

HAMPTON ROADS PLANNING DISTRICT COMMISSION

Commission Member Handbook





COMMISSION MEMBER HANDBOOK

HAMPTON ROADS PLANNING DISTRICT COMMISSION

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ABSTRACT:

The Hampton Roads Planning District Commission (HRPDC) 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:

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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 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) emergency management, 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 2 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 contributions for specific programs/projects)
- 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 services, and public information and community affairs, regional planning and water resources. 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 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 and the resulting product.

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

§ 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 or Indian tribes which are parties to the charter agreement.

"Indian tribe" means an Indian tribe or band that is recognized by federal law.

"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](#); 2017, c. [377](#).

§ 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 or Indian tribes 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. Any Indian tribe (i) whose land is located within the boundaries of the planning district and (ii) that is not a party to such charter agreement may elect to become part of the planning district commission at any time after its formation, and may negotiate the terms of such membership with 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](#); 2017, c. [377](#).

§ 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. Additionally, Planning District Commissions 1, 2, and 13 shall be designated as economic development organizations within the Commonwealth.

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](#); 2009, c. [863](#).

§ 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 also 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. In planning districts in which regional planning also is conducted by multi-state councils of government, each planning district commission may prepare a regional strategic plan for the guidance of the district. If prepared in accordance with this section, such plan shall conform with the requirements of subsection A and also shall include references to the relevant provisions of the most current regional strategic plan prepared by the multi-state council of governments that includes any of the area comprising the planning district.

C. 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.

D. 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.

E. 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](#); 2013, c. [607](#).

§ 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. In addition, the fund shall have the purpose of fostering inter-local service delivery consolidation or coordination where such consolidation or coordination will result in the more efficient use of local funds. 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, or in the case of inter-local service delivery consolidation or coordination, to two or more cooperating localities. 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 25 percent match to the grant, or in the case of inter-local service delivery consolidation or coordination, the Regional Cooperation Incentive Fund may provide up to 50 percent of the cost of implementation; 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; 2012, c. [500](#).

§ 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

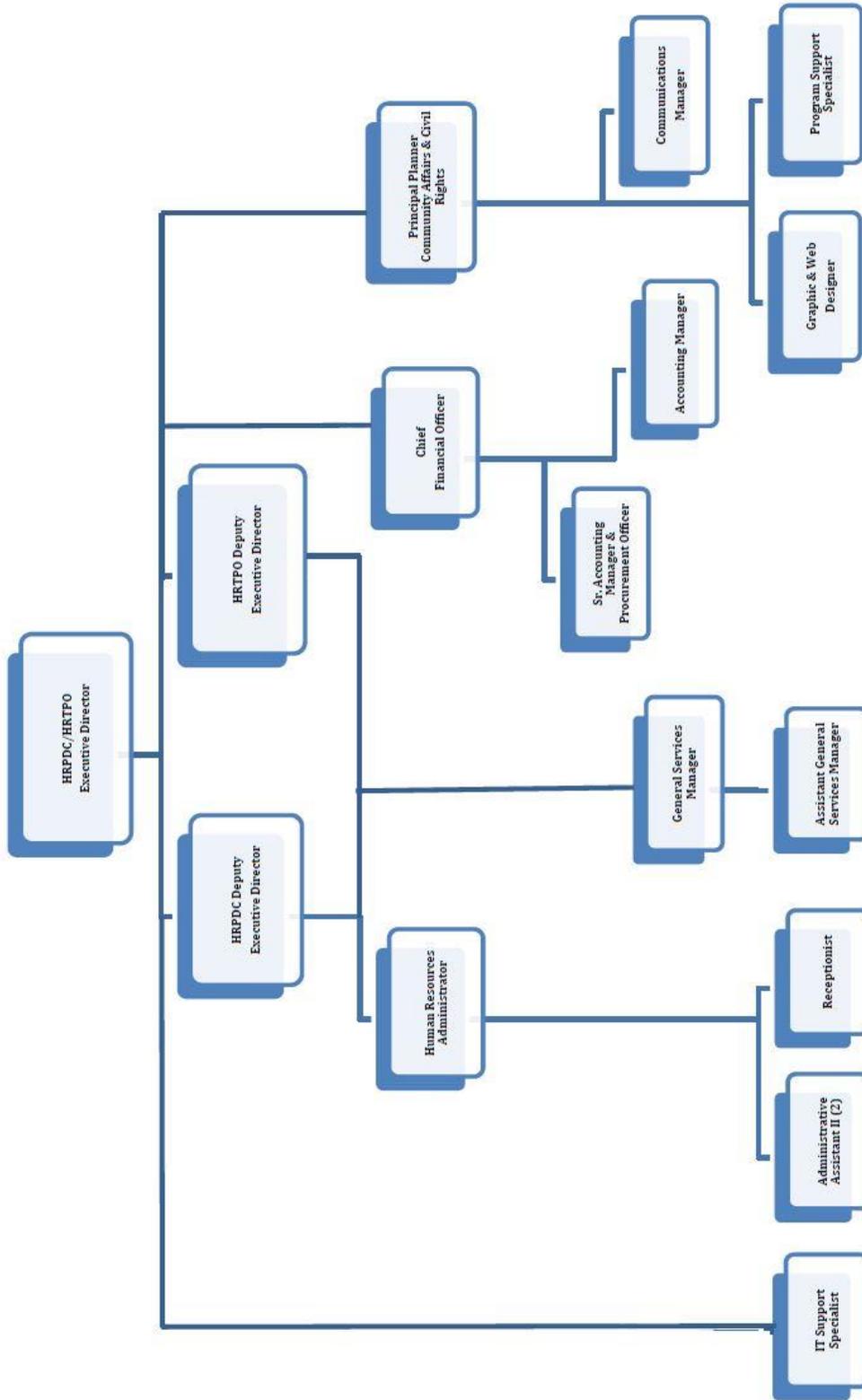
The HRPDC staff also serves as the support staff for the Hampton Roads Transportation Planning Organization (HRTPO) and, as such, carries out the policy, technical and administrative aspects of the metropolitan transportation planning process. To govern the staffing and financial administration of the HRTPO by the HRPDC, Memoranda of Understanding (MOU) have been executed between the HRPDC and the HRTPO. Copies of these MOU are included on the following pages.

During 2009, the HRPDC and the HRTPO entered into two MOUs. One is for the HRPDC providing technical and administrative staff to support the operations of the HRTPO. The second MOU is for the HRPDC providing financial and accounting services to support the HRTPO.

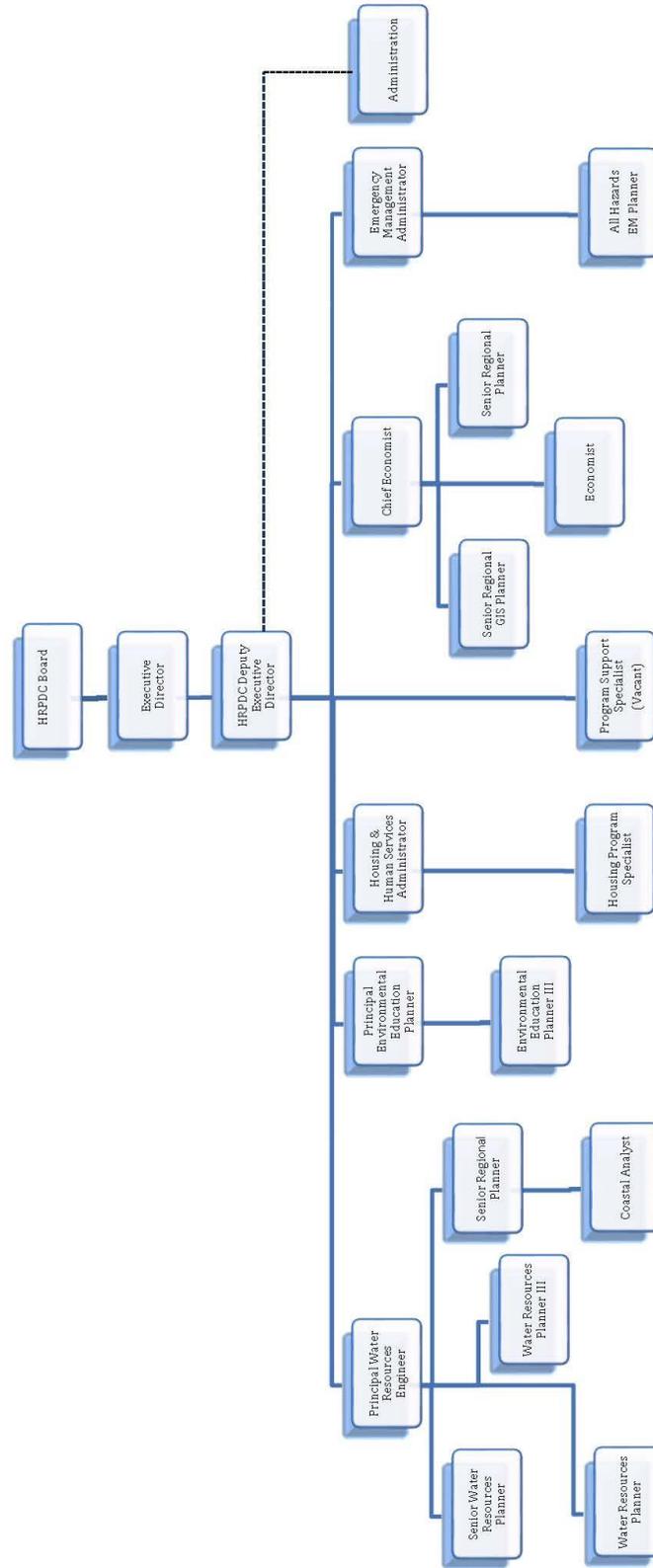
In January 2014, the HRPDC and HRTPO executed a third MOU that reorganized the HRPDC Personnel and Budget Committee into a joint Personnel and Budget Committee to include representatives from both the HRPDC and HRTPO. Chairs and Vice Chairs of the HRPDC and HRTPO, the Treasurer, the Secretary, two Chief Administrative Officers-one from the Peninsula and one from the Southside - and the additional and executed official from the HRPDC. By mutual agreement, the Personnel and Budget Committee serves both the HRPDC and HRTPO.



HRPDC/HRTPO Administration



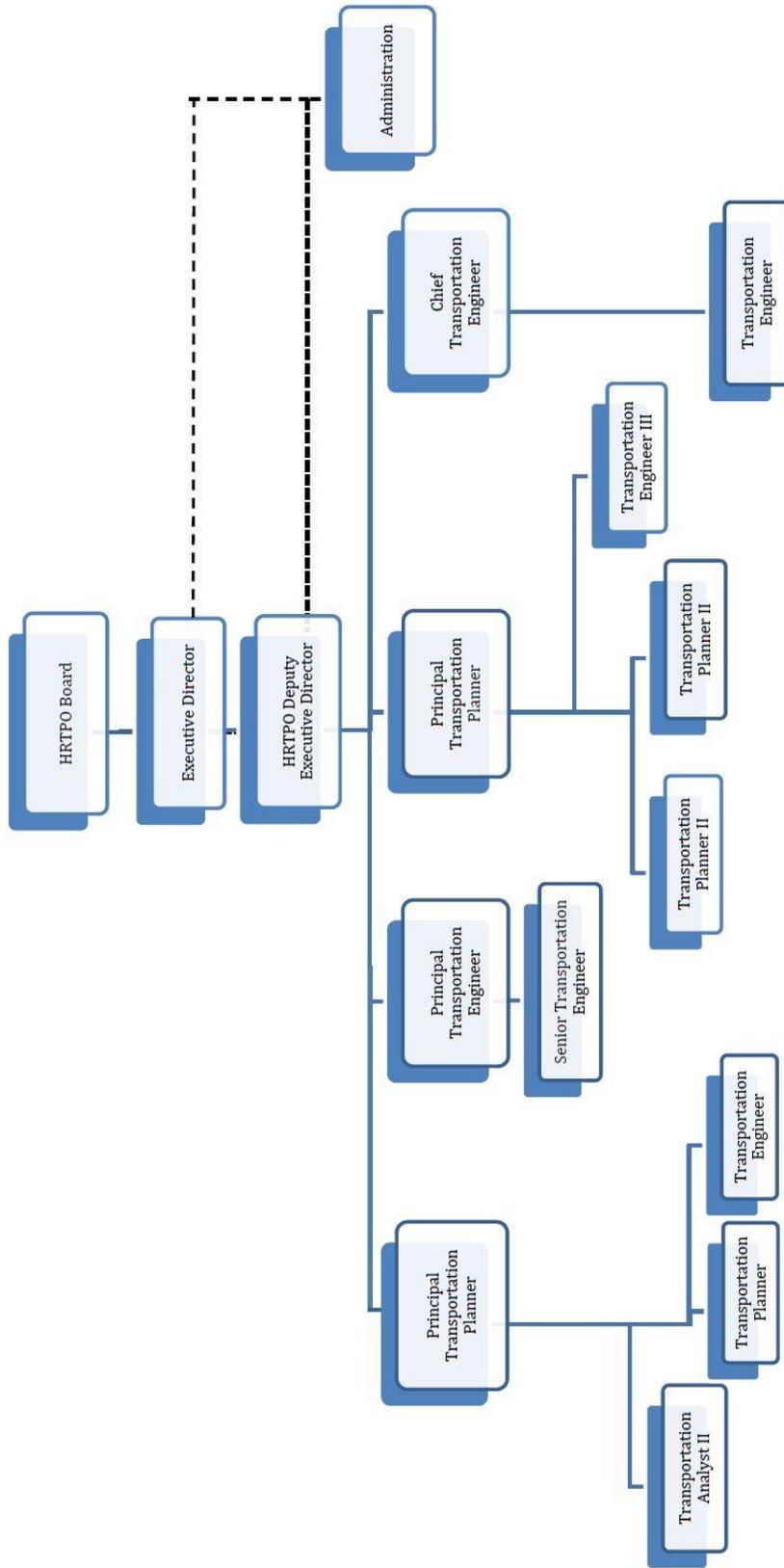
Hampton Roads Planning District Commission



042120



Hampton Roads Transportation Planning Organization



**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

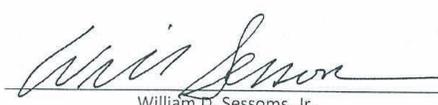
WHEREAS, Staff will execute the following five core functions:

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
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**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;

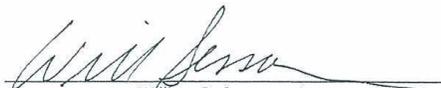
NOW, THEREFORE, the parties hereby agree as follows:

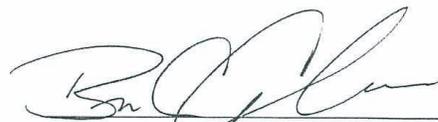
1. All fiscal policies, practices and decisions of the HRTPO shall be established by and under the control and direction of its Board and authorized agents and officers.
2. The HRPDC shall receive, hold and disburse grant and other funds payable or belonging to the HRTPO. All funds and other assets of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



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

This Memorandum of Understanding (MOU) is executed as of January 16, 2014 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 Area; and

WHEREAS, the HRPDC is the Regional Planning Organization for the Hampton Roads Region; and

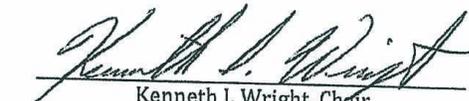
WHEREAS, the HRPDC provides the planning and administrative staff, hereinafter referred to as Staff, to the HRTPO as per the First MOU, and responsibilities of Staff are defined in the annual Unified Planning Work Programs which outline the specific work to be carried out by Staff; and

WHEREAS, the Personnel and Budget Committee, hereinafter referred to as P&B Committee, previously established by the HRPDC, shall be reorganized to include representatives of both organizations to include: the Chair and Vice Chair of the Boards of the HRPDC and HRTPO, the Treasurer, the Secretary, two Chief Administrative Officers (CAOs) – one from the Southside and one from the Peninsula, and one additional elected official from the HRPDC.

NOW, THEREFORE, it is by mutual agreement that the P&B Committee shall serve both the HRPDC and the HRTPO pursuant to this Memorandum of Understanding.



McKinley Price, Chair
Hampton Roads
Transportation Planning Organization



Kenneth I. Wright, Chair
Hampton Roads
Planning District Commission



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, the counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York and the Town of Smithfield. 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/Town Council or County Board of Supervisors) of the member localities.

The current membership roster is included on the following page.

The Hampton Roads Planning District also includes ten towns, whose interests are represented on the Commission through the Counties in which they are located. The town of Windsor is 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 a member of the HRPDC, the Town of Windsor is a full and active participant in a number of HRPDC programs.



HRPDC OFFICERS AND MEMBERS

Officers:

Michael Hipple, Chair (James City County)
Andria McClellan, Vice Chair (Norfolk)

Randy Keaton, Treasurer (Isle of Wight)
Robert Crum Jr., Secretary (HRPDC)

Members:

Chesapeake:

Stephen Best, City Council Member
S.Z. “Debbie” Ritter, City Council Member
Ella P. Ward, City Council Member
Christopher Price, City Manager
Robert Geis, Deputy City Manager

Franklin:

Frank Rabil, Mayor
Amanda Jarratt, City Manager

Gloucester County:

Phillip Bazzani, Chair, Board of Supervisors
J. Brent Fedors, County Administrator

Hampton:

Steve Brown, City Council Member
Donnie Tuck, Mayor
Mary Bunting, City Manager

Isle of Wight County:

William McCarty, Member, Board of Supervisors
Randy Keaton, County Administrator

James City County:

Michael Hipple, Vice-Chair, Board of Supervisors
Scott Stevens, County Administrator

Newport News:

David Jenkins, City Council Member
McKinley L. Price, Mayor
Cynthia Rohlf, City Manager

Norfolk:

Kenneth Alexander, Mayor
Courtney Doyle, City Council Member
Mamie Johnson, City Council Member
Andria McClellan, City Council Member
Larry “Chip” Filer, City Manager

Poquoson:

W. Eugene Hunt Jr., City Council Member
J. Randall Wheeler, City Manager

Portsmouth:

John Rowe, Mayor
LaVoris Pace, Interim City Manager

Smithfield:

T. Carter Williams, Mayor
Michael Stallings, Town Manager

Southampton County:

William Hart Gillette, Board of Supervisors
Michael W. Johnson, County Administrator

Suffolk:

Leroy Bennett, Vice-Mayor
Patrick Roberts, City Manager

Surry County:

Robert L. Elliott Jr., Chair, Board of Supervisors
Melissa D. Rollins, County Administrator

Virginia Beach:

Robert M. Dyer, Mayor
Barbara M. Henley, City Council Member
Louis R. Jones, City Council Member
Guy K. Tower, City Council Member
Rosemary Wilson, City Council Member
Sabrina Wooten, City Council Member
Patrick Duhaney, City Manager

Williamsburg:

Vacant
Andrew Trivette, City Manager

York County:

Sheila Noll, Member, Board of Supervisors
Neil Morgan, County Administrator



**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 event 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 expiration of his elected term of office. Any employee of a 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 Thursday 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 April 2011



STAFF CONTACTS

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HRPDC PROGRAM STAFF

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Keith Cannady, Deputy Executive Director

Community Affairs and Civil Rights

Kendall Miller, Administrator, Office of
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Joseph Turner, Communications Manager
Robert Cofield, Graphic and Web Design

Economics

Greg Grootendorst, Chief Economist
Katherine Rainone, Regional Economist

Emergency Management

John Sadler, Emergency Management
Administrator

Danielle Spach, All Hazards Emergency
Management Planner

Environmental Education

Katherine Cullipher, Principal Environmental
Education Planner

Rebekah Eastep, Environmental
Education Planner III

Finance

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Danetta Jankosky, Senior Accounting
Manager and DBE Liaison
Tiffany Smith, Accounting Manager

General Services

Andrew Margason, General Services Manager
Christopher Vaigneur, Assistant General
Services Manager

Housing/Human Services

Shernita Bethea, Housing/Human
Services Administrator

Deidre Garrett, Housing Program
Specialist

Human Resources/ Administrative Assistants

Kelli Arledge, Human Resources
Administrator

Krista Lauro, Administrative Assistant II
Cynthia Mulkey, Administrative Assistant II
Felecia Williams, Receptionist

Regional Planning

Sara Kidd, Senior Regional Planner
Vacant, Senior Regional Planner

Water Resources

Whitney Katchmark, Principal Water
Resources Engineer

Katherine Filippino, Senior Water
Resources Planner

Katie Krueger, Water Resources Planner

Ashley Gordon, Coastal Planner/Analyst

Benjamin McFarlane, Senior Regional Planner

Jill Sunderland, Water Resources Planner III



MEETINGS

Regular meetings of the Commission are held at 12:30 p.m. on the third Thursday of January, February, April, May, July, August, October, and November at a place to be determined by the Chair. The meetings are 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.

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-hour 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. 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

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 Package is sent to Commission members electronically by the second Thursday of each month in which there is a Commission meeting. The Agenda Package is also posted on the HRPDC website by the second Thursday 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 Package will be distributed approximately one week prior to the date of the special meeting.

The Agenda Package 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.

All Commission members should bring the entire agenda packet that was delivered to them. If a Commission member has any materials to be distributed he/she should advise the HRPDC staff ahead of time to make copies available.

STANDARD LAYOUT OF AGENDA

The standard layout of the HRPDC agenda is as follows:

Call to Order

Approval of Agenda – Provides an opportunity for Commissioners to add or delete items from the agenda. This is also an opportunity to introduce items that require immediate Commission action, although the standard practice seeks to avoid this.

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.

Executive Director's Report – A monthly review of HRPDC and HRTPO activities.

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 by the Commission prior to taking a vote on the Consent Agenda.



Action Items and Presentations – Each item is considered individually by the Commission. When appropriate, items include presentations from HRPDC staff members or other subject matter experts.

Three Month Tentative Schedule – Potential discussion items to be brought before the Commission at future meetings.

Advisory Committee Summaries – This section includes meeting minutes of advisory committees to the Commission.

For Your Information – This section includes items of interest to the Commission that 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.



COMMITTEES

The HRPDC staff works closely with staff from the member local governments, regional, state and federal agencies. Local government and state and federal agency staff participate actively in the committee process which ensures that the HRPDC programs meet the needs of the region's localities. The HRPDC Committees include subject area experts from each of the member local governments appointed by the CAOs of the localities. Several committees also include representatives from the Town of Windsor and various regional agencies such as Hampton Roads Sanitation District (HRSD), Hampton Roads Transit (HRT), and others. Representatives from state and federal agencies with program responsibilities in the activities that fall under the purview of the various committees may also participate in an ex officio capacity.

In several instances, the HRPDC has formalized operation of programs or projects through a Memorandum of Agreement (MOA) among the HRPDC, member local governments, affected Towns and appropriate regional agencies. These include:

- Regional Groundwater Mitigation Program
- Regional Water Supply Plan
- Regional Stormwater Management
- Water Quality Monitoring
- Hampton Roads Help To Others (H2O)

There are also a number of MOAs governing regional emergency management activities.

Standing Committees – Water Resources Planning

Directors of Utilities Committee (DUC): 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 seventeen-member local governments, the Town of Windsor, the HRSD and the HRPDC. It is recognized as a formal Advisory Committee to the Commission. Semiannually, the Committee meets jointly with the local Directors of Health and 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/teams have been established by the Directors of Utilities Committee:

- **Capacity Team:** The Capacity Team meetings provide a forum to discuss the requirements of the HRSD's Sanitary Sewer Overflow (SSO) Consent Decree which requires extensive coordination with localities. The Capacity Team includes representatives from the wastewater functions of the affected local governments, HRSD, HRPDC and consultants to the local governments.



- **askHRgreen.org: Fats, Oils and Grease Subcommittee (HR FOG):** The HR FOG Subcommittee was established to develop a regionally consistent program for managing fats, oils and grease in the wastewater system. This effort includes training and supports compliance with the Regional SSO Consent Order. Representatives from the affected local governments (wastewater operations), HRSD and the HRPDC participate on the Committee.
- **askHRgreen.org: Water Awareness Subcommittee (HR WET):** This Subcommittee was initially established to develop and implement a regional water conservation education program. Its mission has been expanded to include all aspects of drinking water quality and value. It includes education and public information staff representing the participating local government public utilities departments, HRSD and the HRPDC. Primary staff support is provided by the Environmental Education Department.
- **Regional Stormwater Management Workgroup:** The Regional Stormwater Management Workgroup supports implementation of programs required by the Municipal Separate Storm Sewer System (MS4) Permits, issued by the state to eleven of the region's localities. The Workgroup also evaluates technical, regulatory and policy initiatives in stormwater management outside the requirements of MS4 permits such as Total Maximum Daily Load (TMDL) development and implementation plans.
- **askHRgreen.org: Stormwater Education Subcommittee (HR STORM):** The Stormwater Education Subcommittee 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 Phase I and Phase II Stormwater Permits. The Subcommittee includes education, technical and public information staff from the public works and related departments and the HRPDC. The military, Soil and Water Conservation District, Virginia Department of Transportation and the Department of Conservation and Recreation participate in an ex officio capacity. Primary staff support is provided by the Environmental Education Department.
- **Coastal Resiliency Committee (CRC):** This special committee was formed in 2014 to develop specific recommendations related to recurrent flooding and sea level rise adaptation and mitigation for local governments, advocate for support and action by the state and federal governments, and serve as the primary regional contact to coordinate efforts with federal agencies and academic institutions.



Standing Committees – Planning & Economics

Regional Environmental Committee (REC): This committee is recognized as a formal Advisory Committee to the Commission. It consolidates the work of the former Hampton Roads Chesapeake Bay Committee and Regional Stormwater Management Committee. REC is charged with addressing technical, policy and administrative issues associated with environmental planning, land use, water quality, stormwater, environmental education, as well as a broad range of other coastal zone management and planning issues.

Regional Planning Directors: The HRPDC facilitates a regular meeting of local government planning directors. The goals of the meeting are to develop and improve working relationships, share best practices, and collaborate to address regulatory, technical, and policy matters related to community development. The meeting is also used as a forum to communicate with and receive input from local planners regarding the work of regional organizations.

Standing Committees – Environmental Education

askHRgreen.org is a comprehensive environmental education program, composed of the existing HR CLEAN, HR FOG, HR STORM and HR WET programs. Staffed by the HRPDC, askHRgreen.org is overseen by an Executive Committee representing the HRPDC's four long-standing environmental education committees. As described above, three of the Environmental Education Committees – HR FOG, HR STORM and HR WET - continue as Subcommittees of the Directors of Utilities and Regional Stormwater Management Committees.

askHRgreen.org: Recycling and Beautification Subcommittee (HR CLEAN): This Subcommittee is charged with developing a cooperative regional education program addressing litter control, recycling and beautification. Membership includes the local Clean Community Coordinators (or similar positions) from fourteen of the member local governments and the HRPDC. Local recycling haulers and Goodwill participate as nonvoting members.

Hampton Roads Help To Others (H2O): 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 H2O Board is charged with oversight and direction of the H2O Program and it consists of the Director of Utilities or his/her designee from fifteen of the member localities, the Town of Windsor and HRSD.

The HRPDC provides administrative staff support to the H2O Program, while HRSD manages the financial aspects of the Program. A MOA among the H2O Board, HRPDC and HRSD governs the program management relationship among the three entities.



Standing Committees - Emergency Management

Hampton Roads All Hazards Advisory Committee (AHAC): AHAC is composed of voting members nominated by each locality in Hampton Roads, subject matter experts, as well as emergency management state and federal partners. AHAC's scope is to foster communication and greater situational awareness among local, state and federal stakeholders to improve the region's capacity to plan, collaborate, equip and ultimately respond to and recover from natural and human-caused threats and disasters. Responsibilities of AHAC include:

- Provide policy direction and oversight for the development and maintenance of a coordinated and integrated regional approach to emergency management planning and response systems and identify ways for the region to work together and combine resources to address planning gaps.
- Make annual recommendations for funding and budget requirements to the HRPDC Board and administer all funds appropriated to accomplish the work of the AHAC.
- Develop and maintain interoperable and operable communications capabilities and associated emergency communications activities.
- Foster regional collaboration and communication for various preparedness stakeholder groups.
- Foster regional communication and coordination for community education and citizen preparedness.
- Strengthen mass casualty response, medical surge and mass prophylaxis capabilities.
- Develop and coordinate hazard mitigation programs among the member jurisdictions.
- Develop and acquire Federal, State and private grant funding opportunities on behalf of the region and make recommendations as to how the region can most efficiently and effectively utilize financial assistance made available for disaster planning, mitigation and recovery.
- Provide technical guidance and serve as a clearinghouse for homeland security issues for the Hampton Roads Planning District Commission.
- Develop a "whole of community" approach to planning and preparedness by including jurisdictions outside the HRPDC region and representation from critical



entities such as the military, National Voluntary Organizations Active in Disaster (VOAD), non-governmental organizations and private service agencies and industry.

- Conduct Threat and Hazard Identification and Risk Assessments (THIRA) on behalf of the region on a periodic basis as recommended by the Federal Emergency Management Agency (FEMA) through the National Preparedness System and the Commonwealth of Virginia Emergency Operations Plan (COVEOP).

AHAC has also established and directs the following working group and subcommittees:

- **Interoperable Communications Subcommittee (aka, HR RPAC-I):** plans, develops, and maintains regional interoperable communications between first responders and emergency managers.
- **Public Information Subcommittee:** addresses the challenges of providing coordinated, emergency management related public information to the residents and visitors of Hampton Roads.
- **Urban Area Working Group (UAWG):** coordinates the application and allocation of regional grant programs that address emergency management and homeland security needs in the region.
- **Inclusive Emergency Planning (IEP) Subcommittee:** addresses the challenges of protecting the lives of our most vulnerable citizens by collaborating with and leveraging our community partners to provide the most effective guidance, enhancement and support of local and regional emergency management efforts.
- **Resiliency/Mitigation Subcommittee:** coordinates regional resiliency and mitigation efforts in the Hampton Roads region.
- **Cybersecurity Subcommittee:** promote cybersecurity throughout the Hampton Roads region through collaboration amongst regional information security partners and investment in regional cyber initiatives.

Hampton Roads Metropolitan Medical Response System (HRMMRS) – Primary Committees

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 operating procedures, identify training courses, facilitate participation in regional exercises, evaluate need for additional and 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 that has sponsored a member, one



representative from each jurisdiction that supports a Strike Team equipment cache and HRPDC and HRMMRS staff. It is co-chaired by a Task Force Leader from the Peninsula and a Task Force Leader from the Southside.

External Committees

In addition to the many HRPDC staff level Committees and Subcommittees, the HRPDC staff, on behalf of the region's localities, serves on a number of federal, state, regional and local government advisory committees. The HRPDC staff also represents the region on advisory committees established by various nonprofit, public interest organizations that provide particular expertise in support of or complementary to the initiatives of the HRPDC and its member local governments. External committee participation by HRPDC ranges from broad program committees to technical advisory committees for specific regulatory initiatives. The HRPDC frequently plays a leadership role in these external committees.



PROGRAMS

COMMUNITY AFFAIRS AND CIVIL RIGHTS

The Office of Community Affairs and Civil Rights is committed to public involvement in the planning and programming process as recognized by federal law. It implements Title VI, Environmental Justice, and Public Involvement to ensure a fair and equitable planning process, as well as access to that process. Staff also provide current and relevant updates to residents about projects and activities of the HRPDC.

As the fiduciary agent for the Hampton Roads Transportation Planning Organization (HRTPO), the HRPDC follows the guidance and oversight administered by the U.S. Department of Transportation and the Federal Highway Administration as it pertains to the observance of Title VI and Environmental Justice in all planning practices engaged by the HRPDC.

Additionally, the HRPDC receives Federal funds and as such, is guided by Title VI and Environmental Justice as well.

The importance of public involvement in the planning and programming process is recognized in federal law and it is reflected in the programs of the HRPDC. Recipients of federal funds are encouraged to use a variety of methods to inform and involve interested parties in planning processes. Specifically, federal regulations require the development of a public participation plan.

Although they are separate, Title VI, Environmental Justice, and Public Involvement complement one another in ensuring a fair and equitable planning process and access to that process. Effective public involvement not only provides the HRPDC with new ideas, but it also alerts them to potential Environmental Justice concerns during the planning stage of a project. The HRPDC is committed to ensuring that Environmental Justice, as outlined by the 1994 Executive Order, is considered in our planning and outreach efforts, as well as our programs and initiatives, by assuring that all residents of Hampton Roads are represented fairly and not discriminated against in the planning process. In addition to adhering to the principles of Environmental Justice, the HRTPO will work to implement Title VI of the Civil Rights Act of 1964. HRPDC is required to:

- Comply with the public involvement and Title VI requirements of the Federal and State regulations.
- Provide specific opportunities for local citizens and citizen-based organizations to discuss their views and provide input on the subject areas addressed in plans, projects, or policies of the HRPDC.
- Ensure full and fair participation by all potentially affected communities in the planning decision-making process.



- Inform and educate citizens and other interested parties about ongoing HRPDC planning activities, and their potential role in those activities.
- Focus study and plan recommendations on investments that promote quality of life and mitigate adverse impacts for residents of Hampton Roads.
- Utilize Public Comment Opportunities presented by Partner Agencies, and other state and federal agencies to lend a Title VI/ Environmental Justice perspective to HRPDC policies, reports, and project documents.
- Create materials that effectively inform the public of HRPDC's obligations and commitments under Title VI of the Civil Rights Act of 1964.

Title VI Legislation and Guidance

Title VI of the Civil Rights Act of 1964 created a foundation for future Environmental Justice regulations. Since the establishment of Title VI, Environmental Justice has been considered in local, state, and federal transportation projects. Section 42.104 of Title VI and related statutes require Federal agencies to ensure that no person is excluded from participation in, denied the benefit of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color, national origin, age, sex, disability, or religion.

The National Environmental Policy Act of 1969 (NEPA) addresses both the social and economic impacts of Environmental Justice. NEPA stresses the importance of providing for “all Americans safe, healthful, productive, and aesthetically pleasing surroundings”, and provides a requirement for taking a “systematic, interdisciplinary approach” to aid in considering environmental and community factors in decision making.

The Civil Rights Restoration Act of 1987 further expanded Title VI to include all programs and activities of Federal aid recipients, sub-recipients, and contractors whether those programs and activities are federally funded or not.

On February 11, 1994, President Clinton signed Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. This piece of legislation directed every Federal agency to make Environmental Justice part of its mission by identifying and addressing all programs, policies, and activities that affect human health or the environment so as to identify and avoid disproportionately high and adverse effects on minority populations and low-income populations.

Rather than being reactive, Federal, State, local and tribal agencies must be proactive when it comes to determining better methods to serve the public who rely on transportation systems and other federally funded programs and services to increase their quality of life.



In April 1997, as a reinforcement to Executive Order 12898, the United States Department of Transportation (DOT) issued an Order on Environmental Justice (DOT Order 5610.2), which summarized and expanded upon the requirements of Executive Order 12898 to include all policies, programs, and other activities that are undertaken, funded, or approved by the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), or other U.S. DOT components.

In December 1998, the FHWA issued the FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (DOT Order 6640.23) which mandated the FHWA and all its subsidiaries to implement the principles of Executive Order 12898 and U.S. DOT Order 5610.2 into all of its programs, policies, and activities (see Appendix A).

On October 7, 1999, the FHWA and the FTA issued a memorandum Implementing Title VI Requirements in Metropolitan and Statewide Planning. This memorandum provided clarification for field offices on how to ensure that Environmental Justice is considered during current and future planning certification reviews. The intent of this memorandum was for planning officials to understand that Environmental Justice is equally as important during the planning stages as it is during the project development stages.

Work activities include the following:

1. Develop surveys to be accessed via the HRPDC website, Facebook, and libraries throughout the region.
2. Develop opportunities to inform the public by participating in community events and coordinating regional forums on regional planning issues, initiatives, and projects. This includes coordination with regional, state and federal agencies, and HRPDC member jurisdictions.
3. Participate in public meetings, committee meetings and hearings held by the HRPDC plus those held by local, state, and federal agencies as appropriate.
4. Use Social Media Platforms (Facebook, Twitter, etc.) to promote HRPDC, engage partner organizations, and increase awareness of the HRPDC by the public.
5. Respond to information requests from the general public.
6. Create publications that highlight the efforts of the HRPDC.
7. Support staff in public communications, engagement, and participation in HRPDC programs and projects, studies, plans, and programs.



8. Prepare Newsletters and special features on timely issues.
9. Update the HRPDC website to enhance public participation and to highlight various events and publications.
10. Respond to and/or facilitate response to general comments received via www.hrpdccva.gov, or by other means of communication from the general public, members of governments, and other stakeholders.
11. Review and evaluate public participation strategies, as necessary, to ensure effectiveness and outreach to a broad audience. Create public participation documents, such as the Public Participation Plan, as needed, to reflect federal mandates. Create and implement the HRPDC Title VI Plan and the HRPDC LEP Plan which includes Title VI, Environmental Justice, and related authorities.
12. Provide training for public involvement staff to build, enhance, and broaden public involvement techniques.
13. Develop and implement outreach activities tailored to engage low-income and/or minority communities or households. Key activities include partnering with regional agencies that advocate for and/or provide services for traditionally underserved persons and creating a community impact assessment tool.
14. Provide translation and/or interpreter services on an as-requested basis.
15. Meet with community groups from varied sectors and with varied interests to provide information about the HRPDC's primary purpose and functions and gather input on key issues, programs, and activities they feel are critical.
16. Enhance and refine a Title VI / Environmental Justice methodology used to identify Title VI / Environmental Justice communities as well as the benefit/burden analyses (including conducting a broad review of Environmental Justice methodologies by other agencies and investigating potential data sources).
17. Incorporate Title VI / Environmental Justice analysis into individual studies, programs, and plans contained in the HRPDC Work Program.
18. Update and maintain the HRPDC website.
19. Refine the HRPDC Communications Plan.
20. Create Special Reports as needed.
21. Create a Digital platform for public involvement.



EMERGENCY MANAGEMENT

The HRPDC Emergency Management program serves as a resource to foster and support local and regional strategies that will complement existing emergency management programs in cities and counties throughout Hampton Roads. The overall goal of the program is to help build partnerships that encourage regional cooperation.

Hampton Roads All Hazards Advisory Committee (AHAC)

The HRPDC staff continues to provide project management support for the All Hazards Advisory Committee (AHAC). This committee is a consolidated organization assuming the missions of the Regional Emergency Management Technical Advisory Committee, the Hampton Roads Urban Area Working Group, the Hampton Roads Regional Catastrophic Planning Team, the Hampton Roads Metropolitan Medical Response System Oversight Committee, and the Hampton Roads Interoperable Communications Advisory Committee. The group was established to reduce duplication of efforts, enhance collaboration, and establish a governance structure with the necessary flexibility to enhance disaster prevention, preparedness, response, recovery, and mitigation in the Hampton Roads region while serving in an advisory capacity to the Hampton Roads Planning District Commission. Staff will also support AHAC's mission by partnering with Federal and State agencies, private entities, and the citizens of Hampton Roads. The following AHAC Subcommittees will be supported:

- AHAC Public Information Subcommittee
- AHAC Interoperable Communications Subcommittee
- AHAC Urban Area Working Group
- AHAC Inclusive Emergency Planning Subcommittee
- AHAC Cybersecurity Subcommittee

Grants Management

The HRPDC staff will provide management and administration of emergency management and homeland security grants and associated project management to fill capability gaps within the region. In addition to coordinating the regional application of these grants, emergency management staff also provides direct management of several regional projects. These grants and projects include:

- **The Urban Areas Security Initiative (UASI):** UASI program funds address the unique risk driven and capabilities-based planning, organization, equipment, training, and exercise needs of high-threat, high-density urban areas and assists them in building an enhanced and sustainable capacity to prevent, protect against, mitigate, respond to, and recover from acts of terrorism.
- **The State Homeland Security Program (SHSP):** SHSP supports the implementation of risk driven, capabilities-based State Homeland Security Strategies to address capability targets set in Urban Area, State, and regional Threat and Hazard Identification and Risk



Assessments (THIRAs). The capability targets are established during the THIRA process and assessed in the State Preparedness Report (SPR) and inform planning, organization, equipment, training, and exercise needs to prevent, protect against, mitigate, respond to, and recover from acts of terrorism and other catastrophic events.

Associated Projects Managed by the HRPDC:

- FY18 UASI All Hazards Emergency Planner
- FY18 UASI Mass Casualty Incident Transportation 2
- FY19 UASI All Hazards Emergency Planner
- FY19 UASI Complex Coordinated Terrorist Attack
- FY18 UASI Cybersecurity
- FY19 UASI Mass Care Transit (2x)
- FY19 UASI Personal Protective Equipment
- FY19 UASI Threat and Hazard Identification and Risk Assessment
- FY19 SHSP CBRNE Pharmaceuticals
- FY19 SHSP MCI and Mass Care Sustainment

Regional Emergency Public Information Plan

During an emergency, providing factual, accurate, and timely information to the public, the media, state and federal officials is crucial to an effective response. This plan is intended to serve as a framework for all Hampton Roads localities and relevant agencies involved in the creation and dissemination of emergency public information with the goal of enhancing preexisting coordination and collaboration.

Regional Hazard Mitigation Plan Update

The Hampton Roads region is vulnerable to a wide range of hazards that threaten the safety of residents and have the potential to damage or destroy both public and private property and disrupt the local economy and overall quality of life. While the threat from hazards may never be fully eliminated, the Hampton Roads Hazard Mitigation Plan recommends specific actions designed to protect residents, business owners, and the built environment. The HRPDC is tasked with updating the 2017 Regional Hazard Mitigation Plan

Cybersecurity Enhancement

Cybersecurity is the state or process of protecting and recovering networks, devices, and programs from any type of cyberattack. Cyberattacks are an evolving danger to organizations, employees, and the public. In recent years, there has been an increase in cyberattacks on government agencies. The HRPDC seeks to assist cybersecurity efforts for local governments in Hampton Roads.



ENVIRONMENTAL EDUCATION

The HRPDC Environmental Education program staff administer askHRgreen.org, which provides residents with guidance on environmental stewardship and helps localities meet the requirements of MS4 permits, groundwater withdrawal permits, and state consent orders to reduce sanitary sewer overflows. This effort is concentrated into four subcommittees: Recycling and Beautification; Fats, Oils and Grease (FOG) Education; Water Awareness; and Stormwater Education.

Help to Others (H2O) Program

In 1999, the localities of Hampton Roads created the Help to Others (H2O) Program to provide one-time financial assistance to individuals going through a financial hardship and unable to pay their water and wastewater utility bills.

All seventeen member localities, the Town of Windsor, and HRSD participate in the program. Assistance to individuals is funded through contributions made by citizens.

The HRPDC staff has taken steps to incorporate the Program as a nonprofit to ensure the deductibility of donations. The State Corporation Commission (SCC) approved the incorporation of the H2O Program in November 2007. The H2O Program Board of Directors held its organizational meeting in March 2009. During early 2011, the Internal Revenue Service (IRS) formally approved the non-profit status of the program and the tax deductibility of donations. A Memorandum of Agreement (MOA) has been executed among the HRPDC, HRSD, and the H2O Program Board. A companion agreement has been executed between the H2O Program Board and the Salvation Army, providing for the Salvation Army to conduct eligibility screening on behalf of the program. This task provides for program coordination with participating entities, development and promotion of the program, and procurement of donation envelopes and other materials.

Administration of the H2O program is funded through the Regional Water Program by a special local government contribution and all donations to the program go directly to helping local families in need.

askHRgreen.org

Environmental education efforts are focused on four key topic areas: water conservation and awareness, stormwater education and pollution prevention, recycling and community beautification, and sanitary sewer overflow prevention. Four separate regional committees comprised of technical experts oversee each of these environmental education initiatives, but blend their messages under the umbrella brand of askHRgreen.org.

With both qualitative and quantitative research guiding this effort, the askHRgreen.org website was created as the region's portal to engaging Hampton Roads residents in the



green conversation. In FY 2021, the focus will be on continuing and enhancing successful public relations efforts to gain added value media, extending the role of regional media ambassadors, seeking new media partners, and developing new social media initiatives and strategies. The campaign will continue to use results of marketing research to further improve branding and messaging as well as supporting media strategies and public relations initiatives.

This program is funded through special local government contributions provided through the Water & Wastewater, Stormwater, and Recycling & Beautification Environmental Education Program budgets.

askHRgreen.org: Stormwater Education Subcommittee & Program (HR STORM)

The HRPDC will continue to staff the Stormwater Education Subcommittee. This effort includes facilitation of the subcommittee process; management of the budget and consultant contracts; development and implementation of a comprehensive and cost-effective marketing program; coordination of stormwater, water quality and watershed management education programs; and development of stormwater-specific educational materials and programs. The HRPDC staff will prepare the Annual Public Outreach Program Report, which is used by localities with MS4 permits.

This program is supported through the Regional Stormwater Management Program by a special local government contribution.

askHRgreen.org: Recycling and Beautification Subcommittee & Program (HR CLEAN)

askHRgreen.org: Recycling and Beautification Subcommittee is a regional coalition of local Clean Community and Recycling Coordinators that promotes litter prevention, recycling, beautification and general environmental awareness. HRPDC staff facilitates the subcommittee process; management of the budget and consultant contracts; development and implementation of a comprehensive and cost-effective marketing program; coordination of programs and events; and development of educational materials.

Information is delivered under the umbrella of askHRgreen.org. Messaging and outreach will focus on improving the volume and quality of materials collected through municipal recycling programs and reducing litter in Hampton Roads communities.

This program is funded through a special local government contribution.

askHRgreen.org: Fats, Oils and Grease Education Subcommittee & Program (HR FOG)

During FY 2004-2005, the Directors of Utilities Committee and the HRPDC finalized the direction and scope of the HR FOG (Fats, Oils and Grease) educational program. HRPDC staff facilitates the subcommittee process; management of the budget and consultant



contracts; development and implementation of a comprehensive and cost-effective marketing program; coordination of programs and events; and development of educational materials.

Information is delivered under the umbrella of askHRgreen.org. Messaging will continue to focus on proper disposal of fats, oils, grease and food waste in both home and commercial kitchens as well as reminding citizens of “what not to flush.” In addition, co-promotions are coordinated with the Water Awareness Subcommittee’s efforts regarding various water and wastewater infrastructure issues.

Part of the Fats, Oils and Grease Program includes regional coordination of training for food service establishment (FSE) employees and grease haulers. A web-based training program for both of these sectors is available at www.hrfog.com, and ongoing maintenance support and development are necessary to maintain and enhance the website.

This program is funded through the Regional Wastewater Program by a special local government contribution.

askHRgreen.org: Water Awareness Subcommittee & Program (HR WET)

The HRPDC will continue to act as administrative agent for the askHRgreen.org Water Awareness Subcommittee. This program, which began as a cooperative water conservation education program in 1994, involves promoting the value of the region’s safe drinking water supply, encouraging wise water use, and educating citizens on the importance of maintaining the region’s vast network of water infrastructure. HRPDC staff facilitates the subcommittee process; management of the budget and consultant contracts; development and implementation of a comprehensive and cost-effective marketing program; coordination of programs and events; and development of educational materials.

Information for this program is delivered under the umbrella of askHRgreen.org, with key messages promoted throughout the year via television, radio, and/or online media sources. Funding is provided through the Regional Water Program by a special local government contribution.



HOUSING AND HUMAN SERVICES

The HRPDC collaborates with local government agencies and non-profit organizations to coordinate local initiatives on housing and human services issues in an effort to develop effective and efficient solutions to our region's housing and human service needs. The HRPDC is involved in a variety of housing and human service activities aimed at improving the quality of life of the Hampton Roads region's residents such as affordable housing, services and programs for the disabled, as well as services for seniors.

Hampton Roads Loan Fund Partnership (HRLFP) Administrative Support

The HRLFP was organized in late 1996 to enable participation in the Virginia Single Family Regional Loan Fund, a statewide homeownership assistance program for low income households. Along with its goals for expanding homeownership opportunity, the HRLFP supports local community development priorities by financing mortgages in targeted neighborhoods and redevelopment areas.

HRLFP partner organizations include Redevelopment and Housing Authorities, local governments, and nonprofit housing organizations. By mutual agreement of the partner organizations, the HRPDC acts as Regional Administrator for the HRLFP and fiscal agent for administrative support funds.

HRLFP funds are divided into two elements for accounting purposes:

- Element 3004 administrative funds are provided by Virginia Department of Housing and Community Development (VDHCD) to offset program-related labor, document reproduction, mailing, telephone charges and miscellaneous costs incurred by the HRPDC staff.
- Element 3005 is a pass through account for processing federal down payment and closing cost assistance funds provided through VDHCD.

City of Portsmouth – Come Home to Portsmouth-Down Payment & Closing Cost Program

The HRPDC staff serves as the administrator of HOME funds in the City of Portsmouth in administering down payment and closing cost assistance. This city-wide program is designed to expand homeownership opportunities to low and moderate income households.

The program works in partnership with HUD-Approved Housing Counseling partners that provides homeownership education and pre-purchase counseling to buyers in an effort to ensure the buyer is successful in homeownership. By mutual agreement with the City of



Portsmouth, the HRPDC acts as Administrator for the HOME funding and fiscal agent for administrative support funds.

Funds are divided into two elements for accounting purposes:

- Element 3090 administrative funds are provided by City of Portsmouth to offset program-related labor, document reproduction, mailing, telephone charges and miscellaneous costs incurred by the HRPDC staff.
- Element 3005 is a pass through account for processing federal HOME down payment and closing cost assistance funds provided through the City of Portsmouth.

City of Chesapeake – Call Chesapeake HOME - Down Payment & Closing Cost Program

The HRPDC staff serves as the administrator of HOME funds in the City of Chesapeake in administering down payment and closing cost assistance. This city-wide program is designed to expand homeownership opportunities to low and moderate income households.

The program works in partnership with HUD-Approved Housing Counseling partners that provides homeownership education and pre-purchase counseling to buyers in an effort to ensure the buyer is successful in homeownership. By mutual agreement with the City of Chesapeake, the HRPDC acts as Administrator for the HOME funding and fiscal agent for administrative support funds.

Funds are divided into two elements for accounting purposes:

- Element 3006 administrative funds are provided by City of Chesapeake to offset program-related labor, document reproduction, mailing, telephone charges and miscellaneous costs incurred by the HRPDC staff.
- Element 3005 is a pass through account for processing federal HOME down payment and closing cost assistance funds provided through the City of Chesapeake.

Housing and Human Services - Technical Assistance

The HRPDC staff participates in and exists as a liaison between a number of multi-jurisdictional organizations concerned with housing and human services issues, such as programs and initiatives pertaining to affordable housing, services and programs for the disabled, as well as services for seniors. Due to its unique access and regional orientation, the HRPDC is frequently asked to provide planning and needs assessments information to support the work of these organizations. The following activities are anticipated:



- Act as Regional Administrator and fiscal agent for the Hampton Roads Loan Fund Partnership, a state-sponsored homeownership program for low-income households.
- Support the research, educational and professional training activities of the Hampton Roads Housing Consortium (HRHC), a regional association of government, non-profit and private sector housing organizations. Staff will also assist in the development of a five-year strategic plan as well as implementation of a new training center for regional housing partners.
- Provide staff support and assistance to the Hampton Roads Disabilities Board.
- Host periodic meetings of Consolidated Plan coordinators from city governments.
- Participate as a Board Member for Senior Services of Southeastern Virginia (SSSEVA).

In addition to the external assistance noted above, the staff will monitor U.S. Census releases and other available data to identify significant trends in housing, income distribution and social characteristics with particular emphasis on:

- Composition, age, quality and market value of the housing stock.
- Housing availability and affordability for various demographic groups.

Development of Regional Housing Service Portal (RHSP)

The HRPDC Staff will continue to provide information and tools through the Regional Housing Service Portal for the HRPDC. This effort will continue through FY 2020 with final completion of the online customer website. The purpose of this tool is to continue to provide a “one-stop shop” environment for obtaining and accessing reliable and legitimate services for housing such as first-time homebuyer education and counseling and foreclosure prevention.

There are numerous housing related organizations in Hampton Roads that provide varied down-payment/closing cost assistance, first-time homebuyer education, foreclosure prevention, rental counseling, and housing services for persons with disabilities. The HRPDC staff will work to continue to update services and programs in the web portal for consumers and housing providers to utilize. Staff will identify gaps in housing services and continue creating a toolbox of resources for housing providers.



PLANNING AND ECONOMICS

HRPDC's Planning and Economics program provides a forum for local governments to develop cooperative initiatives that address regional economic and planning issues and opportunities. The HRPDC Planning and Economics program staff undertake technical and policy studies and provide technical assistance to the member localities and others. The program staff provide detailed information, analysis and forecasting relevant to the Hampton Roads economy. The staff also publish and present information in a variety of manners, including focused in-depth published reports, quarterly reports on the regional economy, special reports relating to breaking news or new information, and journal articles.

Staff Support and Technical Assistance for Planning

In the Regional Cooperation Act, the Code of Virginia calls for planning district commissions to:

- Collect, maintain and analyze demographic, economic and geographic information.
- Provide for the sound and orderly social, economic, and physical development of the region.
- Conduct regional strategic planning.

In order to fulfill this role, the HRPDC staff will provide staff support and technical assistance on a regional basis to its member jurisdictions as well as a variety of regional organizations. The following is a list of organizations that will receive some form of staff support or technical assistance.

- HRPDC Commission and Member Jurisdictions
- Chief Administrative Officers
- Hampton Roads Mayors and Chairs Caucus
- Regional Construction Standards Committee
- Hampton Roads Sanitation District
- Southeastern Public Service Authority of Virginia
- Virginia Peninsula Public Service Authority
- South Hampton Roads Resource Conservation and Development Council
- Soil and Water Conservation Districts
- Regional Environmental Committee
- Hampton Roads Transportation Planning Organization
- Hampton Roads Transportation Accountability Commission
- Hampton Roads Military Federal Facility Alliance
- Hampton Roads Planning Directors
- Hampton Roads Budget Directors
- Hampton Roads Economic Development Alliance



- Greater Williamsburg Partnership
- Hampton Roads Workforce Council

Throughout the fiscal year, the HRPDC staff will meet with members of the region's General Assembly and Congressional Delegations, as appropriate, to advise and discuss matters of regional importance and meet with the Editorial Boards of the region's major news media to advise them on matters of regional importance. This Task also includes the ongoing Regional Intergovernmental Review Process.

The HRPDC will continue to serve as the Regional Clearinghouse for review of:

- Applications for federal grant funds.
- Environmental Impact Reviews.

Technical assistance will be provided to the jurisdictions on short-term projects such as grant applications, review of plans and studies, geographic information systems (GIS) technical support, assistance with regulatory proposals, comments on other planning matters, facilitation of various local and agency initiatives and analysis of state and federal actions. When requested, the staff will provide ongoing technical input to major local planning efforts, such as:

- City, County and Town Comprehensive Plans
- City, County and Town Development Ordinances

The HRPDC will work with various media outlets in providing citizens with public information and education concerning the activities of the HRPDC. This will include special issues educational information and public forums, as well as on-line polls, and representation in the various regional speakers' bureaus.

The staff will perform specific technical assistance projects, including technical analyses, graphic design and printing for other governmental agencies, non-profit entities and private enterprise. Payment for such efforts will include personnel costs as well as other direct and indirect costs.

Regional Solid Waste Management Planning

In 2012, the HRPDC was designated as the regional solid waste planning agency with responsibility for maintaining the regional solid waste management plan and completion of the annual Recycling Rate Reports for the localities in the SPSA-service area.

During the fiscal year, the HRPDC staff will maintain the Regional Solid Waste Plan for Southeastern Virginia (SPSA service area) and complete the annual Recycling Rate Reports for the SPSA member communities.



Hampton Roads Regional GIS

The HRPDC will work in partnership with the Hampton Roads Sanitation District (HRSD) and other local stakeholders to continue building the regional GIS data portal called HRGEO. HRGEO houses dozens of regional GIS data layers related to HRPDC/HRTPO projects as well as “collaborative” regional layers. Collaborative regional GIS data layers are created by combining existing local GIS data and converting it to regional data standards. Further work on collaborative layers will involve holding workshops with stakeholders to develop additional regional data standards.

The goal is to build on the foundation of regional GIS data which can then be used for new applications and analysis in the future.

Hampton Roads Data Center

In the Regional Cooperation Act, the Code of Virginia calls for planning district commissions 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. To this end, staff routinely collects and maintains a variety of socio-economic information for Hampton Roads and its localities.

Historically, much of the collected information was published on an annual basis in the Commission’s Data Book. The HRPDC Staff now provides access to expanded data sets through the Commission’s website. Available data series include such items as employment, income, population, retail sales, unemployment, building permits, recently released census data as well as other indicators. Complete data sets are made available for download via the HRPDC website. Staff will also work with localities and other regional organizations to ensure that the best information is made available to the public in a uniform and consistent manner throughout Hampton Roads. This task serves as one of several critically important components of the region’s economic database.

Regional Benchmarking

The HRPDC staff will produce the annual benchmarking study. This Report will contain text, graphs, and tables designed to reveal changes in long-term trends in the region. Comparisons will be made against changes occurring in competitor or reference metropolitan regions across the country. The Report will be designed to be diagnostic in nature so as to help the leaders of Hampton Roads identify the region’s strengths and weaknesses. Indicators reviewed in the Report will include population, employment, unemployment, retail sales, defense spending, transportation conditions, education, military activity as well as other related statistics. In addition to the print version of the benchmarking study, indicators will also be made readily available through the Commission’s website as part of the Hampton Roads Data Center. The Regional



Benchmarking Study will continue to be used as a basis for preparing and delivering presentations to interested parties across the region.

Hampton Roads Economic Monthly

The region's economy is in a constant state of change. Expectations change as new information becomes available and forecasts are revised in the face of unforeseen developments. Economics staff will provide up-to-date information that is regionally significant through the *Hampton Roads Economic Monthly*. This report will include the most current relevant economic indicators to help assess the current condition of the region's economy.

Economic Impact Studies

The economics staff will continue its efforts to provide economic impact information to the cities and counties in Hampton Roads in addition to studies conducted for area businesses, colleges and universities, military bases and other public sector entities as well as for members of the local media. Staff will release "impact briefs" as appropriate to the Commission on issues that might significantly impact the region's economy. The staff will rely primarily on the REMI and IMPLAN models for this work. Staff will also work to produce White Papers on relevant topics of regional interest such as sea level rise and education. The purpose to these studies is provide a basis for making informed decisions on issues that impact the regional economy.

Annual Economic Forecast

The staff will produce a forecast for the regional economy for 2020. This work effort will contain a review of trends in the regional economy over the preceding year along with a detailed forecast for 2020. The forecast will cover employment, unemployment, gross regional product, retail sales, residential building permits, and other relevant information. A presentation will be made at the quarterly Commission meeting in January. Additional presentations of the forecast will be made available to local governments and organizations throughout the region.

Economic Technical Assistance

This work element covers a variety of activities – many of which are ongoing efforts from one year to the next. This activity will include the extensive effort made to prepare and present data, ideas, analysis, and information to public and private sector entities. Also included are presentations/briefings to local governments and other groups, providing economic consultations, as well as the preparation of charts, graphs, and other visual displays, and writing of material for public distribution. This task will include technical and data support for member jurisdictions as well as regional/statewide efforts including Go Virginia and ReInvent Hampton Roads. Responding to calls and letters from the general



public and the local media are also included in this work task. Efforts to meet economic analysis requests regarding Virginia General Assembly and other policy matters are included under this element of the work program. The staff will also extend the Commission’s basic research efforts into new areas of the local economy not thoroughly understood at present.

Comprehensive Economic Development Strategy (CEDS)

The Economic Development Administration (EDA) describes a Comprehensive Economic Development Strategy (CEDS) as “a strategy-driven plan for regional economic development.” The CEDS process brings together the public and private sectors to develop a regionally-owned plan to build capacity and guide the economic prosperity and resiliency of a region. This effort would result in individuals, organizations, local governments, institutions of learning, and private industry engaging in meaningful conversation and working together to plan and prioritize investments in a manner that best serves the economic development interests across a region. Staff will work with the Hampton Roads Economic Development Alliance and Reinvent Hampton Roads to develop a comprehensive economic development strategy to be submitted to the EDA.



WATER RESOURCES

HRPDC's Water Resources program provides technical and planning support to local stormwater, drinking water, and wastewater programs. Program activities are focused on the management of regional groundwater and surface water resources and water quality regulations. Other program areas include: coastal resources management, recurrent flooding and sea level rise.

Drinking Water Program

The Directors of Utilities Committee is the Advisory Committee to the Commission for drinking water issues and guides the Drinking Water Program's priorities. Through this task, the HRPDC staff will facilitate Committee efforts to address these priorities, including undertaking appropriate technical studies and analyses.

The following efforts are included in this task:

- Research industry trends such as changing rate structures, affordability programs, declining demands, and conservation programs.
- Research different state and regional approaches to water management and permitting.
- Collect and compile annual water rate information.
- Update and distribute the Water Quality Response Plan points of contact and guidelines.
- Review the State Water Supply Plan and assess its applicability to the region.
- Complete updates to the Regional Water Supply Plan due in 2018.
- Regularly update data and maps for the Regional Source Water Protection Plan.
- Assess initiatives identified in the Water Supply Assessment and Emergency Response Training project.
- Monitor legislative and regulatory issues affecting public water supply and coordinate regional comments as needed.
- Serve on regulatory advisory panels and coordinate information sharing between regional representatives and other localities regarding potential regulatory changes.
- Facilitate discussions of best practices with focus on utility management.
- Continue enhancement of communications between the local Departments of Health and Utilities.
- Provide administrative and technical support to the Directors of Utilities Committee and facilitate the Committee process.

On behalf of the local governments, the HRPDC will continue the Regional Groundwater Mitigation Program. The Memorandum of Agreement (MOA) for the Groundwater Mitigation Program was renewed in July 2016, extending the program from January 1, 2016 to December 31, 2020. The Committee will consider another five-year MOA as part of



the workplan. Through this program, the HRPDC provides groundwater hydrology and computer modeling expertise to the participating member local governments.

This effort includes the following activities:

- Hampton Roads Regional Mitigation Program, including analysis of impacts of groundwater withdrawals and administration of the program.
- Local groundwater studies.
- Groundwater education.
- Administrative support and coordination for cooperative groundwater program with the U. S. Geological Survey (USGS).
- Work with USGS, the Department of Environmental Quality and the localities to refine implementation of the state groundwater regulatory programs.
- Continue analysis to estimate the sustainable yield of the Virginia Coastal Plain aquifer system.
- Participate in Mission H2O's Groundwater Subcommittee to provide stakeholder coordination and track regulatory initiatives.
- Track technical and policy changes in DEQ's application of the regional groundwater model in the evaluation of permits.

This project is funded through a special local government contribution.

Coastal Resiliency Program

The HRPDC has recognized the significance of potential sea level rise and increased recurrent flooding. The Commission created an advisory committee in 2014 to address these issues. The committee's objectives include:

- Developing specific recommendations related to recurrent flooding and sea level rise adaptation and mitigation for local governments
- Advocating for support and action by the state government and federal government
- Serving as the primary regional contact to coordinate efforts with federal agencies and academic institutions

The Coastal Resiliency Program will promote effective long-term planning for sea level rise and flooding adaptation. HRPDC staff will facilitate information sharing among localities and work to develop consistency in local and state policies. This program will build on previous efforts to increase the region's knowledge base and technical capacity to plan for sea level rise. In particular, this program will continue to provide technical assistance for local governments and outreach, education, and coordination efforts on this and related issues such as flooding, hazard mitigation, and planning for sustainable communities.



Hampton Roads Adaptation Forum: The Hampton Roads Adaptation Forum is a partnership between the HRPDC, Virginia Sea Grant, and Old Dominion University. The goal of the forum is to establish a regional dialogue for local government staff and representatives from federal and state agencies to discuss needs and best practices for adapting to flooding and sea level rise. The focus of this forum will continue to be on developing strategies that are specifically suited for our region, with a goal of building a resource that can be readily accessed by local governments seeking information, case studies, and data needed for local planning and adaptation efforts. The forum was originally funded by a grant from the national Sea Grant program, with matching, in-kind funding (in the form of staff time) from the HRPDC and Hampton Roads' local governments. The partners have continued to staff this effort and find new funding for forum events and speakers' travel expenses.

Subsidence monitoring: HRPDC has contracted with the United States Geological Survey (USGS) to perform annual benchmarking surveys to monitor land subsidence. HRPDC staff will also coordinate with multi-agency technical workgroups to share other monitoring data and pursue funding for extensometers to measure aquifer compaction.

Research Projects and Studies with Academic Partners: The HRPDC staff regularly collaborates with academic partners on an informal basis to support HRPDC technical projects and academic research projects. Regular partners include researchers at VIMS, Old Dominion University, and the University of Virginia.

Intergovernmental Coordination: The HRPDC staff regularly coordinates and collaborates with other governmental partners in Hampton Roads and Virginia on projects related to sea level rise and recurrent flooding. Regular partners include the VIMS, ODU, the U.S. Army Corps of Engineers, USGS, NOAA, the Chesapeake Bay Program, other federal and state agencies, and local governments. The HRPDC staff will also provide support for HRTPO efforts related to recurrent flooding and sea level rise.

Technical Assistance: The HRPDC staff will provide technical assistance to local governments upon request to support efforts to incorporate sea level rise and recurrent flooding into local plans and policies, including providing source material, presentations, GIS data, and map products.

Regional Stormwater Management Program

The Regional Stormwater Management Committee guides the Stormwater Management Program's priorities. Through this task, the HRPDC staff will facilitate Committee efforts to address these priorities, including undertaking technical analysis; tracking legislative and regulatory issues; supporting the regional coordination process; consultant management; and education. A Memorandum of Agreement (MOA) formally establishing the Hampton Roads Regional Stormwater Management Program was executed by the HRPDC and the region's localities during 2003 and renewed in 2008, 2013, and 2018. The MOA outlines the



roles and responsibilities of the HRPDC, the localities and the Committee in carrying out the program.

The Regional Stormwater Management Program includes the following components.

Permit Strategy:

The region's six communities governed by the Phase I Stormwater Permit Regulations (Chesapeake, Hampton, Newport News, Norfolk, Portsmouth and Virginia Beach) applied for new permits in 2005. The permitting process stalled and eventually the program shifted from DCR to DEQ. HRPDC staff helped the six localities jointly negotiate permits that were finalized in July 2016.

The cities of Poquoson, Suffolk, and Williamsburg and the counties of James City and York are governed by Phase II General Permits, as required by state and federal regulations. The Phase II localities in Hampton Roads are covered under a revised General VSMP permit for small MS4s issued in 2013 then updated in 2018 based on the expiration of the permit's five-year term. This most recent Phase II permit requires the localities to focus an increased amount of resources on BMP reporting and retrofits to support the Chesapeake Bay TMDL. This task supports ongoing implementation and refinement of the local stormwater management programs to meet the new regulatory requirements.

Technical Support:

- Legislative and regulatory monitoring: This activity includes technical review of legislative and regulatory proposals, development of consensus position statements, and participation on state and federal advisory committees. HRPDC staff continues to serve on the Nutrient Certification Regulatory Advisory Panel, the Phase II MS4 permit Regulatory Advisory Panel, and the Construction General Permit Technical Advisory Committee.
- Complete Annual Reports required by the stormwater discharge permits for the six Phase II localities.
- Develop and conduct pollution prevention and stormwater management training programs, as required by the local permits. HRPDC maintains a library of training materials and host webinars to minimize training costs for localities.
- Assist Phase II localities with ongoing program development, implementation and evaluation.
- Track developments in BMP innovation including state and national efforts to create performance standards for testing proprietary manufactured treatment devices.



Water Quality Initiatives:

The HRPDC staff provides research and coordination to develop watershed studies. Staff may conduct studies or manage contracts for specific studies if requested and funded by localities.

- The HRPDC staff provides coordination and information on development of the Polychlorinated Biphenyl Total Maximum Daily Load (PCB TMDL) for the Elizabeth River and supports the development of more effective TMDL implementation strategies for PCBs.
- The HRPDC staff is participating in a new multi-state consortium focused on best practices and emerging science related to water quality challenges in the Coastal Plain.
- Staff works with HRSD to increase coordination with local stormwater programs on integrated planning initiatives including SWIFT MOUs for nutrient credits and bacteria source tracking studies.
- Staff participates in advisory committees for water quality studies initiated by non-governmental organizations such as the Elizabeth River Project.
- Staff conducts quarterly Water Quality Workgroup meetings to share information about water quality impairments, restoration projects and emerging research. Participants include public agencies, academic institutions, and NGOs.

Chesapeake Bay TMDL:

In 2010, the U.S. Environmental Protection Agency (EPA) completed a TMDL study for the Chesapeake Bay and its tributaries. Concurrently, the Commonwealth of Virginia completed Phase I of its Watershed Implementation Plan (WIP), establishing the broad framework for how Virginia plans to achieve the TMDL requirements. In 2012, Virginia completed the Phase II WIP, which includes more details on how local governments will implement the necessary programs and controls to achieve the TMDL. Virginia further refined its strategies in the Phase III WIP submitted to the EPA in August 2019.

- The HRPDC staff participates in the Chesapeake Bay Program's Urban Stormwater Workgroup and tracks many additional Bay Program policy workgroups. This effort allows the region to provide input during the development of policies and revisions to the Chesapeake Bay TMDL models. HRPDC staff also collects information on the state's initiatives for implementation of the Chesapeake Bay TMDL to share with localities.
- The HRPDC staff co-chairs the Land Use Workgroup in the Bay Program. Staff continues to advocate for transparency and local input for current and future land use data sets.
- The HRPDC staff serves on the Chesapeake Bay Climate Resiliency workgroup and the subgroup looking at BMPs that are more resilient to sea level rise and changes in precipitation patterns.



- The HRPDC staff serves on Virginia’s Chesapeake Bay TMDL Stakeholder Advisory Group which is tasked with supporting the development and execution of the Phase III Watershed Implementation Plan.
- The HRPDC staff also supports the region’s representative on the Local Government Advisory Committee with background information and technical expertise as needed.

Consultant Management:

- The HRPDC has retained a legal consultant to assist localities on stormwater permit and regulatory issues on an as-needed basis.
- New consultant contracts (Continuing Services Agreements) have been executed for stormwater related activities on an as-needed basis.

This program is supported by a special local government contribution.

Regional Water Quality Monitoring Program

In 2014, the Regional Water Quality Monitoring Program was established. The cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, and Virginia Beach signed a Memorandum of Agreement to create the program, establish responsibilities and identify funding. The program monitors stormwater in a manner which quantifies the nitrogen, phosphorus, and sediment loads associated with specific land uses in Hampton Roads. The USGS and HRSD are under contract with the HRPDC to provide sampling and data analysis.

The objective of the Regional Water Quality Monitoring Program is to collect data at a regional scale that will accurately measure the amount of nutrients and sediments delivered to waterways by the local MS4 systems. The data will be submitted to the Virginia DEQ and/or the Chesapeake Bay Program for updates to improve the accuracy of existing computer models, provide a basis upon which to administer local stormwater programs with a greater degree of precision, and improve action plans to meet the Chesapeake Bay TMDL and other local TMDLs for impaired waters.

The Regional Water Quality Monitoring Program was based on a five-year work plan that has been renewed for another five years to provide compliance with the monitoring requirements in the Phase I MS4 permits issued in 2016.

Coastal Resources Management Program – First Floor Elevations

The HRPDC has received a grant from DEQ through the Virginia Coastal Zone Management Program (VCZMP) to assess methodologies to estimate the first floor elevation of structures in Hampton Roads. First floor elevations are a necessary dataset to effectively estimate the vulnerability of residential properties and critical infrastructure to flooding caused by sea level rise and storm surge. HRPDC staff will coordinate with ODU and the



U.S. Army Corps of Engineers and other entities that have undertaken efforts to estimate first floor elevations and can offer assessments of some methodologies. The initial phase of the study includes collecting available elevation certificates from all localities and creating a regional, electronic dataset to evaluate or ground truth estimation techniques.

The original grant and two additional phases have been funded covering the period from October 1, 2017 to September 30, 2020.

Regional Wastewater Program

The HRPDC staff will facilitate a regional wastewater planning program to develop regional solutions to wastewater management issues identified by the Directors of Utilities Committee in cooperation with HRSD. Issues being addressed include:

Sanitary Sewer Overflows: The process of addressing this issue began in December 2000. Since that time, the Sanitary Sewer Overflow Reporting System (SSORS), training materials for local staff and a web-based reporting procedure have been developed. Consultant assistance is used to maintain SSORS. HRPDC staff will continue to manage the system and provide routine assistance to the localities, Virginia Health Department and DEQ.

Consent Orders: The HRPDC staff will continue to coordinate the regional process involving DEQ, HRSD and the thirteen localities, to develop the Regional Wet Weather Management Plan and related policies and standards required by the federal Consent Decree. HRSD is under the federal Consent Decree which establishes regional responsibilities for addressing sanitary sewer overflows. The original state Consent Order was executed by the localities, HRSD and DEQ in September 2007. The Consent Order has been terminated and replaced with a Consent Order signed in December 2014 as part of the sewer consolidation effort. The new order requires localities to implement their sanitary sewer management, operation and maintenance (MOM) programs. HRSD is not a party to the Consent Order. HRSD will develop the Regional Wet Weather Management Plan with locality input, but HRSD will fund the projects included in the plan.

Wastewater Priority Projects: During the course of the year, additional projects may be identified by the Directors of Utilities Committee. HRPDC staff will continue to support regional collaboration and communication related to HRSD's integrated plan (Sustainable Water Initiative for Tomorrow) which proposes to inject highly treated water into the Coastal Plain Aquifer. HRPDC staff is also focused on sharing best practices and innovations for bacteria source tracking and efforts to improve bacteria impaired waterways and beaches. Future research will likely focus on affordability and customer assistance programs. New consultant contracts (Continuing Services Agreements) have been executed for wastewater related activities on an as-needed basis.

This program is funded through a special local government contribution.



Coastal Resources Management Program - Technical Assistance

The HRPDC has received a grant from DEQ through the Virginia Coastal Zone Management Program (VCZMP) to continue its program of technical assistance to the local governments on environmental issues. This effort will focus on activities that directly support the core elements of the VCZMP and that provide a communication link between the region's localities and state and federal environmental programs. Under this program, the staff will undertake the following activities:

- Coordinate local and regional review of and response to state and federal environmental impact statements, regulatory and legislative initiatives, shoreline development and other environmental issues and proposals.
- Complete regional environmental studies, which are of relatively small scale and short duration.
- Facilitate local government consideration of major coastal resource issues; including land conservation, energy policy and recurrent flooding.
- Serve as a liaison and information clearinghouse between state and federal environmental programs, such as the Chesapeake Bay Program, and the local governments.
- Assist local jurisdictions, as requested, in the development of comprehensive plans, development ordinances, and studies, which may have an impact on coastal resources, including assistance to CBPA implementation efforts.
- Provide information and education about coastal resources to local government staff and the public.
- Maintain and coordinate the environmental elements of the HRPDC Geographic Information System.
- Maintain the elements of the Public Access to Waterways website www.fishswimplay.com created in FY18.

The project is scheduled to be completed by September 30, 2020.

HRPDC staff will apply for another grant for the period of October 1, 2020 to September 30, 2021 to continue providing technical assistance related to Coastal Resources Management.

Joint Land Use Study – Norfolk and Virginia Beach

HRPDC has been awarded two grants from the Department of Defense's Office of Economic Adjustment to fund Joint Land Use Studies (JLUSs). These studies will address conflicts, incompatibilities, and opportunities for collaboration between localities and U.S. Navy facilities in South Hampton Roads.

The first JLUS involved the Cities of Norfolk and Virginia Beach and four Navy installations (Joint Expeditionary Base Little Creek-Fort Story, Naval Air Station Oceana, Naval Station Norfolk, and Naval Support Activity Hampton Roads). This study focused on identifying the



impacts of flooding and sea level rise within the two participating localities and how those impacts affect operations and readiness at the Navy installations. The study has been completed. HRPDC staff is working with Norfolk and Virginia Beach to apply for implementation grants from OEA to fund recommendations from the study.

Joint Land Use Study - Chesapeake and Portsmouth

The second JLUS involves the Cities of Chesapeake and Portsmouth and the following Navy installations: NSA Hampton Roads-Portsmouth Annex, NSA Norfolk Naval Shipyard, and Naval Supply Center Craney Island Fuel Terminal. This study will address issues such as congestion, parking, and land use, in addition to sea level rise and flooding.

Regional Construction Standards

HRPDC first published the Regional Construction Standards in 1999. The Standards are intended to provide quality construction throughout the region, simplify the bidding and construction administration process, and reduce construction costs. The initial direction of the Standards was to address “horizontal” improvements and those involving the major elements of roadways, drainage and utilities (water distribution and wastewater collection). The latest version, the 6th Edition, was adopted by HRPDC in 2016.

The Standards are continually updated through a collaborative effort of staff from the 17 member communities of HRPDC, the Hampton Roads Sanitation District (HRSD), and the Hampton Roads Utility and Heavy Contractors Association (HRUHCA). HRPDC staff manages a consultant that provides administrative support and technical expertise to evaluate changes to the standards and provide training.

This program is funded through a special local government contribution and contributions from HRSD and HRUHCA.



GENERAL

All HRPDC Departments participate in agency communications and legislative and regulatory monitoring. Staff from each department contributes regular content to the ejournal, participate in speaking engagements and contribute to various routine HRPDC publications. Staff from each department monitors state and federal legislative and regulatory activities that relate to the functions of their Department. During the annual session of the Virginia General Assembly, the HRPDC staff tracks a wide variety of legislative proposals that relate directly to regional activities and the interests of local government staff representatives on HRPDC Advisory Committees. The Deputy Executive Director coordinates staff response and participation in these activities.



COMMUNICATIONS

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

Newsletters

For nearly forty years, the HRPDC produced a quarterly newsletter, *The 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).

In Fall 2010, *Hampton Roads Review* moved to an electronic format, *The Hampton Roads E-Newsletter*. The ejournal form is a nimbler vehicle for communicating with the HRPDC's jurisdictions and the Hampton Roads citizenry. Once every two weeks, an email blast goes out to remind subscribers to visit the HRPDC website; however, articles and other bits of information are added on a weekly basis.

Website

Since the late 1990s, the HRPDC has had a presence on the World Wide Web. Its original site was completely redesigned in 2013. On the HRPDC website, visitors have access to information about the HRPDC, its membership, Meeting Agendas and related materials, *Hampton Roads E-Newsletter*, the HRPDC UPWP, data about the Hampton Roads region and HRPDC publications.

All departments have separate micro-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. Links to other significant local, regional and state web resources are also included.

Bi-weekly Public Notice Emails

The HRPDC maintains a fluid database of over 4,000 email addresses. Once every two weeks, 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. The 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 STATEMENTS

STATEMENT OF NET POSITION JUNE 30, 2019 AND 2018

	2019	2018	Increase (Decrease)	% Change
ASSETS AND DEFERRED OUTFLOWS OF RESOURCES				
Current assets	\$ 6,907,148	\$ 7,038,702	\$ (131,554)	-1.87%
Capital assets, net of accumulated depreciation	1,119,287	1,092,618	26,669	2.44%
Deferred outflows of resources	487,333	391,929	95,404	24.34%
Total assets and deferred outflows of resources	8,513,768	8,523,249	(9,481)	-0.11%
LIABILITIES AND DEFERRED INFLOWS OF RESOURCES				
Current and other liabilities	898,727	819,709	79,018	9.64%
Noncurrent liabilities	5,884,485	5,826,155	58,330	1.00%
Deferred inflows of resources pension plan	769,365	892,495	(123,130)	-13.80%
Total liabilities and deferred inflows of resources	7,552,577	7,538,359	14,218	0.19%
NET POSITION				
Net investment in capital assets	1,119,287	1,092,618	26,669	2.44%
Unrestricted	(158,096)	(107,728)	(50,368)	46.75%
Net position	\$ 961,191	\$ 984,890	\$ (23,699)	-2.41%



**SUMMARY STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET POSITION
JUNE 30, 2019 AND 2018**

	2019	2018	Increase (Decrease)	% Change
Program Revenues				
Local Contributions	\$ 3,764,422	\$ 4,318,241	\$ (553,819)	-12.83%
Federal pass-through	3,760,076	3,602,540	157,536	4.37%
Commonwealth	446,136	442,893	3,243	0.73%
Total operating revenues	<u>7,970,634</u>	<u>8,363,674</u>	<u>(393,040)</u>	<u>-4.70%</u>
Operating Expenses				
Indirect - general and administrative	1,249,930	1,346,139	(96,209)	-7.15%
Direct Program Expense	400,983	339,012	61,971	18.28%
Personnel	3,516,284	3,575,734	(59,450)	-1.66%
Consultants	3,185,377	1,495,271	1,690,106	113.03%
Transportation pass-through services	425,039	439,156	(14,117)	-3.21%
Housing and Emergency Management pass-through	809,720	718,165	91,555	12.75%
Total operating expenses	<u>9,587,333</u>	<u>7,913,477</u>	<u>1,673,856</u>	<u>21.15%</u>
Operating income (loss)	<u>(1,616,699)</u>	<u>450,197</u>	<u>(2,066,896)</u>	<u>-459.11%</u>
Miscellaneous	1,491,976	295,935	1,196,041	404.16%
Use of Money	101,024	58,131	42,893	73.79%
Change in net position	<u>\$ (23,699)</u>	<u>\$ 804,263</u>	<u>\$ (827,962)</u>	<u>-102.95%</u>



FOIA

§ 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.

"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through telephonic or video equipment pursuant to § 2.2-3708 or 2.2-3708.1, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. The gathering of employees of a public body shall not be deemed a "meeting" subject to the provisions of this chapter.

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

"Public body" means any legislative body, authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth, including cities, towns and counties, municipal councils, governing bodies of counties, school boards and planning commissions; boards of visitors of public institutions of higher education; and other organizations, corporations or agencies in the Commonwealth supported wholly or principally by public funds. It shall include (i) the Virginia Birth-Related Neurological Injury Compensation Program and its board of directors established pursuant to Chapter 50 (§ 38.2-5000 et seq.) of Title 38.2 and (ii) any committee, subcommittee, or other entity however designated, of the public body created to perform delegated functions of the public body or to advise the public body. It shall not exclude any such committee, subcommittee or entity because it has private sector or citizen members. Corporations organized by the Virginia Retirement System are "public bodies" for purposes of this chapter.

For the purposes of the provisions of this chapter applicable to access to public records, constitutional officers shall be considered public bodies and, except as otherwise expressly provided by law, shall have the same obligations to disclose public records as other custodians of public records.

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



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

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

§ 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.

§ 2.2-3703.1. Disclosure pursuant to court order or subpoena.

Nothing contained in this chapter shall have any bearing upon disclosures required to be made pursuant to any court order or subpoena. No discretionary exemption from mandatory disclosure shall be construed to make records covered by such discretionary exemption privileged under the rules of discovery, unless disclosure is otherwise prohibited by law.

§ 2.2-3704. Public records to be open to inspection; procedure for requesting records and responding to request; charges; transfer of records for storage, etc.

A. Except as otherwise specifically provided by law, all public records shall be open to inspection and copying by any citizens of the Commonwealth during the regular office hours of the custodian of such records. Access to such records shall not be denied to citizens of the Commonwealth, representatives of newspapers and magazines with circulation in the Commonwealth, and representatives of radio and television stations broadcasting in or into the Commonwealth. The custodian may require the requester to provide his name and legal address. The custodian of such records shall take all necessary precautions for their preservation and safekeeping.

B. A request for public records shall identify the requested records with reasonable specificity. The request need not make reference to this chapter in order to invoke the provisions of this chapter or to impose the time limits for response by a public body. Any public body that is subject to this chapter and that is the custodian of the requested records



shall promptly, but in all cases within five working days of receiving a request, provide the requested records to the requester or make one of the following responses in writing:

1. The requested records are being entirely withheld because their release is prohibited by law or the custodian has exercised his discretion to withhold the records in accordance with this chapter. Such response shall identify with reasonable particularity the volume and subject matter of withheld records, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records.

2. The requested records are being provided in part and are being withheld in part because the release of part of the records is prohibited by law or the custodian has exercised his discretion to withhold a portion of the records in accordance with this chapter. Such response shall identify with reasonable particularity the subject matter of withheld portions, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records. When a portion of a requested record is withheld, the public body may delete or excise only that portion of the record to which an exemption applies and shall release the remainder of the record.

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

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

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

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



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

F. A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall impose any extraneous, intermediary or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. The public body may also make a reasonable charge for the cost incurred in supplying records produced from a geographic information system at the request of anyone other than the owner of the land that is the subject of the request. However, such charges shall not exceed the actual cost to the public body in supplying such records, except that the public body may charge, on a pro rata per acre basis, for the cost of creating topographical maps developed by the public body, for such maps or portions thereof, which encompass a contiguous area greater than 50 acres. All charges for the supplying of requested records shall be estimated in advance at the request of the citizen.

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

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

H. In any case where a public body determines in advance that charges for producing the requested records are likely to exceed \$200, the public body may, before continuing to process the request, require the requester to agree to payment of a deposit not to exceed



the amount of the advance determination. The deposit shall be credited toward the final cost of supplying the requested records. The period within which the public body shall respond under this section shall be tolled for the amount of time that elapses between notice of the advance determination and the response of the requester.

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

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

§ 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 their respective public government websites:

1. A plain English explanation of the rights of a requester under this chapter, the procedures to obtain public records from the public body, and the responsibilities of the public body in complying with this chapter. For purposes of this section, "plain English" means written in nontechnical, readily understandable language using words of common everyday usage and avoiding legal terms and phrases or other terms and words of art whose usage or special meaning primarily is limited to a particular field or profession;



2. Contact information for the 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;

5. Any policy the public body has concerning the type of public records it routinely withholds from release as permitted by this chapter or other law; and

6. The following statement: "A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. All charges for the supplying of requested records shall be estimated in advance at the request of the citizen as set forth in subsection F of § 2.2-3704 of the Code of Virginia. "

B. 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 (§ 27-94 et seq.), the disclosure of which would jeopardize the safety or security of any public or private commercial office, multifamily residential or retail building or its occupants in the event of terrorism or other threat to public safety, to the extent that the owner or lessee of such property, equipment or system in writing (i) invokes the protections of this paragraph; (ii) identifies the drawings, plans, or other materials to be protected; and (iii) states the reasons why protection is necessary.

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

3. Documentation or other information that describes the design, function, operation or access control features of any security system, whether manual or automated, which is used to control access to or use of any automated data processing or telecommunications system.
4. Plans and information to prevent or respond to terrorist activity, the disclosure of which would jeopardize the safety of any person, including (i) critical infrastructure sector or structural components; (ii) vulnerability assessments, operational, procedural, transportation, and tactical planning or training manuals, and staff meeting minutes or other records; and (iii) engineering or architectural records, or records containing



information derived from such records, to the extent such records reveal the location or operation of security equipment and systems, elevators, ventilation, fire protection, emergency, electrical, telecommunications or utility equipment and systems of any public building, structure or information storage facility, or telecommunications or utility equipment or systems. The same categories of records of any governmental or nongovernmental person or entity submitted to a public body for the purpose of antiterrorism response planning may be withheld from disclosure if such person or entity in writing (a) invokes the protections of this subdivision, (b) identifies with specificity the records or portions thereof for which protection is sought, and (c) states with reasonable particularity why the protection of such records from public disclosure is necessary to meet the objective of antiterrorism planning or protection. Such statement shall be a public record and shall be disclosed upon request. Nothing in this subdivision shall be construed to prohibit the disclosure of records relating to the structural or environmental soundness of any building, nor shall it prevent the disclosure of information relating to any building in connection with an inquiry into the performance of that building after it has been subjected to fire, explosion, natural disaster or other catastrophic event.

5. Information that would disclose the security aspects of a system safety program plan adopted pursuant to 49 C.F.R. Part 659 by the Commonwealth's designated Rail Fixed Guideway Systems Safety Oversight agency; and information in the possession of such agency, the release of which would jeopardize the success of an ongoing investigation of a rail accident or other incident threatening railway safety.

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

7. Security plans and specific assessment components of school safety audits, as provided in § 22.1-279.8.

Nothing in this subdivision shall be construed to prohibit the disclosure of records relating to the effectiveness of security plans after (i) any school building or property has been subjected to fire, explosion, natural disaster or other catastrophic event, or (ii) any person on school property has suffered or been threatened with any personal injury.

8. [Expired.]



9. Records of the Commitment Review Committee concerning the mental health assessment of an individual subject to commitment as a sexually violent predator under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2; except that in no case shall records identifying the victims of a sexually violent predator be disclosed.

10. Subscriber data, which for the purposes of this subdivision, means the name, address, telephone number, and any other information identifying a subscriber of a telecommunications carrier, provided directly or indirectly by a telecommunications carrier to a public body that operates a 911 or E-911 emergency dispatch system or an emergency notification or reverse 911 system, if the data is in a form not made available by the telecommunications carrier to the public generally. Nothing in this subdivision shall prevent the release of subscriber data generated in connection with specific calls to a 911 emergency system, where the requester is seeking to obtain public records about the use of the system in response to a specific crime, emergency or other event as to which a citizen has initiated a 911 call.

11. Subscriber data, which for the purposes of this subdivision, means the name, address, telephone number, and any other information identifying a subscriber of a telecommunications carrier, collected by a local governing body in accordance with the Enhanced Public Safety Telephone Services Act (§ 56-484.12 et seq.), and other identifying information of a personal, medical, or financial nature provided to a local governing body in connection with a 911 or E-911 emergency dispatch system or an emergency notification or reverse 911 system, if such records are not otherwise publicly available. Nothing in this subdivision shall prevent the release of subscriber data generated in connection with specific calls to a 911 emergency system, where the requester is seeking to obtain public records about the use of the system in response to a specific crime, emergency or other event as to which a citizen has initiated a 911 call.

12. Records of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, to the extent such records (i) contain information relating to strategies under consideration or development by the Council or such commission or organizations to prevent the closure or realignment of federal military installations located in Virginia or the relocation of national security facilities located in Virginia, to limit the adverse economic effect of such realignment, closure, or relocation, or to seek additional tenant activity growth from the Department of Defense or federal government or (ii) disclose trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided to the Council or such



commission or organizations in connection with their work. In order to invoke the trade secret protection provided by clause (ii), the submitting entity shall, in writing and at the time of submission (a) invoke this exclusion, (b) identify with specificity the information for which such protection is sought, and (c) state the reason why such protection is necessary. Nothing in this subdivision shall be construed to authorize the withholding of all or part of any record, other than a trade secret that has been specifically identified as required by this subdivision, after the Department of Defense or federal agency has issued a final, unappealable decision, or in the event of litigation, a court of competent jurisdiction has entered a final, unappealable order concerning the closure, realignment, or expansion of the military installation or tenant activities, or the relocation of the national security facility, for which records are sought.

13. Documentation or other information as determined by the State Comptroller that describes the design, function, operation, or implementation of internal controls over the Commonwealth's financial processes and systems, and the assessment of risks and vulnerabilities of those controls, including the annual assessment of internal controls mandated by the State Comptroller, the disclosure of which would jeopardize the security of the Commonwealth's financial assets. However, records relating to the investigation of and findings concerning the soundness of any fiscal process shall be disclosed in a form that does not compromise internal controls. Nothing in this subdivision shall be construed to prohibit the Auditor of Public Accounts or the Joint Legislative Audit and Review Commission from reporting internal control deficiencies discovered during the course of an audit.

14. Documentation or other information relating to the Statewide Agencies Radio System (STARS) or any other similar local or regional public safety communications system that (i) describes the design, function, programming, operation, or access control features of the overall system, components, structures, individual networks, and subsystems of the STARS or any other similar local or regional communications system or (ii) relates to radio frequencies assigned to or utilized by STARS or any other similar local or regional communications system, code plugs, circuit routing, addressing schemes, talk groups, fleet maps, encryption, programming maintained by or utilized by STARS or any other similar local or regional public safety communications system; those portions of engineering and construction drawings and plans that reveal critical structural components, interconnectivity, security equipment and systems, network monitoring, network operation center, master sites, ventilation systems, fire protection equipment, mandatory building emergency equipment, electrical systems, and other utility equipment and systems related to STARS or any other similar local or regional public safety communications system; and special event plans, operational plans, storm plans, or other



pre-arranged programming, the disclosure of which would reveal surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational and transportation plans or protocols, to the extent such disclosure would jeopardize the security of any governmental facility, building, or structure or the safety of any person.

15. Records of a salaried or volunteer Fire/EMS company or Fire/EMS department, to the extent that the records disclose the telephone numbers for cellular telephones, pagers, or comparable portable communication devices provided to its personnel for use in the performance of their official duties.

16. Records of hospitals and nursing homes regulated by the Board of Health pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 provided to the Department of Health, to the extent such records reveal the disaster recovery plans or the evacuation plans for such facilities in the event of fire, explosion, natural disaster, or other catastrophic event. Nothing in this subdivision shall be construed to prohibit the disclosure of records relating to the effectiveness of executed evacuation plans after the occurrence of fire, explosion, natural disaster, or other catastrophic event.

§ 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 Virginia Lottery, the Virginia Racing Commission, the Department of Agriculture and Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice Services.

2. Records of active investigations being conducted by the Department of Health Professions or by any health regulatory board in the Commonwealth.

3. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation of individual employment discrimination complaints made to the Department of Human Resource Management, to such personnel of any local public body, including local school boards, as are responsible for conducting such investigations in confidence, or to any public institution of higher education. However, nothing in this section shall prohibit the disclosure of information taken from inactive



reports in a form that does not reveal the identity of charging parties, persons supplying the information, or other individuals involved in the investigation.

4. Records of active investigations being conducted by the Department of Medical Assistance Services pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

5. Investigative notes and other correspondence and information furnished in confidence with respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice under the Virginia Human Rights Act (§ 2.2-3900 et seq.) or under any local ordinance adopted in accordance with the authority specified in § 2.2-524, or adopted pursuant to § 15.2-965, or adopted prior to July 1, 1987, in accordance with applicable law, relating to local human rights or human relations commissions. However, nothing in this section shall prohibit the distribution of information taken from inactive reports in a form that does not reveal the identity of the parties involved or other persons supplying information.

6. Records of studies and investigations by the Virginia Lottery of (i) lottery agents, (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations that cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) the use of the lottery as a subterfuge for organized crime and illegal gambling where such official records have not been publicly released, published or copyrighted.

All studies and investigations referred to under clauses (iii), (iv), and (v) shall be open to inspection and copying upon completion of the study or investigation.

7. Investigative notes, correspondence and information furnished in confidence, and records otherwise exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the Auditor of Public Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General with respect to an investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to Chapter 3.2 (§ 2.2-307 et seq.); (v) internal auditors appointed by the head of a state agency or by any public institution of higher education; (vi) the committee or the auditor with respect to an investigation or audit conducted pursuant to § 15.2-825; or (vii) the auditors, appointed by the local governing body of any county, city, or town or a school board, who by charter, ordinance, or statute have responsibility for conducting an investigation of any officer, department, or program of such body. 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. Information furnished in confidence to the Department of Human Resource Management with respect to an investigation, consultation, or mediation under § 2.2-1202.1, and memoranda, correspondence and other records resulting from any such investigation, consultation or mediation. However, nothing in this section shall prohibit the distribution of information taken from inactive reports in a form that does not reveal the identity of the parties involved or other persons supplying information.

9. 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.

10. 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.

11. 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.

12. 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.

13. Records, notes and information provided in confidence and related to an investigation by the Attorney General under Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 or Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, or Article 1 (§ 58.1-1000) of Chapter 10 of Title 58.1. However, records related to an investigation that has been inactive for more than six months shall, upon request, be disclosed provided such disclosure is not otherwise prohibited by law and does not reveal the identity of charging parties, complainants, persons supplying information, witnesses, or other individuals involved in the investigation.

§ 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 promotion, 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 § 16.1-338 or 54.1-2969, the right of access may be asserted by the subject person.

For the purposes of this chapter, statistical summaries of incidents and statistical data concerning abuse of individuals receiving services compiled by the Commissioner of Behavioral Health and Developmental Services shall be open to inspection and copying as provided in § 2.2-3704. No such summaries or data shall include any information that identifies specific individuals receiving services.

2. Applications for admission to examinations or for licensure and scoring records maintained by the Department of Health Professions or any board in that department on individual licensees or applicants. However, such material may be made available during normal working hours for copying, at the requester's expense, by the individual who is the subject thereof, in the offices of the Department of Health Professions or in the offices of any health regulatory board, whichever may possess the material.

3. Reports, documentary evidence and other information as specified in §§ 51.5-122, 51.5-141, and 63.2-104.

4. Investigative notes; proprietary information not published, copyrighted or patented; information obtained from employee personnel records; personally identifiable information regarding residents, clients or other recipients of services; other correspondence and information furnished in confidence to the Department of Social Services in connection with an active investigation of an applicant or licensee pursuant to Chapters 17 (§ 63.2-1700 et seq.) and 18 (§ 63.2-1800 et seq.) of Title 63.2; and records and information furnished to the Office of the Attorney General in connection with an investigation or litigation pursuant to Article 19.1 (§ 8.01-216.1 et seq.) of Chapter 3 of Title 8.01 and Chapter 9 (§ 32.1-310 et seq.) of Title 32.1. However, nothing in this section shall prohibit disclosure of information from the records of completed investigations in a



form that does not reveal the identity of complainants, persons supplying information, or other individuals involved in the investigation.

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

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

7. Data formerly required to be submitted to the Commissioner of Health relating to the establishment of new or the expansion of existing clinical health services, acquisition of major medical equipment, or certain projects requiring capital expenditures pursuant to former § 32.1-102.3:4.

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

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

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

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

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



patented, if the disclosure of such information would be harmful to the competitive position of the applicant.

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

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

15. All data, records, and reports relating to the prescribing and dispensing of covered substances to recipients and any abstracts from such data, records, and reports that are in the possession of the Prescription Monitoring Program pursuant to Chapter 25.2 (§ 54.1-2519 et seq.) of Title 54.1 and any material relating to the operation or security of the Program.

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

17. Records of the State Health Commissioner relating to the health of any person or persons subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1; this provision shall not, however, be construed to prohibit the disclosure of statistical summaries, abstracts or other information in aggregate form.

18. Records containing the names and addresses or other contact information of persons receiving transportation services from a state or local public body or its designee under Title II of the Americans with Disabilities Act, (42 U.S.C. § 12131 et seq.) or funded by Temporary Assistance for Needy Families (TANF) created under § 63.2-600. 21

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

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

1. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1.



2. Financial statements not publicly available filed with applications for industrial development financings in accordance with Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2.
3. Confidential proprietary records, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade and tourism development or retention; and memoranda, working papers or other records related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where, if such records are made public, the financial interest of the public body would be adversely affected.
4. Information that was filed as confidential under the Toxic Substances Information Act (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.
5. Fisheries data that would permit identification of any person or vessel, except when required by court order as specified in § 28.2-204.
6. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration.
7. Confidential proprietary records related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Mines, Minerals and Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.
8. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.
9. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and cost projections provided by a private transportation business to the Virginia Department of Transportation and the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed to obtain grants or other financial assistance under the Transportation Equity Act for the 21st Century (P.L. 105-178) for transportation projects, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad



Administration. However, the exemption provided by this subdivision shall not apply to any wholly owned subsidiary of a public body.

10. Confidential information designated as provided in subsection F of § 2.2-4342 as trade secrets or proprietary information by any person who has submitted to a public body an application for prequalification to bid on public construction projects in accordance with subsection B of § 2.2-4317.

11. a. Memoranda, staff evaluations, or other records prepared by the responsible public entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under the Public-Private Transportation Act of 1995 (§ 56-556 et seq.) or the Public Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.), where (i) if such records were made public prior to or after the execution of an interim or a comprehensive agreement, § 56-573.1:1 or 56-575.17 notwithstanding, the financial interest or bargaining position of the public entity would be adversely affected, and (ii) the basis for the determination required in clause (i) is documented in writing by the responsible public entity; and

b. Records provided by a private entity to a responsible public entity, affected jurisdiction, or affected local jurisdiction pursuant to the provisions of the Public-Private Transportation Act of 1995 or the Public-Private Education Facilities and Infrastructure Act of 2002, to the extent that such records contain (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (ii) financial records of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity, where, if the records were made public prior to the execution of an interim agreement or a comprehensive agreement, the financial interest or bargaining position of the public or private entity would be adversely affected. In order for the records specified in clauses (i), (ii), and (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the responsible public entity:

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



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

Except as specifically provided in subdivision 11 a, nothing in this subdivision shall be construed to authorize the withholding of (a) procurement records as required by § 56-573.1:1 or 56-575.17; (b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by the responsible public entity and the private entity; (c) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or (d) information concerning the performance of any private entity developing or operating a qualifying transportation facility or a qualifying project.

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

12. Confidential proprietary information or trade secrets, not publicly available, provided by a private person or entity to the Virginia Resources Authority or to a fund administered in connection with financial assistance rendered or to be rendered by the Virginia Resources Authority where, if such information were made public, the financial interest of the private person or entity would be adversely affected, and, after June 30, 1997, where such information was provided pursuant to a promise of confidentiality.

13. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), or confidential proprietary records that are not generally available to the public through regulatory disclosure or otherwise, provided by a (a) bidder or applicant for a franchise or (b) franchisee under Chapter 21 (§ 15.2-2100 et seq.) of Title 15.2 to the applicable franchising authority pursuant to a promise of confidentiality from the franchising authority, to the extent the records relate to the bidder's, applicant's, or franchisee's



financial capacity or provision of new services, adoption of new technologies or implementation of improvements, where such new services, technologies or improvements have not been implemented by the franchisee on a nonexperimental scale in the franchise area, and where, if such records were made public, the competitive advantage or financial interests of the franchisee would be adversely affected.

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

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

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

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

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

17. Records submitted as a grant or loan application, or accompanying a grant or loan application, to the Innovation and Entrepreneurship Investment Authority pursuant to Article 3 (§ 2.2-2233.1 et seq.) of Chapter 22 of Title 2.2 or to the Commonwealth Health Research Board pursuant to Chapter 22 (§ 23-277 et seq.) of Title 23 to the extent such records contain proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, if the disclosure of such information would be harmful to the competitive position of the applicant.



18. Confidential proprietary records and trade secrets developed and held by a local public body (i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing cable television services pursuant to Article 1.1 (§ 15.2-2108.2 et seq.) of Chapter 21 of Title 15.2, to the extent that disclosure of such records would be harmful to the competitive position of the locality. In order for confidential proprietary information or trade secrets to be excluded from the provisions of this chapter, the locality in writing shall (a) invoke the protections of this subdivision, (b) identify with specificity the records or portions thereof for which protection is sought, and (c) 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 Small Business and Supplier Diversity as part of an application for (i) certification as a small, women-owned, or minority-owned business in accordance with Chapter 16.1 (§ 2.2-1603 et seq.) or (ii) a claim made by a disadvantaged business or an economically disadvantaged individual against the Capital Access Fund for Disadvantaged Businesses created pursuant to § 2.2-2311. In order for such trade secrets or financial records to be excluded from the provisions of this chapter, the business shall (a) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (b) identify the data or other materials for which protection is sought, and (c) state the reasons why protection is necessary.

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

22. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), including, but not limited to, financial records, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the State Inspector General for the purpose of an audit, special investigation, or any study requested by the Office of the State Inspector General in accordance with law.



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

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

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

23. Records submitted as a grant application, or accompanying a grant application, to the Virginia Tobacco Indemnification and Community Revitalization Commission to the extent such records contain (i) trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), (ii) financial records of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (iii) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, if the disclosure of such information would be harmful to the competitive position of the applicant; and memoranda, staff evaluations, or other records prepared by the Commission or its staff exclusively for the evaluation of grant applications. The exclusion provided by this subdivision shall apply to grants that are consistent with the powers of and in furtherance of the performance of the duties of the Commission pursuant to § 3.2-3103.

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

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



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

24. a. Records of the Commercial Space Flight Authority relating to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority if public disclosure would adversely affect the financial interest or bargaining position of the Authority or a private entity providing records to the Authority; or

b. Records provided by a private entity to the Commercial Space Flight Authority, to the extent that such records contain (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (ii) financial records of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity, where, if the records were made public, the financial interest or bargaining position of the Authority or private entity would be adversely affected.

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

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

The Authority shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial records of the private entity. To protect other records submitted by the private entity from disclosure, the Authority shall determine whether public disclosure would adversely affect the financial interest or bargaining position of the Authority or private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

25. Documents and other information of a proprietary nature furnished by an agricultural landowner or operator to the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Agriculture and Consumer Services or any political subdivision, agency, or board of the Commonwealth pursuant to §§ 10.1-104.7,



10.1-104.8, and 10.1-104.9, other than when required as part of a state or federal regulatory enforcement action.

26. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided to the Department of Environmental Quality pursuant to the provisions of § 10.1-1458. In order for such trade secrets to be excluded from the provisions of this chapter, the submitting party shall (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary.

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

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

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.

§ 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:

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

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

"Working papers" means those records prepared by or for an above-named public official for his personal or deliberative use.

3. Library records that can be used to identify both (i) any library patron who has borrowed material from a library and (ii) the material such patron borrowed.
4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.
5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.
6. Records and writings furnished by a member of the General Assembly to a meeting of a standing committee, special committee or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.
7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money paid for such utility service.
8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii)



concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.

9. Records regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of them would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions and provisions of the siting agreement.

10. Records containing information on the site specific location of rare, threatened, endangered or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exemption shall not apply to requests from the owner of the land upon which the resource is located.

11. Records, memoranda, working papers, graphics, video or audio tapes, production models, data and information of a proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such 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 Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations; and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed.

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. 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. Any parent or emancipated person who is the subject of the record 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.

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

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

25. Records of the Virginia Retirement System acting pursuant to § 51.1-124.30, of a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or of the Virginia College Savings Plan, acting pursuant to § 23-38.77 relating to:

a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, to the extent that disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan; and

b. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided by a private entity to the retirement system or the Virginia College Savings Plan, to the extent disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

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



(1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

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

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

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

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

28. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the record.

29. Records maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 to the extent that such records reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the record. Nothing in this subdivision, however, shall be construed to authorize the withholding of records relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

30. Names, physical addresses, telephone numbers, and email addresses contained in correspondence between an individual and a member of the governing body, school board, or other public body of the locality in which the individual is a resident, unless the



correspondence relates to the transaction of public business. However, no record that is otherwise open to inspection under this chapter shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any such correspondence.

31. Records of the Commonwealth's Attorneys' Services Council, to the extent such records are prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such records are not otherwise available to the public and the release of such records would reveal confidential strategies, methods or procedures to be employed in law-enforcement activities, or materials created for the investigation and prosecution of a criminal case.

32. Records provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft, where the records would not be subject to disclosure by the entity providing the records. The entity providing the records to the Department of Aviation shall identify the specific portion of the records to be protected and the applicable provision of this chapter that exempts the record or portions thereof from mandatory disclosure.

33. Records created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

§ 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. All public bodies engaged in criminal law-enforcement activities shall provide requested records in accordance with this chapter as follows:

1. Records required to be released:

a. Criminal incident information relating to felony offenses, which shall include:

(1) A general description of the criminal activity reported;

(2) The date the alleged crime was committed;

(3) The general location where the alleged crime was committed;

(4) The identity of the investigating officer or other point of contact; and

(5) A general description of any injuries suffered or property damaged or stolen.

A verbal response as agreed to by the requester and the public body is sufficient to satisfy the requirements of subdivision a.

Where the release of criminal incident information, however, is likely to jeopardize an ongoing investigation or prosecution or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until the above-referenced damage is no longer likely to occur from release of the information. Nothing in subdivision a shall be construed to authorize the withholding of those portions of such information that are not likely to cause the above-referenced damage;

b. Adult arrestee photographs taken during the initial intake following the arrest and as part of the routine booking procedure, except when necessary to avoid jeopardizing an investigation in felony cases until such time as the release of the photograph will no longer jeopardize the investigation; and

c. Information relative to the identity of any individual, other than a juvenile, who is arrested and charged, and the status of the charge or arrest;

2. Discretionary releases. 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:



- a. Criminal investigative files, defined as any documents and information, including complaints, court orders, memoranda, notes, diagrams, maps, photographs, correspondence, reports, witness statements, and evidence relating to a criminal investigation or prosecution, other than criminal incident information subject to release in accordance with subdivision 1 a;
- b. Reports submitted in confidence to (i) state and local law-enforcement agencies, (ii) investigators authorized pursuant to Chapter 3.2 (§ 2.2-307 et seq.), and (iii) campus police departments of public institutions of higher education established pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23;
- c. 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;
- d. All records of persons imprisoned in penal institutions in the Commonwealth provided such records relate to the imprisonment;
- e. 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;
- f. 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;
- g. 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;
- h. 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;
- i. 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;

j. The identity of any victim, witness, or undercover officer, or investigative techniques or procedures. However, the identity of any victim or witness shall be withheld if disclosure is prohibited or restricted under § 19.2-11.2; and

k. Records of the Sex Offender and Crimes Against Minors Registry maintained by the Department of State Police pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, including information obtained from state, local, and regional officials, except to the extent that information is required to be posted on the Internet pursuant to § 9.1-913; and

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

B. Noncriminal records. Records (i) required to be maintained by law-enforcement agencies pursuant to § 15.2-1722 or (ii) maintained by other public bodies engaged in criminal law-enforcement activities shall be subject to the provisions of this chapter except that those portions of noncriminal incident or other noncriminal 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. Access to personnel records of persons employed by a law-enforcement agency shall be governed by the provisions of subdivision A 2 i of this section and subdivision 1 of § 2.2-3705.1, as applicable.

C. Records of any call for service or other communication to an emergency 911 system or communicated with any other equivalent reporting system shall be subject to the provisions of this chapter.

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

§ 2.2-3707. 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; exceptions; 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 G or H of this section or 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.

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

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

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

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



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

1. The total number of electronic communication meetings held that year;
2. The dates and purposes of the meetings;
3. A copy of the agenda for the meeting;
4. The number of sites for each meeting;
5. The types of electronic communication means by which the meetings were held;
6. The number of participants, including members of the public, at each meeting location;
7. The identity of the members of the public body recorded as absent and those recorded as present at each meeting location;
8. A summary of any public comment received about the electronic communication meetings; and
9. A written summary of the public body's experience using electronic communication meetings, including its logistical and technical experience.

In addition, any authorized public body shall make available to the public at any meeting conducted in accordance with this section a public comment form prepared by the Virginia Freedom of Information Advisory Council in accordance with § 30-179.

G. Any public body may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, provided (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to address the emergency. The public body convening a meeting in accordance with this 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 public body conducting the meeting; (b) make arrangements for public access to such meeting; and (c) otherwise comply with the provisions of this section. The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes.

H. [Expired].



§ 2.2-3708.1. Participation in meetings in event of emergency or personal matter; 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 or before 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 or personal matter and identifies with specificity the nature of the emergency or personal matter, and the public body holding the meeting records in its minutes the specific nature of the emergency or personal matter and the remote location from which the member participated. If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection B, such disapproval shall be recorded in the minutes with specificity.

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 records in its minutes the remote location from which the member participated. If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection B, such disapproval shall be recorded in the minutes with specificity.

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

1. The public body has adopted a written policy allowing for and governing participation of its members by electronic communication means, including an approval process for such participation, subject to the express limitations imposed by this section. Once adopted, the policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting;



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

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

§ 2.2-3709.

Expired.

§ 2.2-3710. Transaction of public business other than by votes at meetings prohibited. 42

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. 43

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, the Jamestown-Yorktown Foundation, and The Science Museum of Virginia, discussion or consideration of matters relating to specific gifts, bequests, and grants.

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

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

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

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

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

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



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

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

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

19. Discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such activity or a related threat to public safety; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23-38.80, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or by the Virginia College Savings Plan or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.



21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review team established pursuant to § 32.1-283.1, and those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, and those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3.

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

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

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

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information



about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23 is discussed.

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

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

28. Discussion or consideration of records excluded from this chapter pursuant to subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected local jurisdiction, as those terms are defined in § 56-557, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

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

30. Discussion or consideration of grant or loan application records excluded from this chapter pursuant to subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of records excluded from this chapter pursuant to subdivision 9 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. [Expired.]

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



34. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 19 of § 2.2-3705.6.

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

36. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of records excluded from this chapter pursuant to subdivision A 2 a of § 2.2-3706.

37. Discussion or consideration by the Brown v. Board of Education Scholarship Program Awards Committee of records or confidential matters excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

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

39. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23-38.80, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23-38.79:1 of records excluded from this chapter pursuant to subdivision 25 of § 2.2-3705.7.

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

41. Discussion or consideration by the Board of Education of records relating to the denial, suspension, or revocation of teacher licenses excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.3.

42. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during



which there is discussion of records excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.2.

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

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

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

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

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

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

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

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



A. No closed meeting shall be held unless the public body proposing to convene such meeting has taken an affirmative recorded vote in an open meeting approving a motion that (i) identifies the subject matter, (ii) states the purpose of the meeting and (iii) makes specific reference to the applicable exemption from open meeting requirements provided in § 2.2-3707 or subsection A of § 2.2-3711. The matters contained in such motion shall be set forth in detail in the minutes of the open meeting. A general reference to the provisions of this chapter, the authorized exemptions from open meeting requirements, or the subject matter of the closed meeting shall not be sufficient to satisfy the requirements for holding a closed meeting.

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

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

D. At the conclusion of any closed meeting, the public body holding such meeting shall immediately reconvene in an open meeting and shall take a roll call or other recorded vote to be included in the minutes of that body, certifying that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Any member of the public body who believes that there was a departure from the requirements of clauses (i) and (ii), shall so state prior to the vote, indicating the substance of the 49

departure that, in his judgment, has taken place. The statement shall be recorded in the minutes of the public body.

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



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

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

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

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

§ 2.2-3713. Proceedings for enforcement of chapter.

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

1. In a case involving a local public body, to the general district court or circuit court of the county or city from which the public body has been elected or appointed to serve and in which such rights and privileges were so denied;
2. In a case involving a regional public body, to the general district or circuit court of the county or city where the principal business office of such body is located; and 50
3. In a case involving a board, bureau, commission, authority, district, institution, or agency of the state government, including a public institution of higher education, or a standing or other committee of the General Assembly, to the general district court or the circuit court of the residence of the aggrieved party or of the City of Richmond.



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

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

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

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

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

§ 2.2-3714. Violations and penalties.

In a proceeding commenced against any officer, employee, or member of a public body under § 2.2-3713 for a violation of § 2.2-3704, 2.2-3705.1 through 2.2-3705.8, 2.2-3706, 2.2-3707, 2.2-3708, 2.2-3708.1, 2.2-3710, 2.2-3711 or 2.2-3712, the court, if it finds that a violation was willfully and knowingly made, shall impose upon such officer, employee, or member in his individual capacity, whether a writ of mandamus or injunctive relief is



awarded or not, a civil penalty of not less than \$500 nor more than \$2,000, which amount shall be paid into the State 51

Literary Fund. For a second or subsequent violation, such civil penalty shall be not less than \$2,000 nor more than \$5,000.



VAPDC

ABOUT THE VIRGINIA ASSOCIATION OF PLANNING DISTRICT COMMISSIONS (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).

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.

The 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.



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PDC DIRECTORY

[Accomack-Northampton Planning District Commission](#)

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Representing:

- Counties of: Accomack, Northampton
- Town of: Chicoteague

[Central Shenandoah Planning District Commission](#)

Executive Director: Bonnie Riedesel
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Representing:

- Counties of: Augusta, Bath, Highland, Rockbridge, Rockingham
- Cities of: Buena Vista, Lexington, Harrisonburg, Staunton, Waynesboro
- Towns of: Broadway, Bridgewater, Craigsville, Dayton, Elkton, Glasgow, Goshen, Grottoes, Monterey, Mt. Crawford, Timberville

[Central Virginia Planning District Commission](#)

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Representing:

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- Cities of: Bedford, Lynchburg
- Towns of: Altavista, Amherst, Appomattox, Brookneal

[Commonwealth Regional Council](#)

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Representing:

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[Crater Planning District Commission](#)

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Representing:

- Counties of: Charles City, Chesterfield, Dinwiddie, Greensville, Prince George, Surry, Sussex
- Cities of: Colonial Heights, Petersburg, Hopewell, Emporia

[Cumberland Plateau Planning District Commission](#)

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Representing:

- Counties of: Buchanan, Dickenson, Russell, Tazewell



[George Washington Regional Commission](#)

Executive Director: Linda Struyk Millsaps
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Representing:

- Counties of: Caroline, King George, Spotsylvania, Stafford
- City of: Fredericksburg

[Hampton Roads Planning District Commission](#)

Executive Director: Robert A. Crum, Jr.
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Representing:

- Counties of: Gloucester, Isle of Wight, James City, Southampton, Surry, York
- Cities of: Chesapeake, Franklin, Hampton, Poquoson, Williamsburg, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach

[Lenowisco Planning District Commission](#)

Executive Director: Duane A. Miller
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Representing:

- Counties of: Lee, Scott, Wise
- Towns of: Jonesville, Pennington Gap, St. Charles, Clinchport, Duffield, Dungannon, Gate City, Weber City, Nickelsville, Appalachia, Big Stone Gap, Coeburn, Pound, St. Paul, Wise
- City of: Norton

[Middle Peninsula Planning District Commission](#)

Executive Director: Lewis Lawrence
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Representing:

- Counties of: Essex, Gloucester, King and Queen, King William, Mathews, Middlesex
- Towns of: Tappahannock, Urbanna, West Point

[Mount Rogers Planning District Commission](#)

Executive Director: Aaron Sizemore
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Representing:

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- Cities of: Bristol, Galax

[New River Valley Regional Commission](#)

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Representing:

- Counties of: Floyd, Giles, Montgomery, Pulaski
- City of: Radford
- Towns of: Blacksburg, Christiansburg, Floyd, Narrows, Pearisburg, Pulaski, Rich Creek
- Universities: Virginia Tech and Radford University



[Northern Neck Planning District Commission](#)

Executive Director: Jerry W. Davis, AICP
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Representing:

- Counties of: Lancaster, Northumberland, Richmond, Westmoreland

[Northern Shenandoah Valley Regional Commission](#)

Executive Director: Brandon Davis
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Representing:

- Counties of: Clarke, Frederick, Page, Shenandoah, Warren
- City of: Winchester
- Towns of: Front Royal, Luray, Middletown, Stephens City, Strasburg

[Northern Virginia Regional Commission](#)

Executive Director: Robert Lazaro
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Representing:

- Counties of: Arlington, Fairfax, Loudoun, Prince William
- Cities of: Alexandria, Fairfax, Falls Church, Manassas, Manassas Park
- Towns of: Dumfries, Herndon, Leesburg, Purcellville, Vienna

[PlanRVA](#)

Executive Director: Martha Heeter
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Representing:

- Counties of: Charles City, Chesterfield, Goochland, Hanover, Henrico, New Kent, Powhatan
- City of: Richmond
- Town of: Ashland

[Rappahannock-Rapidan Regional Commission](#)

Executive Director: Patrick L. Mauney
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Representing:

- Counties of: Culpeper, Fauquier, Madison, Orange, Rappahannock
- Towns of: Culpeper, Gordonsville, Madison, Orange, Remington, Warrenton, Washington

[Roanoke Valley-Alleghany Regional Commission](#)

Executive Director: Wayne G. Strickland
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Representing:

- Counties of: Alleghany, Botetourt, Craig, Franklin, Roanoke
- Cities of: Covington, Roanoke, Salem
- Towns of: Clifton Forge, Rocky Mount, Vinton



Southside Planning District Commission

Executive Director: Deborah Gosney
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Representing:

- Counties of: Mecklenburg, Halifax, Brunswick
- Towns of: South Hill, South Boston

West Piedmont Planning District Commission

Executive Director: Dave Hoback
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Representing:

- Counties of: Franklin, Henry, Patrick, Pittsylvania
- Cities of: Danville, Martinsville
- Town of: Rocky Mount

Thomas Jefferson Planning District Commission

Executive Director: Chip Boyles
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Representing:

- Counties of: Albermarle, Fluvanna, Greene, Louisa, Nelson
- City of: Charlottesville

Note: The PlanVRA and the Crater PDC share Chesterfield County and Charles City County. The Middle Peninsula PDC and the Hampton Roads PDC share Gloucester County. The Crater PDC and the Hampton Roads PDC share Surry County. The Roanoke Valley-Alleghany Regional Commission and the West Piedmont PDC share Franklin County. Rocky Mount is in both West Piedmont and Roanoke Valley.



GLOSSARY OF TERMS

MTSRU	United States Marine Transportation System Recovery Unit
MTSU	United States Marine Transportation System Unit
MIMS	National Incident Management System
NIPP	National Infrastructure Protection Plan
NOIRA	Notice of Intended Regulatory Action
NVRC	Northern Virginia Regional Commission
OCME	Office of the Chief Medical Examiner
OCP	Virginia Office of Commonwealth Preparedness
OEM	Office of Emergency Management
ORION	Overlay Regional InterOperability Network
PARS	Permit Administration and Reporting System
PDC	Planning District Commission
PEMS	Peninsulas Emergency Medical Services, Inc.
RASA	Regional Aquifer System Analysis
RCPG	Regional Catastrophic Program Grants
REMI	Regional Economic Models, Inc.
REMTAC	Regional Emergency Management Technical Advisory Committee
RLRP	Rural Long Range Transportation Plan
RSMC	Regional Stormwater Management Committee
TRRC	Rural Transportation Technical Committee
SARA	Superfund Amendments and Reauthorization Act
SCC	State Corporation Commission
SDWA	Safe Water Drinking Act
SOP	Standard Operating Procedure
SpN	Special Needs
SSO	Sanitary Sewer Overflow
SSORS	Sanitary Sewer Overflow Reporting System
Stormwater Phase I Permits	The Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth and Virginia Beach
Stormwater Phase II Permits	The Cities of Poquoson, Suffolk, Williamsburg and the Counties of Isle of Wight, James City and York
SWAP	Source Water Assessment Program
SWCB	State Water Control Board
TA	Technical Assistance
TAC	Technical Advisory Committee
TBD	To Be Determined
TEMS	Tidewater Emergency Medical Services, Inc.
TMDL	Total Maximum Daily Load
TNC	The Nature Conservancy
TPO	Transportation Planning Organization
UASI	Urban Areas Security Initiative
UAWG	Urban Area Working Group
UPWP	Unified Planning Work Program



USGS	United States Geological Survey
VACIPRSP	Virginia Critical Infrastructure Protection and resiliency Strategic Plan
VCZMP	Virginia Coastal Zone Management Program
VDEM	Virginia Department of Emergency Management
VDH	Virginia Department of Health
VDHCD	Virginia Department of Housing and Community Development
VDOA	Virginia Department of Aviation
VDOT	Virginia Department of Transportation
VFC	Virginia Fusion Center
VHDA	Virginia Housing Development Authority
VHHA	Virginia Hospital and Healthcare Association
VIMS	Virginia Institute of Marine Science
VMASC	Virginia Modeling, Analysis, and Simulation Center
VOAD	Volunteer Organizations Active in Disasters
VPA	Virginia Port Authority
VPDES	Virginia Pollutant Discharge Elimination System
VSMP	Virginia Stormwater Management Program
VSP	Virginia State Police
WebEOC	Web-Based Emergency Operations Center Software
WHRO	Public Telecommunications Center for Hampton Roads
WIP	Watershed Implementation Plan
WMD	Weapons of Mass Destruction

