

AFFORDABLE HOUSING ADVISORY COMMITTEE
LOCATION: ROOM 2000
CITY HALL
THURSDAY, MARCH 6, 2014 7:00PM

AHAC AGENDA

- | | |
|---|-----------|
| 1. Consideration of February 6, 2014 meeting minutes | 7:00 p.m. |
| 2. Presentation on FOIA Requirements for AHAC Members | 7:05 p.m. |
| 3. Report on ARHA Proposed Replacement Housing Acquisition | 7:30 p.m. |
| 4. Presentation and Discussion of the Proposed Office of Housing Budget | 7:50 p.m. |
| 5. Information Items: | 8:20 p.m. |
| a) Housing Trust Fund Financial Summary for January 2014 | |
| b) Housing Opportunities Fund Financial Status for January 2014 | |
| c) Homeownership Programs Report for January 2014 | |
| d) Tax and Bond Report for January 2014 | |
| e) Housing Choice Voucher Condition Language for Set Aside Units | |
| 6. Adjournment | 8:30 p.m. |

AFFORDABLE HOUSING ADVISORY COMMITTEE
Minutes of the February 5, 2014 Meeting

Members Present

John Catlett
Mike Caison
Michael Butler
Bill Harris
Eric Weiss
Robyn Konkel
Katharine Dixon
Deena de Montigny
Carter Flemming
Mildrilyn Davis (non-voting)

Staff Present

Helen McIlvaine
Eric Keeler
Jon Frederick

Guests

John Puvak
Alex San Andres
Taylor D. Sealey
Roy Priest

The meeting was called to order by Katharine Dixon, 7:00pm.

1. J. Frederick introduced the Hunting Terrace redevelopment project. The property was purchased by the Virginia Department of Transportation as part of the Woodrow Wilson project. The building was recently purchased by Foulger-Pratt and they have submitted a proposal to redevelop the property. The applicant proposed to redevelop the property under its current zoning and use Section 7-700 of the zoning code to increase density. The affordable housing plan submitted by the applicant would provide 1/3 of the bonus units (24) affordable at 60% of AMI for 40 years. The applicant is also proposing a contribution to the housing Trust funds of 553,681.
 - J. Puvak, land use attorney Foulger-Pratt described the redevelopment and was hoping to take project to Planning Commission and City Council in April for approval. The applicant provided details on current unit sizes and rents and projected unit sizes and rents.
 - M. Caison asked a question about condition 4 and the possibility of Housing Choice Voucher being counted as income hence disqualifying the household from a unit. Staff clarified that was not the intent and stated that the condition would be amended to clarify that point.
 - K. Dixon asked a question about the ability for a tenant to increase income by 140% and still remain in the unit. Staff clarified that this was based on tax credit rules and a tenant could increase income by 40% and still remain in the unit. This allows a household to increase income and not be faced with a drastic increase in rent.
 - The Committee passed the applicant's affordable housing plan with unanimous consent, and authorized staff to amend Condition 4.
2. J. Frederick introduced the project and reminded the committee on the requirements of the approved development conditions of the Beauregard Plan. The Seminary Overlook neighborhood which is located just east of I-395 and South of Seminary Rd. This is the first neighborhood in the Beauregard Plan to submit a DSUP. The approval of the DSUP will need both a neighborhood affordable housing plan and an affordable housing plan for the DSUP. Staff will start to work with developers on plans which will come back to AHAC with recommendations with the hopes of going

to the committee in June. J. Frederick introduced J. Puvak, land use attorney, to discuss the project further.

- J. Puvak described the project that will include the demolition of all the garden apartments with the two towers to remain. The demolition will take place in two phases (Landbay A and Landbay B). Existing blogs will be demolished and replaced with four new buildings totaling 720 units. The project is currently under review by City Staff and the City appointed Beauregard Design Advisory Committee. As described in the Beauregard Small Area Plan, the project will include a robust tenant relocation plan that will include tenant relocation coordinators for both the city and the applicant. Phase 1 of the project will include the demolition of 186 units and is expected begin in 2015. Tenants will receive a 9 month notice prior to any demolition. No vote on this project was required at this time.
3. ARHA RFP- presentation handed out from 1/24. Property is a joint venture with ARHA and others- slides 11, page 6: 546 units total in all 7 projects. March 17 is deadline for potential applicants and this will give ARHA staff 6 weeks to review Information. Multiple developers could be selected for a site and developers must show financial capacity to undertake project. The RFP is a two part process.
- Discussion: There seem to be an opportunity to award more points for developers who exceed the current factor criteria. Does the city have money to invest? Maybe the city has "soft money" to help the process? Would ARHA consider using innovative strategies to design lower cost "workforce housing"?
 - What part of sustainable revenue goes back to ARHA? Roy Priest stated that the revenue will go back to ARHA and help them create sustainable projects over time.
 - Why didn't ARHA choose to develop the properties themselves instead of looking to third parties? Roy Priest commented that this was not doable due to size of the project.
4. Information items were self-explanatory and
5. City manager will release budget on 2/25.
6. New business: new chair for ARHA will come to next meeting.

Dixon adjourned the meeting at 7:47pm.

Minutes respectfully submitted by Alma Joway-Allen

MEMORANDUM

TO: BOARD AND COMMISSION MEMBERS AND STAFF LIAISONS

FROM: CHRISTINA ZECHMAN BROWN, ASSISTANT CITY ATTORNEY

VIA: JAMES L. BANKS, JR., CITY ATTORNEY

DATE: FEBRUARY 11, 2013

SUBJECT: FREEDOM OF INFORMATION ACT

Recently the City has received a number of Freedom of Information Act (“FOIA”) requests for documents that were in the possession of certain City boards and commissions. Given this new trend, we thought it might be helpful to review some of the relevant rules to make sure everyone is aware of the requirements.

In the explanations below, I will be referring to the FOIA code sections (Code of Virginia §§ 2.2-3700 et seq.).

WHO IS REQUIRED TO COMPLY WITH FOIA?

Any public body is subject to the requirements of FOIA. Public Body is defined by FOIA as

“...any legislative body, authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth, including cities, towns and counties, municipal councils, governing bodies of counties, school boards and planning commissions; boards of visitors 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.” § 2.2-3701.

This clearly includes all City boards and commissions, including advisory boards established for temporary projects.

WHAT DOCUMENTS ARE SUBJECT TO THE FOIA?

All public records, whether generated on a private computer or a City computer, are subject to FOIA. Public records are defined by the state code as:

all writings and recordings that consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business. Records that are not prepared for or used in the transaction of public business are not public records.

§ 2.2-3701.

This includes any written document that is about any public business. Therefore, if a personal email address is used to conduct City business, the emails about City business are subject to FOIA. Additionally, this would include documents that may be considered non-traditional “documents” such as texts, chats, blogs, or postings.

There are certain very specific exemptions to FOIA, including attorney client privileged information. However, there are no exemptions for the majority of documents that would be in the possession of members of boards and commissions. If you want to inquire about whether a specific document is exempt, please feel free to contact the City Attorney’s office.

PROCEDURES FOR COMPLYING WITH DOCUMENT REQUESTS

When a FOIA request comes in to the City through the City Attorney’s office, the request is processed through the City’s FOIA Systems. The request goes out to the relevant departments through that system, and the departments submit the relevant documents through the system. Each individual that may have relevant documents in that department is required to respond individually to the request. The City Attorney’s office reviews the documents and then distributes the documents to the requestor.

Currently, members of boards and commissions do not have City email addresses and are not directly on the City’s FOIA Systems. Therefore, when a request comes in that involves a particular board or commission, the City Attorney’s office will work with its department contacts. Then the individual board or commission members will be asked by City departmental staff to search his or her files and let the department know whether he or she has any relevant documents.

Please note, the Virginia Public Records Act establishes schedules for record retention requirements. Different retention schedules may apply to the retention of emails for different boards or commissions, some dependent upon the work conducted by the board or commission. The majority of the records that you receive as a board or commission member are provided to you by the City staff. Anything that has been provided to you by the City staff is retained by the staff in accordance with the required retention rules. Therefore, you are only responsible to retain any record, in accordance with the required

schedule, that is not also within the City's system. Please contact the City Attorney's office regarding the retention schedule that is specifically applicable.

We recommend that board and commission members establish separate email accounts just for the business that they may conduct in their position in order to keep the information separate from either personal email or professional work email.

WHAT IS THE PENALTY FOR NOT COMPLYING WITH FOIA?

The requirements of the FOIA may be enforced by “[A]ny person, including the attorney for the Commonwealth acting in his official or individual capacity, denied the rights and privileges conferred by this chapter” by filing a civil suit for a mandamus or an injunction in the local General District Court or Circuit Court. The public body bears the burden of establishing, by a preponderance of the evidence, that there was an exemption that allowed them to not disclose the document. In cases where the Court finds there was a willful or knowing violation of the FOIA law, **civil penalties ranging from \$250 - \$5000 may be imposed** on the member of the public body in his or her personal capacity. See § 2.2-3713 and § 2.2-3714 (emphasis added).

TRAINING AND QUESTIONS

If you would like training regarding FOIA or record retention requirements, or if you have any other questions please feel free to contact Christina Zechman Brown, City Attorney's office, (703) 746-3750.

[prev](#) | [next](#)

§ 2.2-3700. Short title; policy.

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

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

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

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

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

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

[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

[prev](#) | [next](#)

§ 2.2-3701. Definitions.

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

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

"Electronic communication" means any audio or combined audio and visual communication method.

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

"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through telephonic or video equipment pursuant to § 2.2-3708 or 2.2-3708.1, 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. The gathering of employees of a public body shall not be deemed a "meeting" subject to the provisions of this chapter.

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

"Public body" means any legislative body, authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth, including cities, towns and counties, municipal councils, governing bodies of counties, school boards and planning commissions; boards of visitors 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 shall be considered public bodies and, except as otherwise expressly provided by law, shall have the same obligations to disclose public records as other custodians of public records.

"Public records" means all writings and recordings that consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business. Records that are not prepared for or used in the transaction of public business are not public records.

"Regional public body" means a unit of government organized as provided by law within defined boundaries, as determined by the General Assembly, whose members are appointed by the participating local governing bodies, and such unit includes two or more counties or cities.

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

(1968, c. 479, § 2.1-341; 1970, c. 456; 1974, c. 332; 1975, c. 307; 1977, c. 677; 1978, cc. 573, 826; 1979, cc. 369, 687; 1980, c. 754; 1984, c. 252; 1989, c. 358; 1990, c. 538; 1993, cc. 270, 720; 1994, cc. 845, 931; 1996, c. 609; 1997, c. 641; 1999, cc. 703, 726; 2001, c. 844; 2002, c. 393; 2003, c. 897; 2007, c. 945; 2008, cc. 233, 789; 2010, c. 706; 2011, c. 242.)

[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

[prev](#) | [next](#)

§ 2.2-3702. Notice of chapter.

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

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

[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

[prev](#) | [next](#)

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

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

1. The Virginia Parole Board, except that (i) information from the Virginia Parole Board providing the number of inmates considered by such 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 such 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](#) and (ii) all records concerning the finances of the Virginia Parole Board shall be public records and subject to the provisions of this chapter. The information required by clause (i) shall be furnished by offense, sex, race, age of the inmate, and the locality in which the conviction was obtained, upon the request of the party seeking the information;

2. Petit juries and grand juries;

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

4. The Virginia State Crime Commission; and

5. The records required by law to be maintained by the clerks of the courts of record, as defined in § [1-212](#), and courts not of record, as defined in § [16.1-69.5](#). However, other records maintained by the clerks of such courts shall be public records and subject to the provisions of this chapter.

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

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

(1999, cc. [703](#), [726](#), § [2.1-341.2](#); 2001, c. [844](#); 2003, cc. [989](#), [1018](#); 2004, cc. [398](#), [690](#); 2007, cc. [438](#), [548](#), [626](#).)

[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

[prev](#) | [next](#)

§ 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 inspection and copying by any citizens of the Commonwealth during the regular office hours of the custodian of such records. Access to such records shall not be denied 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. 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 because their release is prohibited by law or the custodian has exercised his discretion to withhold the records in accordance with this chapter. 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 because the release of part of the records is prohibited by law or the custodian has exercised his discretion to withhold a portion of the records in accordance with this chapter. 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. When a portion of a requested record is withheld, the public body may delete or excise only that portion of the record to which an exemption applies and shall release the remainder of the record.

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

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

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

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

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

F. A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall impose any extraneous, intermediary or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual

cost of duplication. The public body may also make a reasonable charge for the cost incurred in supplying records produced from a geographic information system at the request of anyone other than the owner of the land that is the subject of the request. However, such charges shall not exceed the actual cost to the public body in supplying such records, except that the public body may charge, on a pro rata per acre basis, for the cost of creating topographical maps developed by the public body, for such maps or portions thereof, which encompass a contiguous area greater than 50 acres. All charges for the supplying of requested records shall be estimated in advance at the request of the citizen.

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

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

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

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

J. In the event a public body has transferred possession of public records to any entity, including but not limited to any other public body, for storage, maintenance, or archiving, the public body initiating the transfer of such records shall remain the custodian of such records for purposes of responding to requests for public records made pursuant to this chapter and shall be responsible for retrieving and supplying such public records to the requester. In the event a public body has transferred public records for storage, maintenance, or archiving and such transferring public body is no longer in existence, any public body that is a successor to the transferring public body shall be deemed the custodian of such records. In the event no successor entity exists, the entity in possession of the public records shall be deemed the custodian of the records for purposes of compliance with this chapter, and shall retrieve and supply such records to the requester. Nothing in this subsection shall be construed to apply to records transferred to the Library of Virginia for permanent archiving pursuant to the duties imposed by the Virginia Public Records Act (§ [42.1-76](#) et seq.). In accordance with § [42.1-79](#), the Library of Virginia shall be the custodian of such permanently archived records and shall be responsible for responding to requests for such records made pursuant to this chapter.

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

[prev](#) | [next](#)

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

A. All state public bodies created in the executive branch of state government and subject to the provisions of this chapter shall make available the following information to the public upon request and shall post such information on the Internet:

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 subdivision "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 person designated by the public body 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 state 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; and

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.

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

(2004, c. [730](#); 2009, c. [626](#).)

[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

[prev](#) | [next](#)

§ 2.2-3705.1. Exclusions to application of chapter; exclusions of general application to public bodies.

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. Personnel records containing 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 any personnel 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, the public body shall open such records for inspection and copying.
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 records 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 official records of a public body. For the purpose of this subdivision, "vendor proprietary 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, state-supported institution of higher education 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. Records 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 of this title, 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 prohibit the disclosure of information taken from inactive reports upon expiration of the period of limitations for the filing of a civil suit.

10. Personal information, as defined in § [2.2-3801](#), including electronic mail addresses, 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.

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. Records relating to the negotiation and award of a specific contract where competition or bargaining is involved and where the release of such records would adversely affect the bargaining position or negotiating strategy of the public body. Such records 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 records relating to such transactions shall be governed by the Virginia Public Procurement Act.

13. Those portions of records that contain 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 record. For the purposes of this subdivision, "financial institution" means any organization authorized to do business under state or federal laws relating to financial institutions, including, without limitation, banks and trust companies, savings banks, savings and loan companies or associations, and credit unions.

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

[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

[prev](#) | [next](#)

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

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. Confidential records, including victim identity, provided to or obtained by staff in a rape crisis center or a program for battered spouses.
2. Those portions of engineering and construction drawings and plans submitted for the sole purpose of complying with the Building Code in obtaining a building permit that would identify specific trade secrets or other information, the disclosure of which 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.

Those portions of engineering and construction drawings and plans that reveal 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.), the disclosure of which would jeopardize the safety or security of any public or private commercial office, multifamily residential or retail building or its occupants in the event of terrorism or other threat to public safety, to the extent that the owner or lessee of such property, equipment or system in writing (i) invokes the protections of this paragraph; (ii) identifies the drawings, plans, or other materials to be protected; and (iii) states the reasons why protection is necessary.

Nothing in this subdivision shall prevent the disclosure of information relating to any building in connection with an inquiry into the performance of that building after it has been subjected to fire, explosion, natural disaster or other catastrophic event.

3. Documentation or other 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.
4. Plans and information to prevent or respond to terrorist activity, the disclosure of which would jeopardize the safety of any person, including (i) critical infrastructure sector or structural components; (ii) vulnerability assessments, operational, procedural, transportation, and tactical planning or training manuals, and staff meeting minutes or other records; and (iii) engineering or architectural records, or records containing information derived from such records, to the extent such records reveal the location or operation of security equipment and systems, elevators, ventilation, fire protection, emergency, electrical, telecommunications or utility equipment and systems of any public building, structure or information storage facility, or telecommunications or utility equipment or systems. The same categories of records of any governmental or nongovernmental person or entity submitted to a public body for the purpose of antiterrorism response planning 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 planning or protection. Such statement shall be a public record and shall be disclosed upon request. Nothing in this subdivision shall be construed to prohibit the disclosure of records relating to the structural or environmental soundness of any building, nor shall it prevent the disclosure of information relating to any building in connection with an inquiry into the performance of that building after it has been subjected to fire, explosion, natural disaster or other catastrophic event.
5. Information that would disclose the security aspects of a system safety program plan adopted pursuant to 49 C.F.R. Part 659 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.

6. Engineering and architectural drawings, operational, procedural, tactical planning or training manuals, or staff meeting minutes or other records, the disclosure of which would reveal surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational and transportation plans or protocols, to the extent such disclosure would jeopardize the security of any governmental facility, building or structure or the safety of persons using such facility, building or structure.

7. 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 prohibit the disclosure of records 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.

8. [Expired.]

9. Records of the Commitment Review Committee 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; except that in no case shall records identifying the victims of a sexually violent predator be disclosed.

10. Subscriber data, which for the purposes of this subdivision, means the name, address, telephone number, and any other information identifying a subscriber of a telecommunications carrier, provided directly or indirectly by a telecommunications carrier 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 telecommunications carrier to the public generally. Nothing in this subdivision shall prevent the release 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.

11. Subscriber data, which for the purposes of this subdivision, means the name, address, telephone number, and any other information identifying a subscriber of a telecommunications carrier, 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 release 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.

12. Records 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, to the extent such records (i) contain information relating to strategies under consideration or development by the Council or such commission or organizations to prevent the closure or realignment of federal military installations located in Virginia or the relocation of national security facilities located in Virginia, to limit the adverse economic effect of such realignment, closure, or relocation, or to seek additional tenant activity growth from the Department of Defense or federal government or (ii) disclose trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided to the Council or such commission or organizations in connection with their work. In order to invoke the trade secret protection provided by clause (ii), the submitting entity shall, in writing and at the time of submission (a) invoke this exclusion, (b) identify with specificity the information for which such protection is sought, and (c) state the reason why such protection is necessary. Nothing in this subdivision shall be construed to authorize the withholding 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.

13. Documentation or other 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, the disclosure of which 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.

14. Documentation or other 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, programming maintained by or utilized by STARS or any other similar local or regional public safety communications system; those portions of engineering and construction drawings and plans that reveal critical structural components, interconnectivity, security equipment and systems, network monitoring, network operation center, master sites, ventilation systems, fire protection equipment, mandatory building emergency equipment, electrical systems, and other utility equipment and systems related to STARS or any other similar local or regional public safety communications system; and special event plans, operational plans, storm plans, or other pre-arranged programming, the disclosure of which would reveal surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational and transportation plans or protocols, to the extent such disclosure would jeopardize the security of any governmental facility, building, or structure or the safety of any person.

15. Records of a salaried or volunteer Fire/EMS company or Fire/EMS department, to the extent that the records 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.

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

[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

[prev](#) | [next](#)

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

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. Confidential records of all investigations of applications for licenses and permits, and of all licensees and permittees, made by or submitted to the Alcoholic Beverage Control Board, the State Lottery Department, 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.
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 or to such personnel of any local public body, including local school boards as are responsible for conducting such investigations in confidence. However, nothing in this section shall prohibit 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 section shall prohibit 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. Records of studies and investigations by the State Lottery Department 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 official records have 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 State Employee Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to Chapter 3.2 (§ [2.2-307](#) et seq.); (v) the committee or the auditor with respect to an investigation or audit conducted pursuant to § [15.2-825](#); or (vi) 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. Records of 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 prohibited by this section, the records disclosed shall include, but not be limited to, 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. Records of the Virginia Office for Protection and Advocacy consisting of documentary evidence received or maintained by the Office or its agents in connection with specific complaints or investigations, and records of communications between employees and agents of the Office and its clients or prospective clients concerning specific complaints, investigations or cases. Upon the conclusion of an investigation of a complaint, this exclusion shall no longer apply, but the Office may not at any time release the identity of any complainant or person with mental illness, intellectual disability, developmental disabilities or other disability, unless (i) such complainant or person or his legal representative consents in writing to such identification or (ii) such identification is required by court order.

9. Information furnished in confidence to the Department of Human Resource Management with respect to an investigation, consultation, or mediation under § 2.2-1202.1, and memoranda, correspondence and other records resulting from any such investigation, consultation or mediation. However, nothing in this section shall prohibit 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.

10. 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.

11. 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.

12. Records 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 records 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.

13. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation conducted by or for the Board of Education related to the denial, suspension, or revocation of teacher licenses. However, this subdivision shall not prohibit the disclosure of records 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. Records of completed investigations shall be disclosed in a form that does not reveal the identity of any complainant or person supplying information to investigators. The records 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 in the records regarding a current or former student shall be released except as permitted by state or federal law.

14. Records, notes and 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, records related to an investigation that has been inactive for more than six months shall, upon request, be disclosed provided such disclosure is not otherwise prohibited by law and does not reveal the identity of charging parties, complainants, persons supplying information, witnesses or other individuals involved in the investigation.

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

[prev](#) | [next](#)

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

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

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 state-supported institution of higher education, the right of access may be asserted by the student.

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

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 (iii) receipt of an honor or honorary recognition.

3. Records of the Brown v. Board of Education Scholarship Awards Committee relating to personally identifiable information, including scholarship applications, personal financial information, and confidential correspondence and letters of recommendation.

4. Data, records or 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 data, records or information has not been publicly released, published, copyrighted or patented.

5. All records of 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 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 4.9 (§ 23-38.75 et seq.) of Title 23. Nothing in this subdivision shall be construed to prohibit 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.

7. Records maintained in connection with fundraising activities by or for a public institution of higher education to the extent that such records reveal (i) personal fundraising strategies relating to identifiable donors or prospective

donors or (ii) wealth assessments; estate, financial, or tax planning information; health-related information; employment, familial, or marital status information; electronic mail addresses, facsimile or telephone numbers; birth dates or social security numbers of identifiable donors or prospective donors. Nothing in this subdivision, however, shall be construed to authorize the withholding of records relating to the amount, date, purpose, and terms of the pledge or donation, or the identity of the donor unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the institution for the performance of research services or other work or (ii) the terms and conditions of such grants or contracts.

8. Records of a threat assessment team established by a public institution of higher education pursuant to § [23-9.2:10](#) 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, the records of such 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 records shall remove information identifying any person who provided information to the threat assessment team under a promise of confidentiality.

(1999, cc. [485](#), [518](#), [703](#), [726](#), [793](#), [849](#), [852](#), [867](#), [868](#), [881](#), § [2.1-342.01](#); 2000, cc. [66](#), [237](#), [382](#), [400](#), [430](#), [583](#), [589](#), [592](#), [594](#), [618](#), [632](#), [657](#), [720](#), [932](#), [933](#), [947](#), [1006](#), [1064](#); 2001, cc. [288](#), [518](#), [844](#), § [2.2-3705](#); 2002, cc. [87](#), [155](#), [242](#), [393](#), [478](#), [481](#), [499](#), [522](#), [571](#), [572](#), [633](#), [655](#), [715](#), [798](#), [830](#); 2003, cc. [274](#), [307](#), [327](#), [332](#), [358](#), [704](#), [801](#), [884](#), [891](#), [893](#), [897](#), [968](#); 2004, c. [690](#); 2006, c. [518](#); 2008, cc. [561](#), [665](#); 2010, cc. [456](#), [524](#).)

[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

[prev](#) | [next](#)

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

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

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 open to inspection and copying as provided in § [2.2-3704](#). 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. However, such material may be made available during normal working hours for copying, at the requester's expense, by the individual who is the subject thereof, in the offices of the Department of Health Professions or in the offices of any health regulatory board, whichever may possess the material.

3. Reports, documentary evidence and other information as specified in §§ [51.5-122](#), [51.5-141](#), and [63.2-104](#).

4. Investigative notes; proprietary information not published, copyrighted or patented; information obtained from employee personnel records; personally identifiable information regarding residents, clients or other recipients of services; other correspondence and information furnished in confidence to the Department of Social Services in connection with an active investigation of an applicant or licensee pursuant to Chapters 17 (§ [63.2-1700](#) et seq.) and 18 (§ [63.2-1800](#) et seq.) of Title 63.2; and records 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 section shall prohibit 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 and records 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. Data formerly required to be submitted to the Commissioner of Health relating to the establishment of new or the expansion of existing clinical health services, acquisition of major medical equipment, or certain projects requiring capital expenditures pursuant to former § 32.1-102.3:4.

8. Information required to be provided to the Department of Health Professions by certain licensees pursuant to § 54.1-2506.1.

9. Information and records 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 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 made confidential by § 32.1-283.3; or (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.

10. 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.

11. Records of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions, to the extent such records may identify any practitioner who may be, or who is actually, impaired to the extent disclosure is prohibited by § 54.1-2517.

12. Records submitted as a grant application, or accompanying a grant application, to the Commonwealth Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter 14 of Title 51.5, to the extent such records contain (i) medical or mental health records, or other data identifying individual patients or (ii) 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, if the disclosure of such information would be harmful to the competitive position of the applicant.

13. Any record 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.

14. Records, information and statistical registries required to be kept confidential pursuant to §§ 63.2-102 and 63.2-104.

15. All data, records, and reports relating to the prescribing and dispensing of covered substances to recipients and any abstracts from such data, records, and reports that are in the possession of the Prescription Monitoring 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.

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

17. Records of the State Health Commissioner relating to the health of any person or persons 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; this provision shall not, however, be construed to prohibit the disclosure of statistical summaries, abstracts or other information in aggregate form.

18. Records containing 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.

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

897, 968; 2004, cc. 65, 666, 690, 773, 1014, 1021; 2005, cc. 181, 227, 716; 2008, c. 539; 2009, cc. 472, 813, 840; 2011, cc. 110, 175, 535; 2012, cc. 476, 479, 507, 803, 835.)

[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

[prev](#) | [next](#)

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

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

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. Confidential proprietary records, 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 records related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where, if such records are made public, the financial interest of the public body would be adversely affected.
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. Confidential proprietary records related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Mines, Minerals and Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.
8. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ [32.1-331.12](#) et seq.) of Chapter 10 of Title 32.1.
9. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and cost projections provided by a private transportation business to the Virginia Department of Transportation and the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed to obtain grants or other financial assistance under the Transportation Equity Act for the 21st Century (P.L. 105-178) for transportation projects, 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. However, the exemption 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 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 records 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 (§ [56-556](#) et seq.) or the Public Private Education Facilities and Infrastructure Act of 2002 (§ [56-575.1](#) et seq.), where (i) if such records were made public prior to or after the execution of an interim or a comprehensive agreement, § [56-573.1:1](#) 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. Records 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 or the Public-Private Education Facilities and Infrastructure Act of 2002, to the extent that such records contain (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (ii) financial records 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 the records were 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 records 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 records of the private entity. To protect other records 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 records 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 § 56-573.1:1 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 or in the Public-Private Education Facilities and Infrastructure Act of 2002.

12. Confidential proprietary information or trade secrets, not publicly available, provided by a private person or entity 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, and, after June 30, 1997, where such information was provided pursuant to a promise of confidentiality.

13. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), or confidential proprietary records that are not generally available to the public through regulatory disclosure or otherwise, provided by a (a) bidder or applicant for a franchise or (b) 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 records relate 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

records 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 (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 reason why protection is necessary.

No bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the bidder, applicant, or franchisee is owned or controlled by a public body or if any representative of the applicable franchising authority serves on the management board or as an officer of the bidder, applicant, or franchisee.

14. Documents and other information of a proprietary nature furnished by a supplier of charitable gaming supplies to the Department of Agriculture and Consumer Services pursuant to subsection E of § 18.2-340.34.

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

16. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) of Title 59.1, submitted by CMRS providers as defined in § 56-484.12 to the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, relating to the provision of wireless E-911 service.

17. Records submitted as a grant or loan application, or accompanying a grant or loan application, to the Innovation and Entrepreneurship Investment Authority pursuant to Article 3 (§ 2.2-2233.1 et seq.) of Chapter 22 of Title 2.2 or to the Commonwealth Health Research Board pursuant to Chapter 22 (§ 23-277 et seq.) of Title 23 to the extent such records contain 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, if the disclosure of such information would be harmful to the competitive position of the applicant.

18. Confidential proprietary records 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, to the extent that disclosure of such records 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 (i) invoke the protections of this subdivision, (ii) identify with specificity the records or portions thereof for which protection is sought, and (iii) state the reasons why protection is necessary.

19. Confidential proprietary records 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 records required to be maintained in accordance with § 15.2-2160 shall be released.

20. Trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) or financial records 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 Minority Business Enterprise as part of an application for (i) certification as a small, women-owned, or minority-owned business in accordance with Chapter 14 (§ 2.2-1400 et seq.) of this title or (ii) a claim made by a disadvantaged business or an economically disadvantaged individual against the Capital Access Fund for Disadvantaged Businesses created pursuant to § 2.2-2311. In order for such trade secrets or financial records to be excluded from the provisions of this chapter, the business 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 reasons why protection is necessary.

21. Documents and other information of a proprietary or confidential nature disclosed by a carrier to the State Health

Commissioner pursuant to §§ 32.1-276.5:1 and 32.1-276.7:1.

22. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), including, but not limited to, financial records, 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 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 State Inspector General:

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 State Inspector General shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial records 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. Records submitted as a grant application, or accompanying a grant application, to the Virginia Tobacco Indemnification and Community Revitalization Commission to the extent such records contain (i) trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), (ii) financial records 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 (iii) 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, if the disclosure of such information would be harmful to the competitive position of the applicant; and memoranda, staff evaluations, or other records 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 records specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Commission:

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, records or other materials for which protection is sought; and
3. 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 records 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. Records of 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 public disclosure would adversely affect the financial interest or bargaining position of the Authority or a private entity providing records to the Authority; or

b. Records provided by a private entity to the Commercial Space Flight Authority, to the extent that such records contain (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (ii) financial records 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 the records were made public, the financial interest or bargaining position of the Authority or private entity would be adversely affected.

In order for the records specified in clauses (i), (ii), and (iii) 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 records of the private entity. To protect other records 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. Documents and other 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.

(1999, cc. [485](#), [518](#), [703](#), [726](#), [793](#), [849](#), [852](#), [867](#), [868](#), [881](#), § 2.1-342.01; 2000, cc. [66](#), [237](#), [382](#), [400](#), [430](#), [583](#), [589](#), [592](#), [594](#), [618](#), [632](#), [657](#), [720](#), [932](#), [933](#), [947](#), [1006](#), [1064](#); 2001, cc. [288](#), [518](#), [844](#), § [2.2-3705](#); 2002, cc. [87](#), [155](#), [242](#), [393](#), [478](#), [481](#), [499](#), [522](#), [571](#), [572](#), [633](#), [655](#), [715](#), [798](#), [830](#); 2003, cc. [274](#), [307](#), [327](#), [332](#), [358](#), [704](#), [801](#), [884](#), [891](#), [893](#), [897](#), [968](#); 2004, cc. [593](#), [690](#); 2005, cc. [258](#), [411](#); 2006, cc. [73](#), [76](#), [467](#), [831](#), [921](#), [936](#); 2006, Sp. Sess. I, c. [1](#); 2007, cc. [374](#), [693](#); 2008, cc. [71](#), [102](#), [266](#), [387](#), [633](#), [689](#), [736](#), [743](#); 2009, cc. [246](#), [311](#), [325](#), [765](#), [810](#), [869](#); 2010, cc. [310](#), [808](#); 2011, cc. [541](#), [781](#), [798](#), [871](#); 2012, cc. [693](#), [709](#).)

[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

[prev](#) | [next](#)

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

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. State income, business, and estate tax returns, personal property tax returns, scholastic and confidential records held pursuant to § [58.1-3](#).
2. Working papers and correspondence of the Office of the Governor; Lieutenant Governor; the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates and 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 Virginia. 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.

As used in this subdivision:

"Office of the Governor" means the Governor; his chief of staff, counsel, director of policy, Cabinet Secretaries, and 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 an above-named public official for his personal or deliberative use.

3. Library records that can be used to identify both (i) any library patron who has borrowed material from a library and (ii) the material such patron borrowed.
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. Records and writings 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 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. Records regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of them 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. Records containing 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 exemption shall not apply to requests from the owner of the land upon which the resource is located.

11. Records, memoranda, working papers, graphics, video or audio tapes, production models, data and information of a proprietary nature produced by or for or collected by or for the State Lottery Department 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 official records have 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. Records of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of a local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or of the Virginia College Savings Plan, acting pursuant to § 23-38.77, 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, to the extent that: (i) such records contain confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or the Virginia College Savings Plan, or provided to the retirement system 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) disclosure of such confidential analyses would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of records relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Names and addresses of subscribers to Virginia Wildlife magazine, published by the Department of Game and Inland Fisheries, provided the individual subscriber has requested in writing that the Department not release such information.

14. 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.

15. Records of 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; data, records or 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 data, records or 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 data, records or information have not been publicly released, published, copyrighted or patented.

16. Records of the Department of Environmental Quality, the State Water Control Board, 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 records 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 prohibit the disclosure of records related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

17. As it pertains to any person, records related to the operation of toll facilities that identify an individual, vehicle, or travel itinerary including, but not limited to, vehicle identification data, 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.

18. Records of the State Lottery Department 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.

19. Records of 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.

20. Records, investigative notes, correspondence, and information pertaining to the planning, scheduling and performance of examinations of holder records pursuant to the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.) prepared by or for the State Treasurer, his agents, employees or persons employed to perform an audit or examination of holder records.

21. Records of 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, to the extent that such records reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

22. Records of state or local park and recreation departments and local and regional park authorities to the extent such records contain information identifying a person under the age of 18 years, where the parent or legal guardian of such person has requested in writing that such information not be disclosed. However, nothing in this subdivision shall operate to prohibit the disclosure of information defined as directory information under regulations implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For records of such persons who are emancipated, the right of access may be asserted by the subject thereof.

23. Records submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management, to the extent that they 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.

24. Records of the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

25. Records of the Virginia Retirement System acting pursuant to § 51.1-124.30, of a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or of the Virginia College Savings Plan, acting pursuant to § 23-38.77 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, to the extent that disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College

Savings Plan; and

b. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided by a private entity to the retirement system or the Virginia College Savings Plan, to the extent 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 authorize the withholding of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

26. Records of the Department of Corrections made confidential by § 53.1-233.

27. Records maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.), to the extent such records relate to information required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

28. 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 record.

29. Records maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 to the extent that such records reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the record. Nothing in this subdivision, however, shall be construed to authorize the withholding of records relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor. 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.

30. Names, physical addresses, telephone numbers, and email addresses contained in correspondence between an individual and a member of the governing body, school board, or other public body of the locality in which the individual is a resident, unless the correspondence relates to the transaction of public business. 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 attached to or incorporated within any such correspondence.

(1999, cc. 485, 518, 703, 726, 793, 849, 852, 867, 868, 881, § 2.1-342.01; 2000, cc. 66, 237, 382, 400, 430, 583, 589, 592, 594, 618, 632, 657, 720, 932, 933, 947, 1006, 1064; 2001, cc. 288, 518, 844, § 2.2-3705; 2002, cc. 87, 155, 242, 393, 478, 481, 499, 522, 571, 572, 633, 655, 715, 798, 830; 2003, cc. 274, 307, 327, 332, 358, 704, 801, 884, 891, 893, 897, 968; 2004, cc. 426, 690, 832; 2005, cc. 165, 508; 2007, cc. 406, 652, 660, 737, 739; 2008, cc. 16, 739; 2009, cc. 223, 827, 845; 2010, c. 300; 2011, cc. 827, 867; 2012, c. 726.)

[prev](#) | [next](#)

§ 2.2-3705.8. Limitation on record exclusions.

A. Neither any provision of this chapter nor any provision of Chapter 38 (§ [2.2-3800](#) et seq.) of this title 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 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 subsection, 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.

B. Nothing in this chapter shall be construed as denying public access to the nonexempt portions of a report of a consultant hired by or at the request of a local public body or the mayor or chief executive or administrative officer of such public body if (i) the contents of such report have been distributed or disclosed to members of the local public body or (ii) the local public body has scheduled any action on a matter that is the subject of the consultant's report.

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

[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

[prev](#) | [next](#)

§ 2.2-3706. Disclosure of criminal records; limitations.

A. As used in this section:

"Criminal incident information" means a general description of the criminal activity reported, the date and general location the alleged crime was committed, the identity of the investigating officer, and a general description of any injuries suffered or property damaged or stolen.

"Criminal investigative file" 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.

B. Law-enforcement agencies shall make available upon request criminal incident information relating to felony offenses. However, where the release of criminal incident information is likely to jeopardize an ongoing investigation or prosecution, or the safety of an individual; cause a suspect to flee or evade detection; or result in the destruction of evidence, such information may be withheld until the above-referenced damage is no longer likely to occur from release of the information. Nothing in this subsection shall be construed to prohibit the release of those portions of such information that are not likely to cause the above-referenced damage.

C. Information in the custody of law-enforcement agencies relative to the identity of any individual, other than a juvenile, who is arrested and charged, and the status of the charge or arrest shall be released.

D. The identity of any victim, witness or undercover officer, or investigative techniques or procedures need not but may be disclosed unless disclosure is prohibited or restricted under § [19.2-11.2](#).

E. The identity of any individual providing information about a crime or criminal activity under a promise of anonymity shall not be disclosed.

F. The following records are excluded from the 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 as defined in subsection A;
2. Adult arrestee photographs when necessary to avoid jeopardizing an investigation in felony cases until such time as the release of the photograph will no longer jeopardize the investigation;
3. 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 Chapter 17 (§ [23-232](#) et seq.) of Title 23;
4. Portions of records of local government crime commissions that would identify individuals providing information about crimes or criminal activities under a promise of anonymity;
5. 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;
6. All records of persons imprisoned in penal institutions in the Commonwealth provided such records relate to the imprisonment;
7. 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;
8. 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;

9. 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;

10. 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; and

11. 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.

G. Records kept by law-enforcement agencies as required by § [15.2-1722](#) shall be subject to the provisions of this chapter except that those portions of noncriminal incident or other investigative reports or materials that contain identifying information of a personal, medical or financial nature may be withheld where the release of such information would jeopardize the safety or privacy of any person.

H. 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 are excluded from the provisions of this chapter, including information obtained from state, local and regional officials, except to the extent that information is required to be posted on the Internet pursuant to § [9.1-913](#).

I. In the event of conflict between this section as it relates to requests made under this section and other provisions of law, this section shall control.

(1999, cc. [703](#), [726](#), § [2.1-342.2](#); 2000, c. [227](#); 2001, c. [844](#); 2002, cc. [393](#), [715](#), [769](#), [830](#); 2004, cc. [685](#), [735](#); 2006, cc. [857](#), [914](#); 2007, c. [133](#); 2010, c. [627](#); 2011, cc. [798](#), [871](#).)

[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

[prev](#) | [next](#)

§ 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 communication means where the members are not physically assembled to discuss or transact public business, except as provided in § 2.2-3708, 2.2-3708.1 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 placing the notice in a prominent public location at which notices are regularly posted and in the office of the clerk of the public body, or in the case of a public body that has no clerk, in 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 their websites and on the electronic calendar maintained by the Virginia Information Technologies Agency commonly known as the Commonwealth Calendar. 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. Notices for meetings of state public bodies on which there is at least one member 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.

D. Notice, reasonable under the circumstance, of special or emergency meetings shall be given contemporaneously with the notice provided 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 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.

G. Nothing in this chapter shall be construed to prohibit the gathering or attendance of two or more members of a public body (i) 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 (ii) 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. The notice provisions of this chapter shall not apply to informal meetings or gatherings of the members of the General Assembly.

H. 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.

I. Minutes shall be recorded at all open meetings. However, minutes shall not be required to be taken at deliberations of (i) standing and other committees of the General Assembly; (ii) legislative interim study commissions and committees, including the Virginia Code Commission; (iii) study committees or commissions appointed by the Governor; or (iv) study commissions or study committees, or any other committees or subcommittees appointed by the governing bodies or school boards of counties, cities and towns, except where the membership of any such commission, committee or subcommittee includes a majority of the governing body of the county, city or town or

school board.

Minutes, including draft minutes, and all other records of open meetings, including audio or audio/visual records shall be deemed public records and subject to the provisions of this chapter.

Minutes shall be in writing and shall include (i) the date, time, and location of the meeting; (ii) the members of the public body recorded as present and absent; and (iii) 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](#), minutes of state public bodies shall include (a) the identity of the members of the public body at each remote location identified in the notice who participated in the meeting through electronic communications means, (b) the identity of the members of the public body who were physically assembled at the primary or central meeting location, and (c) the identity of the members of the public body who were not present at the locations identified in clauses (a) and (b), but who monitored such meeting through electronic communications means.

(1968, c. 479, § 2.1-343; 1973, c. 461; 1976, c. 467; 1977, c. 677; 1982, c. 333; 1989, c. 358; 1990, c. 538; 1993, c. 720; 1995, c. [562](#); 1999, cc. [696](#), [703](#), [726](#); 2000, c. [227](#); 2001, c. [844](#); 2004, cc. [730](#), [768](#); 2005, c. [352](#); 2007, c. [300](#); 2009, c. [628](#); 2010, c. [309](#).)

[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

[prev](#) | [next](#)

§ 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 § [2.2-3708](#).

(2004, c. [768](#); 2005, c. [352](#).)

[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

[prev](#) | [next](#)

§ 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 website, if any, and on the electronic calendar maintained by the Virginia Information Technologies Agency commonly known as the Commonwealth Calendar. Draft minutes of meetings shall be posted as soon as possible but no later than ten working days after the conclusion of the meeting. Final approved meeting minutes shall be posted within three working days of final approval of the minutes.

(2002, cc. [580](#), [618](#); 2006, cc. [474](#), [595](#); 2007, c. [300](#).)

[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

[prev](#) | [next](#)

§ 2.2-3708. Electronic communication meetings; applicability; physical quorum required; notice; report.

A. Except as expressly provided in subsection G of this section or § [2.2-3708.1](#), no local governing body, school board, or any authority, board, bureau, commission, district or agency of local government, any committee thereof, or any entity created by a local governing body, school board, or any local authority, board, or commission shall conduct a meeting wherein the public business is discussed or transacted through telephonic, video, electronic or other communication means where the members are not physically assembled. Nothing in this section shall be construed to prohibit the use of interactive audio or video means to expand public participation.

B. Except as provided in subsection D of § [2.2-3707.01](#), state public bodies may conduct any meeting wherein the public business is discussed or transacted through electronic communication means, provided (i) a quorum of the public body is physically assembled at one primary or central meeting location, (ii) notice of the meeting has been given in accordance with subsection C, and (iii) the remote locations, from which additional members of the public body participate through electronic communication means, are open to the public. All persons attending the meeting at any of the meeting locations shall be afforded the same opportunity to address the public body as persons attending the primary or central location. State public bodies, however, may meet by electronic communication means without a quorum of the public body physically assembled at one location when (a) the Governor has declared a state of emergency in accordance with § [44-146.17](#), (b) the meeting is necessary to take action to address the emergency, and (c) the public body otherwise complies with the provisions of this section.

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

C. Notice of any meetings held pursuant to this section shall be provided at least three working days in advance of the date scheduled for the meeting. The notice shall include the date, time, place, and purpose for the meeting; shall identify the locations for the meeting; and shall include a telephone number that may be used at remote locations to notify the primary or central meeting location of any interruption in the telephonic or video broadcast of the meeting to the remote locations. Any interruption in the telephonic or video broadcast of the meeting shall result in the suspension of action at the meeting until repairs are made and public access restored.

D. Agenda packets and, unless exempt, all materials that will be distributed to members of the public body and that have been made available to the staff of the public body in sufficient time for duplication and forwarding to all locations where public access will be provided shall be made available to the public at the time of the meeting. Minutes of all meetings held by electronic communication means shall be recorded as required by § [2.2-3707](#). Votes taken during any meeting conducted through electronic communication means shall be recorded by name in roll-call fashion and included in the minutes.

E. Three working days' notice shall not be required for meetings authorized under this section held in accordance with subsection G or that are continued to address an emergency or to conclude the agenda of the meeting for which proper notice has been given, when the date, time, place, and purpose of the continued meeting are set during the meeting prior to adjournment. Public bodies conducting emergency meetings through electronic communication means shall comply with the provisions of subsection D requiring minutes of the meeting. The nature of the emergency shall be stated in the minutes.

F. Any authorized public body that meets by electronic communication means shall make a written report of the following to the Virginia Freedom of Information Advisory Council and the Joint Commission on Technology and Science by December 15 of each year:

1. The total number of electronic communication meetings held that year;
2. The dates and purposes of the meetings;
3. The number of sites for each meeting;

4. The types of electronic communication means by which the meetings were held;
5. The number of participants, including members of the public, at each meeting location;
6. The identity of the members of the public body recorded as absent and those recorded as present at each meeting location;
7. A summary of any public comment received about the electronic communication meetings; and
8. A written summary of the public body's experience using electronic communication meetings, including its logistical and technical experience.

G. Any local governing body, school board, or any authority, board, bureau, commission, district, or agency of local government may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, provided (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to address the emergency. The local public body convening a meeting in accordance with this subsection shall (a) give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided members of the local public body conducting the meeting; (b) make arrangements for public access to such meeting; and (c) otherwise comply with the provisions of this section. The nature of the emergency and the fact that the meeting was held by electronic communication means shall be stated in the minutes.

(1984, c. 252, § 2.1-343.1; 1989, c. 358; 1991, c. 473; 1992, c. 153; 1993, c. 270; 1995, c. 278; 1996, c. 289; 1999, cc. 703, 726; 2001, c. 844; 2003, cc. 981, 1021; 2005, c. 352; 2007, cc. 512, 945; 2008, cc. 233, 789.)

[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

[prev](#) | [next](#)

§ 2.2-3708.1. Participation in meetings in event of emergency; certain disabilities; distance from meeting location for certain public bodies.

A. A member of a public body may participate in a meeting governed by this chapter through electronic communication means from a remote location that is not open to the public only as follows and subject to the requirements of subsection B:

1. If, on the day of a meeting, a member of the public body holding the meeting notifies the chair of the public body that such member is unable to attend the meeting due to an emergency and identifies with specificity the nature of the emergency, and the public body holding the meeting (a) approves such member's participation by a majority vote of the members present and (b) records in its minutes the specific nature of the emergency and the remote location from which the member participated.

Such participation by the member shall be limited each calendar year to two meetings or 25 percent of the meetings of the public body, whichever is fewer;

2. If a member of a public body notifies the chair of the public body that such member is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance and the public body records this fact and the remote location from which the member participated in its minutes; or

3. If, on the day of a meeting, a member of a regional public body notifies the chair of the public body that such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting and the public body holding the meeting (a) approves such member's participation by a majority vote of the members present and (b) records in its minutes the remote location from which the member participated.

B. Participation by a member of a public body as authorized under subsection A shall be only under the following conditions:

1. A quorum of the public body is physically assembled at the primary or central meeting location; and

2. The public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

(2007, c. [945](#).)

[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

[prev](#) | [next](#)

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

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

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

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

[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

[prev](#) | [next](#)

§ 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.
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 Virginia public institution of higher education 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; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. 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. In the case of boards of visitors of public institutions of higher education, discussion or consideration of matters relating to gifts, bequests and fund-raising activities, and 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 Virginia 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 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 any legal entity 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.

9. In the case of the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, and The Science Museum of Virginia, discussion or consideration of matters relating to specific gifts, bequests, and grants.

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

11. Discussion or consideration of tests, examinations, or other records excluded from this chapter pursuant to subdivision 4 of § 2.2-3705.1.

12. 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.

13. 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.

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

15. Discussion or consideration of medical and mental health records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.5.

16. Deliberations of the State 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 State Lottery Department matters related to proprietary lottery game information and studies or investigations exempted from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

17. Those portions of meetings by local government crime commissions where the identity of, or information tending to identify, individuals providing information about crimes or criminal activities under a promise of anonymity is discussed or disclosed.

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

19. Discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such activity or a related threat to public safety; 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 of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23-38.80, 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 Rector and Visitors of the University of Virginia, prepared by the retirement system or by the Virginia College Savings Plan or provided to the retirement system 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, the Rector and 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, and 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, and those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3.

22. Those portions of meetings of the University of Virginia Board of Visitors 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. In the case of the Virginia Commonwealth University Health System Authority, discussion or consideration of any of the following: the acquisition or disposition of real or personal property where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; operational plans that could affect the value of such property, real or personal, owned or desirable for ownership by the Authority; matters relating to gifts, bequests and fund-raising activities; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies where disclosure of such strategies would adversely affect the competitive position of the Authority; members of its medical and teaching staffs and qualifications for appointments thereto; and qualifications or evaluations of other employees.

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 4.9 (§ 23-38.75 et seq.) of Title 23 is discussed.

26. Discussion or consideration, by the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of wireless E-911 service.

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

28. Discussion or consideration of records excluded from this chapter pursuant to subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected local jurisdiction, as those terms are defined in § 56-557, 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 records excluded from this chapter pursuant to subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of records excluded from this chapter pursuant to subdivision 9 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. [Expired.]

33. Discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6.

34. 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 records and trade secrets excluded from this chapter pursuant to subdivision 19 of § 2.2-3705.6.

35. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-625.1.

36. 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 records excluded from this chapter pursuant to subdivision F 1 of § 2.2-3706.

37. Discussion or consideration by the Brown v. Board of Education Scholarship Program Awards Committee of records or confidential matters excluded from this chapter pursuant to subdivision 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.

38. Discussion or consideration by the Virginia Port Authority of records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.6.

39. 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 § 23-38.80, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23-38.79:1 of records excluded from this chapter pursuant to subdivision 25 of § 2.2-3705.7.

40. Discussion or consideration of records excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.6.

41. Discussion or consideration by the Board of Education of records relating to the denial, suspension, or revocation of teacher licenses excluded from this chapter pursuant to subdivision 13 of § 2.2-3705.3.

42. 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 records excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.2.

43. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of records excluded from this chapter pursuant to subdivision 29 of § 2.2-3705.7.

44. Discussion or consideration by the Virginia Tobacco Indemnification and Community Revitalization Commission of records excluded from this chapter pursuant to subdivision 23 of § 2.2-3705.6.

45. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of records excluded from this chapter pursuant to subdivision 24 of § [2.2-3705.6](#).

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

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

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

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

(1968, c. 479, § 2.1-344; 1970, c. 456; 1973, c. 461; 1974, c. 332; 1976, cc. 467, 709; 1979, cc. 369, 684; 1980, cc. 221, 475, 476, 754; 1981, cc. 35, 471; 1982, cc. 497, 516; 1984, cc. 473, 513; 1985, c. 277; 1988, c. 891; 1989, cc. 56, 358, 478; 1990, cc. 435, 538; 1991, c. 708; 1992, c. 444; 1993, cc. 270, 499; 1995, c. 499; 1996, cc. [855](#), [862](#), [902](#), [905](#), [1046](#); 1997, cc. [439](#), [641](#), [785](#), [861](#); 1999, cc. [485](#), [518](#), [703](#), [726](#), [849](#), [867](#), [868](#); 2000, cc. [382](#), [400](#), [720](#), [1064](#); 2001, cc. [231](#), [844](#); 2002, cc. [87](#), [393](#), [455](#), [478](#), [499](#), [655](#), [715](#), [830](#); 2003, cc. [274](#), [291](#), [332](#), [618](#), [703](#); 2004, cc. [398](#), [690](#), [770](#); 2005, cc. [258](#), [411](#), [568](#); 2006, cc. [430](#), [499](#), [518](#), [560](#); 2007, cc. [133](#), [374](#), [566](#), [739](#); 2008, cc. [626](#), [633](#), [668](#), [721](#), [743](#); 2009, cc. [223](#), [325](#), [472](#), [765](#), [810](#), [827](#), [845](#); 2010, cc. [310](#), [630](#), [808](#); 2011, cc. [89](#), [111](#), [147](#), [536](#), [541](#), [816](#), [874](#); 2012, cc. [476](#), [507](#), [803](#), [835](#).)

[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

[prev](#) | [next](#)

§ 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 and (iii) makes specific reference to the applicable exemption from open meeting requirements provided in § [2.2-3707](#) or subsection A of § [2.2-3711](#). The matters contained in such motion shall be set forth in detail in the minutes of the open meeting. A general reference to the provisions of this chapter, the authorized exemptions from open meeting requirements, or the subject matter of the closed meeting shall not be sufficient to satisfy the requirements for holding a closed meeting.

B. The notice provisions of this chapter shall not apply to closed meetings of any public body held solely for the purpose of interviewing candidates for the position of chief administrative officer. Prior to any such closed meeting for the purpose of interviewing candidates, the public body shall announce in an open meeting that such closed meeting shall be held at a disclosed or undisclosed location within 15 days thereafter.

C. The public body holding a closed meeting shall restrict its discussion during the closed meeting only to those matters specifically exempted from the provisions of this chapter and identified in the motion required by subsection A.

D. At the conclusion of any closed meeting, the public body holding such meeting shall immediately reconvene in an open meeting and shall take a roll call or other recorded vote to be included in the minutes of that body, certifying that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Any member of the public body who believes that there was a departure from the requirements of clauses (i) and (ii), shall so state prior to the vote, indicating the substance of the departure that, in his judgment, has taken place. The statement shall be recorded in the minutes of the public body.

E. Failure of the certification required by subsection D to receive the affirmative vote of a majority of the members of the public body present during a meeting shall not affect the validity or confidentiality of such meeting with respect to matters considered therein in compliance with the provisions of this chapter. The recorded vote and any statement made in connection therewith, shall upon proper authentication, constitute evidence in any proceeding brought to enforce the provisions of this chapter.

F. A public body may permit nonmembers to attend a closed meeting if such persons are deemed necessary or if their presence will reasonably aid the public body in its consideration of a topic that is a subject of the meeting.

G. A member of a public body shall be permitted to attend a closed meeting held by any committee or subcommittee of that public body, or a closed meeting of any entity, however designated, created to perform the delegated functions of or to advise that public body. Such member shall in all cases be permitted to observe the closed meeting of the committee, subcommittee or entity. In addition to the requirements of § [2.2-3707](#), the minutes of the committee or other entity shall include the identity of the member of the parent public body who attended the closed meeting.

H. Except as specifically authorized by law, in no event may any public body take action on matters discussed in any closed meeting, except at an open meeting for which notice was given as required by § [2.2-3707](#).

I. Minutes may be taken during closed meetings of a public body, but shall not be required. Such minutes shall not be subject to mandatory public disclosure.

(1989, c. 358, § 2.1-344.1; 1999, cc. [703](#), [726](#); 2001, c. [844](#); 2012, c. [428](#).)

[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

[prev](#) | [next](#)

§ 2.2-3713. Proceedings for enforcement of chapter.

A. Any person, including the attorney for the Commonwealth acting in his official or individual capacity, denied the rights and privileges conferred by this chapter may proceed to enforce such rights and privileges by filing a petition for mandamus or injunction, supported by an affidavit showing good cause. Such petition may be brought in the name of the person notwithstanding that a request for public records was made by the person's attorney in his representative capacity. Venue for the petition shall be addressed as follows:

1. In a case involving a local public body, to the general district court or circuit court of the county or city from which the public body has been elected or appointed to serve and in which such rights and privileges were so denied;

2. In a case involving a regional public body, to the general district or circuit court of the county or city where the principal business office of such body is located; and

3. In a case involving a board, bureau, commission, authority, district, institution, or agency of the state government, including a public institution of higher education, or a standing or other committee of the General Assembly, to the general district court or the circuit court of the residence of the aggrieved party or of the City of Richmond.

B. In any action brought before a general district court, a corporate petitioner may appear through its officer, director or managing agent without the assistance of counsel, notwithstanding any provision of law or Rule of the Supreme Court of Virginia to the contrary.

C. Notwithstanding the provisions of § [8.01-644](#), the petition for mandamus or injunction shall be heard within seven days of the date when the same is made, provided the party against whom the petition is brought has received a copy of the petition at least three working days prior to filing. The hearing on any petition made outside of the regular terms of the circuit court of a locality that is included in a judicial circuit with another locality or localities shall be given precedence on the docket of such court over all cases that are not otherwise given precedence by law.

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

E. In any action to enforce the provisions of this chapter, the public body shall bear the burden of proof to establish an exemption by a preponderance of the evidence. Any failure by a public body to follow the procedures established by this chapter shall be presumed to be a violation of this chapter.

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

(1968, c. 479, § 2.1-346; 1976, c. 709; 1978, c. 826; 1989, c. 358; 1990, c. 217; 1996, c. [578](#); 1999, cc. [703](#), [726](#); 2001, c. [844](#); 2007, c. [560](#); 2009, c. [634](#); 2010, c. [299](#); 2011, cc. [133](#), [783](#).)

[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

[prev](#) | [next](#)

§ 2.2-3714. Violations and penalties.

In a proceeding commenced against any officer, employee, or member of a public body under § [2.2-3713](#) for a violation of § [2.2-3704](#), [2.2-3705.1](#) through [2.2-3705.8](#), [2.2-3706](#), [2.2-3707](#), [2.2-3708](#), [2.2-3708.1](#), [2.2-3710](#), [2.2-3711](#) or [2.2-3712](#), the court, if it finds that a violation was willfully and knowingly made, shall impose upon such officer, employee, or member in his individual capacity, whether a writ of mandamus or injunctive relief is awarded or not, a civil penalty of not less than \$500 nor more than \$2,000, which amount shall be paid into the State Literary Fund. For a second or subsequent violation, such civil penalty shall be not less than \$2,000 nor more than \$5,000.

(1976, c. 467, § 2.1-346.1; 1978, c. 826; 1984, c. 252; 1989, c. 358; 1996, c. [578](#); 1999, cc. [703](#), [726](#); 2001, c. [844](#); 2003, c. [319](#); 2004, c. [690](#); 2008, cc. [233](#), [789](#); 2011, c. [327](#).)

[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

CHAPTER 4

§§ 2-4-56 through 2-4-60 reserved.

Committees, Boards and Commissions

Editorial Note: The provisions of article A codify those ordinance provisions that apply to various citizen boards, committees and commissions generally. Article A is derived from Ordinance No. 2452, adopted by the council on April 8, 1980. Article A is followed by articles that codify ordinance provisions which apply to specific boards, committees and commissions.

ARTICLE A**General Provisions**

- § 2-4-1 Purpose.
- § 2-4-2 Definitions.
- § 2-4-3 Application.
- § 2-4-4 Composition, terms and duties of committees.
- § 2-4-5 Procedure for committee meetings.
- § 2-4-6 Public participation in committee meetings.
- § 2-4-7 Appointments to committees.
- § 2-4-8 Creation of new committees; term of temporary committees.
- § 2-4-9 Executive secretary.
- § 2-4-10 Staff assistance.
- §§ 2-4-11 through 2-4-20 reserved.

ARTICLE B**Economic Opportunities Commission**

- § 2-4-21 Creation, composition and organization.
- § 2-4-22 Functions; powers; duties.
- § 2-4-23 Alexandria Office of Economic Opportunities creation and organization; appointment of the executive director.
- § 2-4-24 Functions, duties and responsibilities of the Alexandria Office of Economic Opportunities.
- §§ 2-4-25 through 2-4-30 reserved.

ARTICLE C**Historic Alexandria Resources Commission**

- § 2-4-31 Creation, composition and organization.
- § 2-4-32 Functions; powers and duties.
- §§ 2-4-33 through 2-4-40 reserved.

ARTICLE D**Alexandria Commission on Employment**

- § 2-4-41 Creation, composition and organization.
- § 2-4-42 Functions; powers; duties.
- § 2-4-43 Staff assistance.
- §§ 2-4-44 through 2-4-50 reserved.

ARTICLE E**Alexandria Waterfront Committee**

- § 2-4-51 Established.
- § 2-4-52 Composition.
- § 2-4-53 Appointment.
- § 2-4-54 Functions.
- § 2-4-55 Coordination with other public advisory bodies.

ARTICLE F**USS Alexandria Liaison Committee**

- § 2-4-61 Creation, composition and organization.
- § 2-4-62 Functions; powers; duties.

ARTICLE G**Alexandria Marketing Committee**

- § 2-4-63 Established.
- § 2-4-64 Composition.
- § 2-4-65 Appointment; procedures, and organization.
- § 2-4-66 Functions; powers; duties.
- §§ 2-4-67 through 2-4-70 reserved.

ARTICLE H**Affordable Housing Advisory Committee**

- § 2-4-71 Creation, composition and organization.
- § 2-4-72 Functions; powers; duties.
- §§ 2-4-73 through 2-4-79 reserved.

ARTICLE I**Alexandria Archaeological Commission**

- § 2-4-80 Creation, composition and organization.
- § 2-4-81 Functions; powers; duties.
- §§ 2-4-82 through 2-4-84 reserved.

ARTICLE J**Emergency Medical Services Council**

- § 2-4-85 Creation, composition and organization.
- § 2-4-86 Functions, powers and duties; officers; meetings; staff assistance.
- §§ 2-4-87 through 2-4-89 reserved.

ARTICLE K**Alexandria Commission for the Arts**

- § 2-4-90 Creation, composition and organization.
- § 2-4-91 Function; powers; duties.
- §§ 2-4-92 through 2-4-99 reserved.

ARTICLE L**Alexandria Community Criminal Justice Board**

- § 2-4-100 Creation, composition and organization.
- § 2-4-101 Responsibilities and authority.
- §§ 2-4-102 through 2-4-109 reserved.

ARTICLE M**Environmental Policy Commission**

- § 2-4-110 Creation, composition and organization.
- § 2-4-111 Functions; powers and duties.

ARTICLE A

General Provisions

Sec. 2-4-1 Purpose.

The city council recognizes that the several citizen boards, committees and commissions provide useful and meaningful citizen participation in and assistance to the government of the city and that such participation should be enhanced and strengthened. To improve the existing committee system and to enhance its role in the discussion and resolution of important matters of public policy, the council finds that it is desirable and necessary to establish certain basic procedures for the conduct of the committees' work, to provide a mechanism for the provision of adequate staffing and funding and to consolidate and reorganize the relationships between the city council, the city manager and the several committees. The purpose of this article is to accomplish the foregoing and nothing in this article is intended as or shall be deemed to be a derogation of any substantive right, function or power enjoyed by any committee under any provision of law.

Sec. 2-4-2 Definitions.

As used in this article, unless otherwise stated or the context otherwise requires:

(1) *City council* means the Alexandria City Council.

(2) *Committee* means any board, committee, commission, authority or similar body established by the city council or established pursuant to, or required by, any provision of the laws or regulations of the Commonwealth of Virginia or the United States, which has one or more members appointed or designated by the city council, and which has (i) a fixed membership, including at least one person who is not a city employee, (ii) a defined purpose and (iii) regular or periodic meetings.

(3) *Head of a committee* means the chairman, chairperson or other person designated or elected as the presiding officer of any committee.

(4) *Action* means any decision, recommendation, ruling or advice of a substantive nature made by a committee in accordance with section 2-4-5, which a committee is, by the terms of its enabling legislation, authorized to make.

(5) *Enabling legislation* means any constitutional provision, statute, city charter provision, resolution, ordinance or regulation or other pro-

vision of law enacted by the city council, the Commonwealth of Virginia or the United States which establishes the committee and determines its composition, functions and powers.

(6) *Standing committee* means any committee established pursuant to law whose functions are established on a permanent, ongoing basis for an indefinite period of time.

(7) *Temporary committee* means any committee established for a fixed and definite purpose and for a limited and fixed period of time, include any *ad hoc* committee, task force or group created by ordinance or resolution.

(8) *Designated member* means a person appointed to a committee, pursuant to the terms of its enabling legislation, on behalf of, or as the representative of, another committee, organization or group.

(9) *Executive secretary* means the person and the functions described in section 2-4-9 of this article.

(10) *Regional committee* means a committee, the majority of whose members are appointed by one or more states or political subdivisions other than the city. (Ord. No. 3359, 2/25/89, Sec. 1; Ord. No. 3851, 3/23/96, Sec. 1)

Sec. 2-4-3 Application.

(a) Except as provided in subsection (b) of this section, the provisions of this article shall apply to all committees having one or more members appointed by the city council, notwithstanding other provisions of law to the contrary.

(b) Except for the provisions of section 2-4-7, relating to the making of appointments, the provisions of this article do not apply to:

(1) any regional committee.

(2) the Alexandria School Board.

(3) the Alexandria Redevelopment and Housing Authority.

(4) the Alexandria Sanitation Authority.

(5) the Alexandria Industrial Development Authority.

(Ord. No. 3359, 2/25/89, Sec. 2)

Sec. 2-4-4 Composition, terms and duties of committees.

(a) The composition, term of office, mission and function and other substantive duties relating to the work of any committee are those set forth by the terms of a committee's enabling legislation together with any additional functions or duties

that may be assigned to a committee from time to time by the city council or other appropriate local authority.

(b) Whenever the city council has heretofore made or hereafter makes an appointment or re-appointment of any person to any committee, and neither the law governing the appointment nor the council specifies any term of office for the person appointed then the appointment shall be deemed to be made for a term of two years beginning on the date of appointment.

(c) In addition to any other function or duty that may be vested in a committee by its enabling legislation or otherwise, each committee shall:

(1) designate one of its members as head of the committee and one member to act as the secretary of the committee for the purpose of keeping and preparing minutes or reports of all meetings or actions taken at any meeting and designate such other officers as required by its enabling legislation. Where an officer or employee of the city has been assigned to assist a committee, such officer or employee may be designated as secretary unless the assignment is inconsistent with other tasks being performed by such officer or employee. The committee may also appoint any additional officers as it may deem proper.

(2) prepare and file with the executive secretary a copy of all such minutes or reports not more than 30 days after the conclusion of any meeting of the committee. A notation shall appear on the minutes indicating whether they have been officially approved by the committee.

(d) In addition to any other function or duty that may be vested in a committee by its enabling legislation or otherwise, each standing committee shall:

(1) hold at least one regular meeting each year and as many additional meetings as may be required by its enabling legislation or as the business of the committee may require.

(2) prepare and submit to the city council an annual report within 60 days after the close of the fiscal year or as shortly thereafter as possible. The report shall include, but not be limited to, a listing of the members of the committee, a description of the committee's principal activities during the reporting period and any recommendations of the committee for improving its functions and duties or making changes in other laws, procedures, policies or programs within the subject matter of its jurisdiction, including recommendations for additional federal or state legislation.

These reports shall become available for public inspection and copying after submission to the city council.

(3) in addition to its annual report, any committee is authorized to make additional or special reports, oral or written, to the city manager of the city council at any other time that the committee determines that such reports may be needed, except that, no report requesting additional city funds or staff shall be submitted to the city council until it shall first have been submitted to the city manager for his comments and recommendations.

(4) prepare, in consultation with the city manager an annual budget, showing both the funding and staff directly assigned to the committee and estimated sums and staff time that may be used by the committee but are not directly assigned to it.

Sec. 2-4-5 Procedure for committee meetings.

(a) Except as otherwise provided in this section, each committee may hold and conduct its meetings in the form and manner set forth in its enabling legislation and establish procedures as may be most conducive to the conduct of its business. Unless otherwise required by this article or other provision of law, all questions of procedure at any meeting shall be governed by Robert's Rules of Order.

(b) No action shall be taken nor business conducted by a committee without the presence of a quorum and such quorum shall consist of a majority of the voting members of the committee. A member present but not voting shall be considered in counting a quorum.

(c) No action which:

(1) is administratively final at the committee level without further appeal;

(2) may be appealed to either the city council or a court of competent jurisdiction; or

(3) constitutes a recommendation or proposal for action by the city council or any other city board or commission,

shall be taken by a committee without the affirmative votes of a majority of the committee present unless a larger majority is required by the committee's enabling legislation. All votes shall be taken in public session and no proxy votes will be permitted.

(d) Any committee desiring to submit written or oral testimony to any federal or state legislative body or regulatory agency, other than the city

council, in an official capacity shall first receive the approval of the city council. If time does not permit such submission, the committee shall state in its testimony to the legislative body or regulatory agency that its testimony reflects the position of the committee and does not necessarily represent the position of the city council. In such

case a summary of testimony shall then be provided by the committee to the council for its information.

Sec. 2-4-6 Public participation in committee meetings.

(a) All committee meetings shall be open to the public except as to matters which, by law, may be the subject of an executive session or a closed meeting. In determining to hold an executive session or a closed meeting, the head of a committee shall first consult with the city attorney as to the appropriateness of such a meeting and the procedure to be followed.

(b) Except as may be permitted by law, all books, papers and reports or other documents produced by or under the control of a committee shall be open for public inspection and copying. A reasonable charge may be made for the cost of copying, printing or distribution of any such books, papers, reports or other documents.

(c) In consultation with the executive secretary, each committee shall provide for reasonable public notice of the time and place of its meeting together with an agenda of the matters to be discussed and which, if any, items will be the subject of public testimony or comment. No recommendation by a committee for action by the city council shall be made without first affording an opportunity for public comment.

Sec. 2-4-7 Appointments to committees.

(a) Unless an appointment or reappointment to a committee is expressly vested by law in the courts or in some other body, all appointments shall be made by the city council. No person shall be appointed to any committee without the affirmative votes of at least four members of the council.

(b) Before appointing or reappointing any person to a committee, the executive secretary shall give public notice of the impending appointment and cause the same to be advertised in the form and manner prescribed by law for public notices at least 21 days prior to consideration by the city council of the appointment or reappointment. Insofar as practicable, the notice shall indicate the name of the committee, the number of positions to be filled, any special occupational, professional or other qualifications that may be required for a particular position and the time within which the application required by subsection (c) of this section must be filed. Where a position can be filled only by a designated member, the notice

shall also include the name of the organization, group or committee from which such member must be designated.

(c) No person shall be appointed or reappointed by the city council to any committee until there is first submitted and filed with the executive secretary an application form. No person shall submit an application for membership for more than one committee position at any city council meeting at which appointments to committees are considered. Such application shall include personal data with respect to the applicant's name, address, age, educational background, practical experience, length of residency, employment of the applicant or any relative by the city and any special qualifications that the applicant possesses for a particular position. Applications must be filed with the executive secretary not less than seven days prior to the date that the appointment will be considered by the city council.

(d) Unless its enabling legislation expressly so provides, or unless waived by a majority of the city council when it deems such waiver in the best interest of the city and such waiver is not prohibited by any provision of law, no person shall be appointed to a committee unless at the time of the appointment the person is a resident of and residing in the city, and the person shall cease to be a member of a committee upon becoming a resident of any other jurisdiction.

(e) No person who holds any office or position in the city for compensation shall be appointed to any committee which is involved in, responsible for, oversees or regulates the subject matter, policy or rules of the city department or agency by which the person is employed. The executive secretary shall review all applications for appointments to committees. The executive secretary shall advise the council whether, in his or her opinion, the appointment of the person to the committee for which application has been made would result in such a situation.

(f) No person shall be appointed by the city council to more than one standing committee, or to more than one standing committee and one temporary committee, at the same time except as a designated member; provided, that, for the purposes of this subsection, a regional committee shall not be considered a standing or a temporary committee.

(g) Any person appointed to a committee shall, upon appointment, agree to comply with the provisions of chapter 5 of this title, concerning ethics,

conflicts of interest and ownership of real property and, where applicable, the provisions of sections 2-5-11 to 2-5-16 of this code.

(h) Every person appointed by the city council to any committee shall, on or before undertaking a position on such committee, qualify by taking the following oath or affirmation before the clerk of the circuit court or other officer authorized to administer oaths or affirmations:

I do solemnly swear (or affirm) that 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 on me as (insert title of office) according to the best of my ability (so help me God).

(i)(1) The head of each committee shall keep or cause to be kept a record of each appointee's attendance at meetings of the committee, and shall, on or before July 1 of each year, forward to the executive secretary in writing, a copy of each attendance record for the immediately preceding 12 months. Appointees to committees shall attend at least 75 percent of the meetings of the bodies on which they serve each year. If the attendance record reflects that any appointee does not attend at least 75 percent of the meetings, the executive secretary shall advertise a vacancy so that city council can proceed to fill the vacancy at the first regular council meeting held in September, following any year during which an appointee has not attended at least 75 percent of the meetings. The executive secretary shall also forthwith notify the appointee of this action. The office of any appointee who has not attended the required number of meetings shall be automatically deemed vacant on the date of the abovementioned council meeting in September. If at any time during a year, a majority of the committee concludes that an appointee will be, based upon the appointee's attendance record, unable to meet the 75 percent attendance requirement, it may immediately direct the committee head to request the city council to declare the position vacant. If council determines that sufficient meetings have already been missed such that the 75 percent attendance requirement will not be met, it may declare the position vacant and may make an appointment to fill the vacancy for the remainder of the existing term of office of the appointee whose position was declared vacant.

(2) The committee head may excuse the absence of an appointee from a meeting or meetings if informed by the appointee of the absence within a reasonable period of time in advance of the

meeting. Such excused absences shall not be considered by the committee head when preparing the appointee's attendance record but shall be noted as "excused absences" on the record.

(j) Any person appointed to a committee by the city council may be removed by the city council for neglect of duty or violations of this article or any other provision of law. (Ord. No. 2619, 10/19/81, Sec. 1; Ord. No. 2641, 1/26/82, Sec. 1; Ord. No. 2723, 10/16/82, Sec. 1; Ord. No. 3359, 2/25/89, Sec. 3)

Sec. 2-4-8 Creation of new committees; term of temporary committees.

(a) Any new standing committee shall be established by ordinance.

(b) Any new temporary committee shall be established by ordinance or resolution which shall specify the term during which the committee shall remain in existence. No temporary committee shall be established for a term of more than 365 days, the period to run from the date the committee holds its initial meeting. The term of a temporary committee may be extended by council by ordinance or resolution for additional periods of up to 365 days each. A temporary committee shall cease to exist upon (i) the completion of its designated task or assignment, (ii) the date it submits its final oral or written report to council, (iii) the expiration of the term specified in the ordinance or resolution creating the committee or of any extension of its original term, or (iv) three years from the date of its initial meeting, whichever occurs first.

(c) No new committee shall be established until the city manager has issued a report with comments and recommendations regarding the creation of the committee. The manager may delegate responsibility for preparing this report to any department head. The report required by this subsection shall include comments and recommendations concerning:

(1) the need for the committee and possible duplications or conflicts with other committees;

(2) the appropriateness of a committee format to deal with the issues involved; and

(3) the impact that creation of the committee will have on city staff resources, including:

(i) the estimated total amount of city staff time that will be required on an annual or other basis to staff the committee;

(ii) whether the committee can accomplish its assigned work with existing staff; and

(iii) if new staff will be required, the total amount of additional staffing that will be required and the projected annual cost of such additional staff. (Ord. No. 3851, 3/23/96, Sec. 2)

Secs. 2-4-11 through 2-4-20 reserved.

Sec. 2-4-9 Executive secretary.

(a) The city manager, or a person designated by him, shall be the executive secretary to all committees subject to this article. Where a person other than the city manager is designated, the person shall report to the city manager. The executive secretary may attend and participate in all meetings of a committee but is not a member of any committee.

(b) The duties of the executive secretary shall include:

(1) subject to the availability of funds and staff, the provisions of appropriate staff and other resources necessary for a committee's effective performance;

(2) the review and establishment, insofar as possible, of uniform procedures and formats for the preparation of the attendance records, annual and other reports and minutes of committees;

(3) the monitoring of the effectiveness and efficiency of particular committees and the committee system as a whole on an annual basis and the making of appropriate recommendations to the city council for action;

(4) assisting, as requested, a committee in the preparation of its budgeted and other matters relating to the conduct of its work;

(5) the maintenance and publishing, annually, in cooperation with the city clerk, of a roster of the members of each committee and other pertinent information relating to the committee system;

(6) the preparation of a summary of the terms of this article and upon approval by the city attorney, make the summary available to all members of any committee or applicants for appointment; and

(7) any other matters as may be assigned by the city manager or the city council.

Sec. 2-4-10 Staff assistance.

No committee may request the assistance of city staff or make an assignment to city staff except pursuant to committee action, as defined in section 2-4-2(4). Unless acting pursuant to committee action, no member of a committee may request staff assistance, or make an assignment to staff, relating to committee business. (Ord. No. 3851, 3/23/96, Sec. 3)

Office of Housing



Livable, Green, and Prospering City

Office of Housing

- Leadership & Management Support Services
- Home Ownership
- Housing Rehabilitation
- Landlord Tenant Relations
- Affordable Housing Development & Preservation

Department Contact Info

703.746.4990

<http://alexandriava.gov/housing/>

Department Head

Mildrilyn Davis, Director

703.746.4990

Mildrilyn.Davis@alexandriava.gov

Department Staff

Helen McIlvaine, Deputy Director

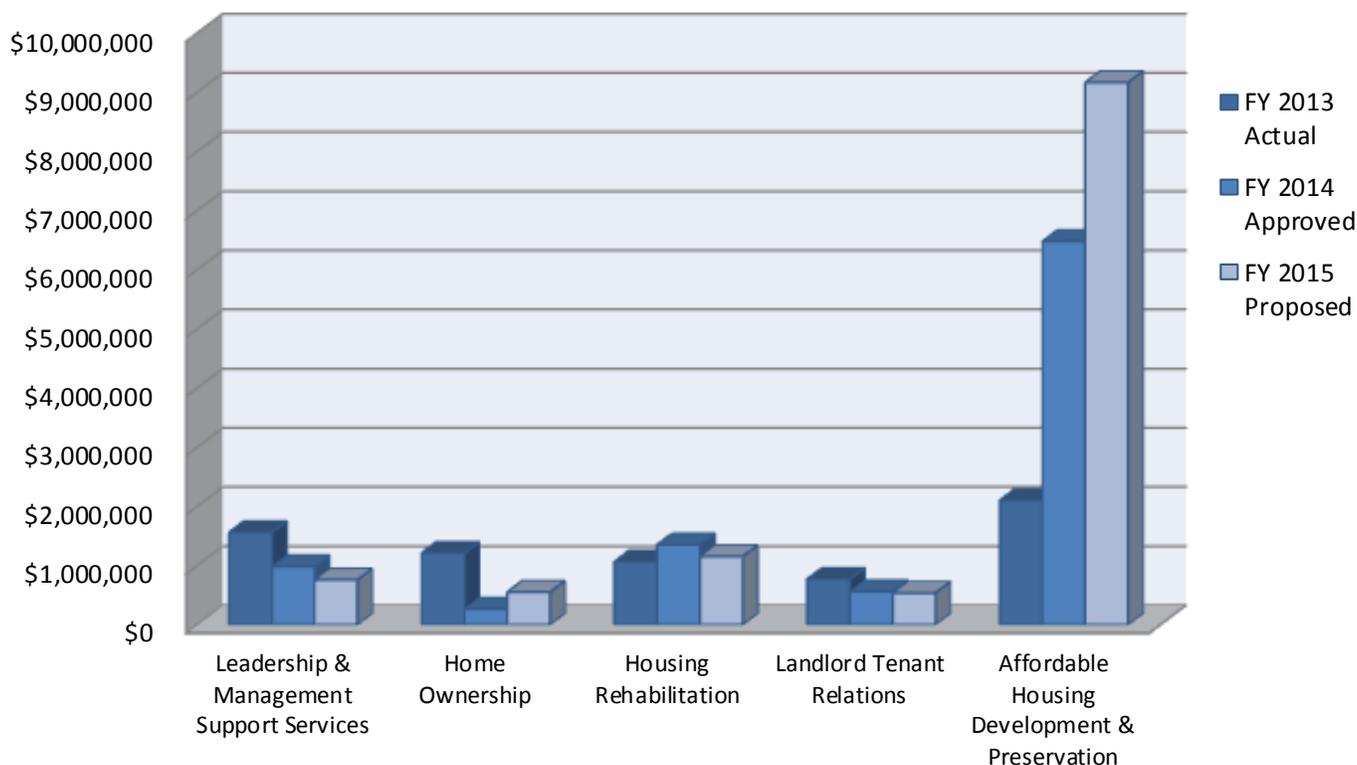
Melodie Seau, Division Chief, Landlord Tenant Relations

Shane Cochran, Division Chief, Program Implementation

Eric Keeler, Division Chief, Program Administration

Sean Christensen, Fiscal Officer

All Funds Summary by Program





EXPENDITURE & REVENUE SUMMARY

Expenditure By Classification	FY 2013 Actual	FY 2014 Approved	FY 2015 Proposed	Change 2014 - 2015	% Change 2014-2015
Personnel	\$1,557,867	\$1,859,800	\$1,849,307	(\$10,493)	-0.6%
Non-Personnel	\$2,995,598	\$5,465,726	\$9,664,259	\$4,198,533	76.8%
Interfund Transfer	\$2,151,520	\$2,313,228	\$659,370	(\$1,653,858)	
Total Expenditures	<u>\$6,704,985</u>	<u>\$9,638,754</u>	<u>\$12,172,936</u>	<u>\$2,534,182</u>	<u>26.3%</u>
Expenditures by Fund					
General Fund	\$4,099,421	\$2,313,228	\$2,438,468	\$125,240	5.4%
Grant Funds (CDBG, NSP and HOME)	\$2,343,377	\$1,787,549	\$2,126,468	\$338,919	19.0%
<i>CDBG, NSP and HOME New Revenue</i>	\$421,144	\$980,032	\$1,025,268	\$45,236	4.6%
<i>CDBG, NSP and HOME Carryover Revenue</i>	\$1,528,405	\$585,069	\$850,200	\$265,131	45.3%
<i>CDBG, NSP and HOME Program Income</i>	\$393,828	\$222,448	\$251,000	\$28,552	12.8%
Housing Trust Fund	\$262,187	\$3,937,977	\$6,008,000	\$2,070,023	52.6%
<i>Housing Trust Fund New Revenue - Earmarked</i>	\$0	\$1,960,000	\$500,000	(\$1,460,000)	-74.5%
<i>Housing Trust Fund New Revenue - Not Earmarked</i>	\$0	\$565,000	\$470,000	(\$95,000)	-16.8%
<i>Housing Trust Fund Carryover Revenue - Earmarked*</i>	\$262,187	\$870,000	\$3,491,655	\$2,621,655	301.3%
<i>Housing Trust Fund Carryover Revenue - Not Earmarked</i>	\$0	\$542,977	\$1,546,345	\$1,003,368	184.8%
Affordable Housing Bonds - Earmarked*	\$0	\$1,600,000	\$1,600,000	\$0	0.0%
Total Expenditures	<u>\$6,704,985</u>	<u>\$9,638,754</u>	<u>\$12,172,936</u>	<u>\$2,534,182</u>	<u>26.3%</u>
Less Interfund Transfers	\$2,151,520	\$2,313,228	\$659,370	(\$1,653,858)	-71.5%
Net Expenditures	<u>\$4,553,465</u>	<u>\$7,325,526</u>	<u>\$11,513,566</u>	<u>\$4,188,040</u>	<u>57.2%</u>
Total Department FTE's	15.00	16.00	16.00	0.00	0.0%



FISCAL YEAR HIGHLIGHTS

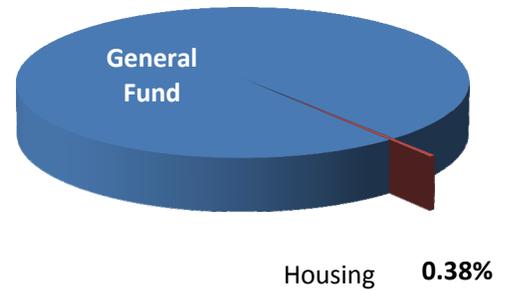
To ensure a **Livable, Green, and Prospering City**, the Office of Housing provides Leadership & Management Support Services, Home Ownership Services, Housing Rehabilitation, Landlord Tenant Relations, and Affordable Housing Development & Preservation.

In FY 2015, the General Fund budget will increase by \$125,240, or 5.4%.

No significant changes were made to staffing within the department and the personnel budget dropped by \$10,493 or -0.6% due to changes to health coverage, salaries, merit adjustments, and other fringe benefits including VRS. Non-personnel expenses in the general fund increased by \$125,240 or 29.9% driven by \$95,987 in debt savings being applied to service delivery.

Outside of the General Fund, the department will continue to use federal grant funding and the Housing Trust Fund to make investments in new home ownership, home rehabilitation, and affordable housing. Funds not spent during the FY 2014 Fiscal Year will be carried over to FY 2015.

Department Share of General Fund Operating Budget



PROGRAM LEVEL SUMMARY DATA

Expenditure Summary

Expenditure By Program	FY 2013 Actual	FY 2014 Approved	FY 2015 Proposed	Change 2014 - 2015	% Change 2014-2015
Leadership & Management Support Services	\$1,559,478	\$980,255	\$759,880	(\$220,375)	-22.5%
Home Ownership	\$1,210,774	\$267,762	\$553,176	\$285,414	106.6%
Housing Rehabilitation	\$1,063,805	\$1,350,704	\$1,154,101	(\$196,603)	-14.6%
Landlord Tenant Relations	\$768,858	\$559,511	\$537,789	(\$21,722)	-3.9%
Affordable Housing Development & Preservation	\$2,102,070	\$6,480,522	\$9,167,990	\$2,687,468	41.5%
Total Expenditures	\$6,704,985	\$9,638,754	\$12,172,936	\$2,534,182	26.3%

Staffing Summary

Authorized Positions (FTE's) by Program	FY 2013 Actual	FY 2014 Approved	FY 2015 Proposed	Change 2014 - 2015	% Change 2014-2015
Leadership & Management Support Services	5.30	5.30	5.60	0.30	5.7%
Home Ownership	0.80	0.80	0.80	0.00	0.0%
Housing Rehabilitation	1.90	1.90	1.90	0.00	0.0%
Landlord Tenant Relations	3.30	4.30	4.00	(0.30)	-7.0%
Affordable Housing Development & Preservation	3.70	3.70	3.70	0.00	0.0%
Total FTE's	15.00	16.00	16.00	0.00	0.0%



ADJUSTMENTS TO CITY SERVICES

Program	City Service Adjustment	FTE Impact	FY 2015 Cost
Department-wide	Savings from reductions in debt service to be applied to program delivery expenses.	0.00	\$95,987
Home Ownership	Five additional loans made to low and moderate income Alexandria residents.	0.00	\$214,000
Housing Rehabilitation	Reduction in average loan cost to accommodate reduced CDBG carryover funds; service level to remain at 9 Home Rehabilitation Loan Program (HRLP) loans and one Rental Accessibility Modification Program (RAMP) grant.	0.00	(\$159,407)
Housing Rehabilitation	Change in service from providing three Mini-RAMP grants in FY 2014 to providing two Mini-RAMP grants in FY 2015.	0.00	(\$1,500)
Affordable Housing Development and Preservation	Carryover funding from unspent FY 2014 HOME grant allocation budget to be invested in the development or preservation of affordable housing opportunities, and to provide affordable housing developers technical assistance, project oversight, and construction monitoring as required, to ensure that all available financial resources are leveraged to maximize long-term affordable housing opportunities.	0.00	\$464,000
Affordable Housing Development and Preservation	Carryover funding from unspent Housing Trust Fund budget to be invested in the development or preservation of affordable housing opportunities, and to provide affordable housing developers technical assistance, project oversight, and construction monitoring as required, to ensure that all available financial resources are leveraged to maximize long-term affordable housing opportunities.	0.00	\$4,735,000



LEADERSHIP AND MANAGEMENT SUPPORT SERVICES

To ensure a **livable, green, & prospering city**, this program provides general management, education, training and counseling, and partnership development and management in order to promote neighborhoods that are inclusive and diverse.

Program Totals	FY 2013 Actual	FY 2014 Approved	FY 2015 Proposed
% Total All Funds Budget	23.3%	10.2%	6.2%
Total Expenditures	\$1,559,478	\$980,255	\$759,880
Personnel	\$599,694	\$798,498	\$636,363
Non-Personnel	\$171,920	\$181,757	\$92,852
Interfund Transfer	\$787,864	\$0	\$30,665
Full Time Equivalents (FTEs)	5.30	5.30	5.60
Performance Measures			
<i>Number of state and federal grants received</i>	3	2	2
<i>Commitment and expenditure of federal, state or local funds within established due dates</i>	100%	100%	100%
<i>Number of programs sustained or expanded through partnerships</i>	3	4	4

PROGRAMMATIC ADJUSTMENTS

TOTAL FY 2014 APPROVED ALL FUNDS PROGRAM BUDGET		5.30	\$980,255
Funding Source	Adjustments to Program Funding	FTE Impact	Cost Modification
General Fund	Technical adjustment for personnel and non-personnel-related reallocation of resources within the Department. No service impact.	0.30	(\$226,511)
CDBG	New budgeted grant revenue.	0.00	\$11,164
HOME	Reduction in budgeted grant revenue.	0.00	(\$5,028)
TOTAL FY 2015 PROPOSED ALL FUNDS PROGRAM BUDGET		5.60	\$759,880

Office of Housing



HOME OWNERSHIP

To ensure a **livable, green, & prospering city**, this program provides lending and asset management, and sales and marketing for affordable homeownership units in order to promote neighborhoods that are inclusive and diverse.

Program Totals	FY 2013 Actual	FY 2014 Approved	FY 2015 Proposed
% Total All Funds Budget	18.1%	2.8%	4.5%
Total Expenditures	\$1,210,774	\$267,762	\$553,176
Personnel	\$103,586	\$34,252	\$95,785
Non-Personnel	\$1,107,189	\$233,510	\$457,391
Full Time Equivalents (FTEs)	0.80	0.80	0.80
Performance Measures			
<i>Total number of units in program</i>	140	124	124
<i>Number of marketed homeownership units purchased by income eligible households</i>	3	4	9
<i>Number of affordable home purchase opportunities made available</i>	3	4	9
<i>Number of households contacted through marketing efforts</i>	7,000	7,000	7,000

PROGRAMMATIC ADJUSTMENTS

TOTAL FY 2014 APPROVED ALL FUNDS PROGRAM BUDGET		0.80	\$267,762
Funding Source	Adjustments to Program Funding	FTE Impact	Cost Modification
General Fund	Technical adjustment for personnel and non-personnel-related reallocation of resources within the Department. No service impact.	0.00	\$71,414
CBDG	Additional projected program income from loan repayments.	0.00	\$25,000
HOME	Additional projected program income from loan repayments.	0.00	\$4,000
Housing Trust Fund	\$35,000 in new revenue and \$150,000 in carryover funding.	0.00	\$185,000
TOTAL FY 2015 PROPOSED ALL FUNDS PROGRAM BUDGET		0.80	\$553,176



HOUSING REHABILITATION

To ensure a **livable, green, & prospering city**, this program provides financing and loan/grant management for housing rehabilitation in order to promote neighborhoods that are inclusive and diverse.

Program Totals	FY 2013 Actual	FY 2014 Approved	FY 2015 Proposed
% Total All Funds Budget	15.9%	14.0%	9.5%
Total Expenditures	\$1,063,805	\$1,350,704	\$1,154,101
Personnel	\$303,179	\$320,360	\$245,245
Non-Personnel	\$760,627	\$1,030,344	\$908,856
Full Time Equivalents (FTEs)	1.90	1.90	1.90
Performance Measures			
<i>Number of properties with the following types of housing conditions addressed:</i>			
<i>code violations, energy efficiency, lead based paint, accessibility</i>	6	13	12
<i>Number of loans closed</i>	6	13	12
<i>Number of applications received</i>	15	15	15
<i>Number of residents contacted through mail, seminars, other outreach</i>	1,200	1,300	1,300

PROGRAMMATIC ADJUSTMENTS

TOTAL FY 2014 APPROVED ALL FUNDS PROGRAM BUDGET		1.90	\$1,350,704
Funding Source	Adjustments to Program Funding	FTE Impact	Cost Modification
General Fund	Technical adjustment for personnel and non-personnel-related reallocation of resources within the Department. No service impact.	0.00	(\$35,696)
CDBG	Net change of \$34,462 in new budgeted grant funding and a \$193,869 reduction of projected carryover funds.	0.00	(\$159,407)
Housing Trust Fund	Reduction in projected carryover program funds.	0.00	(\$1,500)
TOTAL FY 2015 PROPOSED ALL FUNDS PROGRAM BUDGET		1.90	\$1,154,101



LANDLORD TENANT RELATIONS

To ensure a **livable, green, & prospering city**, this program provides counseling for tenants and landlords and legal and programmatic compliance monitoring, in order to promote neighborhoods that are inclusive and diverse.

Program Totals	FY 2013 Actual	FY 2014 Approved	FY 2015 Proposed
% Total All Funds Budget	11.5%	5.8%	4.4%
Total Expenditures	\$768,858	\$559,511	\$537,789
Personnel	\$355,571	\$76,621	\$458,329
Non-Personnel	\$40,850	\$53,176	\$79,460
Interfund Transfer	\$372,437	\$429,714	\$0
Full Time Equivalents (FTEs)	3.30	4.30	4.00
Performance Measures			
<i>Number of complaints received and mediated/referred</i>	1,307	1,150	1,150
<i>Percentage of positive landlord-tenant resolutions</i>	98%	95%	95%
<i>Number of displaced residents assisted with relocation counseling</i>	31	25	57
<i>Percent of displaced tenants able to find permanent housing within the City after displacement</i>	N/A	70%	75%
<i>Rate of evictions of occupied rental units</i>	N/A	1.7%	1.5%

PROGRAMMATIC ADJUSTMENTS

TOTAL FY 2014 APPROVED ALL FUNDS PROGRAM BUDGET		4.30	\$559,551
Funding Source	Adjustments to Program Funding	FTE Impact	Cost Modification
General Fund	Technical adjustment for personnel and non-personnel-related reallocation of resources within the Department. No service impact.	(0.30)	(\$21,360)
CDBG	Net change of new grant funding and reduction of carryover funds.	0.00	(\$362)
TOTAL FY 2015 PROPOSED ALL FUNDS PROGRAM BUDGET		4.00	\$537,789

Office of Housing



AFFORDABLE HOUSING DEVELOPMENT & PRESERVATION

To ensure a **livable, green, & prospering city**, this program secures and fosters affordable units and provides financing and loan/grant management, and lending and asset management in order to promote neighborhoods that are inclusive and diverse.

Program Totals	FY 2013 Actual	FY 2014 Approved	FY 2015 Proposed
% Total All Funds Budget	31.4%	67.2%	75.3%
Total Expenditures	\$2,102,070	\$6,480,522	\$9,167,990
Personnel	\$195,838	\$198,386	\$419,944
Non-Personnel	\$915,013	\$2,798,622	\$6,519,341
Capital Outlays	\$0	\$1,600,000	\$1,600,000
Interfund Transfer	\$991,219	\$1,883,514	\$628,705
Full Time Equivalents (FTEs)	3.70	3.70	3.70
Performance Measures			
<i>Amount of financial contributions secured through the development process</i>	\$1,400,000	\$2,460,000	\$850,000
<i>Number of new or preserved units affordable to households at 60% AMI</i>	153	40	158
<i>Number of committed units affordable to households at 60% AMI</i>	1,342	1,342	1,342
<i>Number of affordable units secured through the development process</i>	2000%	1000%	28
<i>Number of developments monitored</i>	11	13	14
<i>Number of development /preservation loans provided</i>	3	3	2

PROGRAMMATIC ADJUSTMENTS

TOTAL FY 2014 APPROVED ALL FUNDS PROGRAM BUDGET		3.70	\$6,480,522
Funding Source	Adjustments to Program Funding	FTE Impact	Cost Modification
General Fund	Technical adjustment for personnel and non-personnel-related reallocation of resources within the Department. No service impact.	0.00	\$248,829
General Fund	\$2,576 increases to grant match for HOME and \$85,988 in additional dedicated revenue.	0.00	\$88,564
HOME	Net change of a \$448 reduction in repayment of loans and a \$464,000 increase of carryover funds.	0.00	\$463,552
Housing Trust Fund	Decrease in new outside contributions to the Housing Trust Fund.	0.00	(\$1,590,000)
Housing Trust Fund	\$3,377,941 increase in program carryover funding and a \$98,582 increase in HOME match carryover funding.	0.00	\$3,476,523
TOTAL FY 2015 PROPOSED ALL FUNDS PROGRAM BUDGET		3.70	\$9,167,990



FY 2015 HOUSING PROGRAM SOURCES AND USES

Program (Uses)	Affordable Housing					Total All Funds
	Home Ownership	Housing Rehabilitation	Landlord Tenant	Development & Preservation	Leadership & Mgmt Support Services	
Funding (Sources)						
CDBG						
New Grant	\$0	\$502,100	\$15,960	\$0	\$141,311	\$659,371
Program Income	\$50,000	\$125,000	\$0	\$0	\$0	\$175,000
Carryover	\$0	\$381,200	\$5,000	\$0	\$0	\$386,200
	\$50,000	\$1,008,300	\$20,960	\$0	\$141,311	\$1,220,571
	One Loan	Nine HPRLP Loans One RAMP Loan	One Round of Fair Housing Testing			
HOME						
New Grant		\$0	\$0	\$333,979	\$31,918	\$365,897
Program Income	\$40,000	\$0	\$0	\$36,000	\$0	\$76,000
Carryover	\$0	\$0	\$0	\$464,000		\$464,000
	\$40,000	\$0	\$0	\$833,979	\$31,918	\$905,897
	One Loan					
GENERAL FUND						
New Dedicated Revenue	\$113,176	\$92,801	\$420,812	\$638,901	\$586,651	\$1,852,341
New HOME Match	\$0	\$0	\$0	\$30,665	\$0	\$30,665
	\$113,176	\$92,801	\$516,829	\$1,129,011	\$586,651	\$2,438,468
	Admin Support for Homeownership Program			Projected 28 Developer Pledged Units & Funding to Support AHDC		
HOUSING TRUST FUND						
New	\$100,000	\$0	\$0	\$870,000	\$0	\$970,000
Carryover	\$250,000	\$53,000	\$0	\$4,565,345		\$4,868,345
HOME Match (Carryover)	\$0	\$0	\$0	\$169,655	\$0	\$169,655
	\$350,000	\$53,000	\$0	\$5,605,000	\$0	\$6,008,000
	Seven Loans	Two Mini-RAMP Grants & Funding for RTA				
GO BONDS FOR BEAUREGARD	\$0	\$0	\$0	\$1,600,000	\$0	\$1,600,000
ALL FUNDS	\$553,176	\$1,154,101	\$537,789	\$9,167,990	\$759,880	\$12,172,936

Notes: \$834K of carryover HTF is allocated to the Braddock Fund. \$4 million of the HTF and Bond funds are allocated for Beauregard.



MISCELLANEOUS INFORMATION

Proposed Housing Trust Fund (HTF) expenditures for FY 2015 include a new allocation or reallocation of up to \$1,035,000 in estimated carryover Housing Trust Fund monies for the following programs:

\$800,000	Housing Opportunities Fund (HOF): Not yet designated
\$185,000	HOF: AHDC, Home Match, and Fees for Professional Services
<u>\$50,000</u>	Rebuilding Together Alexandria
\$1,035,000	Total

In addition to the estimated Housing Trust Fund carryover monies, new projected Housing Trust Fund revenue received in FY 2015 will be used to supplement the following programs:

\$450,000	HOF: Not yet designated
<u>\$400,000</u>	Beauregard Small Area Plan Housing Fund
\$850,000	Total

Proposed HOF allocation to the Alexandria Housing Development Corporation of \$259,940, consisting of both General Fund and Housing Trust Fund HOF monies.

Overview

- Budget is balanced with:
 - No tax rate increases
 - Maintains 2.2 cents reservation for transportation; 0.5 cents designation for stormwater; and, 0.6 cents for affordable housing
 - User fee changes; no increase to sanitary sewer or solid waste fee
 - Leveraging outside resources, where possible
 - Service level changes, but continued/increased investments in key, focused service areas
 - Sustainable decisions (limited use of one-time fixes)
- Budget proposal meets Council Guidance
- Budget proposal was developed with a new framework and philosophy
- 7th straight year of budgetary challenges
- Cost of current services/previous commitments exceeds revenue growth

Council Guidance (highlights)

- Hold the line on real and vehicle personal property tax rates
- Comply with adopted/proposed debt policies and maintenance/increase of cash capital commitment
- Provide compensation that is competitive with our peer jurisdictions
- Adjust service delivery levels where performance exceeds that required by the community, or is not a strategic priority
- ACPS funding at same level as FY 2014, except to address anticipated changes in enrollment or cost saving measures
- Outside Agencies funded by the City must demonstrate an alignment of their efforts with accomplishments of the City's strategic objectives

Dramatically Changed Our Approach

Based on City Council Feedback

We want a more strategic, focused, prioritized and aligned budget to assist our policy decisions.

**Understand
the trade-offs
for budget
decisions**

**Better
understand
what we
actually do**

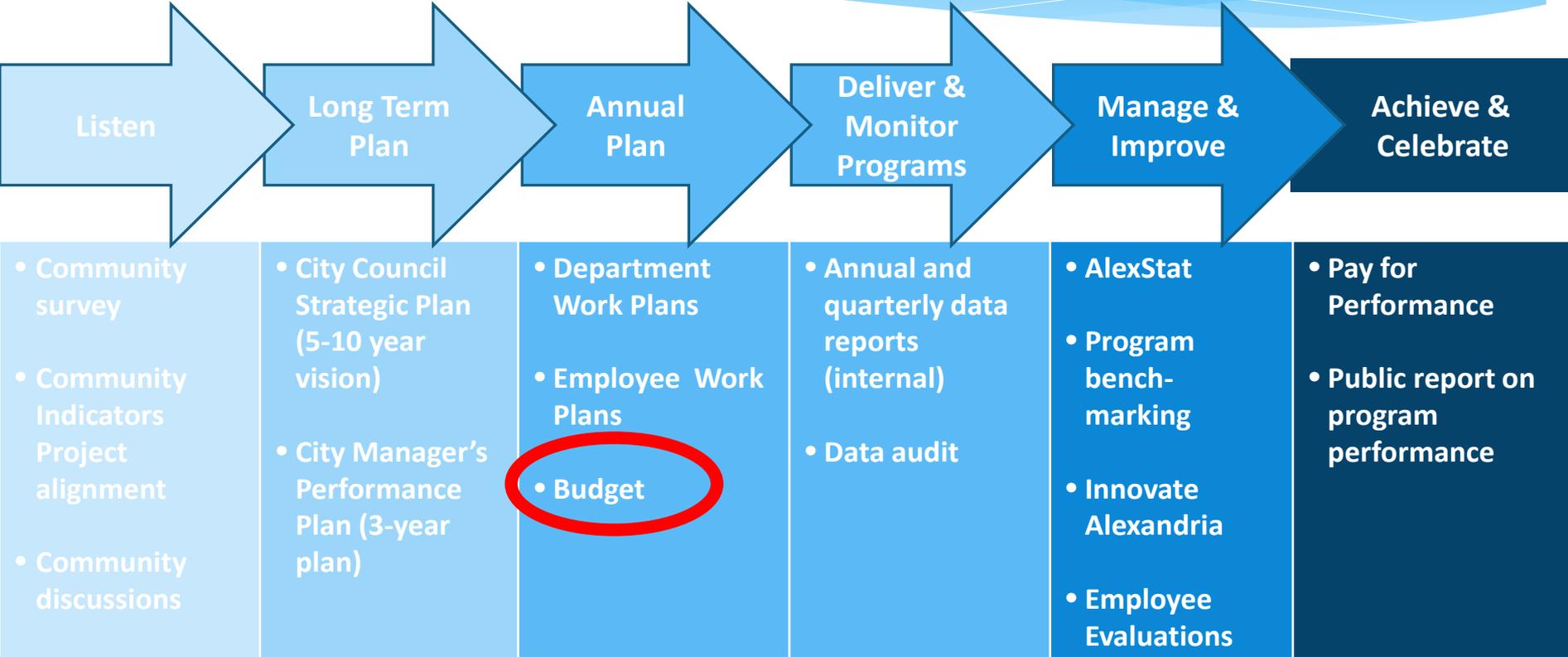
**Understand
how
departments
prioritize their
work**

**Multi-year
budgeting/
forecasting**

**Focus on
the keeps,
not the
cuts**

**Receive
information
that allows
us to make
policy
decisions**

Results Alexandria Framework



Changes to Budget Process

Started with a perceived gap

Based on a current level of service; automatic increases

Entire budget process focused on small percentage of budget (last year 8%)

Assumed all services were equally important; across the board cuts

Lacked strategic focus; programmatic prioritization



Starting place is City Strategic Plan/City Manager Performance Plan

Departments develop work plans; set priorities

No current level of service as automatic base line

No across the board cuts

Departments request funding to deliver a certain level of service and outcome

Focus Area Teams considered all services, not only incremental changes

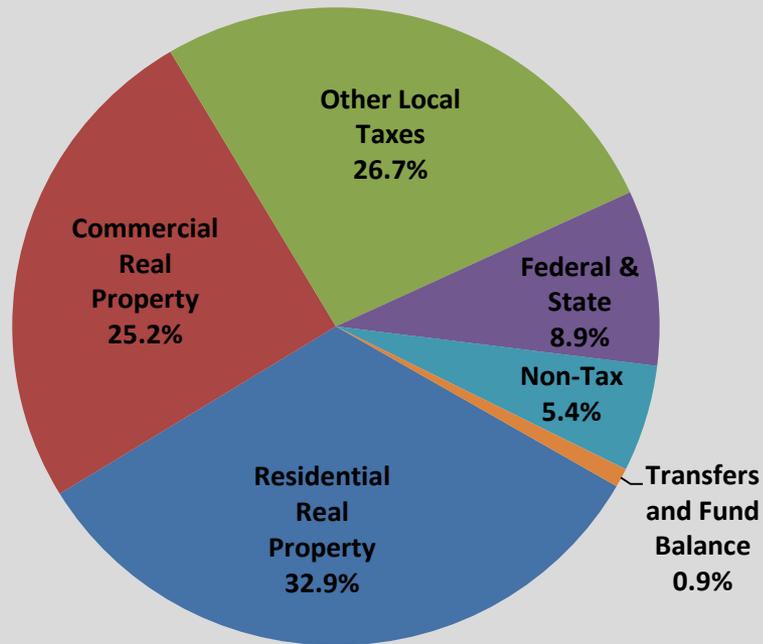
What did the framework give us?

- **Our priorities:**

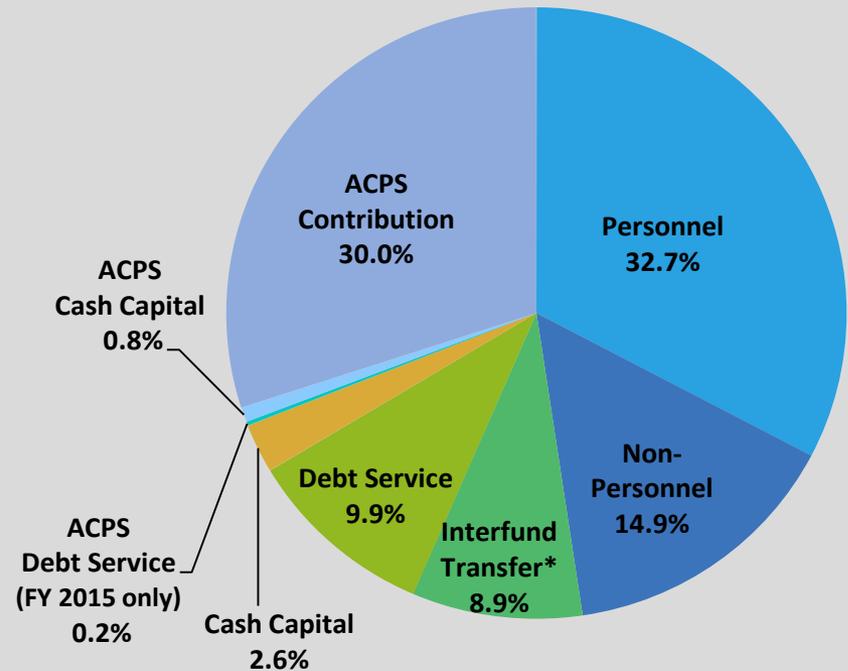
- Investing in Existing Assets/Core Programs
- Focusing resources on specific programs to achieve outcomes
- Enhancing Effectiveness/Efficiencies/Performance
- Evaluating external agency investments more closely

Proposed FY 2015 Budget= \$634.8 million

REVENUE OVERVIEW



EXPENDITURE OVERVIEW



*Includes transfer to DASH; Library; DCMS
Transfer to Special Revenue Fund; and other
miscellaneous transfers

FY 2015 General Fund Revenue Millions of Dollars

Source	FY 2014 Approved	FY 2015 Proposed	\$ Change FY 14/15	% Change FY14/15
Real Property Tax	\$357.84	\$369.02	\$11.18	3.12%
Personal Property Tax	\$41.34	\$41.29	-\$0.05	-0.12%
Sales Tax	\$27.34	\$26.90	-\$0.44	-1.61%
Utility Tax	\$11.40	\$11.50	\$0.10	0.88%
Business License Tax	\$33.00	\$33.00	\$0.00	0.00%
Recordation Tax	\$5.40	\$5.40	\$0.00	0.00%
Transient Lodging Tax	\$12.51	\$11.30	-\$1.21	-9.67%
Restaurant Meals Tax	\$17.55	\$17.70	\$0.15	0.85%
Communication Sales Tax	\$11.30	\$11.20	-\$0.10	-0.88%
Other Local Taxes	\$11.01	\$10.79	-\$0.22	-2.00%
Federal Revenue	\$10.05	\$9.98	-\$0.07	-0.70%
State Revenue	\$45.20	\$46.38	\$1.18	2.61%
Other Non-Tax Revenue	\$34.83	\$37.54	\$2.71	7.78%
Total General Fund Revenue	\$618.76	\$631.99	\$13.23	2.14%
Use of Fund Balance	\$6.19	\$2.39	-\$3.80	-61.39%
FY 14 Contingent Reserve Carryover		\$0.44		
TOTAL General Fund SOURCES	\$624.95	\$634.83	\$9.8	1.58%
Total ALL Funds Sources	\$756.2	\$794.4	\$38.2	5.1%

FY 2015 General Fund Expenditures

Millions of Dollars

Category	FY 2014 Approved	FY 2015 Proposed	\$ Change FY 14/15	% Change FY 14/15
Personnel	\$206.68	\$207.65	\$0.97	0.5%
Salaries	\$142.10	\$143.45	\$1.35	1.0%
Healthcare	\$17.15	\$14.50	(\$2.70)	-15.7%
Retirement	\$34.49	\$32.71	(\$1.78)	-5.2%
Other Fringe	\$12.94	\$17.04	\$4.10	31.7%
Non-Personnel	\$94.24	\$94.52	\$0.28	0.3%
Commodities	\$8.75	\$9.44	\$0.69	7.9%
Contractual Services	\$40.17	\$40.54	\$0.37	0.7%
Leases & Rentals	\$3.97	\$3.97	\$0.00	0.0%
Subsidies & Contributions	\$16.89	\$17.68	\$0.79	4.7%
Utilities	\$4.92	\$5.21	\$0.29	5.9%
Internal Services	\$7.29	\$6.94	(\$0.35)	-4.8%
Other Non-Personnel	\$12.25	\$10.74	(\$1.51)	-12.3%
Interfund Transfer	\$266.90	\$268.22	\$1.32	0.5%
ACPS Contribution	\$185.61	\$190.61	\$5.00	2.7%
Cash Capital	\$22.68	\$21.23	(\$1.45)	-6.4%
Other Transfers	\$58.61	\$56.38	(\$2.23)	-3.8%
Debt Service	\$57.03	\$64.44	\$7.41	13.0%
TOTAL General Fund Uses	\$624.85	\$634.83	\$9.98	1.6%
Total ALL Funds Uses	\$756.2	\$794.4	\$38.2	5.1%

Average Real Estate Tax Bill Impact

No Tax Rate Increase

Real Property	2013 (CY) Avg. Tax Bill (A)	Assessment Increase % (B)	Avg. Tax Bill Increase \$ (C)	2014 (CY) Average Tax Bill (A+C)
Residential Real Estate (Avg Value = \$490,422)	\$4,901	3.88%	\$190	\$5,091
Single Family Average (Avg Value = \$677,376)	\$6,782	3.67%	\$249	\$7,031
Condo Average (Avg Value = \$287,495)	\$2,856	4.48%	\$128	\$2,984
Commercial Average	Varies	0.68%	Varies	Varies

2013 (CY) Approved Rate = \$1.038

2014 (CY) Proposed Rate = \$1.038

**How did we get to a
balanced budget?**

How did we get to a balanced budget?

- \$35M more in budget requests than revenues available
(includes ACPS budget request, DASH & WMATA)
 - Normal cost of doing business growth
 - Additional investments
 - Re-prioritized programs/service delivery
 - Reduction in service levels
 - Service delivery changes

How did we get to a balanced budget?

- New City Revenues = \$3.4M
- New External Revenues = \$2.4M
- One-time Sources= \$5.8M
 - \$2.8M Use of Fund Balance
 - \$3.0M Capital Project Close-out (reduced need for new cash capital by this amount)
- Current Service Level Changes/Reductions= \$5.5M
- Technical Adjustments and Refined Expenditure Projections= \$7.0M
(changes made after budget request based on new information or system clean-up)
- Removed Proposed Service Enhancements = \$11.0M

FY 2015 General Fund Revenue Changes

Department	Fee	Additional Revenue
Finance	Registration Fees from Out of State Vehicles (\$100 annual Fee)	\$100,000
Finance/DCHS	Modification of Elderly Tax/Rent Relief Affordable Housing Programs	\$1,300,000
T&ES	Extend Parking Meter Hours Saturday at Carlyle 9 pm City-Wide	\$500,000
T&ES	Weekend Towed Vehicle Storage Fee (same \$50 fee)	\$104,000
T&ES	Right-of-Way (Temporary No Parking Sign) (Increase from \$100 to \$125)	\$25,000
Police	2 Additional Red Light Cameras (Duke and Walker (WB) & S. Patrick and Gibbon (SB))	\$200,000
RPCA	Various Changes based on market rate and cost recovery policy	\$277,000
Sheriff	Per Diem Increases (Falls Church, Prince William and Federal prisoners)	\$475,700

FY 2015 Proposed Budget By Focus Area

Departments by Focus Area



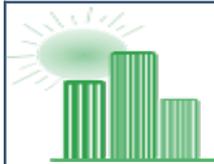
**Accountable,
Effective &
Well-Managed
Government**

City Attorney
City Clerk and Clerk of Council
City Council
City Manager
Communications/Public Information
Finance
General Services
Human Resources
Information Technology Services
Performance and Accountability
Non-Departmental
Management and Budget



**Healthy &
Thriving
Residents**

Community and Human Services
Health
Other Health Activities
Library
Recreation and Culture
Alexandria City Public Schools



**Livable,
Green &
Prospering
City**

Code Administration
Economic Development
Housing
Historic Alexandria
Planning & Zoning
Project Implementation
Transportation/Environmental Services
Transit Subsidies



**Safe, Secure
& Just
Community**

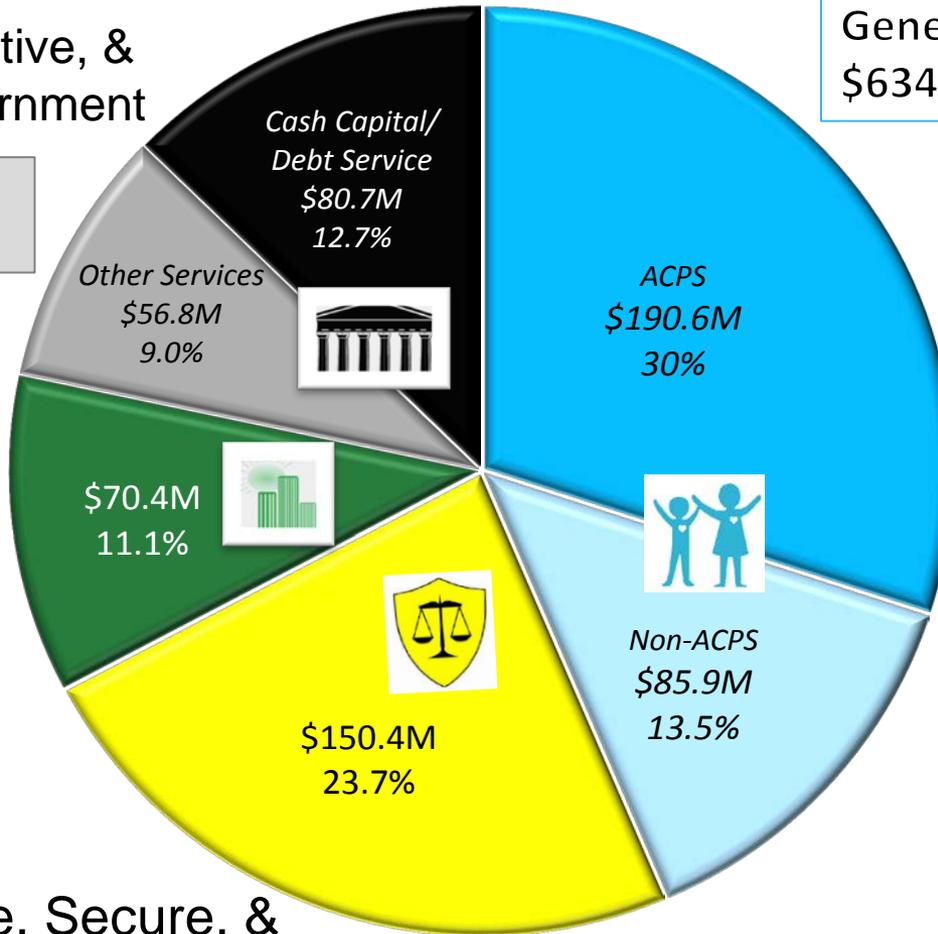
18th Circuit Court
18th General District Court
Clerk of Circuit Court
Commonwealth's Attorney
Court Services Unit
Emergency Communications
Fire
Human Rights
Juvenile and Domestic Relations District Court
Law Library
Other Public Safety and Justice Programs
Police
Registrar of Voters
Sheriff

FY 2015 Budget by Focus Area

General Fund Only:
\$634.8M

Accountable, Effective, & Well-Managed Government

This Focus Area includes Cash Capital /Debt Service for ACPS = \$6.2M



Healthy & Thriving Residents

Livable, Green, & Prospering City

This Focus Area includes Cash Capital /Debt Service for Transportation = \$3.8M

Safe, Secure, & Just Community

This Focus Area includes Cash Capital /Debt Service for Fire Equipment = \$1.2M

Departments & Long Term Outcomes



Accountable, Effective & Well-Managed Government

Departments
City Attorney
City Clerk and Clerk of Council
City Council
City Manager
Communications/Public Information
Finance
General Services
Human Resources
Information Technology Services
Performance and Accountability
Non-Departmental
Management and Budget

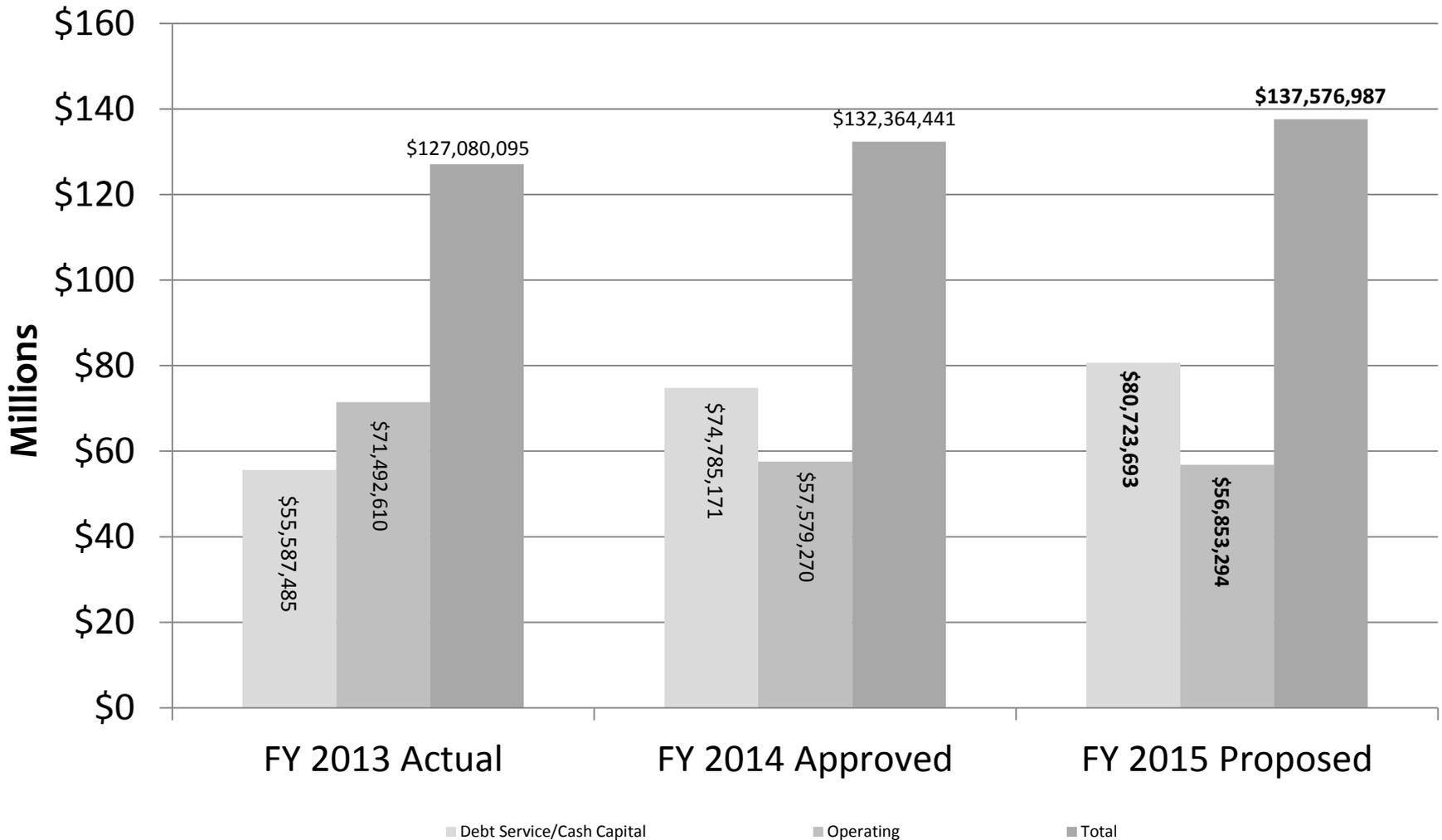
Ensure City Government is accountable to the community

Achieve results that the community values

Ensure fiscal strength of the city government



Accountable, Effective & Well-Managed Government



Excludes debt service and cash capital for Fire equipment and transportation projects, which are reflected in their respective Focus Areas



Priorities and Trade-Offs

Investing in Existing Assets/Core Programs

City Workforce; Professional Development & Training

IT Infrastructure and Network Security

Preventative Maintenance of City buildings & equipment

Enhance Effectiveness, Efficiencies & Performance

Continued energy conservation and analysis

Engagement/Call.Click.Connect Refinement

Risk mitigation and management

Increased investment in performance-based analysis

Consolidation of two departments

Closer Evaluation of External Agency Investments

Renegotiated contract with Animal Welfare League of Alexandria for savings

Employee Compensation and Benefits

- Invested in our human capital:
 - Merits = \$4.6M
 - Average merit 3.2% GS; 3.5% PS
 - Career Ladders (\$400K General Schedule; Public Safety \$300K)
 - Increased investment of \$40k for Professional Development & Training
- Health Insurance/Benefits
 - No increase in employee premiums (City/Employee blended share remains at 80/20); increase in healthcare costs budgeted at 2.4%
 - Exploring new vision/dental programs and an HMO with no deductibles
- Workers Compensation budgeted in programs; holding departments more accountable
- Increased transit subsidy to \$130 from \$75 per employee per month
- Eliminated Life Insurance Premiums paid for by the City for Retirees (coverage still provided)

Departments & Long Term Outcomes



Healthy & Thriving Residents

Departments
Community and Human Services
Health
Other Health Activities
Library
Recreation and Culture
Alexandria City Public Schools

Improve City residents' overall health

Reduce City residents' incidence of preventable disease

Reduce food insecurity and homelessness among City residents

Increase self-sufficiency and meaningful quality of life for the City's most vulnerable adults

Eliminate abuse and neglect in the community

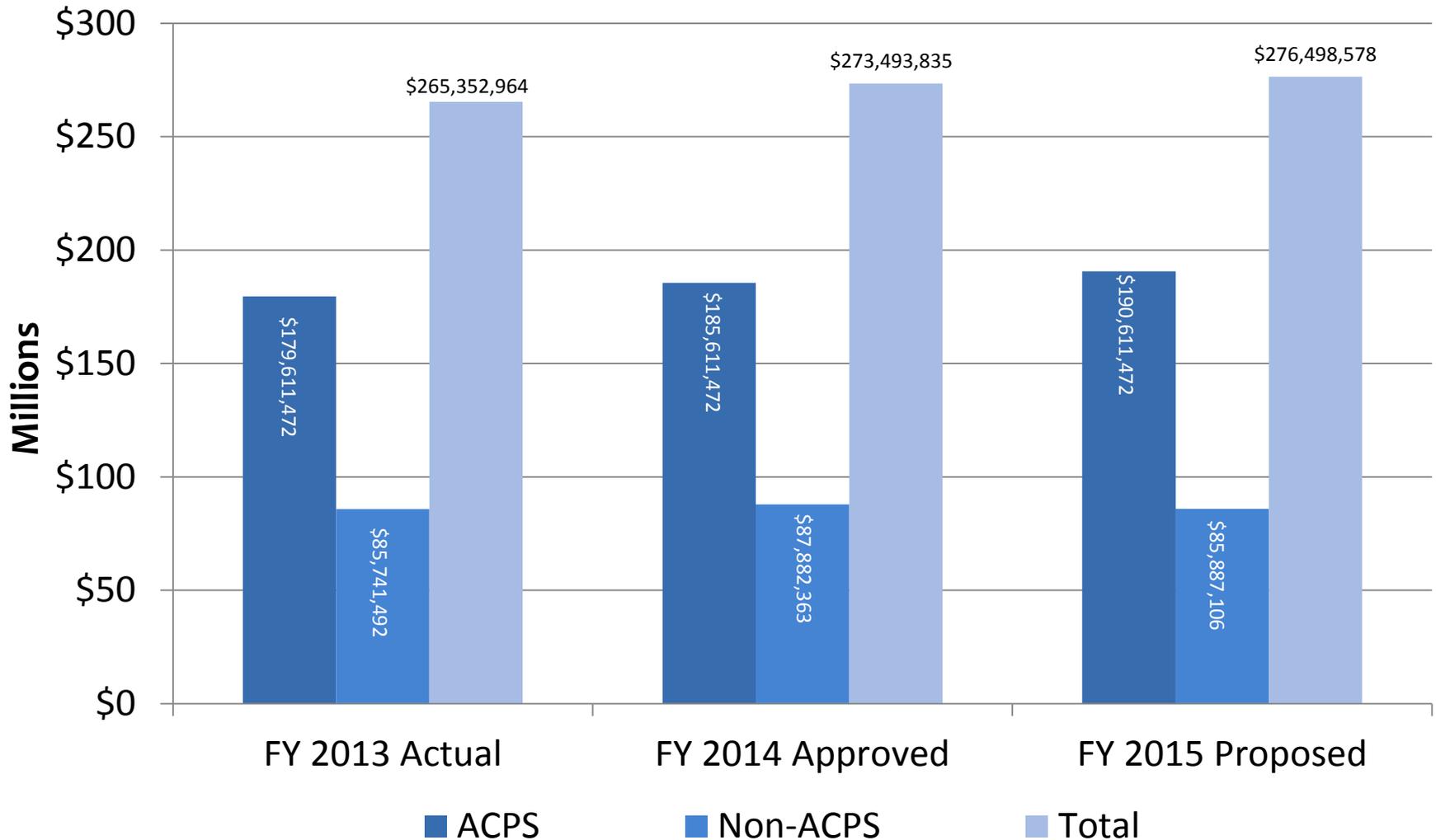
Improve the quality of residents' leisure time

Ensure the educational and development attainment of all residents

Ensure all children and youth thrive and succeed



Healthy & Thriving Residents





Priorities and Trade-Offs

Focusing resources on specific programs to achieve outcomes

Preserve investments in mental health & substance abuse services

Senior Affordable Housing—Enhance and expand senior rent relief program; modify senior tax relief program

Preserve dental clinic services through a contract

Invest in direct instructional growth at ACPS

Change service model of adult Job Link services and preserve investments in youth employment

Enhance Effectiveness, Efficiencies, & Performance

Eliminate Senior Tax

Change service delivery model of recreation and parks operations

Closer Evaluation of External Agency Investments

Reduce contribution to INOVA, ANHSI, & Fund for Human Services

Eliminate direct contribution to Concerned Citizens Network & Northern Virginia Family Services

Departments & Long Term Outcomes



Livable, Green & Prospering City

Departments
Code Administration
Economic Development
Housing
Historic Alexandria
Planning & Zoning
Project Implementation
Transportation/Environmental Services
Transit Subsidies

Promote neighborhoods that are amenity rich

Promote neighborhoods that are inclusive & diverse

Promote an attractive urban environment that reflects our history & provides well-functioning infrastructure

Improve the City's air quality

Improve the health of City waterways

Sustain the natural quality of land within the City

Increase the value of the City's real estate tax base

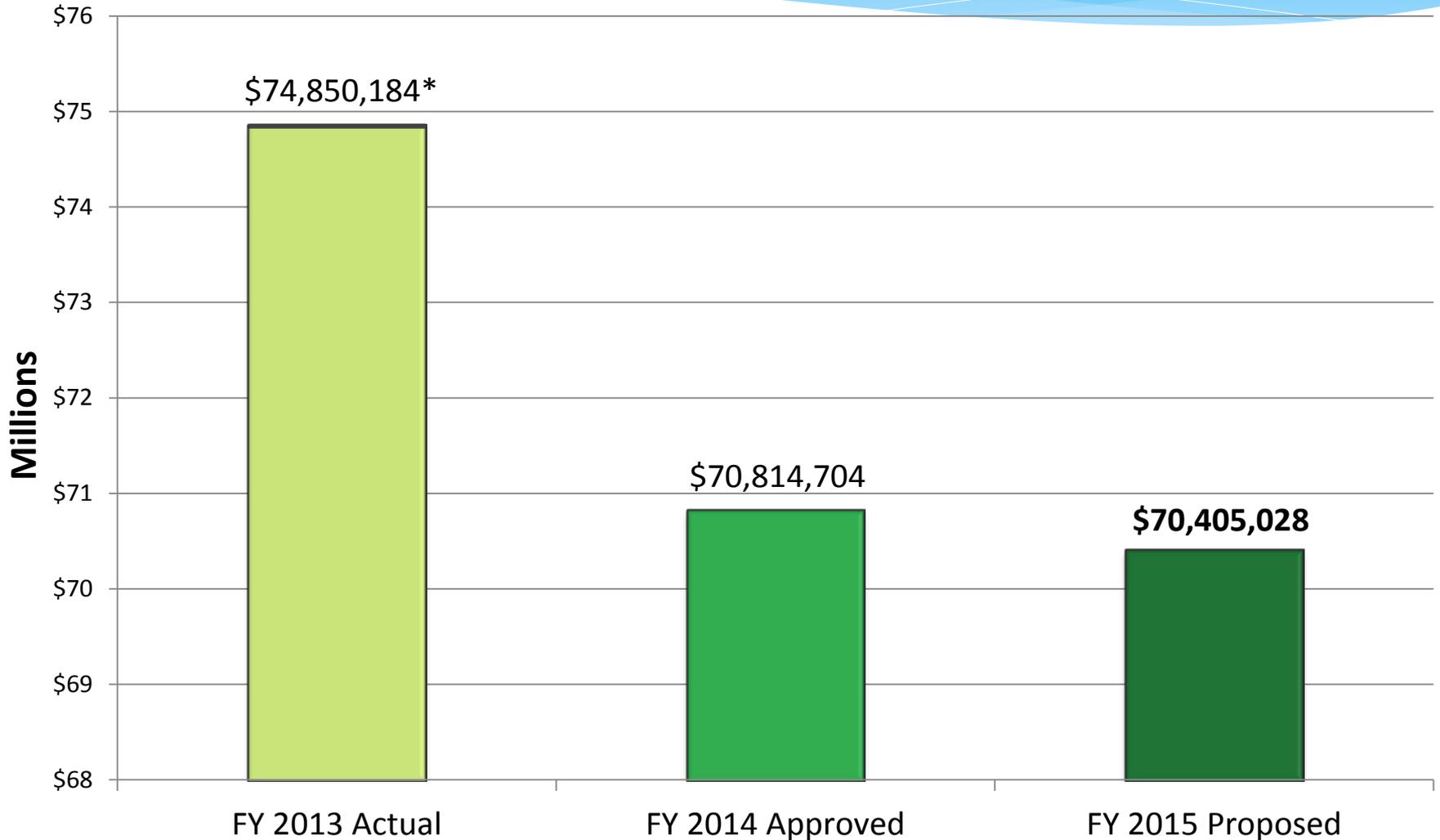
Increase the economic benefits of tourism to the City

Ensure Alexandria supports, retains & attracts businesses

Increase transportation system mobility, connectivity, and accessibility that supports the City's economy



Livable, Green & Prospering City



**FY 2013 reflect \$6.8 million of carry-forward balances within the TIP from FY 12*



Priorities and Trade-Offs

Focusing resources on specific programs to achieve outcomes

Invest in Historic Alexandria to expand presence & utilization

Invest in a new permit system to enhance customer service to residents & the development community

Prioritize available housing funds to focus on highest priority affordable housing initiatives

Enhance civic engagement efforts

Provide additional public and private resources for planning, development & project implementation needs

Increase King Street Trolley Service Hours and accelerate Wayfinding Implementation to enhance visitor mobility

Focus marketing campaign funds on retail & restaurants in specific geographic areas of Del Ray & Old Town

Investing in Existing Assets/Core Programs

Increase road and sidewalk maintenance; 22 lane miles in FY 14 to approximately 40 lane miles in FY 15

Increase investment in stormwater management to comply with state and federal mandates

Invest in expanded DASH bus service and Potomac Yard Bus Rapid Transit service

Departments & Long Term Outcomes



Safe, Secure & Just Community

Departments
18th Circuit Court
18th General District Court
Clerk of Circuit Court
Commonwealth's Attorney
Court Services Unit
Emergency Communications
Fire
Human Rights
Juvenile and Domestic Relations District Court
Law Library
Other Public Safety and Justice Programs
Police
Registrar of Voters
Sheriff

Reduce harm to people and property from fire

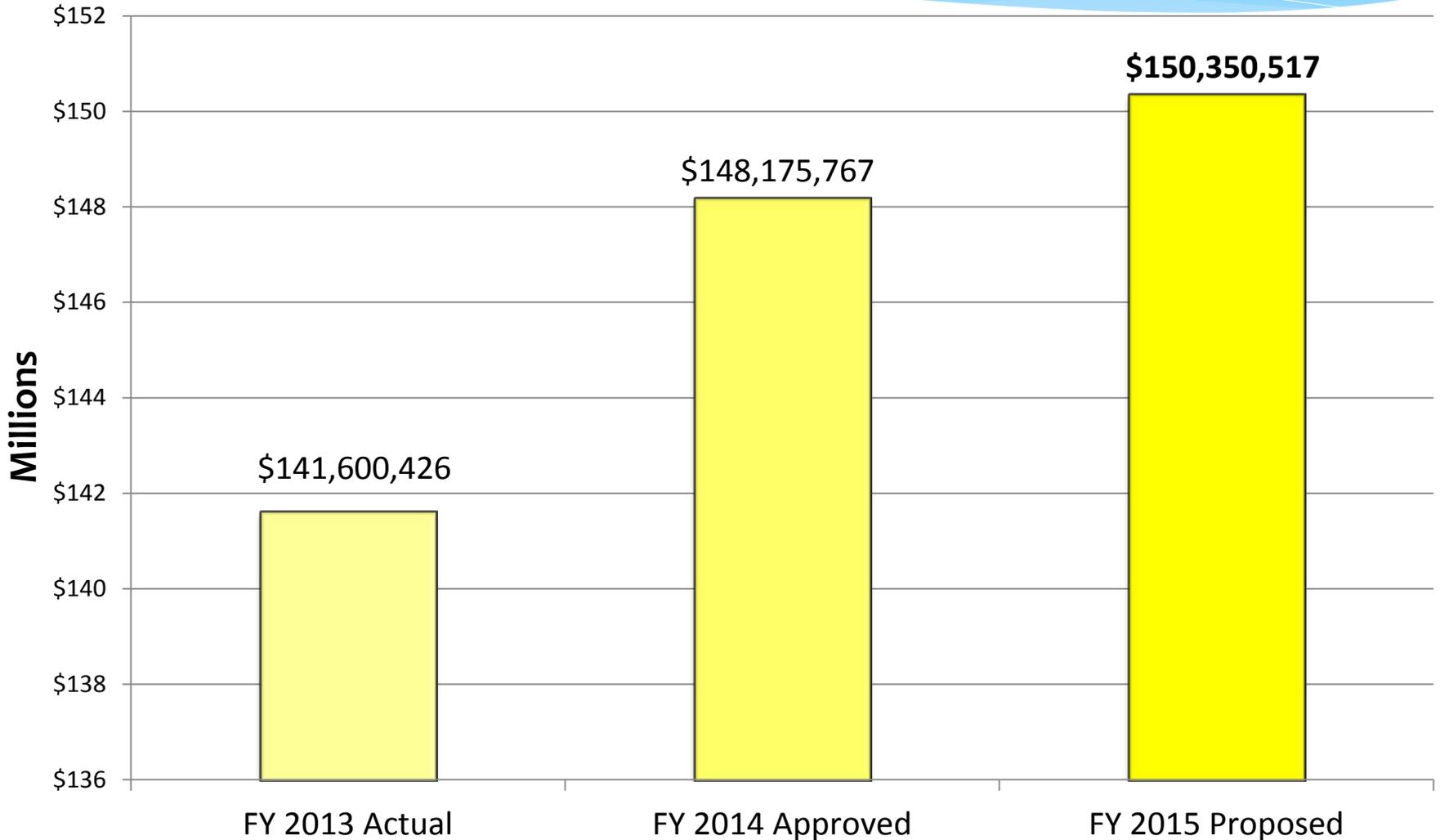
Reduce crime

Increase survivability from medical emergencies and traumatic injuries

Ensure all community members are treated justly and protected under the law



Safe, Secure & Just Community





Priorities and Trade-Offs

Investing in Existing Assets/Core Programs

Open New Fire Station 210 (Eisenhower Avenue)

Modify service delivery of Fire Marshals & Emergency Management programs

Eliminate Peak-Time Medic Unit

Transfer Engine 204 (Powhatan Park) to operate Station 210

Invest in public safety technology systems: new Computer Aided Dispatch (CAD) & Records Management System

Career Ladders

Enhance Effectiveness, Efficiencies, & Performance

Close 12 satellite Police facility locations

Closer Evaluation of External Agency Investments

Reduce support to the Northern Virginia Juvenile Detention Home

Increase direct contribution to Sheltercare; eliminate pass-through from Court Services

Eliminate contribution to Law Library

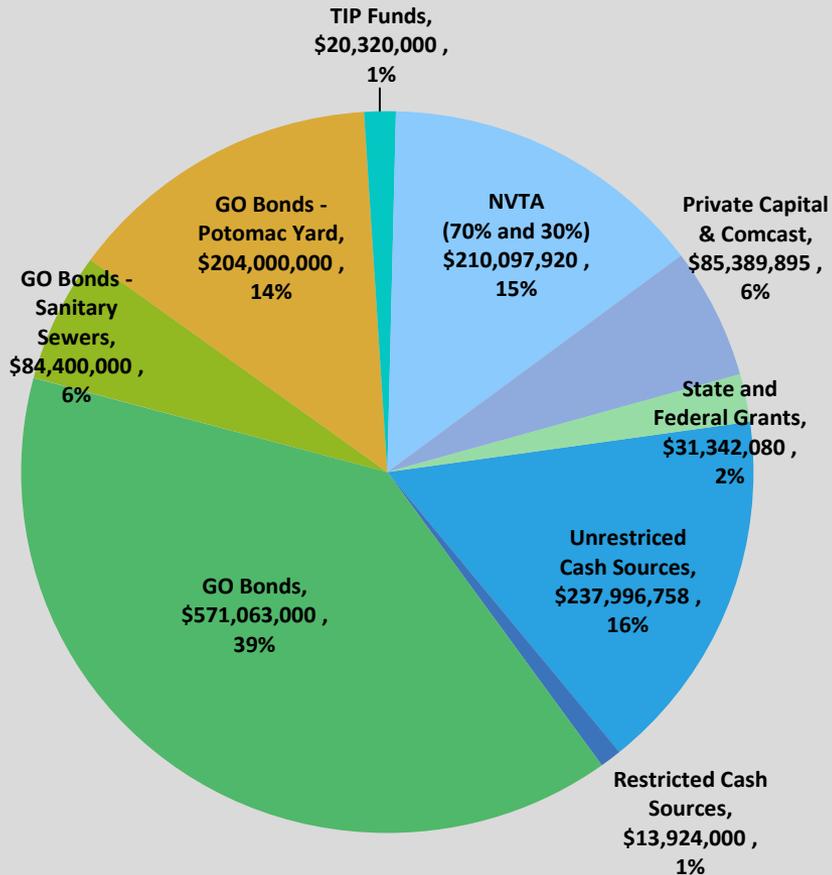
Position Reductions/Additions

Focus Area	Reductions (2.5% of total workforce)		Additions
	Vacant	Filled	
Accountable, Effective & Well-Managed Government 	3	1	8.8
Healthy & Thriving Residents 	9	21.6	3.5
Livable, Green & Prospering City 	0.5	0	18.8
Safe, Secure & Just Community 	25.5	7	3.5
Total	38	29.6 *	34.5
Net FTE Change = - 33 FTE			
<ul style="list-style-type: none"> • 1.1% of FY 2014 total workforce • FY 2015 FTE Count = 2,536 			

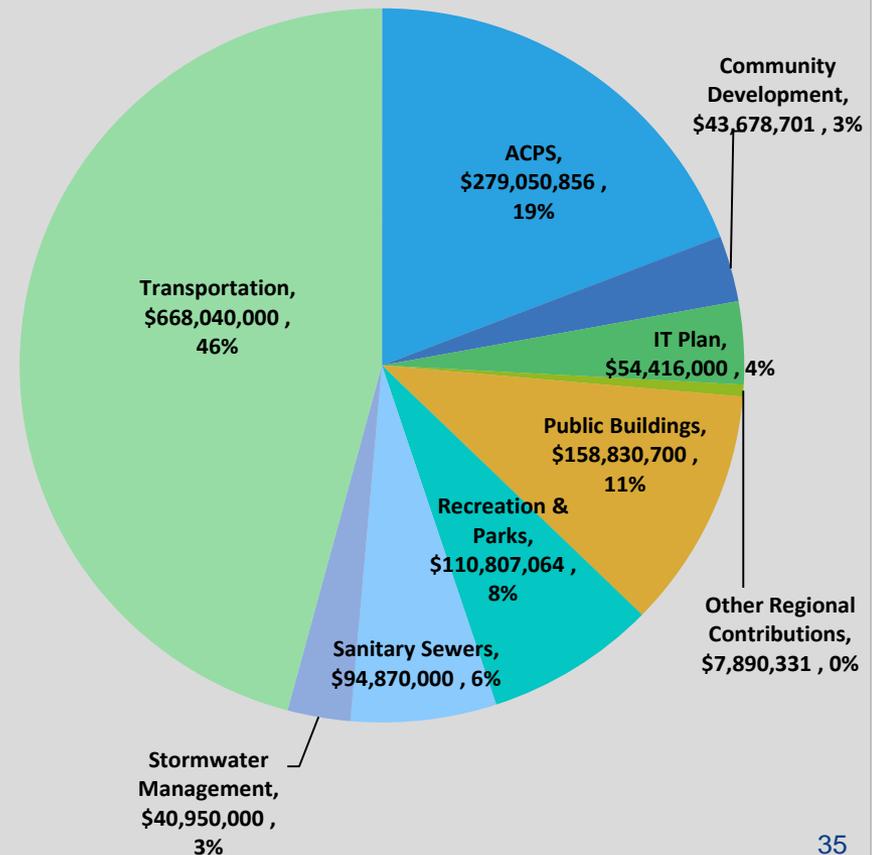
Capital Improvement Program (CIP)

CIP Overview

Proposed FY 2015 - 2024 CIP - All Revenues
\$1.459 Billion



Proposed FY 2015 - 2024 CIP - All Expenditures
\$1.459 Billion



10-Year CIP Overview (FY 2015 – FY 2024)

- 10-Year Capital Improvement Plan= \$1.46 Billion
 - \$859.5M, Total Bonds to be Issued
 - \$227.7M, General Fund Unrestricted Cash Capital
 - \$10.3M, Other Unrestricted Cash Capital
 - \$361.1M, All Funds Cash Capital (net of General Fund)
 - Transportation , Sanitary Sewer, etc.

Capital Improvement Plan

Major Funding Changes from Last Year's Plan to this Year's Plan

- Budgeted new transportation funds:
 - NVTA 70% (\$165.0M)
 - NVTA 30% (\$45.1M)
 - Beaugard Corridor Developer Contributions (\$64.4M)
- Reduction of \$128.7M in GO borrowing in the first five years of the Proposed CIP, as compared to last year's CIP
 - Reduced Potomac Yard Metrorail station borrowing by \$61.3M in FY 2017 (anticipating NVTA 70% funding)
- Debt to Cash Ratio
 - Last year's CIP 70.6% borrowing/29.4% cash sources
 - This year's Proposed CIP changes the ratio to 58.9% borrowing/41.1% cash sources

Capital Improvement Plan

Major Project Changes from Last Year's Plan to this Year's Plan

- Increased capital investments in Schools and Stormwater
- Provides \$279.1M for ACPS, up from \$229.6M in last year's CIP
- Provides \$41.0M for stormwater funding, up from \$15.8M in last year's CIP
 - \$3.65M in FY 2015; with \$25.3M planned from FY 2020 – 2024 when larger capital infrastructure improvements will be required
 - Working to leverage additional grants to support infrastructure improvements
 - FY 2015 will be a sanitary sewer planning year with future CIPs reflecting CSO mitigation costs

Capital Improvement Plan

Major Project Changes from Last Year's Plan to this Year's Plan

- Transportation projects total \$668.0M, up from \$543.1M in last year's plan, including construction of the Potomac Yard Metrorail Station
 - Private developer contributions for Beauregard corridor
 - \$116.8M for high capacity transit corridor investments
- Moved City Hall HVAC/Infrastructure project from FY 2015 to FY 2020 – 2021
 - Total cost \$18.0M in last year's plan to a revised cost of \$33.7M if we were to begin in FY 2015
 - Comprehensive space utilization study planned for all facilities

FY 2015 Capital Budget

(one-year only)

- **FY 2015 Capital Budget = \$92.5M**
 - \$21.1M Cash Capital General Fund
 - \$18.1M recurring Cash Capital
 - \$3.0M one-time project closeout balances
 - \$38.0M Cash Capital All Funds (Net of GF)
 - \$33.4M General Obligation Bonds
- **FY 2015 Debt Service = \$64.4M** (down from \$67M projected)
 - \$61.9M existing debt service from previous projects
 - \$2.5M new debt service from bonds to be issued

Capital Improvement Plan

FY 2015 Capital Year Budget (One Year Only)

- **Notable Continuing Projects (previously planned in the CIP)**
 - Increased funding for road resurfacing (increased from 22 to approximately 40 lane miles resurfaced), sidewalk reconstructions, and shared-use path improvements while continuing to invest \$1.0M in Complete Streets initiatives
 - Waterfront Small Area Plan
 - Further design/engineering/feasibility work
 - Dredge the City marina
 - Design and engineering to replace the Windmill Hill Park bulkhead (construction in FY 16)
 - Expand stormwater capacity at Lake Cook (first MS4-TDML project)
 - Design work on a rebuild of Fire Station 203 (Cameron Mills), with construction planned in FY 2016
 - New Permit Processing and electronic plans submission system in Code (paid out of Code Fund)
- **New Projects/Funding**
 - Move the City's Network Operations Center (NOC) to the Public Safety facility
 - New restrooms in the marina area (partnership with new restaurant)
 - Grant funding to replace existing and install new bus shelters
 - Repair the Health Department parking garage (4480 King Street)

Key Budget Development Dates

Monday, March 3, 2014	Work Session: Five-Year Financial Planning Model; Revenues; Compensation
Monday, March 10, 2014	City Council Special Public Hearing: FY 2015 Budget
Tuesday, March 11, 2014	City Council Legislative Meeting: Introduce Tax Rate Ordinances
Wednesday, March 12, 2014	Work Session: Livable, Green and Prospering Focus Area
Monday, March 17, 2014	Public Town Hall Meeting at Beatley Library
Tuesday, March 18, 2014	Work Session: Healthy and Thriving Residents Focus Area
Wednesday, March 26, 2014	Work Session: Safe, Secure, and Just Community Focus Area
Wednesday, April 2, 2014	Work Session: Accountable, Effective and Well-Managed Government Focus Area
Thursday, April 10, 2014	Work Session: Capital Improvement Plan
Saturday, April 12, 2014	City Council Public Hearing: Tax Rate Ordinances
Monday, April 21, 2014	Work Session: Preliminary Add/Delete
Thursday, April 24, 2014	Work Session: BFAAC and Tax Reform Task Force
Monday, April 28, 2014	Work Session: Final Add/Delete
Thursday, May 1, 2014	FY 2015 Budget Adoption

Housing Trust Fund Programs Financial Status

As of January 31, 2014

Balance as of December 31, 2013	4,868,077
--	------------------

Revenues for January 2014	
Contributions	214,400
Loan Repayments	
Community Lodgings, Inc. (CLI)	2,288
Moderate Income Homeownership Program (MIHP)	3,142
Employee Homeownership Incentive Program (EHIP)	65
Misc.	
Fees Offsetting Expenditures	0
	219,895

Expenditures for January 2014	
Flexible Homeownership Program	0
Homeownership Counseling	
Rebuilding Together Alexandria	
Housing Opportunities Fund - <i>see attached report</i>	
Rental Accessibility Modification Program (RAMP)	0
	0

Balance Available Before Outstanding Commitments/Reservations	5,087,972
--	------------------

Outstanding Commitments/Reservations as of January 31, 2014	
Braddock Small Area Plan Fund	494,191
Flexible Homeownership Program	964,603
HOME/HOF Match	375,245
Homeownership Counseling	57,667
FY 2015 Budget Reservation	200,000
Housing Opportunities Fund - <i>see attached report</i>	830,248
AHC East Reed	399,885
RTA	0
Beauregard Fund*	500,000
Rental Accessibility Modification Program (RAMP)	5,815
	(3,827,653)

Unreserved Balance as of January 31, 2014	1,260,319
--	------------------

*In FY 2014 \$2 million in HTF funds will be allocated to the Beauregard Fund

Housing Opportunities Fund Financial Status
As of January 31, 2014

	HTF	General Fund	HOME	TOTAL
Balance as of December 31, 2013	830,248	174,631	1,659,493	2,664,372
January 2014 Expenditures	0	0	0	0
Balance Available Before Outstanding Commitments	830,248	174,631	1,659,493	2,664,372
Outstanding Commitments				
Alexandria Housing Development Corporation (AHDC)		139,833		139,833
CLI Notabene			393	393
Wesley Lynhaven Apt			1,078,000	1,078,000
Fees for Professional Services	14,600			14,600
Unreserved Balance as of January 31, 2014	815,648	34,798	581,101	1,431,547

HOMEOWNERSHIP PROGRAMS REPORT
January 2014

	<i>January 2014</i>				<i>Total FY 2014 as of January 31, 2014</i>			
	Loans Committed	Amount and Source of Committed Loan Funds	Loans Settled	Amount and Source of Settled Loan Funds	Loans Committed	Amount and Source of Committed Loan Funds	Loans Settled	Amount and Source of Settled Loan Funds
Flexible Homeownership Program	0	\$0	1	CDBG - \$50,000 HOME - \$0	4	CDBG - \$90,000 HOME - \$83,280	4	CDBG - \$90,000 HOME - \$33,280

Flexible Homeownership Loan Balances by source as of January 31, 2014:

HOME \$ 187,422
CDBG \$ -
Housing Trust Fund \$ 964,604

Other Housing Development Fund Financial Status

As of January 31, 2014

	Tax Revenue Account	Bond Account	TOTAL
Balance as of December 31, 2013	2,122,246	486,326	2,608,572
December 2013 Expenditures		\$0	
Balance Available Before Outstanding Commitments	2,122,246	486,326	2,608,572
Outstanding Commitments			
AHC East Reed Project	1,613,789	486,326	2,100,115
Unreserved Balance as of January 31, 2014	508,457	0	508,457

City of Alexandria, Virginia

MEMORANDUM

DATE: FEBRUARY 28, 2014

TO: AFFORDABLE HOUSING ADVISORY COMMITTEE

FROM: MILDRILYN STEPHENS DAVIS, DIRECTOR, OFFICE OF HOUSING

SUBJECT: HOUSING CHOICE VOUCHER CONDITION LANGUAGE

DISCUSSION: At the February 6, 2014 AHAC meeting there was discussion regarding the conditions in set asides pertaining to the use of Housing Choice Vouchers and how that was counted toward income. Committee members had heard and were concerned that the Voucher was being counted at income and disqualifying households due to incomes that were too high (when counting the voucher). Staff assured the committee that this was not the intent of the condition and stated it would be revised to clarify this issue. Staff revised the condition language and it is provided below.

Applicants receiving Housing Choice Voucher (Section 8) assistance will not be denied admission on the basis of receiving such assistance. An applicant will be considered income qualified if the amount of rent the applicant can pay based on income, together with the voucher payment, is sufficient to cover the applicable rent.