

# COMMISSION MEMBER HANDBOOK

## HAMPTON ROADS PLANNING DISTRICT COMMISSION

---



JULY 2010

**COMMISSION MEMBER HANDBOOK**

**HAMPTON ROADS PLANNING DISTRICT COMMISSION**



## REPORT DOCUMENTATION

### TITLE:

Commission Member Handbook

### REPORT DATE

July 2010

**GRANT/SPONSORING AGENCY**  
LOCAL FUNDS

### PROJECT MANAGER:

John M. Carlock, AICP

**ORGANIZATION NAME,  
ADDRESS AND TELEPHONE**

Hampton Roads Planning  
District Commission  
723 Woodlake Drive  
Chesapeake, Virginia 23320  
(757) 420-8300  
<http://www.hrpdcva.gov>

### ABSTRACT:

The Hampton Roads Planning District Commission is a voluntary organization of local governments created by the region's localities pursuant to the Virginia Area Development Act of 1968, as amended. According to the Virginia Code, it is responsible for certain activities to support state programs, as well as a wide variety of programs as directed by the localities through the Commission. The purpose of this Handbook is to provide general information regarding the functions and operations of the HRPDC as a means of orientation for Commission members.

### REPORT DOCUMENTATION:

Preparation of this report was included in the HRPDC Unified Planning Work Program for FY 2010, approved by the Commission at its Executive Committee Meeting of June 17, 2009. Funding for this project was provided through the annual contributions of the member local governments to the HRPDC.

### PROJECT STAFF:

Dwight L. Farmer	Executive Director/Secretary
John M. Carlock	Deputy Executive Director
Greg C. Grootendorst	Chief Economist
Nancy K. Collins	Chief Financial Officer
Julia B. Hillegass	Senior Environmental Planner
Robert E. Lawrence	Senior Regional Emergency Management Planner
Joseph E. Turner	Communications Manger
Brian Miller	Communication Designer
Kelli E. Peterson	Human Resources Manager
Frances D. Hughey	Administrative Assistant
Robert C. Jacobs	General Services Manager
Michael R. Long	Assistant General Services Manager
Richard Case	Facilities Superintendent
Christopher W. Vaigneur	Reprographic Coordinator

## TABLE OF CONTENTS

### Report Documentation

Introduction .....	Section 1
Regional Cooperation Act .....	Section 2
Relationship Between HRPDC and HRTPO .....	Section 3
Membership.....	Section 4
Charter and Bylaws.....	Section 5
Staff Contacts .....	Section 6
Meetings.....	Section 7
Agendas .....	Section 8
Committees.....	Section 9
Programs.....	Section 10
Communications.....	Section 11
Financial Statement .....	Section 12
Freedom of Information Act.....	Section 13
VAPDC Information.....	Section 14

# INTRODUCTION

## INTRODUCTION

### **PURPOSE OF HANDBOOK**

This handbook provides general information regarding the functions and operations of the Hampton Roads Planning District Commission (HRPDC). It provides an orientation for HRPDC Commissioners.

### **WHAT IS THE HAMPTON ROADS PLANNING DISTRICT COMMISSION?**

The HRPDC is one of 21 planning district commissions (PDCs) in the Commonwealth of Virginia. The HRPDC was created by the region's local governments in 1990 through the merger of the Peninsula and Southeastern Virginia Planning District Commissions. The two predecessor PDCs were created by the localities in 1969 pursuant to the Virginia Area Development Act, which was enabling legislation setting forth the minimum requirements for PDCs and allowing local governments to create PDCs. The initial PDC boundaries were established by the state based on socioeconomic characteristics and geographical conditions. The region's localities voluntarily created the HRPDC and its predecessors through a regionally executed charter agreement. Bylaws adopted by the HRPDC govern the operations of the Commission itself.

Copies of the HRPDC Charter and Bylaws are included in section 5 of this handbook.

### **WHAT IS A PLANNING DISTRICT COMMISSION?**

A Planning District Commission is a voluntary organization of local governments created by the localities pursuant to the Virginia Area Development Act of 1968. This legislation has been amended on several occasions and is now known as the Regional Cooperation Act. The Commissions are comprised generally of local elected officials and the Chief Administrative Officers of the member localities. Some PDCs also include citizen members. In all cases, the Commissioners are appointed by the governing bodies of the member localities and a majority must be local elected officials.

### **WHAT ARE THE PRIMARY FUNCTIONS OF PLANNING DISTRICT COMMISSIONS?**

According to the Regional Cooperation Act, specifically Section 15.2-4207 of the Code of Virginia, the purpose of PDCs is “. . . to encourage and facilitate local government cooperation and state-local cooperation in addressing on a regional basis problems of greater than local significance.” This cooperation is intended to facilitate the recognition and analysis of regional opportunities to consider regional influences in planning and implementing public policies and services. PDCs provide a variety of technical and program services to the member localities and to the state.

Each PDC has adopted a somewhat different approach to meeting this charge, based on the needs and desires of its member local governments. Services provided by the various PDCs include assistance in applying for and managing grants, management of program and plan implementation, mapping and Geographic Information Systems (GIS). Most are involved in facilitating regional cooperation in program implementation, regional policy development



and some level of support for local legislative initiatives. Planning activities undertaken by the various PDCs include land use, transportation, public utility (water, wastewater, stormwater) infrastructure, economic development, environmental education and public information, solid waste management, housing, human services, regulatory compliance and ordinance development.

The Regional Cooperation Act, which details the range of potential PDC functions and responsibilities, is included in its entirety in section >>>>> of this handbook.

### **HOW IS THE HRPDC FUNDED?**

The primary sources of funding to support the HRPDC are the following:

- Virginia Department of Housing and Community Development (annual appropriation and project grants)
- Member Local Governments (Per capita contribution)
- Member Local Governments (Special Assessments for specific programs)
- Member Local Governments (Contracts)
- Virginia Department of Conservation and Recreation (DCR)
- Virginia Office of Commonwealth Preparedness (OCP)
- Virginia Department of Environmental Quality (DEQ)
- Virginia Department of Emergency Management (VDEM)
- Virginia Department of Historic Resources (DHR)
- Virginia Department of Health (VDH)
- Virginia Department of Mines, Minerals and Energy (DMME)
- United States Department of Homeland Security (DHS)

The most recent audited financial statement of the HRPDC is included in section 12 of this handbook.

### **WHAT IS THE SCOPE OF THE REGIONAL PLANNING PROCESS?**

The planning activities of the HRPDC address a wide range of programs, including emergency management, economics, housing and human resources, and physical and environmental planning. Each of these programs concurrently considers many related issues, such as land use, socioeconomic characteristics, transportation, climate change, Environmental Justice, and public involvement and outreach. To ensure the most effective service to the Hampton Roads community, many of the HRPDC functions, as well as those of the Hampton Roads Transportation Planning Organization (HRTPO), require integration and coordination of the agency functions, e.g., climate change, hurricane evacuation, sustainability and provision of utility and transportation infrastructure. They must and do reflect a common understanding of the region's current and future socioeconomic characteristics.

The Hampton Roads Planning District Commission (HRPDC) Unified Planning Work Program (UPWP), which is approved annually by the HRPDC in conjunction with approval of the annual Operating Budget, describes work to be performed by the HRPDC staff for the



Hampton Roads Planning District Commission during the upcoming Fiscal Year. It includes regional projects to be undertaken for the region as a whole as well as for sub-regional groupings of localities and agencies. It also includes local projects to be carried out in cooperation with or on behalf of individual member localities. The UPWP functions as a comprehensive guide to the activities of the HRPDC staff and supporting Committees. It represents the agreement between the HRPDC staff and the Commission on the functions and services to be accomplished on behalf of the Commission and its member localities during the Fiscal Year. Each task in the UPWP includes information on who will perform the work, the schedule for completing the work, resulting products, and proposed funding and sources of funds.

### **WHAT IS THE MISSION STATEMENT OF THE HRPDC?**



In carrying out its statutory responsibilities, the HRPDC has adopted the following mission statement:

- To serve as a forum for local elected officials and chief administrators to deliberate and decide issues of regional importance;
- To provide the local governments and citizens of Hampton Roads credible and timely planning, research and analysis on matters of mutual concern; and
- To provide leadership and offer strategies and support services to other public and private, local and regional agencies, in their efforts to improve the region's quality of life.



# **REGIONAL COOPERATION ACT**

# Code of Virginia

## § 15.2-4200. Short title.

This chapter shall be known and may be cited as the "Regional Cooperation Act."

(1968, c. 224, § 15.1-1400; 1995, cc. 732, 796; 1997, c. 587.)

## § 15.2-4201. Purpose of chapter.

This chapter is enacted:

1. To improve public health, safety, convenience and welfare, and to provide for the social, economic and physical development of communities and metropolitan areas of the Commonwealth on a sound and orderly basis, within a governmental framework and economic environment which will foster constructive growth and efficient administration.
2. To provide a means of coherent articulation of community needs, problems, and potential for service.
3. To foster planning for such development by encouraging the creation of effective regional planning agencies and providing the financial and professional assistance of the Commonwealth.
4. To provide a forum for state and local government on issues of a regional nature.
5. To encourage regional cooperation and coordination with the goals of improved services to citizens and increased cost-effectiveness of governmental activities.
6. To deter the fragmentation of governmental units and services.

(1968, c. 224, § 15.1-1401; 1995, cc. 732, 796; 1997, c. 587.)

## § 15.2-4202. Definitions.

For the purposes of this chapter:

"Commission" means a planning district commission. Planning district commissions are composed of the duly appointed representatives of the localities which are parties to the charter agreement.

"Planning district" means a contiguous area within the boundaries established by the Department of Housing and Community Development.

"Population," unless a different census is clearly set forth, means the number of inhabitants according to the United States census latest preceding the time at which any provision dependent upon population is being applied, or the time as of which it is being construed, unless there is available an annual estimate of population prepared by the Weldon Cooper Center for Public Service of the University of Virginia, which has been filed with the

Department of Housing and Community Development, in which event the estimate shall govern.

(1968, c. 224, § 15.1-1402; 1976, c. 760; 1986, c. 164; 1990, c. 722; 1995, cc. 732, 796; 1997, c. 587.)

**§ 15.2-4203. Organization of planning district commission.**

A. At any time after the establishment of the geographic boundaries of a planning district, the localities embracing at least 45 percent of the population within the district acting by their governing bodies may organize a planning district commission by written agreement. Any locality not a party to such charter agreement shall continue as a part of the planning district but, until such time as such locality elects to become a part of the planning district commission as hereinafter provided, shall not be represented in the composition of the membership of the planning district commission. Whenever a planning district is created which contains only two counties, the governing body of either county may organize a planning district commission in accordance with the provisions of this chapter if the governing body of the other county does not agree to organize such a planning district commission.

B. The charter agreement shall set forth:

1. The name of the planning district. An entity organized as a planning district commission under this act may employ the name "regional council" or "regional commission" as a substitute for the name "planning district commission."

2. The locality in which its principal office shall be situated.

3. The effective date of the organization of the planning district commission.

4. The composition of the membership of the planning district commission. At least a majority of its members shall be elected officials of the governing bodies of the localities within the district, or members of the General Assembly, with each county, city and town of more than 3,500 population having at least one representative. In any planning district other than planning district number 23, a town of 3,500 or less population may petition the planning district commission to be represented thereon. The planning district commission may, in its discretion, grant representation to such town by a majority vote of the members of the commission. Other members shall be qualified voters and residents of the district. In planning districts number 4 and 14, the membership may also include representatives of higher education institutions. Should the charter agreement, as adopted, so provide, an alternate may serve in lieu of one of the elected officials of each of the governing bodies of the participating localities.

5. The term of office of the members, their method of selection or removal and the method for the selection and the term of office of a chairman.

6. The voting rights of members. Such voting rights need not be equal and may be weighed on the basis of the population of the locality represented by the member, the aggregation of the voting rights of members representing one locality, or otherwise.

7. The procedure for amendment, for addition of other localities within the planning district which are not parties to the original charter agreement, and the withdrawal from the charter agreement by localities within the planning district electing to do so.

C. The governing body of any locality which is a member of the planning district commission may provide for compensation to be paid by it for its commission members, except for any full-time salaried employees of the locality. The amount of such compensation shall not exceed the amount fixed by the planning district commission.

(1968, c. 224, § 15.1-1403; 1970, cc. 303, 703; 1972, c. 595; 1973, c. 176; 1982, c. 660; 1989, c. 49; 1993, c. 838; 1995, cc. 732, 796; 1997, c. 587; 1998, cc. 668, 686; 2000, c. 984; 2005, c. 819.)

#### **§ 15.2-4204. Disposition of earnings and assets of planning district commissions.**

No part of the net earnings of any planning district commission organized under the provisions of this chapter shall inure to the benefit of, or be distributable to, any of its members, officers or other private persons, other than to its member localities as provided in this chapter. However, the commission may pay reasonable compensation for services rendered and make payments and distributions in furtherance of the purposes of a planning district commission as set forth in this chapter and in its charter and bylaws. Upon the dissolution or termination of any planning district commission, it shall, after paying or making provisions for the payment of its liabilities, distribute its assets to its member localities, pro rata, based upon the formula used to determine local government dues to the commission.

(1989, c. 178, § 15.1-1403.1; 1995, cc. 732, 796; 1997, c. 587.)

#### **§ 15.2-4205. Powers of commission generally.**

A. Upon organization of a planning district commission, pursuant to charter agreement, it shall be a public body corporate and politic, the purposes of which shall be to perform the planning and other functions provided by this chapter, and it shall have the power to perform such functions and all other powers incidental thereto.

B. Without in any manner limiting or restricting the general powers conferred by this chapter, the planning district commission may:

1. Adopt and have a common seal and to alter the same at pleasure.
2. Sue and be sued.

3. Adopt bylaws and make rules and regulations for the conduct of its business; however, a planning district commission shall not amend its budget once adopted during the applicable fiscal year except pursuant to an affirmative vote of the same number of the entire membership of the planning district commission required to adopt the budget.
4. Make and enter into all contracts or agreements, as it may determine, which are necessary or incidental to the performance of its duties and to the execution of the powers granted under this chapter.
5. Apply for and accept, disburse and administer, for itself or for member localities so requesting, loans and grants of money or materials or property at any time from any private or charitable source or the United States of America or the Commonwealth, or any agency or instrumentality thereof.
6. Exercise any power usually possessed by private corporations, including the right to expend such funds as may be considered by it to be advisable or necessary in the performance of its duties and functions.
7. Employ engineers, attorneys, planners, such other professional experts and consultants and such general and clerical employees as may be deemed necessary, and prescribe their powers and duties and fix their compensation.
8. Do and perform any acts and things authorized by this chapter through or by means of its own officers, agents and employees, or by contracts with any persons.
9. Execute instruments and do and perform acts or things necessary, convenient or desirable for its purposes or to carry out the powers expressly given in this chapter.
10. Create an executive committee which may exercise the powers and authority of the planning district commission under this chapter. The chairman of the planning district commission shall serve as a member and as the chairman of the executive committee. The composition of the remaining membership of the executive committee, the term of office of its members and any alternate members, their method of selection or removal, the voting rights of members, procedures for the conduct of its meetings, and any limitations upon the general authority of the executive committee shall be established by the bylaws of the planning district commission. Any planning district commission may establish such other special and standing committees, advisory, technical, or otherwise, as it deems desirable for the transaction of its affairs.

(1968, c. 224, § 15.1-1404; 1975, c. 83; 1986, c. 164; 1990, c. 722; 1995, cc. 732, 796; 1997, c. 587.)

#### **§ 15.2-4206. Additional powers of planning district commissions.**

Planning district commissions may, in addition to and not in limitation of all other powers granted by this chapter:

1. Acquire, lease, sell, exchange, donate and convey its projects, property or facilities in furtherance of the purposes of planning district commissions as set forth in this chapter;

2. Issue its bonds, notes or other evidences of indebtedness, whether payable solely out of the revenues and receipts derived or to be derived from the leasing, sale or other disposition or use of such projects, property or facilities or otherwise, for the purpose of carrying out any of its powers or purposes set forth in this chapter; and

3. As security for the payment of the principal of and premium, if any, and interest on any such bonds, notes or other evidences of indebtedness, mortgage and pledge its projects, property or facilities or any part or parts thereof and pledge the revenues therefrom or from any part thereof.

(1989, c. 178, § 15.1-1404.1; 1995, cc. 732, 796; 1997, c. 587.)

### **§ 15.2-4207. Purposes of commission.**

A. It is the purpose of the planning district commission to encourage and facilitate local government cooperation and state-local cooperation in addressing on a regional basis problems of greater than local significance. The cooperation resulting from this chapter is intended to facilitate the recognition and analysis of regional opportunities and take account of regional influences in planning and implementing public policies and services. Functional areas warranting regional cooperation may include, but shall not be limited to: (i) economic and physical infrastructure development; (ii) solid waste, water supply and other environmental management; (iii) transportation; (iv) criminal justice; (v) emergency management; (vi) human services; and (vii) recreation.

Types of regional cooperative arrangements that commissions may pursue include but are not limited to (i) the facilitation of revenue sharing agreements; (ii) joint service delivery approaches; (iii) joint government purchasing of goods and services; (iv) regional data bases; and (v) regional plans.

B. The planning district commission shall also promote the orderly and efficient development of the physical, social and economic elements of the district by planning, and encouraging and assisting localities to plan, for the future. If requested by a member locality or group of member localities and to the extent the commission may elect to act, the commission may assist the localities by carrying out plans and programs for the improvement and utilization of their physical, social and economic elements. The commission shall not, however, have a legal obligation to perform the functions necessary to implement the plans and policies established by it or to furnish governmental services to the district.

C. The authority of the commission includes the power, to the extent the commission may from time to time determine, when requested to do so by a member locality or group of member localities, (i) to participate in the creation or organization of nonprofit corporations to perform functions or operate programs in furtherance of the purposes of this chapter; (ii) to perform such functions and to operate such programs itself; (iii) to contract with nonprofit entities, including localities, performing such functions or operating such programs to provide administrative, management, and staff support,

accommodations in its offices, and financial assistance; and (iv) to provide financial assistance, including matching funds, to interdistrict entities which perform governmental or quasi-governmental functions directly benefiting the commission's district and which are organized under authority of the Commonwealth or of the federal government.

D. Nothing herein shall be construed to permit the commission to perform functions, operate programs, or provide services within and for a locality if the governing body of that jurisdiction opposes its doing so.

(1968, c. 224, § 15.1-1405; 1972, c. 814; 1975, c. 381; 1984, c. 739; 1986, c. 164; 1991, c. 208; 1995, cc. 732, 796; 1997, c. 587; 1998, cc. 668, 686.)

### **§ 15.2-4208. General duties of planning district commissions.**

Planning district commissions shall have the following duties and authority:

1. To conduct studies on issues and problems of regional significance;
2. To identify and study potential opportunities for state and local cost savings and staffing efficiencies through coordinated governmental efforts;
3. To identify mechanisms for the coordination of state and local interests on a regional basis;
4. To implement services upon request of member localities;
5. To provide technical assistance to state government and member localities;
6. To serve as a liaison between localities and state agencies as requested;
7. To review local government aid applications as required by §15.2-4213 and other state or federal law or regulation;
8. To conduct strategic planning for the region as required by §§15.2-4209 through 15.2-4212;
9. To develop regional functional area plans as deemed necessary by the commission or as requested by member localities;
10. To assist state agencies, as requested, in the development of substate plans;
11. To participate in a statewide geographic information system, the Virginia Geographic Information Network, as directed by the Department of Planning and Budget; and
12. To collect and maintain demographic, economic and other data concerning the region and member localities, and act as a state data center affiliate in cooperation with the Virginia Employment Commission.

(1995, cc. 732, 796, § 15.1-1405.1; 1997, c. 587; 1998, cc. 668, 686.)

### **§ 15.2-4209. Preparation and adoption of regional strategic plan.**

A. Except in planning districts in which regional planning is conducted by multi-state councils of government, each planning district commission shall prepare a regional strategic plan for the guidance of the district. The plan shall concern those elements which are of importance in more than one of the localities within the district, as distinguished from matters of only local importance. The plan shall include regional goals and objectives, strategies to meet those goals and objectives and mechanisms for measuring progress toward the goals and objectives. The strategic plan shall include those subjects necessary to promote the orderly and efficient development of the physical, social and economic elements of the district such as transportation, housing, economic development and environmental management. The plan may be divided into parts or sections as the planning district commission deems desirable. In developing the regional strategic plan, the planning district commission shall seek input from a wide range of organizations in the region, including local governing bodies, the business community and citizen organizations.

B. Before the strategic plan is adopted, it shall be submitted to the Department of Housing and Community Development and to the governing body of each locality within the district for a period of not less than thirty days prior to a hearing to be held by the planning district commission thereon, after notice as provided in §15.2-2204. Each such local governing body shall make recommendations to the planning district commission on or before the date of the hearing with respect to the effect of the plan within its locality. The Department of Housing and Community Development shall notify the planning district commission prior to the hearing as to whether the proposed strategic plan conflicts with plans of adjacent planning districts.

C. Upon approval of the strategic plan by a planning district commission after a public hearing, it shall be submitted to the governing body of each locality (excluding towns of less than 3,500 population unless members of the commission) within the district for review and possible adoption. The plan shall become effective with respect to all action of a planning district commission upon approval by the planning district commission. The plan shall not become effective with respect to the action of the governing body of any locality within the district until adopted by the governing body of such locality.

D. The adopted strategic plan shall be submitted within thirty days of adoption to the Department of Housing and Community Development for information and coordination purposes.

(1968, c. 224, § 15.1-1406; 1976, c. 760; 1981, c. 315; 1995, cc. 732, 796; 1997, c. 587; 1998, cc. 668, 686.)

### **§ 15.2-4210. Commission to act only in conformity with regional strategic plan.**

When the strategic plan becomes effective as the district plan, the planning district commission shall not, except as provided in the plan, establish any policies or take any action which, in its opinion, is not in conformity with the plan.

(1968, c. 224, § 15.1-1407; 1995, cc. 732, 796; 1997, c. 587; 1998, cc. 668, 686.)

**§ 15.2-4211. Amendment of regional strategic plan.**

The strategic plan may be amended in the same manner as provided for the original approval and adoption of the plan. However, if the planning district commission determines that a proposed amendment has less than districtwide significance, such amendment may be submitted only to the governing bodies of those localities which the planning district commission determines to be affected. The amended strategic plan shall be submitted within thirty days of amendment to the Department of Housing and Community Development.

(1968, c. 224, § 15.1-1408; 1995, cc. 732, 796; 1997, c. 587.)

**§ 15.2-4212. Review of regional strategic plan by commission.**

At least once every five years the regional strategic plan shall be revised and formally approved by the planning district commission. The revised plan shall not become effective with respect to the action of the governing body of any locality within the district until adopted by the governing body of such locality.

(1968, c. 224, § 15.1-1409; 1995, cc. 732, 796; 1997, c. 587.)

**§ 15.2-4213. Commission to be informed of applications for state or federal aid by local governing bodies.**

In each planning district in which a planning district commission has been organized, the governing body of each locality shall make available to the planning district commission a summary of applications to agencies of the state or federal government for loans or grants-in-aid for local projects. Submission of the summary of applications is for informational purposes only, unless otherwise directed by state or federal regulations or laws.

(1968, c. 224, § 15.1-1410; 1972, c. 599; 1995, cc. 732, 796; 1997, c. 587.)

**§ 15.2-4214. Cooperation and consultation with other agencies.**

A planning district commission may cooperate with other planning district commissions, councils of governments, or the legislative and administrative bodies and officials of other districts or localities within or outside a district, so as to coordinate the planning, development and services of a district with the plans and services of other districts and localities and the Commonwealth. A planning district commission may appoint committees and adopt rules to effect such cooperation. A planning district commission shall also cooperate with the Department of Housing and Community Development and use advice and information furnished by such Department and by other state and federal officials, departments and agencies. Such Department and such officials, departments and agencies having information, maps and data pertinent to the planning and development of a district may make the material, together with services and funds, available for use of a planning district commission.

All agencies of the Commonwealth shall notify the Department of Housing and Community Development prior to engaging in planning activities which will require planning district commission participation. State agencies are encouraged to consult with planning district commissions in the development of regional plans and services and for data collection.

(1968, c. 224, § 15.1-1411; 1976, cc. 488, 760; 1977, c. 613; 1995, cc. 732, 796; 1997, c. 587.)

**§ 15.2-4215. Annual report required.**

Each planning district commission shall submit an annual report by September 1 to its member local governments and the Department of Housing and Community Development in accordance with a format prescribed by the Department. The annual report shall contain at a minimum a description of the activities conducted by the planning district commission during the preceding fiscal year, including how the commission met the provisions of this chapter, and information showing the sources and amounts of funding provided to the commission. The Department of Housing and Community Development shall summarize the annual reports in a report to be distributed in accordance with § 36-139.6.

(1995, cc. 732, 796, § 15.1-1411.1; 1997, c. 587.)

**§ 15.2-4216. State aid.**

A. Upon the organization of a planning district commission, it shall be entitled to receive state financial support to assist it in carrying out its purposes. Such state aid shall be in an amount as provided in the general appropriations act. In order to be allocated such state aid, each planning district commission shall prepare and submit an annual report, as required in § 15.2-4215, which details its compliance with the provisions of this chapter, and an annual work program of activities proposed for the next fiscal year. The fiscal year of the planning district commission shall end June 30.

B. If two planning districts are merged pursuant to § 15.2-4221, the new district shall be entitled to receive the combined amount of aid to which the two districts it replaced separately would have been entitled for five years from the effective date of the merger.

(1968, c. 224, § 15.1-1412; 1977, c. 613; 1985, c. 127; 1990, c. 722; 1995, cc. 732, 796; 1997, c. 587.)

**§ 15.2-4217. Regional Cooperation Incentive Fund created; administration thereof.**

A. There is hereby created a Regional Cooperation Incentive Fund for the purpose of encouraging inter-local strategic and functional area planning and other regional cooperative activities. The Fund shall be administered by the Department of Housing and Community Development. Fund availability is subject to the Appropriation Act.

B. From time to time the General Assembly and the Governor may designate specific functional areas or activities which are to be given highest priority for funding, including but not limited to economic development, criminal justice, solid waste management, water supply, emergency management and transportation.

C. Disbursements from the Regional Cooperation Incentive Fund shall be made on a matching grant basis to planning district commissions. The Department of Housing and Community Development shall promulgate regulations for the administration of the funds, including application forms, eligibility requirements and terms and duration of grants. In establishing regulations, the following criteria shall be met:

1. The planning district commission or member localities must provide, at a minimum, a twenty-five percent match to the grant; and

2. Any project for which a grant is sought shall use private initiative and enterprise insofar as feasible, and emphasize coordination of available governmental and private financial and technical resources.

D. The Department of Housing and Community Development shall require periodic reports from grant recipients concerning progress of the project and the use of funds.

(1995, cc. 732, 796, § 15.1-1412.1; 1997, c. 587.)

#### **§ 15.2-4217.1. Specialized Transportation Incentive Fund.**

The Specialized Transportation Incentive Fund (the "Fund") is established and shall be used to assist participating planning districts in the development of coordinated specialized transportation plans and projects. In order to be eligible to receive monies from the Fund, a planning district commission or single locality shall establish, in consultation with its metropolitan planning organization if one exists, an advisory transportation coordination committee and shall submit to the Disability Commission a plan for cost-effective coordination of specialized transportation services in the planning district or in localities within the planning district. Single localities may appoint an advisory transportation coordinating committee independent of the planning district commission and receive specialized transportation incentive funds if the locality is located in a regional planning district in which all other localities are recipients of the federal funds and subject to the provisions of Title II of the Americans with Disabilities Act, Public Law 101-336 (42 U.S.C. § 12131 et seq.). The advisory transportation coordination committee shall guide planning for the coordination and administration of specialized transportation with human service agencies, participating public transportation systems and, where appropriate, with private for-profit and nonprofit transportation providers. Advisory transportation coordination committees shall be composed of, but not limited to, elderly and disabled persons, providers of specialized transportation systems, participating public transportation systems, and local private for-profit and nonprofit transportation providers. Localities and public transportation systems subject to Title II of the Americans with Disabilities Act, Public Law 101-336 (42 U.S.C. § 12131 et seq.), shall not be required to participate in coordinated specialized transportation plans, but may participate at their option.

(2003, c. 454.)

**§ 15.2-4218. Local governing bodies authorized to appropriate or lend funds.**

The governing bodies of the localities within a planning district are authorized to appropriate or lend funds to the planning district commission.

(1968, c. 224, § 15.1-1413; 1997, c. 587.)

**§ 15.2-4219. Exemption of commission from taxation.**

The planning district commission shall not be required to pay any taxes or assessments upon any project or upon any property acquired or used by it or upon the income therefrom. For purposes of subdivision 4 of §58.1-609.1, a planning district commission is deemed a "political subdivision of this Commonwealth" as the term is used in that section.

(1968, c. 224, § 15.1-1415; 1993, c. 310; 1997, c. 587.)

**§ 15.2-4220. Dual membership authorized.**

Any locality which is a member of a planning district commission may become a member of an additional planning district commission upon such terms and conditions as mutually agreed to by the locality and the additional planning district commission. The locality shall notify the Department of Housing and Community Development of its membership status in the additional planning district commission within thirty days of becoming a member. Whenever a state-directed activity is conducted by all the planning district commissions, the planning district boundaries identified by the Department of Housing and Community Development shall be used, unless alternative boundaries are agreed to by the localities and the planning district commissions affected. No additional state financial support shall be paid due to a locality becoming a member of an additional planning district commission.

(1985, c. 109, § 15.1-1416; 1988, c. 263; 1991, c. 35; 1993, c. 797; 1994, c. 650; 1995, cc. 732, 796; 1997, c. 587.)

**§ 15.2-4221. Merger of two planning district commissions.**

The commissions of any two planning districts and a majority of the governing bodies of the localities comprising each district, upon finding that the community of interest, ease of communications and transportation, and geographic factors and natural boundaries among the localities of the two districts are such that the best interest of the localities would be served, may by resolutions concurrently adopted vote to merge into one district and request the Department of Housing and Community Development to declare the districts so merged. Upon such declaration, the commissions of the two districts shall be merged into one commission. The commission of the new district thereupon shall organize as provided in § 15.2-4203; however, nothing shall prevent the commissions of the two districts which are to be merged from agreeing to the terms of such organization prior to their vote to merge.

(1990, c. 722, § 15.1-1416.1; 1997, c. 587.)

**§ 15.2-4222. Inconsistent laws inapplicable.**

All other general or special laws inconsistent with any provisions of this chapter are hereby declared to be inapplicable to the provisions of this chapter.

(1968, c. 224, § 15.1-1452; 1997, c. 587.)

## **RELATIONSHIP BETWEEN HRPDC AND HRTPO**

## **RELATIONSHIP BETWEEN HRPDC AND HRTPO**

The HRPDC staff also serves as the support staff for the Hampton Roads Transportation Planning Organization (HRTPO). To govern the staffing and financial administration of the HRTPO by the HRPDC, Memoranda of Agreement have been executed between the HRPDC and the HRTPO. Copies of these MOA are included on the following pages.

During 2009, the HRPDC and the HRTPO entered into two Memoranda of Agreement (MOA). One MOA provides for the HRPDC providing technical and administrative staff to support the operations of the HRTPO. The second MOA provides for the HRPDC providing financial and accounting services to support the HRTPO.



**First  
Memorandum of Understanding  
Between  
The Hampton Roads Transportation Planning Organization  
And  
The Hampton Roads Planning District Commission**

This Memorandum of Understanding is executed as of July 15, 2009 by and between the Hampton Roads Transportation Planning Organization, hereinafter referred to as HRTPO; and the Hampton Roads Planning District Commission, hereinafter referred to as HRPDC.

**WHEREAS**, the HRTPO is the Metropolitan Planning Organization for the Hampton Roads Metropolitan Planning Area; and

**WHEREAS**, the HRPDC shall provide the planning and administrative staff to the HRTPO, hereinafter referred to as Staff, in accordance with regulations as determined by the Federal Highway Administration and the Virginia Department of Transportation; and

**WHEREAS**, responsibilities of Staff are defined in the annual Unified Planning Work Program which outlines the specific work to be carried out by Staff; and

**WHEREAS**, Staff shall provide planning, technical, and administrative support to the HRTPO Board and Advisory Committees; and

**WHEREAS**, Staff will execute the following five core functions:

1. Establish a setting: Establish and manage a fair and impartial setting for effective regional decision-making in the metropolitan area.
2. Evaluate alternatives: Evaluate transportation alternatives, scaled to the size and complexity of the region, to the nature of its transportation issues, and to the realistically available options.
3. Maintain a Long-Range Transportation Plan: Develop and update a fiscally-constrained long-range transportation plan for the metropolitan area covering a planning horizon of at least 20 years that fosters
  - a. mobility and access for people and goods,
  - b. efficient system performance and preservation, and
  - c. quality of life.

4. Maintain a Transportation Improvement Program: Develop and update a fiscally-constrained program of transportation projects consistent with the long-range transportation plan. Projects must be included in the Transportation Improvement Program to be eligible for federal funding.
5. Involve the public: Involve the general public and all the significantly affected sub-groups in the four essential functions listed above.

**NOW, THEREFORE**, it is by mutual agreement that the staff of the HRPDC shall also serve as the staff of the HRTPO pursuant to this Memorandum of Understanding.



---

William D. Sessoms, Jr.  
Chairman  
Hampton Roads Transportation Planning Organization



---

Bruce C. Goodson  
Chairman  
Hampton Roads Planning District Commission

**Second  
Memorandum of Understanding  
Between  
The Hampton Roads Transportation Planning Organization  
And  
The Hampton Roads Planning District Commission**

This Second Memorandum of Understanding is executed as of September 16, 2009, by and between the Hampton Roads Transportation Planning Organization, hereinafter referred to as HRTPO, and the Hampton Roads Planning District Commission, hereinafter referred to as HRPDC.

**WHEREAS**, the HRTPO and the HRPDC are separate and distinct entities that have shared certain facilities, staff and equipment in the past; and

**WHEREAS**, the HRTPO is fully responsible for the conduct of its affairs and the establishment and oversight of its policies but has limited legal powers under existing laws of the Commonwealth of Virginia; and

**WHEREAS**, the HRTPO has determined to formally provide for the continued provision of certain services by the HRPDC, and

**WHEREAS**, by Memorandum of Understanding dated as of July 15, 2009, the HRTPO and the HRPDC set forth certain terms by which the HRPDC will provide planning and administrative staff support to the HRTPO; and

**WHEREAS**, the HRTPO desires that the HRPDC serve as fiscal agent for the HRTPO, the HRPDC is willing to act in that capacity, and the parties now desire to set forth certain terms and conditions that will govern the provision of those fiscal services by the HRPDC, and the related rights and responsibilities of the respective parties with respect to those services.

**WHEREAS**, the HRTPO is committed to expeditiously pursue through the legislative process the codification of the rights, duties, powers and responsibilities of Metropolitan Planning Organizations in Virginia and it is the expectation of the parties that this Memorandum of Understanding will be modified accordingly upon the successful enactment of that legislation;

**NOW, THEREFORE**, the parties hereby agree as follows:

1. All fiscal policies, practices and decisions of the HRTPO shall be established by and under the control and direction of its Board and authorized agents and officers.
2. The HRPDC shall receive, hold and disburse grant and other funds payable or belonging to the HRTPO. All funds and other assets of the HRTPO shall be separately identified in the books and records of the HRPDC.

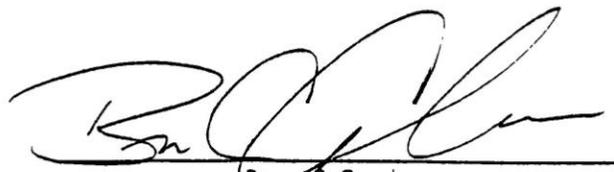
3. Assets of the HRTPO shall be held and invested only in such accounts or in such form as are authorized for the investment of public funds under the laws of the Commonwealth of Virginia and any other applicable law, regulation or grant requirement.
4. Monthly, the HRPDC staff shall prepare and submit to the HRTPO Board a financial report reflecting all receipts and disbursements through the period covered by the report, and cash and cash equivalents on hand as of the date of the report. The books and records of the HRPDC relating to HRTPO funds and assets shall be open to review and inspection at all times by the officers and Board of the HRTPO, or their designee, upon reasonable notice.
5. To the extent requested by the HRTPO Board or required by any third party, the HRPDC shall serve as the applicant for and recipient of state, Federal and other grants for and on behalf of the HRTPO. The HRPDC shall submit grant applications on behalf of the HRTPO upon approval by the Boards of both parties.
6. In the provision of staff services to the HRTPO, HRPDC staff shall prepare and submit to the Board of the HRTPO for its approval a proposed annual budget. Allocable costs of HRPDC staff performing services for and on behalf of the HRTPO, costs of supplies and equipment to carry out the work of the HRTPO, and allocable costs of overhead and third party services shall be reflected in the proposed budget. Upon approval of the annual budget by the HRTPO, payments and disbursements of HRTPO funds shall be made only in accordance with the approved budget and any amendments thereto approved from time to time by the HRTPO.
7. The provision of all fiscal services by the HRPDC shall in all events conform to and comply with the requirements of all applicable regulations as determined by the Federal Highway Administration, the Virginia Department of Transportation, the provisions of state, Federal or other grants, and all other applicable law.

*In Witness Whereof*, the parties have caused this Second Memorandum of Understanding to be executed by their duly authorized officers as of the date first set forth above.



William D. Sessoms, Jr.  
Chairman

Hampton Roads Transportation Planning Organization



Bruce C. Goodson  
Chairman

Hampton Roads Planning District Commission

## **MEMBERSHIP**

## MEMBERSHIP

Voting representation on the HRPDC Commission includes elected officials and the Chief Administrative Officer (CAO) from the cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach and Williamsburg and the counties of Gloucester, Isle of Wight, James City, Southampton, Surry and York. Each locality is represented by the CAO and, at minimum, one elected official. Additional representation is based on population with one representative for each 50,000 people or portion thereof. Commission representatives are appointed by the governing body (City Council or County Board of Supervisors) of the member localities.

The current membership roster is included on the following pages.

The Hampton Roads Planning District also includes eleven towns, whose interests are represented on the Commission through the Counties in which they are located. The towns of Smithfield and Windsor are located in Isle of Wight County. Southampton County is home to the towns of Boykins, Branchville, Capron, Courtland, Ivor and Newsoms. The Towns of Claremont, Dendron and Surry are located in Surry County. Depending on the program, these Towns are involved to various degrees in regional studies and activities. While not members of the HRPDC, the towns of Smithfield and Windsor are full and active participants in a number of HRPDC programs.



**2010 MEMBERSHIP  
HAMPTON ROADS PLANNING DISTRICT COMMISSION**

**CHESAPEAKE**

Mr. Amar Dwarkanath

Deputy City Manager  
adwarkan@cityofchesapeake.net  
306 Cedar Road  
Chesapeake 23322-  
b (757) 382-6166  
f (757) 382-6507

Mr. William E. Harrell

City Manager  
citymanager@cityofchesapeake.net  
306 Cedar Road, 6th Floor  
Chesapeake 23322-  
b (757) 382-6013  
f (757) 382-6507

Mr. Clifton E. Hayes, Jr.

Council Member  
chayes@cityofchesapeake.net  
306 Cedar Road  
Chesapeake 23322-  
b (757) 299-8410  
f

\* Dr. Alan P. Krasnoff

Mayor  
rcole@cityofchesapeake.net or drkrasnoff@aol.com  
306 Cedar Road  
Chesapeake 23322-  
b (757) 547-9266  
f (757) 547-9268

Dr. Ella P. Ward

Member, City Council  
eward@cityofchesapeake.net  
1517 Pine Grove Lane  
Chesapeake 23321-  
b  
f (757) 488-4713

**FRANKLIN**

\* Ms. June Fleming

Interim City Manager  
jfleming@franklinva.com  
207 West Second Avenue  
Franklin 23851-  
b (757) 562-8504  
f (757) 562-7982

Ms. Rosa M. Lawrence

Member, City Council  
ward-3@franklinva.com  
1518 South Street  
Franklin 23851-  
b (757) 562-3281  
f

**GLOUCESTER COUNTY**

\* Ms. Brenda G. Garton

County Administrator  
bgarton@gloucesterva.info  
P. O. Box 329  
6467 Main Street  
Gloucester 23061-0329  
b (804) 693-4042  
f (804) 693-6004

Mr. Gregory Woodard

Member, Board of Supervisors  
gwoodard@gloucesterva.info  
7596 Roaring Springs Rd  
Gloucester 23061-  
b (804) 693-4042  
f

**HAMPTON**

Ms. Mary Bunting

City Manager  
mbunting@hampton.gov  
22 Lincoln Street  
Hampton 23669-  
b (757) 727-6392  
f (757) 728-3037

Mr. Ross A. Kearney II

Member, City Council  
rkearney@hampton.gov  
22 Lincoln Street  
Hampton 23669-  
b (757) 727-6315  
f (757) 728-3037

\* Ms. Molly Joseph Ward

Mayor  
mward@hampton.gov  
22 Lincoln St, 8th Floor  
Hampton 23669-  
b (757) 727-6866  
f (757) 728-3037

**ISLE OF WIGHT COUNTY**

Mr. W. Douglas Caskey

County Administrator  
dcaskey@isleofwightus.net  
17090 Monument Crescent, Suite 138  
Isle of Wight 23397-  
b (757) 357-3191  
f (757) 357-9171

\* Mr. Stan D. Clark

Vice Chairman, HRPDC  
kamsis@aol.com; sclark@isleofwightus.net  
451 Court Street  
Portsmouth 23704-  
b (757) 399-6868  
f (757) 399-2668

\*Indicates Executive Committee.

**2010 MEMBERSHIP**  
**HAMPTON ROADS PLANNING DISTRICT COMMISSION**

**JAMES CITY COUNTY**

\*Mr. Bruce C. Goodson

Chairman, HRPDC  
bgoodson@james-city.va.us  
313 Littletown Quarter  
Williamsburg 23185-  
b (757) 880-3142  
f (804) 233-9241

Mr. Sanford B. Wanner

County Administrator  
sbwanner@james-city.va.us  
P. O. Box 8784  
Williamsburg 23187-  
b (757) 253-6603  
f (757) 253-6833  
101-C Mounts Bay Road

**NEWPORT NEWS**

\*Mr. Joe S. Frank

Mayor  
mayorsoffice@nngov.com 926-8403 mayor  
2400 Washington Avenue, 10th Floor  
Newport News 23607-  
b (757) 595-4500  
f (757) 595-6723

Mr. Neil A. Morgan

City Manager  
nmorgan@nngov.com  
2400 Washington Avenue  
Newport News 23607-  
b (757) 926-8893  
f (757) 926-3546

Ms. Sharon P. Scott

Member, City Council  
spsprofessionals@msn.com  
252 Susan Constant Drive  
Newport News 23608-  
b (757) 265-8714  
f (757) 886-7696

**NORFOLK**

Mr. Anthony L. Burfoot

Vice Mayor  
anthony.burfoot@norfolk.gov  
1001 City Hall Bldg  
Norfolk 23510-  
b (757) 664-4286  
f (757) 441-5927  
810 Union Street

\*Mr. Paul D. Fraim

Mayor  
paul.fraim@norfolk.gov  
1001 City Hall Bldg, 810 Union St  
Norfolk 23510-  
b (757) 664-4679  
f (757) 441-2909

Dr. Theresa W. Whibley

Member, City Council  
drwhib@msn.com  
1658 Longwood Drive  
Norfolk 23508-  
b (757) 664-4268  
f (757) 664-4290

Ms. Regina V.K. Williams

City Manager  
regina.williams@norfolk.gov  
1101 City Hall Building  
Norfolk 23510-  
b (757) 664-4242  
f (757) 664-4239

Mr. Barclay C. Winn

Member, City Council  
ccouncil@norfolk.gov  
1201 Liberty Street  
Norfolk 23523-  
b (757) 494-1400  
f (757) 494-1217

**POQUOSON**

\*Mr. Gordon C. Helsel, Jr.

Mayor  
vdiggs@poquoson-va.gov  
710 Poquoson Avenue  
Poquoson 23662-  
b (757) 868-6178  
f (757) 868-3101

\*Mr. J. Randall Wheeler

City Manager  
rwheeler@poquoson-va.gov  
500 City Hall Avenue  
Poquoson 23662-  
b (757) 868-3000  
f (757) 868-3101

**PORTSMOUTH**

Mr. Kenneth L. Chandler

City Manager  
chandlerk@portsmouthva.gov  
801 Crawford Street  
Portsmouth 23704-  
b (757) 393-8641  
f (757) 393-5241

\*Mr. Douglas L. Smith

Member, City Council  
dsmith@kaufcanconsulting.com  
c/o Kaufman & Canoles  
Norfolk 23510-  
b (757) 624-3114  
f (757) 393-5241  
150 West Main St. Suite 2100

\*Indicates Executive Committee.

**2010 MEMBERSHIP  
HAMPTON ROADS PLANNING DISTRICT COMMISSION**

**SOUTHAMPTON COUNTY**

Ms. Anita T. Fells

Member, Board of Supervisors 17527 Johnsons Mill Road Sedley 23878- b (757) 569-9756  
None f (757) 569-0386

\* Mr. Michael W. Johnson

County Administrator 26022 Administration Center Drive Courtland 23837- b (757) 653-3015  
mikejohnson@co.southampton.state.va.us f (757) 653-0227

**SUFFOLK**

\* Ms. Selena Cuffee-Glenn

City Manager P.O. Box 1858 Suffolk 23439- b (757) 514-4001  
scglenn@city.suffolk.va.us f

Ms. Linda T. Johnson

Mayor 441 Market Street Suffolk 23434- b (757) 514-4018  
council@city.suffolk.va.us f (757) 484-7037

**SURRY COUNTY**

\* Mr. Tyrone W. Franklin

County Administrator 45 School Street Surry 23883- b (757) 294-5271  
twfranklin@surrycountyva.gov f (757) 294-5204

Mr. John Marshall Seward

Vice Chairman, Board of Supervisors 1195 Colonial Trail East Surry 23883- b (757) 294-3072  
sewardx4@aol.com f

**VIRGINIA BEACH**

Mr. Harry E. Diezel

Member, City Council 604 Rosaer Lane Virginia Beach 23464- b (757) 420-5724  
hediezel@vb.gov.com f (757) 523-1685

Mr. Robert M. Dyer

Member, City Council 1668 Lake Christopher Drive Virginia Beach 23464- b (757) 226-4745  
bdyer@vb.gov.com all is cell f (757) 474-9219

Ms. Barbara M. Henley

Member, City Council 3513 Charity Neck Road Virginia Beach 23456- b (757) 426-7501  
bhentley@vb.gov.com f

Mr. Louis R. Jones

Vice Mayor 1008 Witch Point Trail Virginia Beach 23455- b (757) 583-0177  
ljones@vb.gov.com f (757) 588-4659

\* Mr. William D. Sessoms, Jr.

Mayor 2401 Courthouse Drive, Suite 234 Virginia Beach 23456- b (757) 385-4581  
wsessoms@vb.gov.com f (757) 385-5699

Mr. James K. Spore

City Manager 2401 Courthouse Drive, Suite 234 Virginia Beach 23456- b (757) 385-4242  
jspore@vb.gov.com f (757) 385-5626

Mr. John E. Uhrin

Member, City Council 515 Delaware Ave Virginia Beach 23451-4620 b (757) 491-9388  
juhrin@vb.gov.com or juhrin@cox.net f

**2010 MEMBERSHIP  
HAMPTON ROADS PLANNING DISTRICT COMMISSION**

**WILLIAMSBURG**

Mr. Jackson C. Tuttle II

City Manager

401 Lafayette St., Suite 202

Williamsburg

23185-

b (757) 220-6100

jctuttle@williamsburgva.gov

f (757) 220-6107

\* Ms. Jeanne Zeidler

jzeidler@williamsburgva.gov

148 Mimosa Drive

Williamsburg

23185-4004

b (757) 253-4665

f (757) 565-8217

**YORK COUNTY**

\* Mr. James O. McReynolds

Treasurer, HRPDC

224 Ballard Street

Yorktown

23690-

b (757) 890-3320

mcreynoj@yorkcounty.gov

f (757) 890-4002

Mr. Thomas G. Shepperd, Jr.

Member, Board of Supervisors

P.O. Box 532

Yorktown

23690-

b (757) 225-2108

tgsherp@cox.net

224 Ballard Street

f (757) 890-4002

Dwight L. Farmer, Executive Director/Secretary  
Hampton Roads Planning District Commission  
The Regional Building  
723 Woodlake Drive  
Chesapeake, Virginia 23320  
dfarmer@hrpdcva.gov

b: 420-8300  
f: 523-4881

Commissioner appointments are for two years, terminating on June 30th of year noted.

## **CHARTER AND BYLAWS**

## **CHARTER AND BYLAWS**

**CHARTER AGREEMENT  
OF THE  
HAMPTON ROADS PLANNING DISTRICT COMMISSION**

This Charter Agreement to organize a planning district COMMISSION is made as of the 1st day of July, 1990, by and between the undersigned governmental subdivisions as authorized by the Virginia Area Development Act. (Title 15.1, Chapter 34, 515.1-1400, et seq., VA Code Ann., (1950), as amended);

NOW THEREFORE, it is agreed that:

**ARTICLE I**

**ORGANIZATION**

1. Name. The name of this organization shall be the Hampton Roads Planning District Commission (the "COMMISSION").
2. Principal Office. The principal office of the COMMISSION shall be in Chesapeake, Virginia. The location of the principal office may be changed by the concurrence of the COMMISSION.
3. Effective Date of Organization. The effective date of organization shall be July 1, 1990 or upon the date as of which the Virginia Department of Housing & Community Development declares that Planning Districts Twenty and Twenty-One are merged, whichever occurs later.

**ARTICLE II**

**MEMBERSHIP**

1. Method of Appointment. Members of the COMMISSION shall be appointed by the respective governing bodies (the "Governing Bodies") of those governmental subdivisions which are parties to this Charter Agreement (the "Subdivisions").
2. Composition. The Governing Bodies shall appoint members to the COMMISSION on the following basis:
  - (a) Each Subdivision shall be entitled to two (2) initial members;

(b) Each Subdivision with a population greater than or equal to 100,000 and less than 200,000 shall be entitled to one additional member, for a total of three. Each Subdivision with a population greater than or equal to 200,000 but less than 300,000 shall be entitled to three additional members, for a total of five. Each Subdivision with a population greater than or equal to 300,000 shall be entitled to five additional members for a total of seven. Of the two initial members, one shall be an elected official of the Subdivision, and one shall be the Chief Administrative Officer of the Subdivision. At least one-half of the additional members for each Subdivision shall be elected official of the Subdivision.

3. Basis for Representation. The population on which representation on the COMMISSION is based shall be established annually by the COMMISSION, using the most recent United States Census at the time at which any provision dependent upon population is being applied, or the time as of which it is being construed, unless there is available a final annual estimate of population prepared by the Center for Public Service, the University of Virginia, in which even that estimate shall govern. If a Subdivision is determined to be entitled to increased membership on the COMMISSION, such increase shall become effective on the 1st of July immediately following such determination.

4. Term. Of the first members appointed to the Commission, one-half (1/2) of the members from each Subdivision shall be appointed for one year terms and the remaining half shall be appointed for two year terms. Where the number of members representing a Subdivision is not divisible by two, then the Subdivision shall appoint the extra member to a two-year term. The term of appointment for all subsequent members shall be two (2) years. This section intends as near as possible to have such Subdivision appoint one-half of its representation annually. Any additions to or reductions in representation on the COMMISSION shall be carried out in accordance with the stated intent of this section.

5. Vacancies. Any member of the COMMISSION may be removed from office at any time, with or without cause, by the Governing Body that appointed the member. Any COMMISSION member who is an elected representative of the Subdivision shall be removed immediately upon the termination of his employment by the Subdivision. Vacancies on the COMMISSION shall be filled for the unexpired portion of the term in the same manner as the original appointment was made.

6. Voting. Each member of the COMMISSION shall have one equal vote in all matters before the COMMISSION.

## **ARTICLE III**

### **OFFICERS**

1. Officers. The Officers of the COMMISSION shall consist of a Chairman, a Vice-Chairman and such other officers as may be deemed advisable by the COMMISSION. The Vice-Chairman shall serve, and may also be known, as the Chairman-Elect. All officers shall be elected by the COMMISSION from amongst its members, except that it may elect a secretary and treasurer who need not be members of the COMMISSION.

2. Term of Office. All officers shall be elected for a term of one year or until their successors are elected or until they resign or are removed from office. The Chairman and Vice-Chairman must be from different Subdivisions. The Chairman and Vice-Chairman may serve not more than two (2) consecutive one (1) year terms in succession.

3. Election. Election of Officers shall be held at the annual meeting of the COMMISSION. Any vacancy occurring in an office shall be filled at the next regular meeting following the occurrence of such vacancy, or at a special meeting called for that purpose. If the vacancy occurs in the office of Secretary or Treasurer, an acting officer shall be appointed by the Chairman pending such election.

4. Bylaws. The COMMISSION may adopt bylaws and such other rules as it may deem necessary or advisable for the conduct of its business, providing they are not inconsistent with the provisions of the Charter Agreement and the Virginia Area Development Act.

## **ARTICLE IV**

### **MEETINGS**

1. Regular Meetings. The COMMISSION shall hold regular meetings at such times as the bylaws may provide or as the COMMISSION may determine.

2. Special Meetings. Special meetings will be held upon call by the Chairman and in accordance with the procedures as may be established by the bylaws or the COMMISSION.

## **ARTICLE V**

### **COMMISSION MERGER**

Upon the effective date of this Charter Agreement, Southeastern Virginia Planning District Commission and the Peninsula Planning District Commission shall merge into the

Hampton Roads Planning District Commission, which shall be the surviving entity and which shall be entitled to all the assets and shall assume all the liabilities of the two entities.

## ARTICLE VI

### **ADDITION OR WITHDRAWAL OF PARTY TO THIS CHARTER AGREEMENT**

1. Addition. Any governmental subdivision within Planning District Nos. Twenty or Twenty-One which is not a party to this Charter Agreement at the effective date hereof, may thereafter join the COMMISSION at the end of the COMMISSION'S then current fiscal year, provided that such governmental subdivision is eligible for membership and that the governing body of the governmental subdivision previous thereto adopts and executes this Charter Agreement.

2. Withdrawals. Any Governing Body may withdraw its Subdivision from the COMMISSION by submitting to the COMMISSION in writing, at least sixty days before the end of the COMMISSION'S then current fiscal year, a notice of intent to withdraw. All withdrawals shall become effective at the end of the fiscal year. A notice of intent to withdraw may be withdrawn or canceled by the Governing Body concerned at any time prior to the effective date of the withdrawal.

3. Change of Charter. Within sixty days of receipt of such notification of intent to join or withdraw, the COMMISSION shall submit a report to the remaining Governing Bodies that would recommend any modifications to the Charter Agreement or bylaws of the COMMISSION which are necessary as a result of said addition or withdrawal.

4. Assets and Liabilities. Upon withdrawal of a Subdivision from the COMMISSION, all of its interest in the assets and responsibilities for the liabilities of the COMMISSION shall cease and terminate as of the effective date of such withdrawal.

5. Operating Costs. Upon the addition of a Subdivision to the COMMISSION, its responsibilities for its pro rata share of the operation of the COMMISSION shall begin on the effective date of such addition.

## ARTICLE VII

### **FINANCES**

1. Funds. Funds for the operation and administration of the COMMISSION shall be appropriated by the participating Governing Bodies on a pro rata basis based on population of

the Subdivisions as established for purposes of representation on the COMMISSION under Article II of this Charter Agreement.

2. Annual Payments. Payments to the COMMISSION shall be made quarterly, due within thirty days of the beginning of each quarter. No refund or adjustment of payments is authorized to any Subdivision until the close of the fiscal year. Any Subdivision which is more than sixty days delinquent in its payments to the COMMISSION shall stand suspended from membership on the COMMISSION until such delinquency is paid in full. During the period of any suspension, the members of the COMMISSION representing such Subdivision shall stand suspended from office and may not speak or vote on any matter before the COMMISSION. Any Subdivision that is more than six months delinquent in its payments to the COMMISSION shall automatically cease to be a member of the COMMISSION. Nothing contained herein shall be construed as a relieving an expelled Subdivision of the obligation to pay its pro rata share of the COMMISSION'S budget which is the basis for its expulsion.

3. Contracts. The COMMISSION shall have no authority or power to obligate in any manner any participating Subdivision beyond those funds duly appropriated by such Subdivision for the use of the COMMISSION.

## **ARTICLE VIII**

### **AMENDMENTS**

1. Approval. This Charter Agreement may be amended, supplemented or superseded only after concurring resolutions have been adopted by the Governing Bodies of two-thirds of the Subdivisions.

2. Procedure. Any proposal to amend, supplement or supersede this Charter Agreement must be submitted in writing to the COMMISSION and to each Governing Body. Thereafter, the COMMISSION shall review the proposal and submit its comments and recommendations thereon to each Governing Body. After comments and recommendations, each Governing Body may proceed to consider a resolution concurring in the proposed change.

**BYLAWS OF  
THE HAMPTON ROADS PLANNING DISTRICT COMMISSION**

**ARTICLE I**

**NAME**

The name of this organization is The Hampton Roads Planning District Commission (the "COMMISSION"). The COMMISSION was organized and exists pursuant to a Charter Agreement (the "Agreement") adopted by the Joint Resolution of the governing bodies (the "Governing Bodies") of its constituent member governmental subdivisions (the "Subdivisions") in accordance with the Virginia Area Development Act, Title 15.1, Chapter 34 § 15.1-1400 et seq., Va. Code Ann., (1950), as amended.

**ARTICLE II**

**PURPOSE**

The purpose of the COMMISSION is to promote the orderly and efficient development of the physical, social and economic elements of the twenty and twenty-first planning districts by planning and encouraging, and assisting Governing Bodies to plan for the future.

**ARTICLE III**

**MEMBERSHIP**

The members of the COMMISSION shall be appointed by the participating subdivisions in the manner and for terms as provided by the Agreement.

**ARTICLE IV**

**MEETINGS**

1. The meetings of the COMMISSION shall be held at 9:30 a.m. on the 3rd Wednesday of each month during the months of January, April, July and October at a place to be determined by the Chairman of the COMMISSION. The October meeting shall be the annual meeting of the COMMISSION. The COMMISSION or the Executive Committee may change the date and time of any regular meeting at any prior meeting. The COMMISSION may adjourn any meeting from time to time or to another place.

2. Special Meetings. Special meetings may be called by the Chairman at his discretion or by any two members of the COMMISSION upon 48 hours notice to all members in writing or by telephone of the time, place and purpose of the special meeting. A special meeting may be held without notice provided all members of the COMMISSION are present.

3. Quorum. A majority of the COMMISSION shall constitute a quorum, provided a member from at least a majority of the Subdivisions shall be present.

4. Voting. Each member of the COMMISSION shall be entitled to one vote on the COMMISSION. All actions of the COMMISSION may be taken by a majority vote of all members present and voting, provided that any action shall require the affirmative vote of members representing at least a majority of the Subdivisions for approval.

5. Procedures. Upon all questions not governed by the Agreement, these bylaws or any other adopted rule of the COMMISSION, the general principle of parliamentary procedure as set forth in Roberts Rules of Order shall govern.

## **ARTICLE V**

### **OFFICERS**

1. Officers and Duties. The officers of the COMMISSION shall consist of a Chairman, a Vice-Chairman, a Secretary, a Treasurer and such subordinate officers as may from time to time be elected or appointed by the COMMISSION. The Vice Chairman shall serve, and may also be known, as the Chair-Elect. No person may hold more than one office; provided, however, that the offices of the Secretary and the Treasurer may be held by the same person. All offices must be held by members of the COMMISSION; provided, however, the offices of Secretary and Treasurer may be held by persons who are not members of the COMMISSION. The office of Chairman shall be held by a member of the Governing Body of the Subdivision he or she represents. The offices of Chairman and Vice-Chairman shall be held by members representing different Subdivisions. Each of such officers shall serve without compensation.

2. Term of Office. All officers shall be elected for a term of one year or until their successors are elected or until they resign or are removed from office. The Chairman and Vice-Chairman may serve not more than two (2) consecutive one (1) year terms in succession. Any Chairman or Vice-Chairman who serves a partial term shall not be considered as serving a full term.

3. Election. Prior to the annual meeting at which an officer will be elected, the Chairman shall appoint a Nominating Committee, consisting of at least one member from at least half of the Subdivisions. The Nominating Committee shall, at the annual meeting, submit the name or names of one or more persons for each office to be filled. Further nominations may be made by any member at the meeting at which the election is held. The election of officers shall be by voice vote, unless changed by majority vote of those present.

4. Vacancies. Any vacancy occurring in an office shall be filled for the unexpired term by the COMMISSION at the next regular meeting following the occurrence of such vacancy, or at a special meeting called for that purpose. If the vacancy occurs in the office of the Secretary or Treasurer, an acting officer shall be appointed by the Chairman pending such election.

5. Chairman. The Chairman shall preside at all meetings of the COMMISSION at which he is present and shall vote as any other member. He shall be responsible for the implementation of the policies established and the actions taken by the COMMISSION, shall have all of the powers and duties customarily pertaining to the office of the chairman of the board, and shall perform such other duties as may be assigned to him by the COMMISSION.

6. Vice-Chairman. The Vice-Chairman shall, in the event of the death or absence of the Chairman, or of his inability to perform any of the duties of his office or to exercise any of his powers, perform such duties and possess such powers as are conferred upon the Chairman, and shall perform such other duties as may from time to time be assigned to him by the Chairman or by the COMMISSION. The Vice-Chairman shall be expected to serve as Chairman, following the expiration of the incumbent Chairman's term of office.

7. Secretary. The Secretary shall give the members notice of all regular and special meetings of the COMMISSION and shall attend all meetings and keep a record of their proceedings, which shall be a public record, and copies of which shall be mailed with the notice of the next regular meeting to all members of the COMMISSION. In general, he shall perform all duties incident to the office of Secretary and such other duties as may from time to time be assigned to him by the Chairman or by the COMMISSION. The Secretary may, with the permission of the COMMISSION, delegate certain of his duties and responsibilities to the staff of the COMMISSION.

8. Treasurer. The Treasurer shall have general charge and supervision of all of books and accounts of the COMMISSION, shall have custody of the monies and securities of the COMMISSION and keep an accurate record of the source of all monies. Unless otherwise provided, he shall sign or countersign such checks, vouchers or other instruments as require signature; shall make a brief financial report at each regular meeting of the COMMISSION; shall prepare an annual report as soon as practicable after the end of each fiscal year; and shall perform all other duties incident to his office that may be required of him by the COMMISSION. The Treasurer may, with the permission of the COMMISSION, delegate certain of his duties and responsibilities to the staff of the COMMISSION.

## **ARTICLE VI**

### **COMMITTEES**

1. Executive Committee. There shall be, as one of the standing committees, an Executive Committee consisting of one member from each Subdivision designated prior to the annual meeting of the Commission by each respective Governing Body. If the Chairman or Vice-Chairman is not otherwise appointed as an Executive Committee member by his respective

jurisdiction, that officer shall also serve as a member of the Executive Committee during his elected term of office. Except for the Chairman and Vice-Chairman, who shall serve while in office, each member of the Executive Committee shall serve for a term of one (1) year or until his successor is appointed by the appropriate Governing Body, or until he resigns or is removed from the COMMISSION. The Chairman will serve as Chairman of the Executive Committee. Each member of the Executive Committee shall have one vote. However, if the Chairman or Vice-Chairman is not the Executive Committee member appointed by the Governing Body of his Subdivision, then the Subdivision's appointed member and the officer from that Subdivision who is also serving on the Executive Committee shall each be entitled to a vote counted one-half the vote of other Executive Committee members or, if only one of them is in attendance at a meeting, then that one shall have one full vote on behalf of his Subdivision. The Executive Committee shall hold regular monthly meetings upon the call of the Chairman. The Executive Committee shall hold special meetings upon the call of the Chairman or any two of its members. A majority of the members shall constitute a quorum. Every other member shall be an alternate member of the Executive Committee for the purpose of representing his jurisdiction on the Executive Committee, but an alternate member of the Executive Committee may vote only in the absence of the regular member from his jurisdiction. Subject to the control and direction of the COMMISSION, the Executive Committee shall supervise and manage the affairs of the COMMISSION between regular meetings of the full COMMISSION. The Executive Committee may act on all matters by, for or on behalf of the COMMISSION, and may exercise any and all powers granted to the COMMISSION by the Virginia Area Development Act, the Agreement, or these bylaws, except amending the Agreement or these bylaws. The Executive Committee shall have such specific duties as may from time to time be assigned to it by the COMMISSION.

2. Standing Committees. The COMMISSION may establish such other special and standing committees, advisory, technical or otherwise, as it shall deem desirable for the transaction of its affairs.

## **ARTICLE VII**

### **ADMINISTRATION**

1. Staff. The COMMISSION shall employ a staff of qualified professional and other persons, pay to them such compensation as it shall deem advisable to carry out its duties; and implement projects, programs and other functions.

2. Director. The chief executive officer of the staff shall be the Executive Director, who shall have direct supervision of all the other employees of the COMMISSION, and, subject to the authority of the COMMISSION and its officers, shall have direct control of the management of the affairs of the COMMISSION.

3. Duties of Executive Director. The Executive Director shall act as disbursing officer, and shall be responsible for the payment of all bills, or of all warrants or requisitions, after payment thereof is authorized by the Treasurer. He shall be responsible for keeping a record of all monies paid out and received and of receipts and vouchers to cover such expenditures.

4. Execution of Instruments. The Executive Director, upon specific authorization by the COMMISSION, shall have the power to sign in its behalf any agreement or other instrument to be executed by the COMMISSION. Unless otherwise provided, he may sign or countersign checks and vouchers in payment of obligations of the COMMISSION.

## **ARTICLE VIII**

### **FINANCES**

1. Finances. The monies of the COMMISSION shall be deposited in such bank as the COMMISSION shall designate, and all payments (with the exception of those from petty cash) shall, so far as is practicable, be made by checks. Checks and drafts may be signed in the name of the COMMISSION by the Executive Director, the Secretary, the Treasurer, or their designee.

2. Audit. The COMMISSION, at least once each year, shall cause an audit to be made by an independent certified public accountant of the general funds of the COMMISSION and any special project funds which are not audited by the federal or state government or by other independent accountants.

3. Bonds. The COMMISSION shall cause fidelity bonds to be issued covering each of its employees who receive or disburse funds in amounts deemed by it to be adequate.

## **ARTICLE IX**

### **SEAL**

1. Seal. The COMMISSION may adopt a seal for the Commission in such form as it deems appropriate.

## **ARTICLE X**

### **AMENDMENTS**

1. Any proposed amendment of these bylaws shall be presented in writing and read for a first time at any regular or special meeting of the COMMISSION. Such proposal may be considered and amended at such meeting, but shall not be acted upon by the COMMISSION until a subsequent meeting which may be held no earlier than thirty (30) days after the first meeting. At the subsequent meeting, the proposal may be adopted only by the affirmative vote of at least two-thirds (2/3) of the entire COMMISSION members.

As Amended Through July 2009

## **STAFF CONTACTS**

## **STAFF CONTACTS**

Dwight L. Farmer, P.E.  
Executive Director/Secretary  
723 Woodlake Drive  
Chesapeake, Virginia 23320  
757-420-8300  
757-523-4881 (Fax)  
[dfarmer@hrpdcva.gov](mailto:dfarmer@hrpdcva.gov)

John M. Carlock, AICP  
Deputy Executive Director  
723 Woodlake Drive  
Chesapeake, Virginia 23320  
757-420-8300  
757-523-4881 (Fax)  
[jcarlock@hrpdcva.gov](mailto:jcarlock@hrpdcva.gov)

## **HRPDC PROGRAM STAFF**

Dwight L. Farmer, Executive Director/Secretary  
John M. Carlock, Deputy Executive Director, HRPDC

### **Physical and Environmental Planning**

Lisa L. Hardy, Environmental Planner  
Julia B. Hillegass, Senior Environmental Planner  
Claire Jones, Physical and Environmental Planner  
Whitney S. Katchmark, Senior Regional Geologist  
Sara J. Kidd, Senior Environmental Planner  
Benjamin J. McFarlane, Physical and Environmental Planner  
Jennifer L. Tribo, Physical and Environmental Planner

### **Emergency Management**

Richard R. Flannery, Emergency Management Administrator  
Natalie R. Easterday, Regional Emergency Management Planner  
Robert E. Lawrence, Senior Regional Emergency Management Planner  
Jenny E. Redick, Regional Special Needs Planner  
John A. Sadler, Regional UASI Planner

### **Economics and Housing/Human Services**

Greg C. Grootendorst, Chief Economist  
Shernita L. Bethea, Housing/Human Services Manager  
James A. Clary, Economist

### **Administration**

Nancy K. Collins, CFO/CIO  
James D. Hummer, Computer Network Manager  
Brett J. Kerns, Computer Network Technician  
Brian Miller, Communications Designer  
Joseph E. Turner, Communications Manager  
Tara R. Walker, Accounting Systems Manager  
Sheila S. Wilson, Accounting General Ledger Manager

### **Human Resources/Administrative Assistants**

Kelli E. Peterson, Human Resources Manager  
Kathlene W. Grauberger, Administrative Assistant  
Frances D. Hughey, Administrative Assistant  
Jennifer C. Coleman, Administrative Assistant  
Sharon D. Lawrence, Receptionist

### **General Services**

Robert C. Jacobs, General Services Manager  
Richard P. Case, Facilities Superintendent  
Michael R. Long, Assistant General Services Manager  
Christopher W. Vaigneur, Reprographic Coordinator



## **MEETINGS**

## **MEETINGS**

In accordance with the HRPDC Bylaws, regular meetings of the Commission are held at 9:30 a.m. on the third Wednesday of January, April, July and October at a place to be determined by the Chair. The Executive Committee of the Commission meets on the third Wednesday of February, March, May, June, August, September, November and December. The meeting is normally held at:

The Regional Board Room  
723 Woodlake Drive  
Chesapeake, Virginia 23320

The October meeting is designated as the Annual Meeting. The election of officers occurs at this meeting.

In accordance with the provisions of the Virginia Freedom of Information Act, all meetings of the HRPDC Commission and of committees officially established as Advisory Committees to the Commission shall be open to the public unless lawfully convened into a closed session consistent with the provisions of the Act. No meeting during which HRPDC business is discussed shall be conducted through telephonic or electronic means where the members are not physically assembled. In accordance with the Act, a “meeting” is any gathering of three or more members of the Commission or any Commission-appointed committee or subcommittee (unless the committee or subcommittee only has three members, in which case the gathering of two members shall constitute a “meeting.”) In accordance with the Act, any person may photograph, film, record, or otherwise reproduce any portion of any open meeting.

### **WHAT TO BRING TO MEETINGS**

All Commission members should bring the entire agenda packet that was delivered to them. If a Commission member has any materials that he/she wishes to be distributed during the meeting, the member should bring at least 75 copies of such materials or advise the HRPDC staff ahead of time to make copies available.

### **WHAT TO DO IF A MEMBER CANNOT ATTEND A MEETING**

If a member cannot attend a particular meeting, he/she should notify the Executive Director/Secretary in advance of the meeting and tell him/her whether the member’s alternate will attend the meeting in the member’s place.

### **VOTING AT COMMISSION MEETINGS**

Voting on agenda items is normally accomplished by voice vote. If upon voice vote, the vote is not unanimous or nearly unanimous, a roll call vote may be taken. Each locality is entitled to a number of votes equal to the number of representatives from that locality. All action may be taken by a majority vote of all members present and voting, provided that any action shall require the affirmative vote of members representing at least a majority of the localities for approval.



## **SPECIAL MEETINGS**



In accordance with the HRPDC Bylaws, special meetings of the Commission may be called by the Chair at the Chair's discretion or by any two members of the Commission upon 48 hours notice to all members in writing or by telephone of the time, place and purpose of the special meeting. A special meeting may be held without notice provided all members of the Commission are present.

## **ANNUAL RETREAT**



The HRPDC usually holds an annual retreat, in the place of a regular meeting, during the month of February. In general, the Commission does not take any actions during the retreat, but uses the time to establish its vision, goals and priorities for the upcoming fiscal year.



## **AGENDAS**

## AGENDAS

In accordance with the HRPDC Bylaws and accepted procedure, the Executive Director/Secretary in coordination with the Executive Staff prepares the agendas for HRPDC Commission meetings. Agenda items may be suggested by the Chair and other Commission members.

The agenda packet is sent to Commission members, usually via United Parcel Service (UPS) on the second Wednesday of each month in which there is a Commission meeting. The Agenda Package is also posted on the HRPDC website on the second Wednesday of each month in which there is a Commission meeting. In the case of special Commission meetings held on days other than the regular meeting day, the agenda packet will be distributed approximately one week prior to the date of the special meeting.

The agenda packet and all agenda materials are made available to the public within twenty-four (24) hours of distribution by posting the material to the HRPDC website.

The agenda follows a standard format, which provides opportunity to add items to the agenda during the meeting.

### STANDARD LAYOUT OF AGENDA



The standard layout of the HRPDC agenda is as follows:

#### **Call to Order**

**Public Comment Period** – Members of the public are invited to address the HRPDC Commission. In accordance with standard practice, each speaker is limited to three minutes.

**Approval of Agenda** – Provides an opportunity for Commissioners to add or delete items from the agenda.

**Consent Agenda** – Items of a routine nature that require Commission action are included in the Consent Agenda. Commissioners may request that items be removed from the Consent Agenda to be considered individually. Commission action is taken on the Consent Agenda as a whole, excluding any items removed from the Consent Agenda by the Commission prior to taking a vote on the Consent Agenda.

**Regular Items** – Separated from the Consent Agenda by a row of diamonds (\*\*\*\*) on the Agenda page, each regular item is considered individually by the Commission. When appropriate, regular items include presentations from HRPDC staff members or other subject matter experts.

**For Your Information** – This section includes items of interest to the Commission that do not require Commission action.



**Correspondence of General Interest** – This section includes correspondence to and from staff or Commissioners on matters of interest and concern to the Commission and localities. These items do not require Commission action.

**Old/New Business** – This section provides an opportunity for Commission questions or comments on items/issues that do not appear on the agenda. This is also an opportunity to introduce items that require immediate Commission action, although the standard practice seeks to avoid this.

### **FORMAT OF AGENDA NOTES**



Each agenda item is formatted as follows:

**Subject** – A very brief description of the agenda item.

**Background** – This section provides a more detailed description of the agenda topic, including Advisory Committee recommendations, as appropriate.

**Recommended Action** – This section lists the action(s) recommended by HRPDC staff and/or an Advisory Committee..

**Staff Commentary** – This section is included if deemed appropriate by HRPDC staff. It may include additional comments by staff, including whether staff has a recommendation that differs from the recommendations(s) provided by the Advisory Committees.

**Attachments** – Supporting documentation for an agenda item may be included in the agenda packet. Examples would be proposed resolutions or letters.

**Enclosures** – Supporting documentation for an agenda item may be included as a separate enclosure with the agenda packet. The primary example would be HRPDC staff studies and plans.

**Handouts** – Copies of all presentations that are being made at a meeting are distributed the day of the meeting to all Commissioners. If material is provided in support or amplification of an agenda item and is not available at the time the agenda packet is distributed, that material may also be distributed at the meeting.



## **COMMITTEES**

## COMMITTEES

### Standing Committees – Physical and Environmental Planning

**Directors of Utilities Committee.** The HRPDC Directors of Utilities Committee is charged with addressing technical, policy and administrative issues associated with the planning and operation of the region’s water supply and wastewater systems, as well as a broad range of other water resource management issues. The Committee includes the Director of Utilities or a senior representative from the sixteen member local governments, the towns of Smithfield and Windsor, the Hampton Roads Sanitation District and the HRPDC. Semiannually, the committee meets jointly with the local Directors of Health and the Virginia Department of Health to discuss issues of mutual concern associated with drinking water and other water quality issues. The following subcommittees or working groups have been established by the Directors of Utilities Committee:

- **Capacity Team.** The Capacity Team is responsible for coordinating the technical aspects of implementing the Regional Sanitary Sewer Overflow (SSO) Consent Order. It includes representatives from the wastewater functions of the affected local governments, HRSD, HRPDC and consultants to the local governments.
- **HR FOG Technical Subcommittee.** The HR FOG Technical Subcommittee was established to develop a regionally consistent program for managing fats, oils and grease in the wastewater system, including training. This effort supports compliance with the Regional SSO Consent Order. Representatives from the affected local governments (wastewater operations and City Attorneys), HRSD and HRPDC participate on the Committee.
- **HR FOG Education Subcommittee.** The HR FOG Education Subcommittee was established to develop and implement regional education programs concerning management of fats, oils and grease in the wastewater system. This effort supports compliance with the Regional SSO Consent Order. The Subcommittee includes representatives from the Public Utilities and Public Works Departments (technical, education and marketing) from the localities, HRSD and HRPDC.
- **Wastewater (SSO) Legal Team.** The SSO Legal Team is charged with coordinating technical and policy response to the legal issues associated with the Regional SSO Consent Order with the Virginia Department of Environmental Quality and the federal Consent Decree with HRSD. Representatives from HRSD, HRPDC and the fourteen affected local governments (Public Utilities/Public Works and Attorneys) as well as outside counsel for the members participate on the Legal Team. Although Norfolk is not a party to the Regional SSO Consent Order, it is likely to be directly affected by actions taken pursuant to the Order or the Consent Decree and participates in this process. (Franklin, Southampton and Surry are not parties to the Consent Order.)
- **Water Supply Planning Subcommittee.** The Water Supply Planning Subcommittee was established to address technical issues associated with development of the



regional water supply plan. It includes water supply professionals from the sixteen member local government public utilities departments, the towns of Smithfield, Windsor and HRPDC.

- HR WET (Water Conservation Education) Subcommittee. This subcommittee was established to develop and implement a regional water conservation (wise water use) education program. It includes education and public information staff representing the participating local government public utilities departments, HRSD and HRPDC.
- Regional Groundwater Management Subcommittee. This Subcommittee was established to assist the Directors of Utilities Committee and the HRPDC staff in addressing technical issues associated with the state's groundwater regulations, development and refinement of the Coastal Plain Groundwater Model, and groundwater studies conducted by DEQ and the U.S. Geological Survey. Membership includes groundwater experts from the localities and the HRPDC Regional Geologist **with input from several groundwater modeling consultants in the region.**

**Regional Stormwater Management Committee.** The Regional Stormwater Management Committee is charged with supporting implementation of programs required by the Municipal Separate Storm Sewer System Permits, issued by the state to twelve of the region's localities, evaluation of technical, regulatory and policy initiatives in stormwater management and related programs such as erosion and sediment control and water quality planning, such as the Total Maximum Daily Load Program. The Committee includes the Stormwater Permit Program Administrator from the twelve permitted localities, their counterparts from the other four localities, HRSD and HRPDC. Representatives from the region's five Soil and Water Conservation Districts, U.S. Navy and Virginia Departments of Conservation and Recreation, Environmental Quality and Transportation participate in an ex officio capacity. Four Subcommittees have been established to assist the Regional Stormwater Management Committee:

- Stormwater Phase I Subcommittee. The cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth and Virginia Beach, governed by the Phase I Stormwater Permits, and the HRPDC address issues associated with implementation of the Phase I Stormwater Permits.
- Stormwater Phase II Subcommittee. The cities of Poquoson, Suffolk, Williamsburg and the counties of Isle of Wight, James City and York, governed by Stormwater Phase II Permits, VDOT and the HRPDC address implementation of the Phase II Stormwater Permits through the Stormwater Phase II Subcommittee.
- HR STORM (Stormwater Management Education) Subcommittee. HR STORM was established by the Regional Stormwater Management Committee to develop and implement a regional stormwater education program. A primary purpose of this initiative is to support local government compliance with the Stormwater Permits, both Phase I and Phase II. The Subcommittee includes education, technical and public information staff from the public works and related departments and HRPDC. The



military, Soil and Water Conservation Districts, VDOT and DCR participate in an ex-officio capacity.

- **Stormwater Legal Team.** The Stormwater Legal Team is charged with coordinating technical and policy response to the legal issues associated with the proposed Stormwater Phase I Permits and changes to the Virginia Stormwater Management Regulations. Membership includes representatives from HRPDC, the six affected local governments (Public Works and City Attorneys) and outside legal counsel.

**Regional Planning Committee.** The Regional Planning Committee is a new Committee being created from an expanded Hampton Roads Chesapeake Bay Committee and a proposed Environmental Planning Committee. (See Below.) It will include representatives from the local planning departments and other departments with environmental planning responsibilities and HRPDC as well as from state, federal and regional agencies. It will be tasked with addressing environmental sustainability, energy conservation, green infrastructure, climate change, water quality, and other planning issues that may cut across functional lines.

**Hampton Roads Watershed Roundtable.** The Hampton Roads Watershed Roundtable is a vehicle for information exchange, education and development of technical recommendations among representatives of the private sector and local governments. The Roundtable focuses on water quality, green building and energy issues. Its structure is fluid with participants varying from meeting to meeting based on the issues being addressed.

**Hampton Roads H2O – Help To Others – Program Board.** The H2O Program is a 501(c)(3) nonprofit corporation, organized by the region’s localities, HRPDC and HRSD to assist local residents who are unable to pay their water or sewer bill due to an emergency situation. The Board is charged with oversight and direction of the H2O Program. It consists of the Director of Utilities or his/her designee from fourteen of the member localities, the towns of Smithfield and Windsor and HRSD. The HRPDC provides administrative staff support to the H2O Program. The HRSD manages the financial aspects of the Program.

**HR CLEAN Litter Control, Recycling and Beautification Subcommittee.** HR CLEAN is charged with developing a cooperative regional education program addressing litter control, recycling and beautification. Membership includes the local Clean Community Coordinator from fourteen of the member local governments and HRPDC. The military and the region’s two public service authorities participate as nonvoting members.

### **Project Committees/Subcommittees – Physical and Environmental Planning**

Several project-specific committees have also been established to work with the HRPDC staff on specific projects or programs. They include:



- Hampton Roads Chesapeake Bay Implementation Subcommittee. Formerly the Hampton Roads Chesapeake Bay Committee, the Implementation Subcommittee has been reconstituted to focus on implementation of the local Chesapeake Bay Preservation Act Programs. Staff from the member localities, who are responsible for implementation of that program, and from the HRPDC serve on the Committee with staff from the DCR, Division of Chesapeake Bay Local Assistance functioning in an ex officio capacity.
- Elizabeth River Steering Committee. The Elizabeth River Steering Committee was established to provide local and state guidance to the Elizabeth River Restoration Study conducted by the U.S. Army Corps of Engineers (COE). It has now been expanded to function as the stakeholder and technical advisory committee for Total Maximum Daily Load water quality studies for the River. Membership includes representatives of the four localities in the Basin (Planning, Public Works, Public Utilities, Economic Development and Parks and Recreation), the COE, The Elizabeth River Project, academia, HRSD, HRPDC and several state and federal agencies. Basin localities are the cities of Chesapeake, Norfolk, Portsmouth and Virginia Beach.
- Energy Efficiency and Conservation Block Grant (EECBG) Program Subcommittee. This new subcommittee has been established to facilitate coordination of local government programs being developed through the federal Energy Efficiency and Conservation Block Grant Program, which was funded through the 2009 federal stimulus funding. Members include representatives of the member local governments and HRPDC.
- Urban Forestry Roundtable. This ad hoc committee is examining potential regional planning for urban forest management and restoration, potential tree canopy legislation and related issues. Membership includes local government representatives (Arborists, Planning, and Parks and Recreation), Virginia Departments of Conservation and Recreation and Forestry, Soil and Water Conservation Districts, Virginia Extension Service and HRPDC.

### **Emergency Management Committees**

**Regional Emergency Management Technical Advisory Committee.** The Regional Emergency Management Technical Advisory Committee (REMTAC) serves to strategically coordinate planning and resources to better prepare the region for a natural, technological or manmade disaster. Membership includes emergency management staff from each HRPDC member jurisdiction. Invited guests that regularly attend and participate include the Virginia Department of Emergency Management (VDEM), the Hampton Roads Metropolitan Medical Response System (HRMMRS), the Military and others as invited and/or needed.

REMTAC has also established and helps direct the following subcommittees:

- Debris Management Subcommittee. The Debris Management Subcommittee of REMTAC is responsible for reviewing and maintaining the debris management contracts, addressing debris management coordination, and overseeing the



FEMA/FHWA reimbursement process for compliance in the region associated with post-hurricane cleanup. Membership includes HRPDC locality representatives from Public Works, Emergency Management, Virginia Department of Transportation, VDEM, HRPDC, the U.S. Army Corps of Engineers, Southeastern Public Service Authority, and the Virginia Peninsula Public Service Authority.

- WebEOC Subcommittee. The WebEOC Subcommittee of REMTAC is responsible for facilitating collaboration, providing regional guidance, establishing standard operating procedures, and making recommendations for regional WebEOC implementation and operations. Membership includes HRPDC locality representatives from Emergency Management, Communications and Information Technology (IT), VDEM, the Hampton Roads Metropolitan Medical Response System (HRMMRS), the HRPDC, and an onsite representative from ESi, Inc. (the developer of WebEOC).
- Hampton Roads Interoperable Communications Advisory Committee (HRICAC). The HRICAC is responsible for managing the functioning of the Hampton Roads Tactical Regional Area Network (HRtacRAN) and associated emergency communications activities.
- Pet Sheltering and Evacuation Subcommittee. The Pet Sheltering and Evacuation Subcommittee of REMTAC is responsible for furthering pet management disaster planning in Hampton Roads. The subcommittee is tasked with developing a standardized list for the equipment and supply cache to be placed in Urban Areas Security Initiative (UASI) grant acquired pet sheltering/evacuation trailers, developing policies, and procedures for sharing of these trailers/caches (MOUs) among the jurisdictions, and the placement/storage of each trailer. Membership includes HRPDC locality emergency managers, local animal control officers, Virginia Department of Agriculture and Consumer Services, and the Virginia State Animal Response Team.
- Special Needs Subcommittee. The Special Needs (SpN) Subcommittee of REMTAC is responsible for coordinating/collaborating with multiple stakeholders to address special needs (both medical and social) for the purpose of planning in emergency management mitigation, preparedness, response and recovery. Membership includes HRPDC locality emergency managers, and representatives from the Departments of Human Services/Social Services, Community Service Boards (CSB's), HRMMRS, the Virginia Hospital and Healthcare Association (VHHA), the American Red Cross (ARC), Insight Enterprises, Inc. Peninsula Center for Independent Living (IEPCIL), the Endependence Center, Virginia Department of Health (VDH), Volunteer Organizations Active in Disasters (VOAD), Disability Services Boards/Commissions for People with Disabilities, ESi, Hampton Roads Transit (HRT), VDEM, HRPDC, Dominion Power, Goodwill, CHKD (Care Connection), and Dialysis Centers.

The SpN Subcommittee includes two Working Groups:



- ✓ Public Outreach Working Group. The Public Outreach Working Group is a sub-group of the SpN Subcommittee charged with the development of a Public Outreach Plan that includes creating press releases, brochures and flyer content, and marketing materials.
- ✓ Operational Working Group. The Operational Working Group is a sub-group of the SpN Subcommittee charged with developing a Special Needs Appendix for locality Emergency Operations Plans (EOPs) by developing output measures on integrating the medical needs registry and WebEOC at the local level, providing sheltering parameters for both medical/social needs, and developing a shelter typing document. The final task is to promote this annex for local adoption into EOP's.
- Healthcare Organizations Emergency Preparedness Seminars (HOEPS) Work Group. HOEPS, a REMTAC initiative, has the objective to provide public outreach/education, primarily through annual seminars, regarding emergency preparedness to those who work in health care organizations such as: Home Health, Assisted Living Facilities, Case Management, Adult Daycare, Group Homes, Nursing Homes, Rehabilitation Centers, and Dialysis Centers. The focus of training ranges from equipping employees to prepare themselves and their families to providing detailed information on resident disaster emergency operations and continuity planning for facilities/centers. Membership includes the HRPDC, ARC, HRMMRS, Public Health, CSB's, Department of Social Services, VHHA, Tidewater Emergency Medical Services (TEMS), the Peninsulas Emergency Medical Services (PEMS), and REMTAC.

**Hampton Roads Urban Area Working Group (UAWG).** The HR UAWG is a committee that provides overall governance of the Urban Areas Security Initiative across the regional area encompassed within the defined urban area; all 16 jurisdictions of Hampton Roads. The UAWG provides effective program governance and coordinates program implementation. Responsibilities of the UAWG include coordinating development and implementation of all program initiatives (including development of the Urban Area Homeland Security Strategy, investment identification and justification, funding allocation methodologies, in cooperation with the State Administrative Agent, and any direct services that are delivered by grants and training. The UAWG is also responsible for ensuring that all programmatic requirements associated with participation in the Homeland Security Grant Programs Urban Areas Security Initiative (UASI) are fulfilled. Stakeholders (members) and their appointing authority consist of representatives from City/County Administration, Law Enforcement, Emergency Management, Emergency Medical Services, Fire, Health, Virginia Port Authority, FBI and/or a Virginia Fusion Center, Public Utilities, Surry Nuclear Power Plant, Communications, HRMMRS and Citizen Corps. In addition, the UAWG has nonvoting representatives from the following: VDEM, Office of Commonwealth Preparedness (OCP), HRPDC, Higher Education and Public Transit.

The UAWG has also established and helps direct the following subcommittee:



- Capability Assessment Subcommittee. The Capability Assessment Subcommittee is responsible for overseeing the implementation of the FY 2008 UASI Risk and Capabilities Assessment. Subcommittee membership includes local emergency managers, the Central Virginia Urban Area Working Group, the Virginia Port Authority, the Virginia Fusion Center, the HRPDC, and a representative from the Grants Program Office of the Virginia Department of Emergency Management.

### **Hampton Roads Metropolitan Medical Response System – Primary Committees**

- HRMMRS Oversight Committee. The HRMMRS Oversight Committee provides expert advice and guidance in the areas of: training, equipment, supplies, pharmaceuticals distribution, communications, budgets, exercises and drills, to the HRMMRS Program Manager, and the Hampton Roads MMRS program, on all matters related to HRMMRS planning and operations, including an “all-hazards” approach for medical response to disasters of all types. Membership consists of: Commissioners and staff of the HRPDC, Hazardous Material staff (HAZMAT), REMTAC, Public Health Director, Fire Chief, Police Chief, Federal Bureau of Investigation Weapons of Mass Destruction (FBI WMD) Coordinator, Military, Hospital, VDEM, Emergency Physicians, CSB Executive Director, Office of the Chief Medical Examiner (OCME), American Red Cross, Strike Team and HealthCare Committee. It is chaired by the Executive Director of TEMS, with the Executive Director of PEMS as vice-chair.
- HRMMRS Strike Team Committee. The HRMMRS Strike Team Committee was established to recruit and review recommendations for new and replacement members, conduct periodic review of Strike Team operating procedures and revise as needed, identify training courses, facilitate in regional exercises, evaluate need for additional and/or replacement equipment and supplies, support the role of the Strike Team in regional agencies, organizations, exercises, and events, review and recommend funding sources for above duties. Membership consists of: Strike Team Task Force Leaders and Operations Sections Chiefs, a representative from each jurisdiction in which an agency, state, or private organization has sponsored a member, HRPDC staff, and one representative from each jurisdiction that supports a Strike Team equipment cache and/or a Strike Team communications cache. It is co-chaired by a Task Force Leader from the Peninsula and a Task Force Leader from the Southside.
- HRMMRS Health Care Committee. The HRMMRS HealthCare Committee was established to strengthen medical surge capabilities in Hampton Roads, strengthen mass prophylaxis capabilities, strengthen emergency triage and pre-hospital treatment capabilities, identify areas of need and arrange training accordingly, facilitate participation of healthcare providers in regional emergency preparedness exercises, support Hampton Roads Medical Reserve Corps programs, support regional emergency preparedness planning for special needs populations, strengthen interoperable communication capabilities among hospitals, public health, public safety, and emergency management, support development of regional fatality management plans, review and recommend funding sources from HRMMRS, ASPR,



UASI and Regional Catastrophic Program Grants (RCPG) grants. Membership consists of: representatives from Hampton Roads hospitals, public health departments, Medical Reserve Corps programs, EMS agencies, local government emergency management, American Red Cross, medical examiner's office, nursing homes, military treatment facilities, HRPDC staff, and other healthcare providers. This committee is co-chaired by a hospital representative and a public health representative, one from the Peninsula and one from the Southside.



## **PROGRAMS**

**HRPDC UNIFIED PLANNING WORK PROGRAM  
FY 2011  
PROGRAMMATIC INDEX**

**TASKS - PHYSICAL AND ENVIRONMENTAL PLANNING**

**Regional Planning and Technical Assistance**

EECBG Program Support (208500)  
Hampton Roads Watershed Roundtable (209400)  
Gloucester County Comprehensive Plan (291100)  
HRPDC Staff Support and Technical Assistance (211000)  
Comprehensive Environmental Planning (212000)  
Regional Greenhouse Gas Emissions Inventory (212100)  
Potential Projects - TBD

**Regional Water Program**

Hampton Roads Water Efficiency Team (HR WET) (214000)  
Ground Water Management Program – Mitigation Administration (215000)  
Water Technical Assistance (215100)  
Water Priority Projects (215200)  
Regional Ground Water Management Program – USGS Continuing Studies (215300)  
Drinking Water Quality Education (215400)  
Hampton Roads Source Water Assessment Program (215500)  
Hampton Roads H2O – Help To Others – Program (215700)

**Regional Stormwater Management Program**

Regional Stormwater Management Program – Technical (217000)  
Stormwater Education Program (HR STORM) (217100)  
Stormwater Phase II Program (217500)  
Stormwater Legal Consultant (217600)



## **Regional Wastewater Program**

Wastewater Program – Consent Order Support, Special Projects, Reporting System (SSORS) (219000)

Wastewater Education Program (HR FOG) (219200)

## **Regional Coastal Zone Management Program**

Regional Coastal Zone Management Technical Assistance Program (206000/216000)

Regional Climate Change Project (206200/216200)

## **Watershed Planning**

Regional Bacteria Study (292500)

Total Maximum Daily Load Studies and Implementation Plans (298200)

Elizabeth River

Other Watersheds (TBD)

Elizabeth River Restoration Study (219100)

## **Litter Control and Recycling Education Program**

HR CLEAN – Technical and Administrative Support (219500)

## **TASKS - EMERGENCY MANAGEMENT**

Regional Emergency Management (398000)

Metropolitan Medical Response System Sustainability (MMRS) (398700)

MMRS – FY 08 Grant (398908)

MMRS – FY 09 Grant (398909)

MMRS – FY 10 Grant (398910)

## **First Responder Authentication Credential (FRAC)**

FY 08 Grant (630008)

FY 09 Grant (630009)

FY 10 Grant (630010)

## **Hampton Roads Critical Infrastructure Protection Program**

FY 09 Grant (630209)

FY 09 Grant (630309)



## **Urban Area Security Initiative (UASI)**

Department of Homeland Security Urban Area Security Initiative (UASI) FY 08 Grant (650008)

Capabilities Assessment (650108)

Medical Special Needs (650508)

Maritime Security (650608)

Department of Homeland Security Urban Area Security Initiative (UASI) FY 09 Grant (650009)

Pet Evacuation and Management (650309)

Medical Special Needs (650509)

Department of Homeland Security Urban Area Security Initiative (UASI) FY 10 Grant (650010)

## **TASKS - HOUSING AND HUMAN SERVICES**

Housing and Human Services – Technical Assistance (300100)

Hampton Roads Loan Fund Partnership (HRLFP) Administrative Support (300411)

Hampton Roads Loan Fund Partnership (HRLFP) Homeowner Assistance (300511)

Development of Regional Housing Service Portal (300700)

## **TASKS - ECONOMICS**

Hampton Roads Economic Data Book (591000)

Regional Benchmarking (591500)

Economic Impact Studies (593000)

Annual Economic Forecast (594000)

Economic Technical Assistance (595500)

Hampton Roads Economic Quarterly (596500)

Regional Competitiveness (597300)

Analysis of Energy Development Strategies in Hampton Roads (597800)



## ECONOMICS AND HOUSING/HUMAN SERVICES

### Economics



The Hampton Roads Planning District Commission's Economics Department serves the localities, the region, and the Commonwealth by providing information and analysis that is specific to the Hampton Roads region. Staff maintain regional data for a variety of socio-economic indicators which are regularly provided to public, private, and regional organizations. Annual publications such as the Commission's Regional Benchmarking Study and the Hampton Roads Data Book, as well as the Hampton Roads Economic Quarterly, provide information and perspective on the regional economy and economic issues that face the region. Using region-specific dynamic forecasting and policy analysis tools, staff routinely conducts analysis on issues of regional significance; such as the economic impact that results from a plant closure, a new or departing aircraft carrier, or an investment in new or expanded industry. Information and analysis developed by PDC staff is routinely used to support other organizations and reported on by the media.

The Economics Department also provides various forecasts for the region. Each January, the Commission releases the Regional Economic Forecast for the coming year. Staff also develops the region's long-range socio-economic forecast that is used in developing the Hampton Roads Transportation Planning Organization's Long-Range Transportation Plan.

As the economic environment continues to evolve, staff from the Economics Department will continue to monitor, develop, and produce quality information. The Hampton Roads Planning District Commission assists the local elected leadership in making informed decisions and provides the region with a strong and reliable source for information, support, and analysis.

### Housing and Human Services



Since the late 1960's, issues related to social needs have been addressed in several capacities by the Hampton Roads Planning District Commission and its predecessors. Historically, the HRPDC has provided support and programs for Housing related issues, Criminal Justice Planning, Substance Abuse Plan Development, Work Study and Human Service Programs, as well as several projects that addressed the needs of the Homeless and those with Special Needs.

Today, the Housing and Human Services program continues to be involved with many programs and initiatives for those with disabilities, the aging population, and affordable housing initiatives through various committees, organizations, and programs to strengthen collaborative efforts for the region. Housing and Human Services staff provide down-payment assistance by facilitating the regional Hampton Roads Loan Fund Partnership. HRPDC programs have adapted to meet the changing social needs of the member localities and fill gaps within existing services and programs. The HRPDC's use of technology has been instrumental in disseminating information in an easier and more timely manner. Programs and services addressing critical issue needs in the areas of housing, persons with



disabilities, homelessness, and senior related issues remain paramount. The HRPDC's planning expertise is instrumental and helps pave the way for many other regional committees and organizations. The Housing and Human Services program continues to evaluate the social needs of the region and looks for ways to strengthen regional collaborations that ultimately benefit the citizens of the Hampton Roads area.

The HRPDC also played a critical leadership role during the 1995 Defense Base Closure and Realignment (BRAC). Aided by funding from the state and local communities, the HRPDC organized a task force of government officials and community leaders to support retention of our local military activities and defense-related jobs. Another regional BRAC committee was organized in late 2003 to address another round of base closures in 2005.



## EMERGENCY MANAGEMENT

In 1998, the localities requested the HRPDC lead a new initiative in emergency management. A Regional Emergency Management Planning position was implemented along with the creation of the Regional Emergency Management Technical Advisory Committee (REMTAC). This new position and technical advisory committee was, and is, tasked with providing support to Hampton Roads and the HRPDC Commission by improving planning on issues with greater than local significance, such as evacuations. Over the following years, REMTAC's charge evolved into its current state in which its charter states: "to ensure a safe, secure, and prepared Hampton Roads by collaborative strategic planning as it relates to prevention, preparedness, response, and recovery from natural, technological, and terrorism-related disasters and/or major emergencies, by partnering with federal, state, private entities, and the citizens of Hampton Roads."

Initial projects consisted of debris management, public education, communication interoperability, special needs, and other activities related to planning, mitigation, response and recovery from all natural or manmade hazards. Additionally, the Emergency Management Program assisted the localities in managing the aftermath of major tropical storms and hurricanes in the early 2000s.

As the Department of Homeland Security (DHS) was created and the Federal Emergency Management Administration (FEMA) was restructured, the regional Emergency Management program was in a position to take advantage of new federal and state funding opportunities associated with potential terrorist threats. This included an award winning and nationally recognized regional Metropolitan Medical Response System (1999) and the designation of a Tier II Urban Area for the DHS Urban Area Security Initiative in 2006. Initially, these programs were designated for specific localities in Hampton Roads and not all inclusive. With input from REMTAC and the Regional Emergency Management Planner, the City Managers and County Administrators of the member localities determined that these programs should be utilized by the entire region rather than a select few localities in order to take full advantage of these regionally focused programs and available funding to build regional capabilities. This has resulted in Hampton Roads being better prepared as new capabilities have been and continue to be implemented. The region is continually recognized by state and federal agencies as new programs are regularly pushed to the region for coordination and management.

As the Emergency Management program continues to mature at the HRPDC, new initiatives are constantly being evaluated for inclusion into the work program based on the needs of the region. This includes the development of Hazard Mitigation Planning and Homeland Security initiatives as the HRPDC moves into the next chapter of supporting the regions needs. Building regional capabilities, as intended by DHS, FEMA, and state public safety agencies, and supporting local and regional planning has been and remains the ultimate goal of this program.



## **PHYSICAL AND ENVIRONMENTAL PLANNING**

HRPDC's Physical and Environmental Planning Department (PEP) provides a forum for the local governments to exchange information and to develop cooperative initiatives that address regional environmental issues and opportunities, as well as state and federal regulations. The Department's staff undertakes technical and policy studies and provides technical assistance to the member localities and others.

### **Water Resources**



With a current emphasis on water resource management, regional issues include watershed quality trends, water quality response planning, water quality management planning, groundwater quality, recharge zones, wetland protection, water supply planning, and legislative and regulatory monitoring. The HRPDC is preparing the Regional Water Supply Plan for Hampton Roads and operates a groundwater mitigation program on behalf of the localities. Of utmost importance, is the role of the HRPDC in facilitating regional compliance with State and Federal regulations related to sanitary sewer overflows and stormwater management.

### **Environmental Education & Community Affairs**



The HRPDC continues to coordinate various environmental education initiatives to address identified needs throughout the region. The main initiatives center on the issues of water conservation (wise water use), stormwater pollution prevention, waste management, litter prevention and beautification. Monthly meetings of the Hampton Roads Water Efficiency Team (HR WET), the Regional Stormwater Management Public Information and Education Subcommittee (HR STORM), and HR CLEAN (the region's committee on waste management, litter prevention and beautification) allow for regional program coordination, idea exchange, and networking. Other education initiatives include Green Infrastructure/Conservation Corridors, the Southern Watershed Area Management Program (SWAMP), and HR FOG (Fat, Oil, and Grease).

### **Comprehensive Regional Planning**



The Department also encompasses general physical planning activities such as comprehensive planning and ordinance development, solid waste, recreation, open space and linkages to state and federal agencies and programs. The HRPDC develops local comprehensive plans, related studies and ordinances for individual localities, generally under contract to the locality. The Regional Solid Waste Plan for the localities that are within the service area of the Southeastern Public Service Authority of Virginia (SPSA) is maintained by the HRPDC, which also completes the annual Recycling Rate Reports for these localities. The HRPDC conducts special planning studies in the areas of green infrastructure/conservation corridors, energy development and sea level rise/climate change.



## COMMUNICATIONS

## COMMUNICATIONS

In addition to the volumes of studies and reports produced by the engineers and planners on staff, the HRPDC also employs some marketing communications materials to provide quick synopses of the HRPDC activities for the citizens of Hampton Roads.

### Newsletters

For over forty years, the HRPDC produced a quarterly newsletter, *Hampton Roads Review*. This newsletter collected one page summaries of the various reports and activities produced each quarter. This document was mailed out to Commission members, city and county employees, civic leaders and the public at large (if they had signed up for the list).

Recently, *Hampton Roads Review* announced the move to an electronic format. Beginning in the fall of 2010, it will assume a blog format and as such it will become a more nimble vehicle for communicating with the HRPDC's jurisdictions and the Hampton Roads citizenry. Once a month, an email blast will go out to remind subscribers to visit the new *Hampton Roads Review*; however articles and other bits of information will be added on a weekly basis. More importantly, the new format will allow readers to respond or comment on articles and open a dialogue with the authors of the articles at the HRPDC.

### Website

Since the late 1990s, the HRPDC has had a presence on the World Wide Web. Its original site was revised in 2004 and a redesign and re-launch is in the works for 2011. On the HRPDC website, visitors have access to information about the HRPDC, its membership, its work program, and data about the Hampton Roads region.

The major departments all have separate mini-sites within the HRPDC website that discuss and elaborate on the work that they perform. A three-year archive of Presentations and Reports is maintained on the website. Information regarding upcoming meetings and their agendas can also be found there.

### Weekly Public Notice Emails

The HRPDC maintains a data base of over 4,000 email addresses (and growing). Not only will the *Hampton Roads Review* go out to individuals in this database, but each week the HRPDC sends out a Public Notice email. This email is full of meeting information, regional information tidbits, as well as any public involvement opportunities currently available.

### Speaking Engagements

In addition to electronic and print publications, HRPDC staff is available for speaking engagements. Staff routinely participates in panel discussions, media interviews, and civic league meetings, discussing a wide-variety of topics. HRPDC staff are considered subject matter experts in their fields as well as the region and gladly share their knowledge of their chosen professions as well as the Hampton Roads region.



# **FINANCIAL STATEMENT**

*Hampton Roads Planning District Commission*

*Statements of Net Assets*

<b>June 30,</b>	<b>2009</b>	<b>2008</b>
<b>Assets</b>		
<b>Current assets</b>		
Cash and cash equivalents	\$ 1,968,616	\$ 915,421
Accounts receivable	813,060	944,043
Other current assets		
Prepaid expenses	13,297	2,664
Investments	1,234,679	1,671,964
<b>Total current assets</b>	<b>4,029,652</b>	<b>3,534,092</b>
<b>Capital assets - net of accumulated depreciation</b>	<b>1,554,798</b>	<b>1,615,288</b>
<b>Other assets - investments</b>	<b>198,927</b>	<b>100,000</b>
	<b>\$ 5,783,377</b>	<b>\$ 5,249,380</b>
<b>Liabilities and Net Assets</b>		
<b>Current liabilities</b>		
Accounts payable and accrued expenses	\$ 320,216	\$ 239,502
Compensated absences	538,249	460,465
Contracts payable	50,817	74,986
Unearned revenue	-	3,594
Other current liabilities	9,689	8,639
<b>Total current liabilities</b>	<b>918,971</b>	<b>787,186</b>
<b>Other liabilities</b>		
Accrued post-retirement benefit liability	139,948	-
<b>Net assets</b>		
Contributed capital	12,500	12,500
Net assets		
Invested in capital assets - net of related debt	1,554,798	1,615,288
Unrestricted - commission designated	459,692	401,693
Unrestricted - reserved for compensated absences	538,249	460,465
Unrestricted	2,159,219	-1,972,248
<b>Total net assets</b>	<b>4,724,458</b>	<b>4,462,194</b>
	<b>\$ 5,783,377</b>	<b>\$ 5,249,380</b>

*The accompanying notes are an integral part of these financial statements.*

*Hampton Roads Planning District Commission*

*Statements of Revenues, Expenses and Changes in Net Assets*

<b>Years Ended June 30,</b>	<b>2009</b>	<b>2008</b>
<b>Operating revenues</b>		
Local		
Contributions by participating jurisdictions	\$ 1,341,946	\$ 1,338,739
Contract revenue	2,468,191	2,041,091
MMRS Local Assessment	327,305	326,520
	<u>4,137,442</u>	<u>3,706,350</u>
State (including federal pass-through)		
Virginia Department of Transportation	1,615,459	2,329,094
Virginia Department of Housing and Community Development Loan Funds	227,200	378,289
Virginia Department of Housing and Community Development State Allocation to the PDC	275,103	279,295
Virginia Department of Environmental Quality	123,862	87,174
Williamsburg Area Transit	10,000	10,000
Virginia Department of Emergency Management - UASI	990,324	590,970
Virginia Department of Emergency Management - MMRS	754,772	1,165,991
Virginia Department of Rehabilitative Services	17,074	29,040
	<u>4,013,794</u>	<u>4,869,853</u>
<b>Total operating revenues</b>	<u>8,151,236</u>	<u>8,576,203</u>
<b>Operating expenses</b>		
Expenses charged to grants	4,819,307	5,164,133
Other expenses	3,493,222	3,375,671
	<u>8,312,529</u>	<u>8,539,804</u>
<b>Income (loss) from operations</b>	<u>(161,293)</u>	<u>36,399</u>
<b>Nonoperating revenues</b>		
Other income	60,949	110,629
Photocopies and reports	7,068	9,545
Miscellaneous	355,540	156,590
	<u>423,557</u>	<u>276,764</u>
<b>Change in net assets</b>	<u>262,264</u>	<u>313,163</u>
<b>Net assets - beginning of year</b>	<u>4,462,194</u>	<u>4,149,031</u>
<b>Net assets - end of year</b>	<u>\$ 4,724,458</u>	<u>\$ 4,462,194</u>

*The accompanying notes are an integral part of these financial statements.*

# **FREEDOM OF INFORMATION ACT**

**Chapter 37  
of Title 2.2**

**The Virginia Freedom of Information Act  
(Effective July 1, 2010)**

- 2.2-3700. Short title; policy.**
- 2.2-3701. Definitions.**
- 2.2-3702. Notice of chapter.**
- 2.2-3703. Public bodies and records to which chapter inapplicable; voter registration and election records; access by persons incarcerated in a state, local, or federal correctional facility.**
- 2.2-3704. Public records to be open to inspection; procedure for requesting records and responding to request; charges.**
  - 2.2-3704.1. Posting of notice of rights and responsibilities by state public bodies; assistance by the Freedom of Information Advisory Council.**
- 2.2-3705. [Repealed].**
  - 2.2-3705.1. Exclusions to application of chapter; exclusion of general application to public bodies.**
  - 2.2-3705.2. Exclusions to application of chapter; records relating to public safety.**
  - 2.2-3705.3. Exclusions to application of chapter; records relating to administrative investigations.**
  - 2.2-3705.4. Exclusions to application of chapter; educational records and certain records of educational institutions.**
  - 2.2-3705.5. Exclusions to application of chapter; health and social services records.**
  - 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.**
  - 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exemptions.**
  - 2.2-3705.8. Limitation on record exclusions.**
- 2.2-3706. Disclosure of criminal records; limitations.**
- 2.2-3707. Meetings to be public; notice of meetings; recordings; minutes.**
  - 2.2-3707.01. Meetings of the General Assembly.**
  - 2.2-3707.1. Posting of minutes for state boards and commissions.**
- 2.2-3708. Electronic communication meetings; applicability; physical quorum required; notice; report.**
  - 2.2-3708.1. Participation in meetings in event of emergency; certain disabilities; distance from meeting location for certain public bodies.**
- 2.2-3709. Expired.**
- 2.2-3710. Transaction of public business other than by votes at meetings prohibited.**
- 2.2-3711. Closed meetings authorized for certain limited purposes.**
- 2.2-2712. Closed meetings procedures; certification of proceedings.**
- 2.2-3713. Proceedings for enforcement of chapter.**
- 2.2-3714. Violations and penalties.**

**Chapter 37  
of Title 2.2**

**The Virginia Freedom of Information Act  
(Effective July 1, 2010)**

- 2.2-3700. Short title; policy.**
- 2.2-3701. Definitions.**
- 2.2-3702. Notice of chapter.**
- 2.2-3703. Public bodies and records to which chapter inapplicable; voter registration and election records; access by persons incarcerated in a state, local, or federal correctional facility.**
- 2.2-3704. Public records to be open to inspection; procedure for requesting records and responding to request; charges.**
  - 2.2-3704.1. Posting of notice of rights and responsibilities by state public bodies; assistance by the Freedom of Information Advisory Council.**
- 2.2-3705. [Repealed].**
  - 2.2-3705.1. Exclusions to application of chapter; exclusion of general application to public bodies.**
  - 2.2-3705.2. Exclusions to application of chapter; records relating to public safety.**
  - 2.2-3705.3. Exclusions to application of chapter; records relating to administrative investigations.**
  - 2.2-3705.4. Exclusions to application of chapter; educational records and certain records of educational institutions.**
  - 2.2-3705.5. Exclusions to application of chapter; health and social services records.**
  - 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.**
  - 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exemptions.**
  - 2.2-3705.8. Limitation on record exclusions.**
- 2.2-3706. Disclosure of criminal records; limitations.**
- 2.2-3707. Meetings to be public; notice of meetings; recordings; minutes.**
  - 2.2-3707.01. Meetings of the General Assembly.**
  - 2.2-3707.1. Posting of minutes for state boards and commissions.**
- 2.2-3708. Electronic communication meetings; applicability; physical quorum required; notice; report.**
  - 2.2-3708.1. Participation in meetings in event of emergency; certain disabilities; distance from meeting location for certain public bodies.**
- 2.2-3709. Expired.**
- 2.2-3710. Transaction of public business other than by votes at meetings prohibited.**
- 2.2-3711. Closed meetings authorized for certain limited purposes.**
- 2.2-2712. Closed meetings procedures; certification of proceedings.**
- 2.2-3713. Proceedings for enforcement of chapter.**
- 2.2-3714. Violations and penalties.**

**§ 2.2-3700. Short title; policy.**

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

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

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

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

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

**§ 2.2-3701. Definitions.**

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

"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.

it "Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through telephonic or video equipment pursuant to § 2.2-3708 or 2.23708.1, 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.

"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.

#### **§ 2.2-3702. Notice of chapter.**

Any person elected, reelected, appointed or reappointed to any body not excepted from this chapter shall (i) be furnished by the public body's administrator or legal counsel with

a copy of this chapter within two weeks following election, reelection, appointment or reappointment and (ii) read and become familiar with the provisions of this chapter.

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

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

1. The Virginia Parole Board, 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.

**§ 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.

**§ 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.

#### **§ 2.2-3705.**

Repealed by Acts 2004, c. 690.

#### **§ 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.

**§ 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 (§ 2794 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, the Virginia National Defense Industrial Authority, 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, the Authority, or such organizations to prevent the closure or realignment of federal military installations located in Virginia, to limit the adverse economic effect of such realignment or closure, or to seek additional tenant activity growth from the Department of Defense or (ii) disclose trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided to the Council, the Authority, or such 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 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 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.

**§ 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 § 2.2-2638, 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 the (i) Auditor of Public Accounts; (ii) 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) Department of the State Internal Auditor with respect to an investigation initiated through the State Employee Fraud, Waste and Abuse Hotline; (v) committee or the auditor with respect to an investigation or audit conducted pursuant to § 15.2-825; or (vi) 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, mental retardation, 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 Employment Dispute Resolution with respect to an investigation, consultation, or mediation under Chapter 10 (§ 2.2-1000 et seq.) of this title, 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. 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.

**§ 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.

**§ 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 § 16.1338 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 patient abuse as may be 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 patient-identifying information.

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 §§ 2.2-706 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; and 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. 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.
1. 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.
2. 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.
3. Records submitted as a grant application, or accompanying a grant application, to the Commonwealth Neurotrauma Initiative Advisory Board pursuant to Chapter 3.1 (§ 51.5-12.1 et seq.) of Title 51.5, to the extent such records contain (i) medical or mental 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.

**§ 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.

1. 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.
2. 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 non experimental 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.
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 Inspector General of the Virginia Department of Transportation for the purpose of an audit, special investigation, or any study requested by the Inspector General's Office in accordance with law.

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

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

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.

**§ 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 Director of the Virginia Liaison Office; 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.

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.

1. Records of the Department of Corrections made confidential by § 53.1-233.
2. 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.
3. 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.
4. 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.

**§ 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.

**§ 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 § 53.1-16 or § 66-3.1, 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.

**§ 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.

#### **§ 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.

**§ 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.

**§ 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 § 2.23707. 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.

**§ 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.

**§ 2.2-3709.**

Expired.

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

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

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

**§ 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 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.

25.1 (§ 54.1-2515 et seq.) of Title 54.1.

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. 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 a grant allocation committee appointed to advise the Innovation and Entrepreneurship Investment Authority on the grant applications.
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 (§ 37.2900 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 § 2338.80, 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, the Virginia National Defense Industrial Authority, 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 advisory committee for veterans care centers established by the Commissioner of the Virginia Department of Veterans Services pursuant to § 2.2-2004.1 of records excluded from this chapter pursuant to subdivision 28 of § 2.2-3705.7.
44. 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.
45. 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.

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

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

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

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

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

A. No closed meeting shall be held unless the public body proposing to convene such meeting has taken an affirmative recorded vote in an open meeting approving a motion that (i) identifies the subject matter, (ii) states the purpose of the meeting 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 fifteen 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. 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.

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

### **§ 2.2-3713. Proceedings for enforcement of chapter.**

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

1. In a case involving a local public body, to the general district court or circuit court of the county or city from which the public body has been elected or appointed to serve and in which such rights and privileges were so denied;
2. In a case involving a regional public body, to the general district or circuit court of the county or city where the principal business office of such body is located; and
3. In a case involving a board, bureau, commission, authority, district, institution, or agency of the state government, including a public institution of higher education, or a standing or other committee of the General Assembly, to the general district court or the circuit court of the residence of the aggrieved party or of the City of Richmond.

B. In any action brought before a general district court, a corporate petitioner may appear through its officer, director or managing agent without the assistance of counsel, notwithstanding any provision of law or Rule of 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. However, any petition made outside of the regular terms of the circuit court of a county that is included in a judicial circuit with another county or counties, the hearing on the petition 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.

#### **§ 2.2-3714. Violations and penalties.**

In a proceeding commenced against members of public bodies 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 member in his individual capacity, whether a writ of mandamus or injunctive relief is awarded or not, a civil penalty of not less than \$250 nor more than \$1,000, which amount shall be paid into the State Literary Fund. For a second or subsequent violation, such civil penalty shall be not less than \$1,000 nor more than \$2,500.

## **VAPDC INFORMATION**

## About the VAPDC

***VAPDC: Bringing diverse resources together at the regional level in partnership with local, state and federal entities to strengthen regions and the Commonwealth.***

As Planning District Commissions (PDCs) were chartered and organized, their executive directors began meeting to share ideas and concerns. These meetings were eventually formalized into the Virginia Association of Planning District Commissions (VAPDC). Nineteen PDCs are members of the association.

The purpose of the Association is to improve general community planning education and to encourage, promote, and assist physical, social, and economic planning within the Commonwealth of Virginia by coordination and cooperation among the Commonwealth's several Planning District Commissions, so as to heighten effectiveness and efficiency, provide mutual assistance, exchange ideas and otherwise promote understanding.

VAPDC undertakes many activities and projects to meet the needs of Virginia's PDCs. Annual activities include: association conferences; conferences to examine regional issues; geographic information systems conference; and sponsorship of workshops and meetings on topics of interest to the regional community; and a legislative reception for the Virginia General Assembly.



## Board of Directors 2009-2010

### **Officers**

#### ***President***

Coleman Speece  
Commissioner  
Southside PDC (13)  
2506 Fenwick Drive  
South Boston, VA 24592  
434-572-4330  
[cspeece@embarqmail.com](mailto:cspeece@embarqmail.com)

#### ***First Vice President***

Martin Nohe  
Vice Chairman  
Northern Virginia RC (8)  
Prince William Board of County Supervisors  
4360 Ridgewood Center Drive  
Prince William, VA 22192  
703-792-4620  
[mnohe@pwcgov.org](mailto:mnohe@pwcgov.org)

#### ***Second Vice President***

James A. Baldwin  
Executive Director  
Cumberland Plateau PDC (2)  
P.O. Box 548, 224 Clydesway Drive  
Lebanon, VA 24266  
276-889-1778  
[jimbaldwin@bvunet.net](mailto:jimbaldwin@bvunet.net)

#### ***Secretary/Treasurer***

Robert H. Wilson, AICP  
Executive Director  
George Washington RC (16)  
406 Princess Anne Street  
Fredericksburg, VA 22401  
540-373-2890  
[wilson@gwregion.org](mailto:wilson@gwregion.org)

#### ***VAPDC Administrators***

Connie Long & Liz Garrett  
11712C Jefferson Avenue, #250  
Newport News, VA 23606  
757-412-2664  
[VAPDC@associationbuilders.com](mailto:VAPDC@associationbuilders.com)

#### **Directors**

Jerry Davis, AICP  
Executive Director  
Northern Neck PDC (17)  
P.O. Box 1600  
Warsaw, VA 22572  
804-333-1900  
[jdavis@nnpdc17.state.va.us](mailto:jdavis@nnpdc17.state.va.us)

G. Mark Gibb  
Executive Director  
Northern Virginia RC (8)  
3060 Williams Drive, Suite 510  
Fairfax, VA 22031  
703-642-0700  
[gmg@novaregion.org](mailto:gmg@novaregion.org)

Willie T. Greene, Sr.  
Mount Rogers PDC (3)  
P.O. Box 1142  
111 Carriage Drive  
Galax Va. 24333  
276-236-8864  
[wtgreesnr@embarqmail.com](mailto:wtgreesnr@embarqmail.com)

Dennis K. Morris  
Executive Director  
Crater PDC (19)  
P.O. Box 1808, 1964 Wakefield Street  
Petersburg, VA 23805  
804-861-1666  
[dmorris@craterpdc.org](mailto:dmorris@craterpdc.org)

Chris Price, AICP  
Executive Director  
Northern Shenandoah Valley RC (7)  
103 East Sixth Street  
Front Royal, VA 22630  
540-636-8800  
[cprice@shentel.net](mailto:cprice@shentel.net)

James Risner  
Chairman  
Rappahannock-Rapidan RC (9)  
306 East Spencer Street  
Culpeper, VA 22701  
540-825-3392  
[irisner@culpeper.to](mailto:irisner@culpeper.to)

#### **Committee Chairs**

##### ***Audit***

Nancy Collins  
Hampton Roads PDC (23)  
723 Woodlake Drive  
Chesapeake, VA 23320  
757-420-8300  
[ncollins@hrpdcva.gov](mailto:ncollins@hrpdcva.gov)

#### ***Awards, Legislative***

Joyce French  
Southside PDC (13)  
P.O. Box 150, 200 South Mecklenburg Avenue  
South Hill, VA 23970  
434-447-7101  
[lcmc@spdc.state.va.us](mailto:lcmc@spdc.state.va.us)

#### ***Communications***

Joe Turner  
Hampton Roads PDC (23)  
723 Woodlake Drive  
Chesapeake, VA 23320  
757-420-8300  
[jturner@hrpdcva.gov](mailto:jturner@hrpdcva.gov)

#### ***Environmental***

Aimee Vosper  
Northern Virginia RC (8)  
3060 Williams Drive, Suite 510  
Fairfax, VA 22031  
703-642-4623  
[avosper@novaregion.org](mailto:avosper@novaregion.org)

#### ***GIS/Technology***

Matt Miller  
Roanoke Valley-Alleghany RC (5)  
P.O. Box 2569, 313 Luck Avenue, SW  
Roanoke, VA 24010  
540-343-4417  
[mmiller@rvarc.org](mailto:mmiller@rvarc.org)

#### ***Strategic Planning***

Wayne Strickland  
Roanoke Valley-Alleghany RC (5)  
P.O. Box 2569, 313 Luck Avenue, SW  
Roanoke, VA 24010  
540-343-4417  
[wstrickland@rvarc.org](mailto:wstrickland@rvarc.org)

#### ***Transportation***

Andy Pickard  
Hampton Roads PDC (23)  
723 Woodlake Drive  
Chesapeake, VA 23320  
757-420-8300  
[apickard@hrpdcva.gov](mailto:apickard@hrpdcva.gov)

VAPDC PDC EXECUTIVE DIRECTOR ROSTER

Updated 6/1/09

**(1) Glen A. "Skip" Skinner**

*Executive Director*

**Lenowisco Planning District Commission**

P.O. Box 366, Duffield, VA 24244

276-431-2206, Ext. 0 Fax 276-431-2208

Email: [gskinner@lenowisco.org](mailto:gskinner@lenowisco.org)

Website: [www.lenowisco.org](http://www.lenowisco.org)

**(2) James A. Baldwin**

*Executive Director*

**Cumberland Plateau Planning District Commission**

P.O. Box 548, 224 Clydesway Drive

Lebanon, VA 24266

276-889-1778 Fax 276-889-5732

Email: [jimbaldwin@bvunet.net](mailto:jimbaldwin@bvunet.net)

Website: [www.cppdc.org](http://www.cppdc.org)

**(3) David A. Barrett**

*Executive Director*

**Mount Rogers Planning District Commission**

1021 Terrace Drive, Marion, VA 24354

276-783-5103 Fax 276-783-6949

Email: [dabarrett@mrpd.org](mailto:dabarrett@mrpd.org)

Website: [www.mrpd.org](http://www.mrpd.org)

**(4) Kevin Byrd**

*Executive Director*

**New River Valley Planning District Commission**

6580 Valley Center Drive, Suite 124

Radford, VA 24141

540-639-9313 Fax 540-831-6093

Email: [kbyrd@nrvc.org](mailto:kbyrd@nrvc.org)

Website: [www.nrvc.org](http://www.nrvc.org)

**(5) Wayne G. Strickland**

*Executive Director*

**Roanoke Valley-Alleghany Regional Commission**

P.O. Box 2569, 313 Luck Avenue, SW

Roanoke, VA 24010

540-343-4417 Fax 540-343-4416

Email: [wstrickland@rvarc.org](mailto:wstrickland@rvarc.org)

Website: [www.rvarc.org](http://www.rvarc.org)

**(6) Bonnie Riedesel**

*Executive Director*

**Central Shenandoah Planning District Commission**

112 MacTanly Place, Staunton, VA 24401

540-885-5174 Fax 540-885-2687

Email: [bonnie@cspdc.org](mailto:bonnie@cspdc.org), Website: [www.cspdc.org](http://www.cspdc.org)

**(7) Chris Price, AICP**

*Executive Director*

**Northern Shenandoah Valley Regional Commission**

103 East Sixth Street, Front Royal, VA 22630

540-636-8800 Fax 540-635-4147

Email: [cprice@shentel.net](mailto:cprice@shentel.net)

Website: [www.nsvrc.virginia.gov](http://www.nsvrc.virginia.gov)

**(8) G. Mark Gibb**

*Executive Director*

**Northern Virginia Regional Commission**

3060 Williams Drive, Suite 510, Fairfax, VA 22031

703-642-0700 Fax 703-642-5077

Email: [gmg@novaregion.org](mailto:gmg@novaregion.org)

Website: [www.novaregion.org](http://www.novaregion.org)

**(9) Jeffrey Walker, AICP**

*Executive Director*

**Rappahannock-Rapidan Regional Commission**

420 Southridge Parkway, Suite 106

Culpeper, VA 22701

540-829-7450 Fax 540-829-7452

Email: [jwalker@rrregion.org](mailto:jwalker@rrregion.org)

Website: [www.rrregion.org](http://www.rrregion.org)

**(10) Stephen W. Williams**

*Executive Director, Chief Operating Officer*

**Thomas Jefferson Planning District Commission**

P.O. Box 1505, 401 E. Water Street

Charlottesville, VA 22902

434-979-7310 ext 110 Fax 434-979-1597

Email: [swilliams@tjpd.org](mailto:swilliams@tjpd.org)

Website: [www.tjpd.org](http://www.tjpd.org)

**(11) Gary F. Christie**

*Executive Director*

**Region 2000 Local Government Council**

828 Main Street, 12<sup>th</sup> Floor, Lynchburg, VA 24504

434-845-3491 Fax 434-845-3493

Email: [gchristie@region2000.org](mailto:gchristie@region2000.org)

Website: [www.region2000.org](http://www.region2000.org)

**(12) Robert W. Dowd, AICP**

*Executive Director*

**West Piedmont Planning District Commission**

P.O. Box 5268, 1 Starling Avenue

Martinsville, VA 24115

276-638-3987 Fax 276-638-8137

Email: [rdowd@wppdc.org](mailto:rdowd@wppdc.org)

Website: [www.wppdc.org](http://www.wppdc.org)

**(13) Joyce I. French**  
*Executive Director*  
**Southside Planning District Commission**  
P.O. Box 150, 200 South Mecklenburg Avenue  
South Hill, VA 23970  
434-447-7101 Fax 434-447-7104  
Email: [lcmc@spdc.state.va.us](mailto:lcmc@spdc.state.va.us)  
Website: [www.southsidepdc.org](http://www.southsidepdc.org)

**(15) Robert Crum**  
*Executive Director*  
**Richmond Regional Planning District Commission**  
9211 Forest Hill Avenue, Suite 200  
Richmond, VA 23235  
804.323.2033 Fax 804-323-2025  
Email: [rcrum@richmondregional.org](mailto:rcrum@richmondregional.org)  
Website: [www.richmondregional.org](http://www.richmondregional.org)

**(16) Robert H. Wilson, AICP**  
*Executive Director*  
**George Washington Regional Commission**  
406 Princess Anne Street  
Fredericksburg, VA 22401  
540-373-2890 Fax 540-899-4808  
Email: [wilson@gwregion.org](mailto:wilson@gwregion.org)  
Website: [www.gwregion.org](http://www.gwregion.org)

**(17) Jerry W. Davis, AICP**  
*Executive Director*  
**Northern Neck Planning District Commission**  
P.O. Box 1600, 457 Main Street, Warsaw, VA 22572  
804-333-1900 Fax 804-333-5274  
Email: [jdavis@nnpdc17.state.va.us](mailto:jdavis@nnpdc17.state.va.us)  
Website: [www.nnpdc17.state.va.us](http://www.nnpdc17.state.va.us)

**(19) Dennis K. Morris**  
*Executive Director*  
**Crater Planning District Commission**  
P.O. Box 1808, 1964 Wakefield Street  
Petersburg, VA 23805  
804-861-1666, Ext. 231 Fax 804-732-8972  
Email: [dmorris@craterpdc.org](mailto:dmorris@craterpdc.org)  
Website: [www.craterpdc.org](http://www.craterpdc.org)

**(22) Elaine K. N. Meil**  
*Executive Director*  
**Accomack-Northampton Planning District Commission**  
P.O. Box 417, 23372 Front Street, Accomac, VA 23301  
757-787-2936, ext. 116 Fax 757-787-4221  
Email: [emeil@a-npdc.org](mailto:emeil@a-npdc.org)  
Website: [www.a-npdc.org](http://www.a-npdc.org)

**(23) Dwight Farmer**  
*Executive Director*  
**Hampton Roads Planning District Commission**  
723 Woodlake Drive, Chesapeake, VA 23320  
757-420-8300 Fax 757-523-4881  
Email: [dfarmer@hrpdcva.gov](mailto:dfarmer@hrpdcva.gov)  
Website: [www.hrpdcva.gov](http://www.hrpdcva.gov)