from strategic investments in a safe, vibrant, and interconnected multi-modal transportation network. This network promotes a pleasant travel experience for all modes, creates an accessible business environment, and provides a desirable place for a diversity of residents and their employers, all while preserving the Town's character and established neighborhoods.**

**Key aspirations related to this vision:**

- **Improve multimodal safety by enacting access management strategies, incorporating bike-friendly policies into new development standards, and deconflicting through-travel and local traffic movements.**
- **Enhance the traveling experience into and throughout Town by recognizable gateways, implementing complete street typologies, increasing the attractiveness of public transit, and enacting innovative parking strategies to foster greater economic activity.**
- **Promote livability in the Town by integrating multi-modal, interconnected transportation solutions with land use development in each mixed-use Character District and applying traffic calming techniques that foster and protect non-vehicular street activities in established residential neighborhoods.**
- **Require linkages and connectivity that reduces dependence on the car for local trips, enlivens commercial areas, and addresses accessibility gaps and barriers currently limiting mobility.**

# Strategies for Implementation

Implementing transportation improvements requires many resources. Smaller towns like Warrenton, which own and maintain their roads often seek grant funding to help support projects. Grants are extremely competitive, requiring the Town to work closely with the Virginia Department of Transportation throughout the process. Below is an outline of the most applicable Federal and state grant funds the Town considers for transportation improvements.

### Highway Funding:

Implementation of the recommended improvements will require the successful identification of funding sources. The VDOT SMART SCALE Program is a process that invests in projects that meet the most critical transportation needs in the State. Projects are evaluated based on improvements in certain categories such as congestion and safety. At the corridor level, more specific strategies and operational improvements can be assessed in studies and implemented using a variety of funding sources, including Federal funding streams such as the Surface Transportation Program (STP), National Highway System (NHS) funds, the Congestion Mitigation and Air Quality Improvement (CMAQ) Program, Revenue Sharing, and the Highway Safety Improvement Program (HSIP), as well as through State or local funding or other discretionary funding sources. For larger projects, particularly capacity-adding projects, demand management and operational strategies should also be analyzed for incorporation in the project as part of the project development process.

### Bicycle/Pedestrian Funding:

- The SMART SCALE program is a competitive application process and scores projects based on an objective, outcome-based process. Bicycle and pedestrian improvements are eligible for SMART SCALE funding.
- The Transportation Alternatives (TA) Set-Asides are intended to improve non-motorized transportation, enhance the public's traveling experience, revitalize communities, and improve quality of life. The program requires a 20 percent local match (80 percent Federal).
- The Revenue Sharing Program provides additional funding for use by a county, city, or town to construct or improve the highway systems within such county, city, or town, with statutory limitations on the amount of State funds authorized per locality. The program requires a 50 percent local match (50 percent State) and a portion of the funds must be expended within 1 year of allocation. Sidewalks and shared-use paths are eligible activities under the Revenue Sharing Program.
- The Highway Safety Improvement Program (HSIP)'s Bicycle and Pedestrian Safety Program (BPSP) provides funds for implementing short-term, low-cost bicycle and pedestrian safety projects in Virginia. This initiative is administered by evaluating each project application on a case-by-case basis and does not require a local match.

Currently, most transportation funds programmed by the State are allocated through VDOT's SMART SCALE process. In accordance with SMART SCALE policies, regions of the State are classified into Area Types that each have unique scoring criteria upon which each project will be evaluated. The Town of Warrenton is currently classified as Area Type D, which scores safety and economic benefit above congestion, accessibility, and environmental quality. The recommended prioritization of the proposed projects and pursuits are aligned with VDOT's current SMART SCALE ranking criteria. These projects will have the highest potential to receive State funding based on the scoring system. It should also be noted that the Town has proposed multimodal improvements and transit considerations. Those improvements should be evaluated for incorporation into the proposed traffic projects, as transit and multimodal improvements often increase the chance of funding.

| Near-Term Recommendations | Type | Cost Low | Cost High |
|---|---|---|---|
| Lee Hwy between Broadview Ave and U.S. 15/17/29 Interchange | Segment | $ 5.4M | **$9.0M** |
| Broadview Avenue and Roebling Street | Intersection | $ 7.2M | **$8.5M** |
| Broadview Ave and Lee Hwy | Intersection | $ 2.0M | **$8.5M** |
| Bear Wallow Rd and Roebling St | Intersection | $ 3.0M | **$6.5M** |
| Main Street Improvements | Segment | $ 1.5M | **$2.5M** |
| Walker Street and East Lee | Intersection | $ 1.4M | **$2.7M** |
| Shirley Ave between Culpeper St and Falmouth St | Segment | $ 3.3M | **$8.6M** |
| Shirley Ave between Broadview Ave and Culpeper St | Segment | $ 5.7M | **$9.6M** |
| Shirley Ave and Culpeper St | Intersection | $ 3.0M | **$6.5M** |
| U.S. 211 and Van Roijen St | Intersection | $ 2.0M | **$6.5M** |
| Blackwell Rd and Lee Hwy | Intersection | $ 2.0M | **$3.5M** |

VDOT's policy should continue to be followed and local officials are encouraged to coordinate with VDOT staff to maximize scoring when submitting applications. Other funding sources such as HSIP, grants, partnerships, and local funding should be explored for projects that may not be funded under the SMART SCALE program.

Finally, the table above is attached for projects that should be pursued immediately and could be implemented under the SMART SCALE or Revenue Sharing programs based on the current funding cycles and allowed number of submissions by a jurisdiction.

These priorities may shift over time as data and transportation systems adjust with the community. Partnering with the VDOT allows the Town to pursue funding applications that have the best chance for success to benefit the public. The following pages outline additional proposed projects and the 2040 Transportation Map that works in conjunction with the Complete Streets typology map.

| | Proposed Projects | Type | Existing Capacity | Future Capacity | Crash History | Economic Development |
|---|---|---|---|---|---|---|
| 1 | Shirley Ave and Culpeper St | Intersection | HIGH | HIGH | POOR | SIGNIFICANT BENEFIT |
| 2 | Shirley Ave between Culpeper St and Falmouth St | Segment | HIGH | HIGH | POOR | SIGNIFICANT BENEFIT |
| 3 | Lee Hwy between Broadview Ave and U.S. 15/17/29 Interchange | Segment | HIGH | HIGH | POOR | SIGNIFICANT BENEFIT |
| 4 | Blackwell Rd and Lee Hwy | Intersection | HIGH | HIGH | POOR | SIGNIFICANT BENEFIT |
| 5 | Falmouth St between Shirley Ave and Old Meetze | Segment | MODERATE | HIGH | GOOD | POTENTIAL BENEFIT |
| 6 | Broadview Ave and Lee Hwy | Intersection | MODERATE | HIGH | POOR | SIGNIFICANT BENEFIT |
| 7 | James Madison between Falmouth St and Alwington Blvd | Segment | MODERATE | HIGH | POOR | SIGNIFICANT BENEFIT |
| 8 | Shirley Ave between Broadview Ave and Culpeper St | Segment | MODERATE | HIGH | POOR | SIGNIFICANT BENEFIT |
| 9 | Bear Wallow Rd and Roebling St | Intersection | MODERATE | MODERATE | POOR | SIGNIFICANT BENEFIT |
| 10 | U.S. 211 and Van Roijen St | Intersection | LOW | MODERATE | POOR | SIGNIFICANT BENEFIT |
| 11 | Roebling St and Broadview Ave | Intersection | MODERATE | HIGH | OBSERVE | SIGNIFICANT BENEFIT |
| 12 | Main Street Improvements | Segment | MODERATE | MODERATE | POOR | POTENTIAL BENEFIT |
| 13 | Blackwell Rd between Walker Dr and Lee Hwy | Segment | LOW | MODERATE | OBSERVE | SIGNIFICANT BENEFIT |
| 14 | Broadview Ave between Roebling St and U.S. 17 | Segment | LOW | MODERATE | OBSERVE | SIGNIFICANT BENEFIT |
| 15 | Broadview Ave between Roebling St and Lee Hwy | Segment | LOW | MODERATE | OBSERVE | SIGNIFICANT BENEFIT |
| 16 | Falmouth St and Lee St | Intersection | MODERATE | MODERATE | OBSERVE | POTENTIAL BENEFIT |
| 17 | Walker Dr and Blackwell Rd | Intersection | LOW | MODERATE | GOOD | SIGNIFICANT BENEFIT |
| 18 | Blackwell Rd/ Alexandria Pike between Walker Dr and Main St | Segment | LOW | LOW | GOOD | SIGNIFICANT BENEFIT |
| 19 | Walker Dr between Blackwell Rd and Lee St | Segment | LOW | LOW | GOOD | SIGNIFICANT BENEFIT |
| 20 | Timber Fence Bypass | Segment | LOW | LOW | GOOD | SIGNIFICANT BENEFIT |
| 21 | Southern Bypass | Segment | LOW | LOW | GOOD | SIGNIFICANT BENEFIT |
| 22 | North Hill Dr Connection to Winchester St | Segment | LOW | LOW | GOOD | SIGNIFICANT BENEFIT |
| 23 | Alexandria Pk between Blackwell Rd and Berm at Walker Dr | Segment | LOW | LOW | GOOD | SIGNIFICANT BENEFIT |
| 24 | Moser Rd to Frazier Rd | Segment | LOW | LOW | GOOD | SIGNIFICANT BENEFIT |
| 25 | Waterloo St between Broadview Ave and Main St | Segment | LOW | LOW | OBSERVE | POTENTIAL BENEFIT |
| 26 | Old Waterloo Rd and Van Roijen St | Intersection | LOW | LOW | POOR | MINIMAL BENEFIT |
| 27 | Old Waterloo Rd between Broadview and Waterloo Rd | Segment | LOW | LOW | POOR | MINIMAL BENEFIT |
| 28 | Winchester St between Rappahannock St and Town Limits | Segment | LOW | LOW | GOOD | POTENTIAL BENEFIT |
| 29 | Walker Dr and East Lee St | Intersection | LOW | MODERATE | GOOD | MINIMAL BENEFIT |
| 30 | Missing Links (Roebling St, etc.) | Segment | LOW | LOW | GOOD | MINIMAL BENEFIT |
| 31 | Connector road between East Lee and Falmouth St | Segment | N/A | N/A | N/A | POTENTIAL BENEFIT |
| 32 | Walkability Audit Recommendations | Townwide | N/A | N/A | N/A | SIGNIFICANT BENE |

# Recommended Policies and Projects

## Desired Outcome Map

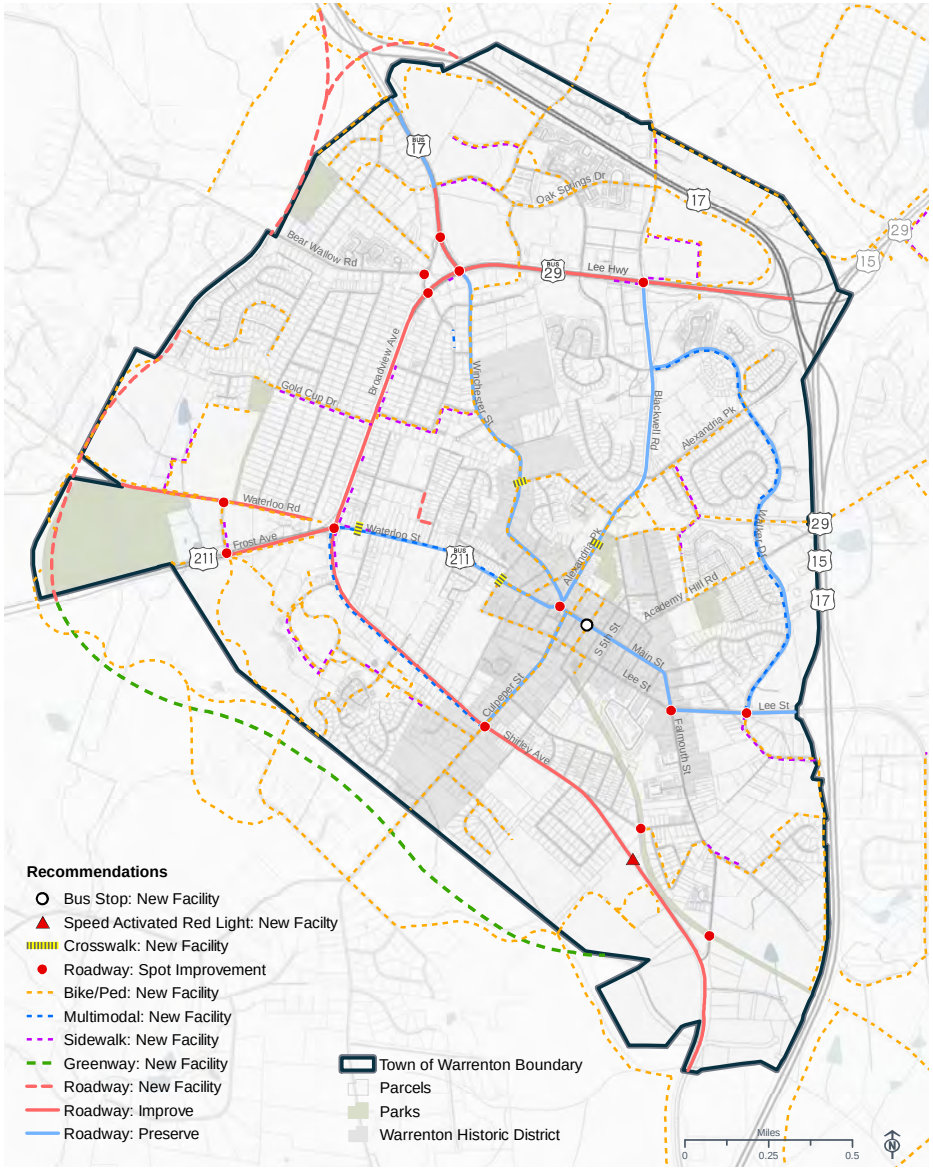



*Figure 5-1: Town of Warrenton Transportation Plan map.*

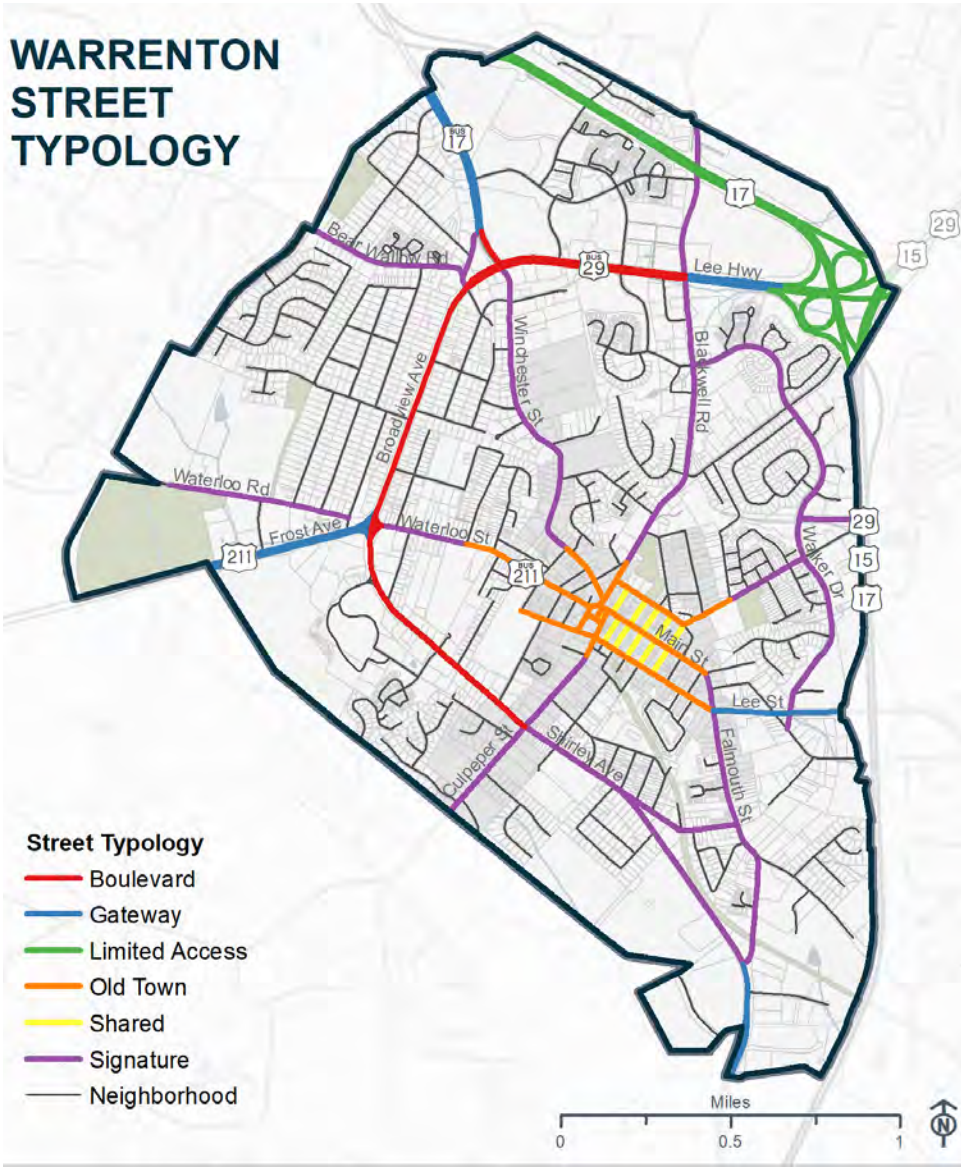



*Figure 5-2: Warrenton Street Typology map; a part of the Complete Streets Classification System.*

# GOALS

## T-1: Improve Multimodal Capacity and Safety that Encourages trips by walking, bicycling, and transit.

### POLICIES & STRATEGIES

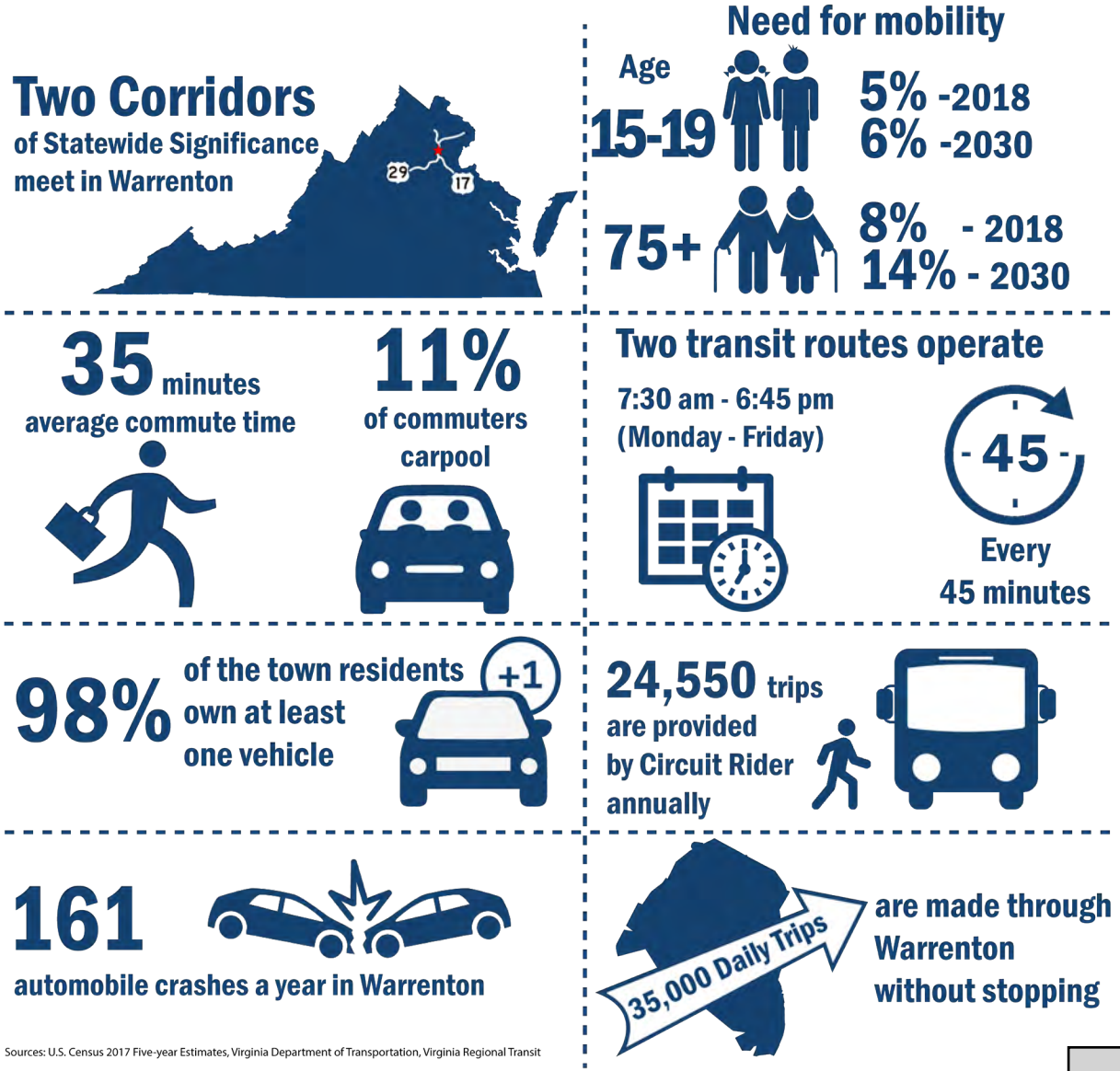
**T-1.1:** Promote a balanced and multimodal transportation system that serves the mobility needs of all segments of the population. Maximize the capacity of existing streets by investing in Smart Mobility technology.

**T-1.2:** Assess the needs for access management strategies and capacity improvements along Warrenton's main corridors and boulevards.

**T-1.3:** Maintain the capacity and safety of Signature Streets by providing multimodal accommodations and incorporating innovative solutions.

**T-1.4:** Prioritize safety improvements for project implementation based on crash rates, congestion levels, and locations adjacent to schools.

**T-1.5:** Create an overarching vision for roadway safety through the development and adoption of a traffic safety policy. This safety policy should incorporate Vision Zero strategies with the goal of eliminating traffic fatalities and severe injuries while increasing safe, healthy, and equitable mobility for all.



**T-1.6:** Identify and analyze roadways with excessive vehicle speeds for engineering or enforcement countermeasures.

**T-1.7:** Work with VDOT to incorporate multimodal and innovative design features as part of any new projects.

**T-1.8:** Continue implementing traffic-calming measures on local streets, as appropriate, to improve safety, livability, and transportation choices, while meeting land use objectives.

**T-1.9:** Prioritize the monitoring of comfort levels and safety metrics for motorists, bicyclists, and pedestrians at signalized intersections and within the vicinity of schools.

**T-1.10:** Analyze locations with significantly higher crash rates to develop projects and programs to reduce the number of crashes and overall crash severity.

**T-1.11:** Identify context-sensitive, forward-thinking transportation solutions that incorporate Warrenton's plans for growth through the development and adoption of a long-range transportation plan.

## T-2: Enhance the Traveling Experience by Creating Great Streets

### POLICIES & STRATEGIES

**T-2.1:** Implement the 5 C's of a walkable community: Connected, Comfortable, Convenient, Convivial, and Conspicuous.

**T-2.2:** Improve pedestrian and bicycle safety and connectivity to neighborhoods and destinations by implementing the recommendations of the Town of Warrenton Walkability Audit and the Town of Warrenton Complete Streets Recommendations Report.

**T-2.3:** Create distinguished gateway features along routes leading into the jurisdiction.

**T-2.4:** Preserve neighborhood and heritage streets through traffic calming and safety measures.

**T-2.5:** Preserve and pursue targeted and demand-driven expansion for the local bus system to meet the transportation needs of the community.

**T-2.6:** Increase the number of daily Circuit riders by providing additional features, amenities, and expanded hours for the existing transit service.

EXISTING CONDITIONS & BACKGROUND
CORRIDOR OF STATEWIDE SIGNIFICANCE
REGIONAL TRANSPORTATION DEMAND
STREET CLASSIFICATION
BICYCLE & PEDESTRIAN INFRASTRUCTURE/MULTI-MODAL CONNECTIVITY*
SAFETY
TRAFFIC VOLUMES
TRAFFIC FLOW
TRUCK ROUTING*
PARKING

**T-2.7:** Develop a wayfinding system that is simple, consistent, and intuitive for all users. Wayfinding should direct visitors and residents along the preferred routes to local destinations. Beyond the Town's boundary, wayfinding can help the active transportation network (streets and trail system) connect seamlessly to the county trail networks.

**T-2.8:** Limit through-truck movements on internal Town streets.

**T-2.9:** Reduce lane blockage and double parking, and improve site access with curbside access on internal Town streets.

## T-3: Promote Livability in the Town by Creating Great Places Where Residents and Visitors Feel Welcome and Safe

### POLICIES & STRATEGIES

**T-3.1:** Implement Complete Streets within the context of adjacent land uses to improve safety and neighborhood livability.

**T-3.2:** When constructing sidewalks on existing streets, sidewalks will be constructed on both sides of the street.

**T-3.3:** Facilitate new, compact redevelopment in Character Districts to introduce sidewalks and linkages to trails/paths and promote walkability.

**T-3.4:** Provide and improve sidewalks, crosswalks, pedestrian signals, lighting, and other amenities to make it safer, easier and more comfortable for people to walk.

**T-3.5:** Continue to provide more bicycle facilities as part of the road resurfacing program, where possible, by striping bicycle lanes and markings.

**T-3.6:** Continue to seek opportunities to increase the availability of bicycle parking.

**T-3.7:** Increase the availability of bicycle connections and amenities.

**T-3.8:** Develop an integrated parking system to efficiently manage demand, enforcement, and effectiveness of the historic Town's surface parking.

**T-3.9:** Continue to apply flexible transportation mitigation measures within UDAs, and along signature streets, in an effort to promote redevelopment.

**MAIN ARTERIALS (TIMBER FENCE & SOUTHERN PARKWAY**

Information on main throughways in Warrenton including Timber Fence and the Southern Parkway.

**PUBLIC TRANSIT**

Synopsis on the availability and use of transit in the Town.

**OPPORTUNITIES & CHALLENGES**

Inventory of the needs related to the goals and strategies for transportation in the Town.

**COMPLETE STREETS GUIDE (2017)**

**T-3.10:** Encourage bicycle-friendly policies in new development standards (on-site showers, bicycle parking, etc.)

**T-3.11:** Explore implementing distinct wayfinding systems to communicate to residents and visitors alike, the unique branding of each Character District.

## T-4: Provide an Equitable and Connected Multi-Modal Network

### POLICIES & STRATEGIES

**T-4.1:** Coordinate the construction of sidewalk and trail connection projects as part of new redevelopment plans.

**T-4.2:** Require that the proposed street system for new developments will be designed to provide a network of interconnected streets.

**T-4.3:** In large development parcels, create compact development blocks with internal streets for pedestrian and vehicular circulation to support walk access and decrease auto-trip patterns.

**T-4.4:** Work cooperatively with VDOT to ensure that their transportation projects best distribute regional traffic demand within the context of future land use visions.

**T-4.5:** Connect bike lanes and trails into a cohesive network.

**T-4.6:** Support connectivity by continuing to create new connections, both through new development and by identifying and implementing connectivity opportunities.

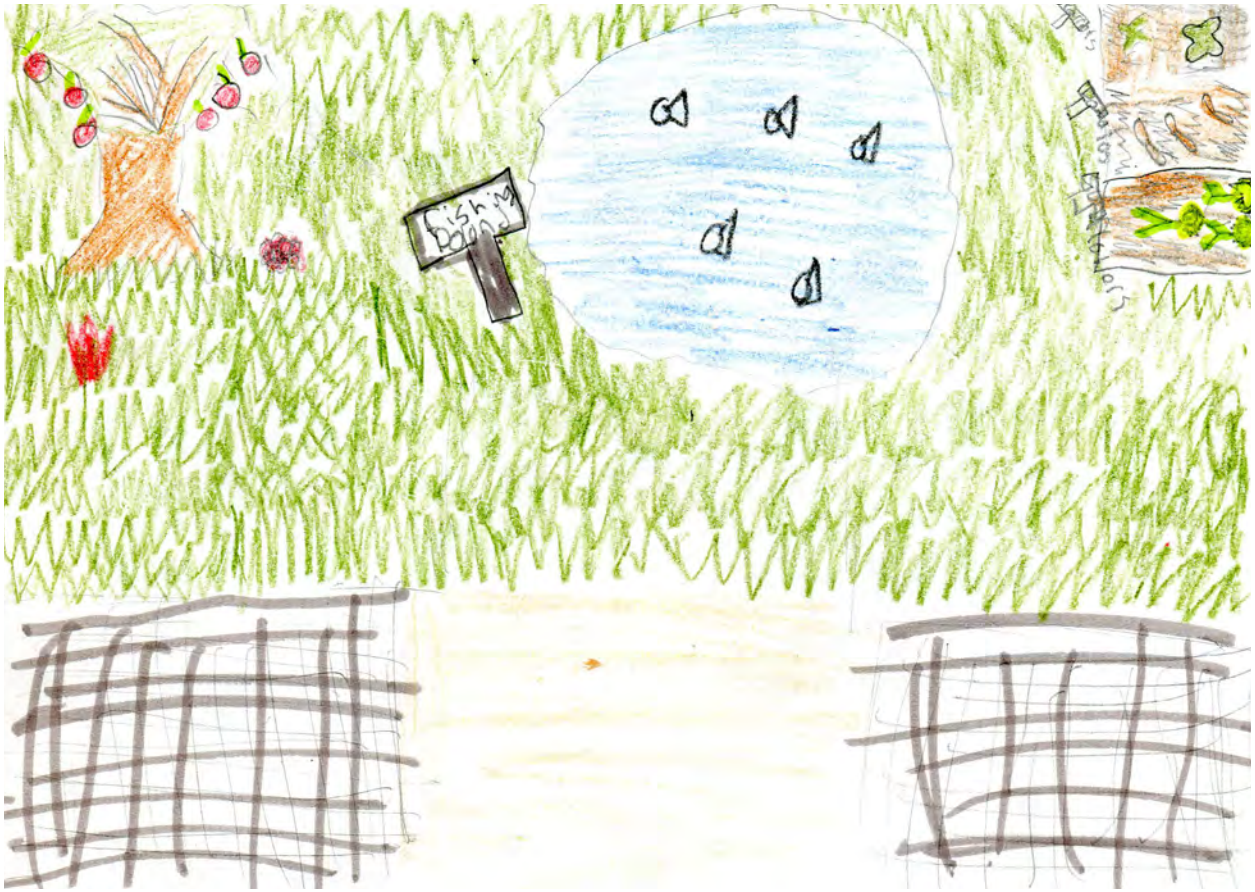
**T-4.7:** Identify future multimodal connections by either restoring severed connections or incorporating multimodal features with emergency access lanes.

**T-4.8:** Work with regional partners to best leverage intercity bus, like Virginia Breeze, to serve the Town of Warrenton.

**T-4.9:** Reconfigure and add additional emergency access connections that accommodate bicycle/pedestrian connectivity.

## METRICS

1. Decrease the frequency of rear-end and angle crashes along Broadview Avenue, Frost Avenue, Shirley Avenue, Business U.S. 17, and U.S. 29/211.
2. Decrease delay and queue lengths generated at major intersections.
3. Decrease the travel time between the Town of Warrenton's boundaries on major corridors and boulevards.
4. Reduction of the number of traffic infractions on roadways entering and traveling through the Town of Warrenton such as Alexandria Pike/ Blackwell Road, Winchester Street, and Waterloo Street.
5. Reduction of the number of bicycle- and pedestrian-related crashes.
6. Maintain capacity at or below a VC of 1.00 on signature streets.
7. Reduced speeds within school zones.
8. Reduction in fatalities and injuries for the traveling public across all modes.
9. Increase in transportation projects that have proven safety benefits.
10. Increase in the number of applications for projects that focus on school transit and transportation (Safe Routes to School).
11. Increase in the miles of bicycle and pedestrian facilities of independent utility or that provide access to transit services.



**“My absolute favorite place in Warrenton is the greenway! I always go there when I need fresh air. I enjoy riding my bike or scooter throughout the greenway. If the greenway wasn’t there I would be inside watching television.”** *Taylor, Age 11*

From the 2016 Student Postcard Project

12. Increase the mileage of walkable facilities along existing roadway networks.
13. Increase the number of existing crossings to incorporate pedestrian and bicycle-friendly improvements.
14. Increase the preventative maintenance of existing and future pedestrian and bicycle markings and signage along Town streets.
15. Increased number of gateway cues and roundabouts.
16. Reduce the number of traffic infractions within neighborhoods.
17. Reduce the number of speed-related and pedestrian crashes within neighborhoods.
18. Increased daily ridership on the Circuit Rider.
19. Increased wayfinding signage installed throughout the Town.
20. Reduced through-truck movements on internal Town streets.
21. Reduced lane blockage and double parking.
22. Reduced number of crashes that involve pedestrians.
23. Increase the amount of sidewalk that is in good condition (not in need of repair).
24. Increase in ADA accessibility features at sidewalk curbs.

# SMART MOBILITY CONCEPTS

*Preparing for next generation technology*

Smart mobility refers to the integration of information and communication technologies among roads, traffic signals, transit vehicles, parking systems, and shared on-demand providers to optimize the performance and convenience of interconnected mobility services.

This comprehensive plan enables Warrenton to proactively plan for emerging and future mobility technologies.

## Potential Applications for Old Town:



Smart Parking - Identifies free spaces, provides pay-by-phone options, and can be used to reserve electric charging spaces.




Robot delivery - Last mile autonomous technology solutions to address short-trip congestion, integrated into shared pedestrian spaces.

## Potential Applications for Corridors and Neighborhoods:



Autonomous shuttles - Connect residential developments and neighborhoods to other transit stops, commercial centers, or park and ride lots.



Intelligent traffic signals - Feature sensors and artificial intelligence to adapt to demand and provide transit priority and emergency vehicle preemption.





25. Increased bicycle counts on main corridors and trails.
26. Increased length of continuous demarcated bicycle routes.
27. Number of bicycle racks, repair and air stations.
28. Increased bicycle counts on main corridors and trails.
29. Maximum length of continuous demarcated bicycle routes.
30. Number of bicycle racks, repair and air stations.
31. Reduced number of parking violations
32. Walk score of new developments
33. First mile/last mile connections and gap closure
34. Coordination with VDOT and Fauquier County on development proposals in the corridors for Timberfence Parkway and the Southern Gateway.
35. Increased number of linkages between neighborhoods.
36. Reduced Volume to Capacity Ration on main arterials.

# Transportation in Character Districts

Each Character District provides a framework for transportation opportunities that accommodate all modes of travel within the context of each Character District. Strategies applicable to developing Character Districts include connecting pathways for pedestrians and bicycles with existing and planned active transportation improvements, minimizing curb cuts and creating interior circulation streets for access, service, and parking. For Character Districts in more established areas, strategies also include ways to protect existing residential neighborhoods from cut-through traffic and roadway treatments to slow traffic down. The following summaries highlight how each Character District is unique in how the transportation elements are framed, prioritized, and implemented.

### 1. New Town Warrenton (Lee Highway UDA)

Defined by large lots, direct access from Route 29, and high visibility, this gateway district represents a highly desirable location for a potential signature office/jobs center, characterized by mixed-use with strong live, work, and play options. Redevelopment of existing commercial parcels could provide the opportunity for compact development blocks with an interior street grid that includes sidewalks that connect to the adjoining neighborhoods. This district could also provide opportunities to connect new pathways for bicycles and pedestrians with existing and planned pathways. Opportunities exist for mixed-use developments with a park-and-ride facility for commuter service because of its proximity to Route 29 and the large parcel sizes. Finally, the district should focus on innovative solutions along Lee Highway and cohesive street designs within developments that incorporate roundabouts and raised intersections. An existing floodplain could provide an opportunity for a green or public gathering area with development planned around it.

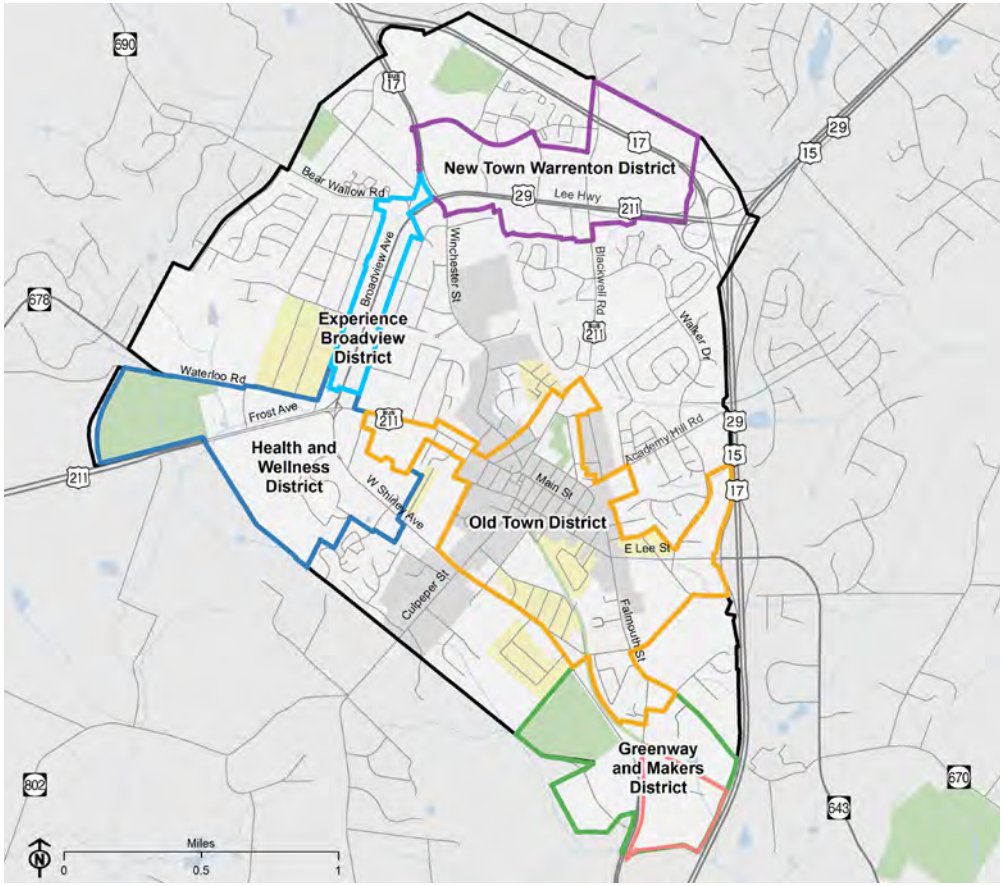



*Figure 5-3: Character Districts map.*

### 2. Health and Wellness District (Frost and Broadview UDA)

This gateway district is defined by the regional anchors of Fauquier Hospital and the WARF. Opportunities exist for improving all modes of travel, including the provision of safe linkages for pedestrians between the WARF and the hospital, and at the Frost and Broadview intersection.

By creating better access, this district could possibly include a shuttle connecting the hospital with surrounding medical offices, health services, senior housing and care, hotels, and commercial uses. This district serves as the western entrance into Warrenton, and improvement along Route 211 and at key intersections should be prioritized to improve saf

and provide a gateway. Simple traffic-calming features such as raised intersections, narrower streets, and bulb-outs for safe travel should be incorporated in areas near the hospital.

### 3. Greenway and Makers District (East Shirley UDA)

This district is defined as the southern gateway into the Town of Warrenton. While this district is largely defined by its vehicular movements, over the next 20 years the street design will need to accommodate other modes of travel such as pedestrians and bicyclists. The completion of sidewalks on both sides of Shirley Avenue throughout the district should be an immediate priority. There is also an opportunity for a vertical gateway element to emphasize the area as Warrenton's southern gateway, framing the experience as one enters the Town. The Town should capitalize on the existing roundabout at Shirley Avenue and Falmouth Street, as well as adopting a unified complete streets theme for Shirley Avenue within this District.

### 4. Old Town District (Old Town UDA)

The cultural heart of Warrenton will have more foot traffic over the next 20 years with the gradual infill and adaptive reuse of buildings. Enhancements to street intersection design such as curb bulb outs to facilitate safe street crossing and slow traffic will encourage pedestrian activity. Encouraging on street parking, narrower streets, median refuges, and mini-roundabouts will provide opportunities for safe pedestrian passage and maintaining the lower speeds expected within the Town. The development of a structured parking garage can activate constrained surface parking lots by accommodating required parking in the parking structure. Traffic-calming treatments between the CBD and the older single-family neighborhoods should be considered and the evaluation of through-truck restrictions will help preserve Old Town's character. Adjacent to the main point of entry into Warrenton from U.S. 29, the intersection at East Lee Street and Walker Drive is an exceptional opportunity to provide a Town gateway and improve safety.



*Image 5-1: Broadview Avenue, 2019.*

### 5. Experience Broadview

With revitalization occurring incrementally over time, new development as mixed use or multi-family anchors will provide opportunities at key nodes along Broadview Avenue to create a consistent street frontage. This would provide the opportunity to create internal connectivity between parcels to minimize curb cuts along Broadview Avenue through the designation of interior streets that provide access to service and parking. In addition, new development brings the opportunity to improve the transitional frontage to adjoining neighborhoods, which would include traffic-calming features to discourage vehicle cut-throughs and speeding. Opportunities to improve safety along Broadview Avenue exist through the consideration of access management strategies including appropriate median treatments. In order to maintain capacity and safety on Broadview Avenue, special focus should be given to intersections at Shirley Avenue, Roebling Street, and Business Route 29.

# Additional Implementation Tools and Techniques

## Curb Management

**Curbside management must be involved in the creation of an organized curb layout that improves mobility and safety for all users through prioritized and optimized curb space use. Managing curb space effectively requires a policy for matching regulations and operations for the following purposes:**

- Mobility: Move people and goods (sidewalks, bike lanes).
- Access for People/Commerce: Create Dropoffs, loading zones, or transfer between modes (bus, taxi zones).
- Activation and Greening: Develop vibrant social spaces (seating, food trucks) and landscaping (trees).
- Special Function: Create spaces for bus layover and reserve space for electric car charging, etc.

**Current issues to solve:**

- Address the need for reliable access to freight loading and unloading.
- Avoid blockages to travel lanes due to undesirable stopping.
- Meet the demand for ride-hail passenger loading/unloading space.
- Create space for bike storage and shared mobility devices.

## Access Management

**Access management is the proactive management of vehicular access points to land developments surrounding the roadway system to promote safe and efficient use of the transportation network. Balancing property access while preserving the flow of traffic may include the following measures:**

- Access spacing: Increase the uninterrupted curb distance between access points and intersections.
- Safe Turning Lanes: Create dedicated lanes to keep through-traffic flowing and reduce conflict points.
- Median Treatments: Create physical separations to channel turning movements to safer and/or controlled locations.
- Right-of-Way Management: Preserve space for good sight distance and future access along corridors.

**Current issues to solve:**

- Improve safety and driver comfort.
- Improve non-motorized experience along the road.
- Reduce conflict and preserve traffic flow.
- Control turning movements on key locations.

## Parking Management

- Parking Minimums: Local laws require private businesses and residences to provide at least a certain number of off-street parking spaces. This policy tends to make infill development less practical, often resulting in idle parking lots except during a few seasonal peaks.
- Parking Maximums: Limit parking supply, either at individual sites or in an area in order to encourage more efficient parking management. This approach may be too generalized and ignore context. In reality, occasional uses may benefit from a higher volume of parking maximum.
- No parking requirements: Developers and businesses decide how many parking spaces to provide for their customers. Removing parking mandates complements expanding sustainable transportation options and ensures better management of curb parking and loading.



PLAN WARRENTON 2040

# ECONOMIC & FISCAL RESILIENCE

"In 25 years, I hope that Warrenton grows in size, and advances in tech, all while keeping that balance of urban and rural areas. Just expanding, not replacing." *Ethan, Age 12*




*Broadview Avenue, 2018*

## Vision

**In 2040, Warrenton is a live/work community that cultivates and promotes economic and entrepreneurial opportunities and supports its public amenities and overall quality of life, while preserving its unique small-town character. The Town is an integral part of the regional economy with Character Districts that act as economic catalysts in key locations throughout the Town. The Town supports job creation by attracting major new employers through livable amenities and housing diversity to grow and attract a talented workforce. Warrenton in 2040 is a distinct yet integral part of the region, building on its recreational opportunities and enhancing its gateway location to Shenandoah National Park, wine and horse country, and beyond.**

**Key aspirations related to this guiding vision include:**

- **Create a robust strategy for housing and employment, become more proactive in business retention and recruitment, and locate major employers within the Town's Character Districts.**
- **Promote the Town as an integral part of the regional economy that is manageable, maintain small-town character, and reduce the percentage of Town residents commuting for work.**
- **Promote the Town's Character Districts as the focal point for revitalization to allow for mixed-use and multi-family development at an appropriate scale compatible with the Town's character and existing neighborhoods. Transform aging commercial corridors to vibrant mixed-use neighborhoods.**

# GOALS

## E-1: Grow a strong, diversified, and resilient economy that supports residents and businesses alike.

### POLICIES & STRATEGIES

**E-1.1:** Promote locally-owned businesses and restaurants to maintain the unique character of Warrenton.

**E-1.2:** Allow for a range of housing, commercial spaces, and hotels at appropriate heights and square footage to meet market standards, and allow for ranges per Character District with context sensitive transitions into existing neighborhoods.

**E-1.3:** Leverage the Town's location as a gateway to the Piedmont for tourism and economic development through wayfinding and promotion.

**E-1.4:** Preserve Old Town and the Town's historic character to enhance Warrenton's identity.

**E-1.5:** Promote a diverse, equitable stable tax base to maintain a healthy economy.

**E-1.6:** Warrenton's Town Limits will be arrived at in a manner that reflects the Town's best interests to meet its economic, fiscal, and service priorities.

## E-2: Increase the employment base to allow residents to live and work in Warrenton.

### POLICIES & STRATEGIES

**E-2.1:** Partner with local schools, universities, and employers to ensure a competitive workforce for a global economy.

**E-2.2:** Promote Warrenton's high quality of life to attract employers to locate here.

**E-2.3:** Create economic development teams made up of property owners, schools, and local staff to recruit potential employers.

**E-2.4:** Leverage existing employers and location in the region to build upon technology and federal government synergies.

**E-2.5:** Develop a range of housing types and housing assistance programs for employees to live in Warrenton.

EXISTING CONDITIONS & BACKGROUND

ECONOMIC BASE ANALYSIS

Documentation of the economic trends shaping the western portion of the Northern Virginia Region

FISCAL SUSTAINABILITY ANALYSIS

A fiscal impact model to relay the relationship between land use decisions and the change in revenues and expenditures for the Town.

LABOR FORCE DATA

Tables of data related to labor force evolution in Fauquier County.

DEMOGRAPHIC & HOUSING ANALYSIS

Analysis identifying demographic and housing information on the Town.

## E-3: Promote Warrenton as a cultural, entertainment, and arts center.

### POLICIES & STRATEGIES

**E-3.1:** Coordinate and partner with local arts groups and business associations to promote artists and cultural events.

**E-3.2:** Market to creative arts and entrepreneurial businesses to locate within appropriate Character Districts.

**E-3.3:** Maximize the Town's public spaces and right-of-way to allow for arts and cultural events to operate, including outdoor dining and gathering places.

## E-4: Support Character Districts as Unique Mixed-Use Neighborhood Centers.

### POLICIES & STRATEGIES

**E-4.1:** Promote business attraction by considering business improvement districts.

**E-4.2:** Evaluate tax increment financing that can be used to fund infrastructure and site improvements.

**E-4.3:** Develop a marketing strategy for each Character District to encourage various types of businesses based on their envisioned unique themes:

- New Town District: Class A Office, Future University satellite campus, and Employment Center
- Health and Wellness District: Medical-related office and treatment
- Greenway and Makers District: Overlay in Industrial zoned area to allow for creation of food and craft.
- Old Town: Adaptive reuse to encourage tourism, locally owned businesses, and creative services.
- Broadview District: Redevelopment through parcel consolidation, interparcel connections, and mixed-use at key nodes to create a synergy and investment strategies.

**E-4.4:** Leverage Town assets by exploring public/private partnerships to activate surface parking lots as potential development sites.

## METRICS

1. Growth in the number of employers (health related), senior housing units, medical office square footage, and hotel rooms.
2. Growth in the number housing units, square footage of commercial space, Class A office square feet, and hotel rooms.
3. Businesses relocated to or started in Warrenton.
4. Growth in the square footage of retail and service businesses.
5. Increase in the number and variety of new businesses along Broadview Avenue.
6. BID established, funds raised, and programs and projects developed; Old Town business vacancy rates.
7. Number of gathering spaces and outdoor dining locations.
8. Number of public parking stalls provided, square footage of development produced, and leased parking space.
9. Number events planned, street closure permits, art/gallery space leased, pop-up arts-related ventures, new arts-related space, and hotel rooms added in Warrenton.
10. Tax Increment Financing (TIF) district established, funds raised, and improvements completed.

# E-5: Be proactive in the Town's Economic Development

## POLICIES & STRATEGIES

**E-5.1:** Create an economic development marketing strategy that includes a detailed retail retention and recruitment strategy.

**E-5.2:** Develop a site prospectus book to market properties seeking redevelopment.

**E-5.3:** Coordinate with the County and regional economic development partners to promote the Town.

**E-5.4:** Track industry and market trends to position Warrenton at the forefront.

**E-5.5:** Seek to establish a dedicated resource that is responsible for attracting new businesses with an emphasis on employers possessing the ability to hire multiple employees.

PLAN WARRENTON 2040

# LAND USE & CHARACTER DISTRICTS

"I think that there should be way more places for children and social activity. I don't want my kids to have to be limited to our property... Then maybe we'd get off the devices everyone complains about." *Elizabeth, Age 10*




*Warrenton, Virginia 2017.*

## Vision

**In 2040, Warrenton's sense of place is found in its historical Old Town, existing neighborhoods, and mixed-use Character Districts. Town residents have numerous options to shop, dine, and be entertained within a series of walkable areas and will live within a half-mile radius of a park, green space, trail, or public amenity. There is attainable housing for residents of all age groups that encourage equitable, inclusive, and vibrant neighborhoods. The mix and balance of housing types and employment centers maintains the small-town character, in which people live and work.**

**Key aspirations related to this guiding vision:**

- **Create mixed-use Character Districts using appropriate intensities, with specific guidance for form and transition to adjoining neighborhoods.**
- **Develop Character Districts with places for people to meet, talk, and be neighborly, with gathering places that include parks, plazas, sidewalks, and shops.**
- **Protect, stabilize, and retain the character of existing neighborhoods while allowing for a diversification of housing types into mixed-use Character Districts.**

# CURRENT & FUTURE LAND USE

Warrenton is made up of cherished existing neighborhoods and an Old Town filled with history. Residents value the charm of their community and seek to enhance it. The Land Use and Character District format serves to preserve the existing neighborhoods by providing a guide of how to develop/redevelop subareas of Town that are candidates for revitalization in the coming decades. In 2018 the Town of Warrenton adopted Urban Development Areas (UDAs)*, thus designating to the state where future growth should be accommodated through a public process. Residents of the Town developed "branding" components to give each district an identity that links current land use functions and the future desires of the community. Warrenton 2040 provides a model on how to get from today's reality to tomorrow's vision as developed by the community. The following pages, and hyperlinked Character District Guidebook, provide a path forward on how Warrenton will create, parcel by parcel, a future that preserves its identity while meeting the goals of the overall Comprehensive Plan.

**"Urban Development Areas" is a Virginia Department of Transportation technical term*

## FUTURE LAND USE MAP

The Future Land Use Map is the Town's visual guide to future planning for 2040. The Future Land Use Map brings together all of the elements of this Comprehensive Plan, such as land use, economic and fiscal health, housing, and transportation. The Future Land Use Map shows how the 2040 Comprehensive Plan foresees appropriate development over the next 20 years.

The following new mixed-use Character Districts with definitions will be added to the Future Land Use Map:

- New Town Warrenton
- Old Town
- Health and Wellness
- Experience Broadview
- Greenway and Makers

### New Overlay Districts guidelines:

**Broadview Commercial District:**

"Experience Broadview" will allow for mixed-use residential at lower density, but nodal development with mixed-use anchors and improved edges to adjacent single-family neighborhoods. Current commercial uses will be maintained.

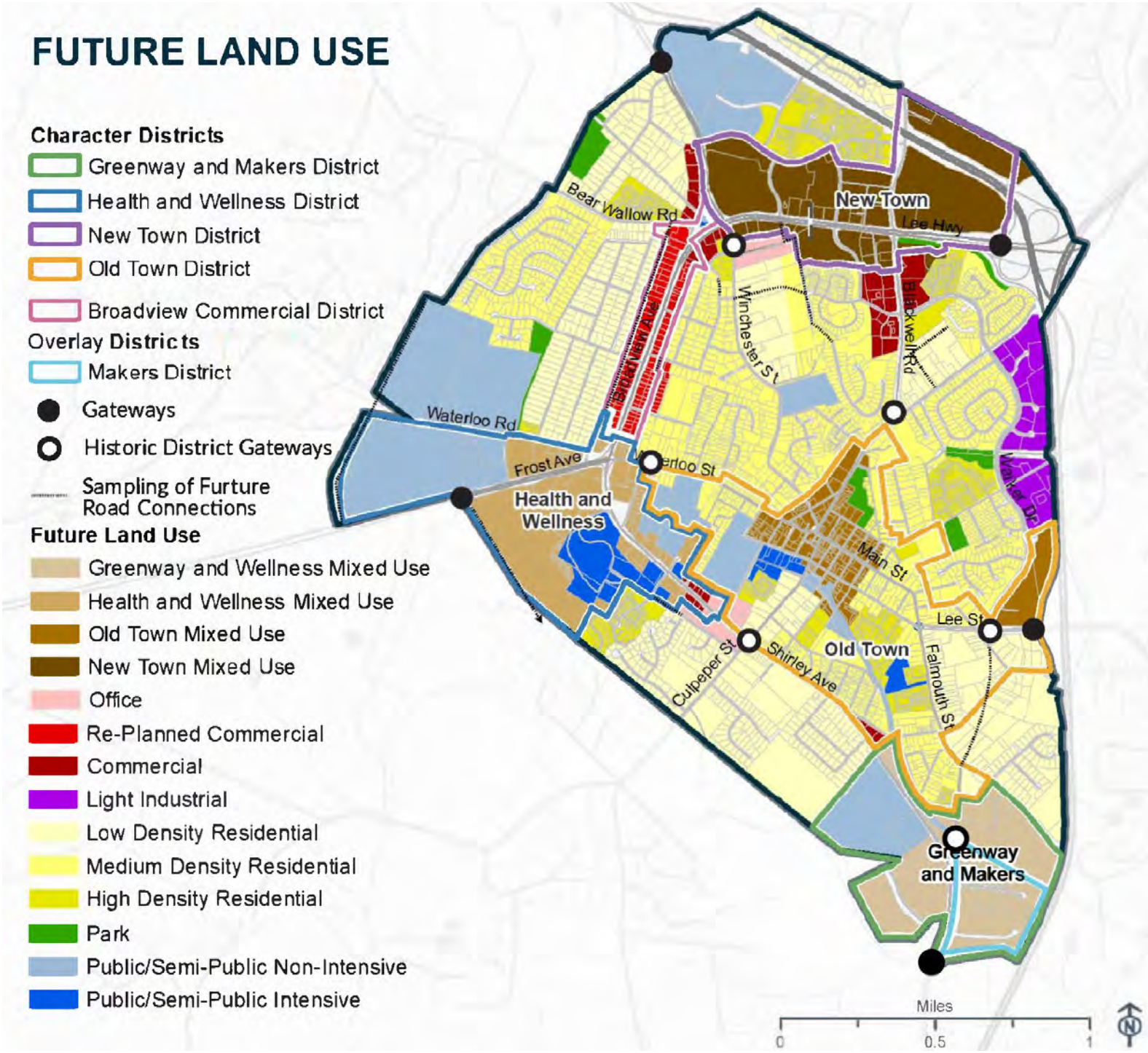
**Makers District:**

Maintain current light industrial zoned uses, but allow for, and foster, the new creative production economy in order to enable local purveyors to produce the goods they sell and distribute throughout the region. This new district overlay would complement existing light industrial activities and attract small-scale entrepreneurs and larger companies looking to start and expand businesses within Warrenton.

**Arts and Culture District:**

Allows for temporary events, pop-up storefronts that are arts and culture focused along Main and Culpeper streets through a streamlined permitting process.

# FUTURE LAND USE



# CHARACTER DISTRICT SUMMARIES



**New Town Warrenton District**

With large lots, direct access from Route 29, and high visibility, this district could be a location for a signature office/jobs center; with greater intensity of mixed use and strong live, work, and play options. A mix of uses could be organized around an internal street network and public amenities, such as civic spaces, parks, green space, and public gathering areas.



**Health and Wellness District**

This district could leverage Fauquier Hospital with businesses, services, and housing options that promote aging in place, expanded health and wellness amenities; medical offices, and commercial uses.



**Greenway and Makers District**

This district could maximize use of industrial areas for maker space with a food and arts focus, create connective elements to the greenway, and enhance gateway form and function.



**Old Town District**

Warrenton will continue to promote Old Town as the signature cultural, social, and historic hub. The Town will encourage infill housing and other adaptive reuse of structures to bring more foot traffic to Old Town, but maintain the historic character and scale.



**Experience Broadview District**

Maintain and enhance the existing commercial corridor, but add nodal development with mixed-use residential anchors and improve transitions to adjacent single-family neighborhoods. A Form-Based Transect is the best tool to transform Broadview Avenue to a neighborhood commercial corridor, with a consistent street frontage along Broadview and graceful step-downs in scale adjacent to adjoining neighborhoods.

# THE TEN GUIDING PRINCIPLES FOR CHARACTER DISTRICTS

## *Many parts make a neighborhood.*

*A neighborhood has stores and shops that satisfy everyday needs within an easy walk with safe and friendly streets on which people feel they "belong." Residential streets should feel public and more like open space than traffic ways. Streets can be a pleasant part of the neighborhood. A great neighborhood has many choices to move by foot, bicycle, transit, and auto. A great neighborhood has places for people to meet, talk, and be neighborly with gathering places that include parks, plazas, sidewalks, and shops. Lastly, a great neighborhood has its own character, shaped by its physical setting, streets, buildings, open spaces, history, and the people who live in it. The following are Ten Guiding Principles to guide development in each of the Character Districts.*



**1. A discernible center.** Every neighborhood should have a discernible center that is walkable within a quarter-mile radius. The center can accommodate programmed or spontaneous events, or simply be a place people relax or meet friends. The center is often a hardscaped plaza or a green or park space; sometimes it can even be a busy street corner or a main street.



**2. Connected sidewalks with a clear pedestrian path, street trees, and lighting.** Streets within the Character District form a connected network, which disperses traffic by providing a variety of pedestrian and vehicular routes to any destination. There is an interconnected street grid network that disperses traffic and eases walking.



**3. Buildings that are placed close to the street to create a sense of place.** All buildings are directly accessible with front doors from the street.



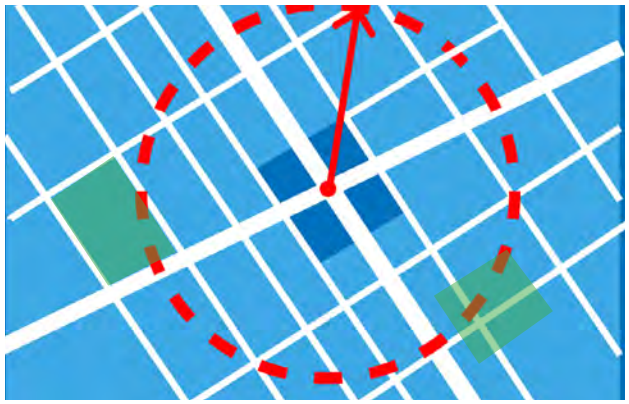
**4. Parking placed behind buildings and away from street frontages.** Interior access roads to services and parking are designed into the site plan.



5. **Complete streets create a balance between cars, pedestrians, and bicyclists**. Complete Streets have no singular design prescription. Each one is unique and responds to its community context; however, complete streets are designed to balance drivers, pedestrians, and bicyclists.



**6. Compact street blocks encourage walking.** Compact street blocks that are 200 to 400 feet wide and up to 600-feet deep provide a comfortable neighborhood scale that facilitates a fine-grain development pattern and walking experience. For blocks that exceed the maximum recommended length of 600 feet, a mid-block pedestrian path is recommended to allow for passage.



**7. A park, trail, or activity center is within a half mile walking radius.** Linkages to pedestrian amenities can be made with continuous sidewalks, street trees, and through-block pedestrian pathways.



**8. A variety of dwelling types accommodates a wide range of family sizes and income levels and commercial activity. The variety** provides synergy among uses and creates an immediate critical mass to sustain retail and commercial uses.




**9. Neighborhood identity connects district wayfinding and identification with a larger marketing effort to bring private investment to the neighborhood.** Neighborhood identity provides the brand and image of the area, and a basis for a marketing strategy to promote businesses, events, and future development opportunities.



**10. The neighborhood edge provides the means of transition from the Character District to adjoining properties.** The edge would transition to adjacent established neighborhoods and future land-use categories and exhibit compatibility in scale, massing, and setback with existing and planned developed on adjacent land.

# RECOMMENDATIONS TO THE EXISTING RESIDENTIAL ZONING DISTRICTS

*Refer to Housing Section II for housing definitions.*

### R-15 Residential District

Contains low-density, single-family dwellings and other uses that are customarily incidental.

*Recommendation*: Accessory Dwelling Units

(ADU) allowed by special permit.

### R-10 Residential District

Single-family, detached homes and limited groups are allowed. Limited service uses are allowed with a special use permit. This zone allows for smaller lot sizes and setbacks than R-15.

*Recommendation:* Bungalow Court to be allowed by-right and ADUs by special permit.

### R-6 Residential District

Allows medium to high concentrations of predominantly residential uses, generally intended to encompass and preserve those residential structures which have developed over the years along the traffic arteries serving the Central Business District (CBD).

*Recommendation:* Bungalow Court to be allowed by-right and ADUs by special permit.

### RT Residential Townhouse District

This district is composed of certain medium concentrations of residential use, often located between lower density residential and commercial areas.

*Recommendation:* Bungalow Court and Duplex to be allowed by-right and ADUs by special permit.

### RMF Residential Multi-family District

Contains higher concentrations of residential uses recommended for those sections of Town in proximity to the CBD, adjacent to existing intensive land uses, used as a transitional area between commercial and lower density residential areas, or need revitalization.

*Recommendation:* Bungalow Courts, Duplex, Fourplex, Courtyard Apartments, and Townhouses to be allowed by-right and ADUs by special permit.

### R-40 Residential District

Allows low-density, single-family dwellings and other selected uses that are compatible with the low-density residential character of the district.

*Recommendation:* ADUs by special permit.

### R-E Residential District

This district is comprised of low-density, single-family dwellings and other selected uses that are compatible with the open and rural character of the district. All commercial activities are prohibited.

*Recommendation:* ADUs allowed by special permit.

### RO Residential Office District

Allows business and professional offices and certain personal service uses. This is a transition area between a commercial area and a residential area.

*Recommendation:* Duplex, Fourplex, Courtyard Apartments, Bungalow Courts, Townhouses, Multiplex, Live/Work, and Mixed-Use Residential to be allowed. ADUs allowed by special permit.

### CBD

The intent of this district is to provide for orderly development, infill, and revitalization of the CBD.

*Recommendation:* Live/Work and Mixed-Use Residential (with commercial at the ground level) to be allowed.

# GOALS

## L-1: Organize Land Use According to Character Districts in Select Areas

### POLICIES & STRATEGIES

**L-1.1:** Create Mixed Use Character Districts, based on the Town's adopted Urban Development Areas.

**L-1.2:** Create and encourage implementation tools to support the individual Character Districts policies.

**L-1.3:** Create the Experience Broadview Overlay to allow for mixed-use or multi-family developments.

**L-1.4:** Redevelopment and new development is ecouraged, and each Character District will use the suggested illustrations in the design manual as guidance.

**L-1.5:** Create a Makers District Zoning Overlay in the light-industrial zoned area of the Greenway and Makers Character District (West Shirley UDA) to foster the new creative-production economy.

**L-1.6:** Update the Density Bonus Program.

EXISTING CONDITIONS & BACKGROUND

DENSITY BONUS RECOMMENDATIONS

Suggested updates to the bonus program identified in the Town's Zoning Ordinance to create a more comprehensive approach for desired uses and public amenities within the Town.

UDAS/ CHARACTER DISTRICTS

Information about the adopted UDA's and corresponding Character Districts.

NEW TOWN

HEALTH & WELLNESS

GREENWAY & MAKERS

OLD TOWN

EXPERIENCE BROADVIEW

## L-2: Old Town Character District – The Old Town Character District will include a mix of infill and new mixed-use development that is designed to maintain Old Town's historic character. ADOPTED MARCH 13, 2018

### POLICIES & STRATEGIES

**L-2.1:** Maintain Old Town Historic Character through preservation and protection of contributing historic resources.

**L-2.2:** Create cultural anchors at both ends of Main Street.

**L-2.3:** Evaluate the feasibility of financing and constructing a structured parking garage that is designed to be compatible to the character of the Historic District and is located behind street facing buildings.

**L-2.4:** Evaluate the location, design and feasibility of a Pedestrian Mall.

**L-2.5:** Evaluate the design and feasibility of a traffic circle at the intersection of Culpeper and Shirley streets.

**L-2.6:** Develop revitalization strategies for Lee and Horner Streets

**L-2.7:** Promote the possibility of a Bed and Breakfast concept in appropriate locations.

**L-2.8:** Promote new development typologies and a mix of uses in Old town that includes mixed-use development, adaptive re-use of existing buildings, live-work lofts, restaurants, new infill development on vacant lots and higher density residential development that comport to and maintain the historic character of Old Town.

**L-2.9:** Locate an event space in the Old Town UDA that can be used to accommodate public and private events, festivals of all types appropriate and other opportunities.

**L-2.10:** Develop a marketing and branding strategy for Old Town that promotes business and events.

**L-2.11:** Develop a parking policy that maintains adequate parking supply for businesses, residents, workers, tourists and shoppers.

**L-2.12:** Create a streetscape plan for the Old Town Character District that promotes a consistent walking experience and maintains the historic character of Old Town. The streetscape plan should define specifications for sidewalk, crosswalks, street trees, seating, lighting, bicycle parking and locations for a pocket park, where appropriate.

**L-2.13:** Evaluate traffic calming measures at locations where public safety issues are evident.

**L-2.14:** Develop Traditional Neighborhood Design Guidelines (TND) specific for Old Town, for the design for new buildings, infill development and the adaptive reuse of existing buildings.

**L-2.15:** Develop a Façade Improvement Program that promotes and incentivizes the improvements of facades as well as the potential of a Business Improvement District (BID) that would finance such a program.

## L-3: New Town Character District – The New Town Character District will support the revitalization of the commercial shopping malls with a walkable development pattern that includes a mix of uses, green space and public amenities, as well as provide a location for a major employer. ADOPTED MARCH 13, 2018

### POLICIES & STRATEGIES

**L-3.1:** Evaluate a variety of branding strategies for the New Town Character District as a Town gateway, possible entertainment hub or a mixed-use development integrated with an educational institution, such Virginia Tech, exploring a Campus Business Hub concept.

**L-3.2:** Create a development plan for key sites that plans for the redevelopment of aging big box shopping centers to include mixed-use and infill development with a variety of uses, such as restaurants, entertainment venues, a hotel, breweries and office.

**L-3.3:** Create a streetscape plan for the New Town Character District to support the development plan for key sites, promoting development within a compact street grid that includes a mix of uses, entertainment, and park space, as well as being walkable along the edges and adjacent parcels with sidewalks and striped crosswalks.

**L-3.4:** Evaluate the establishment of a Business Improvement District to promote business development and events within the New Town Character District, and maintain pedestrian amenities, such as public-accessible parks and plazas.

**L-3.5:** Evaluate the design and implementation of roundabouts within this Character District.

**L-3.6:** Evaluate development incentives that stimulate private investment and new development.

## METRICS

1. Square footage of mixed-use developments, and number of residential units
2. Number of contiguous street blocks with street trees, clear pedestrian paths, and street lights
3. Number of new arts, and craft businesses opening in the Makers District
4. Number of projects using the Density Bonus Recommendations

## L-4: Health and Wellness Character District – the Health and Wellness Character District will support and promote a mix of uses that are health related, such as workforce housing, medical and emergency services and aging in-place related uses.

ADOPTED MARCH 13, 2018

### POLICIES & STRATEGIES

**L-4.1:** Evaluate the marketing and development strategy of creating a "Hospital as Hub" concept within the Health and Wellness District that could grow to become a Medical Center Campus or Sustainable Living neighborhood that promotes compatible hospital-related land uses, such as medial offices, senior housing, and other hospital medical-related concepts.

**L-4.2:** Evaluate the concept of a bus circulator system that would connect the hospital with future senior housing, medical offices and mixed-use developments within the Health and Wellness Character District.

**L-4.3:** Develop a streetscape transition at intersection Frost and Broadview Avenue intersection to where the boundary of Old Town starts, for aesthetics and traffic calming.

**L-4.4:** Evaluate development incentives that stimulate private investment and new development.

**L-4.5:** Promote several types of land use within the Health and Wellness Character District, such as hotels, adaptive re-use of existing buildings, senior housing, medical offices, and all levels of care.

**L-4.6:** Create a development plan for large key sites located within the Character District that identify massing and profile, types of uses, and phasing of development, ensuring walkability within the site and to adjacent parcels and neighborhoods.

**L-4.7:** Create a streetscape plan for the Health and Wellness Character District that promotes a consistent walking experience. The streetscape plan should define specifications for sidewalks, crosswalks, street trees, seating, lighting, and bicycle infrastructure.

**L-4.8:** Develop traffic calming measures at locations along East Shirley, Frost, and Broadview avenues where public safety issues are evident.

**L-4.9:** Leverage Conservation Easements south of Town boundary and promote context sensitive viewshed treatments.

## L-5: Greenway and Makers District Character District – the Greenway and Makers District will be promoted as the southern gateway into the Town and maintain the critical linkages between education, civic uses and the surrounding neighborhoods, as well as the remaining industrial uses located in the Town. ADOPTED MARCH 13, 2018

### POLICIES & STRATEGIES

**L-5.1:** The Town, County, and School District properties should be walkable and accessible from the adjoining neighborhoods.

**L-5.2:** Develop a land use strategy that keeps industrial use in the southeast half of the Character District and residential use in the northern half of the Character District.

**L-5.3:** Evaluate a possible pedestrian linkage to Walker Drive from the area to the north east, above the Warrenton Greenway Trail.

**L-5.4:** Evaluate more possibilities for pedestrian access to the Warrenton Greenway Trail from adjacent neighborhoods.

**L-5.5:** Design and implement a vertical gateway feature announcing arrival into the Town of Warrenton at the south end of the Character District along James Madison Highway.

**L-5.6:** Promote a mix of housing in the northern half of the Character District that includes mixed-use residential development, multi-family housing, and affordable housing that uses high quality materials.

**L-5.7:** Create a streetscape plan for the Character District that promotes a consistent walking experience.

**L-5.8:** The streetscape plan should define specifications for sidewalks, crosswalks, street trees, seating, lighting, and bicycle infrastructure.

**L-5.9:** Create development incentives that stimulate private investment and new development.

**L-5.10:** Evaluate locations for a new park space within the Greenway and Markers Character District.

## L-6: Experience Broadview Character District: The Experience Broadview Character District will maintain and enhance the existing commercial corridor with mixed use residential nodes to serve as transitions to adjacent neighborhoods.

### POLICIES & STRATEGIES

**L-6.1:** Implement a consistent street frontage along Broadview with the commercial uses brought closer to the street.

**L-6.2:** Improve and implement interparcel access to encourage linkages between commercial and mixed use sites.

**L-6.3:** Limit new access points and consolidate current entrances off Broadview to improve safety, circulation, and congestion along the corridor.

# DEFINITIONS & DESCRIPTIONS

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# Future Land Use Descriptions

### Greenway and Wellness Mixed Use

The Greenway and Wellness Character District provides policies for this area.

### Health and Wellness Mixed Use

The Health and Wellness Character District provides policies for this area.

### Old Town Mixed Use

This designation covers the historic, mixed-use downtown area and closely matches the area of the existing Central Business District's zoning district. The Old Town Character District provides policies for this area.

### New Town Mixed Use

The New Town Character District provides policies for this area.

### Office

Office land use is incorporated into the character districts, with key acreage being reserved in the New Town Character District for a potential major employer in the future. The remaining few office land uses are found in current areas off of Shirley Avenue and Winchester Street. These are intended to be small scale office buildings to serve as a transition to between character districts and adjacent residential neighborhoods and to provide locations for the conduct of small shops, studios, and professional offices. Residential uses of low and medium density may be permitted in these areas if they are carefully designed as transitional uses between existing residential neighborhoods and office areas.

In many cases, these areas can be classified as infill development and such development should be compatible with existing uses and likely future uses through appropriate buffering and screening. Controlling vehicular access points so that traffic patterns do not infringe upon adjacent residential areas will also reduce the incompatibility with the adjacent uses. Office uses should be the predominant use in the established districts, whether located within remodeled single-family structures or new structures. Architecturally, new structures should blend in with the architecture of the neighborhood in which its located.

### Re-planned Commercial

The majority of commercial follows the Experience Broadview Character District policies. These are older highway commercial areas which are encouraged to be re-planned to provide pedestrian-oriented streetscapes with parking behind buildings, interparcel connections, access and buffers between neighboring residential neighborhoods and, in certain cases, on-street parking.

### Commercial

The majority of commercial follows the Experience Broadview, New Town, Health and Wellness, or Old Town Character District policies. For the small portion outside of the character district there continues to be retail and service commercial uses which require high-volume truck activity, and should be placed under strict site plan control with particular emphasis on adequate screening, vehicular access, and restrictions on bulk and height of structures. Zoning regulations for the districts that permit these uses should require interparcel connections, limited points of access from major streets and substantial landscaping, as well as discourage large expanses of parking areas that exceed minimum parking regulations while encouraging shared parking.

Commercial expansions should only occur where compatible land uses exist, and the local street system can accommodate the additional traffic demand. In addition, such uses should be designed to fit into the character of the area in which they are located. Any adjacent residential areas should be linked by convenient pedestrian access. Since commercial strip development is discouraged, access to adjacent streets should be restricted, also. Therefore, shared access points should be encouraged to assist in consolidating small parcels in order to limit traffic congestion. Incentives to promote this concept should be provided in order to achieve a well-designed commercial development that coordinates vehicular and pedestrian access,

parking, signage, architecture, and site design.

The commercial uses included in this category are primarily those uses that serve the daily needs of the residents of the Town. They include restaurants, drug stores, personnel services, banks, grocery stores, and general merchandise items.

The future land use map presumes that the commercial pattern of land uses that is already established is generally appropriate for the community. Any change should be evaluated in the context of the change being appropriate to its surroundings and an established need. The following issues should be considered and resolved when development that suggests changes to the future land use map is proposed.

- Town Services. All developments must be connected to the Town's public water and sewer system, and the project must demonstrate that it does not exceed the capacity of the water and sewer systems to meet the needs of the development. If the proposal exceeds the capacity or delivery system of either the existing water, sanitary sewer, or storm sewer systems, improvements to meet the increased demand must be provided by the applicant.

- Traffic Demand and Circulation. Any new project should maintain a level of service that is in keeping with the surrounding road networks capability. Any level of service that is lower than "D" should be reevaluated, as this is not be an acceptable level of service. Interparcel access and service roads are encouraged in order to limit access to arterial streets. Where necessary, deceleration lanes should be provided, and where conflicts exist, left turns into and out of a site should be avoided. In order to reduce vehicular traffic, a pedestrian access should be provided on the site, as well as linking it to adjacent neighborhoods and all adjacent commercial uses. The project should also make provisions for bicycle access and parking.

- Design Guidelines. All new or redeveloped projects should seek to minimize impacts on surrounding land uses and the public right of way by providing landscaped buffers, placing parking to the side and rear of buildings, coordinating the siting and massing of buildings, using monument signs or signs integrated into the building facades, and using the massing and materials of the buildings to create pedestrian-oriented, human scaled outdoor spaces.

- Consolidation of smaller properties is encouraged to provide the opportunity for efficient use and design of the site.

- Placement of pedestrian areas near main entrances to buildings, which includes seating, planting, and bicycle facilities should be provided, as well as any other outdoor architectural features.

- Delivery of services should occur behind the buildings and screened from public view. This can be achieved through the use of natural vegetation and/or landscaping buffers.

- The site should be well landscaped in order to provide a visual barrier to adjacent non-compatible uses, soften lengthy expanses of buildings and parking lots, and provide shade in the parking areas.

### Light Industrial

The Greenway and Makers Character District seeks to incorporate previous uses envisioned for Light Industrial. The remaining Light Industrial is located off the east side of Walker Drive. This area includes light manufacturing, flex industrial uses and wholesale commercial uses, and limited office uses with floor area ratios generally not exceeding 0.35 on a single site. These areas have been designed to provide additional types of employment opportunities within the Town in addition to services and commercial retail uses. Industrial land use designations should be limited to light industrial uses that do not generate inordinate amounts of noise, smoke, dust, odors, heat, or electrical disturbances. Environmentally heavy uses that draw significant water, like data centers, are better served in locations not utilizing public water and sewer.

Particular attention should be given to vehicular access and reducing the impact on adjacent properties.

Integrating certain industrial land uses

Town will enable residents to live and work in the Town. This concept will encourage the integration of the workplace with residential and commercial land use components already existing in Town. Industrial sites should be co-located or located near one another. Scattered sites or strip sites are strongly discouraged. For business parks, a true campus-style site plan is encouraged.

By creating and expanding these sites, it will reduce the amount of persons commuting towards Northern Virginia, thereby reducing travel time and congestion. The areas proposed for light industrial shown on the future land use map should adhere to the following standards and guidelines:

- Access to industrial areas should not conflict with residential traffic and, therefore, should be separated from other types of traffic. This should be accomplished by a road system that permits separation of uses. The non-residential traffic should be routed to collector roads and highways as quickly as possible.

- Industrial uses should be supported with public utilities. In addition, where other utilities are not available, such as natural gas, electric, and phone, those companies should be encouraged to extend their services into industrial areas.

- A set of performance standards should be established in order to mitigate any potential adverse impacts that may be emitted by a particular use.

- When designating, and/or developing industrial sites, particular attention should be given to buffering adjacent non-industrial uses, including appropriate landscaping, screening, setbacks, and open space.

- When evaluating new locations for industrial sites, compatibility with adjacent uses should be carefully considered. Industrial uses should be located adjacent to compatible uses.

- Uses should be limited to those providing a variety of light industrial uses that will contribute to the creation of new businesses, as well as retention and expansion of existing businesses. Very limited support for commercial uses will be allowed as integrated elements of the industrial development for the purpose of reducing traffic generation from the site.

## Low Density Residential

This designation includes single family, detached residential dwellings at densities ranging from existing levels of development (no change) up to 2.5 dwellings per net acre, contingent upon adequate pedestrian and vehicular access, compatibility with surrounding properties, and mitigation of potential impacts. Certain areas specified in the text are intended to remain at densities well below 2.5 d.u. per acre and should follow the policies of any corresponding character district. These include the areas of ex low density historic neighborhoods along Winchester and Culpeper Streets.

The designation of low density residential is generally applied to established residential neighborhoods which should be conserved and/or expanded in a manner similar to, and compatible with, the existing surroundings. Many neighborhoods in these areas have older homes and are characterized by mature vegetation and social interaction between neighbors.

New lots within established subdivisions should contain an area that approximates those existing lots. Neighborhood recreational facilities, small parks or “green space”, and other neighborhood amenities should be provided in compatible locations within such developments.

Although residential infill will sometimes be a slightly higher density than existing lot configurations, any such infill development should be generally similar in density and lot size, and the placement of structures on the lot(s) should be sensitive to the existing structures and lots on neighboring properties. The exterior elevations of the structures should complement and respect the surrounding neighborhood’s existing design and architectural elements.

Retaining the high quality of established neighborhoods is a continual challenge. Since the low density areas are a desirable place to live they are becoming attractive for i development. The low density

residential areas are located so as to protect the character of existing neighborhoods and to provide quiet residential areas attractive for single family housing.

Where site characteristics permit, and where negative impact to adjacent properties is minimal, non-residential home occupations and businesses may be permitted as provided for in the Zoning Ordinance. However, neighborhoods should retain their distinctive character, incorporating those characteristics of architecture, mature vegetation, and open spaces appropriate to the character of the neighborhood. Mature vegetation should be retained.

This Plan seeks to preserve the integrity of existing residential neighborhoods by limiting and discouraging incompatible uses in established residential spaces while maintaining and improving neighborhood qualities by eliminating substandard housing. In doing so, this will enhance the physical features that include streets, sidewalks, street lights, and other public improvements.

*Winchester Street:* The larger lots along Winchester Street containing historic houses are important elements of Warrenton's downtown character. The large size of the lots present an opportunity to preserve the majority of each lot, including the frontage along the street as very low density residential, while developing the back portion of the lot with medium density residential uses.

*Culpeper Street:* Like Winchester Street, the larger lots and historic houses are important elements of Warrenton's downtown character. These lots should remain essentially as they are, at very low densities, with only very carefully designed, small scale infill structures that preserve the essential character of the street.

*Falmouth Street:* Like Winchester and Culpeper Street, Falmouth has important buildings that establish the historic character of the entrance to the downtown. The lots with historic buildings, and those adjacent to them, should be maintained as very low density uses, with only very carefully designed, small scale infill structures that preserve the essential character of the street.

## Medium Density Residential

This designation includes single family detached residential dwellings at densities up to five dwellings per net acre, contingent upon pedestrian and vehicular access, compatibility with surrounding properties, and mitigation of potential impacts.

Much like the designated low density residential areas, the medium density areas are made up largely of established single family neighborhoods. The neighborhoods are located in many areas of the Town and have access to all Town services.

Medium density areas are composed of high concentrations of residential uses. The areas that border the Central Business District (CBD) have been developed over the years along the vehicular entryways to the CBD. Many have been incorporated into the policies of the Old Town Character District. It is the intent to protect and enhance these areas, while at the same time permitting changes to occur in an effort to ensure that the use of these areas is economically feasible. Since the areas adjacent to the CBD consist of predominantly single family houses, that character must be protected. Approving non-residential uses should be done in a very limited fashion and in a manner that maintains the essential character of the residential areas. Small scale, non-residential uses like home occupations and offices may be appropriate in some of these areas.

The designation of medium density residential is also applied to established residential neighborhoods which should be conserved and/or expanded in a manner similar to, and compatible with, the existing surroundings. Many neighborhoods in these areas have older homes and are characterized by mature vegetation and social interaction between neighbors. Medium density areas are intended to permit densities of up to five dwelling units per net acre, and new lots within established subdivisions should contain an area that approximates the size and configuration of existing lots in the neighborhood. The higher densities should be considered as more appropriate near major thoroughfares and commercial areas. Recreational facilities and other neighborhood amenities should be provided in developments when densities exceed three units per net acre.

New subdivisions and lots within this designation should complement and enhance the area in which it occurs. Residential infill areas should be compatible in density, lot size, and placement of structures on the lots with existing neighboring structures and lots. The exterior elevations of the structures should complement and respect the surrounding neighborhood's existing design and architectural elements.

Retaining the high quality of established neighborhoods is a continual challenge. Since the low density and the medium density areas are a desirable place to live, they are becoming attractive for infill development. The medium density residential areas are located so as to protect the character of existing neighborhoods and to provide quiet residential areas attractive for single family housing. Where site characteristics permit, and where negative impact to adjacent properties is minimal, non-residential, home occupations and businesses may be permitted as provided for in the Zoning Ordinance. Mature vegetation should be retained.

In order to support the goals and objectives of medium density residential areas, the Plan seeks to preserve the integrity of existing residential neighborhoods. In order to do so, the plan limits and discourages incompatible uses in established residential neighborhoods, maintaining and improving neighborhood qualities by eliminating substandard housing and improving its physical features such as, streets, sidewalks, street lights, and other public improvements.

## High Density Residential

These designations include single family attached and/or multi-family dwellings up to 12 dwelling units per net acre, contingent upon adequate pedestrian and vehicular access, compatibility with surrounding properties, and mitigation of potential impacts.

The density in these areas can accommodate townhouses, apartments, and similar residential types. Because these areas provide for more intensive development, they should be carefully integrated into the existing townscape to ensure that the existing character is protected. Further, any such developments should be carefully integrated into the area with attention given to creating spatially defined open space areas such as parks and "greens", trail and sidewalk connections, street connections, recreational facilities, parking, and landscaping. The scale and mass of buildings should be compatible with the historic fabric of the Town as a whole, and neighboring properties in particular.

The high density residential areas can be developed at a density of up to 12 units per net acre. The areas for high density development have been designated for those sections of Town which are adjacent to areas of a similar existing density or similar zoning. Housing types permitted in these areas include single family, two, three, and four family dwellings, townhouses, triplex and quadruplex, and apartments. Higher density developments may function as a transition between commercial and lower density residential areas and should be located where streets are capable of carrying the expected traffic. These are key areas encouraged for creative development to help fill the "missing middle with attainable, diverse housing types.

Along with the low and medium density areas, the high density residential areas will provide a variety of options for residential housing types in the Town. It further encourages housing types and costs at different levels which will serve the needs of the Towns citizens. As provided in the low and medium density areas, new multi-family residential buildings should be arranged so that the buildings define outdoor spaces, including a human scale streetscape.

## Park

This designation includes public and private parkland and park facilities serving local neighborhoods, passive and/or active. It includes the three Town parks: Eva Walker, Sam Tarr, Academy Hill , and Rady Park, as well as the Warrenton Branch Trail. Additional proposed small parks and "greens" that should be developed in conjunction with new residential neighborhood development are not included as they are addressed in character district and park policies. The specific size, design, function, and configuration of these parks will depend upon the particular needs and attributes of the proposed development and surrou uses.

## Public/Semi-Public Uses

***Intensive***. This designation includes hospitals, utility plants, government administrative uses, and other uses which have a relatively high degree of development intensity and building coverage.

***Non-Intensive.*** Schools which have significant outdoor recreational components, cemeteries, churches, buffer areas, and similar areas of very low intensity development.

A number of areas on the future land use map have been designated as public/semi-public. These designations provide for the maintenance and expansion of existing community facilities. Specific decisions about locating these services should be made in the context of their impact and location on other related decisions which are made by both the Town Council, County Board of Supervisors, and Fauquier County School Board. Therefore, as specified in the Community Facilities section, the Town and County should coordinate their planning and capital programming efforts.

The areas designated for public and semi-public uses include both County and Town facilities, as well as semi-public facilities such as the hospital.

Town residents are also County residents, and receive the same services that the County residents receive. Warrenton has historically been the center of governmental and commercial activity for the County and plans to remain so for the foreseeable future. Thus, the Town is an appropriate location to provide the full range of public and semi-public services such as a library, schools, and fire and rescue services, as well as various state agencies.

It will be necessary to provide public services to not only the residents of the Town, but to day-time employees, customers, and visitors, as well. This larger population will place additional demands upon the services provided by the Town, includng solid waste collection, water and sewer, fire and rescue, and police services. This overall population will continue to grow and increase demands for services.

Specific areas designated for the public/semi-public category include the following:

- The area around and including the Fauquier Hospital, now incorporated into the Health and Wellness Character District. This area should continue to be maintained as the community's medical center. This designation encourages ancillary medical services be located in proximity to the existing hospital, and takes advantage of the proximity of the rescue squad and a public health center. Future complementary development to the hospital should continue, and land for its future expansion reserved.
- Areas that include the Bradley Elementary School, Warrenton Middle School, Brumfield Elementary Schol, Taylor Middle School, Fauquier High School, the Highland School, St. James Episcopal Church and School, and St. John's Church and School. The land adjacent to these sites should continue to be maintained and protected for public and semi-public use. Because the public schools are part of the Fauquier County system, the Town has no direct responsibility for them. However, the Town should ensure that adjacent areas are carefully planned and that any new development is compatible with the site. Further, the Town should work closely with the County, or the relevant private organizations, to carefully plan for and utilize schools in conjunction with the Town's growth and development. These schools provide Town and County residents a setting for educational, social, and recreational activities.
- The area in the vicinity of the WARF, the Virginia Department of Forestry and the Town's Sewage Treatment Facilities off Route 211 and the area adjacent to the National Guard Armory. These areas should be recognized as important elements of the Town and should be fully protected to allow for future expansion. Any future expansion should be carefully planned and screened from adjacent properties.
- These areas include the many churches located within the Town, which are not all mapped specifically, but are planned to remain as churches, including areas for future expansion.
- Town resources that include

Public Works facility and cemetery, as well as Town and County functions in the downtown area that include municipal offices, court buildings, sheriffs office, municipal parking lots, and jail should also be reserved for their continued and expanded use.

Office of the Town Manager
Frank Cassidy

# STAFF REPORT

**Warrenton Town Council**
Carter Nevill, Mayor
Heather Sutphin, Ward 1
William Semple, Ward 2
Brett Hamby, Ward 3
James Hartman, Ward 4 Vice Mayor
Eric Gagnon, Ward 5
Paul Mooney, At Large
David McGuire, At Large

| | |
|---|---|
| **Council Meeting Date:** | The date at which the staff report is to be presented, Updated each meeting. |
| **Agenda Title:** | A title that is unique and acknowledges the contents of the specific staff report. This should match with the agenda item title for the meeting. |
| **Requested Action:** | A shortened description of the requested action. Maximum 1-2 sentences. |
| **Department / Agency Lead:** | Department or agenda responsible for the information in this report. |
| **Staff Lead:** | Individual or group of individuals that are presenting the information. |

## EXECUTIVE SUMMARY

The executive summary is a brief description of the item going before the council with the focus on the pertinent information and the rationale of bringing the item before the Council/Commission/Board.

## BACKGROUND

Background information is the history of the item and reference materials to support the topic. Timelines, previous actions, reference materials, and ancillary information are all appropriate for this area. The elongated and in-depth basis for the staff recommendation. The reasoning may be legal, social, scientific, fiscal, medical, and/or justified by other means not explicitly mentioned. Explain in a manner that is easy to understand for those unfamiliar with this topic, the relationship between the issue presented, the staff recommendation, and the justification.

## STAFF RECOMMENDATION

Staff recommendations should include the course of action that the Council may take without being binding. Staff can recommend, but the policy direction and actions of the Council/Commission/Board remain their own decision.

## Service Level/Collaborative Impact

Explain how the agenda item and subsequent staff recommendations would affect other relevant services provided by the Town and the individuals tasked with enforcement of the staff recommendation. Explain what collaboration would be necessary with other departments and the impact of such.

## Policy Direction/Warrenton Plan 2040

A required tie in of the item to the Warrenton Plan 2040 and the policy direction that required this item to be brought before the Council.

## Fiscal Impact

Explains what monetary impact the staff recommendation would have on various parties involved in the resolution. This includes from where funding is sourced, the total costs incurred, revenue generated, and/or other fiscal impacts not mentioned.

## Legal Impact

A section required for certain staff recommendations that explains the legal course of action necessary for implementation and/or legal necessity to act on this topic.

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## ATTACHMENTS

1. Optional attachments allow for potential citations, reports, and other means of intellectual support that led the author to their conclusion and recommendation.
2.
3.

# TOWN COUNCIL REGULAR MEETING

21 Main Street

Saturday, September 07, 2024 at 9:00 AM

## 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. WORKSESSION - 9:00 AM

A. **Work Sessions:** Informal, informational meetings at which Council may discuss specific topics or receive an in-depth presentation from staff or an outside party on a particular topic. Generally, a Work Session aims to inform Council on a topic and for Councilmembers to give staff or others general direction.

B. **Closed Sessions:** In certain instances, the Virginia Freedom of Information Act permits the Town Council to hold a meeting where the public is excluded. Any action taken during a closed meeting must be ratified by a vote in a public session of Council. Items brought forth in closed session must be narrowly and specifically defined. Only the item described in the motion to enter closed session may be discussed in closed session. Virginia Sate Code§ 2.2-3711 defines the exemptions permitted by VFOIA including personnel discussions, discussions of accusations or disposition of publicly held real property, consultation with legal counsel, discussion of award of a public contract, or other permitted items.

C. **Staff Reports:** The Staff Report document is the main document to convey information for agenda items. Staff reports are used in all departments with a common template and can be carried over from the Town Council to the Planning Commission, the Board of Zoning Appeals, and the Architectural Review Board.

   This template can be slightly modified to suit the needs of the item being brought forth.

D. **Agenda Review:** The Town Manager will review the meeting agenda with the Council and discuss any items that need additional information or presentation from staff.

## II. REGULAR MEETING - 6:30 PM

### A. INVOCATION.

a. **Invocation:** Local religious leaders lead meeting attendees in a prayer before the proceedings of the meeting.

**B. PLEDGE OF ALLEGIANCE.**

a. **Pledge of Allegiance:** An informal pledge of loyalty to the flag of the United States of America led by the Mayor before the proceedings of a regular meeting. Originating in 1892 and having undergone five rewordings, the 1954 Pledge of Allegiance is read.

**C. PROCLAMATIONS AND RECOGNITIONS.**

a. **Proclamations and Recognitions:** The Mayor or Town Council may choose to have a proclamation read at a meeting or at an event of their choosing for recognition of an individual, group of individuals, or organization. Proclamations proclaim a certain things to be true or honor a specific date range of note. Resolutions resolve or declare intent from the Town Council.

The Town Manager will also review current achievements and accolades received by staff with the Council.

**D. CITIZEN'S TIME.**

a. **Citizen's Time:** Individuals may address the Council for up to three minutes on any matter not listed on the agenda at a public hearing. This is their time to address the Council and share what's important to them.

When called to the podium, speakers should state their name and address for the record. Copies of written statements and supporting materials should be given to the Town Clerk for the record. The Mayor will establish the order of speakers and will maintain decorum. Citizen's Time is not designed as a question-and-answer session or a debate.

**E. APPROVAL OF THE AGENDA.**

a. **Approval of the Agenda:** Under Robert's Rules the agenda of the meeting must be adopted before items can be considered. The Mayor will seek a motion for the approval of the agenda. Once moved and seconded the motion will be voted on and if adopted the agenda will be set. An additional motion can be made to amend the agenda which would need a second for discussion and a vote.

**F. PUBLIC HEARINGS.**

a. **Public Hearings:** Formal proceedings held to hear from the public on a specific topic. All public hearings are advertised prior to the scheduled hearings, and the notices indicate where citizens can obtain information pertinent to matters scheduled for public hearings. Applicants, or

representatives of the applicant, will be allowed to introduce information regarding the matter advertised for public hearing. Public hearings are intended to enable citizens to influence the public decision process based on prior research and discussions with appropriate public officials and to address only those issues pertinent to the matters advertised for public hearing. Public hearings are not question and answer sessions or debates, and all statements should be addressed to the Town Council.

**G. CONSENT AGENDA.**

a. **Consent Agenda:** The consent agenda is used for eligible items and may include routine appropriations, grant applications, reports, contracts, resolutions, ordinances, second readings, and the minutes. The consent agenda is designed for standard items that do not require discussion for approval. If an item is on the Consent Agenda that Council wishes to discuss, a motion may be made to amend the agenda to move it to a more appropriate area for discussion.

b. **Minutes:** Minutes are the written record of the proceedings of the Town Council. They are provided for review in the Town Council packet. Once voted on, they act as the official record of business for the Town Council.

c. **Departmental Quarterly Reports**: Reports are run quarterly (every three months) for the Council to show reported data and highlight trends within the data. Quarterly reports are favored over monthly reports to compile greater amounts of data for each department producing such reports, thus providing more accurate reports regarding trends and performance.

**H. NEW BUSINESS.**

a. **New Business:** New topics being brought to Council that require action and further discussion. Items may be brought forth from the work session or from previous discussions with Council.

**I. UNFINISHED BUSINESS.**

a. **Unfinished Business:** Topics that the Council has been briefed on that require action or update and are open again for discussion at the meeting.

**J. TOWN ATTORNEY'S REPORT.**

a. **Town Attorney's Report:** A report given by the Town Attorney updating the Council on legal matters, court proceedings, and general topics of work that the Town Attorney is currently engaged with.

**K. TOWN MANAGER'S REPORT.**

a. **Town Managers Report:** An opportunity to provide an update to the Town Council from the Town Manager. Updates may include upcoming topics for

meetings, upcoming events, employee highlights, or challenges that may be faced by Council in the future.

**L. COUNCILMEMBERS TIME.**

a. **Councilmembers Time:** This is the Council Member's opportunity to speak and address those gathered at the meeting. This is not designed as a response to Citizen's time and the comments made then. This is a chance to update the Citizens on your views, happenings in your Ward or around Town, and tell the Citizens what is important to each Council Member.

**M.ADJOURNMENT.**

a. **Adjournment:** The suspension of the regular meeting indefinitely or for resumption at a later time or date.



LOCAL OFFICIALS' RESOURCE SERIES

2023-2024 Edition

# Virginia Freedom of Information Act

# Virginia Conflict of Interests Act

*and the*

# Virginia Public Records Act

*Guide for Local Government Leaders*

VIRGINIA MUNICIPAL LEAGUE

BETTER COMMUNITIES THROUGH SOUND GOVERNMENT

804-649-8471
www.vml.org

# 2023-2024 Edition
# The Virginia Freedom of Information Act, Virginia Conflict of Interest Act and Virginia Public Records Act

## Guide for Local Government Leaders



BETTER COMMUNITIES THROUGH
SOUND GOVERNMENT

**July 2023**

# Introduction

## July 2023

THIS UPDATED GUIDE is designed to help local government officials understand their responsibilities under the Virginia Freedom of Information Act (FOIA), Virginia Conflict of Interests Act (COIA) and Virginia Public Records Act.

Each of the acts requires council members, supervisors, and certain other elected and appointed officials to read and familiarize themselves with the three sets of laws.

This 2023 Virginia Municipal League publication explains these laws in non-legal terms as much as possible. It is not written for lawyers, though we hope it will be useful for attorneys, too.

VML encourages city and town council members to consult this guide when questions arise about these topics.

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# Virginia Freedom of Information Act
## Guide for Local Government Officials

## Introduction

The Virginia Freedom of Information Act was enacted by the General Assembly in 1968. In the years since, the law has undergone major revisions and has been modified annually to address new situations. Local public officials are required to read and familiarize themselves with the law. § 2.2-3702(ii). All local government officials including the executive director and members of each industrial development authority("IDA"), economic development authority ("EDA"), and members of any boards governing any authority established pursuant to the Park Authorities Act are required to take FOIA training within 2 months of assuming office and at least once every two years thereafter. Each local and regional public body must designate a FOIA Officer, whose contact information must be readily available. This guide provides useful assistance in meeting that obligation. Many provisions of the act address state agencies and other matters that do not concern local governments. Those provisions are not discussed. This guide will help local officials become familiar with their obligations under the law.

The Freedom of Information Act Advisory Council ("FOIA Council"), through its staff, provides local officials with timely information about the act that will assist in compliance. Contact information for the staff is found later in this report and can be found at http://foiacouncil.dls.virginia.gov.

This guide has two major sections – meetings of a public body and records of a public body. The term "public body" will be used to generally describe any locally elected public body, such as city and town councils, as well as any county board, ida, eda, and committees of all such bodies. Where a difference exists in the act's requirements for a specific type of local elected public body, the difference is noted.

## Purpose of the act

FOIA generally determines how local public bodies must conduct their meetings, from city council sessions to a citizen advisory committee recommending where to locate a new sidewalk. The act also regulates the public's access to local government records.

The guiding principle of FOIA is openness. The act aims to "[ensure] the people of the Commonwealth ready access to records in the custody of public officials and free entry to meetings of public bodies wherein the business of the people is being conducted." § 2.2-3700(B). The section further declares that "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." Id.

Thus, FOIA attempts to ensure that Virginia's citizens have the ability to observe how their elected public officials are conducting public business.

## What's New

During the pandemic most local governments conducted all electronic meetings utilizing the authority in the state budget. In the 2022 General Assembly session there was an attempt to allow electronic meetings to continue in a more narrowed way. However, the final legislation does not allow local governing bodies, zoning appeals boards, planning commissions, local school boards, architectural review boards or any board with the authority to deny, revoke, or suspend a professional or occupational license to hold electronic meetings in the absence of the pandemic or other declared state of emergency. There is limited authority for other boards and commissions.

Also new is the requirement that a cities, counties and town with a population of over 250 and any school board shall post on their official government website a written policy (i) that explains how the public body assesses charges for accessing or searching for requested records, and (ii) notes the current fee charged, if any, for accessing and searching for the requested records.. Public bodies may now offer an electronic method of payment for the production of records.

Lastly, upon receiving a FOIA request, if the locality intends to charge for producing the record, it shall notify the requestor in writing of the right to ask for a cost estimate. Note the "in writing," so even if the FOIA request is oral, you have to advise the requester in writing of their right to an estimate.

## I. Notices.

All local public bodies, including regional bodies shall designate and publicly identify one or more FOIA officers who will be responsible for FOIA requests in their locality. In addition, they must be trained once every 2 years by either the FOIA Council or their locality's attorney. § 2.2-3704.2. The name of the designated officer/officers must be provided to the FOIA Council by July 1st of each year.

Any city or town with a population of more than 250 must post rights and responsibilities on their website. §2.2-3704.1. A template of the rights and responsibilities is available on the FOIA Council website and can be easily adapted to any locality.

Cities and towns with a population of more than 250 shall also include a link on their official government public website to an online public comment form that will be on the FOIA Council's website.

Notice of date, time and location of a public meeting should be posted on the official government website if there is one, and also the usual places: in a public location where notices are usually posted and at the office of the clerk or if there is no clerk, the officer of the chief administrator. §2.2-3707.

If a meeting is continued; notice must be given to the public at the same time as the notice is sent to the members of the public body conducting the meeting. §2.2-3708.2.

## II. Meetings.

The basic fundamental principle of FOIA is that all meetings of public bodies are open to the public. Section §2.2-3700(B) makes this clear:

"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 governments. Any exemption from public access to…meetings shall be narrowly construed and no…meeting closed to the public unless specifically made exempt pursuant to this chapter or other specific provision of law."[1]

Nevertheless, the Act contains numerous exceptions to the open meeting requirement. Some issues may be discussed in a meeting closed to the public. For instance, public bodies may hold a closed meeting if an open discussion will lead to the release of information that certain other state laws require to be kept secret. See § 2.2-3711(A)(26), (33), (34). Still, the fact that a meeting may be closed does not mean that it must be or even should be closed. Furthermore, any exceptions are to be narrowly construed.

Although not a part of FOIA, Virginia Code Section § 15.2-1416 now requires local governing bodies to hold a public comment period at a regular meeting at least quarterly.

### A. Public body.

The open meeting requirements apply whenever a public body holds or participates in a meeting. The definition of "public body" is very broad. See § 2.2-3701. City and town councils and county boards of supervisors obviously are included. All committees and subcommittees are included, regardless of whether any members of the local governing body serve on the committee. Citizen committees are included if the committee is charged by the public body appointing it with either carrying out some function for the public body or advising it. Elected local constitutional officers and private police departments are included for the purpose of access to public records but are not subject to the public meeting requirements. FOIA specifically states that having citizen members does not exempt abody from the act. Id. Accordingly, a citizens' committee formed by a city or town council to advise where a park or school should be located would be a public body subject to FOIA.

### B. What is a meeting?

City and town council meetings, county board meetings and committee meetings of a public body are certainly meetings regulated by the act. Like the definition of public body, the definition of meeting is broadly construed under § 2.2-3701, intending to capture any meeting where public business is transacted or discussed. A council work session is also a meeting, as is any other "informal assemblage" of as many as three members of a public body (or a quorum, if quorum is less than three members) where public business of the locality is discussed.

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[1]The Virginia Supreme Court recently ruled that the public must be able to physically attend a meeting. However, the Court made clear that physical attendance is not "absolute," but rather is subject to a rule of reason ("a public body is not required to rent an arena if a topic is likely to generate larger than normal public interest; rather it must provide the 'normal' in-person access and take steps to allow members of the public who cannot be accommodated in the meeting room access by other means. Conversely, a public body may not select, design, or arrange a meeting room in a manner that artificially limits or removes the ability of the public to attend in person"). Suffolk City Sch. Bd. v. Wahlstrom, 886 S.E.2d 244 (Va. 2023).

FOIA typically applies to public body gatherings irrespective of the meeting's location. It doesn't matter if a meeting is held in the council chambers or at a council retreat held out of the locality. The Virginia Supreme Court has specifically ruled that Virginia's FOIA applies even if the meeting is out of state.

Attendance at a VML Annual Conference or a National League of Cities meeting is sometimes a touchy subject. Because of the broad definition of public meeting, some councils and boards consider attendance at a state or national conference to be a meeting, and will comply with the notice requirements of the act (dicussed below) to be on the safe side, even though there is no plan to discuss the locality's public business. This action sometimes invokes a negative response from the media or citizens who complain that they cannot attend the out-of-town meeting. Conversely, if the council doesn't consider attendance at a conference to be a meeting, then the complaint becomes one that the council has left town for a private or secret meeting. The best practice is to announce the conference at a council meeting, but not describe it as a meeting of the locality, and to strictly avoid discussing town, city, or county business while attending the conference.

A gathering of council members does not create a meeting if public business is not discussed or carried out and the gathering was not called for the purpose of doing public business. § 2.2-3701. This section is aimed at allowing participation in community events, partisan political gatherings or social events. Without this section, a citizen could criticize a council for hold- ing a meeting if three members of council happen to show up at a community forum.

The definition of meeting includes a gathering of three or more members of a public body to discuss public business. §2.2-3701.[2] It is not a meeting 1) when the discussion or transaction of any public business is no part or purpose of the gathering or attendance, 2) the gathering was not prearranged for the purpose of public business, or 3) if the attendees are at a public forum, debate, or candidate appearance that is held to inform the electorate and no public business is being transacted, even if the performance of members is a topic of discussion or debate at the gathering. Finally, a staff meeting of employees of public body for business purposes does not constitute a meeting, under the § 2.2-3701 definition.

## Number of public officials needed to constitute a meeting

Obviously, any meeting of a council qualifies as a public meeting. For the purposes of the act, such a council meeting is created if a majority of council, or three members, regardless of how many are needed for a majority, get together and discuss public business. § 2.2-3701. Therefore, if three members of a council meet on their own to discuss or act on government business, that creates a council meeting for purposes of FOIA, even if it is not considered a meeting under the locality's rules. If a public body or committee of a public body has only three members, then two members make a quorum, and members should not discuss the business of the body or committee outside of properly convened public meetings, inconvenient as that may be.

## Notice provisions

General notice requirements that are spelled out in the act must be followed in order to hold any meeting of a public body. The state code also contains numerous specific notice and advertising requirements for particular types of public business. These specific, subject matter requirements apply only if the public body is discussing the relevant type of public business.

Examples include notice of zoning actions (§ 15.2-2204) and adopting budgets (§ 15.2-2506). In all cases, the more general requirements in FOIA need to be fol- lowed in addition to any other requirements. For all regular meetings of a council, committee, board, or other agency, notice must be posted on the body's official public government website if any, public bulletin board or prominent public location and in the council clerk's office, or, if there is no clerk in the office of the chief administrator. The notice must state the date, time and location of the meeting and must be posted at least three days before the date the meeting is to take place. § 2.2-3707(C). If the newspaper makes a mistake in your public notice after a locality has submitted a correct and timely notice; that notice is deemed to have met the requirements. See §15.2-2204.

For regular meetings, a simple way to comply with this requirement is to post a single notice listing the

[2]For a topic to constitute the 'business' of a public body, it must relate to a subject that falls within the purview of that public body. It must be something that is either before the public body or likely to come before the body in the foreseeable future." (the consideration of topics that are on the Board's agenda or soon will be is the business of the legislative body). Gloss v. Wheeler, No. 210779, 2023 Va. LEXIS 22 (May 18, 2023). In footnote 10, the Court also cited Roger C. Wiley's summary provided within a previous Freedom of Information Act Guide, namely that "'work sessions,' 'retreats' and other 'informal gatherings' of the public body at which public business is discussed are meetings covered by FOIA just as certainly as more formal assemblies, regardless of whether a formal agenda will be followed, or votes taken."

information for all meetings of the next year. This way, nobody will forget to give notice of a regularly scheduled meeting. For special, emergency meetings or continued meetings, the notice must be reasonable given the circumstances. The notice must be given to the public and anyone who has requested individual notice, at the same time the notice is given to the members being called to attend. § 2.2-3707(D).

Any person may file an annual request for notice of all meetings. In that case, the public body must notify the person making the request of all meetings. Sending the annual schedule of all regular meetings will assist in complying with this obligation. If the requester supplies an e-mail address, all notices may be sent via e-mail, unless the person objects. § 2.2-3707(E).

If a citizen submits an e-mail address and other personal contact information to a local governing body or any of its members for the purpose of being notified of meetings and other events, that e-mail address and other personal information need not be disclosed to others who request it, unless the citizen has indicated his approval for that disclosure pursuant to § 2.2-3705.1(10). Personal contact information includes addresses, email addresses and telephone numbers.

## Meeting minutes

Minutes of council meetings must be taken at all open meetings. § 2.2-3707(H). Minutes must be written and include the meeting's date, time, and location, along with attendance, a summary of discussed matters, and any votes taken. Minutes of council committee meetings are required to be taken only if a majority of the members of the council serve on the committee. Draft minutes and any audio or video recording made of a meeting are available to the public for inspection and copying. § 2.2-3707(H). This means that draft minutes must be disclosed when requested even if they have not yet been approved by the public body. Once finally approved, minutes of meetings of local governing bodies must be posted on their locality's website within seven working days.

The agenda packet and all materials furnished to the members of the council (except documents that are exempt from disclosure, such as advice of the town or city attorney or personnel records of an individual employee) must be made available for public inspection at the same time they are distributed to the members. 2.2-3707(F). Any records that are exempt from disclosure do not need to be made available. The practical problem is for staff to remember to cull any exempt documents when making the public copy of the agenda. The better practice is to not include exempt documents as a part of the agenda package, but to send them to the members of the body separately.

## Recording meetings

Citizens have an absolute right to photograph and make video or audiotapes of public meetings. While the council may establish rules for where the equipment may be set up so meetings are not disrupted, the recording equipment may not be excluded altogether. § 2.2-3707(G). Council may not meet in a location where recordings are prohibited. If a courtroom, for example, has a standing order forbidding any form of recordation, public body meetings must be held elsewhere. § 2.2-3707(G).

## Electronic Meetings

Generally, in the absence of a declared state of emergency, a local governing body and many otherpublic bodies may not hold a meeting via electronic media, including a conference call, pursuant to §§2.2.-3707, 2.2-3708.2 and 2.2-3708.3. In all of these situations public bodies are encouraged to provide public access both in person and through electronic communication means and provide avenues for public comment when customarily received.

There are a few exceptions:

### Individual members participate remotely (§2.2-3708.3)

Public bodies may hold meetings where one or more members participate by electronic means as long as a quorum of members is physically present at the meeting location, and the meetings comply with the heightened procedural requirements in §2.2-3708.3. These require that the public body has adopted an electronic meeting policy and the member has one of the following situations:

a. The member has a temporary or permanent disability or other medical condition that prevents their physical attendance.

b. A medical condition of a member of the member's family requires the member to provide care that prevents their physical attendance.

c. The member's principal residence is more than 60 miles from the meeting location.

d. The member is unable to attend due to a personal matter and identifies with specificity the nature of the matter. However, the member may NOT use this provision more than twice or 25% of the meetings per calendar year, whichever is greater.

If remote participation is approved, it must be recorded in the minutes along with the reason for electronic participation. The remote location need not be open to the public.

### Electronic meetings outside a state of emergency (§2.2-3708.3)

Bodies that are NOT local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards and any board with the authority to deny, revoke, or suspect a professional or occupational licenses may hold all-virtual public meetings subject to procedural requirements and limitations to include the adoption of a policy and:

a. The meeting notice should indicate that the meeting will be electronic
b. Public access is provided via electronic communication means
c. Means of electronic communications must allow the public to hear all members of the public body participating and see them if possible
d. A phone number or other live contact information is provided to alert the public body if the audio or visual fails and the meeting must cease until transmission is restored
e. A copy of the proposed agenda, all agenda packets and any other public meeting materials must be available in an electronic format at the same time such materials are provided to the public body
f. The public is afforded the opportunity to comment through electronic means when public comment is customarily received (this includes written comments)
g. No more than 2 members of the public body are participating from the same remote location
h. If closed session is convened transmission of the meeting must resume prior to the certification of closed session
i. The public body may only convene all electronic meetings 2 times or 25% of the meetings per calendar year whichever is greater.

### Electronic meetings during a state of emergency (§2.2-3708.2)

If the Governor has declared a state of emergency pursuant to §44.1-146.17 or the locality in which the public body is located declared a state of emergency pursuant to §44.1-146.21 and if it is impracticable or unsafe to assemble a quorum and if the purpose of the meeting is to provide for the continuity of operations[3] or the discharge of its lawful purposes, duties and responsibilities – the local government may convene an electronic meeting if:

a. Public notice is given using the best available method and contemporaneously with the public body
b. Public access must be provided through electronic means
c. Allow public comment if customarily received

In addition to these exceptions, council members have some flexibility in communicating through e-mail. A 2004 Virginia Supreme Court opinion, Beck v. Shelton, 267 Va. 482; 593 S.E.2d 195, ruled that council members e-mailing each other did not create a meeting for purposes of FOIA. In Beck, multiple e-mails were sent by an individual council member to all other members; some e-mails were in a reply to all members, and in one or two of the e-mails, the reply was made more than 24 hours after the e-mail to which it replied. The court found that no meeting had occurred, although the opinion noted that the outcome may have been different had the e-mails been part of instant messaging or a chat room discussion.

The Virginia Supreme Court reinforced its Beck reasoning in Hill v. Fairfax County School Board, No.111805 ( June 7, 2012). Hill involved e-mails between members of a school board that were exchanged over an even shorter interval than in Beck. Back-and-forth communications only occurred between two board members (not the three required for a meeting under FOIA). Any e-mail that was received by three or more members was found to be of an informational or unilateral nature and did not create any discussion among members. Following Beck, the court reiterated that e-mails between council members must be sufficiently simultaneous to create a meeting for the purposes of FOIA. Hill affirmed the lower court's finding

[3]Unless another state code section specifically overrides the open meeting provisions of the Freedom of Information Act and conflicts with those provisions, any meeting, including electronic meetings, must follow the open meeting requirements set forth in the Freedom of Information Act. The Supreme Court in Berry v. Board of Supervisors of Fairfax County voided a revamped zoning ordinance vote that occurred at the beginning of the COVID-19 pandemic, because the Court found that that the neither the Freedom of Information Act, the continuity of government ordinance, nor the 2020 budget allowed votes to be taken in electronic meetings on matters that were not "time-sensitive," or necessary for the "continuity of operations" (Berry v. Bd. of Supervisors, 884 S.E.2d 515 (Va. 2023). As of the date of this Guide, the County is pursuing a request for a re-hearing.

that the school board members' communications did not create a meeting because the e-mails did not show the simultaneity or group discussion required under FOIA. Thus, responsive e-mails between at least three council members must occur within quick succession to constitute a meeting (though the precise responsive speed that would be necessary is unclear).

Text messages have been the subject of many discussions by the FOIA Council in the last year or so. If you conduct public business via text message, you are obligated to retain those records under the Public Records Act and all of the FOIA rules apply.

### Voting

All votes must be made publicly. Secret ballots are not allowed, unless specifically permitted by some other provision of law. § 2.2-3710(A). This section, however, specifically authorizes each member of council to contact other members of a council or other body "for the purpose of ascertaining a member's position" on public business without making the position public. § 2.2-3710(B). Further, nonbinding votes or "straw polls" may be taken in closed session, but they have no legal effect until repeated in open session.

## C. Closed meetings.

A closed meeting is a meeting of a council or other public body from which the public is excluded. It may be held only for specific reasons, which are delineated in the act. Closed meetings must be convened during an open meeting of the public body (the specific procedures are described below). After the closed portion of a meeting, the council must reconvene in open session to certify that the closed meeting portion was carried out legally. There are a few exceptions to the requirement that a closed meeting be held as a part of an open meeting. They are discussed below.

### Purposes for closed meetings

Section §2.2-3711 sets out many permissible reasons for holding a closed meeting, some of which don't apply to local governments. A city or town council or board of supervisors will generally need to hold a closed meeting for one of eight possibilities:

- Personnel matters - subsection 1;
- Real property acquisition or disposition- subsection 3;
- Privacy of individuals unrelated to public business - subsection 4;
- Prospective location of a new business or expansion of an existing one subsection 5;
- Consultation with legal counsel pertaining to actual or probable litigation- subsection 7;
- Consultation with legal counsel regarding specific legal matters- subsubsection 8;
- Terrorism- subsection 19; or
- Award of a public contract involving the expenditure of public funds subsection 29.

***1. Personnel matters***. §2.2-3711(A)(1) authorizes a closed meeting for: "[d]iscussion, 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."

The most significant requirement in this subsection is that the discussion be about one or more specific people. This means that the council may not discuss general personnel issues in a closed meeting. For example, the council would not be authorized to meet behind closed doors to discuss a pay plan or set salaries for all employees. The council could, however, meet to discuss the pay increase to be given an employee or appointee, based on the council's discussion in the meeting of the employee's performance.

Note that the section applies to three classes of public officials: public officers, public appointees and employees of the public body. Therefore, the council could discuss the performance of a specific planning commis- sion member in closed meeting since that person is an appointee of the council.

Two Virginia attorney general opinions have clouded the use of the section for a closed meeting discussion of most employees and some other public officials. In an opinion issued Dec. 16, 1998, the attorney general opined that a council may not hold a closed meeting to discuss employees who are not directly employed by the council. The opinion states that only the manager, clerk, and city attorney could be discussed in a closed meeting, because the city charter stated that only those three employees are under the "full supervisory authority" of the council. The attorney general confirmed the opinion in a second opinion dated May 18, 2000, which was written in response to a request for reconsideration. 2000 WL 8752.

Many local government attorneys disagree with this opinion. The specific language of the subsection allowing a closed meeting for personnel matters states that the individual must be an employee of the public body. The opinion limits the term "employee of the public body" in a manner that is inconsistent with the common understanding of the authority of a city or town

council over all employees, not just those who report directly to the council. If a council directs the manager to fire an employee for a problem it discussed in a closed meeting, the manager would be expected to fire the individual. Direct supervisory control by council may not exist, but the council retains the ultimate responsibility for the operation of the city or town; hence, the council should logically retain the ability to confidentially discuss the employee. The FOIA Council does advise that, even accepting the attorney's general opinion, the council could convene in closed session to discuss the manager's handling of the personnel matter, since the manager is a direct employee of the council.

The other opinion that has cast a cloud on the use of the exemption was issued April 5, 1999. It states that a school board cannot meet in closed session to discuss choosing a chairman and vice chairman. The rationale was that the chairman and vice chairman are not appointed or employed by the public body. The specific words of the section, however, make personnel matters apply to "specific public officers, appointees or employees" of the public body. Certainly, in the case in the opinion, the chairman is a public officer and appointee of the school board, since the board makes the appointment or election in the case in the opinion, and the chair is the leader of the board.

Opinions of the attorney general do not have the effect of a court decision. They are only opinions that may be considered for guidance. Courts will give some weight to such opinions but are not bound by them. Localities are cautioned in this area. It is always possible that a judge will simply follow an opinion without evaluating its merits. In that case, a locality could find itself losing a case in court over either of these two issues.

***2. Real property.*** A closed session for discussion of real property issues is allowed for the acquisition of land for a public purpose or disposition of publicly held land, but only if discussing the matter in open session would harm the council's bargaining position. § 2.2-3711(A)(3).

The council does not need to state why an open discussion would harm its position in the motion to hold a closed meeting. Still, a council should be prepared to defend the closed meeting if challenged.

***3. Privacy of individuals unrelated to public business.*** Local governments do not use this section very often because a council meeting is generally limited to discussing public business. However, if as a part of public business a matter arises that affects the privacy of an individual unrelated to public business, the meeting may be carried out in private.

For example, if the locality is relocating a street, and a landowner who could be displaced has a medical condition that would make condemning his home a life-threatening situation, that would be a privacy issue for the citizen not related to public business. It would be appropriate for the council to avoid discussion in the public view, in order to protect the individual's privacy.

Usually closed sessions are limited to a specific permissible topic related to public business. Once in a while, however, there may be a need for a member of a public body to make colleagues aware of a personal situation not related to public business. Typically, this involves sharing information about the medical condition or treatment of the member or someone in the member's family. § 2.2-3711(A)(4).

***4. Prospective business and business retention.*** Recruitment of new businesses can be highly competitive, and prosects often don't want to reveal their interest in a locality until they make a firm decision to locate there. § 2.2-3711(A)(5) allows a closed discussion about a prospective business is allowed as long as there has been no previous "announcement" of the interest of the business in the community. What constitutes an announcement is an unresolved question. One circuit court has ruled that a news report without any statement by the government qualifies as an announcement. The FOIA Council, however, takes the position that an announcement is something more than a newspaper report speculating about business prospect.

If a public official or official of the business makes a public statement about the business coming to the locality, however that is likely to be considered an announcement and a closed session under this subsection is no longer allowed.

§ 2.2-3711(A)(5) also permits a closed meeting to discuss the expansion of an existing business. In that situation there must have been no public announcement of the company's interest in expanding.

A locality may also go into closed session to discuss the retention of an existing business. FOIA allows this when the retention discussion relies on proprietary information from the business, or memoranda and/or working papers from the public body that, if publicized, would be adverse to the financial interests of the locality. §§ 2.2-3711(40) & 2.2-3705.6(3).

***5. Consultation with legal counsel.*** This important provision is limited to two types of legal matters:

1. Actual litigation; and

2. Probable litigation: § 2.2-3711(A)(7);

For actual or probable litigation, a closed meeting is

allowed only if discussion in the open could "adversely affect the negotiating or litigatingposture" of the public body. § 2.2-3711(A)(7). For example, there is no need to hold a closed meeting to simply explain to city council that the locality has been sued. The suit is a public record in the circuit court clerk's office, so a briefing that the suit has been filed should be done in open meeting. In contrast, a briefing by the city attorney on the strategy for defending the suit would be appropriate for a closed meeting because open discussion would obviously hinder the defense.

In contrast to actual litigation, probable litigation need not have been filed, but must have been "specifically threatened," or the locality or its attorney must have a "reasonable basis" to believe a suit will be filed.

***6. Specific legal matters requiring the advice of counsel.*** This category is limited to "consultation with counsel ... regarding specific legal matters" requiring legal advice. § 2.2-3711(A)(8). This category, like the two litigation categories, is limited to consulting the attorney (or other staff members or consultants) about a legal issue facing the locality that is an appropriate matter for a closed meeting.

If non-attorney staff members participate, the attorney should still be present and participating in the consultation Simply having an attorney present does not allow a general discussion among the members about other issues.

This rule was demonstrated in the March 2000 Richmond Circuit Court opinion Colonial Downs, L.P v. Virginia Racing Commission, (2000 WL 305986). In that case, the racing commission went into a closed meeting for consultation with counsel, but spent the time holding a general discussion of Colonial Downs' application for licensing. The court held that the meeting was a violation of the act.

***7. Terrorism.*** After the September 11 terrorist attacks, it became clear that some provisions of the act made it easy for a terrorist to gain security information through a FOIA request. One step in response was to allow a meeting in closed session to discuss planning to protect from terrorist activity or specific cybersecurity threats or vulnerabilities under § 2.2-3711(A)(19). The public body may meet to be briefed by staff, attorneys or law-enforcement or emergency personnel to respond to terrorist or "a related threat to public safety". This exemption applies if "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."

***8. Award of a Public Contract.*** Localities need to be able to conduct interviews of bidders or offerors as well as discuss negotiated terms of contracts before approving them. If a contract involves the expenditure of public funds and discussion in an open session would adversely affect the bargaining position or negotiating strategy of the locality, a closed session is appropriate under §2.2-3711(A)(29).

## Procedures for closed meetings

To go from an open meeting to a closed meeting, there must be a re- corded vote in open meeting. The motion must include the following elements:

1. The subject must be identified (example: new park in east end of city);
2. A statement of the purpose of the meeting (acquiring land for park); and,
3. A reference to the code section authorizing the meeting. § 2.2-3712(A).

The degree of specificity required in stating he subject of a meeting varies with the nature of the issue.

For example, for discussion about a pending lawsuit, the motion should name the suit. After all, the pleadings are public and the suit may well have been the subject of a newspaper article. On the other hand, a discussion of a sensitive person- nel matter should not contain as much specificity in the motion. Identifying the employee who is the subject of the closed meeting would partially negate the reason for having the closed meeting – protection of the employee's privacy The council will need to exercise discretion in the wording of closed meeting motions.

Nonetheless, in no case will a general statement be sufficient to satisfy the first and second requirements for the closed meeting motion. "Personnel matters, pursuant to FOIA" is NOT adequate for a motion for a closed meeting. The Virginia Supreme Court opinion in White Dog Publishing, Inc. v. Culpeper County Board of Supervisors, made this clear and was reinforced this in the case of Cole v. Smyth County Board of Supervisors.

During a closed meeting, only the topics identified in the motion may be discussed. § 2.2-3712(C). To discuss more than one topic, the council should either include both topics in one motion, which is the preferred method, or come out of closed meeting, certify the first topic and re-enter after making a new motion

on the second topic. The council may record minutes, but that is not required and generally not a good idea. § 2.2-3712(I).

Va. Code § 2.2-3712(H) states that any official vote or action must he held in open session. Many local governments, therefore, take no more than a straw poll during a closed meeting, or take no votes at all, no matter how informal.

Any member who disagrees and intends to vote against the certification motion must state how the closed meeting did not satisfy the requirements of the Act, before the vote is taken. § 2.2-3712(D). A record of the vote must be kept in the public body's minutes.

***Interviewing chief administrative officer candidates.*** Most closed meetings must be held as a part of, or soon after an open meeting, so the public knows the time and place of the closed meeting. The Act contains an important exception for local governments in § 2.2-3712(B). If a public body plans to hold interviews with applicants for its chief administrative officer position, it may make a single announcement in open meeting that it will hold interviews. It need not identify the location of the interviews or the names of the interviewees. The interviews must be held within 15 days of the motion.

***Annexation agreements.*** Independent of FOIA, Va. Code § 15.2-2907(D) allows a council or board to hold meetings on matters concerning annexation or a voluntary settlement agreement with no FOIA implications. This means notice need not be given, the public need not be invited, and minutes need not be taken. No other FOIA requirements need to be followed. The section does not prohibit a public body from following the FOIA requirements, but they are not mandatory.

# III. Records.

A major purpose of FOIA is to set out the rules for public record disclosure. The general rule in FOIA concerning records is that they are open to public inspection and copying. However, many categories of records are exempt from public access. Most of these categories do not apply to local governments. The fact that a record may be exempt from disclosure does not require it to be withheld. Each exemption section states in the opening sentence that the records "may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law." § 2.2-3705.1, 2, 3, 4, 5, 6, 7.

Some records, however, are prohibited by other laws from being disclosed at all. The custodian has no discretion to permit their disclosure. Common examples include certain tax records hat Va. Code § 58.1-3 requires to be kept confidential, most social services records , and health records protected by the federal HIPPA law.

FOIA applies broadly to records of tapublic body, regardless of form. It does not matter whether the records are on paper, or in an electronic form, or in some other medium. E-mails, databases. GPS maps, text and voice mail messages, audio and video recordings,or even a note scribbled on a paper napkin can be public records if they are about, and created while conducting, the business of a public body. A Facebook page or Twitter post can be a public record if it meets these criteria.

## A. Responding to disclosure requests

***Custodian of records.*** The records provisions of the Act use the term "custodian of the records" as the person who has the responsibility to respond. Some sections mention the obligation of the public body, but the responsibility is clearly with the custodian. If suit is brought over a violation, however, the public body can expect to be named as a defendant.

A records request should not be denied just because it was directed to the wrong official if the recipient knows or should know that the records are available from another official. In this case, the recipient of the request should respond to the request with the contact information for the other public body or its FOIA officer or just work with the other official to provide the records. § 2.2-3704(B)(3).

If the locality stores archived records off-site, and the records are in control of a third party, it is still the public body's responsibility to retrieve those records if they are requested. § 2.2-3704(J). The Library of Virginia is the custodian of local records once they have been properly archived there. Id.

***Procedures for handling requests.*** Any citizen or member of the media may request an opportunity to inspect and/or copy public records. The request does not have to refer to the Act, but only needs to identify the requested records with reasonable specificity. § 2.2-3704(B). There is no authority to require the request to be in writing, nor may the custodian of the records refuse to reply to a request if the requester refuses to put a request in writing. Some public bodies nevertheless ask for the request to be reduced to writing voluntarily. This is a useful policy because it helps the custodian better understand what is being requested. That helps the requester, since the custodian can shorten the time researching records, thereby reducing the potential cost

to the individual. If the individual making the request declines to reduce the request it to writing, a helpful option is to confer with the individual and write down the request, allowing the person to see the note and hopefully sign it, so no confusion will exist. The requester does not have to say why the records are being requested, and the public body or its FOIA officer should not askwhat they will be used for.

The custodian or FOIA officer may, however, require the persons asking to see or copy records to give their name and legal address. § 2.2-3704(A). This 2002 amendment was part of an anti-terrorism bill but is not limited to record requests relating to terrorism.

The act is not clear on what happens if the requester refuses. VML suggests that if the requester does refuse, the language that the custodian "may require" the information necessarily implies that the custodian may refuse to allow access to the records.

The act does not give any rights to people who are not residents of Virginia, or to media representatives if the media entity does not publish or broadcast into the state. § 2.2-3704(A). The right to refuse out-of state requests for records has been affirmed by the courts. As a practical matter, however, it is often easy for someone from another state to find a Virginia citizen who will request the records.

## B. Types of responses

There are five possible and pemissible responses to a request:

1. Provide the records within five working days;
2. If the response is made within five working days, obtain seven additional days to respond. and in the case of a request for criminal investigative files pursuant to § 2.2-3706.1, 60 work days in which to provide one of the responses below;
3. Claim one or more specific exemptions from all or a portion of the request;
4. Say that the records do not exist; or
5. Say that the records are kept by another public body and give the contact information for that body or its FOIA officer.

The initial response must be made within five business days of the receipt of the request, pursuant to § 2.2-3704, regardless of which response is used. If the custodi- an fails to respond within the times required, § 2.2-3704 considers that to be a denial of the request and makes it a violation of the act. In counting the five days, if you receive the request on a Monday, day one is Tuesday and then the five days would expire the next Monday.

**NOTE:** the extent to which FOIA applies to co is unclear, but a clerk of court must make non-confidential court records available to the public upon request no later than 30 days after the request is made. The clerk may charge a fee for the actual cost of producing the records. §16.1-69.54:1 and §17.1-208.

Notably, the public body is not required to create records if they do not exist or to compile information into a new record. § 2.2-3704(D). However, simple extraction of information from an electronic database into a separate document or file is not considered to be the creation of a new record.Subsection D does encourage public bodies to abstract or summarize information in a manner agreed to with the requester.

***1. Provide the records.*** The first response, providing the records, is straightforward. The custodian simply makes them available. If the individual asks to receive copies, the copies need to be made within the five days, if possible, or at such later time the custodian and requester agree.

***2. Obtain seven additional days to respond.*** Similarly, if it is "not practically possible to provide the ... records or to determine whether they are available," § 2.2-3704(B)(4), within the five days, the custodian may send a written response to the person making the request, explaining the conditions that make the response impractical. After complying with this requirement, the custodian will have an additional seven business days to respond. The added seven days does not begin until the end of the fifth day of the initial period. For example, if the custodian sends a letter on the second day after receipt of the request, he or she will still have a total of 12 workdays to respond. In the case of a request for criminal investigative files pursuant to § 2.2-3706.1, the custodian may send a written response to the person making the request and invoke an additional 60 workdays to respond to the request (2.2-3704(4)).

Additionally, a public body may petition a court for even more time to respond to a request. However, VML recommends that you first try to negotiate with therequester. The additional time will likely be granted if the public body can demonstrate that the volume of records requested is so large that it would disrupt its operations to respond in the prescribed time and that it is unable to reach an agreement for a time to respond with the requester. § 2.2-3704(C).

***3. Claim a partial or full exemption to the request.*** If one or more of the many exemptions apply, the custodian may, within the five-workday limit, send the requester a written explanation of why all or some of the records are exempt. The explanation must iden-

tify the subject matter of the records (example: performance evaluations) and must cite the section of FOIA that authorizes the exemption. § 2.2-3704(B)(2).

If only a portion of the requested records is exempt, the non-exempt parts must be made available within the five days, unless additional time is properly invoked.

In 1999, the Virginia Supreme Court decided Lawrence v. Jenkins, 258 Va. 598, a case in which a county zoning administrator failed to supply the code section he was relying on to exempt certain information in response to a FOIA request. The act required the code sections to be identified in the written response to the requester. Long after the time to respond had passed, the administrator sent the requester a letter identify- ing the code section. The court ruled that the violation still did not permit the individual to see the records and ruled that the records were exempt. Even though the zoning administrator did fail to meet FOIA requirements, the court determined the violation did not harm the requester because he would not have been allowed to see the records if the act had been complied with. VML does not recommend relying on this case. It is simple enough to include in your response the code sections containing the exemptions on which you are relying to deny the requests.

## Charges for responding to a request

The public body may charge the requester for searching and copying records. The costs must be reasonable, not to exceed the actual cost "incurred in accessing, duplicating, supplying, or searching for the requested records." § 2.2-3704(F). A public body may not charge for overhead items, such as utilities, debt payments and the like. The hourly salary rate of any local employee who spends time researching and assembling records for the request may be charged, as may actual copying costs. The time limit to respond to a FOIA request is tolled during the time that elapses between notice of the cost estimate and the response. If the public body receives no response from the requester within 30 days of sending the estimate the request is deemed withdrawn.

In responding to a request for duplication of part of a geographic information system database by making copies of GIS maps, the locality may base its charge on a per acre cost if the area requested exceeds 50 acres. § 2.2-3704(F).

If the custodian determines that the cost of responding will be more than $200, the requester may be asked to agree to pay a deposit in the amount of the projected costs before any information is disclosed. The time limits are tolled until payment of the deposit.

## Format of records

Confusingly, the custodian must provide computer records in any "tangible medium identified by the requester," except that it need not produce the material found in an electronic database in "a format not regularly used by the public body." § 2.2-3704(G). The subsection is further muddied by a statement that provides – not withstanding this limitation – that the public body should try to come to an agreement with the requester regarding the format of the documents to be supplied. Thus, a public body does not have to disclose electronic records in a format it does not regularly use but it must comply with any request for records maintained in a medium the public body uses in the regular course of business.

In a 1999 opinion, the attorney general opined that a local commissioner of the revenue is not required to make a copy of the personal property book for a citizen. The personal property book is a large, computer-generated bound book that every commis- sioner maintains. The attorney general reasoned that the act allows the commissioner to put the burden of copying on the citizen if the office has no means to copy the document. In most localities today, the information in the personal property book could be reproduced in electronic form without the book binding. The same reasoning would apply, however, to a local government agency that is incapable of providing requested information stored on electronic databases in a particular format requested by a citizen. § 2.2-3704(G).

## E-mails and Text Messages

E-mails have generated much controversy since they began being used in government business operation. E-mails that deal with public business are public records. E-mails kept on the home computer of a council member or local government employee that relate to the transaction of public business are public and subject to inspection and copying by a citizen who makes a request to see the records.

Text messages have become the subject of many FOIA requests as well. These must be produced if requested and are subject to the records retention rules as well. If you are transacting public business, the ownership of the device used to send a text message about that public business is irrelevant.

## Draft documents

Draft documents are disclosable records. When FOIA was first adopted, there was a specific exemption of drafts from mandatory disclosure, but the General Assembly later repealed that exemption. The only

specific mention of draft records inFOIA now is to the minutes of a public body. Section §2.2-3707 specifically states that draft minutes are available for inspection. Some local governments once had policies that denied the public viewing of draft minutes. Those policies are invalid.

## C. Exemptions list.

The list of hundreds of types of public records that may be held exempt from disclosure by the custodian is set out in seven separate, lengthy sections. The Act uses the terms "exemption " and "exclusion" more or less interchangeably. Fortunately, the relevant Code sections are arranged by subject area to make it easier to find the exemptions that may apply. The current sections are:

- Exclusions of general application to public bodies: § 2.2-3705.1.
- Exclusions; records relating to public safety: § 2.2-3705.2
- Exclusions; records relating to administrative investigations: § 2.2-3705.3.
- Exclusions; educational records and certain records of educational institutions: § 2.2-3705.4.
- Exclusions; health and social services records: § 2.2-3705.5.
- Exclusions; proprietary records and trade secrets: § 2.2-3705.6.
- Exclusions; records of specific public bodies and certain other limited exemptions: § 2.2-3705.7.

Most local governments will only use approximately 20 of the exemptions, and only 10 will apply frequently. The exemptions that most often apply to local government are:

- "State income, business, and estate tax returns, personal property tax returns, scholastic and confidential records held pursuant to § 58.1-3." § 2.2-3705.7(1).
- "Personnel records containing information concerning identifiable individuals, except that access shall not be denied to the person who is the subject thereof." § 2.2-3705.1.(1). Any adult subject may waive confidentiality, in which case the government may release information about that person.[4]
- "Working papers and correspondence of the ... mayor or chief executive officer of any political subdivision of the Commonwealth .... However, no record which is otherwise open to inspection under this chapter shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence. Working papers will not be information that is publicly available that has been aggregated, combined, or changed in format without substantive analysis or revision. § 2.2-3705.7(2). n Publicly available information that has been aggregated, combined, or changed in format without substantive analysis or revision will not be considered a "working paper."

As used in this subdivision: "Working papers" means those records prepared by or for a named public official for his personal or deliberative use. Generally, once the records have been shared by the chief administrative officer (county administrator or city or town manager), the records lose the working papers status, unless the records are collected from the council members or other people who have accessed them at the end of a closed meeting where the records were distributed.

- Consultants' reports as working papers: Working papers, by the above definition, applies to records prepared by or for a manager or mayor for his personal or deliberative use. Once a consultant's report is distributed or disclosed to council or that is the subject of the consultant's report, the report loses its exempt status as a working paper. § 2.2-3705.8. Therefore, until either of those two conditions occurs, the report may be withheld as a working paper. Once either event occurs, the working paper is no longer expempt from mandatory disclosure. If the report is exempt for other reasons, it remains exempt.
- "Written advice of legal counsel to state, regional or local public bodies or public officials, and any other records protected by the attorney client privilege." § 2.2-3705.1(2).

[4]In Hawkins v. Town of South Hill, the Supreme Court adopted a definition of "personnel information" to encompass "data, facts, or statements within a public record relating to a specific government employee, which are in the possession of the entity solely because of the individual's employment relationship with the entity, and are private, but for the individual's employment with the entity." Hawkins v. Town of S. Hill, 878 S.E.2d 408 (Va. 2022). Using an objective test, the Court held that "data, facts, and statements are private if their disclosure would constitute an 'unwarranted invasion of personal privacy' to a reasonable person under the circumstances (finding that a letter from several town employees requesting a meeting with town administrators regarding their "concerns" about the "workplace environment" did not contain any exempt personnel information or "anything else that could be deemed to be personal in nature"). However, the Court order redacted portions of an email containing specific complaints about the performance of the Town Manager and remanded the case for further consideration.

- "Legal memoranda and other work product compiled specifically for use in litigation or for use in an active administrative investigation concerning a matter which is properly the subject of a closed meeting under § 2.2-3711." § 2.2-3705.1(3).

Subsections 2 and 3 of § 2.2-3705.1 are the classic attorney client and attorney's work product rules.

- "Library records which can be used to identify (i) both (a) any library patron who has borrowed or accessed material online from a library, (b) the material such patron borrowed or accessed (ii) any library patron under 18 years of age. For purposes of this clause (ii), access shall not be denied to the parent, including a noncusto- dial parent, or guardian of such library patron." § 2.2-3705.7(3).
- "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." § 2.2-3705.1(4). This subsection includes exemptions for test keys and any other information that would defeat the usefulness of the test.
- "Records recorded in or compiled exclusively for use in closed meetings lawfully held pursuant to § 2.2-3711. However, no record which 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." § 2.2-3705.1(5).
- "Computer software developed by or for a ... political subdivision of the Commonwealth." § 2.2-3705.1(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." § 2.2-3705.7(7). Note that under this subsection, anyone has access to the volume of service used at a particular address and the price paid, even though the current customer's name and payment record are exempt from disclosure.
- "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." § 2.2-3705.1(8).

This section has been modified by Va. Code § 25.1-417. Local governments are now in the list of agencies that must follow the Uniform Relocation Assistance Act. One of the obligations, in paragraph (2) requires that: "real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property." Therefore, in any purchase of land to which the URAA applies, the landowner must be allowed to see a copy of the appraisal, and the appraisal must be done before beginning negotiations for the land.

- "Confidential information designated 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." § 2.2-3705.6(10). Language in the Virginia Public Procurement Act supports this exemption. However, a bidder, offeror, or contractor may not designate as trade secrets or proprietary information (a) an entire bid, proposal, or prequalification application; (b) any portion of a bid, proposal, or prequalification application that does not contain trade secrets or proprietary information; or (c) line item prices or total bid, proposal, or prequalifica- tion application prices. 2.2-4342(F).
- "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 public or private commercial office, multifamily residential, or retail building or its occupants. § 2.2-3705.2(14).

  This section also includes critical infrastructure and information related to such, as well as vulnerability assessments and information technology.

  **NOTE:** If a public body receives a request for these types of records, the public body is responsible for notifying the Secretary of Public Safety and Homeland Security or their designee.
- Information contained in engineering and construction drawings and plans for any single family residential dwelling submitted for the purpose of complying with the Uniform Statewide Building

Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) shall be confidential and shall not be subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except to the applicant or the owner of the property upon the applicant's or owner's request. §36-105.3.

- Personal 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. § 2.2-3705.1(10). Personal contact information includes home or business address, email address or telephone number.
- The name, address and phone number of a person complaining about another person on a Zoning, Building Code or Fire prevention Code complaint are exempt from disclosure. This provision is not limited to criminal complaints: it applies in any investigation of the complaints. § 2.2-3705.3(8).
- §2.2-3705.5(7) exempts information or records of local or regional adult fatality review teams from disclosure. HB 1558. Any locality participating in such review teams may withhold records and information to the extent the information is made confidential by § 32.1-283.6.

## D. Criminal incident information.

Most of the rules for criminal incident information are set out in §2.2-3706 and §2.2-3706.1. Both sections discuss the disclosure of law enforcement and criminal records.

### Records under §2.2-3706

There are certain records required to be released under this code section, including:

a. Adult arrestee photographs taken during initial intake following the arrest and as part of a routine booking procedure, except when releasing a photo would jeopardize a felony case, and only until the release will no longer jeopardize the case

b. Information about the identity of any individual, other than a juvenile who is arrested and charged along with the status

c. Records of completed unattended death investigations [shall be released] to the parent or spouse of the decedent, or if there is no living person or spouse, to the most immediate family member who is not a person of interest or suspect

These records may be disclosed at the discretion of the custodian unless prohibited by another code section:

a. Criminal investigative files related to ongoing cases.

b. Reports submitted in confidence to law enforcement agencies, investigators as defined, and campus police departments as defined in the code section

c. Records of local law-enforcement agencies relating to neighborhood watch programs

d. All records of persons imprisoned in penal institutions in the Commonwealth related to the imprisonment

e. All records of adult persons under investigation or supervision by state or local pretrial services or probation services both state or local

f. Records of law-enforcement agencies to the extent they disclose telephone numbers, etc. provided to its personnel for use in the performance of official duties

g. Portions of records related to undercover operations or protective detail that would reveal the staffing, logistics, or tactical plans of such operations

h. Records of background investigations of applicants for law-enforcement agency employment, administrative investigations of wrongdoing by law enforcement and other administrative investigations made confidential by law

i. 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

j. Records of Sex Offender and Crimes Against Minors Registry

The identity of any individual providing information about a crime or criminal activity under a promise of anonymity shall not be disclosed. §2.2-3706(C).

If someone has been promised anonymity it shall not be disclosed. Noncriminal records may be withheld or portions thereof when it would jeopardize the safety or privacy of any person.

### §2.2-3706.1 and §8.01-622.2

This code section was amended and §8.01-622.2 was added to the Code in 2022. They provide that criminal investigative file relating to a criminal investigation or proceeding that is not ongoing are excluded from the mandatory disclosure provisions of FOIA though they may be disclosed at the custodian's discretion to certain individuals. With the except of disclosure to an attorney representing a petitioner or inspection by an attorney or person proceeding pro se in a petition for a writ of habeas corpus or writ of actual innocence of any other federal or state post-conviction processing, no criminal investigative file or portion thereof shall be disclosed to any requestor except the victim, the victim's immediate family if the victim is deceased and the immediate family member to whom the records are to be disclosed as long as such is not a person of interest or a suspect in the investigation; or the victim's parent or guardian, also if not a suspect unless the public body has made reasonable efforts to notify any such individual of the request. The bill provides a timeline of 14 days and adds avenues for appropriate court protection of the records.

The records may not be released if they interfere with an investigation, deprive a person of the right to fair trial, constitute a violation of personal privacy, disclose a confidential informant, or endanger the life or safety of an individual.

§8.01-622.2 provides a mechanism to file an injunction against disclosure of criminal investigative file materials under FOIA.

### Rights of penal institution inmates under FOIA

§2.2-3703(C) generally denies people who are in a local jail or state or federal penitentiary any rights under FOIA. Inmates may still have access to their own health records, and shall have any information rights guaranteed by the Constitution, such as the right to subpoena evidence.

### Enforcement provisions

Any person who believes a public body or public official has violated FOIA may file suit in the general district or circuit court of the public body's or official's locality. § 2.2-3713(A). A FOIA action may commence in the name of a person, even if the plaintiff 's attorney, acting on his or her behalf, made the original FOIA request. If the petition or affidavit supporting the petition for mandamus or injunction alleges violations of open meetings then the three day notice to the party shall not be required. The case must be heard initially within seven days of filing. § 2.2-3713(C).

The petitioner must state a claim of a violation with reasonable specificity, pursuant to subsection D. Even though a suit is filed by the complaining citizen, the public body must put on its evidence first and must prove that it has complied with the act. It is not the petitioner's obligation to prove the violation. § 2.2-3713(E).

The court may award an injunction against repeated violations, or even for a single occurrence of noncompliance. Further, if the petitioner wins the case, the court may , and in some cases must, require the public body to pay the petitioner's attorney's fees by the court.[5] If the court determines that an individual public official willfully or knowingly violated FOIA, it is required to impose a civil penalty against that individual in an amount between $500 and $2,000 for a first offense and $2,000 to $5,000 for subsequent offenses. The penalties are to be paid into the Literary Fund. § 2.2-3714. Additional penalties of up to $100 per record altered or destroyed could be assessed if an officer, employer or member of a public body failed to provide records because the records were altered or destroyed with the intent to avoid FOIA.

In addition, if a member of a public body votes to certify a closed session and the certification was not proper, the court may impose on the public body a civil penalty of up to $1,000. §2.2-3714.

Mitigating factors for the fine shall include the reliance of members 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.

## Freedom of Information Advisory Council

The Freedom of Information Advisory Council ("FOIA Council") serves primarily as an office to answer questions about FOIA made by government agencies, the public, and the media. An attorney who staffs the office writes the opinions of the council. The opinions are considered be informal, advisory, and nonbinding, although the courts rely on them to considerable extent.

Any officer, employee or member of a public body alleged to knowingly and willful violation FOIA shall

[5]Section 2.2-3713(D) does not require a petitioner to prevail on all aspects of his or her claim to be entitled to fees and costs, but only to substantially prevail on the merits of the case. To substantially prevail, a litigant "need not have achieved all of his or he objectives in litigation, but rather, must have been successful regarding the main object of his or her suit." Suffolk City Sch. Bd. v. Wahlstrom, 886 S.E.2d 244 (Va. 2023).

be able to introduce any relevant advisory opinion issued as evidence that they did not act knowingly and willfully if the person acted in good faith reliance on the opinion. If a government agency submits records for a review and advice by the FOIA officer, the officer may not release the submitted information without the permission of the agency that submitted them.

The FOIA Council has a toll-free number (866) 448-4100 for requests and a website: http://foiacouncil.dls.virginia. gov/. The council has lists of written opinions on the website that are searchable.

All localities should appoint a FOIA Officer and provide their contact information on the government website. §2.2-3704.2. Each locality that has more than 250 people shall post on its government website the FOIA rights and responsibilities, as well as a link to the FOIA Council online public comment form. §2.2-3704.1.

In addition to issuing opinions, which may be made via telephone, letter or e-mail, the FOIA office conducts FOIA training for the FOIA Officer and any other government officials. Because public officials must read and familiarize themselves with the act as well as attend training once every twoyears, the training sessions are an important opportunity to learn the act's requirements. § 30-179 Training can be conducted by the FOIA Council or the local government attorney. The clerk must main- tain records of the training for 5 years.

## Summary

The Freedom of Information Act includes many requirements and restrictions pertaining to public access to government meetings and information. The fundamental principally woven throughout FOIA is that the public is presumed to have free access to government records and meetings. The Act sets out the specific types of meetings that may be closed to the public and records that may be withheld from disclosure. These exemptions protect the operation of government reasonably well. FOIA will continue to evolve to meet the changing expectations of the public and government agencies.

In the area of electronic information, expect to see significant changes as the General Assembly makes the act more relevant in the fast-changing electronic age. For example, application of the act to the use of e-mail, instant messaging and government posts on social media will likely be revisited many times!

As required under Virginia Code § 2.2-3702, "Any person elected, reelected, appointed or reappointed to any body not excepted from this chapter shall … read and become familiar with the provisions of this chapter." In addition within 2 months of taking office and once every two years all local elected officials must complete training.

The text of the FOIA act follows to assist local officials in complying with this section of the Act.

Additional Code sections that deal with FOIA but that are in other chapters of the Code are included as well.

# Title 2.2. Administration of Government. Chapter 37. Virginia Freedom of Information Act

### § 2.2-3700. Short title; policy.

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

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

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

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

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

## § 2.2-3701. Definitions.

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

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

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

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

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

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

"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to § 2.2-3708.2 or §2.2-3708.3, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. Neither the gathering of employees of a public body nor the gathering or attendance of two or more members of a public body (a) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body, or (b) at a public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to transact public business or to hold discussions relating to the transaction of public business, even though the performance of the members individually or collectively in the conduct of public business may be a topic of discussion or debate at such public meeting, shall be deemed a "meeting" subject to the provisions of this chapter.

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

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

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

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

"Public records" means all writings and recordings that consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostatting, 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 boundar-

ies, as determined by the General Assembly, which unit includes two or more localities.

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

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

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

### § 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.

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

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

1. The Virginia Parole Board (the Board), except that (i) information from the Board providing the number of inmates considered by the Board for discretionary parole, the number of inmates granted or denied parole, and the number of parolees returned to the custody of the Department of Corrections solely as a result of a determination by the Board of a violation of parole shall be open to inspection and available for release, on a monthly basis, as provided by § 2.2-3704; (ii) all guidance documents, as defined in § 2.2-4101, shall be public records and subject to the provisions of this chapter; (iii) all records concerning the finances of the Board shall be public records and subject to the provisions of this chapter; and (iv) individual Board member votes shall be public records and subject to the provisions of this chapter. The information required by clause (i) shall be furnished by offense, sex, race, age of the inmate, and the locality in which the conviction was obtained, upon the request of the party seeking the information. The information required by clause (ii) shall include all documents establishing the policy of the Board or any change in or clarification of such policy with respect to grant, denial, deferral, revocation, or supervision of parole or geriatric release or the process for consideration thereof, and shall be clearly and conspicuously posted on the Board's website. However, such information shall not include any portion of any document reflecting the application of any policy or policy change or clarification of such policy to an individual inmate;
2. Petit juries and grand juries;
3. Family assessment and planning teams established pursuant to § 2.2-5207;
4. Sexual assault response teams established pursuant to § 15.2-1627.4, except that records relating to (i) protocols and policies of the sexual assault response team and (ii) guidelines for the community's response established by the sexual assault response team shall be public records and subject to the provisions of this chapter;
5. Multidisciplinary child sexual abuse response teams established pursuant to § 15.2-1627.5;
6. The Virginia State Crime Commission; and
7. The records maintained by the clerks of the courts of record, as defined in § 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 constitution-

ally protected rights, including, but not limited to, their right to call for evidence in their favor in a criminal prosecution.

### § 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.

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

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

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

1. The requested records are being entirely withheld. Such response shall identify with reasonable particularity the volume and subject matter of withheld records, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records.
2. The requested records are being provided in part and are being withheld in part. Such response shall identify with reasonable particularity the subject matter of withheld portions, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records.
3. The requested records could not be found or do not exist. However, if the public body that received the request knows that another public body has the requested records, the response shall include contact information for the other public body.
4. It is not practically possible to provide the requested records or to determine whether they are available within the five-work-day period. Such response shall specify the conditions that make a response impossible. If the response is made within five working days, the public body shall have an additional seven work days or, in the case of a request for criminal investigative files pursuant to § 2.2-3706.1, 60 work days in which to provide one of the four preceding responses.

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

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

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

F. Except with regard to scholastic records requested pursuant to subdivision A 1 of §2.2-3705.4 that must be made available for inspection pursuant to the federal Family Educational Rights and Privacy Act (20 U.S.C. §1232g) and such requests for scholastic records by a parent or legal guardian of a minor student or by a student who is 18 years of age or older, a public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records and shall make all reasonable efforts to supply the requested records at the lowest possible cost. No public body shall impose any

extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. The public body may also make a reasonable charge for the cost incurred in supplying records produced from a geographic information system at the request of anyone other than the owner of the land that is the subject of the request. However, such charges shall not exceed the actual cost to the public body in supplying such records, except that the public body may charge, on a pro rata per acre basis, for the cost of creating topographical maps developed by the public body, for such maps or portions thereof, which encompass a contiguous area greater than 50 acres. Prior to conducting a search for records, the public body shall notify the requester in writing that the public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of supplying the requested records. The public body shall provide the requester with a cost estimate if requested. The period within which the public body shall respond under this section shall be tolled for the amount of time that elapses between notice of the cost estimate and the response of the requester. If the public body receives no response from the requester within 30 days of sending the cost estimate, the request shall be deemed to be withdrawn. Any costs incurred by the public body in estimating the cost of supplying the requested records shall be applied toward the overall charges to be paid by the requester for the supplying of such requested records. Any local public body that charges for the production of records pursuant to this section may provide an electronic method of payment through which all payments for the production of such records to such locality may be made. For purposes of this subsection, "electronic method of payment" means any kind of noncash payment that does not involve a paper check and includes credit cards, debit cards, direct deposit, direct debit, electronic checks, and payment through the use of telephonic or similar communications.

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.

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

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

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

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.

### § 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.

### § 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.

### § 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; 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.); and members of any boards governing any authority established pursuant to the Park Authorities Act (§ 15.2-5700 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, and members of the any boards governing any authority established pursuant to the Park Authorities Act (15.2-5700 et seq.) 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, and members of any boards governing any authority established pursuant to the Park Authorities Act (§15.2-5700 et seq.) 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.

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

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

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

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

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

## § 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.

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

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

1. Information relating to investigations of applicants for licenses and permits, and of all licensees and

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

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

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

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

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

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

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

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

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

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

11. Information contained in (i) an application for licensure or renewal of a license for teachers and other school personnel, including transcripts or other documents submitted in support of an application, and (ii) an active investigation conducted by or for the Board of Education related to the denial, suspension, cancellation, revocation, or reinstatement of teacher and other school personnel licenses including investigator notes and other correspondence and information, furnished in confidence with respect to such investigation. However, this subdivision shall not prohibit the disclosure of such (a) application information to the applicant at his own expense or (b) investigation information to a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee. Information contained in completed investigations shall be disclosed in a form that does not reveal the identity of any complainant or person supplying information to investigators. The completed investigation information disclosed shall include information regarding the school or 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.

### § 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 scholas-

tic 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.

## § 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. 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.

## § 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 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, ap-

plicant, 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 Commissioner of Agriculture and Consumer Services related to approval of electronic and mechanical equipment.

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

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

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

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

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

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

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

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

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

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

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

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

c. Stating the reasons why protection is necessary.

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

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

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

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

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

c. Stating the reasons why protection is necessary.

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

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

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

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

(1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

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

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

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

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

c. Stating the reasons why protection is necessary.

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

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

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

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

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

c. Stating the reasons why protection is necessary.

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

32. Information related to a grant application, or accompanying a grant application, submitted to the Department of Housing and Community Development that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body,

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

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

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

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

c. Stating the reasons why protection is necessary.

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

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

34. Information of a proprietary or confidential nature disclosed by a health carrier or pharmacy benefits manager pursuant to § 38.2-3407.15:6, a wholesale distributor pursuant to § 54.1-3436.1, or a manufacturer pursuant to § 54.1-3442.02.

## § 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. Information held by state or local park and recreation departments and local and regional park authorities concerning identifiable individuals under the age of 18 years. However, nothing in this subdivision shall operate to prevent the disclosure of information defined as directory information under regulations implementing the federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For such information of persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the information may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such information for inspection and copying.

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

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

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

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

b. Trade secrets provided by a private entity to the retirement system or the Virginia College Savings Plan if disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

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

(1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

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

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

25. Information held by the Department of Corrections made confidential by former § 53.1-233.

26. Information maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.) and required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

27. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the information.

28. Information maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 that reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction, or credit card or

bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the information. Nothing in this subdivision, 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.

### § 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.

### § 2.2-3706. Disclosure of law-enforcement and criminal records; limitations.

A. Records required to be released. All public bodies engaged in criminal law-enforcement activities

shall provide the following records when requested in accordance with the provisions of this chapter:

1. Adult arrestee photographs taken during the initial intake following the arrest and as part of the routine booking procedure, except when necessary to avoid jeopardizing an investigation in felony cases until such time as the release of the photograph will no longer jeopardize the investigation;
2. Information relative to the identity of any individual, other than a juvenile, who is arrested and charged, and the status of the charge or arrest; and
3. Records of completed unattended death investigations to the parent or spouse of the decedent or, if there is no living parent or spouse, to the most immediate family member of the decedent, provided the person is not a person of interest or a suspect. For the purposes of this subdivision, "unattended death" means a death determined to be a suicide, accidental or natural death where no criminal charges will be initiated, and "immediate family" means the decedent's personal representative or, if no personal representative has qualified, the decedent's next of kin in order of intestate succession as set forth in § 64.2-200.

B. Discretionary releases. The following records are excluded from the mandatory disclosure provisions of this chapter, but may be disclosed by the custodian, in his discretion, except where such disclosure is prohibited by law:

1. Criminal investigative files, defined as any documents and information, including complaints, court orders, memoranda, notes, diagrams, maps, photographs, correspondence, reports, witness statements, and evidence, relating to a criminal investigation or prosecution not required to be disclosed in accordance with § 2.2-3706.1;
2. Reports submitted in confidence to (i) state and local law-enforcement agencies, (ii) investigators authorized pursuant to Chapter 3.2 (§ 2.2-307 et seq.), and (iii) campus police departments of public institutions of higher education established pursuant to Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1;
3. Records of local law-enforcement agencies relating to neighborhood watch programs that include the names, addresses, and operating schedules of individual participants in the program that are provided to such agencies under a promise of anonymity;
4. All records of persons imprisoned in penal institutions in the Commonwealth provided such records relate to the imprisonment;
5. Records of law-enforcement agencies, to the extent that such records contain specific tactical plans, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or the general public;
6. All records of adult persons under (i) investigation or supervision by a local pretrial services agency in accordance with Article 5 (§ 19.2-152.2 et seq.) of Chapter 9 of Title 19.2; (ii) investigation, probation supervision, or monitoring by a local community-based probation services agency in accordance with Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1; or (iii) investigation or 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 infor-

mation 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 public body engaged in emergency medical services or fire protection services, a law-enforcement agency, or an emergency 911 system or any other equivalent reporting system shall be governed by the provisions of subdivision B 9 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.

## § 2.2-3706.1. Disclosure of law-enforcement records; criminal incident information and certain criminal investigative files; limitations.

A. For purposes of this section:

"Criminal investigative files" means any documents and information, including complaints, court orders, memoranda, notes, diagrams, maps, photographs, correspondence, reports, witness statements, and evidence, relating to a criminal investigation or prosecution, other than criminal incident information subject to disclosure in accordance with subsection B.

"Family representative" means the decedent's personal representative or, if no personal representative as set forth in §64.2-100 has qualified, the decedent's next of kin in order of intestate succession as set forth in § 64.2-200.

"Immediate family members" means the decedent's family representative, spouse, child, sibling, parent, grandparent, or grandchild. "Immediate family members include a stepparent, stepchild, stepsibling, and adoptive relationships.

"Ongoing" refers to a case in which the prosecution has not been finally adjudicated, the investigation continues to gather evidence for a possible future criminal case, and such case would be jeopardized by the premature release of evidence.

B. All public bodies engaged in criminal law-enforcement activities shall provide records and information when requested in accordance with the provisions of this chapter regarding criminal incident information relating to felony offenses contained in any report, notes, electronic communication, or other document, including filings through an incident-based reporting system, which shall include:

1. A general description of the criminal activity reported;
2. The date and time the alleged crime was committed;
3. The general location where the alleged crime was committed;
4. The identity of the investigating officer or other point of contact;
5. A description of any injuries suffered or property damaged or stolen; and

A verbal response as agreed to by the requester and the public body is sufficient to satisfy the requirements of this subsection.

C. Criminal investigative files relating to an ongoing criminal investigation or proceeding are excluded from the mandatory disclosure provisions of this chapter, but may be disclosed by the custodian, in his discretion, except as provided in subsection E or where such disclosure is prohibited by law.

D. Criminal investigative files relating to a criminal investigation or proceeding that is not ongoing are excluded from the mandatory disclosure provisions of this chapter, but may be disclosed by the custodian, in his discretion, except as provided in subsection E; however, such records shall be disclosed, by request, to (i) the victim; (ii) the victim's immediate family members, if the victim is deceased and the immediate family member to which the records are to be disclosed is not a person of interest or a suspect in the criminal investigation or

proceeding; (iii) the parent or guardian of the victim, if the victim is a minor and the parent or guardian is not a person of interest or a suspect in the criminal investigation or proceeding; (iv) an attorney representing a petitioner in a petition for a writ of habeas corpus or writ of actual innocence pursuant to Chapter 19.2 (§19.2-327.2 et seq) of Title 19.2 or any other federal or state post-conviction proceeding or pardon; and (v) for the sole purpose of inspection at the location where such records are maintained by the public body that is the custodian of the records, (a) an attorney or his agent when such attorney is considering representing a petitioner in a post-conviction proceeding or pardon, (b) an attorney who provides a sworn declaration that the attorney has been retained by an individual for purposes of pursuing a civil or criminal action and has a good faith basis to believe that the records being requested are material to such action, or (c) a person who is proceeding pro se in a petition for a writ of habeas corpus or writ of actual innocence pursuant to Chapter 19.2 (§19.2-327.2 et seq.) of Title 19.2 or any other federal or state post-conviction proceeding or pardon, who provides a sworn affidavit that the records being requested are material to such action. An attorney or his agent who is in receipt of criminal investigative files or has inspected criminal investigative files pursuant to clause (iv) or (v) shall not release such criminal investigative files or any information contained therein except as necessary to provide adequate legal advice or representation to a person whom the attorney either represents or is considering representing in a post-conviction proceeding or pardon or represents in a civil or criminal action.

An attorney who is in receipt of criminal investigative files pursuant to clause (iv) shall return the criminal investigative files to the public body that is the custodian of such records within 90 days of a final determination of any writ of habeas corpus, writ of actual innocence, or other federal or state post-conviction proceeding or pardon or, if no petition for such writ or post-conviction proceeding or pardon was filed, within six months of the attorneys' receipt of the records.

No disclosure for the purpose of inspection pursuant to clause (v) (c) of this subsection shall be made unless an appropriate circuit court has reviewed the affidavit provided and determined the records requested are material to the action being pursued. The court shall order the person not to disclose or otherwise release any information contained in a criminal investigative file except as necessary for the pending action and may include other conditions as appropriate.

E. The provisions of subsections C and D shall not apply if the release of such information:

1. Would interfere with a particular ongoing criminal investigation or proceeding in a particularly identifiable manner;
2. Would deprive a person of a right to a fair trial or an impartial adjudication;
3. Would constitute an unwarranted invasion of personal privacy;
4. Would disclose (i) the identity of a confidential source or (ii) in the case of a record compiled by a law-enforcement agency in the course of a criminal investigation, information furnished only by a confidential source;
5. Would disclose law-enforcement investigative techniques and procedures, if such disclosure could reasonably be expected to risk circumvention of the law; or
6. Would endanger the life or physical safety of any individual.

Nothing in this subsection shall be construed to authorize the withholding of those portions of such information that are unlikely to cause any effect listed herein.

F. Notwithstanding the provisions of subsection C or D, no criminal investigative file or portion thereof, except disclosure of records under clause (iv) of subsection D or clause (v) (a) of subsection D, shall be disclosed to any requester pursuant to this section, unless the public body has made reasonable efforts to notify (i) the victim; (ii) the victim's immediate family members, if the victim is deceased and the immediate family member to be notified is not a person of interest or a suspect in the criminal investigation or proceeding; or (iii) the victim's parent or guardian, if the victim is a minor and the parent or guardian to be notified is not a person of interest or a suspect in the criminal investigation or proceeding.

Upon receipt of notice that a public body has received a request for criminal investigative files pursuant to this section, an individual listed in clause (i), (ii), (iii) shall have 14 days to file in an appropriate court a petition for an injunction to prevent the disclosure of the records as set forth in §8.01-622.2. The public body shall not respond to the request until at least 14 days has passed from the time notice was received by an individual listed in clause (i), (ii), or (iii). The period within which the public body shall respond to the underlying request pursuant to §2.2-3704 shall be tolled pending the notification process and any subsequent disposition by the court.

G. No photographic, audio, video, or other recording depicting a victim or allowing for a victim to be readily identified shall be released pursuant to subsection C or D to anyone except (i) the victim; (ii) the victim's family representative, if the victim is deceased and the family representative to which the records are to be disclosed is not a person of interest or a suspect in the criminal investigation or proceeding; or (iii) the victim's parent or guardian, if the victim is a minor and the parent or guardian is not a person of interest or a suspect in the criminal investigation or proceeding.

H Nothing in this section shall prohibit the disclosure of current anonymized, aggregate location and demographic data collected pursuant to § 52-30.2 or similar data documenting law-enforcement officer encounters with members of the public.

I. In the event of a conflict between this section as it relates to requests made under this section and other provisions of law, the other provisions of law, including court sealing orders, that restrict disclosure of criminal investigative files, shall control.

## § 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 and §2.2-3708.3 or as may be specifically provided in Title 54.1 for the summary suspension of professional licenses.

C. Every public body shall give notice of the date, time, and location of its meetings by:

1. Posting such notice on its official public government website, if any;
2. Placing such notice in a prominent public location at which notices are regularly posted; and
3. Placing such notice at the office of the clerk of the public body or, in the case of a public body that has no clerk, at the office of the chief administrator.

All state public bodies subject to the provisions of this chapter shall also post notice of their meetings on a central, publicly available electronic calendar maintained by the Commonwealth. Publication of meeting notices by electronic means by other public bodies shall be encouraged.

The notice shall be posted at least three working days prior to the meeting.

D. Notice, reasonable under the circumstance, of special, emergency, or continued meetings shall be given contemporaneously with the notice provided to the members of the public body conducting the meeting.

E. Any person may annually file a written request for notification with a public body. The request shall include the requester's name, address, zip code, daytime telephone number, electronic mail address, if available, and organization, if any. The public body receiving such request shall provide notice of all meetings directly to each such person. Without objection by the person, the public body may provide electronic notice of all meetings in response to such requests.

F. At least one copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body. The proposed agendas for meetings of state public bodies where at least one member has been appointed by the Governor shall state whether or not public comment will be received at the meeting and, if so, the approximate point during the meeting when public comment will be received.

G. Any person may photograph, film, record or otherwise reproduce any portion of a meeting required to be open. The public body conducting the meeting may adopt rules governing the placement and use of equipment necessary for broadcasting, photographing, filming or recording a meeting to prevent interference with the proceedings, but shall not prohibit or otherwise prevent any person from photographing, filming, recording, or otherwise reproducing any portion of a meeting required to be open. No public body shall conduct a meeting required to be open in any building or facility where such recording devices are prohibited.

H. Minutes shall be taken at all open meetings. However, minutes shall not be required to be taken at deliberations of (i) standing and other committees of the General Assembly; (ii) legislative interim study commissions and committees, including the Virginia Code Commission; (iii) study committees or commissions appointed by the Governor; or (iv) study commissions or study committees, or any other committees or subcommittees appointed by the governing bodies or school boards of counties, cities and towns, except where the membership of any such commission, committee or subcommittee includes a majority of the governing

body of the county, city or town or school board.

Minutes, including draft minutes, and all other records of open meetings, including audio or audio/visual records shall be deemed public records and subject to the provisions of this chapter.

Minutes shall be in writing and shall include (a) the date, time, and location of the meeting; (b) the members of the public body recorded as present and absent; and (c) a summary of the discussion on matters proposed, deliberated or decided, and a record of any votes taken. In addition, for electronic communication meetings conducted in accordance with § 2.2-3708.2 or §2.2-3708.3, minutes shall include (1) the identity of the members of the public body who participated in the meeting through electronic communication means, (2) the identity of the members of the public body who were physically assembled at one physical location, and (3) the identity of the members of the public body who were not present at the location identified in clause (2) but who monitored such meeting through electronic communication means.

### § 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 or § 2.2-3708.3.

### § 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.

### § 2.2-3707.2 Posting of minutes for local public bodies.

Except as provided in subsection H of §2.2-3707, any local public body subject to the provisions of this chapter shall post minutes of its meetings on its official public government website, it any, within seven working days of final approval of the minutes.

If a local public body does not own or maintain an official public government website, such public body shall make copies of all meeting minutes available no later than seven working days after final approval of the minutes (i) at a prominent public location in which meeting notices are regularly posted pursuant to subdivision C 2 of §2.2-3707; (ii) at the office of the clerk of the public body; or (iii) in the case of a public body has no clerk, at the office of the chief administration.

### § 2.2-3708.2. Meetings held through electronic communication means. (Effective September 1, 2022)

Any public body, or any joint meetings thereof, may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17 or the locality in which the public body is located has declared a local state of emergency pursuant to § 44-146.21, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities. The public body convening a

meeting in accordance with this section shall:

1. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body conducting the meeting;

2 Make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the public body;

3. Provide the public with the opportunity to comment at those meetings of the public body when public comment is customarily received; and

4. Otherwise comply with the provisions of this chapter.

The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes.

The provisions of this section 3 shall be applicable only for the duration of the emergency declared pursuant to §§ 44-146.17 or 44-146.21.

§ 2.2-3708.3 Meetings held through electronic communication means; situations other than declared states of emergency.

A. Public bodies are encouraged to (i) provide public access, both in person and through electronic communication means, to public meetings and (ii) provide avenues for public comment at public meetings when public comment is customarily received, which may include public comments made in person or by electronic means or other methods.

B. Individual members of a public body may use remote participation instead of attending a public meeting in person if, in advance of the public meeting, the public body has adopted a policy as described in subsection D and the member notifies the public body chair that:

1. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance;

2. A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance;

3. The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or

4. The member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. However, the member may not use remote participation due to personal matters more than two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

If participation by a member through electronic communication means is approved pursuant to this subsection, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description. If participation is approved pursuant to subdivision 1 or 2, the public body shall also include in its minutes the fact that the member participated though electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subdivision 3, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to a distance between the member's principal residence and the meeting location. If participation is approved pursuant to subdivision 4, the public body shall also include in its minutes the specific nature of the personal matter cited by the member.

If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes which specificity.

C. With the exception of local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and boards with the authority to deny, revoke, or suspend a professional or occupational license, any public body may hold all-virtual public meetings, provided that the public body follows the other requirements in this chapter for meetings, the public body has adopted a policy as described in subsection D, and;

1. An indication of whether the meeting will be an in-person or all-virtual public meeting is included in the required meeting notice along with a state-

ment notifying the public that the method by which a pubic body chooses to meet shall not be changed unless the public body provides a new meeting notice in accordance with the provisions of §2.2-3707;

2. Public access to the all-virtual public meeting is provided via electronic communication means;

3. The electronic communication means used allows the public to hear all members of the public body participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the public body as well;

4. A phone number or other live contact information is provided to alert the public body if the audio or video transmission of the meeting provided by the public body fails, the public body monitors such designated means of communication during the meeting, and the public body takes a recess until public access is restored if the transmission fails for the public;

5. A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting is made available to the public in electronic format at the same time that such materials are provided to members of the public body;

6. The public is afforded the opportunity to comment through electronic means, including by way to written comments, at those public meetings when public comment is customarily received.

7. No more than two members of the public body are together in any one remote location unless that remote location is open to the public to physically access it;

8. If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public resumes before the public body votes to certify the closed meeting as required by subsection D of §2.2-3712;

9. The public body does not convene an all-virtual public meeting (i) more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual public meeting; and

10. Minutes of all-virtual public meetings held by electronic communication means are taken as required by §2.2-3707 and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held. If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.

D. Before a public body uses all-virtual public meetings as described in subsection C or allows members to use remote participation as described in subsection B, the public body shall first adopt a policy, by a recorded vote at a public meeting, that 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. The policy shall:

1. Describe the circumstances under which an all-virtual public meeting and remote participation will be allowed and the process the public body will use for making requests to use remote participation, approving or denying such requests, and creating a record of such requests; and

2. Fix the number of times remote participation for personal matters or all-virtual public meetings can be used per calendar year, not to exceed the limitations set forth in subsections B 4 and C 9.

Any public body that creates a committee, subcommittee, or other entity however designated of the public body to perform delegated functions of the public body or to advise the public body may also adopt a policy on behalf of its committee, subcommittee, or other entity that shall apply to the committee, subcommittee, or other entity's use of individual remote participation and all-virtual public meetings.

## § 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.

### § 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 Uni-

versity 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 fundraising 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.
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 conducted pursuant to § 58.1-4105 regarding the denial or revocation of a license of a casino gaming operator, or the refusal to issue, suspension

of, or revocation of any license or permit related to casino gaming, and discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting and any discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

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

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

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

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

## § 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.

## § 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.

### § 2.2-3714. Violations and penalties. (Effective September 1, 2022)

A. In a proceeding commenced against any officer, employee, or member of a public body under § 2.2-3713 for a violation of § 2.2-3704, 2.2-3705.1 through 2.2-3705.7, 2.2-3706, 2.2-3706.1, 2.2-3707, 2.2-3708.2, §2.2-3708.3, 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.

### § 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.

## Title 2.2. Administration of Government, Chapter 43. Virginia Public Procurement Act

### § 2.2-4342. Public inspection of certain records.

A. Except as provided in this section, all proceedings, records, contracts and other public records relating to procurement transactions shall be open to the inspection of any citizen, or any interested person, firm or corporation, in accordance with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

B. Cost estimates relating to a proposed procurement transaction prepared by or for a public body shall not be open to public inspection.

C. Any competitive sealed bidding bidder, upon request, shall be afforded the opportunity to inspect bid records within a reasonable time after the opening of all bids but prior to award, except in the event that the public body decides not to accept any of the bids and to reopen the contract. Otherwise, bid records shall be open to public inspection only after award of the contract.

D. Any competitive negotiation offeror, upon request, shall be afforded the opportunity to inspect proposal records within a reasonable time after the evaluation and negotiations of proposals are completed but prior to award, except in the event that the public body decides not to accept any of the proposals and to reopen the contract. Otherwise, proposal records shall be open to public inspection only after award of the contract.

E. Any inspection of procurement transaction records under this section shall be subject to reasonable restrictions to ensure the security and integrity of the records.

F. Trade secrets or proprietary information submitted by a bidder, offeror, or contractor in connection with a procurement transaction or prequalification

application submitted pursuant to subsection B of § 2.2-4317 shall not be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.); however, the bidder, offeror, or contractor shall (i) invoke the protections of this section prior to or upon submission of the data or other materials, (ii) identify the data or other materials to be protected, and (iii) state the reasons why protection is necessary. A bidder, offeror, or contractor shall not designate as trade secrets or proprietary information (a) an entire bid, proposal, or prequalification application; (b) any portion of a bid, proposal, or prequalification application that does not contain trade secrets or proprietary information; or (c) line item prices or total bid, proposal, or prequalification application prices.

## Title 8.01 Civil Remedies and Procedure

### § 8.01-622.2 Injunction against disclosure of criminal investigative file materials under the Virginia Freedom of Information Act.

Except with respect to the disclosure of records under clause (iv) of subsection D or clause (v) (a) of subsection D of §2.2-3706.1, an injunction may be awarded to prevent the disclosure of records related to criminal investigative files requested under §2.2-3706.1 of the Virginia Freedom of Information Act (§2.2-3700 et seq.).

In making its determination, a court shall consider the following and shall enter its findings on the record:

1. Whether disclosure of the public records would constitute an unreasonable invasion of personal privacy;
2. Whether disclosure of the public records would endanger the life of physical safety of any individual;
3. Whether disclosure of the public records would subject (i) the victim; (ii) the victim's immediate family members as set forth in §2.2-3706.1, if the victim is deceased and the immediate family member is not a person of interest or a suspect in the criminal investigation or proceeding; or (iii) the parent or guardian of the victim, if the victim is a minor and the parent or guardian is not a person of interest or a suspect in the criminal investigation or proceeding, to severe mental or emotional distress; and
4. Any other factor or information deemed by the court to be relevant.

## Title 15.2. Counties, Cities and Towns » Subtitle II. Powers of Local Government » Chapter 14. Governing Bodies of Localities

### § 15.2-1416. Regular meetings.

A. The governing body shall assemble at a public place as the governing body may prescribe, in regular session in January for counties and in July for cities and towns. Future meetings shall be held on such days as may be prescribed by resolution of the governing body but in no event shall less than six meetings be held in each fiscal year.

B. The days, times and places of regular meetings to be held during the ensuing months shall be established at the first meeting which meeting may be referred to as the annual or organizational meeting; however, if the governing body subsequently prescribes any public place other than the initial public meeting place, or any day or time other than that initially established, as a meeting day, place or time, the governing body shall pass a resolution as to such future meeting day, place or time. The governing body shall cause a copy of such resolution to be posted on the door of the courthouse or the initial public meeting place and inserted in a newspaper having general circulation in the county or municipality at least seven days prior to the first such meeting at such other day, place or time. Should the day established by the governing body as the regular meeting day fall on any legal holiday, the meeting shall be held on the next following regular business day, without action of any kind by the governing body.

At its annual meeting the governing body may fix the day or days to which a regular meeting shall be continued if the chairman or mayor, or vice-chairman or vice-mayor if the chairman or mayor is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

C. Regular meetings may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business before the governing body is completed. Notice of any regular meeting continued under this section shall be reasonable under the circumstances and be given as provided in subsection D of § 2.2-3707.

D. The governing body shall provide members of

the general public with the opportunity for public comment during a regular meeting at least quarterly.

E. Notwithstanding the provisions of this section, any city or town that holds an organizational meeting in compliance with its charter or code shall be deemed to be in compliance with this section.

## Title 15.2. Counties, Cities and Towns, Chapter 21. Franchises; Sale and Lease of Certain Municipal Public Property; Public Utilities

### § 15.2-2103.1. Solar services agreements; nondisclosure of proprietary information.

A. A solar services agreement may be structured as a service agreement or may be subject to available appropriation.

B. Nothing in this article shall be construed to require the disclosure of proprietary information voluntarily provided by a private entity in connection with a franchise, lease, or use under a solar services agreement that is excluded from mandatory disclosure pursuant to subdivision 29 of § 2.2-3705.6 of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

C. Nothing in this section, however, shall be construed as authorizing the withholding of the financial terms of such agreements.

## Title 17.1. Courts of Record, Chapter 2. Clerks, Clerks' Offices and Records

### § 17.1-293. (Effective until January 1, 2021) Posting and availability of certain information on the Internet; prohibitions.

A. Notwithstanding Chapter 37 (§ 2.2-3700 et seq.) of Title 2.2 or subsection B, it is unlawful for any court clerk to disclose the social security number or other identification numbers appearing on driver's licenses or other documents issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction or information on credit cards, debit cards, bank accounts, or other electronic billing and payment systems that was supplied to a court clerk for the purpose of paying fees, fines, taxes, or other charges collected by such court clerk. The prohibition shall not apply where disclosure of such information is required (i) to conduct or complete the transaction for which such information was submitted or (ii) by other law or court order.

B. Beginning January 1, 2004, no court clerk shall post on the Internet any document that contains the following information: (i) an actual signature, (ii) a social security number, (iii) a date of birth identified with a particular person, (iv) the maiden name of a person's parent so as to be identified with a particular person, (v) any financial account number or numbers, or (vi) the name and age of any minor child.

C. Each such clerk shall post notice that includes a list of the documents routinely posted on its website. However, the clerk shall not post information on his website that includes private activity for private financial gain.

D. Nothing in this section shall be construed to prohibit access to any original document as provided by law.

E. This section shall not apply to the following:

1. Providing access to any document among the land records via secure remote access pursuant to § 17.1-294;
2. Postings related to legitimate law-enforcement purposes;
3. Postings of historical, genealogical, interpretive, or educational documents and information about historic persons and events;
4. Postings of instruments and records filed or recorded that are more than 100 years old;
5. Providing secure remote access to any person, his counsel, or staff which counsel directly supervises to documents filed in matters to which such person is a party;
6. Providing official certificates and certified records in digital form of any document maintained by the clerk pursuant to § 17.1-258.3:2; and
7. Providing secure remote access to nonconfidential court records, subject to any fees charged by the clerk, to members in good standing with the Virginia State Bar and their authorized agents, pro hac vice attorneys authorized by the court for purposes of the practice of law, and such governmental agencies as authorized by the clerk.

F. Nothing in this section shall prohibit the Supreme Court or any other court clerk from providing online access to a case management system that may include abstracts of case filings and proceedings in the courts of the Commonwealth, including online access to subscribers of nonconfidential criminal case information to confirm the complete date of birth of a defendant.

G. The court clerk shall be immune from suit arising from any acts or omissions relating to providing remote access on the Internet pursuant to this section unless the clerk was grossly negligent or engaged in willful misconduct.

This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law, or to affect any cause of action accruing prior to July 1, 2005.

H. Nothing in this section shall be construed to permit any data accessed by secure remote access to be sold or posted on any other website or in any way redistributed to any third party, and the clerk, in his discretion, may deny secure remote access to ensure compliance with these provisions. However, the data accessed by secure remote access may be included in products or services provided to a third party of the subscriber provided that (i) such data is not made available to the general public and (ii) the subscriber maintains administrative, technical, and security safeguards to protect the confidentiality, integrity, and limited availability of the data.

### § 17.1-293.1. (For contingent expiration date see cc. 524 and 542) Online case information system.

The Executive Secretary shall make available a publicly viewable online case information system of certain nonconfidential information entered into the case management system for criminal cases in the circuit courts participating in the Executive Secretary's case management system and in the general district courts. Such system shall be searchable by defendant name across all participating courts, and search results shall be viewable free of charge.

### § 17.1-293.1. (For contingent effective date see cc. 524 and 542) Online case information system; exceptions.

A. The Executive Secretary shall make available a publicly viewable online case information system of certain nonconfidential information entered into the case management system for criminal cases in the circuit courts participating in the Executive Secretary's case management system and in the general district courts. Such system shall be searchable by defendant name across all participating courts, and search results shall be viewable free of charge.

B. Upon entry of a sealing order pursuant to § 19.2-392.7, 19.2-392.8, 19.2-392.9, 19.2-392.11, or 19.2-392.12, the Executive Secretary shall not make any offense that was ordered to be sealed available for online public viewing in an appellate court, circuit court, or district court case management system maintained by the Executive Secretary.

C. Upon entry of a sealing order pursuant to § 19.2-392.7, 19.2-392.8, 19.2-392.9, 19.2-392.11, or 19.2-392.12, any circuit court clerk who maintains a viewable online case management or case information system shall not make any offense that was ordered to be sealed available for online public viewing.

### § 17.1-294. Secure remote access to land records.

A. No circuit court clerk shall provide secure remote access to any land record that does not comply with the provisions of this section and the secure remote access standards developed by the Virginia Information Technologies Agency in consultation with the circuit court clerks, the Executive Secretary of the Supreme Court, the Compensation Board, and users of land and other court records.

B. 1. Beginning July 1, 2012, any land record made available to subscribers via secure remote access may contain only the last four digits of the social security number of any party. Nothing in this subsection shall be construed to require the clerk to reinsert the last four digits of a social security number on any land record where the redaction of the entire social security number has been completed prior to July 1, 2012.

2. However, the original land record maintained by the clerk may contain a social security number if otherwise provided by law, but that original record shall not be made available via secure remote access unless it complies with this section.

3. Except in cases where the original record is required by law to contain a social security number, the attorney or party who prepares or submits the land record for recordation has the responsibility for ensuring that the social security number has been removed from the writing prior to the instrument's being submitted for recordation.

C. Nothing in this section shall be construed to prohibit access to any original document as provided by law.

D. Nothing in this section shall be construed to permit any data accessed by secure remote access to be sold or posted on any other website or in any way redistributed to any third party, and the clerk, in his discretion, may deny secure remote access to ensure compliance with these provisions. However, the data accessed by secure remote access may be included in products or services provided to a third party of the subscriber provided that (i) such data is not made available to the general public and (ii) the subscriber maintains administrative, technical, and security safeguards to protect the confidentiality, integrity,

and limited availability of the data.

E. The clerk of the circuit court of any jurisdiction shall be immune from suit arising from any acts or omissions relating to providing secure remote access to land records pursuant to this section unless the clerk was grossly negligent or engaged in willful misconduct.

### § 17.1-295. Definitions.

As used in this title:

"Confidential court records" means any civil or criminal record maintained by a clerk of the circuit court designated by this Code as confidential or any such record sealed pursuant to court order.

"Electronic filing of court records" means the networks or systems maintained by a clerk of the circuit court, or the clerk's designated application service providers, for the submittal of instruments for electronic filing of court records in accordance with this title, the Rules of the Supreme Court of Virginia, and the secure remote access standards developed by the Virginia Information Technologies Agency.

"Electronic recording of land records" means the networks or systems maintained by a clerk of the circuit court, or the clerk's designated application service providers, for the submittal of instruments for electronic filing of land records in accordance with the provisions of Article 3 (§ 55.1-346 et seq.) of Chapter 3 of Title 55.1 regarding the satisfaction of mortgages, the Uniform Real Property Electronic Recording Act (§ 55.1-661 et seq.), and the provisions of this title.

"Operational expenses" means expenses of the clerk of court used to maintain the clerk's office and includes, but is not limited to, (i) computer support, maintenance, enhancements, upgrades, and replacements and office automation and information technology equipment, including software and conversion services; (ii) preserving, maintaining, and enhancing court records, including, but not limited to, the costs of repairs, maintenance, consulting services, service contracts, redaction of social security numbers from certain records, and system replacements or upgrades; and (iii) improving public access to records maintained by the clerk, including locating technology in an offsite facility for such purposes or for implementation of a disaster recovery plan.

"Public access" means that the clerk of the circuit court has made available to subscribers that are other than governmental agencies, secure remote access to records maintained by the clerk in accordance with § 17.1-294.

"Secure remote access to court records" means public access by electronic means on a network or system to court records maintained by the clerk of the circuit court or the clerk's designated application service providers, in compliance with this title, the Rules of the Supreme Court of Virginia, and the secure remote access standards developed by the Virginia Information Technologies Agency.

"Secure remote access to land records" means public access by electronic means on a network or system to land records maintained by the clerk of the circuit court or the clerk's designated application service providers, in compliance with the Secure Remote Access Standards developed by the Virginia Information Technologies Agency.

"Subscriber" means any person who has entered into a subscriber agreement with the clerk of the circuit court authorizing the subscriber to have secure remote access to land records or secure remote access to court records maintained by the clerk or the clerk's designated application service providers. If the subscriber is an entity with more than one person who will use the network or system to access land records maintained by the clerk, or the clerk's designated application service providers, each individual user shall execute a subscriber agreement and obtain a separate "user id" and "password" from the clerk. The subscriber is responsible for the fees due under this title and the proper use of the secure remote access system pursuant to the subscriber agreement, applicable Virginia law, and Secure Remote Access Standards developed by the Virginia Information Technologies Agency.

## Title 30, General Assembly, Chapter 21. Virginia Freedom of Information Advisory Council.

### § 30-178. Virginia Freedom of Information Advisory Council; membership; terms; quorum; expenses.

A. The Virginia Freedom of Information Advisory Council (the Council) is hereby created as an advisory council in the legislative branch to encourage and facilitate compliance with the Freedom of Information Act (§ 2.2-3700 et seq.).

B. The Council shall consist of 14 members as follows: the Attorney General or his designee; the Librarian of Virginia or his designee; the Director of the Division of Legislative Services or his designee; five members appointed by the Speaker of the House of

Delegates, two of whom shall be members of the House of Delegates, and three nonlegislative citizen members, at least one of whom shall be or have been a representative of the news media; four members appointed by the Senate Committee on Rules, two of whom shall be members of the Senate, one of whom shall be or have been an officer of local government, and one nonlegislative citizen at-large member; and two nonlegislative citizen members appointed by the Governor, one of whom shall not be a state employee. The local government representative may be selected from a list recommended by the Virginia Association of Counties and the Virginia Municipal League, after due consideration of such list by the Senate Committee on Rules. The citizen members may be selected from a list recommended by the Virginia Press Association, the Virginia Association of Broadcasters, and the Virginia Coalition for Open Government, after due consideration of such list by the appointing authorities.

C. All appointments following the initial staggering of terms shall be for terms of four years, except that appointments to fill vacancies shall be for the unexpired terms in the same manner as the original appointment. No nonlegislative citizen member shall be eligible to serve for more than two successive four-year terms. At the end of a term, a nonlegislative citizen member shall continue to serve until a successor is appointed. However, after the expiration of a term of three years or less, or after the expiration of the remainder of a term to which appointed to fill a vacancy, two additional terms may be served by such member if appointed thereto. Legislative members and other state government officials shall serve terms coincident with their terms of office. Legislative members may be reappointed for successive terms.

D. The members of the Council shall elect from among their membership a chairman and a vice-chairman for two-year terms. The chairman and vice-chairman may not succeed themselves to the same position.

E. The Council shall hold meetings quarterly or upon the call of the chairman. A majority of the Council shall constitute a quorum. Notwithstanding the provisions of subsection C, if any nonlegislative citizen member of the Council fails to attend a majority of meetings of the Council in a calendar year, the Council shall notify the member's appointing authority. Upon receipt of such notification, the appointing authority may remove the member and appoint a successor as soon as practicable.

F. Members of the Council shall receive no compensation for their services but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813, 2.2-2825 and 30-19.12, as appropriate. Funding for expenses of the members shall be provided from existing appropriations to the Council.

## § 30-179. Powers and duties of the Council. (Effective September 1, 2022)

The Council shall:

1. Furnish, upon request, advisory opinions or guidelines, and other appropriate information regarding the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) to any person or public body, in an expeditious manner;

2. Conduct training seminars and educational programs for the members and staff of public bodies and other interested persons on the requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);

3. Publish such educational materials as it deems appropriate on the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);

4. Request from any public body such assistance, services, and information as will enable the Council to effectively carry out its responsibilities. Information provided to the Council by a public body shall not be released to any other party unless authorized by such public body;

5. Assist in the development and implementation of the provisions of § 2.2-3704.1;

6. Develop an online public comment form to be posted on the Council's official public government website to enable any requester to comment on the quality of assistance provided to the requester by a public body; and

7. Report annually on or before December 1 of each year on its activities and findings regarding the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), including recommendations for changes in the law, to the General Assembly and the Governor. The annual report shall be published as a state document.

## § 30-180. Staff.

Staff assistance to the Council shall be provided by the Division of Legislative Services. Staff shall perform those duties assigned to it by the Council.

## § 30-181. Cooperation of agencies of state and local government.

Every department, division, board, bureau, commission, authority or political subdivision of the Commonwealth shall cooperate with, and provide such assistance to, the Council as the Council may request.

# Title 36. Housing, Chapter 6. Uniform Statewide Building Code

## § 36-105.3. Security of certain records.

Building Code officials shall institute procedures to ensure the safe storage and secure handling by local officials having access to or in the possession of engineering and construction drawings and plans containing critical structural components, security equipment and systems, ventilation systems, fire protection equipment, mandatory building emergency equipment or systems, elevators, electrical systems, telecommunications equipment and systems, and other utility equipment and systems submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.).

Further, information contained in engineering and construction drawings and plans for any single-family residential dwelling submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) shall not be subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except to the applicant or the owner of the property upon the applicant's or owner's request.

# Virginia Conflict of Interests Act

## Guide for Local Government Officials

### Introduction

The Virginia State and Local Government Conflict of Interests Act ("COIA" or the "Act.") regulates the financial relationships of council members and mayors with their localities and with any other governmental agencies that are related to the local government. The Act is intended to be the sole body of law for governing city and town council members' financial involvement in contracts or other transactions with their own localities and with other governmental entities. While this Guide refers to city and town councils it is equally applicable to boards of supervisors and counties, along with regional bodies. Many of the Act's rules and restrictions also apply to other officers and employees of local governments, including locally elected constitutional officers.

COIA regulates how involved a council member may be in an item being considered by council if the member has a financial interest in that item. The Act also defines what constitutes bribery or taking unfair advantage of information gained by reason of being on council. It sets penalties for violations and provides a procedural framework for its enforcement.

The Act is codified in Title 2.2, Chapter 31 of the Code of Virginia, § 2.2-3100 and following. While this Guide describes the general operation of the law, the reader should consult the law's specific language for a better understanding (code references are given throughout this Guide). Furthermore, a council member with questions about a contract or transaction should consult the city or town attorney for the member's locality.

The 2014 General Assembly created the Virginia Conflict of Interest and Ethics Advisory Council ("COIA Council") to review and post online disclosure forms filed by officials who are subject to the Act. The Advisory Council also issues formal opinions about specific conflicts and offers informal advice, education and training. The duties and responsibilities of the Advisory Council are discussed throughout this Guide.

Since the Council was created many changes to the law have occurred as the General Assembly tries to strike a balance between the need for disclosure and the practicality of complying with the law. For instance, the forms were originally supposed to be filed semi- annually but now must be filed annually. The definition of what constitutes a permissible or impermissible gift and how to include family members' interests have also been the subject of many changes to this law. Your locality's attorney is a primary source of advice about application of the Act, but the locality's Commonwealth Attorney and the Advisory Council are also good resources, and in some circumstances their opinions provide legal protection from prosecution for violations of the Act.

### Purpose of the act

The first section of the act, Va. Code § 2.2-3100, sets out the purpose of the law, citing three main goals:

1. To help ensure that the government will fully represent the public in its operations;
2. To give citizens confidence in public officials and the government so they will trust the government, by creating a clear set of rules for government officials; and,
3. To assemble all the laws affecting conflict of interests in a single location in order to create uniform rules. (While COIA largely accomplishes this purpose, additional rules are stated in the Virginia Public Procurement Act and in various other code sections.).

The act contains three general areas of regulation (listed below). The act also has procedural, enforcement, and penalty provisions.

### Areas of regulation

The Act regulates the financial relationships of council members with their localities in three general categories:

1. General provisions covering bribes and other illegal behavior.
2. Regulation of financial interests a council member or other officer or employee may have in business dealings with his or her locality or with

agencies related to his or her locality. The Act calls this a personal interest in a contract.

3. Regulation of the level of involvement a council member, officer or employee of a locality may have in an item being considered by the locality that involves the official's business, property or other personal financial interest. The Act calls this a personal interest in a transaction.

# I. Generally Prohibited Conduct

## Bribes and other illegal behavior

Section § 2.2-3103 prohibits public officials from taking or soliciting bribes and from allowing money to influence their actions. This section applies to a person's actions as a government official; COIA does not apply to private individuals or businesses that may offer the bribes. Their actions are governed by other provisions in the state criminal code.

The Act prohibits a council member from soliciting or accepting money or benefits for doing his or her work as a public official. § 2.2-3103(1). For example, a council member may not take money (other than a properly reported campaign contribution) for voting in favor of a rezoning to help a developer build a project. Similarly, council members may not offer or take money to get a government job offer for themselves or for someone else, or in exchange for obtaining a contract or business deal with the local government. §§ 2.2-3103(1) & 3103(2).

A knowing violation of these prohibitions is a Class 1 misdemeanor. Enforcement and penalties for COIA vio;ations are discussed in greater detail later is this Guide.

## Undue influence

One step below the outright bribery rule is the prohibition on taking certain gifts or opportunities while serving as a public official. §§ 2.2-3103(5), (6), (8), (9) &

2.2-3103.1. The act prohibits a council member from accepting money, loans, gifts, services, business oppor- tunities, or other benefits if it is reasonable to construe that the benefit was given to influence the council member in his or her duties. An exception is made for political campaign contributions – but only if the contribution is used for a political campaign or constituent service purposes and is reported as required by to the campaign disclosure laws.

A typical example of this issue for cities and towns occures when a vendor or contractor gives Christmas gifts of sub- stantial value to the members of council. Whether the gift complies with the act is a judgment call in most cases. Is a Christmas turkey reasonable if the developer is also giving the same gift to his employees, his busi- ness associates, and his materials suppliers? What if the gift is a box of cookies for the whole staff ? The circumstances of the specific case usually indicate whether the gifts are appropriate.

The following items are exempted from the prohibition on gifts: (1) coupons and tickets that are not used; (2) honorary degrees; (3) scholarships or financial aid awards that were awarded in the same manner as they would be to the general public; (4) campaign contributions that are properly received and reported; (5) a gift that relates to the private profession or volunteer service of the officer or a member of the officer's immediate family; (6) food or beverages consumed while attending an event at which the filer is performing official duties related to public service, (7) food or beverages received at or registration of attendance fees waived for any event at which the filer is a featured speaker, presenter, or lecturer, (8) unsolicited awards of appreciation or recognition; (9) a devise or inheritance; (10) travel disclosed under the Campaign Finance Disclosure Act (§24.2-945 et seq.); (11) travel paid for or provided by a government entity; (12) travel provided to facilitate attendance by a legislator at a regular or special session of General Assembly or other meeting approved by the House or Senate Committee on Rules; (13) travel related to an official meeting of, or any meal provided for attendance at such meeting by, the Commonwealth, political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to §501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment; (14) gifts with a value less than $20; (15) attendance at a reception or similar function where food, such as hors d'oeuvres, and beverages that can be conveniently consumed by a person while standing or walking are offered; or (16) gifts from relatives or personal friends as the Act defines "personal friend". § 2.2-3101. Overturning an Advisory opinion from the Council, the General Assembly has changed the definition of gift and does NOT include tickets or registration or admission fees to an event that are provided by an agency to its own officers or employees for the purposes of performing official duties related to their public service!

For purposes of §2.2-3101 and what is not a gift when received from a relative, that term is defined as the recipient's spouse, child, uncle, aunt, niece, nephew, or first cousin; a person whom the donee is engaged to marry, the recipient or recipient's spouse's parent,

grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step- brother, or step-sister or the recipient's brother's or sister's spouse or the recipient's son-in-law or daughter-in-law.

The Act limits who can be considered a personal friend for the purposes of the disclosure exemption. The reason for this limitation is to ensure that the term "personal friend" is not applied loosely, allowing anyone's gift to qualify for the exemption from disclosure by the recipient. Personal friends are discussed further below.

§ 2.2-3103.1 pertains to prohibited gifts. This provision applies to all candidates, officers, and employees of local governments and advisory agencies, and members of their immediate family. These individuals may not solicit, accept or receive a tangible gift that is valued at over $108 or a combination of gifts within a year with an aggregate value of over $108 if it is given to him by (1) a lobbyist, (2) a lobbyist's principal,[1] or (3) a person, organization, or business that is seeking to be or already is a party to a contract with the local agency of which he is an officer or employee. However, the limit only applies to individuals who are required to file a disclosure form prescribed in §2.2-3117. Therefore, it does not apply to officials of localities with a population under 3,500.

An official may accept a gift with a value in excess of $108 if the gift was from a personal friend. The following factors will be considered in determining whether someone qualifies as a personal friend: (a) the circumstances under which the gift was offered; (b) the history of the relationship, to include its nature, duration and previous gift exchanges; (c) to the extent known, whether the donor personally paid for the gift or sought a tax de- duction or business reimbursement and (d) whether the donor has given similar gifts to other persons required to file disclosure forms. §2.2-3103.1.

A lobbyist or a lobbyist's principal cannot, however be con- sidered a personal friend whose gifts are exempt from these limits. A person, organization, or business also cannot be considered a personal friend if that entity or person is a party to a contract with the local government or agency for which the officer or employee works. This is true whether the contract has already been awarded or if the person, organization, or business is just seeking to be a party to a contract.

Some may wonder how an officer or official would even try to argue that he or she has a personal friendship with an organization or business. In this context, the terms "organization" and "business" include those who are officers, directors, owners, or have a controlling ownership interest in the organization or business. § 2.2-3101.

Council members are also prohibited from taking benefits if they know the benefits are being offered to influ- ence the member's decision or vote. § 2.2-3103(5). Therefore, even if the gift is not unreasonable, the council member may not accept it if the circumstances or statements of the giver make it clear that the gift is being given to influence the council member.

A further prohibition is aimed at gifts given by a private party looking for a specific action by the government. § 2.2-3103(8). This subsection prohibits a council member from accepting a gift from a private party whose interests can be affected by the council member's actions, where the timing of the gift would lead a reasonable person to question whether the gift is being given to influence the council member. For example, if the day before an important council vote on a rezoning, the applicant for that rezoning gives the council member $2,000 and calls it a campaign contribution, it would be reasonable to think the money was given to influence the vote. Also, if a council member accepts gifts so often that it creates the appearance that he or she routinely accepts gifts simply for doing his or her job, that behavior constitutes a violation. § 2.2-3103(9). Viola- tions of these two prohibitions may not be the basis for a criminal charge.

Why is the gift limit $108? the Council is empowered every 5 years to adjust this amount for inflation. In 2020 they raised the original $100 limit to $108.

## Local governments can adopt ordinance limiting dollar value of gifts

Local governments may adopt an ordinance to limit the dollar value of gifts to officials and employees of the locality. § 2.2-3104.2. The ordinance can include a required gift disclosure provision. While a public official may have nothing to fear legally once a gift is disclosed, keep in mind that the appearance of impropriety is often more harmful than the impropriety itself. A $50 limit is often used. While this amount is arbitrary, setting a limit does make it simpler for all involved to know what behavior is permissible. Even if the locality adopted an ordinance prohibiting acceptance of gifts over a fixed

[1]Prior to the General Assembly overturning the Advisory opinion from the Council, the elected members of a locality were to follow the restrictions and reporting requirements provided for in the Act whenever they received any gifts from lobbyist's principals. This applied even in circumstances where the lobbyist's principal was their own locality, and the locality was giving them a gift, distinct from their regular compensation. 2020-F-001 (November 18, 2020).

amount, its officers or employees may accept a gift of greater value given by a §501(c)(3) charitable organization in recognition of the recipient's meritorious public service.

### Insider information

It is a violation of the Act for a public official to use information not available to the public for his or her own or another person's economic benefit. § 2.2-3103(4). For council members, a violation of this prohibition is sometimes alleged unfairly. For example, a council member who simply pays attention to plans submitted to the locality that are available to the public, and then buys a nearby property, has not violated the Act, but the public may still believe that the council member had advance knowledge of the business opportunity. Once again, the perception may be more problematic than the reality.

## II. Regulation of council member's actions as a citizen.

### Personal interest in a contract.

The Act limits what financial interests a council member may have in business dealings with his or her locality and with agencies related to his or her locality. § 2.2-3107. The Act calls this a "personal interest in a contract." While this Guide's discussion is limited to the restrictions on council members, the Act also sets forth different restrictions for school board members (§ 2.2-3108) and for local government employees (§ 2.2-3109). Council members need to keep in mind the restrictions on the employees of a city or town as they carry out their duties and watch over the affairs of the locality.

According to § 2.2-3107(A), "no person elected or appointed as a member of the governing body of a county, city or town" shall have "a personal interest in a contract" with his or her city or town or with certain other related government agencies. (The definition of a per- sonal interest in a contract is described below.)

The council member may not have a personal interest in a contract with any agency of his or her locality, including the operating departments of the city or town. In addition, he or she may not have a personal interest in a contract with any government agency that is under the council's ultimate control. For example, if the council appoints a library board, then council members would have ultimate control over the library. Therefore, a council member could not have a financial interest in a contract with the library board. In a city where the school board is appointed by the city council, council members would likewise be prohibited from having an interest in a contract with the school system.

This section of the Act also prohibits involvement in a contract with any agency if the council appoints a majority of the members of that agency's govern- ing body. For example, if the locality is a member of a regional jail and its council appoints four of the jail board's seven members, then a council member would be prohibited from being involved in a contract with the jail.

### Definitions of personal interest and personal interest in a contract, and personal interest in a transaction

The Act only prohibits a council member's participa- tion if he or she has a personal interest in the contract with one of the agencies described. The definition of "personal interest in a contract" has three parts: "a personal interest," a "personal interest in a transaction" and a "personal interest in a contract." § 2.2-3101.

Personal interest. The definition of a personal interest is the key building block of the Act. The term is used throughout. A personal interest exists if any one of the following tests is met:

1. The council member owns at least 3 percent of the equity of a business.
2. The council member has annual income from a business that is or reasonably could be in excess of $5,000 or owns an interest in property worth more than $5000.
3. The council member has a salary, fringe benefits,or other compen- sation, from a business, or gets rent or other benefits from the use of property involved in a contract or transaction that exceeds or reasonably could exceed $5,000 annually.
4. The council member's ownership interest in property exceeds $5,000.
5. The council member's liability for a business exceeds 3 percent of the equity of the business.
6. The council member has an option on real property and, upon exercise of the option, his or her ownership will meet the levels in either test 1 or 4, above.

***Immediate Family.*** In addition to the council member, if any person in the council member's immediate family has one of the six types of a personal inter- est, the personal interest exists for the council member. The term "immediate family" always includes

the person's spouse. The term also includes any other person who resides in the same household as the officer or employee and who is a dependent of the officer or employee.

As this definition demonstrates, if a council member's spouse has a personal interest in a business that would like to contract with the city, the contract is prohibited even though the husband/council member has no involvement in the contracts.

***Personal Interest in a transaction.*** A personal interest in a transaction exists when an officer or employee or immediate family member of one has a personal interest in property or a business and that property or business is:

1. The subject of the transaction, or.
2. The member or or the property or business in which the member has an interest may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the member's agency considering the transaction.

A personal interest in a transaction does not exist when:

1. An elected member of a local governing body serves without renumeration as a member of the board of trustees of a not-for-profit entity and the mem- ber and his immediate family has no personal interest in the entity.
2. An officer, employee, or elected member of a local governing body is appointed by such local governing body to serve on a governmental agency and the personal interest in the transaction is the result of benefits provided to the member or his immediate family.

***Personal interest in a contract.*** If the council mem- ber's involvement meets any one of the six definitions of a personal interest, the next step is determining whether the council member has a personal interest in the contract in question. According to the Act's definition, a council member has a personal interest in a contract with a government agency if that contract is with the council member or with a business in which he or she has a personal interest. § 2.2-3101.

In looking at a particular contract, it is important to ask: Is a council member or his or her business or property involved in the contract? Does that council member have a personal interest as defined by the Act? The answers to these questions will help determine if the contract is prohibited under the Act.

## Situations where conflicts do not exist

Some situations are not legally defined as conflicts under the Act, even though they may appear to be natural conflicts. If a council member earns a total salary of $4,900 per year from a business, that business could contract with the locality, because the council member would not meet the income level to have a personal interest for purposes of the Act. As the third test of the definition – salary – shows, the salary must exceed $5,000 per year to create a personal interest.

Note also that an official's personal interest in a contract or transaction is based only on the official's financial interest. If a council member serves on the board of a charitable entity, the fact that the council member may have divided loyalties between the charity and the locality, or may support the policy goals of the charity does not create a legal conflict under the Act, as long as the council member serves on the charity's board for less than $5,000 compensation per year and doesn't have an ownership interest in the charity. § 2.2-3101.

## Exceptions to conflicts in contracts

The Act sets out a series of exceptions to the prohibitions on having a personal interest in a contract.

Exceptions that apply only to council members. Several exceptions are specific to council members. § 2.2-3107(B).

1. A council member may be an employee of the locality as long as the employment began before the member's election to council. § 2.2-3107(B)(1). This section of the law also allows employment and service on council if the person was an employee prior to July 1, 1983. If an employee of locality serves on council, he or she will sometimes run into potential conflicts when matters come before council that affect the locality's employees such as salary and disciplinary decisions. (This issue is explored below, in the section on personal interests in a transaction).

2. A council member may buy goods or services from his or her locality as long as they are made available to the public at uniform prices. § 2.2-3107(B)(2).

3. A council member may sell goods to his or her locality if the following conditions are met, pursuant to § 2.2-3107(B)(3):

a. The purchase must be made by competitive sealed bidding. Therefore, if the contract is being solicited by a request for proposals, the exception doesn't apply.

b. The contract must be for goods, not services, and the need for the goods must have been

established prior to the person's coming on council.

For example if the city needs a tractor, and a council member owns a tractor dealership, if the city had bought tractors prior to the council member's election, the member's dealership may continue to bid on the contract.

c. The council member who wants to sell to the locality must play no role in preparing the specifications for the purchase.

d. The remaining members of council must pass a resolution in writing that the council member's bidding on the contract is in the public interest.

**Note:** this exception does not apply to providing services, only to contracts for buying goods. For example, a council member who is an accountant, or the member's firm may not have a contract to provide auditing services to the member's locality.

## Eight exceptions that apply to all local government officials and employees.

The following eight exceptions to the prohibition on having a personal interest in a contract apply not only to council members, but to all other local government officials and employees as well. § 2.2-3110(A).

1. Any sale, lease, or exchange of real property between a local official and his or her locality is allowed as long as the official doesn't participate on behalf of the locality in making the deal, and the fact that the official wasn't involved is recorded in the public record of the locality or governmental agency involved in the transaction. The reason for this exception is that each parcel of real estate is deemed to be unique. If a city needs a certain lot or parcel, the fact that a council member or city employee owns it should not prevent the purchase of the needed land by the city. § 2.2-3110(A)(1).

2. The prohibition does not apply to contracts for the publication of official notices, presumably so that the local newspaper may be used for ads required by state law even when a council member is an owner or employee of that paper. This is a balancing of needs; the state code requires many local government notices to be run in the local paper. Without this exception, those publication requirements could not be met in such a situation. § 2.2-3110(A)(2).

3. For counties, towns and cities with a population under 10,000 contracts between a council member and his or her locality are allowed, despite the general prohibition, if the total of those contracts does not exceed $5,000 per year. Further, contracts up to $25,000 are allowed if the contract is awarded by competitive sealed bidding. This higher level only applies if the public official has filed a statement of economic interests form. Every council member except those in localities with populations of 3,500 and under must file that form annually, so this requirement does not create an added obligation. § 2.2-3110(A)(3).

4. If the sole personal interest a local official has in a contract comes from employment by the contracting business for more than $5,000 per year the business may still be able to contract with the locality. For this exception to apply, neither the local official nor any member of his or her immediate family may have any authority to participate in making the deal with the locality, and must not actually participate on behalf of either the business or the locality in negotiating the deal. A typical example of this might be a contract with a large engineering firm that employs a council member but the member or member's spouse plays no role in soliciting the contract or negotiating its terms. § 2.2-3110(A)(4).

5. If a council member is employed by a public service corporation, a bank, a savings and loan association, or a public utility, and the member discloses that employment and refrains from participating on behalf of the city or town, then the utility, bank, etc., may contract with the locality. § 2.2-3110(A)(6). Without this exception, all employees of the local electric power company or local bank might effectively be barred from seeking public office in the locality.

6. The prohibition does not apply to any contract for goods or services below $500 in value. But if a locality normally purchased paper on an annual contract, for example, could it split up a year's worth of paper contracts so that each is less than $500? While the section is silent on splitting up a larger contract to meet this exception, the consensus is that splitting a contract solely to evade the $500 limit would violate the law. § 2.2-3110(A)(7).

7. Program grants made to a local public official are allowed if the rates or amounts paid to all qualified applicants are uniform and are established solely by the agency administering the grants. § 2.2-3110(A)(8).

8. If the spouse of a local official is employed by the locality, the personal interest prohibition does not apply if the spouse was employed by the agency five or more years prior to marrying the other official. § 2.2-3110(A)(9). If one spouse is the supervisor of the other spouse, the conflict does not exist if the subordi- nate spouse earns less than $35,000 per year. § 2.2-3110(B).

# III. Council member's participation as public official

## Personal interest in a transaction

The rule concerning a personal interest in a trans- action sets out the level of involvement a council member may have in an item being considered by the governing body (the transaction) that involves the membership, property, or other personal financial interest. § 2.2-3112.

As with a personal interest in a contract, the first step is to determine whether the council member has a personal interest in the transaction. The same definition of a personal interest is used in the transactions provisions as in the contracts provisions, but the definition of personal interest in a transaction goes beyond the definition of a personal interest in a contract.

## Definition of transaction & personal interest in a transaction

***Transaction.*** In the context of a city or town council, a transaction is defined as any matter considered by the council, a council committee or subcommittee, or any department, agency, or board of the locality Including the local planning commission, if any official action is taken or is being contemplated. § 2.2-3101.

***Personal interest in a transaction.*** This term is broadly defined as a personal interest of a council member "in any matter considered by his [locality]". § 2.2-3101. Specifically, a personal interest in a transaction exists if a council member or immediate family member has a personal interest (as defined in Part II) in the property, business, or governmental agency – or represents/provides services to any individual or business property – and the property, business, or represented/served individual or business either (1) is the subject of the transaction, or (2) may realize a reasonably foreseeable benefit or detriment as the result of the transaction.

A typical example of representing or servicing an individual or business would be a council member who is an accountant and whose accounting firm handles the books of the business that is the subject of the transaction. Another common example occurs when the council member or member's spouse is a principal in an engineering firm that represents an applicant for a land-use permit before council. In these cases, the council member may well have a personal interest in the transaction unless he or she is not directly involved in the representation. In practice, if a matter comes before council or a council committee or involves any department of the locality, and a council member has a personal interest in the subject matter or represents the subject business, the council member must then follow the Act's requirements for his or her participation in § 2.2-3112 (discussed below in "Levels of transactions" section).

## Exceptions and limitation on conflicts

A personal interest in a transaction does not exist if the council member serves on a not-for-profit board without pay, and neither the council member nor his or her immediate family has a financial interest in the not-for-profit entity (Definition of personal interest in §2.2-3101).

No prohibited personal interest exists when an employee or council member of a locality is appointed by the locality to an ex-officio role in another governmental agency and the appointee's interest in the transaction exists solely due to the locality's employment of the appointee or appointee's spouse. See the definition of "personal interest in a transaction" in § 2.2-3101.

The Act provides in § 2.2-3112(C) that if an employee, but not a council member, is disqualified from participating in a transaction, the employee may still represent his private interests before the council as long as the employee is not paid for the representation and discloses the nature of his or her interest. This exception appears not to apply to council members.

## Other employees

Section §2.2-3112 sets out the rules for a locality's employees other than council members who have a personal interest in a transaction with the locality. The section also contains a list of exceptions that apply to the employees of the government agencies in the locality. Those rules and exceptions do not apply to council members. For example, an employee's spouse may contract with the locality to provide services (for example, accounting) if certain conditions are met. In contrast, a council member's spouse could not have a contract for the same services to the locality.

## Levels of transactions

The fact that a council member has a personal interest in a transaction before council does not always require the member to disqualify himself. The Act's requirements for participation, if a personal interest in the transaction does exist, set out three levels of transactions. § 2.2-3112(B).

1. If the council member is in a firm that represents the subject of the transaction, but the council member does not personally represent the subject in the trans-

ac- tion, the member may participate in the council discussion after making the declaration requirements of § 2.2-3114(G) or §2.2-3115(I).

2. If the transaction affects a business, profession, occupation or group of three or more members to which the council member belongs, he may participate in the transaction only if he completes a disclosure form, described in the "Disclosures" section, below. § 2.2-3112(B)(2).

3. If the transaction affects the public generally, the council member may participate. A council member may, for example, obviously vote on raising property taxes, even though that vote affects the member, because it also affects the public generally. In comparing items 2 and 3, some transactions are considered to affect the public generally, even though not every member of the public is affected. For example, the business license tax applies only to property owners, but it is considered to affect the general public.

### Additional exception

Disqualification under the provisions of § 2.23112(C) does not prevent any employee who has a personal interest in a transaction with his or her agency from representing himself, herself, or immediate family members in such transaction provided the employee does not receive compensation for such representation and complies with the disqualification and relevant disclosure requirements of the Act.

### Effects of disqualification

If a council member is disqualified from participating in a transaction, the Act requires several steps. § 2.2-3112:

1. The council member must disclose the interest that causes the disqualification by identifying the interest, including the name and address of the business or property. § 2.2-3115(F). The disclosure is required whether the law requires the disqualification or the council member voluntarily disqualifies himself out of an abundance of caution. The disclosure can be made in a written record sent to the Clerk or made verbally in a public meeting and recorded in the minutes of that meeting.
2. The disclosure must be kept for five years in the records of the council.
3. The council member may not vote on or participate in discussion on the transaction. It is a best practice for the council member to sit in the audience during the discussion and vote, on a matter for which the member has been disqualified
4. The disqualified council member may not attend the portion of a closed meeting at which the transaction is discussed.
5. The disqualified council member may not discuss the matter with other members or with anyone in the local government who is involved in the transaction.

### Savings clause for certain votes

The Act allows the remainder of council to vote when disqualifications rob the council of a quorum. § 2.2-3112(D). The council may act by a vote of the majority of the members who are not disqualified. Even if the law requires a unanimous vote, it only has to be by a unanimous vote of the remaining members. The Advisory Council issued a formal advisory opinion (2017-F-001) on April 24, 2017 confirming the quorum analysis above. The opinion states in part that when five members of a seven member board are in attendance and two persons are disqualified from voting, the three remaining members do constitute a quorum. One caution – the Virginia Supreme Court has ruled that when there are disqualifications, and a vote is taken using this section, the disqualified members of council must remain present to maintain a quorum. If the disqualified members leave the meeting, such that fewer members are present than required for a quorum – a quorum does not exist and the meeting cannot continue. See Jakabcin v. Front Royal, 271 Va. 660, 628 S.E.2d 319 (2006).

In order for a council to sell or lease land, state law requires a three-fourths vote of all members elected to council. § 15.2-2100. Section 2.2-3112(D) of the Act allows a council member to participate in a discussion and vote on a proposed sale, lease, or similar conveyance of land, if the council member's only personal interest in that sale is that he or she is employed by the business that is contracting with the locality for the land deal.

## IV. Disclosures

If a transaction affects a group, business, or profession as set forth in § 2.2-3112(B)(1), the council member may participate if he or she certifies in good faith that he or she can represent the public fairly in the transaction. The certification requires the following elements to be identified - § 2.2-3115(H):

- The transaction;
- The nature of the personal interest;

- The fact that the council member is a member of a business, profession, occupation, or group that will be affected by the transaction;
- A statement that the council member is able to participate fairly, objectively, and in the public interest.

If the transaction affects a party that the council member's firm represents, but the council member is not involved on behalf of the firm, the disclosure requires the following elements to be identified. § 2.2-3115(I):

- The transaction involved;
- The fact that a party to the transaction is a client of the council member's firm;
- A statement that the council member does not personally represent the client;
- A statement that the council member is able to participate fairly, objectively, and in the public interest.

If either of these disclosures is required, the council member must either state it at the meeting or file it in writing with the clerk of the council or the manager. A written disclosure should be filed before the meeting or, if that is impracticable, by the end of the following business day. § 2.2-3115(H), (I). In both cases, the disclosure is public. VML advises that it is better to make the disclosure at the meeting, orally, when the transaction is about to be considered. It is also recommended that the person sit in the audience for the discussion and vote. This conveys a clearer message of self-disqualification than simply handing the clerk a written statement. If the disqualification is handed in with no announcement, the public will wonder why the council member is not participating.

## Annual Statement of Economic Interests Form

In addition to transaction-specific disclosures, each council member of every locality with a population of more than 3,500 must file the Statement of Economic Interests form. The Statement of Economic Interests form must be filed annually on or before February 1st for the preceding calendar year. § 2.2-3115.

This disclosure form will be created and provided by the Advisory Council at least 30 days prior to the filing deadline. Forms should be disseminated by the clerks of the governing bodies to their respective members not less than 20 days before the filing deadline. The forms must be available for review by the public no later than six weeks after the deadline and shall be maintained in the clerk's of- fice for five years. §2.2-3115(D).

The forms will require the disclosure of holdings in excess of $5,000, which is a change from the previous threshold of $10,000. § 2.2-3117.

The city or town council may also adopt an ordinance to require other officials and employees of the locality to file the Statement of Economic Interests form pursuant to § 2.2-3115(A). Typically, this provision is used for the city or town manager, but some localities require various other employees to file the form. Other localities do not require the form to be completed by any employees or officials except those required to file by state law. The council also may require members of boards, commissions and councils whom it appoints to file a disclosure form. § 2.2-3115(B).

In localities with a population of more than 3,500, members of planning commissions, boards of zoning appeals, real estate assessors, and all county, city and town managers must file an annual disclosure that is limited real estate interests. § 2.2-3115(G).

The section clarifies that no local government officer or employee is required to file any disclosures not specifically mentioned in the article. § 2.2-3115(C).

## Who Files Disclosure Form

The following local officials are required to file the State and Local Statement of Economic Interests per § 2.2-3115:

- Members of the board of supervisors
- Members of the city council
- Members of the town council, if the town has a population exceeding 3,500
- Members of a school board
- Members and the executive director of any industrial development authority or economic development Authority
- Citizen members of the Northern Virginia Transportation Authority and the Northern Virginia Transportation Commission
- Persons holding positions of trust appointed or employed by the governing body if the governing body has passed an ordinance requiring them to file
- Persons holding positions of trust appointed or employed by school board if the school board has adopted a policy requiring them to file
- Members of the governing body of any entity established in a county or city with the power to issue bonds or expend funds in excess of $10,000 in any fiscal year if the governing body of the

appointing jurisdiction has required them to submit this form

The following local officials are required to file the Financial Disclosure Statement per § 2.2-3115:

- Members of the governing body of any entity established in a county or city with the power to issue bonds or expend funds in excess of $10,000 in any fiscal year unless required to file the Statement of Economic Interest by the governing body of the appointing jurisdiction
- Non-salaried citizen members of local boards, commissions, and councils if the governing body has designated them to file.

The following local officials are required to file the Real Estate Disclosure per § 2.2-3115 (G):

- Planning commission members
- Members of board of zoning appeals
- Real estate assessors
- County, city, or town managers
- Executive officers

*Nothing precludes a locality from requiring others to file.

## V. Enforcement & penalties

### Criminal penalties

A knowing violation of COIA is a Class 1 misdemeanor. § 2.2-3120. According to the Act, a violation is knowingly made if an official acts or refuses to act when he or she knows that the behavior is either prohibited or required by the Act. An example of refusing to do a required act is a council member's refusal to file a disclosure form. A Class 1 misdemeanor has maximum penalties of one year in jail and a fine of $2,500.

Three other specific violations have a lower, Class 3 penalty (maximum $500 fine):

1. Failure to disqualify oneself from participating in a transaction.
2. Failure to file the annual statement of economic interests.
3. Failure to file the statement of reasons for a disqualification in a transaction.

### Additional consequences for violations

In addition to the criminal consequences, a council member who is found guilty of a knowing COIA violation is also guilty of malfeasance in office. In that case, the judge may order the forfeiture of the member's council seat. § 2.2-3122.

If a contract is made by a locality is found to involve either a council member who violated the general provisions relating to bribes, insider information, undue influence (§ 2.2-3103), or a violation of the "personal interest in a contract" provisions, the council may rescind the contract. In that case, a contractor, even if innocent of wrongdoing, may not receive the full profits he anticipated in the deal. The contractor may only receive a "reasonable value," according to § 2.2-3123.

If a council action involves a violation of "the personal interest in a transaction" requirements, the council may rescind the award of a contract or other decision made. In rescinding the action, the best interests of the locality and any third parties are to be considered. § 2.2-3112(D).

If a council member violates any of the general provisions related to bribes and other illegal behavior, the rules regarding personal interest in a contract, or the rules regarding personal interest in a transaction, any value the member received from the transaction must be forfeited. If the violation was knowingly made, the judge may impose a civil penalty equal to the value received. §2.2-3124.

Any person required to file a disclosure form shall be entitled to an extension of the time limit for good cause shown. Good cause includes (i) the death of a relative, (ii) a state emergency declared by the Governor or by the President of the United States or a governor of another state if such emergency interferes with the timely filing of disclosure forms, (iii) being a member of a uniformed service and on active duty on the date of the filing deadline, or (iv) failure of the electronic filing system. § 30-356.2(A).

If a person is unable to timely file the disclosure form because it was not made available until after the deadline, the person shall receive a five-day extension upon request. The head of the agency for which the person works or the clerk of the governing body of the locality responsible for providing the disclosure form to such person shall be assessed a civil penalty in the amount equal to $250. If the disclosure form is provided to the person within three days prior to the filing deadline, the person shall receive a three-day extension upon request and no civil penalties will be assessed against the head of such person's agency or the clerk. § 30-356.2(B). This does not apply to statements of economic interest required to be filed as requirement of candidacy. § 30-356.2(C).

## Advisory opinions

### Commonwealth's Attorney

The law allows some opportunity to avoid a problem by setting up a process for a local official to obtain an opinion a COIA question from the local commonwealth's attorney. The commonwealth's attorney is required by § 2.2-3126(B) to issue advisory opinions on whether a fact situation constitutes a violation. In addition to issuing opinions, the commonwealth's attorney is charged with prosecuting violations of the Act by local officials. If the council member gives the attorney all the relevant facts and the attorney determines that the council member is allowed by law to participate, the council member may not be prosecuted for doing so. § 2.2-3121(B). If the commonwealth's attorney opines that the facts constitute a violation, the council member then may ask the attorney general to review and override the local opinion. The law makes it clear that any written opinions are public records and are therefore available to the public.

If the council member obtains a written opinion from the town or city attorney, based on full disclosure of the facts, the council member may introduce the favorable opinion from the attorney upon challenge. § 2.2-3121(C). However, keep in mind that the town or city attorney cannot provide the legal protection from prosecution for a violation that the Commonwealth's Attorney or the Conflict of Inter- est and Ethics Advisory Council are legally authorized to grant.

### The Virginia Conflict of Interest and Ethics Advisory Council

The Advisory Council is another resource that may be used to help localities and local officials avoid a conflicts of interest or ethics problem. It has the authority to issue formal advisory opinions and guidelines relating to ethics and conflicts issues. Additionally, the Council may issue informal advice in response to specific questions. Any informal advice issued by the Advisory Council is protected by attorney-client privilege and is exempt from disclosure under the Virginia Freedom of Information Act. However, if the recipient invokes the immunity provisions of §2.2-3121 or §30-124, the record of the request and the informal advice shall be deemed to be a public record and released upon request.

Formal advisory opinions can be found on the Advisory Council website along with the adopted procedures for issuing formal advisory opinions. Formal opinions are public records, but may have some personal information redacted.

Another role of the Advisory Council is to provide training on ethics and conflicts issues. These training seminars will be available to lobbyists, state and local govern- ment officers and employees, legislators, and other in- terested persons. The written materials for these training sessions will also be published by the Council, when it is deemed appropriate. § 30-356(7), (9).

## Summary

The Virginia State and Local Government Conflict of Interests Act determines when public officials and employees have personal interests in public contracts or transactions, if those interests conflict with the officials' public duties, and how the officials should behave considering such a conflict. The Act dictates the terms for disclosure of public officials' personal and financial interests and decides when officials must disqualify themselves from participating in a public business transaction. The Act also defines other types of conduct that public officials are prohibited from engaging in, including involvement in bribery, influence peddling, or misuse of insider information.

Council members should always consult the Act's specific language when a potential conflict seems possible. Inquiries about specific contracts or transactions should be directed first to the local city or town attorney. However, keep in mind that the town or city attorney cannot provide the legal protection from possible prosecution that the Commonwealth's Attorney or the Conflict of Interest and Ethics Advisory Council can. We hope this Guide will help local governments become better informed of their responsibilities and how to recognize when a prospective conflict may occur.

# Title 2.2. Administration of Government. Chapter 31. State and Local Government Conflict of Interests Act

As required under Virginia Code § 2.2-3100.1, …" All officers and employees shall read and familiarize themselves with the provisions of this chapter."

The text of the Act follows to assist local officials in complying with this section of the law.

Additional Code sections that deal with conflicts but that are in other chapters of the Code are included as well.

## Article 1. General Provisions.

### § 2.2-3100. Policy; application; construction.

The General Assembly, recognizing that our system of representative government is dependent in part upon (i) citizen legislative members representing fully the public in the legislative process and (ii) its citizens maintaining the highest trust in their public officers and employees, finds and declares that the citizens are entitled to be assured that the judgment of public officers and employees will be guided by a law that defines and prohibits inappropriate conflicts and requires disclosure of economic interests. To that end and for the purpose of establishing a single body of law applicable to all state and local government officers and employees on the subject of conflict of interests, the General Assembly enacts this State and Local Government Conflict of Interests Act so that the standards of conduct for such officers and employees may be uniform throughout the Commonwealth.

This chapter shall supersede all general and special acts and charter provisions which purport to deal with matters covered by this chapter except that the provisions of §§ 15.2-852, 15.2-2287, 15.2-2287.1, and 15.2-2289 and ordinances adopted pursuant thereto shall remain in force and effect. The provisions of this chapter shall be supplemented but not superseded by the provisions on ethics in public contracting in Article 6 (§ 2.2-4367 et seq.) of Chapter 43 of this title and ordinances adopted pursuant to § 2.2-3104.2 regulating receipt of gifts.

The provisions of this chapter do not preclude prosecution for any violation of any criminal law of the Commonwealth, including Articles 2 (Bribery and Related Offenses, § 18.2-438 et seq.) and 3 (Bribery of Public Servants and Party Officials, § 18.2-446 et seq.) of Chapter 10 of Title 18.2, and do not constitute a defense to any prosecution for such a violation.

This chapter shall be liberally construed to accomplish its purpose.

### § 2.2-3100.1. Copy of chapter; review by officers and employees.

Any person required to file a disclosure statement of personal interests pursuant to subsections A or B of § 2.2-3114, subsections A or B of § 2.2-3115 or § 2.2-3116 shall be furnished by the public body's administrator a copy of this chapter within two weeks following the person's election, reelection, employment, appointment or reappointment.

All officers and employees shall read and familiarize themselves with the provisions of this chapter.

### § 2.2-3101. Definitions.

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

"Advisory agency" means any board, commission, committee or post which does not exercise any sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

"Affiliated business entity relationship" means a relationship, other than a parent-subsidiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that may be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person owns or manages the two entities, there are common or commingled funds or assets, the business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis, or there is otherwise a close working relationship between the entities.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. The candidate shall become

subject to the provisions of this chapter upon the filing of a statement of qualification pursuant to § 24.2-501. The State Board of Elections or general registrar shall notify each such candidate of the provisions of this chapter. Notification made by the general registrar shall consist of information developed by the State Board of Elections.

"Contract" means any agreement to which a governmental agency is a party, or any agreement on behalf of a governmental agency that involves the payment of money appropriated by the General Assembly or a political subdivision, whether or not such agreement is executed in the name of the Commonwealth, or some political subdivision thereof. "Contract" includes a subcontract only when the contract of which it is a part is with the officer's or employee's own governmental agency.

"Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in § 30-355.

"Employee" means all persons employed by a governmental or advisory agency, unless otherwise limited by the context of its use.

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, broker-dealer as defined in subsection A of § 13.1-501, or investment company or advisor registered under the federal Investment Advisors Act or Investment Company Act of 1940.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession or occupation or volunteer service of an officer or employee or of a member of his immediate family; (vi) food or beverages consumed while attending an event at which the filer is performing official duties related to his public service; (vii) food and beverages received at or registration or attendance fees waived for any event at which the filer is a featured speaker, presenter, or lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state; (xii) travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House Committee on Rules or its Chairman or the Senate Committee on Rules or its Chairman; (xiii) travel related to an official meeting of, or any meal provided for attendance at such meeting by, the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment; (xiv) gifts with a value of less than $20; (xv) attendance at a reception or similar function where food, such as hors d'oeuvres, and beverages that can be conveniently consumed by a person while standing or walking are offered; (xvi) tickets or the registration or admission fees to an event that are provided by an agency to its own officers or employees for the purposes of performing official duties related to their public service; or (xvii) gifts from relatives or personal friends. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse or the donee's son-in-law or daughter-in-law. For the purpose of this definition, "personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; (c) for an officer or employee of a local governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the local agency of which he is an officer or an employee; or (d) for an officer or employee of a state governmental

or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth. For purposes of this definition, "person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Governmental agency" means each component part of the legislative, executive or judicial branches of state and local government, including each office, department, authority, post, commission, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties. Corporations organized or controlled by the Virginia Retirement System are "governmental agencies" for purposes of this chapter.

"Immediate family" means (i) a spouse and (ii) any other person who resides in the same household as the officer or employee and who is a dependent of the officer or employee.

"Officer" means any person appointed or elected to any governmental or advisory agency including local school boards, whether or not he receives compensation or other emolument of office. Unless the context requires otherwise, "officer" includes members of the judiciary.

"Parent-subsidiary relationship" means a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation.

"Personal interest" means a financial benefit or liability accruing to an officer or employee or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may reasonably be anticipated to exceed, $5,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, $5,000 annually; (iv) ownership of real or personal property if the interest exceeds $5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or (vi) an option for ownership of a business or real or personal property if the ownership interest will consist of clause (i) or (iv).

"Personal interest in a contract" means a personal interest that an officer or employee has in a contract with a governmental agency, whether due to his being a party to the contract or due to a personal interest in a business that is a party to the contract.

"Personal interest in a transaction" means a personal interest of an officer or employee in any matter considered by his agency. Such personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business or governmental agency, or represents or provides services to any individual or business and such property, business or represented or served individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction. Notwithstanding the above, such personal interest in a transaction shall not be deemed to exist where (a) an elected member of a local governing body serves without remuneration as a member of the board of trustees of a not-for-profit entity and such elected member or member of his immediate family has no personal interest related to the not-for-profit entity or (b) an officer, employee, or elected member of a local governing body is appointed by such local governing body to serve on a governmental agency, or an officer, employee, or elected member of a separate local governmental agency formed by a local governing body is appointed to serve on a governmental agency, and the personal interest in the transaction of the governmental agency is the result of the salary, other compensation, fringe benefits, or benefits provided by the local governing body or the separate governmental agency to the officer, employee, elected member, or member of his immediate family.

"State and local government officers and employees" shall not include members of the General Assembly.

"State filer" means those officers and employees required to file a disclosure statement of their personal interests pursuant to subsection A or B of § 2.2-3114.

"Transaction" means any matter considered by any governmental or advisory agency, whether in a committee, subcommittee, or other entity of that agency or before the agency itself, on which official action is taken or contemplated.

# Article 2. Generally Prohibited and Unlawful Conduct.

## § 2.2-3102. Application.

This article applies to generally prohibited conduct that shall be unlawful and to state and local government officers and employees.

## § 2.2-3103. Prohibited conduct.

No officer or employee of a state or local governmental or advisory agency shall:

1. Solicit or accept money or other thing of value for services performed within the scope of his official duties, except the compensation, expenses or other remuneration paid by the agency of which he is an officer or employee. This prohibition shall not apply to the acceptance of special benefits that may be authorized by law;
2. Offer or accept any money or other thing of value for or in consideration of obtaining employment, appointment, or promotion of any person with any governmental or advisory agency;
3. Offer or accept any money or other thing of value for or in consideration of the use of his public position to obtain a contract for any person or business with any governmental or advisory agency;
4. Use for his own economic benefit or that of another party confidential information that he has acquired by reason of his public position and which is not available to the public;
5. Accept any money, loan, gift, favor, service, or business or professional opportunity that reasonably tends to influence him in the performance of his official duties. This subdivision shall not apply to any political contribution actually used for political campaign or constituent service purposes and reported as required by Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2;
6. Accept any business or professional opportunity when he knows that there is a reasonable likelihood that the opportunity is being afforded him to influence him in the performance of his official duties;
7. Accept any honoraria for any appearance, speech, or article in which the officer or employee provides expertise or opinions related to the performance of his official duties. The term "honoraria" shall not include any payment for or reimbursement to such person for his actual travel, lodging, or subsistence expenses incurred in connection with such appearance, speech, or article or in the alternative a payment of money or anything of value not in excess of the per diem deduction allowable under § 162 of the Internal Revenue Code, as amended from time to time. The prohibition in this subdivision shall apply only to the Governor, Lieutenant Governor, Attorney General, Governor's Secretaries, and heads of departments of state government;
8. Accept a gift from a person who has interests that may be substantially affected by the performance of the officer's or employee's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the officer's or employee's impartiality in the matter affecting the donor. Violations of this subdivision shall not be subject to criminal law penalties;
9. Accept gifts from sources on a basis so frequent as to raise an appearance of the use of his public office for private gain. Violations of this subdivision shall not be subject to criminal law penalties; or
10. Use his public position to retaliate or threaten to retaliate against any person for expressing views on matters of public concern or for exercising any right that is otherwise protected by law, provided, however, that this subdivision shall not restrict the authority of any public employer to govern conduct of its employees, and to take disciplinary action, in accordance with applicable law, and provided further that this subdivision shall not limit the authority of a constitutional officer to discipline or discharge an employee with or without cause.

## § 2.2-3103.1. Certain gifts prohibited.

A. For purposes of this section:

"Person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Widely attended event" means an event at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event and the event is open to individuals (i) who are members of a public, civic, charitable, or professional organization, (ii) who are from a particular industry or profession, or (iii) who represent persons interested in a particular issue.

B. No officer or employee of a local governmental or advisory agency or candidate required to file the disclosure form prescribed in § 2.2-3117 or a member of his immediate family shall solicit, accept, or receive any single gift with a value in excess of $100 or any combination of gifts with an aggregate value in excess of $100 within any calendar year for himself or a member of his immediate family from any person that he or a member of his immediate family knows or has reason to know is (i) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4; (ii) a lobbyist's principal as defined in § 2.2-419; or (iii) a person, organization, or business who is or is seeking to become a party to a contract with the local agency of which he is an officer or an employee. Gifts with a value of less than $20 are not subject to aggregation for purposes of this prohibition.

C. No officer or employee of a state governmental or advisory agency or candidate required to file the disclosure form prescribed in § 2.2-3117 or a member of his immediate family shall solicit, accept, or receive any single gift with a value in excess of $100 or any combination of gifts with an aggregate value in excess of $100 within any calendar year for himself or a member of his immediate family from any person that he or a member of his immediate family knows or has reason to know is (i) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4; (ii) a lobbyist's principal as defined in § 2.2-419; or (iii) a person, organization, or business who is or is seeking to become a party to a contract with the state governmental or advisory agency of which he is an officer or an employee or over which he has the authority to direct such agency's activities. Gifts with a value of less than $20 are not subject to aggregation for purposes of this prohibition.

D. Notwithstanding the provisions of subsections B and C, such officer, employee, or candidate or a member of his immediate family may accept or receive a gift of food and beverages, entertainment, or the cost of admission with a value in excess of $100 when such gift is accepted or received while in attendance at a widely attended event and is associated with the event. Such gifts shall be reported on the disclosure form prescribed in § 2.2-3117.

E. Notwithstanding the provisions of subsections B and C, such officer or employee or a member of his immediate family may accept or receive a gift from a foreign dignitary with a value exceeding $100 for which the fair market value or a gift of greater or equal value has not been provided or exchanged. Such gift shall be accepted on behalf of the Commonwealth or a locality and archived in accordance with guidelines established by the Library of Virginia. Such gift shall be disclosed as having been accepted on behalf of the Commonwealth or a locality, but the value of such gift shall not be required to be disclosed.

F. Notwithstanding the provisions of subsections B and C, such officer, employee, or candidate or a member of his immediate family may accept or receive certain gifts with a value in excess of $100 from a person listed in subsection B or C if such gift was provided to such officer, employee, or candidate or a member of his immediate family on the basis of a personal friendship. Notwithstanding any other provision of law, a person listed in subsection B or C may be a personal friend of such officer, employee, or candidate or his immediate family for purposes of this subsection. In determining whether a person listed in subsection B or C is a personal friend, the following factors shall be considered: (i) the circumstances under which the gift was offered; (ii) the history of the relationship between the person and the donor, including the nature and length of the friendship and any previous exchange of gifts between them; (iii) to the extent known to the person, whether the donor personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iv) whether the donor has given the same or similar gifts to other persons required to file the disclosure form prescribed in § 2.2-3117 or 30-111.

G. Notwithstanding the provisions of subsections B and C, such officer, employee, or candidate or a member of his immediate family may accept or receive gifts of travel, including travel-related transportation, lodging, hospitality, food or beverages, or other thing of value, with a value in excess of $100 that is paid for or provided by a person listed in subsection B or C when the officer, employee, or candidate has submitted a request for approval of such travel to the Council and has received the approval of the Council pursuant to § 30-356.1. Such gifts shall be reported on the disclosure form prescribed in § 2.2-3117.

H. During the pendency of a civil action in any state or federal court to which the Commonwealth is a party, the Governor or the Attorney General or any employee of the Governor or the Attorney General who is subject to the provisions of this chapter shall not solicit, accept, or receive any gift from any person that he knows or has reason to know is a person, organization, or business that is a party to such civil action. A person, organization, or business that is a party to such civil action shall not knowingly give any gift to the Governor or the Attorney General or any of their employees who are subject to the provisions of this chapter.

I. The $100 limitation imposed in accordance with this section shall be adjusted by the Council every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, rounded to the nearest whole dollar.

J. The provisions of this section shall not apply to any justice of the Supreme Court of Virginia, judge of the Court of Appeals of Virginia, judge of any circuit court, or judge or substitute judge of any district court. However, nothing in this subsection shall be construed to authorize the acceptance of any gift if such acceptance would constitute a violation of the Canons of Judicial Conduct for the State of Virginia.

### § 2.2-3103.2. Return of gifts.

No person shall be in violation of any provision of this chapter prohibiting the acceptance of a gift if (i) the gift is not used by such person and the gift or its equivalent in money is returned to the donor or delivered to a charitable organization within a reasonable period of time upon the discovery of the value of the gift and is not claimed as a charitable contribution for federal income tax purposes or (ii) consideration is given by the donee to the donor for the value of the gift within a reasonable period of time upon the discovery of the value of the gift provided that such consideration reduces the value of the gift to an amount not in excess of $100 as provided in subsection B or C of § 2.2-3103.1.

### § 2.2-3104. Prohibited conduct for certain officers and employees of state government.

For one year after the termination of public employment or service, no state officer or employee shall, before the agency of which he was an officer or employee, represent a client or act in a representative capacity on behalf of any person or group, for compensation, on matters related to legislation, executive orders, or regulations promulgated by the agency of which he was an officer or employee. This prohibition shall be in addition to the prohibitions contained in § 2.2-3103.

For the purposes of this section, "state officer or employee" shall mean (i) the Governor, Lieutenant Governor, Attorney General, and officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof is required or not, who are regularly employed on a full-time salaried basis; those officers and employees of executive branch agencies who report directly to the agency head; and those at the level immediately below those who report directly to the agency head and are at a payband 6 or higher and (ii) the officers and professional employees of the legislative branch designated by the joint rules committee of the General Assembly. For the purposes of this section, the General Assembly and the legislative branch agencies shall be deemed one agency.

To the extent this prohibition applies to the Governor's Secretaries, "agency" means all agencies assigned to the Secretary by law or by executive order of the Governor.

Any person subject to the provisions of this section may apply to the Council or Attorney General, as provided in § 2.2-3121 or 2.2-3126, for an advisory opinion as to the application of the restriction imposed by this section on any post-public employment position or opportunity.

### § 2.2-3104.01. Prohibited conduct; bids or proposals under the Virginia Public Procurement Act, Public-Private Transportation Act, and Public-Private Education Facilitiesand Infrastructure Act; loans or grants from the Commonwealth's Development Opportunity Fund.

A. Neither the Governor, his political action committee, or the Governor's Secretaries, if the Secretary is responsible to the Governor for an executive branch agency with jurisdiction over the matters at issue, shall knowingly solicit or accept a contribution, gift, or other item with a value greater than $50 from any bidder, offeror, or private entity, or from an officer or director of such bidder, offeror, or private entity, who has submitted a bid or proposal to an executive branch agency that is directly responsible to the Governor pursuant to the Virginia Public Procurement Act (§ 2.2-4300 et seq.), 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.) (i) during the period between the submission of the bid and the award of the public contract under the Virginia Public Procurement Act or (ii) following the submission of a proposal under the Public-Private Transportation Act of 1995 or the Public-Private Education Facilities and Infrastructure Act of 2002 until the execution of a comprehensive agreement thereunder.

B. The provisions of this section shall apply only for public contracts, proposals, or comprehensive agreements where the stated or expected value of the contract is $5 million or more. The provisions of this section shall not apply to contracts awarded as the result of competitive sealed bidding as set forth in § 2.2-4302.1.

C. Any person who knowingly violates this section

shall be subject to a civil penalty of $500 or up to two times the amount of the contribution or gift, whichever is greater, and the contribution, gift, or other item shall be returned to the donor. The attorney for the Commonwealth shall initiate civil proceedings to enforce the civil penalties. Any civil penalties collected shall be payable to the State Treasurer for deposit to the general fund and shall be used exclusively to fund the Council.

### § 2.2-3104.02. Prohibited conduct for constitutional officers.

In addition to the prohibitions contained in § 2.2-3103, no constitutional officer shall, during the one year after the termination of his public service, act in a representative capacity on behalf of any person or group, for compensation, on any matter before the agency of which he was an officer.

The provisions of this section shall not apply to any attorney for the Commonwealth.

Any person subject to the provisions of this section may apply to the Council or the attorney for the Commonwealth for the jurisdiction where such person was elected as provided in § 2.2-3126, for an advisory opinion as to the application of the restriction imposed by this section on any post-public employment position or opportunity.

### § 2.2-3104.1. Exclusion of certain awards from scope of chapter.

The provisions of this chapter shall not be construed to prohibit or apply to the acceptance by (i) any employee of a local government, or (ii) a teacher or other employee of a local school board of an award or payment in honor of meritorious or exceptional services performed by the teacher or employee and made by an organization exempt from federal income taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code.

### § 2.2-3104.2. Ordinance regulating receipt of gifts.

The governing body of any county, city, or town may adopt an ordinance setting a monetary limit on the acceptance of any gift by the officers, appointees or employees of the county, city or town and requiring the disclosure by such officers, appointees or employees of the receipt of any gift.

## Article 3. Prohibited Conduct Relating to Contracts.

### § 2.2-3105. Application.

This article proscribes certain conduct relating to contracts by state and local government officers and employees. The provisions of this article shall be supplemented but not superseded by the provisions on ethics in public contracting in Article 6 (§ 2.2-4367 et seq.) of Chapter 43 of this title.

### § 2.2-3106. Prohibited contracts by officers and employees of state government and Eastern Virginia Medical School.

A. No officer or employee of any governmental agency of state government or Eastern Virginia Medical School shall have a personal interest in a contract with the governmental agency of which he is an officer or employee, other than his own contract of employment.

B. No officer or employee of any governmental agency of state government or Eastern Virginia Medical School shall have a personal interest in a contract with any other governmental agency of state government unless such contract is (i) awarded as a result of competitive sealed bidding or competitive negotiation as set forth in § 2.2-4302.1 or 2.2-4302.2 or (ii) is awarded after a finding, in writing, by the administrative head of the governmental agency that competitive bidding or negotiation is contrary to the best interest of the public.

C. The provisions of this section shall not apply to:

1. An employee's personal interest in additional contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided the employee does not exercise any control over the employment or the employment activities of the member of his immediate family and the employee is not in a position to influence those activities;
2. The personal interest of an officer or employee of a public institution of higher education or the Eastern Virginia Medical School in additional contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided (i) the officer or employee and the immediate family member are engaged in teaching, research or administrative support positions at the educational institution or the Eastern Virginia Medical School, (ii) the governing board of the

educational institution finds that it is in the best interests of the institution or the Eastern Virginia Medical School and the Commonwealth for such dual employment to exist, and (iii) after such finding, the governing board of the educational institution or the Eastern Virginia Medical School ensures that the officer or employee, or the immediate family member, does not have sole authority to supervise, evaluate or make personnel decisions regarding the other;

3. An officer's or employee's personal interest in a contract of employment with any other governmental agency of state government;

4. Contracts for the sale by a governmental agency or the Eastern Virginia Medical School of services or goods at uniform prices available to the general public;

5. An employee's personal interest in a contract between a public institution of higher education in the Commonwealth or the Eastern Virginia Medical School and a publisher or wholesaler of textbooks or other educational materials for students, which accrues to him solely because he has authored or otherwise created such textbooks or materials;

6. An employee's personal interest in a contract with his or her employing public institution of higher education to acquire the collections or scholarly works owned by the employee, including manuscripts, musical scores, poetry, paintings, books or other materials, writings, or papers of an academic, research, or cultural value to the institution, provided the president of the institution approves the acquisition of such collections or scholarly works as being in the best interests of the institution's public mission of service, research, or education;

7. Subject to approval by the board of visitors, an employee's personal interest in a contract between the Eastern Virginia Medical School or a public institution of higher education in the Commonwealth that operates a school of medicine or dentistry and a not-for-profit nonstock corporation that operates a clinical practice within such public institution of higher education or the Eastern Virginia Medical School and of which such employee is a member or employee;

8. Subject to approval by the relevant board of visitors, an employee's personal interest in a contract for research and development or commercialization of intellectual property between a public institution of higher education in the Commonwealth or the Eastern Virginia Medical School and a business in which the employee has a personal interest, if (i) the employee's personal interest has been disclosed to and approved by such public institution of higher education or the Eastern Virginia Medical School prior to the time at which the contract is entered into; (ii) the employee promptly files a disclosure statement pursuant to § 2.2-3117 and thereafter files such statement annually on or before February 1; (iii) the institution has established a formal policy regarding such contracts, approved by the State Council of Higher Education or, in the case of the Eastern Virginia Medical School, a formal policy regarding such contracts in conformity with any applicable federal regulations that has been approved by its board of visitors; and (iv) no later than December 31 of each year, the institution or the Eastern Virginia Medical School files an annual report with the Secretary of the Commonwealth disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for administering each contract, the details of the institution's or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, and any other information requested by the Secretary of the Commonwealth; or

9. Subject to approval by the relevant board of visitors, an employee's personal interest in a contract between a public institution of higher education in the Commonwealth or the Eastern Virginia Medical School and a business in which the employee has a personal interest, if (i) the personal interest has been disclosed to the institution or the Eastern Virginia Medical School prior to the time the contract is entered into; (ii) the employee files a disclosure statement pursuant to § 2.2-3117 and thereafter annually on or before February 1; (iii) the employee does not participate in the institution's or the Eastern Virginia Medical School's decision to contract; (iv) the president of the institution or the Eastern Virginia Medical School finds and certifies in writing that the contract is for goods and services needed for

quality patient care, including related medical education or research, by the institution's medical center or the Eastern Virginia Medical School, its affiliated teaching hospitals and other organizations necessary for the fulfillment of its mission, including the acquisition of drugs, therapies and medical technologies; and (v) no later than December 31 of each year, the institution or the Eastern Virginia Medical School files an annual report with the Secretary of the Commonwealth disclosing each open contract entered subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for administering each contract, the details of the institution's or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, and any other information requested by the Secretary of the Commonwealth.

D. Notwithstanding the provisions of subdivisions C 8 and C 9, if the research and development or commercialization of intellectual property or the employee's personal interest in a contract with a business is subject to policies and regulations governing conflicts of interest promulgated by any agency of the United States government, including the adoption of policies requiring the disclosure and management of such conflicts of interests, the policies established by the Eastern Virginia Medical School pursuant to such federal requirements shall constitute compliance with subdivisions C 8 and C 9, upon notification by the Eastern Virginia Medical School to the Secretary of the Commonwealth by January 31 of each year of evidence of their compliance with such federal policies and regulations.

E. The board of visitors may delegate the authority granted under subdivision C 8 to the president of the institution. If the board elects to delegate such authority, the board shall include this delegation of authority in the formal policy required by clause (iii) of subdivision C 8. In those instances where the board has delegated such authority, on or before December 1 of each year, the president of the relevant institution shall file a report with the relevant board of visitors disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for administering each contract, the details of the institution's or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, the details of how revenues are to be dispersed, and any other information requested by the board of visitors.

## § 2.2-3107. Prohibited contracts by members of county boards of supervisors, city councils and town councils.

A. No person elected or appointed as a member of the governing body of a county, city or town shall have a personal interest in (i) any contract with his governing body, or (ii) any contract with any governmental agency that is a component part of his local government and which is subject to the ultimate control of the governing body of which he is a member, or (iii) any contract other than a contract of employment with any other governmental agency if such person's governing body appoints a majority of the members of the governing body of the second governmental agency.

B. The provisions of this section shall not apply to:

1. A member's personal interest in a contract of employment provided (i) the officer or employee was employed by the governmental agency prior to July 1, 1983, in accordance with the provisions of the former Conflict of Interests Act, Chapter 22 (§ 2.1-347 et seq.) of Title 2.1 as it existed on June 30, 1983, or (ii) the employment first began prior to the member becoming a member of the governing body;
2. Contracts for the sale by a governmental agency of services or goods at uniform prices available to the public; or
3. A contract awarded to a member of a governing body as a result of competitive sealed bidding where the governing body has established a need for the same or substantially similar goods through purchases prior to the election or appointment of the member to serve on the governing body. However, the member shall have no involvement in the preparation of the specifications for such contract, and the remaining members of the governing body, by written resolution, shall state that it is in the public interest for the member to bid on such contract.

## § 2.2-3108. Prohibited contracts by members of school boards.

A. No person elected or appointed as a member of a local school board shall have a personal interest in (i) any contract with his school board or (ii) any contract

with any governmental agency that is subject to the ultimate control of the school board of which he is a member.

B. The provisions of this section shall not apply to:

1. A member's personal interest in a contract of employment provided the employment first began prior to the member becoming a member of the school board;

2. Contracts for the sale by a governmental agency of services or goods at uniform prices available to the public; or

3. A contract awarded to a member of a school board as a result of competitive sealed bidding where the school board has established a need for the same or substantially similar goods through purchases prior to the election or appointment of the member to serve on the school board. However, the member shall have no involvement in the preparation of the specifications for such contract, and the remaining members of the school board, by written resolution, shall state that it is in the public interest for the member to bid on such contract.

### § 2.2-3109. Prohibited contracts by other officers and employees of local governmental agencies.

A. No other officer or employee of any governmental agency of local government, including a hospital authority as defined in § 2.2-3109.1, shall have a personal interest in a contract with the agency of which he is an officer or employee other than his own contract of employment.

B. No officer or employee of any governmental agency of local government, including a hospital authority as defined in § 2.2-3109.1, shall have a personal interest in a contract with any other governmental agency that is a component of the government of his county, city or town unless such contract is (i) awarded as a result of competitive sealed bidding or competitive negotiation as set forth in § 2.2-4302.1 or 2.2-4302.2 or is awarded as a result of a procedure embodying competitive principles as authorized by subdivision A 10 or 11 of § 2.2-4343 or (ii) is awarded after a finding, in writing, by the administrative head of the governmental agency that competitive bidding or negotiation is contrary to the best interest of the public.

C. The provisions of this section shall not apply to:

1. An employee's personal interest in additional contracts for goods or services, or contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided the employee does not exercise any control over (i) the employment or the employment activities of the member of his immediate family and (ii) the employee is not in a position to influence those activities or the award of the contract for goods or services;

2. An officer's or employee's personal interest in a contract of employment with any other governmental agency that is a component part of the government of his county, city or town;

3. Contracts for the sale by a governmental agency of services or goods at uniform prices available to the general public;

4. Members of local governing bodies who are subject to § 2.2-3107;

5. Members of local school boards who are subject to § 2.2-3108; or

6. Any ownership or financial interest of members of the governing body, administrators, and other personnel serving in a public charter school in renovating, lending, granting, or leasing public charter school facilities, as the case may be, provided such interest has been disclosed in the public charter school application as required by § 22.1-212.8.

### § 2.2-3109.1. Prohibited contracts; additional exclusions for contracts by officers and employees of hospital authorities.

A. As used in this section, "hospital authority" means a hospital authority established pursuant to Chapter 53 (§ 15.2-5300 et seq.) of Title 15.2 or an Act of Assembly.

B. The provisions of § 2.2-3109 shall not apply to:

1. The personal interest of an officer or employee of a hospital authority in additional contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided (i) the officer or employee and the immediate family member are licensed members of the medical profession or hold administrative support positions at the hospital authority, (ii) the governing board of the hospital authority finds that it is in the best interests of the hospital authority and the county, city, or town for such dual employment to exist, and (iii) after such finding, the governing board of the hospital authority ensures that neither the officer or employee, nor the immediate family member,

has sole authority to supervise, evaluate, or make personnel decisions regarding the other;

2. Subject to approval by the governing board of the hospital authority, an officer or employee's personal interest in a contract between his hospital authority and a professional entity that operates a clinical practice at any medical facilities of such other hospital authority and of which such officer or employee is a member or employee;

3. Subject to approval by the relevant governing body, an officer or employee's personal interest in a contract for research and development or commercialization of intellectual property between the hospital authority and a business in which the employee has a personal interest, provided (i) the officer or employee's personal interest has been disclosed to and approved by the hospital authority prior to the time at which the contract is entered into; (ii) the officer or employee promptly files a disclosure statement pursuant to § 2.2-3117 and thereafter files such statement annually on or before January 15; (iii) the local hospital authority has established a formal policy regarding such contracts in conformity with any applicable federal regulations that has been approved by its governing body; and (iv) no later than December 31 of each year, the local hospital authority files an annual report with the Virginia Conflict of Interest and Ethics Advisory Council disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the hospital authority's employee responsible for administering each contract, the details of such hospital authority's commitment or investment of resources or finances for each contract, and any other information requested by the Virginia Conflict of Interest and Ethics Advisory Council; or

4. Subject to approval by the relevant governing body, an officer or employee's personal interest in a contract between the hospital authority and a business in which the officer or employee has a personal interest, provided (i) the personal interest has been disclosed to the hospital authority prior to the time the contract is entered into; (ii) the officer or employee files a disclosure statement pursuant to § 2.2-3117 and thereafter annually on or before January 15; (iii) the officer or employee does not participate in the hospital authority's decision to contract; (iv) the president or chief executive officer of the hospital authority finds and certifies in writing that the contract is for goods and services needed for quality patient care, including related medical education or research, by any of the hospital authority's medical facilities or any of its affiliated organizations, or is otherwise necessary for the fulfillment of its mission, including but not limited to the acquisition of drugs, therapies, and medical technologies; and (v) no later than December 31 of each year, the hospital authority files an annual report with the Virginia Conflict of Interest and Ethics Advisory Council disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the hospital authority's employee responsible for administering each contract, the details of the hospital authority's commitment or investment of resources or finances for each contract, and any other information requested by the Virginia Conflict of Interest and Ethics Advisory Council.

C. Notwithstanding the provisions of subdivisions B 3 and B 4, if the research and development or commercialization of intellectual property or the officer or employee's personal interest in a contract with a business is subject to policies and regulations governing conflicts of interest promulgated by any agency of the United States government, including the adoption of policies requiring the disclosure and management of such conflicts of interest, the policies established by the hospital authority pursuant to such federal requirements shall constitute compliance with subdivisions B 3 and B 4, upon notification by the hospital authority to the Virginia Conflict of Interest and Ethics Advisory Council by January 31 of each year of evidence of its compliance with such federal policies and regulations.

D. The governing body may delegate the authority granted under subdivision B 2 to the president or chief executive officer of hospital authority. If the board elects to delegate such authority, the board shall include this delegation of authority in the formal policy required by clause (iii) of subdivision B 3. In those instances where the board has delegated such authority, on or before December 1 of each year, the president or chief executive officer of the hospital authority shall file a report with the relevant governing body disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date

each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the hospital authority's employee responsible for administering each contract, the details of the hospital authority's commitment or investment of resources or finances for each contract, the details of how revenues are to be dispersed, and any other information requested by the governing body.

## § 2.2-3110. Further exceptions.

A. The provisions of Article 3 (§ 2.2-3106 et seq.) shall not apply to:

1. The sale, lease or exchange of real property between an officer or employee and a governmental agency, provided the officer or employee does not participate in any way as such officer or employee in such sale, lease or exchange, and this fact is set forth as a matter of public record by the governing body of the governmental agency or by the administrative head thereof;
2. The publication of official notices;
3. Contracts between the government or school board of a county, city, or town with a population of less than 10,000 and an officer or employee of that county, city, or town government or school board when the total of such contracts between the government or school board and the officer or employee of that government or school board or a business controlled by him does not exceed $5,000 per year or such amount exceeds $5,000 and is less than $25,000 but results from contracts arising from awards made on a sealed bid basis, and such officer or employee has made disclosure as provided for in § 2.2-3115;
4. An officer or employee whose sole personal interest in a contract with the governmental agency is by reason of income from the contracting firm or governmental agency in excess of $5,000 per year, provided the officer or employee or a member of his immediate family does not participate and has no authority to participate in the procurement or letting of such contract on behalf of the contracting firm and the officer or employee either does not have authority to participate in the procurement or letting of the contract on behalf of his governmental agency or he disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating the contract or in approving the contract;
5. When the governmental agency is a public institution of higher education, an officer or employee whose personal interest in a contract with the institution is by reason of an ownership in the contracting firm in excess of three percent of the contracting firm's equity or such ownership interest and income from the contracting firm is in excess of $5,000 per year, provided that (i) the officer or employee's ownership interest, or ownership and income interest, and that of any immediate family member in the contracting firm is disclosed in writing to the president of the institution, which writing certifies that the officer or employee has not and will not participate in the contract negotiations on behalf of the contracting firm or the institution, (ii) the president of the institution, or an officer or administrator designated by the president of the institution to make findings imposed by this section, makes a written finding as a matter of public record that the contract is in the best interests of the institution, (iii) the officer or employee either does not have authority to participate in the procurement or letting of the contract on behalf of the institution or disqualifies himself as a matter of public record, and (iv) the officer or employee does not participate on behalf of the institution in negotiating the contract or approving the contract;
6. Except when the governmental agency is the Virginia Retirement System, contracts between an officer's or employee's governmental agency and a public service corporation, financial institution, or company furnishing public utilities in which the officer or employee has a personal interest, provided the officer or employee disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating the contract or in approving the contract;
7. Contracts for the purchase of goods or services when the contract does not exceed $500;
8. Grants or other payment under any program wherein uniform rates for, or the amounts paid to, all qualified applicants are established solely by the administering governmental agency;
9. An officer or employee whose sole personal interest in a contract with his own governmental agency is by reason of his marriage to his spouse who is employed by the same agency, if the spouse was employed by such agency for five or more years prior to marrying such officer or employee;
10. Contracts entered into by an officer or employee or immediate family member of an officer or

employee of a soil and water conservation district created pursuant to Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1 to participate in the Virginia Agricultural Best Management Practices Cost-Share Program (the Program) established in accordance with § 10.1-546.1 or to participate in other cost-share programs for the installation of best management practices to improve water quality. This subdivision shall not apply to subcontracts or other agreements entered into by an officer or employee of a soil and water conservation district to provide services for implementation of a cost-share contract established under the Program or such other cost-share programs; or

11. Contracts entered into by an officer or immediate family member of an officer of the Marine Resources Commission for goods or services for shellfish replenishment, provided that such officer or immediate family member does not participate in (i) awarding the contract, (ii) authorizing the procurement, or (iii) authorizing the use of alternate procurement methods pursuant to § 28.2-550.

B. Neither the provisions of this chapter nor, unless expressly provided otherwise, any amendments thereto shall apply to those employment contracts or renewals thereof or to any other contracts entered into prior to August 1, 1987, which were in compliance with either the former Virginia Conflict of Interests Act, Chapter 22 (§ 2.1-347 et seq.) or the former Comprehensive Conflict of Interests Act, Chapter 40 (§ 2.1-599 et seq.) of Title 2.1 at the time of their formation and thereafter. Those contracts shall continue to be governed by the provisions of the appropriate prior Act. Notwithstanding the provisions of subdivision (f)(4) of former § 2.1-348 of Title 2.1 in effect prior to July 1, 1983, the employment by the same governmental agency of an officer or employee and spouse or any other relative residing in the same household shall not be deemed to create a material financial interest except when one of such persons is employed in a direct supervisory or administrative position, or both, with respect to such spouse or other relative residing in his household and the annual salary of such subordinate is $35,000 or more.

# Article 4. Prohibited Conduct Relating to Transactions.

## § 2.2-3111. Application.

This article proscribes certain conduct by state and local government officers and employees having a personal interest in a transaction.

## § 2.2-3112. Prohibited conduct concerning personal interest in a transaction; exceptions.

A. Each officer and employee of any state or local governmental or advisory agency who has a personal interest in a transaction shall disqualify himself from participating in the transaction if (i) the transaction has application solely to property or a business or governmental agency in which he has a personal interest or a business that has a parent-subsidiary or affiliated business entity relationship with the business in which he has a personal interest or (ii) he is unable to participate pursuant to subdivision B 1, 2, or 3. Any disqualification under the provisions of this subsection shall be recorded in the public records of the officer's or employee's governmental or advisory agency. The officer or employee shall disclose his personal interest as required by subsection E of § 2.2-3114 or subsection F of § 2.2-3115 and shall not vote or in any manner act on behalf of his agency in the transaction. The officer or employee shall be prohibited from (i) attending any portion of a closed meeting authorized by the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) when the matter in which he has a personal interest is discussed and (ii) discussing the matter in which he has a personal interest with other governmental officers or employees at any time.

B. An officer or employee of any state or local government or advisory agency who has a personal interest in a transaction may participate in the transaction:

1. If he is a member of a business, profession, occupation, or group of three or more persons the members of which are affected by the transaction, and he complies with the declaration requirements of subsection F of § 2.2-3114 or subsection H of § 2.2-3115;
2. When a party to the transaction is a client of his firm if he does not personally represent or provide services to such client and he complies with the declaration requirements of subsection G of § 2.2-3114 or subsection I of § 2.2-3115; or
3. If it affects the public generally, even though his personal interest, as a member of the public, may also be affected by that transaction.

C. Disqualification under the provisions of this section shall not prevent any employee having a personal interest in a transaction in which his agency is involved from representing himself or a member of his immediate family in such transaction provided he does not receive compensation for such representation and provided he complies with the disqualification and relevant disclosure requirements of this chapter.

D. Notwithstanding any other provision of law, if disqualifications of officers or employees in accordance with this section leave less than the number required by law to act, the remaining member or members shall constitute a quorum for the conduct of business and have authority to act for the agency by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members. Notwithstanding any provisions of this chapter to the contrary, members of a local governing body whose sole interest in any proposed sale, contract of sale, exchange, lease or conveyance is by virtue of their employment by a business involved in a proposed sale, contract of sale, exchange, lease or conveyance, and where such member's or members' vote is essential to a constitutional majority required pursuant to Article VII, Section 9 of the Constitution of Virginia and § 15.2-2100, such member or members of the local governing body may vote and participate in the deliberations of the governing body concerning whether to approve, enter into or execute such sale, contract of sale, exchange, lease or conveyance. Official action taken under circumstances that violate this section may be rescinded by the agency on such terms as the interests of the agency and innocent third parties require.

E. The provisions of subsection A shall not prevent an officer or employee from participating in a transaction merely because such officer or employee is a party in a legal proceeding of a civil nature concerning such transaction.

F. The provisions of subsection A shall not prevent an employee from participating in a transaction regarding textbooks or other educational material for students at state institutions of higher education, when those textbooks or materials have been authored or otherwise created by the employee.

G. The provisions of this section shall not prevent any justice of the Supreme Court of Virginia, judge of the Court of Appeals of Virginia, judge of any circuit court, judge or substitute judge of any district court, member of the State Corporation Commission, or member of the Virginia Workers' Compensation Commission from participating in a transaction where such individual's participation involves the performance of adjudicative responsibilities as set forth in Canon 3 of the Canons of Judicial Conduct for the State of Virginia. However, nothing in this subsection shall be construed to authorize such individual's participation in a transaction if such participation would constitute a violation of the Canons of Judicial Conduct for the State of Virginia.

## Article 5. Disclosure Statements Required to Be Filed.

### § 2.2-3113. Application.

This article requires disclosure of certain personal and financial interests by state and local government officers and employees.

### § 2.2-3114. Disclosure by state officers and employees.

A. In accordance with the requirements set forth in § 2.2-3118.2, the Governor, Lieutenant Governor, Attorney General, Justices of the Supreme Court, judges of the Court of Appeals, judges of any circuit court, judges and substitute judges of any district court, members of the State Corporation Commission, members of the Virginia Workers' Compensation Commission, members of the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, members of the Board of Directors of the Virginia Alcoholic Beverage Control Authority, members of the Board of the Virginia College Savings Plan, and members of the Virginia Lottery Board and other persons occupying such offices or positions of trust or employment in state government, including members of the governing bodies of authorities, as may be designated by the Governor, or officers or employees of the legislative branch, as may be designated by the Joint Rules Committee of the General Assembly, shall file with the Council, as a condition to assuming office or employment, a disclosure statement of their personal interests and such other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

B. In accordance with the requirements set forth in § 2.2-3118.2, nonsalaried citizen members of all policy and supervisory boards, commissions and councils in the executive branch of state government, other than the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, members of the Board of the Virginia College

Savings Plan, and the Virginia Lottery Board, shall file with the Council, as a condition to assuming office, a disclosure form of their personal interests and such other information as is required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such form annually on or before February 1. Nonsalaried citizen members of other boards, commissions and councils, including advisory boards and authorities, may be required to file a disclosure form if so designated by the Governor, in which case the form shall be that prescribed by the Council pursuant to § 2.2-3118.

C. The disclosure forms required by subsections A and B shall be made available by the Council at least 30 days prior to the filing deadline. Disclosure forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. All forms shall be maintained as public records for five years in the office of the Council. Such forms shall be made public no later than six weeks after the filing deadline.

D. Candidates for the offices of Governor, Lieutenant Governor or Attorney General shall file a disclosure statement of their personal interests as required by § 24.2-502.

E. Any officer or employee of state government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subsection A of § 2.2-3112, or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall also be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental agency or advisory agency or, if the agency has a clerk, in the clerk's office.

F. An officer or employee of state government who is required to declare his interest pursuant to subdivision B 1 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

G. An officer or employee of state government who is required to declare his interest pursuant to subdivision B 2 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

H. Notwithstanding any other provision of law, chairs of departments at a public institution of higher education in the Commonwealth shall not be required to file the disclosure form prescribed by the Council pursuant to § 2.2-3117 or 2.2-3118.

### § 2.2-3114.1. Filings of statements of economic interests by General Assembly members.

The filing of a current statement of economic interests by a General Assembly member, member-elect, or candidate for the General Assembly pursuant to §§ 30-110 and 30-111 of the General Assembly Conflicts of Interests Act (§ 30-100 et seq.) shall suffice for the purposes of this chapter. The Secretary of the Commonwealth may obtain from the Council a copy of the statement of a General Assembly member who is appointed to a position for which a statement is required pursuant to § 2.2-3114. No General Assembly member, member-elect, or candidate shall be required to file a separate statement of economic interests for the purposes of § 2.2-3114.

### § 2.2-3114.2. Report of gifts by certain officers and employees of state government.

The Governor, Lieutenant Governor, Attorney General, and each member of the Governor's Cabinet shall file, on or before May 1, a report of gifts accepted or received by him or a member of his immediate family during the period beginning on January 1 complete through adjournment sine die of the regular session of the General Assembly. The gift report shall be on a form prescribed by the Council and shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. For purposes of this section, "adjournment sine die" means adjournment on the last legislative day of the regular session and does not include the ensuing reconvened session. Any gifts reported pursuant to this section shall not be listed on the annual disclosure form prescribed by the Council pursuant to § 2.2-3117.

### § 2.2-3115. Disclosure by local government officers and employees.

A. In accordance with the requirements set forth in § 2.2-3118.2, the members of every governing body and school board of each county and city and of towns with populations in excess of 3,500 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 (§ 15.2-4900 et seq.), shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

In accordance with the requirements set forth in § 2.2-3118.2, the members of the governing body of any authority established in any county or city, or part or combination thereof, and having the power to issue bonds or expend funds in excess of $10,000 in any fiscal year, other than the executive director and members of each industrial development authority and economic development authority, as created by the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), shall file, as a condition to assuming office, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such a statement annually on or before February 1, unless the governing body of the jurisdiction that appoints the members requires that the members file the form set forth in § 2.2-3117.

In accordance with the requirements set forth in § 2.2-3118.2, the members of the Northern Virginia Transportation Authority and the Northern Virginia Transportation Commission shall file, as a condition to assuming office, a disclosure of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such a statement annually on or before February 1.

In accordance with the requirements set forth in § 2.2-3118.2, persons occupying such positions of trust appointed by governing bodies and persons occupying such positions of employment with governing bodies as may be designated to file by ordinance of the governing body shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

In accordance with the requirements set forth in § 2.2-3118.2, persons occupying such positions of trust appointed by school boards and persons occupying such positions of employment with school boards as may be designated to file by an adopted policy of the school board shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

B. In accordance with the requirements set forth in § 2.2-3118.2, nonsalaried citizen members of local boards, commissions and councils as may be designated by the governing body shall file, as a condition to assuming office, a disclosure form of their personal interests and such other information as is required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such form annually on or before February 1.

C. No person shall be mandated to file any disclosure not otherwise required by this article.

D. The disclosure forms required by subsections A and B shall be made available by the Virginia Conflict of Interest and Ethics Advisory Council at least 30 days prior to the filing deadline, and the clerks of the governing body and school board shall distribute the forms to designated individuals at least 20 days prior to the filing deadline. Forms shall be filed and maintained as public records for five years in the office of the clerk of the respective governing body or school board. Forms

filed by members of governing bodies of authorities shall be filed and maintained as public records for five years in the office of the clerk of the governing body of the county or city. Such forms shall be made public no later than six weeks after the filing deadline.

E. Candidates for membership in the governing body or school board of any county, city or town with a population of more than 3,500 persons shall file a disclosure statement of their personal interests as required by § 24.2-502.

F. Any officer or employee of local government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subsection A of § 2.2-3112 or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental or advisory agency.

G. In addition to any disclosure required by subsections A and B, in each county and city and in towns with populations in excess of 3,500, members of planning commissions, boards of zoning appeals, real estate assessors, and all county, city and town managers or executive officers shall make annual disclosures of all their interests in real estate located in the county, city or town in which they are elected, appointed, or employed. Such disclosure shall include any business in which such persons own an interest, or from which income is received, if the primary purpose of the business is to own, develop or derive compensation through the sale, exchange or development of real estate in the county, city or town. In accordance with the requirements set forth in § 2.2-3118.2, such disclosure shall be filed as a condition to assuming office or employment, and thereafter shall be filed annually with the clerk of the governing body of such county, city, or town on or before February 1. Such disclosures shall be filed and maintained as public records for five years. Such forms shall be made public no later than six weeks after the filing deadline. Forms for the filing of such reports shall be made available by the Virginia Conflict of Interest and Ethics Advisory Council to the clerk of each governing body.

H. An officer or employee of local government who is required to declare his interest pursuant to subdivision B 1 of § 2.2-3112 shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day. The officer or employee shall also orally disclose the existence of the interest during each meeting of the governmental or advisory agency at which the transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.

I. An officer or employee of local government who is required to declare his interest pursuant to subdivision B 2 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

J. The clerk of the governing body or school board that releases any form to the public pursuant to this section shall redact from the form any residential address, personal telephone number, email address, or signature contained on such form; however, any form filed pursuant to subsection G shall not have any residential addresses redacted.

### § 2.2-3116. Disclosure by certain constitutional officers.

For the purposes of this chapter, holders of the constitutional offices of treasurer, sheriff, attorney for the Commonwealth, clerk of the circuit court, and commissioner of the revenue of each county and city shall be required to file with the Council, as a condition to assuming office, the Statement of Economic Interests prescribed by the Council pursuant to § 2.2-3117. These officers shall file statements annually on or before February 1. Candidates shall file statements as required by § 24.2-502. Statements shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. These officers shall be subject to the prohibition on certain gifts set forth in subsection B of § 2.2-3103.1.

### § 2.2-3117. Disclosure form.

The disclosure form to be used for filings required by subsections A and D of § 2.2-3114 and subsections A and E of § 2.2-3115 shall be prescribed by the Council. Except as otherwise provided in § 2.2-3115, all completed forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. Any person who knowingly and intentionally makes a false statement of a material fact on the Statement of Economic Interests is guilty of a Class 5 felony.

### § 2.2-3118. Disclosure form; certain citizen members.

The financial disclosure form to be used for filings required pursuant to subsection B of § 2.2-3114 and subsection B of § 2.2-3115 shall be filed in accordance with the provisions of § 30-356. The financial disclosure form shall be prescribed by the Council. Except as otherwise provided in § 2.2-3115, all completed forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356.

### § 2.2-3118.1. Special provisions for individuals serving in or seeking multiple positions or offices; reappointees.

A. The filing of a single current statement of economic interests by an individual required to file the form prescribed in § 2.2-3117 shall suffice for the purposes of this chapter as filing for all positions or offices held or sought by such individual during the course of a calendar year. The filing of a single current financial disclosure statement by an individual required to file the form prescribed in § 2.2-3118 shall suffice for the purposes of this chapter as filing for all positions or offices held or sought by such individual and requiring the filing of the § 2.2-3118 form during the course of a calendar year.

B. Any individual who has met the requirement for annually filing a statement provided in § 2.2-3117 or 2.2-3118 shall not be required to file an additional statement upon such individual's reappointment to the same office or position for which he is required to file, provided such reappointment occurs within 12 months after filing such annual statement.

### § 2.2-3118.2. Disclosure form; filing requirements.

A. An officer or employee required to file an annual disclosure on or before February 1 pursuant to this article shall disclose his personal interests and other information as required on the form prescribed by the Council for the preceding calendar year complete through December 31. An officer or employee required to file a disclosure as a condition to assuming office or employment shall file such disclosure on or before the day such office or position of employment is assumed and disclose his personal interests and other information as required on the form prescribed by the Council for the preceding 12-month period complete through the last day of the month immediately preceding the month in which the office or position of employment is assumed; however, any officer or employee who assumes office or a position of employment in January shall be required to only file an annual disclosure on or before February 1 for the preceding calendar year complete through December 31.

B. When the deadline for filing any disclosure pursuant to this article falls on a Saturday, Sunday, or legal holiday, the deadline for filing shall be the next day that is not a Saturday, Sunday, or legal holiday.

## Article 6. School Boards and Employees of School Boards.

### § 2.2-3119. Additional provisions applicable to school boards and employees of school boards; exceptions.

A. Notwithstanding any other provision of this chapter, it shall be unlawful for the school board of any county or city or of any town constituting a separate school division to employ or pay any teacher or other school board employee from the public funds, federal, state or local, or for a division superintendent to recommend to the school board the employment of any

teacher or other employee, if the teacher or other employee is the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law or brother-in-law of the superintendent, or of any member of the school board.

This section shall apply to any person employed by any school board in the operation of the public free school system, adult education programs or any other program maintained and operated by a local county, city or town school board.

B. This section shall not be construed to prohibit the employment, promotion, or transfer within a school division of any person within a relationship described in subsection A when such person:

1. Has been employed pursuant to a written contract with a school board or employed as a substitute teacher or teacher's aide by a school board prior to the taking of office of any member of such board or division superintendent of schools; or
2. Has been employed pursuant to a written contract with a school board or employed as a substitute teacher or teacher's aide by a school board prior to the inception of such relationship; or
3. Was employed by a school board at any time prior to June 10, 1994, and had been employed at any time as a teacher or other employee of any Virginia school board prior to the taking of office of any member of such school board or division superintendent of schools.

C. A person employed as a substitute teacher may not be employed to any greater extent than he was employed by the school board in the last full school year prior to the taking of office of such board member or division superintendent or to the inception of such relationship. The exceptions in subdivisions B 1, B 2, and B 3 shall apply only if the prior employment has been in the same school divisions where the employee and the superintendent or school board member now seek to serve simultaneously.

D. If any member of the school board or any division superintendent knowingly violates these provisions, he shall be personally liable to refund to the local treasury any amounts paid in violation of this law, and the funds shall be recovered from the individual by action or suit in the name of the Commonwealth on the petition of the attorney for the Commonwealth. Recovered funds shall be paid into the local treasury for the use of the public schools.

E. The provisions of this section shall not apply to employment by any school district of the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law of any member of the school board, provided that (i) the member certifies that he had no involvement with the hiring decision and (ii) the superintendent certifies to the remaining members of the governing body in writing that the employment is based upon merit and fitness and the competitive rating of the qualifications of the individual and that no member of the board had any involvement with the hiring decision.

F. The provisions of this section shall not apply to the employment by any school district of the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law of any division superintendent, provided that (i) the superintendent certifies that he had no involvement with the hiring decision and (ii) the assistant superintendent certifies to the members of the governing body in writing that the employment is based upon merit and fitness and the competitive rating of the qualifications of the individual and that the superintendent of the division had no involvement with the hiring decision.

## Article 7. Penalties and Remedies.

### § 2.2-3120. Knowing violation of chapter a misdemeanor.

Any person who knowingly violates any of the provisions of Articles 2 through 6 (§§ 2.2-3102 through 2.2-3119) of this chapter shall be guilty of a Class 1 misdemeanor, except that any member of a local governing body who knowingly violates subsection A of § 2.2-3112 or subsection D or F of § 2.2-3115 shall be guilty of a Class 3 misdemeanor. A knowing violation under this section is one in which the person engages in conduct, performs an act or refuses to perform an act when he knows that the conduct is prohibited or required by this chapter.

### § 2.2-3121. Advisory opinions.

A. A state officer or employee shall not be prosecuted for a knowing violation of this chapter if the alleged violation resulted from his good faith reliance on a written opinion of the Attorney General or a formal opinion or written informal advice of the Council made in response to his written request for such opinion or advice and the opinion or advice was made after a full disclosure of the facts regardless of whether such opinion or advice is later withdrawn provided the alleged violation occurred prior to the withdrawal of the opinion or advice.

B. A local officer or employee shall not be prosecuted for a knowing violation of this chapter if the alleged violation resulted from his good faith reliance on a written opinion of the attorney for the Commonwealth or a formal opinion or written informal advice of the Council made in response to his written request for such opinion or advice and the opinion or advice was made after a full disclosure of the facts regardless of whether such opinion or advice is later withdrawn, provided that the alleged violation occurred prior to the withdrawal of the opinion or advice. The written opinion of the attorney for the Commonwealth shall be a public record and shall be released upon request.

C. If any officer or employee serving at the local level of government is charged with a knowing violation of this chapter, and the alleged violation resulted from his reliance upon a written opinion of his county, city, or town attorney, made after a full disclosure of the facts, that such action was not in violation of this chapter, then the officer or employee shall have the right to introduce a copy of the opinion at his trial as evidence that he did not knowingly violate this chapter.

### § 2.2-3122. Knowing violation of chapter constitutes malfeasance in office or employment.

Any person who knowingly violates any of the provisions of this chapter shall be guilty of malfeasance in office or employment. Upon conviction thereof, the judge or jury trying the case, in addition to any other fine or penalty provided by law, may order the forfeiture of such office or employment.

### § 2.2-3123. Invalidation of contract; recision of sales.

A. Any contract made in violation of § 2.2-3103 or §§ 2.2-3106 through 2.2-3109 may be declared void and may be rescinded by the governing body of the contracting or selling governmental agency within five years of the date of such contract. In cases in which the contract is invalidated, the contractor shall retain or receive only the reasonable value, with no increment for profit or commission, of the property or services furnished prior to the date of receiving notice that the contract has been voided. In cases of recision of a contract of sale, any refund or restitution shall be made to the contracting or selling governmental agency.

B. Any purchase by an officer or employee made in violation of § 2.2-3103 or §§ 2.2-3106 through 2.2-3109 may be rescinded by the governing body of the contracting or selling governmental agency within five years of the date of such purchase.

### § 2.2-3124. Civil penalty from violation of this chapter.

A. In addition to any other fine or penalty provided by law, an officer or employee who knowingly violates any provision of §§ 2.2-3103 through 2.2-3112 shall be subject to a civil penalty in an amount equal to the amount of money or thing of value received as a result of such violation. If the thing of value received by the officer or employee in violation of §§ 2.2-3103 through 2.2-3112 increases in value between the time of the violation and the time of discovery of the violation, the greater value shall determine the amount of the civil penalty. Further, all money or other things of value received as a result of such violation shall be forfeited in accordance with the provisions of § 19.2-386.33.

B. An officer or employee required to file the disclosure form prescribed by § 2.2-3117 who fails to file such form within the time period prescribed shall be assessed a civil penalty in an amount equal to $250. The Council shall notify the Attorney General of any state officer's or employee's failure to file the required form and the Attorney General shall assess and collect the civil penalty. The clerk of the school board or the clerk of the governing body of the county, city, or town shall notify the attorney for the Commonwealth for the locality in which the officer or employee was elected or is employed of any local officer's or employee's failure to file the required form and the attorney for the Commonwealth shall assess and collect the civil penalty. The Council shall notify the Attorney General and the clerk shall notify the attorney for the Commonwealth within 30 days of the deadline for filing. All civil penalties collected pursuant to this subsection shall be deposited into the general fund and used exclusively to fund the Council.

### § 2.2-3125. Limitation of actions.

The statute of limitations for the criminal prosecution of a person for violation of any provision of this chapter shall be one year from the time the Attorney General, if the violation is by a state officer or employee, or the attorney for the Commonwealth, if the violation is by a local officer or employee, has actual knowledge of the violation or five years from the date of the violation, whichever event occurs first. Any prosecution for malfeasance in office shall be governed by the statute of limitations provided by law.

### § 2.2-3126. Enforcement.

A. The provisions of this chapter relating to an officer or employee serving at the state level of government shall be enforced by the Attorney General.

In addition to any other powers and duties prescribed by law, the Attorney General shall have the following powers and duties within the area for which he is responsible under this section:

1. He shall advise the agencies of state government and officers and employees serving at the state level of government on appropriate procedures for complying with the requirements of this chapter. He may review any disclosure statements, without notice to the affected person, for the purpose of determining satisfactory compliance, and shall investigate matters that come to his attention reflecting possible violations of the provisions of this chapter by officers and employees serving at the state level of government;
2. If he determines that there is a reasonable basis to conclude that any officer or employee serving at the state level of government has knowingly violated any provision of this chapter, he shall designate an attorney for the Commonwealth who shall have complete and independent discretion in the prosecution of such officer or employee;
3. He shall render advisory opinions to any state officer or employee who seeks advice as to whether the facts in a particular case would constitute a violation of the provisions of this chapter. He shall determine which opinions or portions thereof are of general interest to the public and may, from time to time, be published.

Irrespective of whether an opinion of the Attorney General has been requested and rendered, any person has the right to seek a declaratory judgment or other judicial relief as provided by law.

B. The provisions of this chapter relating to an officer or employee serving at the local level of government shall be enforced by the attorney for the Commonwealth within the political subdivision for which he is elected.

Each attorney for the Commonwealth shall be responsible for prosecuting violations by an officer or employee serving at the local level of government and, if the Attorney General designates such attorney for the Commonwealth, violations by an officer or employee serving at the state level of government. In the event the violation by an officer or employee serving at the local level of government involves more than one local jurisdiction, the Attorney General shall designate which of the attorneys for the Commonwealth of the involved local jurisdictions shall enforce the provisions of this chapter with regard to such violation.

Each attorney for the Commonwealth shall establish an appropriate written procedure for implementing the disclosure requirements of local officers and employees of his county, city or town, and for other political subdivisions, whose principal offices are located within the jurisdiction served by such attorney for the Commonwealth. The attorney for the Commonwealth shall provide a copy of this act to all local officers and employees in the jurisdiction served by such attorney who are required to file a disclosure statement pursuant to Article 5 (§ 2.2-3113 et seq.) of this chapter. Failure to receive a copy of the act shall not be a defense to such officers and employees if they are prosecuted for violations of the act.

Each attorney for the Commonwealth shall render advisory opinions as to whether the facts in a particular case would constitute a violation of the provisions of this chapter to the governing body and any local officer or employee in his jurisdiction and to political subdivisions other than a county, city or town, including regional political subdivisions whose principal offices are located within the jurisdiction served by such attorney for the Commonwealth. If the advisory opinion is written, then such written opinion shall be a public record and shall be released upon request. In case the opinion given by the attorney for the Commonwealth indicates that the facts would constitute a violation, the officer or employee affected thereby may request that the Attorney General review the opinion. A conflicting opinion by the Attorney General shall act to revoke the opinion of the attorney for the Commonwealth. The Attorney General shall determine which of his reviewing opinions or portions thereof are of general interest to the public and may, from time to time, be published.

Irrespective of whether an opinion of the attorney for the Commonwealth or the Attorney General has been requested and rendered, any person has the right to seek a declaratory judgment or other judicial relief as provided by law.

### § 2.2-3127. Venue.

Any prosecution for a violation involving an officer serving at the state level of government shall be brought in the Circuit Court of the City of Richmond. Any prosecution for a violation involving an employee serving at the state level of government shall be within the jurisdiction in which the employee has his principal place of state employment.

Any proceeding provided in this chapter shall be brought in a court of competent jurisdiction within the county or city in which the violation occurs if the violation involves an officer or employee serving at the local level of government.

# Article 8. Orientation for State Filers.

### § 2.2-3128. Semiannual orientation course.

Each state agency shall offer at least semiannually to each of its state filers an orientation course on this chapter, on ethics in public contracting pursuant to Article 6 (§ 2.2-4367 et seq.) of Chapter 43 of this title, if applicable to the filer, and on any other applicable regulations that govern the official conduct of state officers and employees.

### § 2.2-3129. Records of attendance.

Each state agency shall maintain records indicating the specific attendees, each attendee's job title, and dates of their attendance for each orientation course offered pursuant to § 2.2-3128 for a period of not less than five years after each course is given. These records shall be public records subject to inspection and copying consistent with § 2.2-3704.

### § 2.2-3130. Attendance requirements.

Except as set forth in § 2.2-3131, each state filer shall attend the orientation course required in § 2.2-3128, as follows:

1. For a state filer who holds a position with the agency on January 1, 2004, not later than December 31, 2004 and, thereafter, at least once during each consecutive period of two calendar years commencing on January 1, 2006.
2. For a person who becomes a state filer with the agency after January 1, 2004, within two months after he or she becomes a state filer and at least once during each consecutive period of two calendar years commencing on the first odd-numbered year thereafter.

### § 2.2-3131. Exemptions.

A. The requirements of § 2.2-3130 shall not apply to state filers with a state agency who have taken an equivalent ethics orientation course through another state agency within the time periods set forth in subdivision 1 or 2 of § 2.2-3130, as applicable.

B. State agencies may jointly conduct and state filers from more than one state agency may jointly attend an orientation course required by § 2.2-3128, as long as the course content is relevant to the official duties of the attending state filers.

C. Before conducting each orientation course required by § 2.2-3128, state agencies shall consult with the Attorney General and the Virginia Conflict of Interest and Ethics Advisory Council regarding appropriate course content.

### §2.2-3132. Training on prohibited conduct and conflicts of interest.

A. The Council shall provide training sessions for local elected officials, the members of appointed school boards, 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 the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). The Council may provide such training sessions by online means.

B. Each local elected official and member of an appointed school board, 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 the training session described in subsection A within two months after assuming the local office and thereafter at least once during each consecutive period of two calendar years while he holds such office, commencing with the date on which he last completed a training session. No penalty shall be imposed on a local elected official, a member of an appointed school board, 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 the respective governing body or school board shall maintain records indicating local elected officials, members of appointed school boards, and executive directors and members of industrial development authorities and economic development authorities subject to the training requirement and the dates of their completion of a training session pursuant to subsection B. Such records shall be maintained as public records for five years in the office of the clerk of the respective governing body or school board.

# Title 2.2. Administration of Government. Chapter 43.

## From the Virginia Public Procurement Act

### § 2.2-4369. Proscribed participation by public employees in procurement transactions.

Except as may be specifically allowed by subdivisions B 1, 2, and 3 of § 2.2-3112, no public employee having official responsibility for a procurement transaction shall participate in that transaction on behalf of the public body when the employee knows that:

1. The employee is contemporaneously employed by a bidder, offeror or contractor involved in the procurement transaction;
2. The employee, the employee's partner, or any member of the employee's immediate family holds a position with a bidder, offeror or contractor such as an officer, director, trustee, partner or the like, or is employed in a capacity involving personal and substantial participation in the procurement transaction, or owns or controls an interest of more than five percent;
3. The employee, the employee's partner, or any member of the employee's immediate family has a pecuniary interest arising from the procurement transaction; or
4. The employee, the employee's partner, or any member of the employee's immediate family is negotiating, or has an arrangement concerning, prospective employment with a bidder, offeror or contractor.

# Title 24.2. Elections. Chapter 5. Candidates for Office.

### § 24.2-502. Statement of economic interests as requirement of candidacy.

It shall be a requirement of candidacy that a written statement of economic interests shall be filed by (i) a candidate for Governor, Lieutenant Governor, or Attorney General and a candidate for the Senate or House of Delegates with the State Board, (ii) a candidate for a constitutional office with the general registrar for the county or city, and (iii) a candidate for member of the governing body or elected school board of any county, city, or town with a population in excess of 3,500 persons with the general registrar for the county or city. The statement of economic interests shall be that specified in § 30-111 for candidates for the General Assembly and in § 2.2-3117 for all other candidates. The foregoing requirement shall not apply to a candidate for reelection to the same office who has met the requirement of annually filing a statement pursuant to § 2.2-3114, 2.2-3115, 2.2-3116, or 30-110.

The general registrar, the clerk of the local governing body, or the clerk of the school board, as appropriate, shall transmit to the local electoral board, immediately after the filing deadline, a list of the candidates who have filed initial or annual statements of economic interests.

# Title 30. General Assembly. Chapter 56.

## Virginia Conflict of Interest and Ethics Advisory Council

### § 30-355. Virginia Conflict of Interest and Ethics Advisory Council; membership; terms; quorum; expenses.

A. The Virginia Conflict of Interest and Ethics Advisory Council (the Council) is hereby created as an advisory council in the legislative branch to encourage and facilitate compliance with the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) and the General Assembly Conflicts of Interests Act (§ 30-100 et seq.)(hereafter the Acts) and the lobbying laws in Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 (hereafter Article 3).

B. The Council shall consist of nine members as follows: three members appointed by the Speaker of the House of Delegates, two of whom shall be members of the House of Delegates and one of whom shall be a former judge of a court of record; three members appointed by the Senate Committee on Rules, two of whom shall be members of the Senate and one of whom shall be a former judge of a court of record; and three members appointed by the Governor, one of whom shall be a current or former executive branch employee, one of whom shall be appointed from a list of three nominees submitted by the Virginia Association of Counties, and one of whom shall be appointed from a list of three nominees submitted by the Virginia Municipal League. In the appointment to the Council of members of the House of Delegates made by the Speaker and members of the Senate made by the Senate Committee on Rules, equal representation shall be given to each of the political parties having the highest and next highest number of members elected to their respective body. All members of the Council are subject to confirmation by the General Assembly by a majority vote in each house of (i) the members present of the majority party and (ii) the members present of the minority party.

C. All appointments following the initial staggering of terms shall be for terms of four years, except that appointments to fill vacancies shall be for the unexpired terms in the same manner as the original appointment. No nonlegislative citizen member shall be eligible to serve for more than two successive four-year terms. However, after the expiration of a term of three years or less, or after the expiration of the remainder of a term to which appointed to fill a vacancy, two additional terms may be served by such member if ap-

pointed thereto. Legislative members and other state government officials shall serve terms coincident with their terms of office. Legislative members may be reappointed for successive terms.

D. The members of the Council shall elect from among their membership a chairman and a vice-chairman for two-year terms. The chairman and vice-chairman may not succeed themselves to the same position. The Council shall hold meetings upon the call of the chairman or whenever the majority of the members so request. A majority of the Council appointed shall constitute a quorum.

E. Members of the Council shall receive no compensation for their services but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813, 2.2-2825, and 30-19.12, as appropriate. Funding for expenses of the members shall be provided from existing appropriations to the Council.

## § 30-356. Powers and duties of the Council.

The Council shall:

1. Prescribe the forms required for complying with the disclosure requirements of Article 3 and the Acts. These forms shall be the only forms used to comply with the provisions of Article 3 or the Acts. The Council shall make available the disclosure forms and shall provide guidance and other instructions to assist in the completion of the forms;
2. Review all disclosure forms filed by lobbyists pursuant to Article 3 and by state government officers and employees and legislators pursuant to the Acts. The Council may review disclosure forms for completeness, including reviewing the information contained on the face of the form to determine if the disclosure form has been fully completed and comparing the disclosures contained in any disclosure form filed by a lobbyist pursuant to § 2.2-426 with other disclosure forms filed with the Council, and requesting any amendments to ensure the completeness of and correction of errors in the forms, if necessary. If a disclosure form is found to have not been filed or to have been incomplete as filed, the Council shall notify the filer in writing and direct the filer to file a completed disclosure form within a prescribed period of time, and such notification shall be confidential and is excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);
3. Require all disclosure forms and lobbyist registration statements that are required to be filed with the Council to be filed electronically in accordance with the standards approved by the Council. The Council shall provide software or electronic access for filing the required disclosure forms and registration statements without charge to all individuals required to file with the Council. The Council shall prescribe the method of execution and certification of electronically filed forms, including the use of an electronic signature as authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The Council may grant extensions as provided in § 30-356.2 and may authorize a designee to grant such extensions;
4. Accept and review any statement received from a filer disputing the receipt by such filer of a gift that has been disclosed on the form filed by a lobbyist pursuant to Article 3;
5. Beginning July 1, 2016, establish and maintain a searchable electronic database comprising those disclosure forms that are filed with the Council pursuant to §§ 2.2-426, 2.2-3117, 2.2-3118, and 30-111. Such database shall be available to the public through the Council's official website;
6. Furnish, upon request, formal advisory opinions or guidelines and other appropriate information, including informal advice, regarding ethics, conflicts issues arising under Article 3 or the Acts, or a person's duties under Article 3 or the Acts to any person covered by Article 3 or the Acts or to any agency of state or local government, in an expeditious manner. The Council may authorize a designee to furnish formal opinions or informal advice. Formal advisory opinions are public record and shall be published on the Council's website; however, no formal advisory opinion furnished by a designee of the Council shall be available to the public or published until such opinion has been approved by the Council. Published formal advisory opinions may have such deletions and changes as may be necessary to protect the identity of the person involved or other persons supplying information. Informal advice given by the Council or the Council's designee is confidential and is excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.); however, if the recipient invokes the immunity provisions of § 2.2-3121 or 30-124, the record of

the request and the informal advice given shall be deemed to be a public record and shall be released upon request. Other records relating to formal advisory opinions or informal advice, including records of requests, notes, correspondence, and draft versions of such opinions or advice, shall also be confidential and excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act;

7. Conduct training seminars and educational programs for lobbyists, state and local government officers and employees, legislators, and other interested persons on the requirements of Article 3 and the Acts and provide training sessions for local elected officials in compliance with Article 9 (§ 2.2-3132) of Chapter 31 of Title 2.2 and ethics orientation sessions for legislators in compliance with Article 6 (§ 30-129.1 et seq.) of Chapter 13;

8. Approve orientation courses conducted pursuant to § 2.2-3128 and, upon request, review the educational materials and approve any training or course on the requirements of Article 3 and the Acts conducted for state and local government officers and employees;

9. Publish such educational materials as it deems appropriate on the provisions of Article 3 and the Acts;

10. Review actions taken in the General Assembly with respect to the discipline of its members for the purpose of offering nonbinding advice;

11. Request from any agency of state or local government such assistance, services, and information as will enable the Council to effectively carry out its responsibilities. Information provided to the Council by an agency of state or local government shall not be released to any other party unless authorized by such agency;

12. Redact from any document or form that is to be made available to the public any residential address, personal telephone number, email address, or signature contained on that document or form; and

13. Report on or before December 1 of each year on its activities and findings regarding Article 3 and the Acts, including recommendations for changes in the laws, to the General Assembly and the Governor. The annual report shall be submitted by the chairman as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be published as a state document.

## § 30-356.1. Request for approval for certain travel.

A. The Council shall receive and review a request for the approval of travel submitted by a person required to file the disclosure form prescribed in § 2.2-3117 or 30-111 to accept any travel-related transportation, lodging, hospitality, food or beverage, or other thing of value that has a value exceeding $100 where such approval is required pursuant to subsection G of § 2.2-3103.1 or subsection F of § 30-103.1. A request for the approval of travel shall not be required for the following, but such travel shall be disclosed as may be required by the Acts:

1. Travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.);

2. Travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state;

3. Travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House Committee on Rules or its Chairman or the Senate Committee on Rules or its Chairman; or

4. Travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment.

B. When reviewing a request for the approval of travel, the Council shall consider the purpose of the travel as it relates to the official duties of the requester. The Council shall approve any request for travel that bears a reasonable relationship between the purpose of the travel and the official duties of the requester. Such travel shall include any meeting, conference, or other event (i) composed primarily of public officials, (ii) at which public policy related to the duties of the requester will be discussed in a substantial manner, (iii) reasonably expected to educate the requester on issues relevant to his official duties or to enhance the requester's knowledge and skills relative to his official duties, or (iv) at which the requester has been invited to speak regarding matters reasonably related to the requester's official duties.

C. The Council shall not approve any travel requests that bear no reasonable relationship between the

purpose of the proposed travel and the official duties of the requester. In making such determination, the Council shall consider the duration of travel, the destination of travel, the estimated value of travel, and any previous or recurring travel.

D. Within five business days of receipt of a request for the approval of travel, the Council shall grant or deny the request, unless additional information has been requested. If additional information has been requested, the Council shall grant or deny the request for the approval within five business days of receipt of such information. If the Council has not granted or denied the request for approval of travel or requested additional information within such five-day period, such travel shall be deemed to have been approved by the Council. Nothing in this subsection shall preclude a person from amending or resubmitting a request for the approval of travel. The Council may authorize a designee to review and grant or deny requests for the approval of travel.

E. A request for the approval of travel shall be on a form prescribed by the Council and made available on its website. Such form may be submitted by electronic means, facsimile, in-person submission, or mail or commercial mail delivery.

F. No person shall be prosecuted, assessed a civil penalty, or otherwise disciplined for acceptance of a travel-related thing of value if he accepted the travel-related thing of value after receiving approval under this section, regardless of whether such approval is later withdrawn, provided the travel occurred prior to the withdrawal of the approval.

### § 30-356.2. Right to grant extensions in special circumstances; civil penalty.

A. Notwithstanding any other provision of law, any person required to file the disclosure form prescribed in Article 3 or the Acts shall be entitled to an extension where good cause for granting such an extension has been shown, as determined by the Council. Good cause shall include:

1. The death of a relative of the filer, as relative is defined in the definition of "gift" in Article 3 or the Acts.
2. A state of emergency is declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 or declared by the President of the United States or the governor of another state pursuant to law and confirmed by the Governor by an executive order, and such an emergency interferes with the timely filing of disclosure forms. The extension shall be granted only for those filers in areas affected by such emergency.
3. The filer is a member of a uniformed service of the United States and is on active duty on the date of the filing deadline.
4. A failure of the electronic filing system and the failure of such system prevents the timely filing of disclosure forms.

B. For any person who is unable to timely file the disclosure form prescribed in the Acts due to the disclosure form not being made available to him until after the deadline has passed, the Council shall grant such person a five-day extension upon request. The head of the agency for which the person works or the clerk of the school board or governing body of the locality that was responsible for providing the disclosure form to such person shall be assessed a civil penalty in the amount equal to $250, to be collected in accordance with the procedure set forth in subsection B of § 2.2-3124. If the disclosure form is provided to the person within three days prior to the filing deadline, the Council shall grant such person a three-day extension upon request and no civil penalties shall be assessed against the head of such person's agency or the clerk.

C. The provisions of this section shall not apply to any statement of economic interests filed as a requirement of candidacy pursuant to § 24.2-502.

### § 30-357. Staff.

Staff assistance to the Council shall be provided by the Division of Legislative Services. Staff shall perform those duties assigned to it by the Council, including those duties enumerated in § 30-356. The Division of Legislative Services shall employ an executive director, who shall be subject to the confirmation of the Joint Committee on Rules.

### § 30-358. Cooperation of agencies of state and local government.

Every department, division, board, bureau, commission, authority, or political subdivision of the Commonwealth shall cooperate with, and provide such assistance to, the Council as the Council may request.

# Virginia Public Records Act Requirements

## By Jeffrey S. Gore and Roger C. Wiley
## Hefty Wiley & Gore PC

Local government officials generally are not enthusiastic about the Virginia Public Records Act (the "Act"). Many elected officials are only vaguely aware that the Act exists. Managers and agency heads are likely to view it as just another nuisance requirement imposed by the state or even as an example of that most despised species – an unfunded mandate. Other local officials may be puzzled about how to handle the masses of paper that clutter their offices or the electronic messages and documents that fill up their email inboxes and hard drives.

All those reactions are predictable and sometimes they may seem valid. Certainly, the state is not sending localities money to spend on records management. Most of the Act's requirements, however, merely reflect what would be viewed as good business and management practice. No organization can really operate efficiently if it can't determine what it did last month, last year, or 10 years ago.

Dependence on one's own memory of past events can be very risky, and although most organizations have a few long-serving individuals who provide some "institutional memory," all of them move on eventually.

Keeping records and maintaining them in an accessible manner is vital not only for those who come along later, but for our own daily performance.

Having an effective system for keeping the records that are important and getting rid of those that are no longer needed, to make room for new ones, is just common sense. Still, it is easy to neglect records management. Getting today's work done can always claim priority over organizing and storing records of yesterday's work. Some of us are instinctively good at file maintenance while others need to be prodded.

The more positive way to view the Public Records Act is that, by imposing some legal requirements, it forces us to think about records management and assign it as a specific task to someone in our organization. The Act's legal mandate also gives officials a justification for budgeting and spending the resources necessary to make a records management system function properly.

We hope that this handbook will give local government officials a basic understanding of the Virginia Public Records Act and how to comply with it. In its opening section you will find a discussion of the Act's basic requirements, presented in question and answer format, followed by several appendices that contain additional detailed information, as shown in the Table of Contents.

## What is the purpose of the Virginia Public Records Act?

Virginia Public Records Act (the "Act") is found in Chapter 7 of Title 42.1 of the Code of Virginia, the Title dealing with "Libraries." It is in that part of the Code because the Library of Virginia is the state agency designated to administer the Act and issue regulations to implement it. The Act establishes the basic rules and authorizes the Library to issue more detailed regulations specifying how state and local public agencies, officials, and employees handle "public records." This includes determining exactly what constitutes a public record, how and how long to maintain that public record, and when and how to eventually dispose of it – all of which the Act describes as the "lifecycle" of the public record.

## What is a public record?

As defined in the Act, a public record is any recorded information possessed by a public agency, public official or public employee that documents a transaction or activity by or with any such agency, official or employee. The recorded information is a public record if it is produced, collected, received or retained in connection with the transaction of public business, regardless of its physical form. The medium (paper, film, magnetic or electronic file, etc.) on which the information is recorded has no bearing on whether it is a public record.

## What local agencies officials are covered by the Act's requirements? Does it also apply to elected constitutional officers?

The Act applies to all departments, divisions, boards, commissions, and authorities of a locality or in which a locality participates to conduct public business.

Officers and employees of these various local agencies have a responsibility to comply the Act's requirements for the records they create or receive.

Elected city and county constitutional officers and the staffs and records of their offices are specifically included in the definitions of covered officials and agencies.

## What about members of a local governing body?

Members of a city or town council, or county board of supervisors, regardless of their terms or compensation, are officers of the locality and are thus subject to the Act's requirement. In the past, many of them have not treated their individual correspondence and other records about public business, kept at home or in their private places of employment, as public records.

Legally, however, the Act does apply to these records. In recent years, as requests for disclosure of members' individual records under the Virginia Freedom of Information Act have become more common, clerks of governing bodies and local government managers and attorneys have begun assisting their governing bodies in establishing better systems to maintain these records and comply with the Act.

## What are the primary responsibilities of local governments under the Act?

**Tell governing body members to read the Act**. Every person elected, re-elected, appointed, or reappointed to the governing body of any locality or other local public body subject to the Act must be provided a copy of the Act within two weeks of election, re-election, appointment or reappointment. The Act assigns responsibility for doing this to the public body's chief administrator, agency head or legal counsel, but in practice the duty may be delegated to someone else, such as the clerk of the public body. The Act also requires members of the public body to read and become familiar with the Act after they receive it. Following this explanation is a copy of the Act with amendments through July 1, 2023, to be used for this purpose.

**Designate a local public records officer.** Every locality is required to designate at least one records officer to serve as a liaison to the Library of Virginia, and to implement and oversee a records management program, and coordinate the disposition, including destruction, of obsolete records. Local records officers can be designated either by the governing body of the locality or agency or by its chief administrative officer. The locality must give the Library contact information for its designated public records officers and update that information as it changes. Larger localities and organizations may decide to designate more than one records officer, with some having responsibility for the records of only a single department, but all public records in the locality must have someone designated to be responsible for them. The Library conducts training programs for local records officers to help them understand and comply with the requirements of the Act.

**Establish a local records management and retention program.** The Act requires every locality and local agency to "ensure that its public records are preserved, maintained, and accessible throughout their lifecycle." The Library has published a very good technical manual for the establishment of a records management program, which along with much other useful information, is available on the public records section of the Library's website: www.lva.virginia.gov/agencies/records.

## What are some duties of a records retention officer?

The primary duties are to be certain that the departments or agencies for which the officer is responsible keep their records for the required length of time, maintain them in an accessible manner, and destroy them when it is time to do so.

## What does "accessible throughout their lifecycle" mean?

How many of us have a box or drawer in our office full of five floppy disks or 3.5-inch diskettes, but no longer have a drive on our desktop computer with which to read them? One of the jobs of the records retention officer is to make sure that records aren't made inaccessible in that way. Records must be maintained in a form that can be viewed or read for as long as those records are required to be kept. For paper records that is generally not a problem, except for very old records that must be kept permanently. These may require photographing, copying, or scanning to preserve their contents. For records stored in other media, the Act requires that they be converted or migrated to new media as technologies become obsolete, "as often as necessary so that information is not lost due to hardware, software, or media obsolescence or deterioration."

## How long do records have to be kept?

The length of time varies depending on the type of record. As authorized by the Act, the Library of Virginia has established retention schedules for various categories of state and local government records. Some types of records must be maintained permanently. For

certain types of permanent records that are considered essential, copies must also be made and sent to the Library for storage, so they can be recovered in case the originals are destroyed by fire, flood or another catastrophe. Other types of records must be kept only a few years and then destroyed. All the schedules are also available online: www.lva.virginia.gov/agencies/records/sched_local/index.htm.

## Are we really obligated to destroy some older records? Why?

Yes, the Act requires destruction of public records "in a timely manner" once their designated retention period has expired. The Library's website has more guidance – www.lva.virginia.gov/agencies/records/timely.asp.

In part, this requirement is intended to make room for new records by getting rid of ones no longer needed. The Act also says that it is state policy for records management to be uniform throughout the Commonwealth. Requiring destruction on a regular schedule ensures that records of the same age and type will be available in all localities at any given time. This is helpful to someone researching information of the same type in more than one locality. Following the schedules for destruction of records will also be helpful in limiting the scope of future requests for disclosure of records under the Virginia Freedom of Information Act.

## What conditions must be met before destroying records?

First, the designated retention schedule for the records must have expired. Second, the records must not be the subject of any current Freedom of Information Act disclosure request, litigation or audit, or any proposed change in the retention schedules. Third, the locality or agency's designated public records officer must have certified on a form approved by the Library that the records are appropriate for destruction. After the records are destroyed that form must be sent to the Library of Virginia. The forms required for the record destruction process are found on the website of the Library.

## Can we give the records away or sell them instead of destroying them?

The Act requires that any records created before 1912 be offered to the Library of Virginia before being destroyed. Selling public records or giving them to anyone else is specifically prohibited by the Act.

In the 2020 Virginia General Assembly session a section to the Act was added that states that any public records created prior to January 1, 1901, held by an individual or private entity lawfully in any manner may be displayed without paying a fee or requesting permission from the original custodian of such record.

## What are the consequences if we don't comply with the retention and destruction requirements for our records? Are there fines or penalties?

Unlike the Freedom of Information Act (FOIA), the Public Records does not authorize private citizens to sue public agencies or officials to force them to comply with the Act. The Librarian of Virginia is given limited authority to sue someone who is illegally retaining public records that he is not entitled to keep, such as an officeholder whose term has expired. The Act also gives the Library the power to audit state or local agencies for compliance with the Act and to report noncompliance to the local governing body and the General Assembly. Such audits are not frequent, and the Library has no power to impose monetary or other penalties for non-compliance even when revealed by audit.

## Why do we need to comply, then?

The best reason for compliance is that good records management can make your organization more efficient and benefit both current and future local officials by making it easier to know what has occurred in the past. Legally, the lack of a specific penalty does not change your statutory obligation to comply with the Act. and deliberately ignoring it could be cited as poor job performance, or even as malfeasance in an extreme case.

The Freedom of Information Act may provide another reason to comply with the Public Records Act in some cases. When a citizen requests access to a record under FOIA, the local agency or official has an obligation to produce that record, unless it is covered by a specific statutory exemption.

If the record has been discarded or destroyed before the end of the retention period established by the State Library, the failure to comply with the Public Records Act may be revealed, which is embarrassing at the very least. We are not aware that any court has ruled that failure to produce the record due to its premature destruction also constitutes a violation of FOIA, but we believe such an argument could be made. FOIA violations, of course, can result in civil penalties and payment of the requester's attorney fees.

# Title 42.1. Libraries. Chapter 7. Virginia Public Records Act.

As required under Virginia Code § 42.1-76.1 and § 2.2-3702, "Any person elected, reelected, appointed, or re- appointed to the governing body of any agency subject to this chapter shall… read and become familiar with the provisions of this chapter."

The text of the Public Records Act follows to assist local officials in complying with this section of the Act.

## § 42.1-76. Legislative intent; title of chapter.

The General Assembly intends by this chapter to establish a single body of law applicable to all public officers and employees on the subject of public records management and preservation and to ensure that the procedures used to manage and preserve public records will be uniform throughout the Commonwealth.

This chapter may be cited as the Virginia Public Records Act.

## § 42.1-76.1. Notice of Chapter.

Any person elected, reelected, appointed, or reappointed to the governing body of any agency subject to this chapter shall (i) be furnished by the agency or public body's administrator or legal counsel with a copy of this chapter within two weeks following election, reelection, appointment, or reappointment and (ii) read and become familiar with the provisions of this chapter.

## § 42.1-77. Definitions.

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

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

"Archival record" means a public record of continuing and enduring value useful to the citizens of the Commonwealth and necessary to the administrative functions of public agencies in the conduct of services and activities mandated by law that is identified on a Library of Virginia approved records retention and disposition schedule as having sufficient informational value to be permanently maintained by the Commonwealth.

"Archives" means the program administered by The Library of Virginia for the preservation of archival records.

"Board" means the State Library Board.

"Conversion" means the act of moving electronic records to a different format, especially data from an obsolete format to a current format.

"Custodian" means the public official in charge of an office having public records.

"Disaster plan" means the information maintained by an agency that outlines recovery techniques and methods to be followed in case of an emergency that impacts the agency's records.

"Electronic record" means a public record whose creation, storage, and access require the use of an automated system or device. Ownership of the hardware, software, or media used to create, store, or access the electronic record has no bearing on a determination of whether such record is a public record.

"Essential public record" means records that are required for recovery and reconstruction of any agency to enable it to resume its core operations and functions and to protect the rights and interests of persons.

"Librarian of Virginia" means the State Librarian of Virginia or his designated representative.

"Lifecycle" means the creation, use, maintenance, and disposition of a public record.

"Migration" means the act of moving electronic records from one information system or medium to another to ensure continued access to the records while maintaining the records' authenticity, integrity, reliability, and usability.

"Original record" means the first generation of the information and is the preferred version of a record. Archival records should to the maximum extent possible be original records.

"Preservation" means the processes and operations involved in ensuring the technical and intellectual survival of authentic records through time.

"Public official" means all persons holding any office created by the Constitution of Virginia or by any act of the General Assembly, the Governor and all other officers of the executive branch of the state government, and all other officers, heads, presidents or chairmen of boards, commissions, departments, and agencies of the state government or its political subdivisions.

"Public record" or "record" means recorded information that documents a transaction or activity by

or with any public officer, agency, or employee of an agency. Regardless of physical form or characteristic, the recorded information is a "public record" if it is produced, collected, received, or retained in pursuance of law or in connection with the transaction of public business. The medium upon which such information is recorded has no bearing on the determination of whether the recording is a "public record."

For purposes of this chapter, "public record" does not include (i) nonrecord materials, meaning materials made or acquired and preserved solely for reference use or exhibition purposes, extra copies of documents preserved only for convenience or reference, or stocks of publications or (ii) records that are not related to or affect the carrying out of the constitutional, statutory, or other official ceremonial duties of a public official, including the correspondence, diaries, journals, or notes that are not prepared for, utilized for, circulated, or communicated in the course of the transaction of public business.

"Records retention and disposition schedule" means a Library of Virginia-approved timetable stating the required retention period and disposition action of a records series. The administrative, fiscal, historical, and legal value of a public record shall be considered in appraising its appropriate retention schedule. The terms "administrative," "fiscal," "historical," and "legal" value shall be defined as:

1. "Administrative value": Records shall be deemed of administrative value if they have continuing utility in the operation of an agency.
2. "Fiscal value": Records shall be deemed of fiscal value if they are needed to document and verify financial authorizations, obligations, and transactions.
3. "Historical value": Records shall be deemed of historical value if they contain unique information, regardless of age, that provides understanding of some aspect of the government and promotes the development of an informed and enlightened citizenry.
4. "Legal value": Records shall be deemed of legal value if they document actions taken in the protection and proving of legal or civil rights and obligations of individuals and agencies.

## § 42.1-78. Confidentiality safeguarded.

Any records made confidential by law shall be so treated. Records that by law are required to be closed to the public shall not be deemed to be made open to the public under the provisions of this chapter. Records in the custody of The Library of Virginia that are required to be closed to the public shall be open for public access 75 years after the date of creation of the record. No provision of this chapter shall be construed to authorize or require the opening of any records ordered to be sealed by a court; however, upon a petition filed with the clerk, a judge may enter an order releasing any record sealed prior to January 1, 1901. All records deposited in the archives that are not made confidential by law shall be open to public access.

## § 42.1-79. Records management function vested in The Library of Virginia.

A. The archival and records management function shall be vested in The Library of Virginia. The Library of Virginia shall be the official custodian and trustee for the Commonwealth of all public records of whatever kind, and regardless of physical form or characteristics, that are transferred to it from any agency. As the Commonwealth's official repository of public records, The Library of Virginia shall assume ownership and administrative control of such records on behalf of the Commonwealth. The Library of Virginia shall own and operate any equipment necessary to manage and retain control of electronic archival records in its custody, but may, at its discretion, contract with third-party entities to provide any or all services related to managing archival records on equipment owned by the contractor, by other third parties, or by The Library of Virginia.

B. The Librarian of Virginia shall name a State Archivist who shall perform such functions as the Librarian of Virginia assigns.

C. Whenever legislation affecting public records management and preservation is under consideration, The Library of Virginia shall review the proposal and advise the General Assembly on the effects of its proposed implementation.

## § 42.1-82. Duties and powers of Library Board.

A. The State Library Board shall:

1. Issue regulations concerning procedures for the disposal, physical destruction or other disposition of public records containing social security numbers. The procedures shall include all reasonable steps to destroy such documents by (i) shredding, (ii) erasing, or (iii) otherwise modifying the social security numbers in those records to make them unreadable or undecipherable by any means.
2. Issue regulations and guidelines designed to facilitate the creation, preservation, storage, filing,

reformatting, management, and destruction of public records by agencies. Such regulations shall mandate procedures for records management and include recommendations for the creation, retention, disposal, or other disposition of public records.

B. The State Library Board may establish advisory committees composed of persons with expertise in the matters under consideration to assist the Library Board in developing regulations and guidelines.

### § 42.1-85. Records Management Program; agencies to cooperate; agencies to designate records officer.

A. The Library of Virginia shall administer a records management program for the application of efficient and economical methods for managing the lifecycle of public records consistent with regulations and guidelines promulgated by the State Library Board, including operation of a records center or centers. The Library of Virginia shall establish procedures and techniques for the effective management of public records, make continuing surveys of records and records keeping practices, and recommend improvements in current records management practices, including the use of space, equipment, software, and supplies employed in creating, maintaining, and servicing records.

B. Any agency with public records shall cooperate with The Library of Virginia in conducting surveys. Each agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of such agency. The agency shall be responsible for ensuring that its public records are preserved, maintained, and accessible throughout their lifecycle, including converting and migrating electronic records as often as necessary so that information is not lost due to hardware, software, or media obsolescence or deterioration. Any public official who converts or migrates an electronic record shall ensure that it is an accurate copy of the original record. The converted or migrated record shall have the force of the original.

C. Each state agency and political subdivision of this Commonwealth shall designate as many as appropriate, but at least one, records officer to serve as a liaison to The Library of Virginia for the purposes of implementing and overseeing a records management program, and coordinating legal disposition, including destruction, of obsolete records. Designation of state agency records officers shall be by the respective agency head. Designation of a records officer for political subdivisions shall be by the governing body or chief administrative official of the political subdivision. Each entity responsible for designating a records officer shall provide The Library of Virginia with the name and contact information of the designated records officer, and shall ensure that such information is updated in a timely manner in the event of any changes.

D. The Library of Virginia shall develop and make available training and education opportunities concerning the requirements of and compliance with this chapter for records officers in the Commonwealth.

### § 42.1-86. Essential public records; security recovery copies; disaster plans.

A. In cooperation with the head of each agency, The Library of Virginia shall establish and maintain a program for the selection and preservation of essential public records. The program shall provide for preserving, classifying, arranging, and indexing essential public records so that such records are made available to the public. The program shall provide for making recovery copies or designate as recovery copies existing copies of such essential public records.

B. Recovery copies shall meet quality standards established by The Library of Virginia and shall be made by a process that accurately reproduces the record and forms a durable medium. A recovery copy may also be made by creating a paper or electronic copy of an original electronic record. Recovery copies shall have the same force and effect for all purposes as the original record and shall be as admissible in evidence as the original record whether the original record is in existence or not. Recovery copies shall be preserved in the place and manner prescribed by the State Library Board and the Governor.

C. The Library of Virginia shall develop a plan to ensure preservation of public records in the event of disaster or emergency as defined in § 44-146.16. This plan shall be coordinated with the Department of Emergency Management and copies shall be distributed to all agency heads. The plan shall be reviewed and updated at least once every five years. The personnel of the Library shall be responsible for coordinating emergency recovery operations when public records are affected. Each agency shall ensure that a plan for the protection and recovery of public records is included in its comprehensive disaster plan.

### § 42.1-86.01. Records may be retained in electronic medium.

Notwithstanding any provision of law requiring a public record to be retained in a tangible medium, an agency may retain any public record in an electronic

medium, provided that the record remains accessible for the duration of its retention schedule and meets all other requirements of this chapter. Nothing herein shall affect any law governing the retention of exhibits received into evidence in a criminal case in any court.

## § 42.1-86.1. Disposition of public records.

A. No agency shall sell or give away public records. No agency shall destroy or discard a public record unless (i) the record appears on a records retention and disposition schedule approved pursuant to § 42.1-82 and the record's retention period has expired; (ii) a certificate of records destruction, as designated by the Librarian of Virginia, has been properly completed and approved by the agency's designated records officer; and (iii) there is no litigation, audit, investigation, request for records pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), or renegotiation of the relevant records retention and disposition schedule pending at the expiration of the retention period for the applicable records series. After a record is destroyed or discarded, the agency shall forward the original certificate of records destruction to The Library of Virginia.

B. No agency shall destroy any public record created before 1912 without first offering it to The Library of Virginia.

C. Each agency shall ensure that records created after July 1, 2006 and authorized to be destroyed or discarded in accordance with subsection A, are destroyed or discarded in a timely manner in accordance with the provisions of this chapter; provided, however, such records that contain identifying information as defined in clauses (iii) through (ix), or clause (xii) of subsection C of § 18.2-186.3, shall be destroyed within six months of the expiration of the records retention period.

## § 42.1-87. Archival public records.

A. Custodians of archival public records shall keep them in fire-resistant, environmentally controlled, physically secure rooms designed to ensure proper preservation and in such arrangement as to be easily accessible. Current public records should be kept in the buildings in which they are ordinarily used. It shall be the duty of each agency to consult with The Library of Virginia to determine the best manner in which to store long-term or archival electronic records. In entering into a contract with a third-party storage provider for the storage of public records, an agency shall require the third-party to cooperate with The Library of Virginia in complying with rules and regulations promulgated by the Board.

B. Public records deemed unnecessary for the transaction of the business of any state agency, yet deemed to be of archival value, may be transferred with the consent of the Librarian of Virginia to the custody of the Library of Virginia.

C. Public records deemed unnecessary for the transaction of the business of any county, city, or town, yet deemed to be of archival value, shall be stored either in The Library of Virginia or in the locality, at the decision of the local officials responsible for maintaining public records. Archival public records shall be returned to the locality upon the written request of the local officials responsible for maintaining local public records. Microfilm shall be stored in The Library of Virginia but the use thereof shall be subject to the control of the local officials responsible for maintaining local public records.

D. Record books deemed archival should be copied or repaired, renovated or rebound if worn, mutilated, damaged or difficult to read. Whenever the public records of any public official are in need of repair, restoration or rebinding, a judge of the court of record or the head of such agency or political subdivision of the Commonwealth may authorize that the records in need of repair be removed from the building or office in which such records are ordinarily kept, for the length of time necessary to repair, restore or rebind them, provided such restoration and rebinding preserves the records without loss or damage to them. Before any restoration or repair work is initiated, a treatment proposal from the contractor shall be submitted and reviewed in consultation with The Library of Virginia. Any public official who causes a record book to be copied shall attest it and shall certify an oath that it is an accurate copy of the original book. The copy shall then have the force of the original.

E. Nothing in this chapter shall be construed to divest agency heads of the authority to determine the nature and form of the records required in the administration of their several departments or to compel the removal of records deemed necessary by them in the performance of their statutory duty.

## § 42.1-88. Custodians to deliver all records at expiration of term; penalty for noncompliance.

Any custodian of any public records shall, at the expiration of his term of office, appointment or employment, deliver to his successor, or, if there be none, to The Library of Virginia, all books, writings, letters, documents, public records, or other information, recorded on any medium kept or received by him in the transaction of his official business; and any such person who shall refuse or neglect for a period of ten days after

a request is made in writing by the successor or Librarian of Virginia to deliver the public records as herein required shall be guilty of a Class 3 misdemeanor.

### § 42.1-89. Petition and court order for return of public records not in authorized possession.

The Librarian of Virginia or his designated representative such as the State Archivist or any public official who is the custodian of public records in the possession of a person or agency not authorized by the custodian or by law to possess such public records shall petition the circuit court in the city or county in which the person holding such records resides or in which the materials in issue, or any part thereof, are located for the return of such records. The court shall order such public records be delivered to the petitioner upon finding that the materials in issue are public records and that such public records are in the possession of a person not authorized by the custodian of the public records or by law to possess such public records. If the order of delivery does not receive compliance, the plaintiff shall request that the court enforce such order through its contempt power and procedures.

### § 42.1-90. Seizure of public records not in authorized possession.

A. At any time after the filing of the petition set out in § 42.1-89 or contemporaneous with such filing, the person seeking the return of the public records may by ex parte petition request the judge or the court in which the action was filed to issue an order directed at the sheriff or other proper officer, as the case may be, commanding him to seize the materials which are the subject of the action and deliver the same to the court under the circumstances hereinafter set forth.

B. The judge aforesaid shall issue an order of seizure upon receipt of an affidavit from the petitioner which alleges that the material at issue may be sold, secreted, removed out of this Commonwealth or otherwise disposed of so as not to be forthcoming to answer the final judgment of the court respecting the same; or that such property may be destroyed or materially damaged or injured if permitted to remain out of the petitioner's possession.

C. The aforementioned order of seizure shall issue without notice to the respondent and without the posting of any bond or other security by the petitioner.

### § 42.1-90.1. Auditing.

The Librarian may, in his discretion, conduct an audit of the records management practices of any agency. Any agency subject to the audit shall cooperate and provide the Library with any records or assistance that it requests. The Librarian shall compile a written summary of the findings of the audit and any actions necessary to bring the agency into compliance with this chapter. The summary shall be a public record, and shall be made available to the agency subject to the audit, the Governor, and the chairmen of the House and Senate Committees on General Laws, the House Committee on Appropriations, and the Senate Committee on Finance and Appropriations of the General Assembly.

### § 42.1-91.1. Availability of public records created prior to January 1, 1901.

Notwithstanding any provisions of a previously executed contract with any department, agency, or institution of the Commonwealth or political subdivision, any individual or private entity lawfully in possession of public records created prior to January 1, 1901, or images of such records may display or publish such records in any format, including in an electronic database or on the Internet, without paying a fee to or requesting permission from the original custodian of such records.

**WELCOME TO THE TOWN COUNCIL MEETING INFORMATION & GUIDELINES FOR PARTICIPATION**

Thank you for taking the time to participate in your Town Council meeting. The Mayor and Council encourage participation whenever possible to make your voice heard.

## Types of Agenda Items

**Citizen's Time:** Individuals may address the Council on any matter not listed on the agenda as a public hearing. This is your time to address your Council and share what's important to you. Each speaker has up to three minutes to address Council. When called to the podium, speakers should state their name and address for the record. Copies of written statements and supporting materials should be given to the Town Clerk for the record. The Mayor will establish the order of speakers and will maintain decorum. Citizen's Time is not designed as a question and answer session or a debate.

**Work Sessions:** Informal, informational meetings at which Council may discuss specific topics or receive an in-depth presentation from staff or an outside party on a particular topic. Generally, a Work Session aims to inform Council on a topic and for Councilmembers to give staff or others general direction.

**Public Hearings:** Formal proceedings held to hear from the public on a specific topic. All public hearings are advertised prior to the scheduled hearings, and the notices indicate where citizens can obtain information pertinent to matters scheduled for public hearings. Applicants, or representatives of the applicant, will be allowed to introduce information regarding the matter advertised for public hearing. Public hearings are intended to enable citizens to influence the public decision process based on prior research and discussions with appropriate public officials and to address only those issues pertinent to the matters advertised for public hearing. Public hearings are not question and answer sessions or debates, and all statements should be addressed to the Town Council.

**Closed Sessions:** In certain instances, the Virginia Freedom of Information Act permits the Town Council to hold a meeting where the public is excluded. Any action taken during a closed meeting must be ratified by a vote in a public session of Council.

**Special Meetings:** The Mayor or any four members of the Council may call a meeting or change the time of a meeting at any time once notice is given to all Councilmembers and the press. No business other than that for which the meeting is called may be transacted unless all members are present, in which case a majority vote of the Council may change this provision.

**Consent Agenda**: The consent agenda is used for eligible items and may include routine appropriations, grant applications, reports, contracts, resolutions, ordinances, second readings, and the minutes.

**Rules of Decorum:** Signs, placards, posters, or like material are not permitted in the Town Council Chamber, adjoining areas, or offices. Remain seated during the meeting unless called upon to stand for recognition as a speaker, official duties, physical necessity, or to enter or leave the meeting. The use of profane, vulgar, obscene, or threatening speech is not permitted and can result in removal from the meeting. Turn off or deactivate the sound from all cell phones or other electronic devices.

**Persons with disabilities may request reasonable accommodations by contacting**

**(540)-347-1101. Persons are encouraged to make requests in advance.**

Office of the Town Manager
Christopher Martino

# STAFF REPORT

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

| | |
|---|---|
| **Council Meeting Date:** | June 9, 2026 |
| **Agenda Title:** | Emergency Management Coordinator Appointment |
| **Requested Action:** | Receive the information |
| **Department / Agency Lead:** | Police |
| **Staff Lead:** | Christopher Martino, Town Manager/Timothy M. Carter, Chief of Police |

## EXECUTIVE SUMMARY

The Town of Warrenton, Virginia, recognizes the importance of proactive emergency management and, in 2020, established an Office of Emergency Management to address potential hazards and protect its citizens.

The Virginia Department of Emergency Management subsequently officially recognized the Warrenton Emergency Management agency as an independent Office of Emergency Management, separate from Fauquier County. This designation as an independent emergency management jurisdiction was approved by the Virginia Department of Emergency Management (VDEM) on April 22, 2025. The town is responsible for its own comprehensive emergency management program in accordance with the Code of Virginia, Title 44. The town continues to work with VDEM, specifically the Region 2 team, for support. Key benefits of this designation include a more robust program, enhanced coordination, access to funding, and training opportunities.

## BACKGROUND

The Town of Warrenton's Office of Emergency Management was created in December 2020 in response to the COVID-19 pandemic. It was officially established as an agency of emergency management for the town by Ordinance 2022-11 at the July 12, 2022, Town Council Meeting. The office operates under the Commonwealth of Virginia Emergency Services and Disaster Law of 2000. Town Manager Christopher Martino currently serves as the Director of Emergency Management, and Chief Timothy M. Carter currently serves as the Coordinator of Emergency Management since the departure of the Town's previous Emergency Management Coordinator on May 22, 2026.

## STAFF RECOMMENDATION

Receive the Information

## Service Level/Collaborative Impact

The establishment of an independent emergency management program allows the Town of Warrenton to create a more robust program with enhanced coordination and resilience. This change provides access to various VDEM systems, such as WebEOC and Crisis Track, as well as opportunities for training, exercises, and grants.

## Policy Direction/Warrenton Plan 2040

With the designation as an independent emergency management program, the Town of Warrenton must maintain a comprehensive local emergency management program which includes the appointment of an Emergency Management Coordinator (EMC). With the departure of the Town's previous EMC, and as the Town pursues the hire of a permanent replacement, a new appointment must be made.

- **Appointment:** The Council must confirm the appointment of Deputy Chief Andrew Scott Arnold as Coordinator of Emergency Management.
- **Continuity of Operations Plan (COOP):** The Town will need to review and adopt the 2026 COOP update.

## Legal & Fiscal Impact

The legal basis for the Office of Emergency Management is rooted in Ordinance 2022-11 and is governed by the Commonwealth of Virginia Emergency Services and Disaster Law of 2000. As an independent emergency management jurisdiction, the town is now responsible for its own comprehensive program. The designation provides access to funding opportunities and grants. Confirmation by the Town Council of a Coordinator of Emergency Management is required by the Code of Virginia.

## ATTACHMENTS

A. Notice of Assignment of Emergency Management Coordinator (6/1/26)
B. ToW COOP – 06/2026 – Redacted

**June 9, 2025**
**Town Council Regular**
**Meeting Res. No.**

**A RESOLUTION CONFIRMING THE APPOINTMENT OF ANDREW SCOTT ARNOLD AS THE COORDINATOR OF EMERGENCY MANAGEMENT FOR THE TOWN OF WARRENTON**

**WHEREAS,** on July 11, 2022, the Town Council of the Town of Warrenton affirmed that pursuant to the Commonwealth of Virginia Emergency Services and Disaster Law of 2000, § 44-146.13 et seq., Code of Virginia, the Town Code was thereby amended by the addition of Chapter 20 - Emergency Management; and

**WHEREAS,** in accordance with Code of Virginia, § 44-146.19, the office of emergency management was therefore created on July 11, 2022, and serves as the agency of emergency management for the Town of Warrenton; and

**WHEREAS,** the Town of Warrenton, Virginia**,** has been designated by the Virginia Department of Emergency Management as an independent political subdivision solely for the purposes of emergency management as defined in § 44-146.16 of the Code of Virginia; and

**WHEREAS**, Va. Code §44-146.19 requires each political subdivision to establish the position of Director of Emergency Management, the Town appointed this role to the Town Manager, per Town of Warrenton Code of Ordinances, Chapter 20, Section 20-3; and

**WHEREAS,** pursuant to Va. Code §44-146.19(B)(4), Town Manager, Christopher Martino, assigned Deputy Chief Andrew Scott Arnold as the Coordinator of Emergency Management on June 1, 2026; and

**WHEREAS,** in accordance with that subsection, Deputy Chief Arnold's role officially requires the consent of the Town Council, and the Town Council desires that Deputy Chief Arnold be appointed to the Warrenton Emergency Management Agency as the Coordinator of Emergency Management; and

**WHEREAS,** the Town Council of the Town of Warrenton deems it necessary and appropriate to formally confirm the appointment of Deputy Chief Andrew Scott Arnold to the aforementioned role.

**NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Warrenton, Virginia, that the appointment of Deputy Chief Andrew Scott Arnold as the Coordinator of Emergency Management is hereby confirmed.**

**BE IT FURTHER RESOLVED, that this appointment shall be effective as of June 1, 2026, the date of the Town Manager's assignment of that role, and shall remain in effect until a new appointment is made or until otherwise directed by the Town Council.**

**BE IT FURTHER RESOLVED, that this resolution shall take effect upon its adoption.**

ATTACHMENT: None

**Votes:**
**Ayes:**
**Nays:**
**Absent from Vote:**
**Absent from Meeting:**

**For Information:**
Town Manager
Town Emergency Coordinator

**ATTEST:** _____
**Town Recorder**

Office of the Town Manager
Christopher E. Martino

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

# Notice of Assignment

**To: Virginia Department of Emergency Management and Relevant Parties**

**From: Christopher Martino, Town Manager**

**Date: June 1, 2026**

**Subject: Assignment of Emergency Management Coordinator**

This memorandum serves as official notification of the resignation of Johnny Switzer, Coordinator of Emergency Management, effective May 22, 2026.

In accordance with the Town of Warrenton Code, Chapter 20 - Emergency Management, Section 20-3, Andrew Scott Arnold is hereby assigned the role of Coordinator of Emergency Management for the Town of Warrenton, effective June 1, 2026.

Please be advised of this change in personnel and take any necessary actions to ensure a smooth transition of responsibilities.

Christopher Martino
Town Manager

**Distribution:**
Town Council, Town of Warrenton
Town Attorney, Town of Warrenton
Department Heads, Town of Warrenton
Janelle Downes, Fauquier County Administrator
Kalvyn Smith, Emergency Management Coordinator, Fauquier Co.
Mike Guditus, Deputy Emergency Management Coordinator, Fauquier Co.
Jeremy Falls, Sheriff, Fauquier Co.

# Town of Warrenton, VA

## CONTINUITY OF OPERATIONS PLAN

**Christopher Martino**
*Town Manager*

Updated: June 2026

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## SECURITY AND PRIVACY STATEMENT

Public disclosure of this document would have a reasonable likelihood of threatening public safety by exposing vulnerabilities. It contains sensitive and confidential information not subject to FOIA under Virginia Code §2.2-3705.2 (14). Accordingly, the Town of Warrenton withholds this Plan from full public disclosure. Refer any request for a copy of this document to the town FOIA officer.

## PROMULGATION STATEMENT

The Town of Warrenton's mission is to provide public safety, economic opportunity, and quality public services in an attractive, well-planned community with historic character for the benefit, enjoyment, and accessibility of all. All essential departments must ensure their operations are performed with minimal disruption during all-hazards emergencies or other situations that disrupt normal operations to accomplish this mission. This document provides planning and program guidance for implementing the Town of Warrenton Continuity Plan and Continuity Program to ensure the agency can conduct its mission essential functions (MEFs) under all threats and conditions. The agency is committed to the safety and protection of its personnel, contractors, operations, and facilities. This Continuity Plan is a recovery plan that works as a companion plan with the Town of Warrenton Emergency Operation Plans (EOP), the Information Technology Disaster Recovery Plan (ITDRP), the Rappahannock Rapidan Regional Hazard Mitigation Plan, and the Fauquier County Emergency Operations Plan (FCEOP), and provides a framework to minimize potential impact and allow for rapid recovery from an incident that disrupts operations. This Plan encompasses the magnitude of operations and services performed by the Town of Warrenton and is tailored to the Town's unique operations and MEFs.

This Plan identifies key personnel that perform or manage the performance of MEFs. Upon plan activation, key personnel will be notified and assume responsibility for implementing the Plan per the guidance provided by the Town Manager or his/her designee. Essential personnel should be prepared to implement the Continuity Plan and perform MEFs within the established recovery time objectives for a period of up to 30 days or until normal operations can be resumed.

The Town of Warrenton prepared this Continuity Plan to develop, implement, and maintain a viable continuity capability. In accordance with section 44-146.19(E) of the Code of Virginia, and section 20-4 of the Warrenton Town Code, this Plan complies with applicable internal agency policy, and state regulations, and supports recommendations provided in FEMA's Continuity Guidance Circular 1 (CGC 1) and Continuity Guidance Circular 2 (CGC 2). This Continuity Plan has been distributed internally to appropriate personnel within the Town of Warrenton and external organizations that might be affected by its implementation.

**APPROVALS**
**Pursuant to Code of Virginia § 44-146.19(E)**

_____
Carter Nevill, Mayor

_____
Christopher Martino, Town Manager

_____
Philip Carter Strother, Town Attorney

_____
Andrew S. Arnold, EM Coordinator

## RECORD OF CHANGES

Submit recommended changes to this document to the Office of the Town Manager:

| Change Number | Copy Number | Date Entered | Posted By |
|---|---|---|---|
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## PUBLICATION AND DISSEMINATION

The agency Continuity Plan will be distributed to executive leadership and key personnel within the agency and others. Requests for additional copies of this Plan or notification of updates should be directed to the Office of the Town Manager.

**Continuity Plan Distribution List**

| Name | Title | Agency or Organization | Date Issued | Date Returned | Number of Copies |
|---|---|---|---|---|---|
| Lauren Opett | State Coordinator of Emergency Management | Virginia Department of Emergency Management | | | 1 |
| Alexa Boggs | Region 2 Chief Regional Coordinator | Virginia Department of Emergency Management | | | 1 |
| Janelle Downes | Fauquier County Administrator | Fauquier County | | | 1 |
| | | | | | |

## COOP TEAM MEMBERS & ESSENTIAL PERSONNEL

| COOP Team Designation | Incumbent | All Phones | Email |
|---|---|---|---|
| Senior Administration | Christopher Martino, Town Manager | Work: (540) 347-1101 [redacted] | cmartino@warrentonva.gov |
| Emergency Management | Andrew Arnold, Emergency Management Coordinator | Work: (540) 347-1107 [redacted] | aarnold@warrentonva.gov |
| Public Works | John Ward Public Works Director | Work: (540) 347-1858 [redacted] | jward@warrentonva.gov |
| Public Utilities | Steven Friend Public Utilities Director | Work: (540) 351-4908 [redacted] | sfriend@warrentonva.gov |
| Law Enforcement | Timothy Carter, Chief of Police | Work: (540) 347-1107 [redacted] | tcarter@warrentonva.gov |
| Community Development | Rob Walton, Director of Community Development | Work: (540) 347-1101 [redacted] | rwalton@warrentonva.gov |
| Finance | Stephanie Miller, Deputy Town Manager & Finance Director | Work: (540) 347-1101 [redacted] | smiller@warrentonva.gov |
| Information Technology | Jonathan Stewart, Director of Information Technology | Work: (540) 428-2025 [redacted] | jstewart@warrentonva.gov |

| COOP Team Designation | Incumbent | All Phones | Email |
|---|---|---|---|
| Human Capital & Risk Management | Kasey Braun, Director of Human Capital & Risk Management | Work: (540) 347-1101 [redacted] | kbraun@warrentonva.gov |
| Parks and Recreation | Kelly Koernig, Director of Parks and Recreation | Work: (540) 349-2520 [redacted] | kkoernig@warrentonva.gov |
| Communications | Lyndie Paul Communications Manager | Work: (540) 351-4173 [redacted] | lpaul@warrentonva.gov |

## EXECUTIVE SUMMARY

A Continuity of Operations Plan, or COOP, is an important part of emergency planning and provides a way for organizations to ensure that they are able to continue providing essential functions in the event of a variety of different emergencies that could interrupt the normal operating environment.

It is expected and necessary for the Town of Warrenton to respond quickly in the event of an emergency or threat resulting from a variety of causes such as those that are human, natural, or technological in nature in concert with other agencies. It is for these reasons that the Town of Warrenton has created and adopted this COOP. This plan not only identifies essential functions but also outlines what would need to be done in the three phases of operation—Activation and Relocation, Alternate Facilities Operations, and Reconstitution. This plan also incorporates the following elements that are associated with continuity planning:

- Delegations of authorities that would be needed in an emergency situation;
- Essential Functions and Non-Essential Functions;
- Vital equipment, systems, files, and records that would be needed in an emergency;
- Any alternate facilities that could be used for operations.

The Primary and Secondary COOP Program Managers are listed in the table below with specific contact information included. The Program Managers will coordinate continuity of operations and are responsible for managing all activities to continue essential functions during a situation that disrupts the normal operating environment.

| COOP Program Manager Information | | |
|---|---|---|
| | **Name and Position** | **Contact Information** |
| Primary COOP PM | Christopher Martino<br>Town Manager | Work: (540) 347-1101<br>[redacted] |
| Secondary COOP PM | Andrew Arnold<br>Emergency Management Coordinator | Work: (540) 347-1107<br>[redacted] |

## INTRODUCTION

To the best of their ability, local governments must be prepared to respond to all types of emergencies and disasters within their jurisdictions to save lives; protect the public welfare, protect property, maintain essential communications, ensure business continuity, and restore essential public services. Since September 11, 2001, many localities have become acutely aware of the degree to which emergencies and disasters can disrupt or obliterate their ability to preserve government institutions and perform essential functions.

The Town Manager has deemed that the Town must establish and implement a Continuity of Operations (COOP) Plan. This Plan is designed to develop ways to preserve, maintain, or reconstitute the agency's ability to function in the event of a threat or an emergency.

The Town of Warrenton COOP Plan has been developed to aid the government in a technical, natural, or intentional disaster that disrupts government operations. The Plan presents a framework for management, establishes procedures to support essential functions, and guides the restoration of normal operations after the emergency. The Plan provides for restoring operational capacity within 12 hours and sustaining operations for 30 days or longer in a catastrophic event or national security emergency.

## PURPOSE

This COOP Plan summarizes how Town departments and offices will continue to perform essential functions when an emergency threatens or disturbs their operations. This document outlines lines of succession; provides for the maintenance and re-establishment of authority; provides for the relocation of key personnel if needed; reconstitutes the key staff positions with successor personnel, and provides restoration of Town government functionality. This Plan should be utilized in concert with the Town of Warrenton and the Fauquier County Emergency Operations Plan (FCEOP). The basic elements of a viable COOP Plan include the following:

- Essential Functions;
- Lines of Succession;
- Delegations of Authority;
- Alternate Facilities;
- Vital Files, Databases and Records;
- Administration and Logistics;
- COOP Plan Implementation Procedures;
- Personnel Issues;
- Communications; and
- Training and Exercises.

## APPLICABILITY AND SCOPE

This Plan is designed to effectively minimize system outages and downtimes while providing the highest possible level of personnel services until normal operations fully resume. It is also intended to facilitate the response and recovery process. This document applies to a full range of circumstances, from a short-term event that affects only one building or location to an extended regional emergency that impacts all of the Town's departments and functions.

## OBJECTIVE

The objective of COOP Planning is to guide appropriate actions to ensure the capability exists to continue core business functions and achieve an orderly recovery from emergencies across a wide range of potential incidents—including acts of nature and human-made emergencies.

The objectives of this COOP Plan include:

- Ensuring continuous performance of a department's essential functions during an emergency;
- Protecting essential facilities, equipment, and records;
- Reducing or mitigating disruption of operations;
- Reducing, assessing, and minimizing damage and loss;
- Identifying alternate locations where operations can be reconstituted in an emergency;
- Activating and sustaining essential operations within a 12-hour period for up to 30 days; and
- Achieving a timely and orderly reconstitution of operations.

## COOP ACTIVATION EVENTS

A variety of events could create conditions in the County that would require activation of the COOP Plan. This could be a Town-wide event involving the entire government, or it could be an event that impacts only a few agencies or departments. These events can be categorized as follows:

- Infrastructure;
- Mass Casualty/Mass Fatality Incident; and
- Workforce/Workplace.

Numerous events can disrupt the infrastructure. These events may involve loss of electrical power, loss of water, interruption in commodity availability, and technology failure. The Town has experienced utility disruptions in the past caused by weather events such as hurricanes, tornadoes, thunderstorms, and snowstorms.

A Mass Casualty/Mass Fatality Incident, such as a pandemic or widespread illness, could severely impact the Town workforce. These events can be caused by a naturally occurring disease like influenza or caused by terrorism, such as a biological release. These types of events could cause widespread death and illness, impacting the Town population and workforce.

Numerous types of other natural disasters can destroy or significantly affect the workforce. Other possible triggers include workplace contamination, flooding, HAZMAT incidents, or fire.

These types of events could impact the Town, as well as the county, region, state, or country.

## CONCEPT OF OPERATIONS

A COOP Response is activated at the following levels:

**Level I**: A Level I COOP Response is for an anticipated event that requires monitoring for situational awareness. This response would be activated for an actual or anticipated event that may have an adverse impact for up to 12 hours on any portion of the local government. This level does not require any specific response beyond what is available using existing resources.

**Level II** (Stand-by): A Level II COOP Response is for an event that causes a temporary reduction or change in operations; an actual or anticipated event estimated to have a minimal impact on operations for 12 to 72 hours and may require assistance beyond what resources are generally available. This may be when Town departments/offices are preparing for any incident that might prevent Town facilities from opening for normal operations. This situation may require moving to a temporary location to continue to meet essential functions.

**Level III** (Partial Implementation): A Level III COOP Response is for an actual event estimated to disrupt the operations of one or more essential functions or impact vital systems for more than three days. The event may require deploying a small force of mission essential personnel from departments or offices to their COOP sites to initiate operations to support an actual full-scale COOP implementation.

**Level IV**: A Level IV COOP Response is for an event with a significant or long-term impact on the workforce or workplace. This event may be widespread and significantly disrupt operations that impact multiple vital systems. An example would be a major fire at Town Hall that causes significant damage to the building and destroys records and equipment.

| Level of Emergency | Category | Impact on Local Government | Decisions |
|---|---|---|---|
| I | Alert | An actual or anticipated event might have an adverse impact of up to 12 hours on any portion of the local government but does not require any specific response beyond what is ordinarily available. | [redacted] |
| II | Stand-by | An actual or anticipated event is estimated to have minimal impact on operations for 12 to 72 hours that may require assistance beyond what is ordinarily available. | [redacted] |
| III | Partial Implementation | An actual event is estimated to disrupt the operations of one or more essential functions or impact vital systems for more than three days. | [redacted] |

| | | | |
|---|---|---|---|
| IIII | Full Implementation | An actual event that significantly disrupts the operations of three or more essential functions or to the entire department that impacts multiple vital systems for more than seven days. | [redacted] |

## COOP IMPLEMENTATION

The Town of Warrenton COOP Plan can be implemented in a variety of ways. Once the event's impact is assessed, Town departments and offices may activate the plan to continue providing essential services. Once the determination has been made to implement COOP plans, each department and agency affected must ensure that their essential functions continue. A sample COOP Implementation Checklist is provided on the next page.

## UNANTICIPATED EMERGENCIES

Some threats to operations may provide advanced warning, which permits the orderly alert, notification, evacuation, and relocation of employees, if necessary. A warning may not precede other incidents. These incidents may or may not occur during regular operating hours. If the incident occurs during normal working hours, it may require the evacuation of all personnel from the threatened area. Essential or response personnel will deploy to their pre-assigned duty stations within 12 hours to maintain essential functions as the COOP Plan dictates. If the incident occurs after hours, activation of the COOP Plan will trigger each department director, working with their COOP teams, to activate call-down rosters and notify COOP relocation teams to report for duty.

**WIDESPREAD vs. LOCAL EMERGENCIES** The distinction between a widespread and local emergency is based upon assessing the event's impact on a department or geographic area. Generally, if an event impacts a significant number of people or impacts a large enough geographic location, the event is considered widespread. Localized events are usually limited to a smaller geographic area or one department, agency, or office.

## COOP IMPLEMENTATION CHECKLIST

Implementation of the COOP Plan is based upon three phases of operation: activation and relocation, alternate facility operations, and reconstitution of services. The checklist below provides a basic outline of actions to implement the Plan.

| ITEM | TASK | TASK ASSIGNED TO | DATE & TIME COMPLETED |
|---|---|---|---|
| **Activation and Relocation** | | | |
| [redacted] | [redacted] | | |
| [redacted] | [redacted] | | |
| [redacted] | [redacted] | | |
| [redacted] | [redacted] | | |
| [redacted] | [redacted] | | |
| [redacted] | [redacted] | | |
| [redacted] | [redacted] | | |
| [redacted] | [redacted] | | |
| [redacted] | [redacted] | | |
| [redacted] | [redacted] | | |
| [redacted] | [redacted] | | |
| [redacted] | [redacted] | | |
| [redacted] | [redacted] | | |
| [redacted] | [redacted] | | |
| [redacted] | [redacted] | | |

| ITEM | TASK | TASK ASSIGNED TO | DATE & TIME COMPLETED |
|---|---|---|---|
| **Activation and Relocation** | | | |
| ☐ | [redacted] | | |
| ☐ | [redacted] | | |
| ☐ | [redacted] | | |
| ☐ | [redacted] | | |
| ☐ | [redacted] | | |
| ☐ | [redacted] | | |
| ☐ | [redacted] | | |
| ☐ | [redacted] | | |
| ☐ | [redacted] | | |
| ☐ | [redacted] | | |
| **Alternate Facility Operations** | | | |
| ☐ | [redacted] | | |
| ☐ | [redacted] | | |

| | | | |
|---|---|---|---|
| [redacted] | [redacted] | | |
| [redacted] | [redacted] | | |

| ITEM | TASK | TASK ASSIGNED TO | DATE & TIME COMPLETED |
|---|---|---|---|
| **Activation and Relocation** | | | |
| [redacted] | [redacted] | | |
| [redacted] | [redacted] | | |
| [redacted] | [redacted] | | |
| [redacted] | [redacted] | | |
| [redacted] | [redacted] | | |
| [redacted] | [redacted] | | |

| | | | |
|---|---|---|---|
| [redacted] | [redacted] | | |
| | | | |

| ITEM | TASK | TASK ASSIGNED TO | DATE & TIME COMPLETED |
|---|---|---|---|
| **Reconstitution** | | | |
| [redacted] | [redacted] | | |
| [redacted] | [redacted] | | |
| [redacted] | [redacted] | | |
| **ITEM** | **TASK** | **TASK ASSIGNED TO** | **DATE & TIME COMPLETED** |
| **Reconstitution** | | | |
| [redacted] | [redacted] | | |
| [redacted] | [redacted] | | |
| [redacted] | [redacted] | | |
| [redacted] | [redacted] | | |
| [redacted] | [redacted] | | |
| [redacted] | [redacted] | | |
| [redacted] | [redacted] | | |
| [redacted] | [redacted] | | |

## Continuity Implementation Responsibilities

| Position | Responsibility |
|---|---|
| Town Manager | • Provide strategic leadership and overarching policy direction for the Continuity Program.<br>• Implement the Continuity Plan when necessary or when directed to by a higher authority.<br>• Consult with and advise appropriate officials during the implementation of the Continuity Plan.<br>• Oversee and coordinate activities between the Continuity Coordinator and Reconstitution Manager. |
| COOP Coordinator | • Coordinate the implementation of the Continuity Plan and initiate appropriate notifications to internal and external contacts.<br>• Work closely with the Reconstitution Manager to ensure a smooth transition from continuity operations to reconstitution operations. |
| Finance, Human Capital & Risk Management | • Be prepared to deploy and support the performance of the Town's MEFs in the event of a Continuity Plan implementation.<br>• Ensure that family members are prepared for and taken care of in an emergency. |
| Public Works Director | • Coordinate and oversee the reconstitution process.<br>• Ensure that all facilities can support the performance of MEFs.<br>• Develop a time-phased plan to ensure that functions are restored in a manner that minimizes downtime.<br>• Work closely with the senior leadership and Town Manager to ensure a smooth transition from continuity operations to reconstitution operations. |
| Town Employees | • Monitor town communications for guidance or instructions during the event.<br>• Know and understand their roles in a continuity environment.<br>• Ensure that family members are prepared for and taken care of in an emergency situation. |

## ORDER OF SUCCESSION

Pre-identifying order of succession is critical to ensuring effective leadership during an emergency. In the event an incumbent is incapable or unavailable to fulfill his/her essential duties, successors have been identified to ensure there is no lapse in executive leadership. Authority shall return to the Town leader when the Town leader is capable of resuming essential duties or a permanent replacement has been chosen in accordance with Town policy. The Town of Warrenton's order of succession and method of notification to personnel are:

| Position | Notification Method | Successor #1 | Successor #2 | Successor #3 |
|---|---|---|---|---|
| Town Manager | Email / Cell Phone | [redacted] | [redacted] | [redacted] |
| Emergency Manager | Email / Cell Phone | [redacted] | [redacted] | [redacted] |
| Finance Director | Email / Cell Phone | [redacted] | [redacted] | [redacted] |
| Community Development Director | Email / Cell Phone | [redacted] | [redacted] | [redacted] |
| Information Technology Director | Email / Cell Phone | [redacted] | [redacted] | [redacted] |
| Communications | Email / Cell Phone | [redacted] | [redacted] | [redacted] |
| Police Chief | Email / Cell Phone | [redacted] | [redacted] | [redacted] |
| Public Works Director | Email / Cell Phone | [redacted] | [redacted] | [redacted] |
| Public Utilities Director | Email / Cell Phone | [redacted] | [redacted] | [redacted] |
| WWTP Superintendent | Email / Cell Phone | [redacted] | [redacted] | [redacted] |
| WTP Superintendent | Email / Cell Phone | [redacted] | [redacted] | [redacted] |
| Facility & Fleet Manager | Email / Cell Phone | [redacted] | [redacted] | [redacted] |

| Position | Notification Method | Successor #1 | Successor #2 | Successor #3 |
|---|---|---|---|---|
| Parks & Recreation Director | Email / Cell Phone | [redacted] | [redacted] | [redacted] |
| Human Capital & Risk Management Director | Email/Cell Phone | [redacted] | [redacted] | [redacted] |

## ESSENTIAL PERSONNEL

The Town of Warrenton will follow the National Conference of State Legislature's definition of essential personnel. This is defined as "those who conduct a range of operations and services that are typically essential to continue critical infrastructure operations."

In accordance with the Cybersecurity and Infrastructure Security Agency (CISA), under the U.S. Department of Homeland Security (DHS) ***Guidance on the Essential Critical Infrastructure Workforce, Version 4.1***, it has been identified that the following Town department personnel are deemed essential within the Town's critical infrastructure operations:

| **Law Enforcement, Public Safety, and Other First Responders**<br>*"Public, private, and voluntary personnel (front line and management, civilian and sworn) in emergency management, law enforcement, fire and rescue services, emergency medical services, and security, public and private hazardous material responders, air medical service providers (pilots and supporting technicians), corrections, and search and rescue personnel."* | | |
|---|---|---|
| **EO: Essential, On Site** | **ER: Essential, Remote** | **NE: Non-Essential** |
| **Police Department:**<br>• Sworn Law Enforcement<br>• Senior Administrative Assistant | | **Police Department:**<br>• Records Clerk<br>• Accreditation Manager |
| **Community Development:**<br>• Building / Fire Official | | |
| • **Emergency Management Coordinator** | | |

| **Public Works**<br>*"Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including bridges, water, and sewer main breaks, fleet maintenance personnel, traffic signal maintenance, emergency location services for buried utilities, and other emergent issues."* | | |
|---|---|---|
| **EO: Essential, On Site** | **ER: Essential, Remote** | **NE: Non-Essential** |
| • Director of Public Works<br>• Senior Administrative Assistant<br>• Landscaping Crew<br>• Streets Crew<br>• Fleet & Facilities Personnel | • Project Coordinator | |

| Public Utilities<br>*"Workers needed to operate and maintain drinking water, wastewater, and drainage infrastructure."* | | |
|---|---|---|
| **EO: Essential, On Site** | **ER: Essential, Remote** | **NE: Non-Essential** |
| • Director of Public Utilities<br>• All Water Treatment Plant Personnel<br>• All Wastewater Treatment Plant Personnel<br>• Stormwater Inspector<br>• Meter Personnel<br>• Utility Maintenance Workers<br>• Senior Administrative Assistant | • Engineer*<br>• Stormwater Administrator*<br><br>**As applicable to an emergency status.* | • GIS Technician |

| Infrastructure Support Systems<br>*"Workers who support the operations and maintenance of parks and outdoor recreational facilities."* | | |
|---|---|---|
| **EO: Essential, On Site** | **ER: Essential, Remote** | **NE: Non-Essential** |
| **Parks & Recreation:**<br>• Director of Parks & Recreation<br>• Facility Operations Manager<br>• Special Events Program Coordinator<br>• Operations & Contracts Technician<br>• Recreation Building Engineer<br>• Maintenance Workers<br>• Customer Services Staff<br>• Aquatics Coordinator<br>• Aquatics Supervisor<br>• Aquatic Staff | **Parks & Recreation:**<br>• Fitness Supervisor | **Parks & Recreation:**<br>• Fitness Instructor |

| Communications<br>*"External Affairs personnel to assist in coordinating with local, state, and federal officials to address communications needs."* | | |
|---|---|---|
| **EO: Essential, On Site** | **ER: Essential, Remote** | **NE: Non-Essential** |
| • Communications Manager | • Marketing Coordinator | |

| Information Technology (IT)<br>➢ *"Workers supporting communications systems, information technology, and work-from-home solutions used by law enforcement, public safety, medical, energy, public works, critical manufacturing, food and agriculture production,*<br>➢ *financial services, in-person and remote education, and other critical industries and businesses."*<br>➢ *"Workers required for technical support crucial for business continuity and connectivity."*<br>➢ *"Workers who support client services, field engineers, and other technicians and workers support critical infrastructure."* | | |
|---|---|---|
| **EO: Essential, On Site** | **ER: Essential, Remote** | **NE: Non-Essential** |
| • Director of IT<br>• Network Engineer | • Help Desk Specialist<br>• AV Help Desk Specialist<br>• System Engineer | • IT Administrator |

| Financial Services<br>*"Workers who are needed to provide, process, and maintain systems for processing, verification, and recording of financial transactions and services."* | | |
|---|---|---|
| **EO: Essential, On Site** | **ER: Essential, Remote** | **NE: Non-Essential** |
| • Director of Finance & Procurement | • Accounts Payable CoordinatorSenior Revenue & Collections Manager<br>• Customer Service Specialist<br>• Payroll Coordinator<br>• Procurement Coordinator<br>• Tax Administrator* | Budget Manager |

| Government Based Operations<br>➢ *"Workers who support administration and delivery of employment services and benefits programs."*<br>➢ *"Workers who support administration and delivery of disaster assistance, insurance, and workers compensation programs."*<br>➢ *"Workers who support essential maintenance and construction of essential services."* | | |
|---|---|---|
| **EO: Essential, On Site** | **ER: Essential, Remote** | **NE: Non-Essential** |
| **Town Managers Office:**<br>• Town Manager | **Town Managers Office:**<br>• Town Clerk<br>• Mayor & Town Council<br>• TM Executive Assistant | |
| **Human Capital & Risk Management:**<br>• Director of HC<br>• Risk Management | **Human Capital & Risk Management:**<br>• HC Generalist | |
| **Facilities:**<br>• All Personnel | | |

| Residential/Shelter Facilities, Housing and Real Estate, Related Services<br>*"Workers supporting government functions related to the building and development process, such as inspections, permitting, and plan review services."* | | |
|---|---|---|
| **EO: Essential, On Site** | **ER: Essential, Remote** | **NE: Non-Essential** |
| **Community Development:**<br>• Director of Community Development | **Community Development:**<br>• Planner Personnel*<br>• Zoning Personnel*<br>**As applicable to an emergency status.* | **Community Development:**<br>• Permit Technicians*<br>• Zoning Personnel*<br>• Code Enforcement Officers*<br>• Visitor Center Specialist<br>**As applicable to an emergency status.* |

| Call-Back Positions<br>*"Irregular working hours performed by an employee on a day when no work is schedules or at a time which requires the employee to return to the place of employment from an off-duty status."* | | | |
|---|---|---|---|
| **Town Operations:**<br>• Town Manager<br>• Emergency Management Coordinator<br>• Risk Manager<br>• Building / Fire Official<br>• IT Director & IT Designated Personnel | **Police Department:**<br>• Sworn Law Enforcement | **Public Works:**<br>• Director of Public Works<br>• Landscaping Crew<br>• Streets Crew<br>• Facilities Personnel<br>• Fleet Personnel | **Public Utilities:**<br>• Director of Public Utilities<br>• All Water Treatment Plant Personnel<br>• All Wastewater Treatment Plant Personnel<br>• Stormwater Inspector<br>• Meter Personnel<br>• Utility Maintenance Workers |
| **Parks & Recreation (Sheltering):**<br>• Director of Parks & Recreation<br>• Facility Operations Manager *<br>• Operations & Contract Technician *<br>• Recreation Building Engineer *<br>• Aquatics Coordinator *<br>• Aquatics Staff (3 minimum) *<br>**As applicable to an emergency status.* | | | |

## CONCEPT OF OPERATIONS

A continuity plan must be maintained at a high level of preparedness and be ready to be implemented without prior warning. As such, the Town of Warrenton has developed a concept of operations that describes the Continuity Plan's implementation.

This Plan can be fully implemented within established recovery time objectives and capable of sustaining operations for up to 30 days or until normal operations can be resumed.

**Phase 1- Preparedness**

The Town of Warrenton participates in the full spectrum of readiness and preparedness activities to ensure the agency can continue to perform MEFs in an all-hazard risk environment. This is accomplished through various means, including the use of professional go-kits by key personnel, regular training and exercises of the Continuity Plan (outlined in the Training and Exercise Section of this document), the development of human capital management policies that support agency staff, and monitoring of government intelligence reports or notices by executive leadership.

Professional Go-kits:

Town of Warrenton's key personnel and executive leadership have the responsibility to create and maintain go-kits. Go-kits should include standard operating procedures, emergency plans, operating orders or regulations, and other relevant guidance. Other documents and materials that might be included in a go-kit include:

- Continuity Plan
- Current contact list of key personnel, external partners and vendors
- General office supplies
- Backup communication devices if available.
- Manual work-around procedures for performing MEFs
- Compact discs or thumb drives
- Critical equipment inventory
- Directions to the alternate facility and a current floor plan
- Alternate facility contact information and/or keys or access cards

Human Capital Management:

The Town of Warrenton's key personnel should cross-train back-up personnel capable of performing MEFs. The frequency of cross-training shall be at the discretion of the Division or Section Manager, but should occur as often as necessary to ensure proficiency of MEF performance. All cross-training should be documented.

Teleworking is recognized as an alternative method to perform some agency MEFs during a continuity event. Therefore, key personnel may be authorized to telework during activation of the Continuity Plan at the discretion of the department or division manager. Regulations outlined in the agency telework policy shall be adhered to at all times.

During activation of the Continuity Plan, the Town of Warrenton will attempt to contact and account for all agency staff. Additionally, the agency will provide human capital management guidance to employees (pay, leave, staffing, work expectations and other human capital policies) and assist the Continuity Coordinator with other staffing related matters.

Agency personnel should develop a family support plan to increase personal and family preparedness. To develop a family support plan, use the templates available at http://www.vaemergency.com/ReadyVirginia.

## Phase 2- Activation and Notification

The following matrices are intended to serve as an implementation guide. It is important to note that while an effort has been made to outline implementation levels and notification guidelines in these matrices, **they are a guide only** and do not limit the ability of Senior leadership to make decisions and take necessary actions in the event of an emergency.

Senior leadership will stay informed of the threat environment using all available means, including government intelligence reports or notices, national/local reporting channels, and media outlets. Activation decisions by Senior leadership will be made after evaluating all available information relating to:

- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]

In addition to the notifications outlined in the matrices, the following notifications may be required by the Continuity Coordinator or designee(s) within 12 hours of activation:

- [redacted]
- [redacted]

[redacted]

## Phase 3- Continuity Operations

Upon activation of the Continuity Plan during regular duty hours, key personnel will continue to perform MEFs if possible until ordered to cease operations by the department director. At that time, MEFs will transfer to the alternate facilities and/or be performed in the manner prescribed by the Town Manager.

If, during non-duty hours, the decision to transfer MEFs to the alternate facilities is made, previously designated key personnel may be required to arrive at the alternate facilities first to prepare the site. Upon arrival at the alternate facilities, these key personnel will:

[redacted]

If the decision to perform MEFs via telework or using a reduced workforce scenario is made, key personnel will:

[redacted]

During continuity operations, the Town of Warrenton may need to acquire additional personnel, equipment, and supplies on an emergency basis to sustain operations for up to 30 days or until normal operations can be resumed. The Town of Warrenton maintains the authority for emergency acquisition. Instructions for these actions are found in the current Purchasing and Procurement Manual.

**Phase 4- Reconstitution**

Individual Department Directors are responsible for initiating and coordinating operations to salvage, restore, and recover the Town of Warrenton's primary operating facilities, overseeing the repair or restoration of systems or equipment, and/or supervising the return to work of personnel. It should be noted that in certain circumstances, reconstitution to the primary operating facility may require approval from local, State, or Federal law enforcement or emergency service agencies.

During continuity operations, the Reconstitution Manager or designee must obtain the status of the facilities, systems, and/or workforce affected by the event. Upon obtaining the status of the facility, systems, or workforce, the Reconstitution Manager will determine how much time is needed to repair the affected facility or systems, acquire a new facility or systems, or achieve workforce recovery. These determinations may be made in conjunction with the Town Manager or his/her appointee.

Reconstitution procedures will commence when the Town Manager or other authorized person ascertains that the emergency situation or disruption has ended and is unlikely to reoccur. Once the appropriate authority has made this determination, in coordination with other applicable authorities, one or more of the following options may be implemented, depending on the situation:



[redacted]

- [redacted]

## MISSION ESSENTIAL FUNCTIONS (MEFs)

The Town of Warrenton has identified mission essential functions (MEFs) and the Recovery Time Objective (RTO) required for each function.

The MEFs listed in the table below are prioritized by RTO to assist the agency and staff in knowing which functions must be recovered first. More information on the business processes identified for each MEF can be found in Appendix D – Business Process Analysis.

Mission Essential Functions (MEFs)

**ESSENTIAL TOWN FUNCTIONS**

| Agency | Essential Function | Vital Record/System | RTO |
|---|---|---|---|
| Community Development | [redacted] | [redacted] | [redacted] |
| Town Manager's Office | [redacted] | [redacted] | [redacted] |
| Finance Department | [redacted] | [redacted] | [redacted] |
| Town Attorney | [redacted] | [redacted] | [redacted] |

| | | | |
|---|---|---|---|
| Public Works and Utilities | [redacted] | [redacted] | [redacted] |
| Human Capital & Risk Management | [redacted] | [redacted] | [redacted] |
| Information Technology | [redacted] | [redacted] | [redacted] |
| Parks and Recreation | [redacted] | [redacted] | [redacted] |

| | | | |
|---|---|---|---|
| Police Department | [redacted] | [redacted] | [redacted] |

## PROGRAM MANAGEMENT AND MAINTENANCE

Town of Warrenton leadership and the Continuity Coordinator are responsible for managing and maintaining the Continuity Plan. While the Continuity Plan serves as the guide during activation and recovery, the Continuity Program provides the framework and structure to guide continuity planning.

## Program Management and Maintenance Responsibilities

| Position | Responsibility |
|---|---|
| Town Manager | [redacted] |
| Continuity Coordinator | [redacted] |
| Public Works & Utilities Director's | [redacted] |

| Position | Responsibility |
|---|---|
| | [redacted] |
| Key Personnel | [redacted] |
| Town Employees and Contractors | [redacted] |

## Continuity Plan Maintenance Schedule

| Activity | Tasks | Frequency |
|---|---|---|
| Revise contact information for executive leadership and key personnel | • Confirm and update executive leadership and key personnel information. | Semiannually |
| Plan update | • Review entire Plan for accuracy and compliance with the most recent VDEM template as required by Executive Order #41, 2011.<br>• Update plan to reflect organizational changes within the agency or changes to the MEFs or supporting activities performed by the agency, interdependent agencies, or contractors.<br>• Incorporate lessons learned and changes in policy and philosophy. | Annually (prior to the April 1st annual submission to VDEM) or when organizational changes occur |
| Maintain orders of succession and delegations of authority | • Identify current incumbents.<br>• Update rosters and contact information. | Semiannually |
| Maintain alternate facility readiness | • Check all systems.<br>• Verify accessibility.<br>• Cycle supplies and equipment, as necessary. | Annually or at the agency's discretion |
| Verify the existence of an agency essential records program and identify the Program Manager | • Verify that essential records program includes provisions for monitoring the volume of materials, updating and/or removing materials, and materials distribution. | Annually or at the agency's discretion |

## TRAINING AND EXERCISES

To maintain the Town's continuity capability, an all-hazard continuity training and exercise program has been established. Major components of this program include training all staff in their continuity responsibilities and conducting periodic exercises to test and validate continuity plans and procedures, systems, and equipment.

### TRAINING

The Town of Warrenton is dedicated to maintaining a continuity capability and as such has developed the following training schedule:

**Continuity Plan Training Schedule**

| Individual or Group to Receive Training | Type of Training | Individual to Provide Training | Training Frequency |
|---|---|---|---|
| New Personnel | Continuity Awareness Briefing (or other means of orientation) | Human Capital and/or Continuity Coordinator | Within 60 days of hire |
| Executive Leadership and Key Personnel (Primary) | Continuity Plan Training (must minimally include individual Continuity Plan duties, mission essential functions, and orders of succession) | Continuity Coordinator | Annual awareness reminder or when plan changes occur |
| Key Personnel (Alternates) | Continuity Plan Training (must minimally include individual Continuity Plan duties, mission essential functions, and orders of succession) | Continuity Coordinator | Annual awareness reminder or when plan changes occur |
| | MEF Cross-training | Primary Key Personnel | At the Town's discretion |
| | Orders of Succession and Delegation of Authority Awareness | Continuity Coordinator | When delegations or successors change |

| Individual or Group to Receive Training | Type of Training | Individual to Provide Training | Training Frequency |
|---|---|---|---|
| Pre-delegated Authorities and Successors | Continuity Plan Training (must minimally include individual Continuity Plan duties, mission essential functions, and orders of succession) | Continuity Coordinator | Annual awareness reminder or when significant plan changes occur |
| Applicable Contractors | Continuity Plan Training (must minimally include individual Continuity Plan duties, mission essential functions, and orders of succession) | Continuity Coordinator | Annual awareness reminder or when significant plan changes occur |
| All Town Personnel | Continuity Plan Training (must minimally include individual Continuity Plan duties, mission essential functions, and orders of succession) | Continuity Coordinator | Annual awareness reminder or when significant plan changes occur |

## EXERCISES

Exercises may vary in size and complexity to achieve different operational objectives. The types of exercises are described below:

- Tabletop Exercises simulate an activation of the Continuity Plan in an informal, stress-free environment. They are designed to promote constructive discussion as participants examine and resolve problems based on existing plans. There is no equipment utilization, resource deployment, or time pressure. The exercise success depends on the group identifying problem areas, and offering constructive resolution alternatives. This format exposes personnel to new or unfamiliar concepts, plans, policies, and procedures.
- Functional Exercises are interactive exercises performed in real time that test the capability of the agency to respond to simulated continuity activation. One or more functions are tested and the focus is usually placed on procedures, roles, and responsibilities before, during, or after an event.
- Full-Scale Exercises simulate continuity activation through field exercises designed to evaluate the execution of the Plan in a highly stressful environment. This realism is accomplished through mobilization of agency personnel, equipment, and resources.

The Town of Warrenton may choose to coordinate their annual Continuity Plan exercise to coincide with (but not be replaced by) the Emergency Operation Plan exercise or other emergency response exercises we are required to perform.

Exercises are conducted to validate elements of the Continuity Plan, both individually and collectively. The Town of Warrenton is committed to ensuring that realistic exercises are conducted, during which individuals and business units perform the tasks that are expected of them in a real event. Exercises will be conducted annually in accordance with Executive Order #41 (2011).

Exercise or Activation Evaluation

Each exercise activity, as well as actual events will be evaluated and an AAR and IP shall be completed. The evaluation will identify systemic weaknesses and suggest corrective actions that will enhance the agency's preparedness. The results will be incorporated into a formal improvement plan. This information will be collected and prepared by the Continuity Coordinator, and reviewed and approved by the agency head. Once approved, the Continuity Coordinator will incorporate applicable lessons learned into the Plan.

**COOP TRAINING AND EXERCISE MATRIX**

| Type of Training | Freq. | Audience | Method | Date Comp | Debrief |
|---|---|---|---|---|---|
| Workforce COOP awareness training (orientation) | Annual | Senior Management | | | |
| Workforce COOP awareness training (orientation) | Annual | All Town of Warrenton Personnel | | | |
| Team training for COOP personnel | Annual | Designated COOP Team | | | |
| Alternate site personnel training | Annual | All Town of Warrenton Personnel | | | |
| Annual exercise training | Annual | All Town of Warrenton Personnel | | | |

| Type of Training | Freq. | Audience | Method | Date Comp | Debrief |
|---|---|---|---|---|---|
| COOP alert, notification and activation procedures (call back) | Quarterly | | | | |
| COOP communication capability (alternate facility test of equipment readiness) | Semi-Annual | | | | |
| Recovery plans of vital records, critical information systems, services and data | Semi-Annual | | | | |
| Primary and backup infrastructure systems and services at alternate facility | Annual | | | | |
| COOP exercise: Seminar Tabletop Full-scale | Annual | | | | |

# ACRONYMS AND DEFINITIONS

## ACRONYMS

| | |
|---|---|
| **AAR** | After Action Report |
| **BIA** | Business Impact Analysis |
| **BPA** | Business Process Analysis |
| **CEMP** | Crisis and Emergency Management Plan |
| **COOP** | Continuity of Operations |
| **ECO** | Emergency Coordination Officer |
| **EMAC** | Emergency Management Assistance Compact |
| **EMAP** | Emergency Management Accreditation Program |
| **EAP** | Emergency Action Plan |
| **FEMA** | Federal Emergency Management Agency |
| **FOIA** | Freedom of Information Act |
| **HSEEP** | Homeland Security Exercise and Evaluation Program |
| **IP** | Improvement Plan |
| **ITDRP** | Information Technology Disaster Recovery Plan |
| **MEF** | Mission Essential Function |
| **MOU** | Memorandum of Understanding |
| **NTAS** | National Terrorism Advisory System |
| **NWS** | National Weather Service |
| **PBF** | Primary Business Function |
| **RPO** | Recovery Point Objective |
| **RTO** | Recovery Time Objective |
| **SVAHS** | Secretariat of Veterans' Affairs and Homeland Security |

## DEFINITIONS

**Activation** – When all or a portion of the COOP plan has been put into motion. Activation may be full or partial.

**After Action Report (AAR)** – A report that summarizes and analyzes performance in both exercises and actual events. The report includes lessons learned, best practices, and an Improvement Plan (IP). The reports for exercises may also evaluate achievement of the selected exercise objectives and demonstration of the overall capabilities being exercised.

**Alternate Facility** – A location, other than the normal facility, used to process data and/or conduct mission essential functions (MEFs) in the event of a disaster.

**Business Impact Analysis (BIA)** – A method of identifying the effects of failing to perform a function or requirement. A BIA may be a useful tool in helping an agency identify some of its primary business functions.

**Business Process Analysis (BPA) –** A systematic method of identifying and documenting all of the elements necessary to accomplish each organizational MEF. The BPA ensures that the right people, equipment, capabilities, records, and supplies are identified and available where needed during a disruption so that MEFs can be resumed quickly and performed as required. The BPA is a method of examining, identifying, and mapping the functional processes, workflows, activities, personnel expertise, systems, data, partnerships, controls, interdependencies, and facilities inherent in the execution of the MEF.

**Cold Site** – An alternate site that is reserved for emergency use, but which requires the installation of equipment before it can support operations. Equipment and resources must be installed in such a facility to support the mission essential functions or primary business functions of an organization. Cold sites have many variations depending on their communication facilities, UPS systems, or mobility.

**Continuity Coordinator** – The individual that serves as the agency's manager for all continuity activities. The Coordinator has overall responsibility for developing, coordinating, and managing all activities required for the agency to perform its mission essential functions during an event that disrupts normal operations. Selecting a Continuity Coordinator is the first step in the continuity planning process.

**Continuity of Operations (Continuity)** – The effort to ensure an organization can continue its mission essential functions across a wide range of potential events.

**Continuity Plan** – A set of documented procedures developed to provide for the continuance of mission essential functions during an emergency.

**Continuity Program –** An ongoing, cyclical model of planning, training, evaluating, and implementing corrective action for continuity capabilities.

**Crisis and Emergency Management Plan (CEMP)** – A plan normally utilized by colleges and universities that uses a systematic approach to respond to and manage emergencies or disasters

that threaten the college or university's students, faculty, staff, and visitors. A CEMP does not encompass continuity planning and should be separate and distinct from the college or university's continuity plan. An emergency action plan (EAP) is the non-academic version of the CEMP.

**Delegations of Authority –** Identification of statutory or signatory authorities, those individuals holding the authority, and the alternate individuals responsible for assuming that authority should the primary be unavailable.

**Emergency Action Plan (EAP)** – The Plan maintained by an agency or organization for responding to a wide variety of potential hazards. It describes how people and property will be protected, details who is responsible for carrying out specific actions, identifies available personnel, equipment, facilities, supplies, and resources, and outlines how all response actions will be coordinated. An agency or organization's EAP is separate and distinct from its continuity plan.

**Emergency Coordination Officer (ECO)** – The individual that serves as the communications liaison between the Secretariat of Veterans Affairs and Homeland Security (SVAHS), VDEM and their own agency pursuant to Executive Order #41 (2011).

**Emergency Management Accreditation Program (EMAP)** – An independent, non-profit organization with a standards-based voluntary assessment and peer review accreditation process for government programs responsible for coordinating prevention, mitigation, preparedness, response, and recovery activities for natural and human-caused disasters. Accreditation is based on compliance with collaboratively developed national standards and is open to all US states, territories, and local governments.

**Emergency Management Assistance Compact (EMAC)** – Congressionally ratified organization that provides form and structure to interstate mutual aid. During a disaster, it allows a state to request and receive assistance from other member states.

**Emergency Preparedness** – The discipline which ensures an organization or community's readiness to respond to an emergency or disaster in a coordinated, timely and effective manner.

**Essential Records** – Records, files, documents or databases, which, if damaged or destroyed, would cause considerable inconvenience and/or require replacement or re-creation at considerable expense. For legal, regulatory, or operational reasons these records cannot be irretrievably lost or damaged without materially impairing the organization's ability to conduct business.

**Facility** – A location containing the equipment, supplies, and voice and data communication lines to conduct transactions required to conduct business under normal conditions.

**Faculty** – The teaching and administrative staff and those members of the administration having academic rank in an educational institution.

**Federal Emergency Management Agency (FEMA)** – The federal agency tasked with supporting citizens and first responders to ensure that as a nation, the United States works together to build, sustain, and improve its capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.

**Freedom of Information Act (FOIA)** – A federal law, passed in 1966, which allows for the full or partial disclosure of previously unreleased information and documents under the control of government agencies.

**Homeland Security Exercise and Evaluation Program (HSEEP) –** A threat and performance-based exercise program developed by DHS that provides doctrine and policy for planning, conducting, and evaluating exercises. It was developed to enhance and assess terrorism prevention, response, and recovery capabilities at the federal, State and local levels.

**Hot Site** – An alternate facility that already has in place the computer, telecommunications, and environmental infrastructure to recover the mission essential functions disrupted by an emergency or disaster.

**Hot Wash –** A post-event meeting where executive leadership and key personnel discuss best practices of and potential improvements to the agency's overall preparedness.

**Implementation Procedure Checklist** – A list of the immediate actions to take once the continuity plan is implemented.

**Improvement Plan (IP)** – A list of action steps and resources required to correct a deficiency identified in an After Action Report, including the individual responsible for the actions and an estimated timeline for completion.

**Information Technology Disaster Recovery Plan (ITDRP)** – A set of documented procedures that identify the steps to restore organizations' IT systems and resources that support its primary business functions.

**Key Personnel** – Personnel designated by their division as critical to the resumption of mission essential functions.

**Memorandum of Understanding (MOU)** – A document that expresses mutual accord between two parties. To be legally operative, a memorandum of understanding must identify the contracting parties, spell out the subject matter of the agreement and its objectives, summarize the essential terms of the agreement, and be signed by the contracting parties.

**Mission Essential Functions (MEFs) –** The limited set of department and agency level government functions that must be continued throughout or resumed rapidly after a disruption of normal activities.

**National Terrorism Advisory System (NTAS)** – The system that replaces the color-coded Homeland Security Advisory System and provides timely, detailed information to the public, government agencies, first responders, airports and other transportation hubs, and the private

sector. NTAS Alerts will only be issued when credible information is available. More information about NTAS may be found at http://www.dhs.gov/files/publications/ntas-public-guide.shtm.

**National Weather Service (NWS)** – A division of the National Oceanic and Atmospheric Administration (NOAA) that provides weather, hydrologic, and climate forecasts and warnings for the United States, its territories, and its adjacent waters and ocean areas, for the protection of life and property and the enhancement of the national economy.

**Orders of Succession –** A list that specifies by position who will automatically fill a position once it is vacated. Orders of succession should be performed for positions of both executive leadership and key personnel.

**Primary Business Function (PBF)** – Specific supporting activities that an organization must conduct in order to perform its mission essential functions. Primary business functions are typically enablers that make it possible for an organization to perform its mission.

**Promulgation** – The process that officially announces/declares a plan and gives organizations both the authority and responsibility to perform their tasks.

**Reconstitution –** The process by which agency personnel resume normal business operations in a rehabilitated or new facility.

**Reconstitution Manager –** The individual responsible for all reconstitution activities. During an event, the Reconstitution Manager develops a plan and schedule for resuming normal operations and supervises the return of key personnel, essential records, and/or equipment.

**Record Retention** – Storage of historical documentation for a set period of time usually mandated by state or federal law or by the Internal Revenue Service.

**Recovery** – Recovery, in this document, includes all types of emergency actions dedicated to the resumption of mission essential functions and operational stability.

**Recovery Point Objective (RPO) –** The period of time between backups of essential electronic records in which data could be lost.

**Recovery Time Objective (RTO)** – The period of time in which systems, applications, or mission essential functions must be recovered after a disruption of normal operations.

**Risk** – An ongoing or impending concern that has a significant probability of adversely affecting business continuity.

**Risk Assessment/Analysis** – A process or methodology for evaluating risk by determining: the probability and frequency of a hazard occurring, the level of exposure of people and property to the hazard, and the effects or costs, both direct and indirect, of mitigating or accepting this exposure.

**Risk Management** – The discipline which ensures that an organization does not assume an unacceptable level of risk.

**Secretariat of Veterans' Affairs and Homeland Security (SVAHS)** – The Commonwealth of Virginia's cabinet-level office that serves the Commonwealth's veterans, military, and military families, and oversees the Commonwealth's Homeland Security and all-hazards preparedness efforts.

**Vulnerability** – The susceptibility of an agency or organization to a hazard. The degree of vulnerability to a hazard depends upon its risk and consequences.

**Warm Site** – An alternate facility that is only partially equipped.

## AUTHORITIES

Executive Order #41 (2011)

Code of Virginia § 44-146.18

Virginia Information Security Standard (SEC 501-06)

## REFERENCES

- Virginia Department of Emergency Management Continuity Plan Template, November 2011, Version 4.0
- Commonwealth of Virginia Emergency Operations Plan, September 2011
- Emergency Management Accreditation Program (EMAP) Standards, 2010
- FEMA's Continuity Guidance Circular 1 (CGC 1), January 21, 2009
- FEMA's Continuity Guidance Circular 2 (CGC 2), July 22, 2010
- Homeland Security Exercise Evaluation Program (HSEEP) guidelines found at ***www.hseep.dhs.gov***.
- U. S. Department of Homeland Security Continuity of Operations Plan Template, May 2010

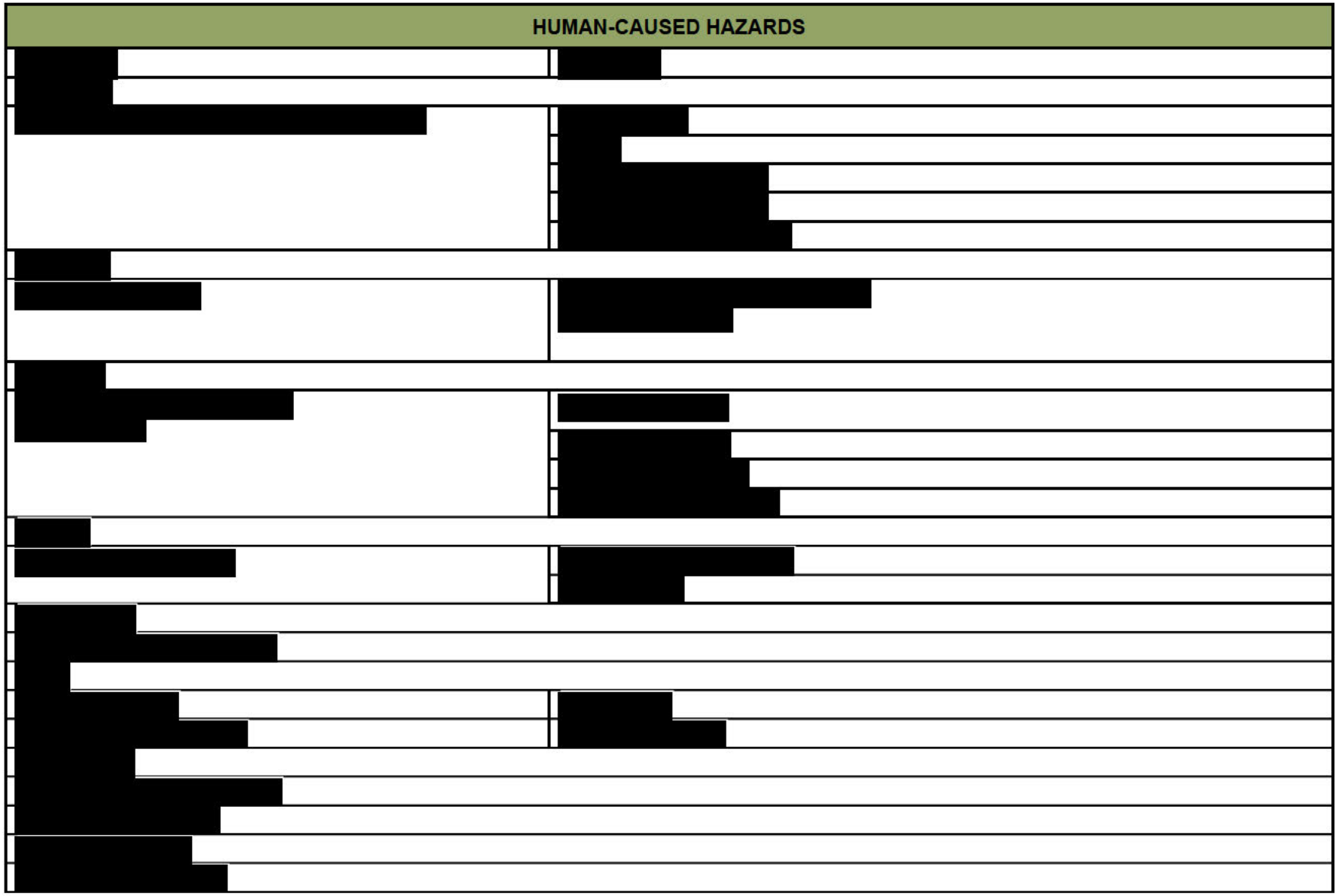
## APPENDIX A: HAZARD IDENTIFICATION MATRIX

The Town has experienced HAZMAT incidents at facilities and on transportation corridors. The close proximity to Washington, D.C. means that any threats and hazards associated with the District could also impact our locality.

Historically, there has a number of severe weather events that have damaged and destroyed property throughout the Town. The potential for catastrophic damage by wind or flooding associated with tropical storm activity, thunderstorms and tornadoes is significant. The chart below outlines potential hazards for the Town.

| NATURAL HAZARDS |
|---|
| **Biological** |
| **Pandemic** |
| **Atmospheric**<br>Severe storms<br>Hail<br>Nor'easters<br>Rainstorms<br>Thunderstorms<br>Extreme temperatures<br>High winds<br>Tornado<br>Tropical storms and hurricanes<br>Winter storms/Blizzards |
| **Geologic**<br>Landslides<br>Land subsidence Hydrologic (dam failure) Drought<br>Flooding<br>Urban |
| **Seismic**<br>Earthquake (considered low probability) |
| **Wildfires** |

## APPENDIX A: HAZARD IDENTIFICATION MATRIX CONTINUED



## APPENDIX B: COMMUNICATIONS PLAN

COOP planning requires that some methods of communication be up and running within [redacted] of COOP plan activation. Under most emergencies/disasters, communications will be primarily by [redacted] However, the Town of Warrenton recognizes that some disasters may render such communications inoperable. Alternate methods of communication are summarized in the following table.

| Department Alternate Communications Methods | Alternate Communication |
|---|---|
| --All Town Departments | [redacted] |

PUBLIC INFORMATION

During a declared emergency, information pertaining to emergency operations will be disseminated to the public through the Communications Manager. During a declared emergency that requires activation of the Town's COOP Plan, the Communications Manager or designee will provide status updates throughout the emergency. He/she will convey the appropriate information to the public using established media channels.

## APPENDIX C: KEY PERSONNEL RAPID RECALL LIST

This rapid recall list includes contact and telework information for key personnel tasked with responsibilities during a disruption to agency operations or services. Agency staff not included on this list should follow instructions provided by the Town of Warrenton during an activation of the Continuity Plan.

**Key Personnel Rapid Recall List**

| Name | Title / Department | Email Address | Work Phone | Cell Phone | Approved Telework |
|---|---|---|---|---|---|
| Christopher Martino | Town Manager | cmartino@warrentonva.gov | (540) 347-1101 | [redacted] | |
| Lyndie Paul | Communications Manager | lpaul@warrentonva.gov | (540) 351-4173 | [redacted] | X |
| John Ward | Director<br>Public Works | jward@warrentonva.gov | (540) 347-1858 | [redacted] | |
| Seth Cannonier | Superintendent<br>Public Utilities | scannonier@warrentonva.gov | (540) 347-1858 | [redacted] | |
| Andrew Arnold | Emergency Management<br>Coordinator | aarnold@warrentonva.gov | (540) 347-1107 | [redacted] | |
| Rob Walton | Director<br>Community Development | rwalton@warrentonva.gov | (540) 347-1101 | [redacted] | X |
| Mike Rhodes | Building Inspector | drhodes@warrentonva.gov | (540) 347-1101 | [redacted] | |
| Hunter Digges | Building Official | hdigges@warrentonva.gov | (540) 347-1101 | [redacted] | |
| Stephanie Miller | Deputy Town Manager &<br>Finance Director | smiller@warrentonva.gov | (540) 347-1101 | [redacted] | |
| Cheryl Huffman | Senior Revenue &<br>Collections Manager | chuffman@warrentonva.gov | (540) 347-1101 | [redacted] | |

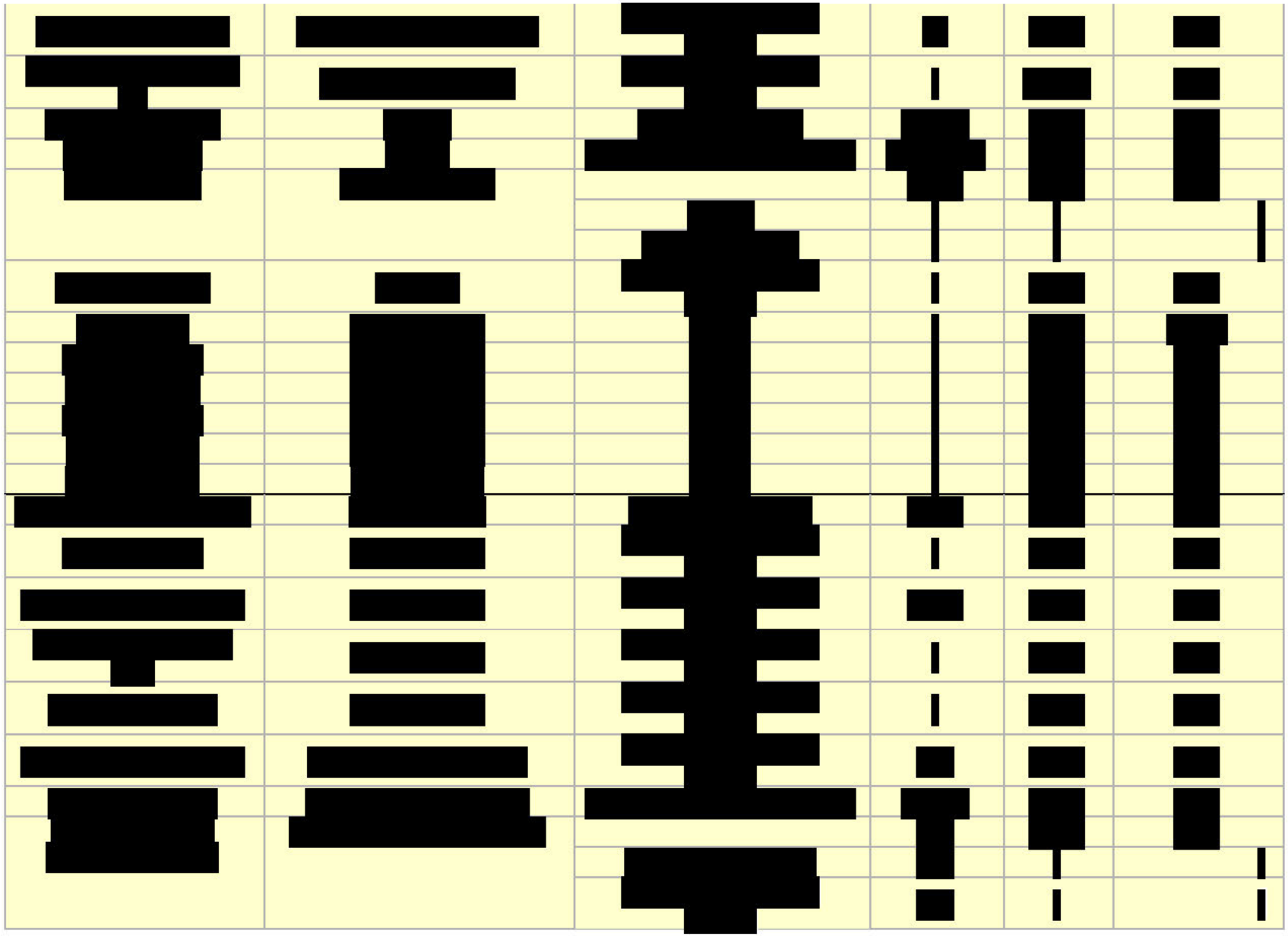
| Name | Title / Department | Email Address | Work Phone | Cell Phone | Approved Telework |
|---|---|---|---|---|---|
| Kelly Magee | Accounts Payable Coordinator | kmagee@warrentonva.gov | (540) 347-1101 | [redacted] | |
| Steven Friend | Director<br>Public Utilities | sfriend@warrentonva.gov | (540) 347-1103 | [redacted] | |
| Christopher Blastick | Superintendent WTP | cblastick@warrentonva.gov | (540) 347-1103 | [redacted] | |
| Jeb Connolly | Chief Operator WTP | jconnolly@warrentonva.gov | (540) 347-1103 | [redacted] | |
| Dwight Beahm | Chief Utility Mechanic | dbeahm@warrentonva.gov | (540) 347-6534 | [redacted] | |
| Russell Smith | Superintendent WWTP | rsmith@warrentonva.gov | (540) 347-1104 | [redacted] | |
| Ben Villalobos | Chief Operator WWTP | bvillalobos@warrentonva.gov | (540) 347-1104 | [redacted] | |
| Jonathan Stewart | Director<br>Information Technology | jstewart@warrentonva.gov | (540) 347-1101 | [redacted] | |
| Jimmy Retamoso | Information Technology<br>System Administrator | jretamoso@warrentonva.gov | (540) 347-1101 | [redacted] | |
| Robert Hughes | Information Technology<br>Network Engineer | sbruck@warrentonva.gov | (540) 347-1101 | [redacted] | |
| Kelly Koernig | Director<br>Parks & Recreation | kkoernig@warrentonva.gov | (540) 349-2520 | [redacted] | |
| Timothy Carter | Chief WPD | tcarter@warrentonva.gov | (540) 347-1107 | [redacted] | |
| Andrew Arnold | Deputy Chief WPD | aarnold@warrentonva.gov | (540) 347-1107 | [redacted] | |
| Kasey Braun | Director<br>Human Capital & Risk<br>Management | kbraun@warrentonva.gov | (540) 347-1101 | [redacted] | X |

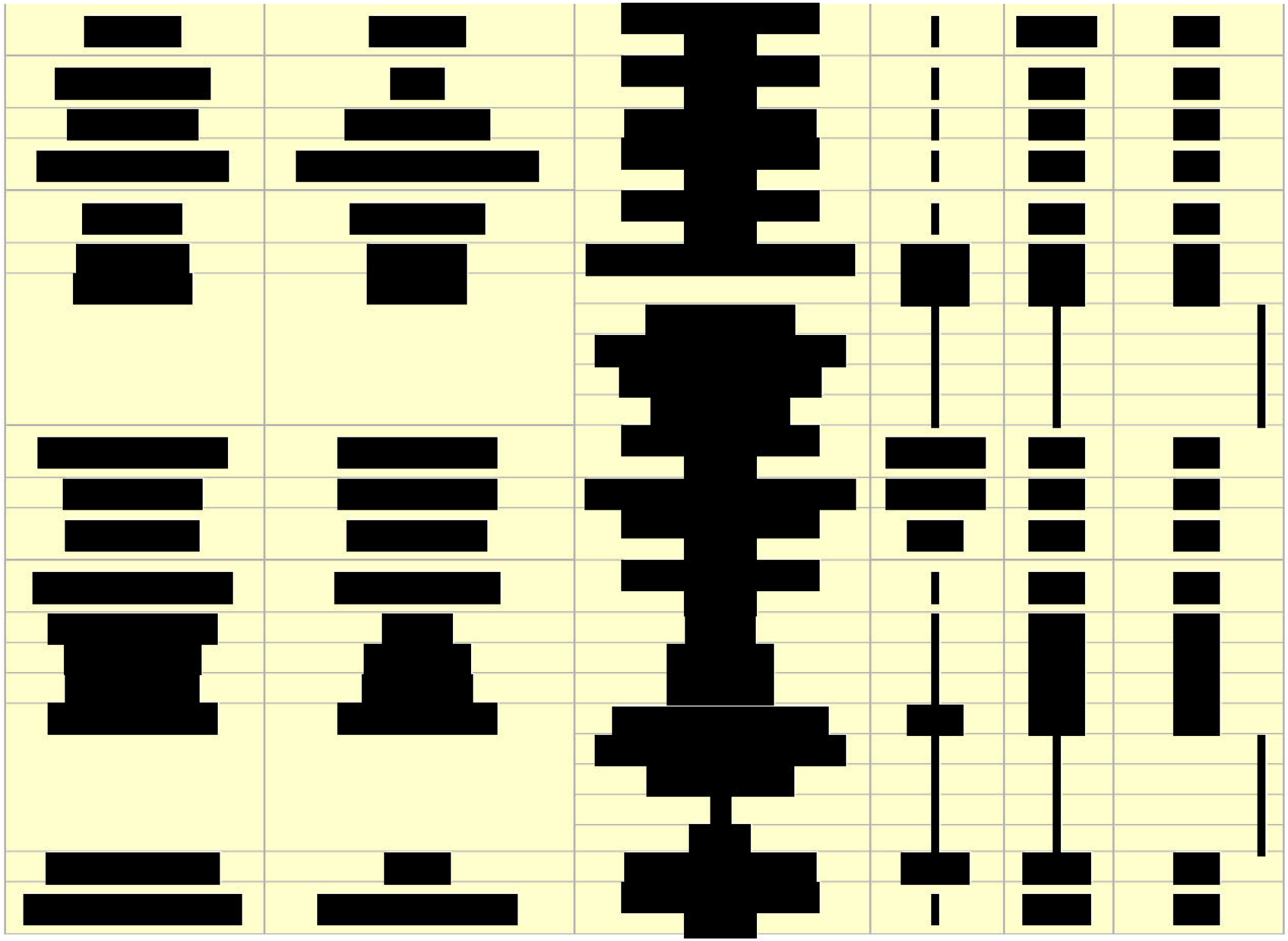
## APPENDIX D: ALTERNATE FACILITIES

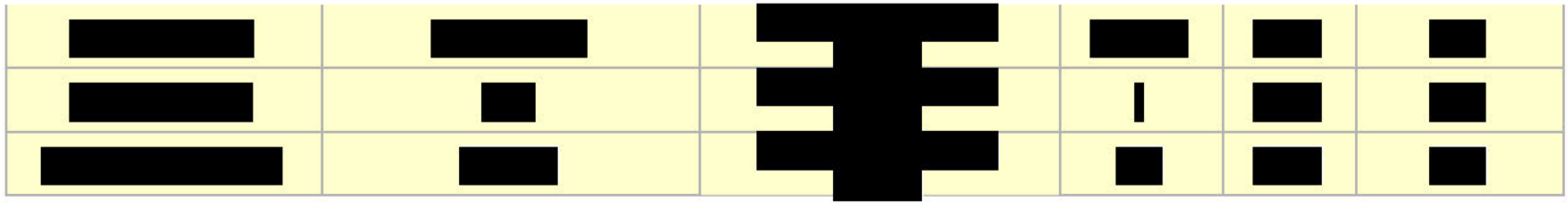
The Town of Warrenton has designated alternate facilities as part of its continuity planning and has prepared key personnel for the possibility of unannounced relocation to the site(s) to continue the performance of MEFs.

**Alternate Facility Locations**









## APPENDIX E: ESSENTIAL RECORDS, SYSTEMS, AND EQUIPMENT

The Town of Warrenton realizes that essential records, systems, and equipment are critical to the agency's ability to perform MEFs. Therefore, the agency has taken safeguards to protect these vital records, systems, and equipment and to ensure their availability in a continuity environment.

This Continuity Plan works to safeguard essential electronic records in combination with the Town of Warrenton Information Technology Disaster Recovery Plan (ITDRP). The following essential records, systems, and equipment have been identified as directly supporting the performance of the Town of Warrenton MEFs.

**Table C-1**
**Essential Records, Systems, and Equipment**

| Mission Essential Function (MEF) | Recovery Time Objective (RTO) | Essential Record and Type | System(s) or Equipment | Networks or Servers that must be Operational to Support the System(s) or Equipment |
|---|---|---|---|---|
| [redacted] | [redacted] | [redacted] | [redacted] | [redacted] |
| [redacted] | [redacted] | [redacted] | [redacted] | [redacted] |
| [redacted] | [redacted] | [redacted] | [redacted] | |

| Mission Essential Function (MEF) | Recovery Time Objective (RTO) | Essential Record and Type | System(s) or Equipment | Networks or Servers that must be Operational to Support the System(s) or Equipment |
|---|---|---|---|---|
| [redacted] | | | | |
| [redacted] | | | | |
| [redacted] | | | | |
| [redacted] | | | | |

## APPENDIX F: BUSINESS PROCESS ANALYSIS

The Business Process Analysis (BPA) is a systematic method of identifying and documenting all of the elements necessary to accomplish each agency MEF. BPA's have also been performed on primary business functions that directly support MEF performance. The following BPAs represent the Town of Warrenton processes for performing each MEF and supporting primary business functions.

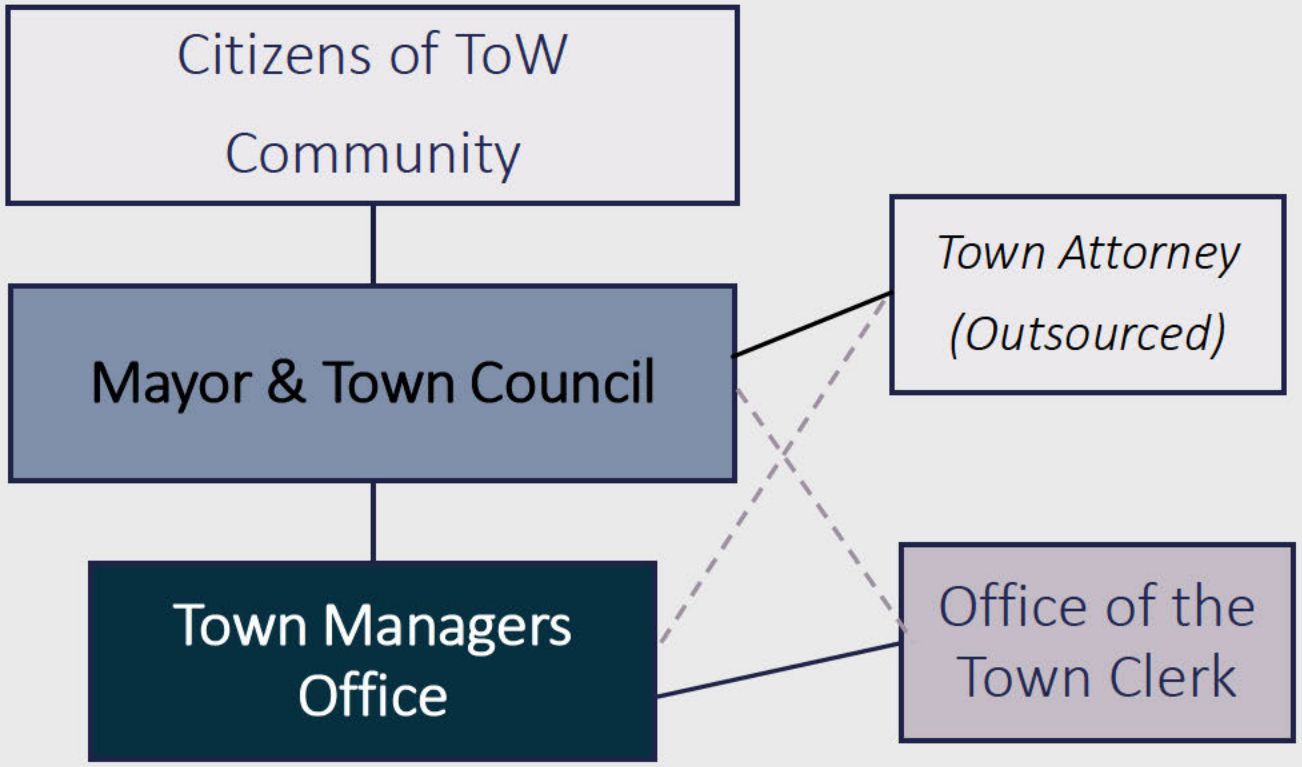
**Mission Essential Function - Business Process Analysis**

| *TOWN OF WARRENTON – CONTINUITY OF OPERATIONS PLAN*<br>*Insert Type of Essential function* - Business Process Analysis<br>*(Insert Date)* |
|---|
| **MEF Statement:** |
| **MEF Narrative:** |
| **MEF Output:** |
| **MEF Input:** |
| **Leadership:** |
| **Staff:** |
| **Communications and IT Requirements:** |
| **Facilities:** |
| **Resources and Budgeting:** |
| **Partners and Interdependencies:** |
| **Has a Manual Workaround been identified for this function?:** |
| **Process Details:** |

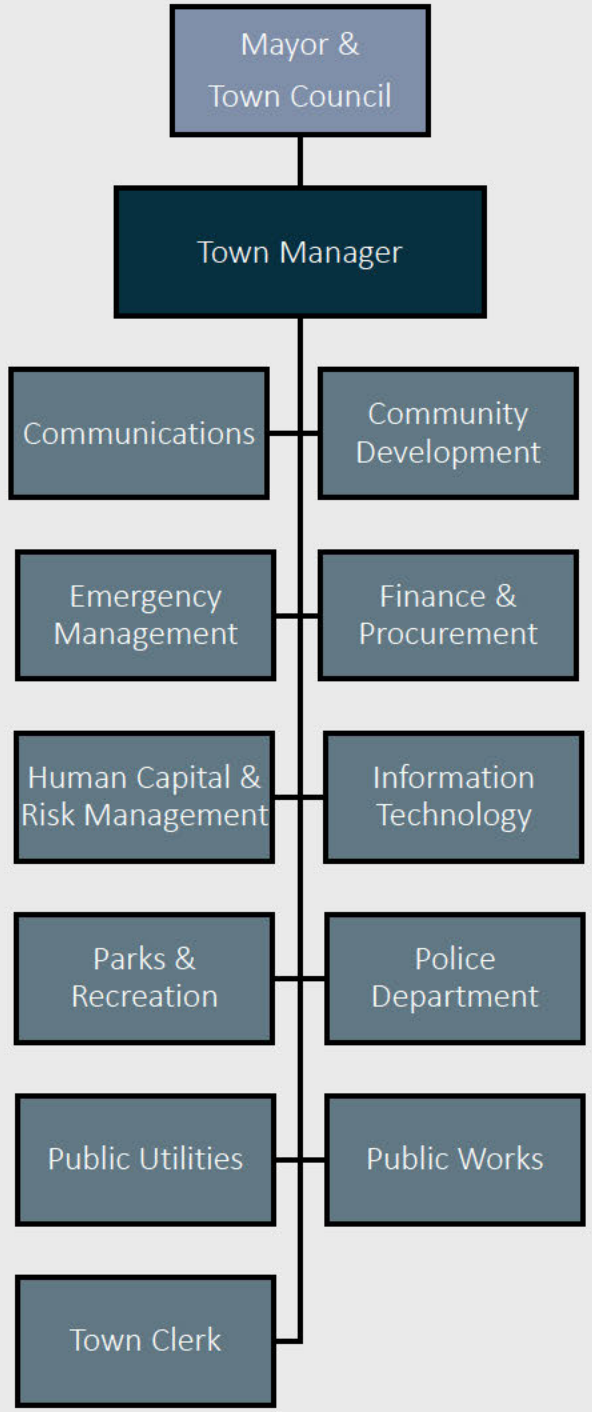
# Town of Warrenton

## ORGANIZATIONAL CHART

# TOWN OF WARRENTON



# TOWN MANAGERS OFFICE



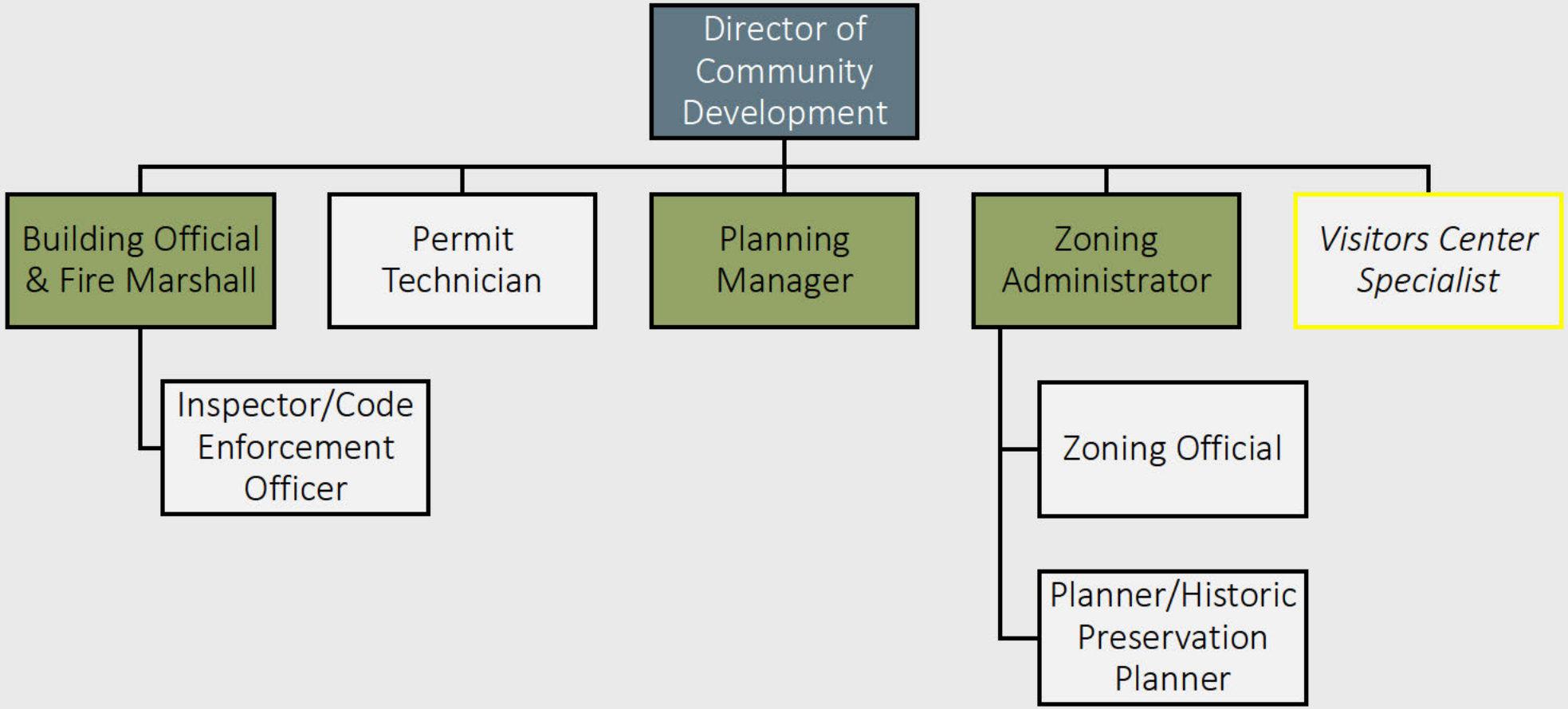

NOTES

1) The Town Manager has the authority to appoint a **Deputy Town Manager** and a **Emergency Management Coordinator** within any department.
2) Each position is supported as an **additional duty** to the designated and appointed employee. Therefore, it is not classified as a full-time position.

# COMMUNICATIONS



# COMMUNITY DEVELOPMENT



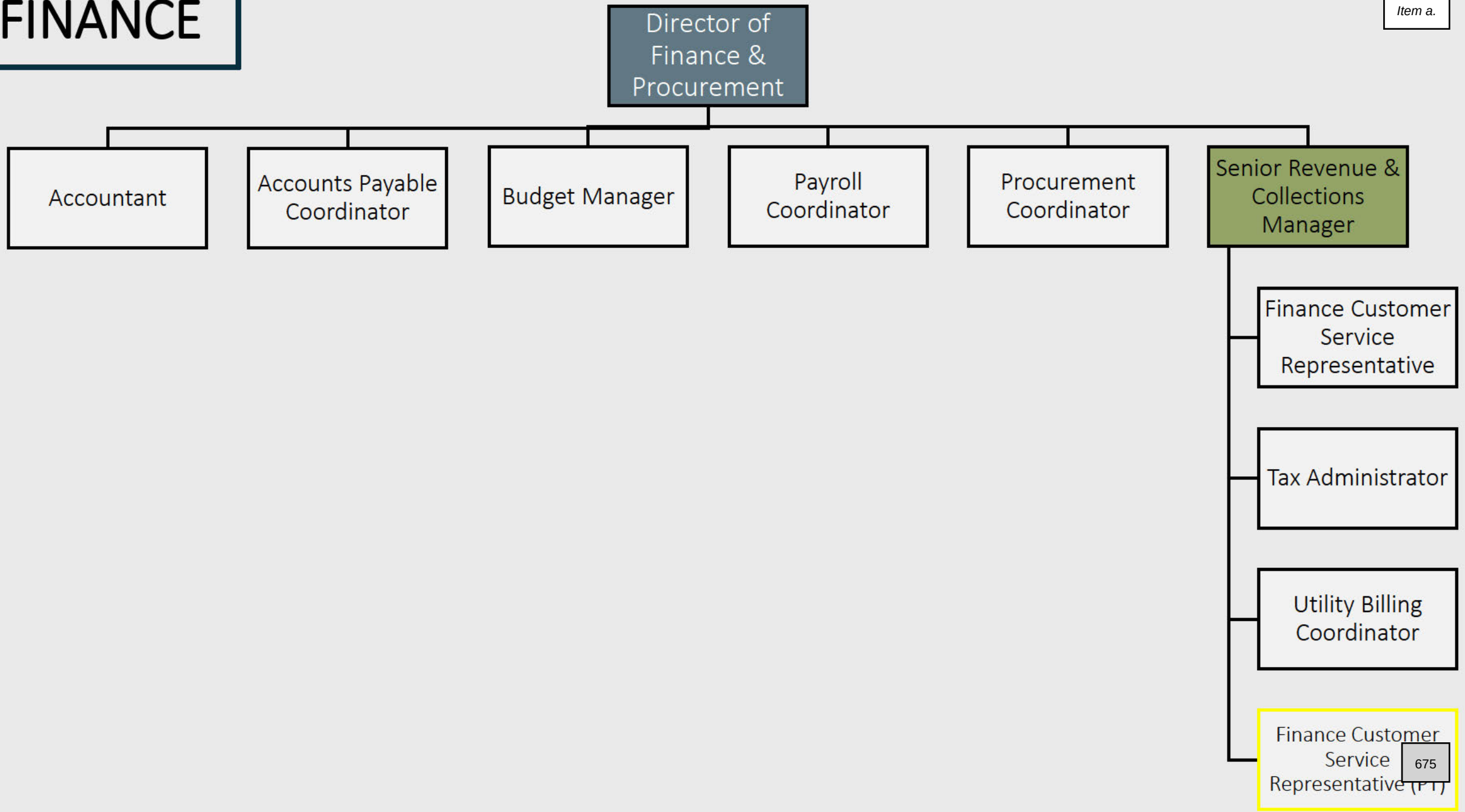
# EMERGENCY MANAGEMENT



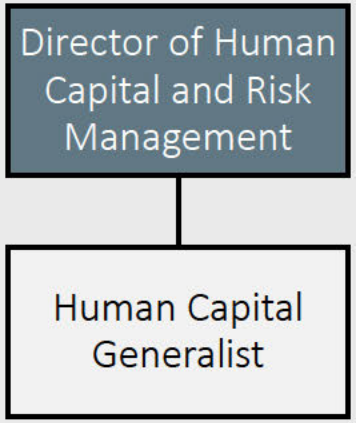

NOTES

1) The Town Manager has the authority to appoint an **Emergency Management Coordinator.**
2) This position is supported as an **additional duty** to the designated and appointed employee. Therefore, it is not classified as a full-time position.
3) Furthermore, Emergency Management is a supported planning & preparedness function that is defined by Town code.

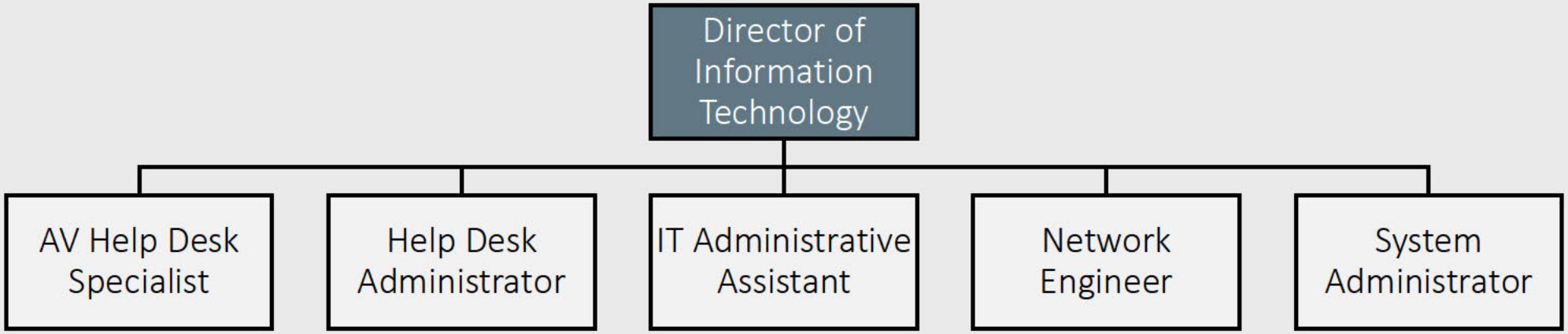
# FINANCE


Director of Finance & Procurement
Accountant
Accounts Payable Coordinator
Budget Manager
Payroll Coordinator
Procurement Coordinator
Senior Revenue & Collections Manager
Finance Customer Service Representative
Tax Administrator
Utility Billing Coordinator
Finance Customer Service Representative (PT)

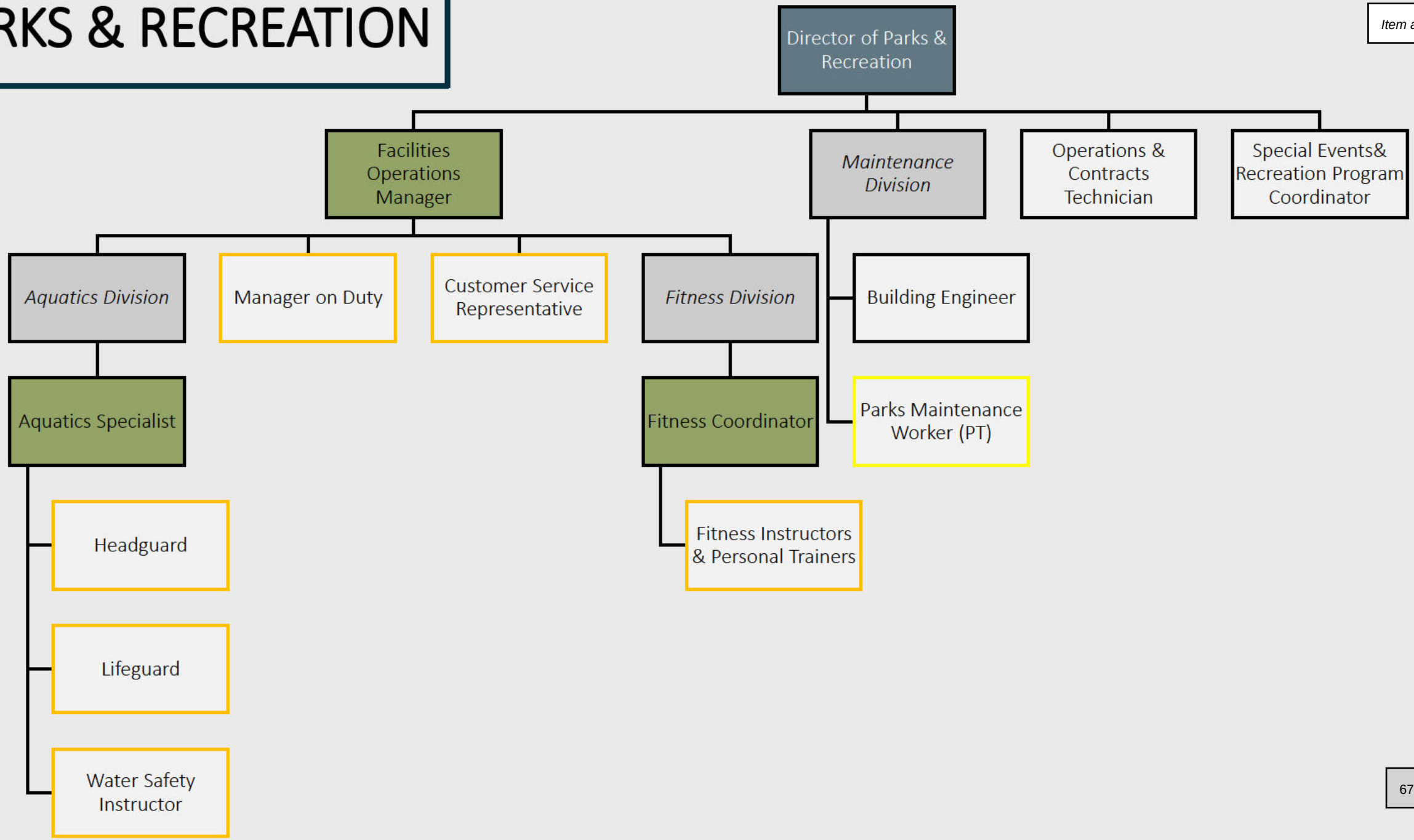
# HUMAN CAPITAL & RISK



# INFORMATION TECHNOLOGY



# PARKS & RECREATION



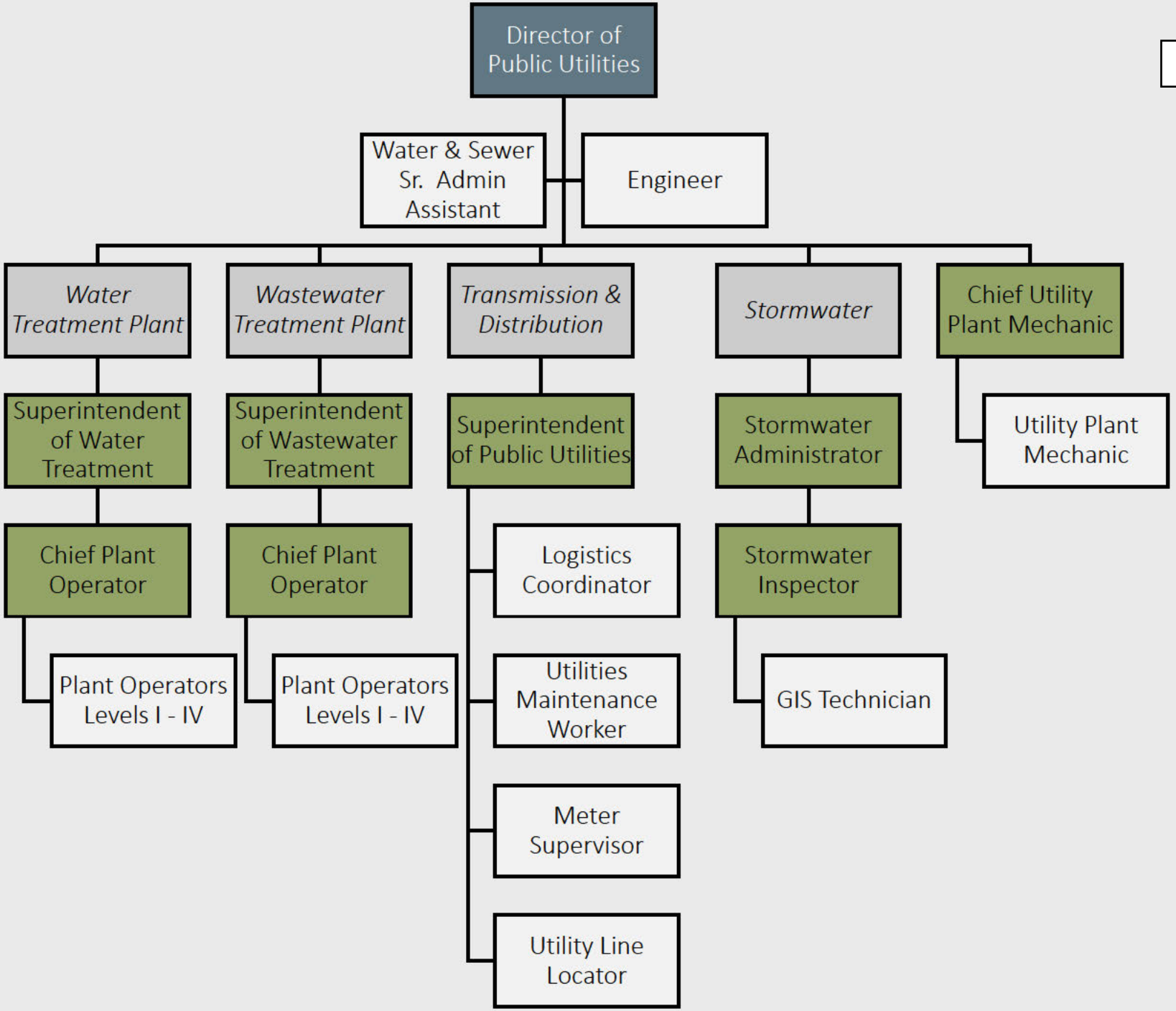



- CHIEF OF POLICE
  - Office of the Ch…
    - Sr. Admin. Assistant
    - Records Clerk
    - Chaplain
    - Emergency Management Coordinator/PIO
    - Volunteer Coordinator
  - Deputy Chief of Police
    - Accreditation Manager
    - Operations Bureau (Lt.)
      - Patrol Section
        - Squad A
          - Sergeant
          - Corporal
          - Officer
          - Officer
        - Squad B
          - Sergeant
          - Corporal
          - Officer
          - Officer
        - Squad C
          - Sergeant
          - Corporal
          - Officer
          - Officer
        - Squad D
          - Sergeant
          - Corporal
          - Officer
          - Officer
      - Parking Enforcement Section
        - Parking Enforcement Officer
      - Traffic Enforcement Section
        - Traffic Safety Officer
    - Support Services Bureau (Lt.)
      - Investigations Section
        - Detective Sergeant
        - Detective
        - Detective
        - Detective
      - Property and Evidence Section
        - Property & Evidence Specialist
      - Training Section
        - Training Coordinator

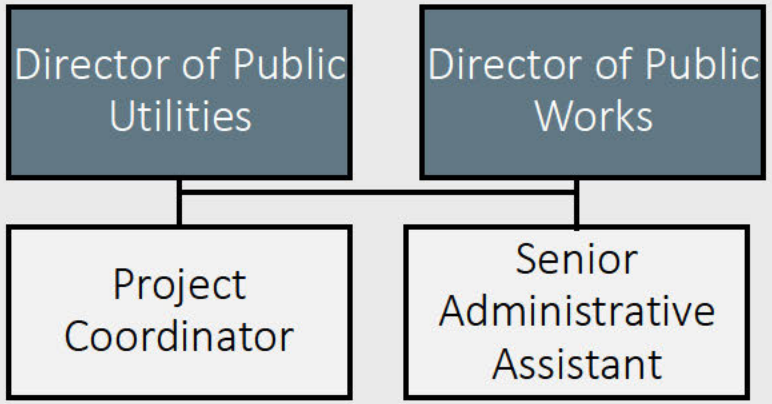
# POLICE DEPARTMENT

# PUBLIC UTILITIES

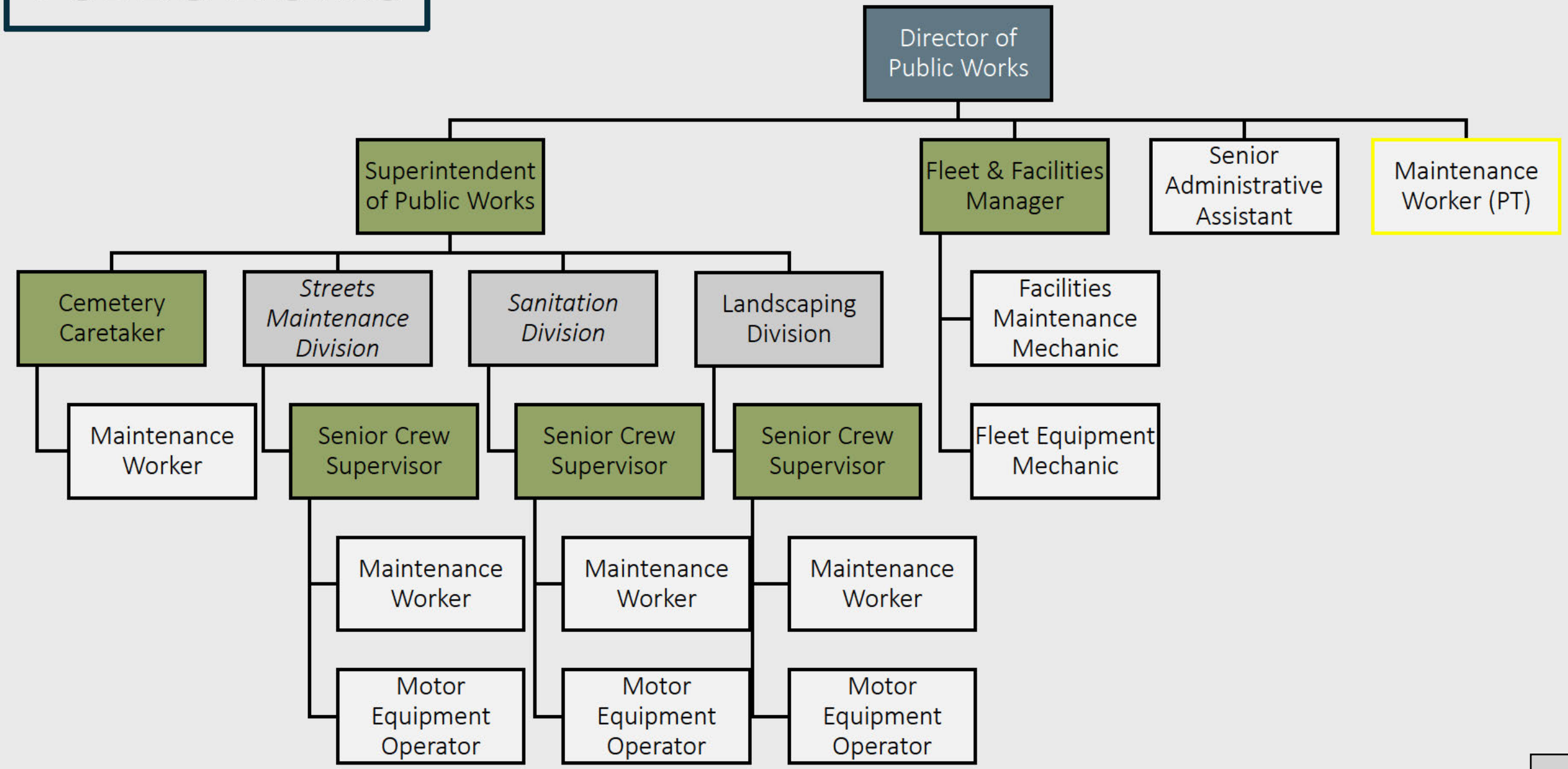




# PUBLIC UTILITIES & PUBLIC WORKS DEPARTMENTS



# PUBLIC WORKS



## APPENDIX I: HUMAN CAPITAL

The COOP Plan considers the talents, energy, knowledge, and enthusiasm that staff invests in their work. In an ongoing effort to continue mission-essential functions in an emergency event, departments and agencies are responsible for developing, implementing, and updating their individual COOP Plans to respond to threats to their employees. These plans interact with and impact human capital management. Town of Warrenton leaders should be familiar with resources and flexibilities to assist managers and employees in emergencies.

The Town is prepared to implement its COOP Plan or Emergency Operations Plan (EOP) during a town-wide, departmental or agency-specific event.

Dismissals or closures used in emergencies that prevent most employees from reporting to work may require:

1. Designation of emergency employees or special categories of employees (e.g., COOP Team, emergency responders, mission critical, etc.);
2. Adjustments in work schedules;
3. Use of special compensation tools and flexibilities;
4. Temporary staffing arrangements such as working from home.

All departments and agencies shall maintain specific protocols for designating and activating special needs employees and shall develop, review and update emergency plans as needed.

### DESIGNATION OF EMERGENCY EMPLOYEES AND OTHER SPECIAL CATEGORIES OF EMPLOYEES

The Town Manager has the authority and responsibility to identify and designate those personnel whom he/she judges to be critical to Town operations in any given emergency.

Town departments and agencies have identified key personnel who may be utilized based on the Town government's unique mission requirements and based on emergency circumstances. Such designations may vary according to the particular nature of an emergency. Such designations are part of the Town of Warrenton's EOP and COOP plans and have been communicated in advance to those so designated so that they are prepared to support and sustain Town operations in an emergency.

## APPENDIX I: HUMAN CAPITAL CONTINUED

### INCLEMENT WEATHER LEAVE

Following its procedures as outlined in the Town Personnel Policy for Inclement Weather Leave in situations that prevent significant numbers of employees from reporting for work on time or requiring departments to suspend all or part of their activities.

The policy's intent is for the Town to remain open during severe weather conditions that generally are the result of snow or ice. All offices shall remain open, and all services shall be operational and available to the public. Town offices may be declared closed by the Town Manager during periods of severe weather or when the health and safety of employees are at risk. Town employees will be notified if the Town Manager or their designee closes the Town offices during the workday.

All non-public safety and non-essential employees are not required to work while Town offices are closed. A specific closure announcement shall be distributed to local radio and television networks as outlined in the Inclement Weather Leave Policy. Closure announcement will also be promulgated through electronic communication, social media, and the Town's website.

### STATUS OF EMERGENCY (ESSENTIAL) EMPLOYEES

All sworn public safety (uniformed police officers), Public Works, and Public Utilities employees, unless designated to the contrary, must work regular work schedules when Town offices are closed. Additional compensation for all hours worked during closure shall be granted according to Town Personnel Policies. The Town Manager's closure declaration shall affect all shifts working that date from the specified time of the declaration until the Town Manager declares the Town open.

Other employees may be designated as essential by appointing authorities when needed, particularly in Information Technology, Finance, and Human Capital, depending upon work requirements during periods when Town offices are closed.

### STATUS OF NON-EMERGENCY EMPLOYEES AND NON-SPECIAL CATEGORIES OF EMPLOYEES

In the event of severe hazardous conditions, disruption of public services, or other emergencies of short duration, employees may be instructed not to report for work.

Suppose an employee is prevented from working because he or she has been instructed by his or her department head or other authorized officials not to report to work. In that case, the employee will usually be excused from work without loss of pay or charge to leave. Town managers may also wish to consider the use of alternative worksites when appropriate and feasible.

## APPENDIX I: HUMAN CAPITAL CONTINUED

In crises, emergency employees and special categories of employees may be activated by the Town Manager or designee to perform assigned duties.

In the event of a prolonged shutdown caused by severe or hazardous conditions, disruption of public services, or other emergencies, Town personnel may be requested to work from home for those who have access.

There are no fixed solutions that will automatically apply to the Town in every emergency. However, Town department heads and managers will work closely with Human Capital to determine the best course of action for employees.

### ALTERNATE EMPLOYEE ASSIGNMENTS

In the event of a prolonged shutdown caused by severe or hazardous conditions, disruption of public services, or other emergency situations, Town employees may be required to work in Town agencies/functions different from their current job but where their skills are needed to ensure the continued functioning of essential Town services.

### PAY FLEXIBILITIES

Department heads have the authority and responsibility to establish work schedules for its employees within general legal and regulatory guidelines. The work schedule for most employees is determined in advance, but temporary periods of extended work hours in emergency situations are usually quite different from the employee's regularly scheduled workweek and may require pay flexibilities.

### EMPLOYEE ROLES AND RESPONSIBILITIES

While department heads are responsible for determining employee status, employees also have an essential role in ensuring workplace safety. Employees should:

- Become familiar with Town policies, procedures, and the means of notifications to inform and instruct employees;
- Ask questions about Town procedures and talk to managers about any suggestions that could improve safety;
- Volunteer to assist in evacuation procedures and other duties during an emergency;
- Create a personal safety kit for emergencies and store it at the workplace. Appropriate items might include required medication, bottled water, long-sleeved shirt or jacket, and emergency contact numbers;
- Follow the instructions of designated emergency personnel; and
- Remain vigilant and report any suspicious circumstance to supervisors or designated department head.

Office of the Town Manager
Frank Cassidy

# STAFF REPORT

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

| | |
|---|---|
| **Council Meeting Date:** | June 9th, 2026. |
| **Agenda Title:** | Appointment of Acting Town Manager |
| **Requested Action:** | Consider Appointment of the Acting Town Manager |
| **Department / Agency Lead:** | Town Council |
| **Staff Lead:** | Ms. Kasey Braun, Human Capital Director. |

## EXECUTIVE SUMMARY

Interim Town Manager Christopher E. Martino's tenure will formally conclude on June 12th, 2026. As the newly appointed permanent Town Manager is not scheduled to assume office until July 13th, 2026, there is a one-month transitional period. To ensure the uninterrupted continuity of executive leadership and administrative operations, the Town Council must appoint an Acting Town Manager to serve from June 13th, 2026, through July 12th, 2026.

## BACKGROUND

Following a successful recruitment process, the Town Council has selected a permanent Town Manager. However, to bridge the administrative gap between Mr. Martino's departure on June 12th and the permanent Manager's arrival, an Acting Town Manager is required. This temporary appointment ensures that day-to-day operations, contract executions, and personnel management continue without disruption.

**Statutory Authority & Role of the Town Manager** The appointment and authority of the Town Manager (and by extension, an Acting Manager) are governed by the Town Charter and the Warrenton Town Code. Pursuant to Article VI, § 6-1 of the Town Charter and Section 2-126 of the Town Code, the Town Manager is the chief executive and general administrative head of the Town, appointed by the Town Council, and serves at the pleasure of the Council.

During the appointment period, the Acting Town Manager assumes the responsibility for the proper administration of the Town government. As outlined in Charter § 6-2, § 6-3, and Town Code Sec. 2-127, these duties and powers include:

- Enforcing all laws and ordinances.
- Exercising supervision and control over all administrative departments, branches, divisions, and town property.
- Appointing, removing, and supervising all employees, agents, or representatives of the town (with the exception of the Town Recorder and the Town Attorney).
- Attending all regular Council meetings.
- Recommending necessary or desirable measures for Council adoption.
- Executing all contracts on behalf of the Town.

- Keeping the Council advised of the present and future needs of the Town and all government operations.

## STAFF RECOMMENDATION

Staff recommends that the Town Council formally appoint Ms. Stephanie Miller as Acting Town Manager, effective June 13th, 2026, through July 12th, 2026, and adopt the associated Resolution.

## Service Level/Collaborative Impact

The Town Manager affects services of the Town at all levels. Appointing an Acting Town Manager ensures that there is no lapse in executive signing authority, emergency decision-making, or departmental supervision. This guarantees that staff can continue collaborating effectively and delivering essential municipal services to the citizens of Warrenton during the transition.

## Policy Direction/Warrenton Plan 2040

This action directly aligns with the Plan 2040 goal of maintaining "High Quality Municipal Service." By ensuring continuous, stable leadership, the Town can maintain its operational momentum and policy implementation without stalling during the brief vacancy.

## Fiscal Impact

The fiscal impact associated with this action includes a temporary stipend or salary adjustment for the individual assuming the Acting Town Manager duties. This temporary compensation is fully accommodated within the adopted General Fund budget.

## Legal Impact

This procedure complies strictly with Article VI of the Town Charter and Division 3 of the Town Code. Appointing an Acting Town Manager ensures the Town retains a legally authorized chief executive officer to execute binding contracts, oversee personnel, and fulfill statutory administrative duties during the transition window.

## ATTACHMENTS

1.
2.
3.

**June 9th, 2026**
**Town Council**
**Regular Meeting**
**Res. No.**

**A RESOLUTION APOINTING MS. STEPHANIE MILLER AS THE ACTING TOWN MANAGER FOR THE TOWN OF WARRENTON, VIRGINIA**

**WHEREAS,** Warrenton, VA (Hereinafter "the Town") is a municipal corporation located within the County of Fauquier; and

**WHEREAS,** pursuant to Town Charter Section 6-1 the Town of Warrenton is required to appoint a Town Manager; and

**WHEREAS,** the appointment of Mr. Christopher E. Martino as the Interim Town Manager will conclude on June 12, 2026, creating a temporary vacancy in the position; and

**WHEREAS,** an Acting Town Manager is needed to fulfill the statutory and administrative duties of the position until the individual selected as the permanent Town Manager assumes office; and

**WHEREAS,** the Town Council finds that Ms. Stephanie Miller again possesses the requisite executive and administrative qualifications to serve in this acting capacity.

**NOW, THEREFORE, BE IT RESOLVED** that the Warrenton Town Council Hereby is hereby appointing Ms. Stephanie Miller as the Acting Town Manager for until a new Town Manager is appointed. This resolution is effective at midnight on June 13th, 2026, through July 12th, 2026.

**BE IT FURTHER RESOLVED** that during this tenure, Ms. Miller shall be vested with all the duties, powers, and responsibilities of the Town Manager as prescribed by the Town Charter and the Warrenton Town Code.

ATTACHMENT: None

**Votes:**
**Ayes:**
**Nays:**
**Absent from Vote:**
**Absent from Meeting:**

**For Information:**
Town Clerk
Town Attorney
Human Capital Director

**ATTEST:** _____
**Town Recorder**

Office of the Town Manager
Christopher E. Martino

# STAFF REPORT

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

| | |
|---|---|
| **Council Meeting Date:** | June 6th, 2026. |
| **Agenda Title:** | Town Manager Appointment |
| **Requested Action:** | Appoint the Town Manager. |
| **Department / Agency Lead:** | Town Council |
| **Staff Lead:** | Kasey Braun, Human Capital Director. |

## EXECUTIVE SUMMARY

The Town of Warrenton engaged the Berkley Group to conduct a comprehensive search for the Town's next permanent Town Manager. Following an extensive recruitment period, the Berkley Group presented a robust pool of applicants, having conducted initial interviews and provided detailed candidate profiles to the Town Council. Based on this information, the Council selected a shortlist of individuals for formal interviews. Having concluded those interviews, the Town Council believes that the ideal candidate to serve as the next Town Manager has been found and is prepared to formally appoint them to the position.

## BACKGROUND

The Town of Warrenton initiated a comprehensive recruitment process this past Winter to seek a permanent Town Manager. To facilitate an efficient and highly qualified search, the Town engaged the Berkley Group to oversee the candidate profiling, advertising, and initial vetting.
The timeline of the recruitment process progressed as follows:

- **January 13, 2026:** Town Council approved engaging the Berkley Group to conduct the permanent Town Manager recruitment.
- **January 15, 2026:** Christopher Martino began his tenure as Interim Town Manager.
- **February 13, 2026:** Town Council held a Special Session with the Berkley Group to establish the ideal candidate profile and initiate the search process.
- **March – April 2026:** The Berkley Group advertised the position, received applications, and performed initial candidate vetting and preliminary interviews.
- **April 30, 2026:** In a Special Meeting, Town Council reviewed the vetted application materials and selected the final pool of candidates for formal interviews.
- **May 2026:** Town Council conducted formal candidate interviews in closed sessions pursuant to Va. Code § 2.2-3711(A)(1).
- **Current Status:** Town Council has selected Judson Rex as the finalist and successfully negotiated the terms of an employment agreement.

**Statutory Authority & Role of the Town Manager** The appointment and authority of the Town Manager are governed by the Town Charter and the Warrenton Town Code. Pursuant to Article VI, § 6-1 of the Town Charter and Section 2-126 of the Town Code, the Town Manager is the chief executive and general administrative head of the Town, appointed by the Town Council for an indefinite period, and serves at the pleasure of the Council.

The Town Manager is responsible for the proper administration of the Town government. As outlined in Charter § 6-2, § 6-3, and Town Code Sec. 2-127, the Manager's primary duties and powers include:

- Enforcing all laws and ordinances.
- Exercising supervision and control over all administrative departments, branches, divisions, and town property.
- Appointing, removing, and supervising all employees, agents, or representatives of the town (with the exception of the Town Recorder and the Town Attorney).
- Attending all regular Council meetings with the right to take part in discussions.
- Recommending necessary or desirable measures for Council adoption.
- Executing all contracts on behalf of the Town.
- Preparing and submitting the annual budget to the Council.
- Keeping the Council advised of the present and future needs of the Town and all government operations.

By taking this action, the Council fulfills its charter obligations to install a chief executive officer to manage these critical day-to-day functions.

## STAFF RECOMMENDATION

Staff recommends that the Town Council formally appoint Judson Rex as Town Manager, effective July 13th, 2026, and adopt the Resolution authorizing the Mayor to execute the employment agreement.

## Service Level/Collaborative Impact

Appointing a permanent Town Manager provides immediate, long-term stability for Town operations. This action ensures that the Council can collaborate effectively with permanent executive leadership to seamlessly deliver essential services to the citizens of Warrenton.

## Policy Direction/Warrenton Plan 2040

This action aligns with the Plan 2040 goal of maintaining "High Quality Municipal Service" by ensuring the Town is led by a qualified professional capable of implementing the community’s long-term vision.

## Fiscal Impact

The fiscal impact associated with this action includes the salary, benefits, and transition compensation outlined in the employment agreement. These expenditures have been anticipated and are accommodated within the adopted General Fund budget for the current and upcoming fiscal year.

## Legal Impact

The appointment of the Town Manager complies strictly with the requirements of Article VI of the Town Charter and Division 3 of the Town Code. The final employment agreement has been reviewed and approved as to form by the Town Attorney.

## ATTACHMENTS

1.

**June 9th, 2026**
**Town Council**
**Regular Meeting**
**Res. No.**

**A RESOLUTION APPOINTING JUDSON REX AS THE TOWN MANAGER FOR THE TOWN OF WARRENTON, VIRGINIA**

**WHEREAS,** Warrenton, VA (Hereinafter "the Town") is a municipal corporation located within the County of Fauquier; and

**WHEREAS,** pursuant to Town Charter § 6-1, there shall be a Town Manager who shall be the chief executive officer of the Town, chosen by the Council solely on the basis of executive and administrative qualifications; and

**WHEREAS,** Town Code Sec. 2-126 further affirms that the Town Manager shall be appointed by the Town Council and shall hold office at the pleasure of the Council; and

**WHEREAS,** the Town Council engaged the Berkley Group to conduct a comprehensive recruitment process to identify highly qualified candidates for the permanent position; and

**WHEREAS**, following extensive review and formal interviews of the candidate pool, the Town Council has selected Judson Rex as the most qualified individual to fulfill the duties of the position and ensure the proper administration of the Town government.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Warrenton Town Council is hereby appointing Judson Rex as Town Manager for the Town of Warrenton, Virginia, effective or the Town of Warrenton, Virginia, effective July 13th, 2026;

**BE IT FURTHER RESOLVED** that the Town Council authorizes and directs the Mayor, with the assistance of the Town Attorney and Town Staff, to finalize and execute the employment agreement with Judson Rex on behalf of the Town Council.

ATTACHMENT: None

**Votes:**
**Ayes**

**Nays:**

**Absent from Vote:**

**For Information:**
Human Capital

**ATTEST:** _____
**Town Recorder**

Office of the Town Manager
Christopher Martino

# STAFF REPORT

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

| | |
|---|---|
| **Council Meeting Date:** | June 9, 2026 |
| **Agenda Title:** | Fiscal Year 2027 Budget |
| **Requested Action:** | Adoption of the Fiscal Year 2027 Budget and 2027-2032 Capital Improvement Plan |
| **Department / Agency Lead:** | Finance and Procurement |
| **Staff Lead:** | Stephanie Miller, Director of Finance and Procurement |

## EXECUTIVE SUMMARY

The Town Council has held several work sessions and public hearings related to the Fiscal Year 2027 Proposed Budget. The budget has historically been adopted at the June Council meeting.

## BACKGROUND

Below is a timeline showing the actions that have been taken regarding the Fiscal Year 2027 Budget:

- The Town Manager's Proposed Fiscal Year 2027 Budget was delivered to Council on April 1, 2026.
- A work session was conducted on April 13, 2026
- A work session was conducted on May 12, 2026
- A public hearing on the effective increase in property tax levies due to the increase in assessed values was held on May 12, 2026
    - Calendar year 2026 property tax rates were adopted at the May meeting
- A public hearing on the Proposed Fiscal Year 2027 Budget was held on May 12, 2026

A work session on the proposed budget will be held in the morning of June 9, 2026. The Finance Committee will provide details regarding their review of the budget and their recommendations for Council action.

## STAFF RECOMMENDATION

Staff recommend adoption of the Fiscal Year 2027 Budget and the 2027-2032 Capital Improvement Plan.

## Service Level/Collaborative Impact

The adoption of the Fiscal Year 2027 Budget and the 2027-2032 Capital Improvement Plan ensures the continuation of government operations.

## Policy Direction/Warrenton Plan 2040

This action will support Plan Warrenton 2040 by promoting greater efficiency and an aligned budget process.

## Legal Impact

The adoption of the budget satisfies the requirement set forth in Virginia Code 15.2-2503 to adopt a budget no later than the first day of the fiscal year.

## Fiscal Impact

The total appropriation across all funds for the Fiscal Year 2027 budget is $58.2 million.

## ATTACHMENTS

1. A Resolution to Adopt and Appropriate the Fiscal Year 2027 Budget
2. Ordinance to Establish BPOL Tax Rates for the Tax Year Beginning July 1, 2026
3. Ordinance to Establish Water and Sewer Rates and Service Fees Effective July 1, 2026
4. A Resolution to Establish the Percentage of PPTRA for the Tax Year Beginning January 1, 2026
5. Ordinance to Establish Changes to Certain Stormwater Management and Planning and Zoning Fees Effective July 1, 2026

**June 9, 2026**
**Town Council**
**Regular Meeting**
**RES-26-06-XX**

**A RESOLUTION TO ADOPT AND APPROPRIATE THE FISCAL YEAR 2027 BUDGET AND THE FISCAL YEAR 2027– 2032 CAPITAL IMPROVEMENT PROGRAM**

**WHEREAS** Code of Virginia §15.2-2503 requires that the Town Manager submit a proposed budget to the Town Council on or before the first day of April each year, and that the Council approve the budget no later than the date on which the fiscal year begins; and

**WHEREAS**, Section 15-1 of the Code of Ordinances of the Town of Warrenton requires that the Town Council adopt a tax rate for all real estate and for tangible personal property no later than the fourteenth day of May of each calendar year; and

**WHEREAS,** the Town Manager submitted the Fiscal Year 2027 Proposed Budget to the Town Council on April 1, 2026 and work sessions were held by the Council during April and May 2026 to discuss the Proposed Budget and any changes thereto; and

**WHEREAS**, a duly advertised Public Hearing was held on May 12, 2026 to receive public comment and the tax rates for all real estate and tangible personal property were adopted on that date; and

**NOW, THEREFORE BE IT RESOLVED**, that the Fiscal Year 2027-2032 Capital Improvement Program for the Town of Warrenton is hereby adopted; and be it

**RESOLVED FURTHER,** that the update to the Fund Balance Policy, is hereby adopted; and be it

**RESOLVED FURTHER,** that all outstanding encumbrances as of June 30, 2026 are hereby re-appropriated to FY 2027 to the same department or account for which they are encumbered in FY 2026, as approved by the Town Manager; and be it

**RESOLVED FURTHER,** that appropriations designated for capital projects and asset replacement projects that are unexpended as of June 30, 2026 are hereby re-appropriated to FY 2027 to the same projects; and be it

**RESOLVED FURTHER,** that all unencumbered FY 2026 appropriations lapse for budget items other than capital projects, asset replacement projects, contracts and grants, unless otherwise authorized by the Town Manager; and be it

**RESOLVED FURTHER,** that the Town Manager, or designee, may approve necessary accounting or budget transfers between funds to enable the proper accounting for capital projects, asset replacement projects, or other appropriations as authorized by the Town Manager; and be it

**RESOLVED FURTHER,** that the Fiscal Year 2027 Budget for the Town of Warrenton is hereby adopted and the amounts summarized below are hereby appropriated for the Fiscal Year Beginning July 1, 2026:

TOWN OF WARRENTON, VIRGINIA
PROPOSED BUDGET FOR FISCAL YEAR 2026-2027

| General Fund | Adopted FY 2026 | Proposed FY 2027 |
|---|---|---|
| Revenues | | |
| Real Estate Taxes | $ 1,215,395 | $ 1,875,826 |
| Personal Property Taxes | 750,000 | 770,000 |
| Other Property Taxes | 45,000 | 68,000 |
| Motor Vehicle License Taxes | 220,000 | 220,000 |
| Local Sales Taxes | 1,080,000 | 1,100,000 |
| BPOL Taxes | 2,400,000 | 2,400,000 |
| Meals Taxes | 5,500,000 | 5,700,000 |
| Lodging Taxes | 300,000 | 300,000 |
| Cigarette Taxes | 300,000 | 256,644 |
| Consumer Utility Taxes | 520,330 | 530,330 |
| Utility Franchise Taxes | 53,000 | 63,000 |
| Bank Franchise Taxes | 1,240,000 | 1,240,000 |
| Permits & Fees | 244,250 | 253,550 |
| Fines & Forfeitures | 77,500 | 79,236 |
| Use of Money & Property | 800,000 | 792,500 |
| Charges for Services | 1,075,500 | 1,146,830 |
| Miscellaneous Revenue | 192,445 | 183,366 |
| State Revenue | 3,434,680 | 3,615,561 |
| Federal Revenue | - | 4,500 |
| Transfers In | 377,980 | 386,479 |
| Use of Fund Balance | - | 1,892,249 |
| Non-Revenue Receipts | 4,754,148 | 2,865,500 |
| Total General Fund Revenues | $ 24,580,228 | $ 25,743,571 |
| | | |
| Expenditures | | |
| General Government | $ 4,609,436 | $ 4,779,003 |
| Public Safety | 3,727,738 | 3,742,386 |
| Public Works | 5,567,925 | 6,145,214 |
| Parks and Recreation | 2,726,400 | 2,867,241 |
| Community Development | 1,350,265 | 1,366,382 |
| Contributions | 48,650 | 49,877 |
| Non-departmental | 436,468 | 316,591 |
| Debt Service | 830,169 | 1,319,128 |
| Transfer to Capital | 5,283,177 | 5,157,749 |
| Total General Fund Expenditures | $ 24,580,228 | $ 25,743,571 |

| | | |
|---|---|---|
| Other Funds | | |
| General Capital Project Fund | $ 3,189,497 | $ 3,265,500 |
| General Asset Replacement Fund | 2,756,241 | 1,892,249 |
| Water and Sewer Operating Fund | 10,578,819 | 13,062,134 |
| Water and Sewer Capital Fund | 17,486,489 | 21,000,000 |
| Stormwater Management Fund | 1,327,993 | 1,923,135 |
| Total Other Funds | $ 35,339,039 | $ 41,143,018 |
| Less Interfund Transfers | (7,656,806) | (8,645,278) |
| Total Estimated Appropriations | $ 52,262,461 | $ 58,241,311 |

**Votes:**
**Ayes:**
**Nays:**
**Absent from Meeting:**

**For Information:**
Budget Manager

**ATTEST:** _____
**Town Recorder**

**Ordinance 2026-06**

**June 9, 2026**
**Town Council**
**Public Hearing**
**Ordinance 2026-06**

**AN ORDINANCE TO ESTABLISH BUSINESS, PROFESSIONAL AND OCCUPATIONAL LICENSE TAX RATES FOR THE TAX YEAR BEGINNING JULY 1, 2026**

BE IT ORDAINED by the Council of the Town of Warrenton, Virginia, that the following Business, Professional and Occupational License Tax Rates are hereby levied for the tax year beginning July 1, 2026

| | |
|---|---|
| Amusements | $0.10 per $100 Gross Receipts |
| Contractors, Builders or Developers | $0.085 per $100 Gross Receipts |
| Business, Personal or Repair Service Occupations | $0.1683 per $100 Gross Receipts |
| Financial or Real Estate Services | $0.2678 per $100 Gross Receipts |
| Professional Occupations | $0.2678 per $100 Gross Receipts |
| Retail Merchants | $0.10 per $100 Gross Receipts |
| Vending Machine Operators | $200 plus $0.10 per $100 Gross Receipts |
| Wholesale Merchants | $0.0425 per $100 Gross Purchases |
| Public Utilities (Telephone & Telegraph) | ½ of 1% of Gross Receipts |

The license tax is the greater of $30.00 or the tax computed on gross receipts. Flat fees apply to certain businesses as follows:

| | |
|---|---|
| Fortune tellers, Clairvoyants & Practitioners of Palmistry | $1,000.00 per year |
| Carnivals, Circuses and Speedways | $1,000.00 per performance |
| Itinerant Merchants | $100.00 per year |
| Peddlers | $250.00 per year |
| Photographers (as defined in §58.1-3727 of the Code of Virginia) | $30.00 per year |
| Savings and Loan Associations and Credit Unions | $50.00 per year |
| Direct Sellers | (Total annual sales greater than $4,000.00) $0.10 per $100 Total Annual Retail Sales -Or- $0.0425 per $100 Total Annual Wholesale Sales |

Alcoholic Beverages (special license tax provision in addition to gross receipts tax):

| | |
|---|---|
| Wholesale Beer License | $75.00 |
| Wholesale Wine Distributor | $50.00 |
| Retail On-Premises Wine & Beer - Hotel, Restaurant or Club | $37.50 |
| Retail Off-Premises Wine & Beer | $37.50 |
| Retail On-Premises Wine - Hotel, Restaurant or Club | $25.00 |
| Retail Off-Premises Beer | $25.00 |

**Votes:**
**Ayes:**
**Nays:**
**Absent from Meeting:**

**For Information:**
Budget Manager

**ATTEST:** _____
**Town Recorder**

**Ordinance 2026-07**

**June 9, 2026**
**Town Council**
**Public Hearing**
**Ordinance 2026-07**

**AN ORDINANCE TO ESTABLISH WATER AND SEWER RATES AND SERVICE FEES EFFECTIVE JULY 1, 2026**

WHEREAS, the Town of Warrenton charges certain fees and rates for usage pursuant to Article 2 of Chapter 17 of the Code of the Town of Warrenton (hereinafter referred to as the "Town Code") as authorized by Section 15.2-2119 of the Code of Virginia, 1950, as amended; now therefore

BE IT ORDAINED by the Council of the Town of Warrenton, Virginia, that the following water and sewer rates and fees are hereby effective beginning July 1, 2026:

Base Charge (for usage <2,000 gallons):

| | IN TOWN RATES | | | OUT OF TOWN RATES | | |
|---|---|---|---|---|---|---|
| Meter Size | Water | Sewer | Total | Water | Sewer | Total |
| 5/8 | $15.70 | $27.82 | $43.52 | $23.55 | $41.73 | $65.28 |
| 3/4 | 23.56 | 41.73 | 65.29 | 35.34 | 62.60 | 97.94 |
| 1 | 39.27 | 69.55 | 108.82 | 58.90 | 104.33 | 163.23 |
| 1 1/2 | 78.52 | 139.09 | 217.61 | 117.77 | 208.64 | 326.41 |
| 2 | 125.63 | 222.55 | 348.18 | 188.44 | 333.82 | 522.26 |
| 3 | 274.81 | 486.83 | 761.64 | 412.22 | 730.24 | 1,142.46 |
| 4 | 494.66 | 876.28 | 1,370.94 | 741.98 | 1,314.42 | 2,056.40 |
| 6 | 1,020.70 | 1,808.18 | 2,828.89 | 1,531.05 | 2,712.27 | 4,243.32 |
| 8 | 1,256.25 | 2,225.46 | 3,481.71 | 1,884.38 | 3,338.18 | 5,222.56 |

Commodity Rate, per 1,000 gallons:

| | | | | | | |
|---|---|---|---|---|---|---|
| Usage | Water | Sewer | Total | Water | Sewer | Total |
| > 2,000 | $17.41 | $22.31 | $39.72 | $26.11 | $33.47 | $59.58 |

Bulk Water Rates

| | |
|---|---|
| Base charge (<2,000 gallons) | $58.17 |
| Commodity rate (>2,000 gallons, per 1,000 gallons) | $26.11 |

Flat Sewer Rates

| | |
|---|---|
| In Town | $74.67 |
| Out of Town | $112.02 |

| | |
|---|---|
| Out of Town Commercial | $242.45 |

Recreational Vehicle Wastewater Disposal

| | |
|---|---|
| Flat Fee | $10.00 |

**Votes:**
**Ayes:**
**Nays:**
**Absent from Meeting:**

**For Information:**
Budget Manager

**ATTEST:** _____
**Town Recorder**

**June 10, 2025**
**Town Council**
**Regular Meeting**
**RES-25-06-02**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WARRENTON ESTABLISHING THE PERCENTAGE RELIEF GRANTED TO QUALIFYING PERSONAL USE VEHICLES, SUBJECT TO THE TOWN OF WARRENTON'S PERSONAL PROPERTY TAX, FOR THE 2025 TAX YEAR**

**WHEREAS**, the Personal Property Tax Relief Act of 1998, Virginia Code §58.1- 3253 et seq. ("PPTRA"), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the "2005 Appropriations Act"); and

**WHEREAS,** these legislative enactments require the Town of Warrenton to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the Personal Property Tax Relief Act as revised; and

**WHEREAS,** these legislative enactments provide for the appropriation to the Town of Warrenton, of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax on such vehicles.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Warrenton, Virginia that:

Qualifying vehicles obtaining situs within the Town of Warrenton during tax year 2025, shall receive personal property tax relief in the following manner:

- Personal use vehicles valued at $20,000 or less will be eligible for 100% tax relief;
- Personal use vehicles valued at $20,001 or more shall only receive 100% tax relief on the first $20,000 of value; and
- All other vehicles which do not meet the definition of "qualifying" (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.

**Votes:**
**Ayes:**
**Nays:**
**Absent from Meeting:**

**For Information:**
Budget Manager

**ATTEST:** _____
**Town Recorder**

**Ordinance 2026-08**

**June 9, 2026**
**Town Council**
**Public Hearing**
**Ordinance 2026-08**

**AN ORDINANCE TO ESTABLISH CHANGES TO CERTAIN STORMWATER MANAGEMENT FEES AND PLANNING AND ZONING FEES EFFECTIVE JULY 1, 2026**

BE IT ORDAINED by the Council of the Town of Warrenton, Virginia, that the following changes to Stormwater Management Fees and Planning and Zoning Fees are effective July 1, 2026

**STORMWATER MANAGEMENT**

| DESCRIPTION | CODE | CURRENT FEE | NEW FEE |
|---|---|---|---|
| **FEES FOR PERMIT ISSUANCE** | | | |
| General Permit – Single-family detached residential structures | **VSMP** | $209 (<5 Acres) | $209 (<5 Acres) |
| General Permit | **VSMP** | $290 (<1 Acre)<br>$2,700 (≥1 - <5Acres)<br>$3,400 (≥5 - <10 Acres)<br>$4,500 (≥10 - <50 Acres)<br>$6,100 (≥50 - <100 Acres)<br>$9,600 (≥ 100 Acres) | $450 (<1 Acre)<br>$4,100 (≥1 - <5Acres)<br>$5,100 (≥5 - <10 Acres)<br>$6,800 (≥10 - <50 Acres)<br>$9,100 (≥50 - <100 Acres)<br>$14,300 (≥ 100 Acres) |
| **MODIFICATION AND TRANSFER FEES** | | | |
| Construction Activity/Land Clearing (Fee based on size of site/area within common plans of development or size of sale with land disturbance) | **SWMT** | $20 (<1 Acre)<br>$200 (≥1 - <5Acres)<br>$250 (≥5 - <10 Acres)<br>$300 (≥10 - <50 Acres)<br>$450 (≥50 - <100 Acres)<br>$700 (≥ 100 Acres) | $30 (<1 Acre)<br>$320(≥1 - <5Acres)<br>$400 (≥5 - <10 Acres)<br>$480(≥10 - <50 Acres)<br>$720 (≥50 - <100 Acres)<br>$1,120 (≥ 100 Acres) |
| **PERMIT MAINTENANCE FEES*** | | | |
| Construction Activity/Land Clearing (Fee based on size of site/area within common plans of development or size of sale with land disturbance) | **SWPM** | $50 (<1 Acre)<br>$400 (≥1 - <5Acres)<br>$500 (≥5 - <10 Acres)<br>$650 (≥10 - <50 Acres)<br>$900 (≥50 - <100 Acres)<br>$1,400 (≥ 100 Acres) | $80 (<1 Acre)<br>$650 (≥1 - <5Acres)<br>$800 (≥5 - <10 Acres)<br>$1,050 (≥10 - <50 Acres)<br>$1,450 (≥50 - <100 Acres)<br>$2,250 (≥ 100 Acres) |

**General permit coverage maintenance fees shall be paid annually to the Town, by the anniversary date of general permit coverage. No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a Notice of Termination is effective.*

| LAND DISTURBANCE PERMIT | | |
|---|---|---|
| Single-Family Residential (<10,000 SF)/Agreement in lieu of Plan E&S and SWM | LDPA | $200.00 + 50.00 x disturbed acreage for permit/review<br>$250.00 work without a permit<br>Re-inspection fee - $50.00 for a Notice of Violation/Comply or Stop Work Order<br>$209.00 Detached SFH within a common plan of development |
| Residential/Commercial & Single-family (>10,000 SF)/Agreement in lieu of Plan for E&S and SWM | | $200.00 + 50.00 x disturbed acreage for permit/review<br>$250.00 work without a permit<br>Re-inspection fee associated with a Notice of Violation/Comply or Stop Work Order is 50% of the permit fee<br>SWM fees based on disturbed acreage<br>Maintenance SWM fees based on disturbed acreage |

**LDP and SWM permit expire after one year – renewal fees are required for reissuance.*

**Votes:**
**Ayes:**
**Nays:**
**Absent from Meeting:**

**For Information:**
Budget Manager

**ATTEST:** _____

**Town Recorder**