VACo Supervisors’ Forum Presentations
Thursday, April 29, 2021
Working with Your School Board
930am

The Honorable Ruth Larson
James City County Supervisor

The Honorable Jim Kelly, PE
Williamsburg-James City County School Board Chair
Partnerships: The County Board of Supervisors and the Local School Board

Ruth Larson, BOS, Berkeley District & Jim Kelly, Chair, WJCC School Board, Jamestown District
City of Williamsburg &
James City County

A joint school system - WJCCPS
WJCC Demographics

- Approx. 75k county residents
- Approx. 12k city residents
- Approx. 11,700 prek-12 school students
- 9 elementary schools
- 4 middle schools
- 3 high schools
- All 16 schools fully accredited - 13 years in a row
- Typically add about 100 students per year
WJCC Demographics

- 36% economically disadvantaged
- 750 ELL (8%), growing population
- 1740 (15%) special education
- Approx. 300 homeless students
- The City provides 22% of school budget
- The County provides 52% of school budget
- Williamsburg 2020-2022 LCI .7459
- James City 2020-2022 LCI .5553
WJCC Demographics

- 911 teachers
- 1764 total school employees
- $54,435 average teacher salary
- $43,000 starting teacher salary with Bachelor
- $137,808,944 FY19 Budget
- $12,483 FY19 Per Pupil Expenditure
- $55,974,166 Five-Year CIP (FY19-23)
Partnerships Required

- City and County fund the school division with the County paying the higher share
- The School Division negotiates and works with two funding partners
- Agreement with the School Division, an agreement that is worked out between the funding bodies.
What Can Go Wrong

- Finger Pointing
- City and County
- The School Division and funding partners
- Personalities on boards and with staff
- Election/Appointment turnover
- Staff and Administration turnover - City, County, Schools
- Redistricting decision made by BOS, impact on SB
Building Partnerships

- Agree to work together
- Agree to communicate openly and transparently
- Create and maintain a Liaison Committee
- CIP planning process - no surprises
- Joint Operating and CIP planning meetings
- Share communication - trigger point for capital projects
- Joint legislative advocacy
Active Engagement

- School Board Members meet with Supervisors Counterparts
- Regular visits to schools
- Regular attendance at school events
- Regular communication among staff, CFOs, Mayor, County Administrator, Superintendent
The Positives of Partnerships

- No finger pointing
- No negative newspaper stories
- We are in this together
- No surprises
- Respect and recognition of competing funding needs
- Delicate balance
Pitfalls to Partnerships

- Stay in your lane, City, County, Schools
- Autonomy
Impact of Partnerships

- Positives outweigh the pitfalls
- Schools are the heart of strong communities
- Schools are an economic driver
It’s all about the kids and our communities
Working Together is Just Better
Contact Info

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Role of Constitutional Officers

1030am

Alan D. Albert
Partner at O’Hagan Meyer
Legislative Counsel at Virginia Association of Local Elected Constitutional Officers

Robyn de Socio
Executive Secretary
Virginia Compensation Board
CONSTITUTIONAL OFFICERS
AND
THE COMPENSATION BOARD

Robyn de Socio, Executive Secretary
Compensation Board
April 29, 2021
CONSTITUTIONAL OFFICERS

Constitution of Virginia, 1901 revisions, sets out 5 locally-elected officers, commonly referred to as “Constitutional Officers”:

- **Sheriff:**
  - Law Enforcement
  - Jail Operations
  - Courtroom security
  - Service of civil process

- **Commonwealth’s Attorney:**
  - Prosecuting violations of state law and local ordinances
  - Providing legal advice to local governments and state agencies

- **Circuit Court Clerks:**
  - Administration of civil and criminal cases in Circuit courts
  - Maintenance of local land and property records
  - Administration of wills and estates
  - Maintenance of certain state and local business records and licenses
CONSTITUTIONAL OFFICERS

- Commissioners of the Revenue and Treasurers:
  - Taxes: local real estate and personal property taxes; state income taxes
  - Revenue: Local revenue collections, custody, accounting and disbursements;

- Related offices include appointed officers:
  - Regional Jails
  - Directors of Finance
  - Regional Drug Prosecutors;

- Commonwealth of Virginia considers these officers and their employees to all be “State-Supported Local Employees” – NOT state employees.
COMPENSATION BOARD

- 3 Board Members
  - Chairman, appointed Agency Head by the Governor
  - Tax Commissioner, ex-officio member, appointed by the Governor
  - Auditor of Public Accounts, ex-officio member, appointed by the General Assembly
  - Policy-making board meeting once a month (4th Thursday); establishes policies for operations to supplement statutory responsibilities and budget language directives
  - Staff, comprised of Executive Secretary (staff director) and presently 16 staff members, responsible for handling day-to-day operations and administering statutory duties and the policies of the Board
COMPENSATION BOARD

- Mission: to “fix and determine what constitutes a fair and reasonable budget for the participation of the Commonwealth toward the total cost of the office” for each constitutional officer.

- Replaced Fee Commission in 1934, responsible for setting fees for services of constitutional officers to fund office support. Between 1942 and 1992, fees became deposits to the Commonwealth General Fund, replaced with a state appropriation for funding support.

- Primary Duty: Oversee process by which counties and cities are reimbursed by the Commonwealth for the state’s share of support for Constitutional Officers.
  - Fair and Reasonable (treat everyone the same, use objective criteria to allocate available funding)
  - State’s share (Funding is limited by General Assembly; not intended to cover all expenses)
BUDGET PROCESS & REIMBURSEMENT PROCESS

- General Assembly appropriates $735M (growing to $746M) and 17,000 positions for the Compensation Board to establish annual operating budgets for 650+ Constitutional Officers, regional jails and finance directors.

- Local governments also obligated by law to provide a budget and appropriate funds for constitutional offices (officers cannot expend funds without a local appropriation, even if those funds are accrued through fees, or are reimbursable by the Compensation Board).

- Local budget must include AT A MINIMUM the positions, salaries, and total amounts approved by the Compensation Board.

- Salaries and expenses are paid by the locality, Constitutional Officer requests reimbursement, Compensation Board processes reimbursement back to the locality on a monthly basis, based upon the state’s share of the amounts budgeted.
Positions and Specific Salaries
- Presently represents almost 99% of funds allocated
- Career development programs provide additional salary incentives
- Salary increases for new sheriffs’ deputies at one year
- Elected officer salaries set by the legislature
- Only Constitutional Officers have authority over hiring, firing or otherwise managing their employees
- Compensation Board maintains guidelines for salary actions impacting Compensation Board funded salary levels
- Significant funding increases/restorations for salaries/positions for FY22
COMPENSATION BOARD BUDGET

- Temporary/Hourly-Wage salaries (minimal funding allocated)
- Office Expenses (minimal funding allocated)
- Equipment (available through accrued savings in other areas – e.g. position vacancy)
- Additional allowances upon request for expenses incurred for:
  - Physicals for new deputies
  - Guard duty for a jail inmate while getting treatment at a hospital
  - Attendance at annual association meetings or Compensation Board sponsored training
  - Legal defense where not covered by insurance
  - Acting as a substitute prosecutor in another locality
LOCALITY RESPONSIBILITIES

- Social Security Insurance (reimbursable)
- Retirement Program premiums (partially reimbursable)
- Group Life Insurance Program premiums (partially reimbursable)
- Retiree Health Care Credit premiums (partially paid by Locality)
- Liability Insurance and Fidelity/Surety Bond premiums (paid by Locality)
- Health Insurance (not reimbursable)
- Leave Benefits, including payoff of accrued balances upon separation of employment by agreement (not reimbursable)
LOCALITY RESPONSIBILITIES

- Many Localities also fund:
  - Salary supplements at varying levels, often to align salaries with local pay plans
  - Additional locally funded positions in constitutional offices
  - Office expense and office equipment funding
**Budget Cycle**

- September/October - State agency budget requests due
- December - Governor’s budget proposals introduced to the legislature
- February 1 - Constitutional Officers required to submit budget request to the Compensation Board
- Early March - General Assembly adjourns, Compensation Board provides summary of budget actions and provides Budget Estimates within two weeks of adjournment
- April - Compensation Board conducts public Budget Hearing prior to setting budgets
- Approved Budgets to Constitutional Officers and Governing Bodies on May 1 (must be AFTER Reconvened [Veto] Session, typically 6th Wednesday post-adjournment)
BUDGET APPEALS

- Constitutional Officers have the right to APPEAL budget decisions of the Compensation Board (within 45 days – by June 15)

- Budget Appeals include an appeal against the Locality and the budget it has also set for the Constitutional Officer

- The purpose of the right to appeal is to prevent arbitrary or capricious actions on the part of the Compensation Board or the local government against a constitutional officer as an elected official.
COMPENSATION BOARD FUNCTIONS

- Quarterly Jail Inmate Per Diem Payments to Localities
  - $59 million ($56 million in FY22)
  - $4 per day for Local Responsible Inmates
  - $12 per day for State Responsible Inmates

- Revenue Refunds to Localities (Clerks’ Fees)
- Jail Audit Function
- Jail Cost Report
- Fines & Fees Report
- Mental Illness in Jails Report
- Technology Trust Fund Administration
- IT Functions (two major systems plus web-based systems)
- Training Programs for Constitutional Officers
THANK YOU

Questions?

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DINOSAURS?!
OR PARTNERS IN GOVERNANCE?
DINOSAURS?
OR PARTNERS IN GOVERNANCE?

WORKING WITH CONSTITUTIONAL
OFFICERS IN THE SHARED SANDBOX
OF LOCAL GOVERNMENT

Alan D. Albert
O’Hagan Meyer PLLC

VACo Supervisors’ Forum • April 29, 2021
WE HAVE MET THE ENEMY AND HE IS US.
SHARING SOMETIMES IS HARD – BUT IT COULD BE WORSE!

- Constitution of 1870 gave us four of our present five officers, more or less in present form – but there were dozens more independent elected officials!

- Elected at county level:
  - Sheriff
  - Commonwealth’s Attorney
  - Clerk of Circuit Court (and County in most instances)
  - Treasurer
  - Superintendent of the Poor

- Three-year terms except Clerk, who got four
IN ADDITION TO COUNTY-WIDE OFFICERS

- Counties divided into “townships,” which EACH elected:
  - A supervisor
  - Township clerk
  - Assessor
  - Collector
  - Commissioner of Roads
  - Overseer of the Poor
  - Justice of the Peace
  - Constable

- Each of the township “supervisors,” when they met together, formed the “Board of Supervisors” for the county (thus your name!).
BUT WAIT! THERE ARE MORE!

- Each *township* was divided into one or more school districts
  - School Trustee who supervised schools could be elected *or* appointed
- Minimum size for school district = 100 *inhabitants* (not school-age students – total inhabitants)
AND EVEN MORE!
(FOR ROADS, OF COURSE!)

- In addition to the township officers, each county was divided into multiple “road districts,” separate and distinct from the townships.

- Each road district had an elected Overseer of Roads.

- And, just for good measure, the Constitution of 1870 made clear that the General Assembly could create whatever other local officers it saw fit.
BY 1902, THIS LOVE FOR ELECTIONS HAD DIED DOWN A BIT

- *Constitution of 1902* gave us our present five constitutional officers in counties, close to present form
  - Sheriff
  - Commonwealth’s Attorney
  - Clerk of Circuit Court (and County in most instances)
  - Treasurer
  - Commissioner of the Revenue (elected or appointed)

- In addition, each county and city had an elected
  - Superintendent of the Poor
  - County Surveyor
YOUR JOBS ARE BEGINNING TO LOOK MORE FAMILIAR BY 1902

- The former “townships” are now known as “magisterial districts” (from Latin, *magister* = teacher, or (medieval usage) person in authority)

- No more magisterial districts can be created – we are *done* with proliferating townships!

- Minimum size is 30 square miles

- Each magisterial district elects a supervisor

- When all of the supervisors of the county are assembled, they form the Board of Supervisors
YOUR JOBS ARE BEGINNING TO LOOK MORE FAMILIAR BY 1902

- Job description of the Supervisors:
  
  - “The supervisors of the districts shall constitute the board of supervisors of the county, which shall meet at stated periods and at other times as often as may be necessary, lay the county and district levies, pass upon all claims against the county, subject to such appeal as, may be provided by law, and perform such duties as may be required by law.” (Section 111)

- And there are some things that even supervisors aren’t responsible for!
  
  - “Counties shall not be made responsible for the acts of the sheriffs.” (Section 114)
GREAT THINGS ABOUT CONSTITUTIONAL OFFICERS
GREAT THINGS ABOUT CONSTITUTIONAL OFFICERS

- They run for, and want to do, messy jobs you don’t have to do:
  - Collect taxes (ugh!)
  - Assess property & business income
  - Have people shoot at them
  - Throw folks in jail
  - Decide who gets prosecuted
  - Ask juries to put folks in jail
  - Maintain court records, land records, marriage licenses, hundreds of other records – and keep judges happy!
GREAT THINGS ABOUT CONSTITUTIONAL OFFICERS, continued

- They represent the whole county – so have a lot of folks voting for them
  - Extreme example: Fairfax County, 2019 sheriff’s race:
    - 285,290 votes
    - Incumbent sheriff got 223,285 of those votes
    - To put this in perspective – this is as much or more than typical winning congressional district vote

- For most of you, your constitutional officer will have been elected by somewhere between five and ten times as many voters as you have
GREAT THINGS ABOUT CONSTITUTIONAL OFFICERS, continued

- They often have been around a long time
  - Gene Harding (Charlottesville) – became a Deputy City Sergeant (now called Deputy Sheriff) in 1946, City Sergeant (Sheriff) in 1948, Treasurer in 1956 – 46 years as elected constitutional officer
  - Obviously, something in the Charlottesville water – the Commissioner of the Revenue Ora Maupin, served a mere 45 years in that office

- Longevity is good, not in and of itself, but for the experience it brings

- As the Farmer’s Insurance Guy says, they know a thing or two, because they’ve seen a thing or two
WHY IS WORKING TOGETHER SO IMPORTANT?
WHY IS WORKING TOGETHER SO IMPORTANT?

- The responsibilities of these offices are core government functions – public safety, law enforcement, raising of the revenues, maintenance of the judicial system.

- The time ended, years ago, when state funding was sufficient to run these offices properly.

- The sad truth is that the Commonwealth has not even made the statutorily-required contributions for two decades.

- The shortfall is now nearly $50 million a year – money you should be receiving, and you aren’t.
PARTNERSHIP BEGINS WITH UNDERSTANDING

- Reach out to your officers
  - Schedule a visit, take a tour
  - Ask what the greatest challenges are
  - Take your constituent concerns to the officer herself
  - Get to know the work of the statewide associations – they are doing great work in training, standards, addressing real public policy issues.

- Get them on the Board agenda for reports and question time. It’s amazing what talking can do.

- Don’t undermine them. They are elected just like you. They have hard jobs, and they are full-timers, just like your other agency heads. They need your support if we, jointly, are going to serve the citizens well.
STATEWIDE ASSOCIATIONS CAN BE A GREAT RESOURCE
QUESTIONS – OR FRUSTRATIONS

Alan D. Albert
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Effective Board/Manager/Administrator Relations
1130am

The Honorable Brenda Ebron-Bonner
Dinwiddie County Chair

W. Kevin Massengill
Dinwiddie County Administrator
Effective Relationship Between the Board of Supervisors and Administrator

THE HONORABLE BRENDA EBRON-BONNER, CHAIR
W. KEVIN MASSENGILL, COUNTY ADMINISTRATOR
Rotating Chairmanship

Dinwiddie County Model: Rotating Chairmanship

- Five member Board of Supervisors
- Rotate Chair in Numerical Order of Districts
  - No “Politics” in Selection
  - Each Board Member Gets to Lead.
  - Helps with “Chair – Burnout”  
    (Reduces Stress)
  - Vice Chair has a Training Year
- Much Harder to Criticize Chairman's Job
- Solidarity
Building Strong Relationships

Understand Each Others Roles and Responsibilities!
Remember: The Goal is UNITY

If it is unclear where you’re going – you will get there each time!

You cannot achieve legitimate unity without a mutual understanding in a common belief of where each of you are headed together. You must believe in the same shared goal.

Understand each others roles and responsibilities!

The board chair and administrator must be headed in the same direction. However, respect the fact that only one of you can hold the reins at a time...
Mutually Understood Roles and Responsibilities

**New Chairman/Vice Chairman Orientation:**

- Held Before Each Organizational Meeting
- Topics:
  - Bylaws Expectations
  - Structure of Regular and Special Meetings of the Board
    - Involvement with Agenda Construction
    - Preferences
    - Flow of the Meetings
    - Citizen Comment Period/Responses
  - Resolutions/Proclamations
  - Provide List of Standing Meetings for the Calendar Year
    - Regional Meetings
    - Civic/Organizational Meetings
    - Economic Development – Prospect Visits
**Orientation, Continued**

**Relationship with County Administrator:**

- Roles and Responsibilities – Establish Clear Goals and Objectives
- Administrative Housekeeping
  - Record Keeping/Leave Requests
  - Performance Evaluations
- Expectation of Communication
  - Expectations
  - Frequency
  - Local News Alerts
- Staff Interactions/Assignment of Work
  - Who’s the Boss?
- Media Relationships
Orientation, Continued

Constitutional Officers Relationships

School Board Relationships

Legislative Affairs

Boards/Commissions/Authorities

Goals and Objectives for the upcoming year provided and discussed
Building Strong

The Importance and Value of Building Strong Relationships between the Chair and County Administrator...
C. A.V. E. People

Citizens

Against

Virtually

Everything
**Strong Relationships Matter**

- **Community Satisfaction!**
  - Unity is a key ingredient to good public relations
  - “It’s not about aptitude, it’s how you’re viewed!”
    - Public perceptions matter
    - Division = Dysfunctional Government (CAVE People) thrive on division

- **Workforce Satisfaction!**
  - County Workforce needs shared Leadership:
  - The level of influence that you have over someone else in your life.
    - Leverage your influence to make someone better
    - People are watching your actions and listening to what you say.

- **Overall Satisfaction!**
  - 2 is better than 1, because more gets done
  - Good government is fun when everyone is staying in their lane!
Our 6 Rules of Relationship...

**RULE 1 - Show up for each other!**

**Investment** – True relationships are not a cheap investment. It requires:
- Your **Time**;
- Your **Resources**; and
- Your **Complete Dedication**;

There is a big difference between true friendship and acquaintances.
Our 6 Rules of Relationship...

RULE 2 – Develop Trust

• How?
  • Be Reliable
    • Depend on one another
  • Be Loyal
    • Put the other persons needs and concerns before yourself
    • Defend each others actions and criticisms
  • Keep Confidences
    • Must be able to share information with one another
      • Knowledge is power – Keep Secrets
    • Don’t be a gossip!
    • REMEMBER: Trust takes months (sometimes years) to build and can be lost in one occurrence of gossip
Our 6 Rules of Relationship...

**RULE 3 - Listen with Empathy**

- **How to Listen with empathy?**
  - Very hard to do...

- **Put yourself in their situations....**
  - walk a mile in the other persons shoes.

- **Learn how to listen to one another not just hear.**
  - Exactly what they are saying not what you think they are saying

- **Learn to listen and respond to the emotion and tone**

- **Pickup body language**
  - Lean to look at each other when talking
  - Don’t be distracted
Our 6 Rules of Relationship...

RULE 4 - Accept each others Flaws

Everyone has characteristics that bug you to death!

You each have strengths
- Accentuate the good qualities

You each have weaknesses
- Don’t dwell on the flaws

Mistakes will be made
- Slow to anger
Our 6 Rules of Relationship...

RULE 5 - Celebrate Wins and Share in the Losses

We are committed to the same goals

We focus on personal success of each other and that of the organization
- Not envious, jealous, or critical of who gets the credit
- Just as happy when other person’s achieves as their own achievement
  - Board members, Staff, Community, other localities
  - Much happier when we celebrate the Wins!
Our 6 Rules of Relationship...

RULE 5 - Celebrate Wins and Share in the Losses

We have been through a lot of losses together

- Don’t blame or professionally attack one another
- Share the losses – When you share in the losses you know you have support. We all need support in defeat
Our 6 Rules of Relationship...

**RULE 6 - Bring out the best in one another!**

We are committed to each other’s success
- Personally and professionally

Be role models to one another...
- We all need to be coached
- We all need people that will be completely honest even if it is not what we want to hear

*IRON SHARPENS IRON
So one man sharpens another*

*When we seek to discover the best in others, we somehow bring out the best in ourselves.*

William Arthur Ward
Building Strong Relationships

The speed of the leader...The speed of the team!

Embrace Shared Leadership

• Both the Chairman and the County Administrator have a Leadership responsibility to the Board of Supervisors, County Staff, and the Citizens of the Community.

• Deliver On your Commitments

• No one likes a Gun Slinger
Summary

- Consider a new Chairman/ Vice Chairman Orientation
  - Expectations of the Chairman
  - Expectation of the County Administrator
  - Establish Clear Objectives

- Building Strong Relationships
  - Rules
    - Show up!
    - Develop Trust
    - Listen with Empathy
    - Accept Each Others Flaws
    - Celebrate Wins and Share Losses
    - Bring Out the Best in Each Other
  - Stay in Your Lane
  - Embrace Shared Leadership
Thank You.

The Honorable Brenda Ebron-Bonner, Chair

W. Kevin Massengill, County Administrator

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FOIA Training for Local Government Officials

230pm

Alan Gernhardt
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Virginia Freedom of Information Advisory Council
The Virginia Freedom of Information Act (FOIA)
For Local Elected Officials

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Training Contents

• Introduction
• FOIA requirements for local elected officials
• Public Records
• Public Meetings
• Remedies and Penalties
• Other resources for further questions
Introduction

• About the FOIA Council
• Purpose and policy of FOIA
• Structure of FOIA – how to find what you need within the Code
  • General Provisions -- §§ 2.2-3700 through 2.2-3703.1
  • Records Procedures and Exemptions -- §§ 2.2-3704 through 2.2-3706
    • Training Requirements -- §§ 2.2-3704.2 and 2.2-3704.3
  • Meetings Procedures and Exemptions -- §§ 2.2-3707 through 2.2-3712
  • Remedies and Penalties -- §§ 2.2-3713 through 2.2-3715
About the FOIA Council

§§ 30-178 through 30-181

- State legislative branch advisory council
- Legislative forum for studies and recommendations to the General Assembly
- Answer questions from government, citizens, and media
- Publishes advisory opinions and educational materials
- Provides FOIA training presentations
- Not an investigative or enforcement agency
Purpose & Policy of FOIA

§ 2.2-3700

• Ready access to public records
• Free entry to meetings of public bodies
• FOIA is to be liberally construed to promote awareness of governmental activities and operations
• Any exemption from public access to records or meetings shall be narrowly construed
• No record shall be withheld or meeting closed to the public unless specifically made exempt
FOIA Requirements for Local Elected Officials

Note: Constitutional officers are subject to FOIA for records purposes only. Other local elected officials are generally subject to both the records and meetings provisions of FOIA.
Requirements for Local Elected Officials

§ 2.2-3704.3

- Receive FOIA training from the FOIA Council or your local government attorney within two months of assuming office
- Training may be presented live or online
- Receive training again at least once every two (2) years since last training
- Clerk of the public body must keep records of training (name of the official, date of the training) for five years
- Note: There is no requirement to report training to the FOIA Council, only to keep your own records
Requirements for Local Elected Officials
(continued) – § 2.2-3702

• All elected, reelected, appointed, and reappointed officials must:
• Be furnished by the public body's administrator or legal counsel with a copy of FOIA within two weeks following election, reelection, appointment, or reappointment; and
• Read and become familiar with the provisions of FOIA.
• A current copy of FOIA may be found on the FOIA Council website.
Other Laws May Also Apply

- Other laws may also affect access to public records and meetings, but which laws apply will vary depending on the type of record, type of meeting, and type of elected official.
- Because the FOIA Council’s statutory authority is limited to providing advice and guidance regarding FOIA, there will be times when you need to consult others for advice.
Examples of Other Laws

- Court records are subject to laws in Titles 16.1 and 17.1 of the Code, as well as the Rules of the Supreme Court of Virginia
- Code §§ 15.2-1415 through 15.2-1421 set out specific laws for meetings of local governing bodies
- Various provisions in Title 15.2 address public hearings
- Code §§ 22.1-72 through 22.1-75 address school board meetings and procedures
- Code § 58.1-3 prohibits the release of certain tax information
Public Records

Recognizing and responding to FOIA requests

§§ 2.2-3704 through 2.2-3706
Introduction to Records & FOIA

• All public records are presumed open unless specifically exempt
• Definition of “public record” (§ 2.2-3701)
  • all writings and recordings that consist of letters, words or numbers, or their equivalent . . . 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.
  • Note: draft versions are public records
Debunking FOIA myths

- FOIA addresses access to public records (§ 2.2-3704)
- FOIA does not require you to answer questions, give interviews, or provide explanations
- Inspect or Copy
- Not free – public bodies may charge to produce public records
- FOIA exemptions generally do not prohibit release
- Informal vs. formal requests – no difference
Who has the right to make a request under Virginia FOIA?

- Citizens of the Commonwealth
- Representatives of newspapers & magazines with circulation in the Commonwealth
- Representatives of radio & television stations broadcasting in or into the Commonwealth
Requests from out-of-state

• Best practice is to respond to out-of-state requesters even if they do not have access rights under Virginia FOIA
  • Standardizes practices for internal consistency
  • Out-of-state requester can get a Virginia citizen to make the same request anyway
• Do not have to follow FOIA procedure strictly since out-of-state requesters cannot enforce Virginia FOIA
Requesting Public Records
(continued)

• How requests may be made:
  • Requester must identify records with reasonable specificity
  • Public body may require the requester’s name & legal address
  • A request does not have to be in writing
  • A request does not have to say “FOIA”
  • The requester’s purpose does not matter
• Requester has the choice to inspect or to receive copies
Responding to Records Requests

- Five working days to respond after request is received
  - The first day to respond is the day after the request is received
  - Weekends and legal holidays do not count as working days
- Failure to respond is deemed a denial of the request and a violation of FOIA
- Creation of new records not required
- Always allowed to make agreements with the requester on the production of records
Five Responses

1) Provide the requested records
2) Requested records are being entirely withheld
3) Requested records are being provided in part and withheld in part
4) Requested records could not be found or do not exist
5) Additional time needed to search for/produce records
Exemptions & Redaction

§ 2.2-3704.01

• Most FOIA exemptions are not prohibitions – exempt records may be withheld, but they may also be released in the discretion of the custodian
• Only exempt portions of records may be withheld (redacted)
• An entire record may be withheld only if the entire record is exempt
Charges for Records Requests

• May make reasonable charges not to exceed actual cost incurred in accessing, duplicating, supplying, or searching for requested records
  • Cannot charge more than the actual cost to the public body
  • Requester may request an estimate in advance
  • Public body may require an advance deposit if estimate is > $200
  • If a bill goes unpaid 30 days or more, do not have to respond to new requests until the outstanding balance is paid
Exemptions of General Application

- Personnel records - § 2.2-3705.1 (1)
- Attorney-client privilege- § 2.2-3705.1 (2)
- Legal memoranda and other work product - § 2.2-3705.1 (3)
- Contract negotiations - § 2.2-3705.1 (12)
- Procurement exemptions - § 2.2-3705.6 (10) and (11)
- Account & routing numbers - § 2.2-3705.1 (13)
Public Meetings

Procedures for open, closed, and electronic meetings
§§ 2.2-3707 through 2.2-3712
Introduction to Meetings under FOIA

- Policy: All meetings must be open unless closed following an exemption – § 2.2-3700
- Definitions of “public body” and “meeting” – § 2.2-3701
- Open Meetings – §§ 2.2-3707 through 2.2-3710
- Closed Meetings – §§ 2.2-3711 and 2.2-3712
- Electronic Meetings – §§ 2.2-3708.2
Definition of “Public Body”

§ 2.2-3701

- 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
- 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
Definition of “public body” (continued)

• Also includes:
  • Other organizations, corporations or agencies in the Commonwealth supported wholly or principally by public funds (may include tax-exempt organizations, for example)
  • Constitutional officers are included, but only for records purposes
Definition of “meeting”

§ 2.2-3701

- Includes meetings including work sessions, when sitting physically, or through electronic communication means 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
- “quorum if less than three” means two members, if they are a quorum of the public body (Ex. A subcommittee with only two or three members total would have a quorum of two members)
- Must be discussing or transacting public business in real time
Definition of “meeting” - Exceptions

The following are not considered meetings subject to FOIA:

• Gatherings of employees (the meetings rules only apply to members of the public body, not staff)
• Gatherings where no part of the purpose is the discussion or transaction of any public business
• Public forums, candidate appearances, or debates, the purpose of which is to inform the electorate and not to discuss or transact public business
Open Meetings - Requirements

- Notice
- Open to the Public
- Minutes
Notice Requirements
§ 2.2-3707

- Contents: date, time, and location of the meeting
- For local public bodies, FOIA requires notice to be posted in three locations:
  1. Official public government website, if any;
  2. Prominent public location in which notices are regularly posted; and
  3. At the office of the clerk of the public body OR at the office of the chief administrator
Notice Requirements (continued)

- Regular meetings – post three working days before the meeting
  - Note: Do not count the day of the meeting as one of the working days
- Special, emergency, or continued meetings – two elements:
  - Notice must be “reasonable under the circumstance” (varies with circumstances)
  - Public notice must be posted at the same time the members are notified
- Direct notice to those who request it (usually by an email list)
What does it mean for a meeting to be open to the public?

- Open meeting or public meeting means a meeting at which the public may be present - § 2.2-3701
- Must allow public to record, photograph, film, or otherwise reproduce
- FOIA does not address logistics such as room capacity
- Public bodies are encouraged to use additional means to increase public awareness (Ex. Live streaming online, broadcasting using television or radio, posting recordings of meetings, etc.)
Meeting Minutes

- Only required to be taken at open meetings
- Must include:
  - Date, time, location of the meeting
  - Members of the public body present and absent
  - A summary of matters discussed, deliberated, or decided
  - A record of any votes taken
  - Any motions to enter into a closed meeting and certification after a closed meeting
Agendas

• At least one copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body.

• FOIA does not have requirements regarding specific agenda items, agenda contents or agenda changes

• FOIA does not address parliamentary procedure
Closed Meeting Procedures

Motion, Discussion, Certification

§§ 2.2-3711 and 2.2-3712
Motion to Enter into a Closed Meeting
§ 2.2-3712 (A)

• Public body must take an affirmative recorded vote in an open meeting approving a motion that:
  1. Identifies the subject matter for the closed meeting;
     • Must be more than quoting or paraphrasing the exemption
  2. States the purpose of the closed meeting; and
     • Quoting or paraphrasing the exemption does state the purpose
  3. Makes specific reference to the applicable exemption from the open meeting requirements
Closed Meeting Discussions

§ 2.2-3712

• Restricted to those matters specifically exempted from the provisions of FOIA and identified in the motion (do not stray off topic)
• Minutes are not required, and if taken, are exempt from FOIA
• Who may attend?
  • Nonmembers if they are necessary or will aid consideration of the topic
  • Other members of public bodies may attend, but not participate in, closed meetings of committees, subcommittees, and other sub-entities of the parent body
Certification of a Closed Meeting

§ 2.2-3712 (D)

• At the conclusion of a closed meeting, public body must certify that the only things heard, discussed, or considered in the closed meeting were:
  1. Public business matters lawfully exempted from the open meeting requirements, and
  2. Such public business matters as were identified in the motion by which the closed meeting was convened

• Extra penalty for improper certification
Voting – §§ 2.2-3710 & 2.2-3711 (B)

- All votes taken to authorize the transaction of any public business must be taken and recorded in an open meeting
- No written or secret ballots
- May take straw polls or reach consensus in closed meetings
- Decisions made in closed meetings are not effective until a vote is taken at an open meeting (§ 2.2-3711 (B))
Commonly Used Exemptions

(Note: All meeting exemptions in FOIA are set out in § 2.2-3711.)

- Discussion of personnel - § 2.2-3711 (A) (1)
- Discussion concerning scholastic records/students - § 2.2-3711 (A) (2)
- Consideration of acquisition or disposition of real property - § 2.2-3711 (A) (3)
- Discussion of prospective business or industry - § 2.2-3711 (A) (5)
- Actual or probable litigation - § 2.2-3711 (A) (7)
- Specific legal matters - § 2.2-3711 (A) (8)
- Public safety issues - § 2.2-3711 (A) (19)
- Discussion of award of public contract - § 2.2-3711 (A) (29)
Electronic Meetings

§ 2.2-3708.2

- As of 2020, six distinct processes (five in FOIA, one in the state budget) - four of these may be used by any public body, including local bodies
- A member of a local body may participate electronically due to
  - Personal matter that prevents attendance
  - Medical condition or disability that prevents attendance
- Both of these require a quorum, a participation policy, that the remote member's voice can be heard at the main location
- Personal matters may only be used twice per calendar year per member
Electronic Meetings
(continued)

- Two different electronic meetings procedures when the Governor has declared a state of emergency:
- Purpose limited to responding to the emergency - § 2.2-3708.2 (A) (3) (version in FOIA)
- Broader purposes allowed, but has additional requirements – Budget Item 4-0.01 (g) (version in the state budget)
- Both may be used by any public body
- No requirement for a quorum or to have a policy in place
Electronic Meetings
(continued)

• Members may monitor (listen/watch) even if they cannot participate
• Public & staff participation is always allowed – restrictions only apply to members

• Please see our Electronic Meetings Guide for a more detailed discussion
A note about FOIA & Social Media

• Because the definition of “public records” includes all types of records that are in the transaction of public business, various forms of social media may be public records.

• Because any assemblage of three or more members (or a quorum of two) of a public body discussing or transacting public business simultaneously is a meeting subject to FOIA, social media may also be used to conduct meetings.

• Please see our guide on [FOIA & Social Media](#) for a more detailed discussion.
Remedies and Penalties

What happens if something goes wrong?
Enforcement is through the courts

§ 2.2-3713

- Petition for mandamus or injunction with affidavit showing good cause
- Mandamus: when the court orders a public official or employee to do something
- Injunction: When the court orders a public official or employee not to do something
- Petitioner may choose to file in general district court or circuit court
- Venue against a local body is in the county or city where the body is
- A single violation is sufficient to invoke the remedies
Petition for mandamus or injunction
(continued)

• Expedited hearing within seven days
• Petitioner must notify public body before filing
• If the petitioner wins, shall be awarded court costs, attorney fees, and any expert witness fees (paid by the public body)
• Public body bears burden to prove an exemption applies
Willful & Knowing Violations

§ 2.2-3714 (A)

- Willful & knowing violation of records and meetings requirements
  - $500 to $2000 civil penalty for first violation
  - $2000 to $5000 civil penalties for second and subsequent violations
  - Paid by the individual to the Literary Fund (not paid by the public body)

- May introduce advisory opinions of the FOIA Council as evidence that it was not willful & knowing - § 2.2-3715
Improper alteration or destruction of public records - § 2.2-3714 (B)

- Records altered or destroyed before record retention period expires
  - With intent to avoid FOIA
  - Civil penalty up to $100 per record
  - In addition to any other penalties
  - Paid by the individual to the Literary Fund (not paid by the public body)

- Note: Record retention periods are set by the Library of Virginia under the Virginia Public Records Act
Improper certification of closed meetings - § 2.2-3714 (C)

• Improper certification of closed meeting
  • Civil penalty up to $1000
  • Paid by public body to the Literary Fund
  • Mitigating factors: Opinions of the Attorney General, court cases, published Advisory Opinions from the FOIA Council
Additional Resources

- **FOIA Council** – Contact us with any FOIA questions
  - Telephone (toll free) 866-448-4100
  - Telephone (Richmond) 804-698-1810
  - Email: foiacouncil@dls.virginia.gov

- **Library of Virginia** Records Management Section (for records retention questions under the Public Records Act)
Additional Resources
(continued)

• For members of municipal councils, county boards of supervisors, and school boards:
  • Virginia Municipal League
  • Virginia Association of Counties
  • Virginia School Boards Association
For constitutional officers:

- State Compensation Board
- Virginia Sheriffs’ Association
- Commonwealth’s Attorneys’ Services Council
- Treasurers' Association of Virginia
- Commissioners of the Revenue Association of Virginia
- Office of the Executive Secretary of the Supreme Court of Virginia
COIA Training for Local Government Officials
345pm

Rebekah Stefanski
Attorney
Virginia Conflict of Interest and Ethics Advisory Council
VIRGINIA
CONFLICT OF INTEREST AND
ETHICS ADVISORY COUNCIL

2021 VACO County Supervisors' Forum
April 29, 2021
I. Council Membership
Council membership as of April 2021:

Speaker of the House Appointees
The Honorable Del. M. Keith Hodges
The Honorable Del. Vivian E. Watts

Senate Committee on Rules Appointees
The Honorable Sen. Jennifer L. McClellan
The Honorable Sen. Thomas K. Norment, Jr.
The Honorable Wilford Taylor, Jr. (Chair)

Gubernatorial Appointees
John C. Blair
Bernard L. Henderson, Jr.
Sharon E. Pandak

II. Council Duties
The Council shall perform the following duties (pursuant to § 30-356 unless otherwise noted):

1. **Furnish formal and informal guidance to all persons required to comply with the Acts**
2. Conduct training seminars and educational programs and publish educational materials for all persons required to comply with the Acts
3. Approve orientation courses conducted by state agencies and review, upon request, educational materials and training courses conducted for state and local government officers and employees
4. Prescribe the forms required by §§ 2.2-426, 2.2-3117, 2.2-3118, and 30-111
5. Provide disclosure forms to appropriate clerks at least 30 days prior to the filing deadline (§ 2.2-3115)
6. Provide software or electronic method for state filers to submit the required disclosure forms. The Council prescribes the method of execution and certification of electronically filed forms.
7. Review all disclosure forms required to be filed with the Council. The Council may review disclosure forms for completeness, including comparing lobbyist reports with other reports filed by the Council. If a disclosure form has been found to be incomplete, the Council shall notify the filer and direct the filer in writing to file a completed form within a prescribed period of time.
8. Redact personal information from any form prior to making the form available to the public
9. Establish and maintain a searchable database of disclosure forms filed with the Council
10. Notify the Secretary of the Commonwealth and the Attorney General concerning late or failure-to-file penalties (§§ 2.2-431 and 2.2-3124)
11. Accept and review any statement received from a filer disputing the receipt by such filer of a gift that has been disclosed on the form filed by a lobbyist.

12. **Receive and review requests for approval of travel submitted by individuals required to file a Statement of Economic Interests (§ 30-356.1)**

13. Submit complaints against incumbent legislators to the appropriate ethics panel (§ 30-114)

14. Review actions taken in the General Assembly with respect to the discipline of its members for the purpose of offering nonbinding advice

15. Request assistance, services, and information from any agency in order to effectively carry out its responsibilities

16. Report on or before December 1 of each year on its activities, including recommendations for changes in the laws, to the General Assembly and the Governor. The chair is required to submit the report pursuant to the DLAS procedures for legislative documents.

### III. Prohibited Conduct and Personal Interests

#### A. Prohibited Conduct (§ 2.2-3103)

1. Solicit or accept money or other thing of value for services performed within the scope of your official duties except for compensation paid by your agency

2. Offer or accept any money or other thing of value for obtaining employment, appointment, or promotion of any person with any governmental or advisory agency

3. Offer or accept any money or other thing of value for the use of your public position to obtain a contract for any person or business with any governmental or advisory agency

4. Use confidential information that you have acquired by reason of your public position and that is not available to the public for your or another party’s economic benefit

5. Accept any money, loan, gift, favor, service, or business or professional opportunity that reasonably tends to influence you in the performance of your official duties; this does not include political contributions actually used for a political campaign or constituent services and reported as required by campaign finance laws

6. Accept any business or professional opportunity when you know that there is a reasonable likelihood that the opportunity is being given to influence you in the performance of your official duties

7. Accept any honoraria for any appearance, speech, or article in which you provide expertise or opinions related to the performance of your official duties (this only applies to the Governor, Lt. Governor, Attorney General, Governor’s Secretaries, and heads of departments of state government)

8. Accept a gift from a person who has interests that may be substantially affected by the performance of your duties under circumstances where the timing and nature of the gift would cause a reasonable person to question your impartiality in the matter affecting the donor

9. Accept gifts from sources on a basis so frequent as to raise an appearance of the use of your public office for private gain
10. Use your public position to retaliate or threaten to retaliate against any person for expressing views on matters of public concern or for exercising any right that is otherwise protected by law, provided, however, that this does not restrict the authority of any public employer to govern conduct of its employees, and to take disciplinary action, in accordance with applicable law, and provided further that this does not limit the authority of a constitutional officer to discipline or discharge an employee with or without cause

B. “Personal interest” is a financial benefit or liability accruing to an officer or employee or to a member of his immediate family. (§ 2.2-3101)

Such interest shall exist by reason of:
1. Ownership in a business if the ownership interest exceeds three percent of the total equity of the business;
2. Annual income that exceeds, or may reasonably be anticipated to exceed, $5,000 from ownership in real or personal property or a business;
3. Salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, $5,000 annually;
4. Ownership of real or personal property if the interest exceeds $5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property;
5. Personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or
6. An option for ownership of a business or real or personal property if the ownership interest will consist of subdivision (1) or (4) above.

C. Personal Interest in a Contract (§ § 2.2-3107, 2.2-3108, 2.2-3109)
You may not have a personal interest in a contract with your agency other than your own contract of employment. Members of county boards of supervisors, city councils, and town councils are also prohibited from having a personal interest in a contract with any governmental agency that is a component part of the local government and which is subject to the ultimate control of the governing body and with any other governmental agency if such person's governing body appoints a majority of the members.

There are many exceptions to this prohibition. It is recommended that you contact the Council regarding the application of an exception.
D. Personal Interest in a Transaction (§ 2.2-3112)
You must publicly disqualify yourself if the transaction applies solely to the entity in which you have a personal interest, or if you have a personal interest in a transaction and do not qualify for participation.

"Transaction" means any matter considered by any governmental or advisory agency, whether in a committee, subcommittee, or other entity of that agency or before the agency itself, on which official action is taken or contemplated.

It is recommended that you contact the Council if you have a question about a possible personal interest in a transaction.

IV. Gifts
When discussing gifts, always ask three separate questions:
1. Is it a gift?
2. Does it count toward the gift cap?
3. Do I have to report it on my Statement of Economic Interests?

A. Definition of a gift (§ 2.2-3101)
A gift is any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred.

A gift is not:
1. Any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used;
2. Honorary degrees;
3. Any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program’s financial aid standards and procedures applicable to the general public;
4. A campaign contribution properly received and reported pursuant to campaign finance disclosure laws;
5. Any gift related to the private profession or occupation or volunteer service of a legislator/state/local official or employee or of a member of his immediate family;
6. Food or beverages consumed while attending an event at which the filer is performing official duties related to his public service;
7. Food and beverages received at or registration or attendance fees waived for any event at which the filer is a featured speaker, presenter, or lecturer;
8. Unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service;
9. A devise or inheritance;
10. Travel disclosed pursuant to the campaign finance disclosure laws;
11. Travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state;
12. Travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House Committee on Rules or its Chairman or the Senate Committee on Rules or its Chairman;
13. Travel related to an official meeting of, or any meal provided for attendance at such meeting by, the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment;
14. Gifts with a value of less than $20; or
15. Attendance at a reception or similar function where food, such as hors d’oeuvres, and beverages that can be conveniently consumed by a person while standing or walking are offered; or
16. Gifts from relatives or personal friends. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse or the donee's son-in-law or daughter-in-law. For the purpose of this definition, "personal friend" does not include any person that the filer knows or has reason to know is a contractor or registered lobbyist or lobbyist's principal.

Items that are exempted from the definition of a gift are not subject to the $108 gift cap and do not have to be reported as a gift on your Statement of Economic Interests.

Please remember that travel that is not a gift may still be reportable on Schedule F of your disclosure form.

B. $108 gift cap (§ 2.2-3103.1)
Individuals required to file a Statement of Economic Interests and members of their immediate family may not accept gifts with a total value in excess of $108 per year from a lobbyist, lobbyist’s principal, or a person, organization, or business who is or is seeking to become a party to a contract with your agency or an agency over which you have the authority to direct such agency's activities.

Immediate family means (i) a spouse and (ii) any other person who resides in the same household as the filer and who is a dependent of the filer.
C. Exceptions to the $108 gift cap (§ 2.2-3103.1)
   1. Gifts given from lobbyists or contractors who are also your personal friend. In order to determine if an individual is your personal friend, you should consider the following:
      a) The circumstances under which the gift was offered;
      b) The history of the relationship between the person and the donor, including the nature and length of the friendship and any previous exchange of gifts between them;
      c) To the extent known to the person, whether the donor personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and
      d) Whether the donor has given the same or similar gifts to other persons required to file the disclosure form.

   2. Food, beverages, entertainment, and the cost of admission or registration at a widely attended event. To determine if an event qualifies as a widely attended event, the event must:
      1. Have at least 25 persons invited or expected to attend, and
      2. Be open to individuals who:
         a) are members of a public, civic, charitable, or professional organization,
         b) are from a particular industry or profession, or
         c) represent persons interested in a particular issue.

   3. Travel approved by the Council via a travel waiver
      While such travel is exempted from the $108 gift cap, it must be reported on Schedule F of your Statement of Economic Interests.

      **AN EXEMPTION FROM THE GIFT CAP IS NOT AN EXEMPTION FROM YOUR REQUIREMENT TO REPORT A GIFT ON YOUR STATEMENT OF ECONOMIC INTERESTS.**

D. Reporting gifts
   You must report any gift valued over $50 or any combination of gifts with an aggregate value over $50 received from any lobbyist, lobbyist’s principal, or entity that is a party to or is seeking to become a party to a contract with your agency by you or a member of your immediate family.
V. Statement of Economic Interests

A. Who must file?
   Individuals named in § 2.2-3115 and 2.2-3116

B. With what entity do I file?
   Individuals named in § 2.2-3115 file on paper with the clerk of the local governing body
   or school board.

   Individuals named in § 2.2-3116 (constitutional officers) file electronically with the
   Council.

C. When do I file?
   Statements of Economic Interests are filed annually, every February 1.

   Deadlines are moved to the next business day if they fall on a weekend or state holiday.

D. $250 penalty for late filing
   a. If you require a deadline extension, you may request one by submitting a deadline
      extension request form found on the Council’s website.
   b. The Council has five business days to respond to a request. If more information is
      requested, the Council has five business days after the information is received to
      respond to the request.
   c. Deadline extensions are granted for:
      1. The death of a relative of the filer, as relative is defined in the definition of "gift"
         in Article 3 or the Acts
      2. A state of emergency is declared by the Governor pursuant to Chapter 3.2 (§ 44-
         146.13 et seq.) of Title 44 or declared by the President of the United States or
         the governor of another state pursuant to law and confirmed by the Governor by
         an executive order, and such an emergency interferes with the timely filing of
         disclosure forms. The extension shall be granted only for those filers in areas
         affected by such emergency.
      3. The filer is a member of a uniformed service of the United States and is on active
         duty on the date of the filing deadline
      4. A failure of the electronic filing system and the failure of such system prevents
         the timely filing of disclosure forms
      5. Good cause shown
VI. Travel Waivers
A. When do I need to request a travel waiver?
   1. Travel waivers are only required for travel valued over $108 paid by a lobbyist, lobbyist’s principal, or contractor.
   2. Travel waivers are NOT required for government paid travel or travel paid by any other entity who is not a lobbyist, lobbyist’s principal, or contractor. Please remember that trips and travel that do not require a travel waiver may still be reportable on your Statement of Economic Interest.
   3. Requests can be made on the Council’s website at: http://ethics.dls.virginia.gov/travel-waiver-request.asp

B. How are travel waiver requests processed?
The Council has five business days to respond. If the Council does not approve or deny the request within that time, the request shall be deemed approved by the Council. If more information is requested, the Council has five business days after the information is received to respond to the waiver request.

VII. Other Questions
1. How and under what circumstances is individual information released?
   ANSWER: All filings are available to the public via a Freedom of Information Act request.
   All filings submitted electronically after July 1, 2016 are available to the public via the online searchable database on the Council website.

2. Are filers notified when their disclosure forms are requested and released?
   ANSWER: There is no requirement that the filer be notified that the information has been requested.

3. Is personal information released when a disclosure statement is requested?
   ANSWER: Section 2.2-3115 requires clerks of governing bodies and school boards to redact “any residential address, personal telephone number, or signature contained on” the form.
   Section 30-356 requires the Council to "Redact from any document or form that is to be made available to the public any residential address, personal telephone number, or signature contained on that document or form..."

4. What training is required?
   ANSWER: Section 2.2-3132 requires all local elected officials to take training at least once every two years. Elected officials that take office after July 1, 2019 have two months from the date they assume their office to complete their first training. The training must be completed once every two years from the date it was last completed. The clerk of the local governing body or school board is required to maintain attendance records for each elected official in their jurisdiction.
Contact Information:

Virginia Conflict of Interest and Ethics Advisory Council
Pocahontas Building
900 E Main Street
8th Floor
Richmond, VA 23219
Website: ethics.dls.virginia.gov
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Valerie Mizzell
Assistant Filing Coordinator
vmizzell@dls.virginia.gov
804.698.1847
Budget Workshop
for Supervisors
830am

The Honorable Jeffrey C. McKay
VACo President and Fairfax County Chairman

Meghan Coates | Director of Finance | Henrico County

Budget Workshop Breakout Sessions
Christian R. Goodwin | Louisa County Administrator

Theodore L. Voorhees | Orange County Administrator
WHAT’S A BUDGET?

- PLANNING PROCESS THAT IS REQUIRED BY LAW
- MORE PRACTICALLY, IT SETS TAX RATES AND ANTICIPATED REVENUES AND IS THE PLATFORM FOR MAKING DECISIONS REGARDING SERVICE PROVISION
- FISCAL YEAR BEGINS JULY 1
- LEGAL GUIDANCE IN VA CODE SECTION 45.2 COUNTIES, CITIES, AND TOWNS
What Purposes Does it Serve?

• Provides a framework for governing during the following 12 months
• Accountability
• Financial Control
• Public Engagement and Relations
• Photo, as an aside...
Legal Basis and Requirements

- Must include “estimated revenues and borrowings” and “contemplated expenditures” – it is a plan.
- Should include the current year’s capital improvement projects, operations, and debt service.
- May include a “reasonable reserve for contingencies and capital improvements”
- Must provide local share for constitutional officers, social services, Children’s Services Act (CSA) health department and schools
- The budget must be approved by July 1.
- May only spend after appropriations.

Virginia State Code Title §15.2 Cities, Counties, and Towns; Chapter 25. Budget, Audits and Reports
Constraints

Dillon Rule: Generally, the Board of Supervisors may exercise only those powers delegated and authorized to it by the General Assembly.

Each expenditure planned and revenue anticipated in budget must be supported by state authority.

Discretionary vs Non-Discretionary, impacts of state mandates.

Discretionary portion is where the Board can influence quality of life through the budget process.
TYPES OF BUDGETS

- OPERATING (REQUIRED BY LAW TO BE ADOPTED EACH YEAR)
- DIFFERENT TYPES OF OPERATIONAL BUDGETS AND THEIR USES: LINE-ITEM, PROGRAM, PERFORMANCE, AND INCREMENTAL OR ZERO-BASED
- CAPITAL (FIVE YEAR CAPITAL IMPROVEMENT PLAN, ONE YEAR CAPITAL BUDGET)
Each operational budget must show (§ 15.2-2504):

• The total amount appropriated, and the amount spent for the previous year (budget to actuals comparison);

• the amount appropriated and expected to be appropriated for the current year;

• The amount of increase or decrease in the proposed budget compared to the current year.
A capital budget is a plan for funding capital projects, and a timetable for the expected completion for each project.
The Budget Process

• Details are largely driven locally, high-level points in code:
• April 1 – department heads and constitutional officers submit budget requests; the Board, through its administrator, may set the format for submitting information.
• The Board can consider approval only after a public hearing.
• An advertisement of the budget must be made at least seven days prior to the hearing.

Spotlight on Schools:

• School Board and Superintendent responsible for submitting a budget to Board; No later than May 15, or within 30 days of the receipt of the estimates for state funding of education from the Department of Education, the Board of Supervisors must approve a school budget.
• Can only approve and appropriate by major category or in total.
• No discretion over line items in the school budget.
Balancing the Budget

- Monitoring economic conditions
- Demand for service, trends
- Public expectations
- Balancing different value sets
THE BUDGET MAY BE ADOPTED BY ORDINANCE OR RESOLUTION

APPROPRIATION IS THE ACT OF THE BOARD TO RELEASE FUNDS SO THAT THEY CAN BE SPENT

BOARD MAY APPROPRIATE ANNUALLY, SEMIANNUALLY, QUARTERLY OR MONTHLY

APPROPRIATIONS MAY EXCEED THE ORIGINAL BUDGET, BUT EXPENDITURES MAY NOT EXCEED APPROPRIATIONS

SUPPLEMENTAL APPROPRIATIONS AND BUDGET AMENDMENTS

AMENDMENTS > 1% OF TOTAL EXPENDITURES REQUIRE NOTICE & PUBLIC HEARING TO AMEND BUDGET
Discussion: which would you fund?

- A new animal shelter to replace the one that doesn’t meet code or a new science wing on the high school?

- Soccer fields or increases in funding to social services to assist needy citizens?

- Funding to a nonprofit which runs a shelter for the homeless or more police officers on patrol?
BEST PRACTICES IN BUDGETING
Spotlight on Blueprint Chesterfield

- Framework to organize practices related to budgeting and strategic planning
- System for establishing and resourcing community priorities
- Creates a brand
- Ensures consistency in process and communication
Using a Five-Year Plan

- Annual budget, longer range planning
- Shows changes in revenues, baseline expenditures, new programs
- Incremental investment in larger initiatives
- Starting point for annual process
What is a Program and Service Inventory?

Why don’t you zero base your budget?

Visibility on spending/FTE at program level

Can be aligned in financial system

Measures, performance monitoring
Community Engagement in the Budget Process

- Making local government approachable
- Online surveys, accessible website
- Citizens’ Budget Advisory Committee
- Year-round conversation
- Workshop style meetings, social media, speakers’ bureau
HOW CAN THE BUDGET PROCESS BE MORE TRANSPARENT?
WHY TRANSPARENCY?

- SHOWS THAT GOVERNMENT VALUES = CITIZEN VALUES
- DEMONSTRATES COMPETENCY
- CLARIFIES POLICIES AND DECISION-MAKING PROCESSES
- OFFERS OPPORTUNITY FOR PUBLIC INVOLVEMENT
- PROVIDES INFORMATION ON PERFORMANCE WITH ENOUGH CONTEXT FOR CITIZENS TO EVALUATE THE QUALITY OF SERVICE
WHAT IS TRANSPARENCY?
HOW DO WE GET THERE?
TRADITIONAL MODES STILL PROVIDE VALUE
...BUT OFFER OPPORTUNITIES FOR ENHANCEMENT

- FREEDOM OF INFORMATION ACT
- BOARD MEETINGS
- COMMUNITY MEETINGS/TOWN HALLS
- PAPER COPIES IN LIBRARIES AND CLERK’S OFFICES
The increase in the component unit-schools’ Current and Other Assets of $24.6 million is due primarily to higher contributions from the County to the Component Unit - Schools. The increase in capital assets is due to investments in capital assets with the largest portion related to increases in the projects under construction and the addition of new buildings, offset by depreciation. Please refer to Note VIII of the notes to the financial statements for detailed information. The decrease in Long-Term Liabilities is primarily due to decreases in the net pension liability and the net OPEB liability, as mandated offset, to an increase in compensated absences. The increases in deferred inflows of resources and deferred inflows of resources are due to the deferral of amounts related to pensions and OPEB.

**Statement of Activities**

The following chart reflects the changes in Net Position (Exhibit II) in comparative format:

**Table 2**

Comparison for the years ended June 30, 2015 and 2016 (thousands)

<table>
<thead>
<tr>
<th>REVENUES</th>
<th>Primary Government</th>
<th>Component Unit-Schools</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charges for Services</td>
<td>$32,464</td>
<td>$13,772</td>
</tr>
<tr>
<td>Operating Grants and Contributions</td>
<td>54,540</td>
<td>83,533</td>
</tr>
<tr>
<td>Capital Grants and Contributions</td>
<td>34,267</td>
<td>50,879</td>
</tr>
<tr>
<td><strong>Total Revenue</strong></td>
<td>127,271</td>
<td>158,184</td>
</tr>
</tbody>
</table>

**EXPENDITURES**

<table>
<thead>
<tr>
<th>General Government Administration</th>
<th>$196,416</th>
<th>$90,801</th>
<th>$52,615</th>
<th>$196,301</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Safety</td>
<td>200,026</td>
<td>187,137</td>
<td>12,889</td>
<td>187,137</td>
</tr>
<tr>
<td>Public Work</td>
<td>94,537</td>
<td>73,225</td>
<td>(21,312)</td>
<td>73,225</td>
</tr>
<tr>
<td>Health and Welfare</td>
<td>63,454</td>
<td>94,719</td>
<td>(31,265)</td>
<td>94,719</td>
</tr>
<tr>
<td>Parks, Recreation and Culture</td>
<td>52,343</td>
<td>49,407</td>
<td>(2,936)</td>
<td>49,407</td>
</tr>
<tr>
<td>Community Development</td>
<td>281,096</td>
<td>195,169</td>
<td>85,927</td>
<td>195,169</td>
</tr>
<tr>
<td>Education</td>
<td>497,454</td>
<td>833,514</td>
<td>(337,060)</td>
<td>833,514</td>
</tr>
<tr>
<td>Total Expenditures</td>
<td>$1,715,108</td>
<td>$1,688,295</td>
<td>$26,813</td>
<td>$1,688,295</td>
</tr>
</tbody>
</table>

**Net Position**

| Change in Net Position | $148,704 | $148,432 |
| Current Liabilities Ending of Year | $158,054 | $47,836 |
| Net Position Ending of Year | 100,056 | 62,747 |

**Expenditures**

| Education Capital Outlay | $148,704 | $148,432 |
| Existing fire and police | $25,000,000 | $25,000,000 |
| New building projects | $1,000,000 | $1,000,000 |
| Capital Outlay Reserve | $1,000,000 | $1,000,000 |

The majority of the County’s General Fund revenues come from property taxes on real and personal property. The property tax levy, which covers the costs of operating the schools, is calculated at 1 additional mills of assessed value. The real property tax, which is the homeowners’ and businesses’ share on their real and personal property, is calculated at 12 mills on $100 of assessed value.

At-risk tax revenues exceed amended budget amounts by $32.2 million, driven primarily by an increase in general property taxes of $32.0 million. The increase in general property tax is due to the combination of increasing real property values and vehicle values in the County and net revenue from the County’s General Fund. The increase in the General Fund revenue is also due to the deferral of amounts related to pensions and OPEB.

**LOUDOUN COUNTY FY18 CAFR AND FY18 PAFR**

...MADE MORE ENGAGING
REQUIRED COMMUNICATIONS

...MADE EASIER TO UNDERSTAND

FY2020 BUDGET BY THE NUMBERS

Understanding how your tax dollar is invested

PUBLIC SAFETY INVESTMENT

- Additional resources to continue recruitment and retention efforts, implementing new online orientation program
- More staffing in all public safety agencies
- 30 new firefighters to staff the Midlothian Fire Station
- Mobiles broadbased for first responders
- Improving police vehicle replacement plan
- Increased starting pay for Sheriff’s deputies

$0.27
Invested in public safety

HEALTH & WELFARE INVESTMENT

- Additional resources for service delivery, $0.07
  for tax relief for the elderly
- Alternative transportation public

$0.07
Invested in general government functions

GENERAL GOVERNMENT INVESTMENT

- Continued support for general operational areas, investing in workforce staffing
- Focused investment in technology upgrades
- Resources to accommodate Career Development Plans
- Three percent merit increase for eligible employees

$0.06
Invested in public works & community development

PUBLIC WORKS & COMMUNITY DEVELOPMENT INVESTMENT

- Additional resources in Environmental Engineering to address drainage and water quality issues
- Focused resources in Planning to provide consultants services and conduct neighborhood revitalization initiatives

$0.03
Invested in parks, recreation, cultural

DARKS, DECORATION, CULTURAL INVESTMENT

- New teens provide more opportunities to exist with care and maintenance of parkland

$0.01
Invested in miscellaneous

OTHER MISCELLANEOUS INVESTMENT

- Completely budgeted employee benefits

$0.41
Invested in education

EDUCATION INVESTMENT

- Three percent raise for teachers
- Staffing to accommodate an additional 520 students
- Opening new Old Hundred Elementary School
- Funding long-term liabilities and an enhanced focus on major maintenance
- Resources to accommodate realignment of pupil transportation that occurred during FY19

$0.08
Invested in capital

CAPITAL INVESTMENT

- Funding for facility maintenance improvements
- Additional staffing in Buildings and Grounds
- Transportation ($0.2M) in vehicle registration fees to capital plan for transportation over 5 year CIP

$0.01
Invested in capital

CHESTERFIELD COUNTY FY20 BUDGET AND FY20 BUDGET-IN-BRIEF

78
PEOPLE ARE LOOKING FOR DATA

...THAT’S EASY TO FIND AND USE

• REAL ESTATE RECORDS
• OFFICIAL DOCUMENTS
• LINE ITEM BUDGET AND ACTUAL DETAILS
• SOLICITATIONS AND CONTRACTS
• TAX RATE AND FEE SCHEDULES
• VENDOR PAYMENTS
• SALARY INFORMATION
INFORMATION IS EXPECTED ONLINE

...AND IS EASILY ACCOMMODATED ON MOST IN-HOUSE WEB PLATFORMS
INFORMATION IS EXPECTED ONLINE

...AND IS EASILY ACCOMMODATED ON MOST IN-HOUSE WEB PLATFORMS
Welcome to Commonwealth Data Point

Financials

- **Expenditures**: View the state's expenses by secretariat, agency, and more
- **Revenue**: See where the state is earning money per secretariat, agency, and more
- **Budget**: Compare the budget set forth by the state, including any adjustments and transfers
- **Salaries**: Explore the salaries of state employees

Demographics

- **Higher Education**: View student body populations for four-year and two-year institutions
- **Public Schools**: Explore enrollment across locality school districts
- **Prisons**: See populations for correctional facilities across the state
- **Work Force**: Observe employment rates for multiple sectors of the workforce

Finances at a Glance

Fiscal Year

2020

INFORMATION IS EXPECTED ONLINE

...AND IS EASILY ACCOMMODATED ON MOST IN-HOUSE WEB PLATFORMS
COMPETITIVE MARKET FOR OTHER SOLUTIONS
Wednesday, June 5th is the deadline to pay personal property and real estate taxes.

UTILIZE CAPTIVE AUDIENCES

SOCIAL MEDIA HAS DIVERSE APPLICATIONS FOR GOVERNMENT FINANCE
WHAT IS TRANSPARENCY?

WHAT ARE THE OUTCOMES?
BUILDING BETTER COMMUNITIES

...TRANSPARENCY INCREASES INVOLVEMENT

• CREATE TRUST AMONGST CITIZENS, ADMINISTRATORS AND OFFICIALS
• INCREASED WILLNESS TO PARTICIPATE IN GOVERNANCE
• ENHANCED COOPERATION AND WILLINGNESS TO INVEST IN COMMUNITY NEEDS
• COMPETITIVE ADVANTAGE
THE CAMERA IS ALWAYS ON

...INTERACTION QUALITY DIRECTLY IMPACTS TRUST

- Disclosure
- Participation
- Credibility
- Clarity
- Transparency
- Relevance
- Accuracy
Wrap Up

Basics of a building a budget are largely driven by local decision makers.

However, there are nuanced code requirements. Involve your attorneys in process review.

There are lots of ways to craft and present your budget – all of them are right. Find what works for your community.

Best Practices – this space is continually evolving to make financial documents and decisions easier for the public to digest.

Transparency is crucial to gaining public trust – which is the foundation for civic engagement and a collaborative budget process.
Budget Workshop
Breakout Sessions
8:30am

Christian R. Goodwin | Louisa County Administrator
## County Budget Balancing Worksheet

### Revenue

<table>
<thead>
<tr>
<th>Description</th>
<th>Revenue</th>
<th>Expenses</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Budget Shortfall</td>
<td>$3,700,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Revenue Generation Options

- $0.01 on Real Estate Tax (valuations have been declining): $400,000
- $0.10 on Personal Property Tax Rate Generates: $300,000
- Draw from Fund Balance - 1% of op budget is $900K: $900,000

Total Additional Revenue Generated: $-

**Adjusted Shortfall (A+B) = $3,700,000**

### Expense Reduction Options

- Cost savings of 1 day furlough for all staff: $50,000
- Eliminate transfer to utility fund (util fees increase 35%): $680,000
- Reduce utility fund transfer from $680K to $300K (fees increase by 26%): $380,000
- Close branch library (leaves main library): $100,000
- Closing Monday/Fridays at both libraries: $60,000
- Eliminate Bookmobile (primarily serves children): $30,000
- Close County Parks one day/week (the one in your district is heavily used): $20,000
- Reduce civic contributions by percentage comparable to revenue loss: $25,000
- 1% reduction in school transfer generates: $175,000
- Eliminate new vehicle request: $30,000
- Reduce county staff salaries by 1%: $140,000
- Eliminate cable TV programs/services: $50,000
- Eliminate selected PT positions: $95,000
- Freeze three formerly grant funded positions in Sheriff’s Office: $150,000
- Do not fund 10 County positions currently frozen: $450,000
- Eliminate request for increase in Social Services Funding: $50,000
- Delay select capital expenditures (means funding in a future year): $1,000,000
- Eliminate Contingency Budget: $200,000
- Eliminate additional positions ($50K each): $50,000

Total Savings: $-

**Total Adjusted Shortfall (C+D) = $3,700,000**

---

* average bill increases from $50 to $67
** average bill increases from $50 to $63
*** you sit on the Boards of 3 of the 6 funded civic organizations
**** caseloads have increased by 72% in the past 12 months
Budget Workshop
Breakout Sessions
830am

Theodore L. Voorhees | Orange County Administrator
<table>
<thead>
<tr>
<th>Revenue generation options (increasing a revenue has positive impact):</th>
<th>Revenue</th>
<th>Expenditures</th>
<th>Balance</th>
<th>A</th>
</tr>
</thead>
<tbody>
<tr>
<td>$.01 on Real Estate Tax Rate generates</td>
<td></td>
<td>$400,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>$.10 on Personal Property Tax Rate generates**</td>
<td></td>
<td>$300,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Draw from the fund balance -- each 1% of operating budget is $900,000</td>
<td></td>
<td>$900,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Total additional revenue generated:                          | B      |              |         |   |
| Adjusted shortfall (A + B):                                  | C      |              |         |   |

<table>
<thead>
<tr>
<th>Expense reduction options considered (eliminating a cost has positive impact):</th>
<th>Revenue</th>
<th>Expenditures</th>
<th>Balance</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost savings of imposing one furlough day for all County employees</td>
<td>$46,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eliminate transfer to utilities fund; residential utility fees increase by 35%*</td>
<td>$680,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reduce utilities fund transfer from $680,000 to $300,000, fees increase by 26%^</td>
<td>$380,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Closing the branch library (leaves one main library)</td>
<td>$100,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Closing Mondays and Fridays at both libraries</td>
<td>$60,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eliminate Bookmobile (primarily serves children)</td>
<td>$30,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Close County park one day a week</td>
<td>$20,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reduce civic contributions by percentage comparable to revenue loss</td>
<td>$25,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reduce contribution to volunteer fire departments by comparable percentage</td>
<td>$150,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Every 1% reduction in school transfer generates</td>
<td>$175,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eliminate vehicle requested</td>
<td>$30,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reduce all employee salaries (county side) by 1%</td>
<td>$140,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eliminate cable TV programs and services</td>
<td>$50,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eliminate PT positions in several offices</td>
<td>$95,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Freeze three formerly grant funded positions in Sheriff's Office</td>
<td>$150,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Do not fund ten county positions currently frozen</td>
<td>$450,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reduce School local transfer by 40.2% of lost revenue</td>
<td>$1,800,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eliminate request for increase in Social Services funding~</td>
<td>$50,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eliminate capital expenditures</td>
<td>$1,000,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eliminate capital expenditures not recommended for delay (e.g., roof repair)</td>
<td>$100,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eliminate County Administrator's Contingency Fund</td>
<td>$200,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eliminate additional County positions (average position costs $50,000)</td>
<td>$50,000</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Total savings:                                                                | D      |              |         |   |
| Total adjusted shortfall -- goal is zero! (C + D):                              | E      |              |         |   |

*Avg bill increases from $50.27 to $67.87
^Avg bill increases from $50.27 to $63.35
~Caseloads have increased 72% in the last 12 months)

**The projected loss in property tax revenue is currently $1,566,105 due to declining values

Note that a decision to fund something (like employee raises) would have a negative impact -- make deficit worse.
Communicating with Your Constituents
1130am

The Honorable Mary Biggs
Montgomery County Vice Chair

The Honorable Christopher M. Winslow
Chesterfield County Vice Chair
COMMUNICATING WITH YOUR CONSTITUENTS

VACO SUPERVISORS’ FORUM
APRIL 2021
PRESENTERS

Christopher Winslow
Vice-Chair
Clover Hill Magisterial District
Chesterfield County
winslowc@chesterfield.gov

Mary Biggs
Vice-Chair
District F
Montgomery County
biggsmw@montgomerycountyva.gov
COMMUNICATION STRATEGY
FOCUSING ON SIX AREAS
COMMUNICATION STRATEGY

Stay Connected

• Pre-COVID: in-person community meetings, new business events, ribbon cuttings .... It was easy to see people out, have a quick conversation and hear about what’s happening. More natural, organic relationship/constituent building, spontaneous

• During-COVID: virtual meetings, zoom calls, limited in-person and face-to-face meetings.... interactions are intentional, pre-planned, requiring more thoughtful consideration of who, what, when and where

• Moving forward: figuring out how to balance and take advantage of new ways to connect
Flipping the switch to a virtual world, promoted the use of social platforms and as a result, a rise in social media followers.

New comfort with technology – use of email, phone and text messaging abilities.

Pandemic's silver lining: Broadening the engagement toolbox by melding what worked in the past for some audiences (in-person town halls) with new approaches that enable people to engage on their terms and timelines (electronic comments on the budget and many other matters).
Tell Your Story

• Understand who is your audience(s)

• Make the most of more people being connected online and through social media platforms by using those outlets to share updates and information

• Not only important for elected officials but also to make locality visible by departments and personnel sharing information

• Set realistic goals for what you want to achieve and when – know when to engage with followers

• Don't rely on the media to tell your story
COMMUNICATION STRATEGY

Be Accessible & Responsive

• Whether by phone, email, or text, make it easy and be responsive
• People want to know you received their message
• Keep it simple, “Thank you for your message. I appreciate you sharing these thoughts and will follow up soon.”
• Involve staff to help you tackle your priorities and maintain community connections
COMMUNICATION STRATEGY

Establish & Maintain Trust

• Transparency and sharing information is paramount to establish and maintain trust

• Integrity and consistency matter

• Solicit feedback and be open with sharing results

• Acknowledge that all input received, whether verbally or digitally, is consumed and considered
COMMUNICATION STRATEGY

Keep it Simple

• Navigating a post-COVID world doesn’t have to be difficult. Figure out what techniques have worked well for you and keep using them.

• Know your audience and the best medium to reach them.

• Spend time on your communications and invest monetarily (i.e. skilled staff, equipment, software, etc.).

• Messaging should be easy to understand – less bureaucracy, more conversational.

• Identify a central resource in your organization to assist with sharing information and to keep messaging consistent.
• A lot can be accomplished with limited resources

• Social media isn't free, so evaluate the need and choose the best platform to meet them within a budget

• Partner with others – neighboring localities or even private entities – who share your community goals and can offer expertise

• Consider cooperative contracts to purchase technology and tools

• Benchmark with others to learn what worked – and what didn't work

• Remember, keep it simple – your audience(s) will appreciate it
CITIZENS COMMENTS

- Online Public Portal to collect citizen comments
- Meeting with constituents
- Groups
- In-person
- Zoom
- Opportunities to interact with others in ways not previously possible, out-of-state representatives

Provide Comments Online for Virtual Board Meetings
Due to ongoing public health concerns related to COVID-19, Chesterfield County is encouraging citizens to provide comments online. Remaining consistent with the Board of Supervisors' rules and procedures, each citizen has the opportunity to provide a comment, not to exceed 400 words, which is comparable to speaking for 3 minutes, during the citizen comment period for unscheduled matters. Comments are subject to the same rules as during the spoken citizen comment period and will be limited to the first 15 entries submitted using the online form. Only 1 entry per citizen will be accepted during this comment period on unscheduled matters. The portal will close at 5 p.m. on the day prior to the scheduled Board meeting in order to prepare comments for the public and the Board to see in a timely manner, prior to the Board meeting.

View Citizen Comments for Jan. 27, 2021 Meeting (PDF)

Name *
First

Email *

District *
- Bermead
- Clover Hill
- Dale
- Matiricoa
- Midlothian

Citizen comment on... *
- Public hearing
- Zoning case
- Unscheduled matter

Comments *

All comments received will be distributed to the Board and posted online for the public to view in advance of the meeting and will be made a part of the Board's official public record within the rules of procedure adopted by the Board of Supervisors.

If you have any questions about this form, please contact the Clerk to the Board of Supervisors by calling 804-746-1300 or by email.

Submit Comment
EFFECTIVELY UTILIZING COMMUNICATION TOOLS & TECHNOLOGY
Happening in Chesterfield e-newsletter | March 3, 2020 – March 1, 2021

• Subscribers added: 645 (9.8% increase)
• Average open rate: 37.9% | +21.8% vs. industry average

Montgomery County, Welcome Back! | Signage, Flyer

• Print: Newsletter, key contacts flyer and signage at Montgomery County Government Center
• Web: Created dedicated Operations Status page on website – online services, phone, email
• Social Media: Growth on platforms in FY21
  • Facebook: 39% increase
  • Twitter: 7% increase
• Pitch Stories to Media Outlets
• News Releases and Video News Releases
• News Conferences
• Tell Your Story First – If You Don't, Someone Else Will
• Respond to Media Inquiries

MEDIA RELATIONS
VIDEO & TELEVISION PRODUCTION

- Chesterfield Community Television
- Video Production
- YouTube Channel Management
  - 803 videos added since 2014
  - 171,472 total views
- YouTube Channel Management – Montgomery County
  - 668 videos added since 2015
  - 361,004 total views
SOCIAL MEDIA

- Grow your audience
- Speak directly to constituents without the filter of a third-party (news media)
- Tell your own story in your own words
BECOME THE "GO TO" SOURCE OF INFORMATION FOR RESIDENTS
BECOME THE "GO TO" SOURCE OF INFORMATION FOR RESIDENTS
SUCCESS DURING PANDEMIC

• Making citizen and employee safety the priority
• Quickly transitioning to the virtual world, ensuring services continued even when buildings were closed
• Livestreaming public meetings
• Encouraging citizen engagement via online forms, voicemail, email and mail
• Conducting hybrid meetings incorporating limited in-person participation and virtually through Teams or Zoom
• Shining example: New River Valley Public Health Task Force
COMMUNICATING WITH YOUR CONSTITUENTS

STAY CONNECTED
Figure out how to balance and take advantage of new ways to connect

EXPAND YOUR REACH
Meld what worked in the past with new approaches that enable people to connect on their terms

TELL YOUR STORY
Understand who your audience is and don’t rely on the media to tell your story

BE ACCESSIBLE AND RESPONSIVE
Use phone, email and text, and involve staff to help you tackle priorities and maintain community connections

ESTABLISH AND MAINTAIN TRUST
Transparency and sharing information is paramount. Solicit feedback and share results

KEEP IT SIMPLE
Know your audience and the best medium to reach them.