



PRINCE WILLIAM COUNTY

Trails and Blueways Council Meeting Agenda March 26, 2024, at 6:30PM George Hellwig Administration Building

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Administrative Business Items, 5 min.**
 - a. Approval of February 27, 2024, Meeting Minutes
 - b. Acceptance of February 28, 2024, PHNST Subcommittee Notes
 - c. Acceptance of March 8, 2024, Braemar Site Visit Notes
 - d. Resolution 24-0X - Funding in the FY25 Budget for Trails and Blueways
- 4. Citizen's Time, 10 min.**
- 5. County Agency Representative's Time and Presentation Items, 15 min.**
 - a. Parks and Recreation
 - i. PHNST Gap Study Update, Patti Pakkala (overview of work planned verbally)
 - ii. Powell's Creek Crossing Update, David Kroeger
 - b. Transportation
 - i. Bike To Work Day – May 17, Bryce Barrett
 - c. Planning
 - i. Strathmore Rezoning Application (REZ2023-00023-02), Yolanda Hipski
- 6. Presentation Items/Reports**
 - a. Discovery Trail Signage Feedback, Joe Marshall, 5 min.
 - b. FOIA Training Update, Janet Bartnik, 5 min.
 - c. County-wide Trails Plan Discussion, Staff Team Facilitation, 10 min.
 - d. Powell's Creek Greenway Presentation, David Kroeger, 5 min.
- 7. Organization Representative's Time, 10 min.**
- 8. Member's Time, 20 min.**
 - a. Supporting NVRC's Data Collection Effort, Liz Cronauer, 2 min.
- 9. Meeting Recap, 5 min.**
 - a. PHNST Subcommittee – no March meeting scheduled
 - b. Next meeting's agenda – scheduled April 23
- 10. Adjourn**

Prince William County
TRAILS AND BLUEWAYS COUNCIL

Advisors to the Board of County Supervisors

Meeting Minutes
February 27, 2024; 6:30 PM

Attendance

District	Appointee	Present (in person)	Present (virtual)	Absent
At Large	Amy Latalladi-Fulton		✓	
	Bill McCarty	✓		
Brentsville	Liz Cronauer	✓		
	Catherine O'Connor	✓		
Coles	Mike DePue	✓		
	Joe Marshall	✓		
Gainesville	Duane Martin	✓	✓	
	VACANT			
Neabsco	Jason Williams	✓		
	Rich Wilson		✓	
Occoquan	Eileen Sheridan	✓		
	Neil Nelson	✓		
Potomac	Steven Cover			✓
	VACANT			
Woodbridge	David Brickley	✓		
	Lynda Silverstrand	✓		

Staff persons Patti Pakkala, Yolanda Hipski, David Kroeger, George Phillips and DPR Deputy Director Janet Bartnik were present.

Call to Order

The meeting was called to order by Liz Cronauer at 6:30 PM.

Pledge of Allegiance

Administrative:

- January 23, 2024, T&BC minutes were approved through a motion by Lynda and seconded by Neil.

- January 24, 2024, PHNST Notes were approved through a motion by Neil and seconded by Eileen.
- Resolution 24-1 allowing virtual attendance by Amy was approved through a motion by Lynda and seconded by Joe.
- Resolution 24-2 allowing virtual attendance by Duane was approved through a motion by Lynda and seconded by Joe. Partway through the meeting Duane joined us in person.
- Resolution 24-3 allowing virtual attendance by Rich was approved through a motion by Lynda and seconded by Mike.

Citizen's Time.

- Russell Bryant talked about the history of the Potomac Heritage National Scenic Trail referencing a signing on 9/25/2010 by Representative Brickley at that time. He glad progress on completing the trail is moving forward.
- Charlie Grymes reminded the T&BC that this is budget season and that two supervisors are pushing \$100K in general funding for trails. He asked all to advocate for this or more.
- Allen Wagner introduced himself as the MORE liaison at James Long Park.

County Agency Representatives

PWC Department of Parks and Recreation. Janet Bartnik, Patti Pakkala, David Kroeger

- Linnea Sherman and Jill Kaneff from NVRC joined the meeting virtually to report on a joint project with Parks to recruit volunteers to collect data about amenities, signage and waypoints on the existing Potomac Heritage National Scenic Trail. A training session is scheduled for March 28th at 5:30 PM. They also expect to create a training video. See the attached slide to sign up for the training.
- Janet reported that the vendor they wanted to get under contract for the FLAP Grant work was no longer on the vendor list. This would probably push out the start until April depending on which vendor they are able to get approved.
- Patti reported that the two big signs are up on the Discovery Trail at the Landfill at the trail head and at the Smith rock. It was reported that the rock was at the site of an original homestead in Tom Smith's family. Tom is now retired. Access and expansion of the trail to match the 2040 comprehensive plan are dependent on the landfill staff.
- Janet reported on progress on Powell's Creek crossing. Inform Studios, the contractor, is in the data collection mode. A stakeholder meeting with the T&BC is currently planned for the week of April 21st. Hopefully, this will include some initial concepts to discuss.

PWC Transportation. George Phillips

- George described efforts underway on the \$80K technical assistance grant to do a multimodal corridor study of the Yorkshire area focusing on transit, bike and pedestrian concerns. There was a Windshield audit of the area for the stakeholders on February 15th with 25 people participating. Liz and Catherine participated in the February stakeholder meeting on the 16th. The next stakeholder meeting is scheduled for the 2nd week of March.
- George described the county wide Comprehensive Safety Action Plan that is planned to be completed by the end of the year. It will identify gaps in bike transportation and in small area plans and then prioritize improvements for funding.

PWC Planning. Yolanda Hipski

- No Report

Presentations/Reports.

Supervisor Communication Plan. Eileen Sheridan

- Eileen discussed the 1-page communication plan she had prepared. (see attached slide). Various members described their communications with their supervisor. Janet mentioned that she has started producing a district-specific Parks sheet for two districts every week and asked if T&BC members would like to receive these for their districts. This was answered in the affirmative.

Greenway Subcommittee for Data Collection. Liz Cronauer

- Liz talked about collecting input for the Master Trail Plan and updating the Comprehensive Plan. Looking at Greenways is a good start. She asked about forming a subcommittee to find what data is needed and how to proceed and collect gaps for each. In response to this, park staff indicate that they have limited bandwidth to support another subcommittee. They are already collecting this information as the next report will show. Park staff are focusing on completing greenways that have bond funding in place. This subcommittee effort was put on hold.

Catharpin Greenway Presentation, Patti Pakalla

- Patti presented the status of the Catharpin Greenway. See the four attached slides for details. Though ultimately targeting a path to Bull Run Mountain, the greenway was traced from Silver Lake Park to the Digital Gateway project and Robinson Conway State Forest. It will follow Little Bull Run to Route 234. This includes sections in Heritage Hunt, Smith Crossing and the Digital Gateway. A key gap is at Burnside Farm just outside of Jame Long Park.

PHNST Resolution, David Brickley

- David talked about the section of the PHNST that currently goes on Route 123 coming out of Occoquan and how non-scenic this section is. He also mentioned about VDOT working a design of the 123 / I95 interchange with design complete by March and the need to make sure they do not preclude the trail going under I-95 near the water. He referenced a resolution from the Potomac Heritage Trails Association and an upcoming resolution from the town of Occoquan, both addressing a better routing for this section from Occoquan to Belmont Bay. He brought forward a resolution that would advocate a better route. An earlier resolution that was vaguer was also brought up. Updates to his resolution were made and Resolution 24-4 was made by Eileen Sheridan and seconded by Neil Nelson. It was passed unanimously by all voting members.

Organization Representatives' Time

Greater Prince William Trails Coalition (GPWTC). Eileen Sheridan, Chair, Neil Nelson, Secretary

- The second Sunday hike will take place in Potomac Shores on March 10th at 1 PM. It will provide a chance to view the Powell's Creek waters with leaves off the trees where the crossing will come from the Leesylvania side.

Prince William Trails & Streams Coalition (PWTSC). Neil Nelson

- There will be a Neabsco Creek Cleanup on March 2nd at 9 AM.
- There will be a Marumsco Cleanup on March 23rd.

Mid Atlantic Off-Road Enthusiasts (MORE). Jason Williams, Rich Wilson

- With the return of daylight savings time on March 10th, MORE will resume sponsoring SMORES rides.

- There are many users of the Saving Grace Trail on the Neabsco Greenway.
- Allen Wagner has been signing trails at James Long Park.

Trails Keepers. Catherine O'Connor

- They are sponsoring trails cleanups each week.
- There is a 10K run as part of the Merrimac Farms Bluebell Festival in April.

Members' Time:

- Amy:
 - Amy described her latest adventure at the Occoquan Wildlife Refuge.
- Bill:
 - Bill asked Liz if she could locate her Master's thesis and bring it to an upcoming meeting.
- Catherine:
 - No comments.
- David:
 - No comments.
- Duane:
 - Duane is spending a lot of time at Silver Lake Park. He asked about the Master Plan. It was reported that this is not funded.
 - Duane also observed an aluminum bridge on Broad Run that was installed by Parks.
- Eileen:
 - Eileen reported that she advocated for funding for various trails items.
- Jason:
 - No comments.
- Joe:
 - Joe asked about the latest status at the Preserve at Long Branch. Trails will be turned over to the county after the first home is fully permitted.
 - Joe will attach the latest status of our goals planning worksheet to the minutes. See attached.
- Liz:
 - No comments.
- Lynda:
 - Lynda reported that the latest cleaning of the Bandalong yielded over 700 bottles.
- Mike:
 - Mike asked about the Belmont Bay redevelopment. Latest status is they are pulling their application and plan to resubmit it.
- Neil:
 - Neil reported on good momentum on Occoquan Greenway segments and bridges as well as the most recent Lake Ridge Homeowner Association meetings.
- Rich:
 - No comments.
- Steven:
 - Not present.

Meeting Recap:

- None

T&BC Meeting Minutes – February 27th, 2024

Next meeting agenda items:

- March meeting agenda items should be forwarded to Liz, Amy, or Joe by March 12th.

Next meetings:

- At Hellwig: PHNST Subcommittee – February 28th at 2 PM
- At Hellwig: Full T&BC – March 26th at 6:30 PM.
- State of the Parks Presentation on February 29th at the Kelly Leadership Center at 7 PM.
- FOIA Training at the McCoart Center on March 4th at 7 PM.

Adjourn: The meeting adjourned at 8:56 PM based on motion by Eileen, seconded by Mike.

MOTION: Lynda Silverstrand

**February 27, 2024
Regular Meeting**

SECOND: Joe Marshall

Res. No. 24-1

**RE: APPROVE AMY LATALLADI-FULTON'S REQUEST TO PARTICIPATE
REMOTELY THROUGH ELECTRONIC COMMUNICATION MEANS**

ACTION:

WHEREAS, the Prince William County Trails and Blueways Council adopted a policy pursuant to Section 2.2-3708.2, VA Code Ann., to allow for remote participation by Members of the Council, and

WHEREAS, in accordance with the Council's policy, Amy Latalladi-Fulton notified the Chair that they (the member) is requesting permission from the Council to electronically participate at the Council's February 27, 2024 Meeting; and

WHEREAS, the member certified (Check A or B);

- A. X the Member is unable to attend the meeting due to (i) a temporary or permanent disability or other medical condition that prevents the Member's physical attendance or (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance; OR
- B. the Member is unable to attend the meeting due to the following specifically identified personal matter: (specify)

AND the Member has not already participated electronically due to a personal reason in excess of two meetings this calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater; and

WHEREAS, the remote location from which the Member plans to electronically participate is his residence; and this remote location will/will not (*underline one*) be open to the public; and

WHEREAS the Member verifies that the Member's participation in any closed session of the meeting shall remain confidential and not be disclosed to any unauthorized persons or entities; and

WHEREAS, pursuant to the Council's policy, a request for electronic participation from a remote location shall be approved unless participation violates the Council's policy or any provisions of the Virginia Freedom of Information Act;

NOW, THEREFORE, BE IT RESOLVED that the Prince William County Trails and Blueways Council does approve the request to participate in the meeting through electronic communication means in accordance with the Council's policy; a quorum of the Council was physically assembled at one primary or central meeting location; and arrangements were made for the voice of the Member to be heard by all persons at the primary or central meeting location.

Votes:

Ayes: 10

Nays: 0

Absent from Vote: 3

Absent from Meeting: 1

SIGNED: 
Prince William Trails and Blueways Council chair

MOTION: Lynda Silverstrand

February 27, 2024

SECOND: Joe Marshall

Regular Meeting

Res. No. 24-2

**RE: APPROVE DUANE MARTIN'S REQUEST TO PARTICIPATE
REMOTELY THROUGH ELECTRONIC COMMUNICATION MEANS**

ACTION:

WHEREAS, the Prince William County Trails and Blueways Council adopted a policy pursuant to Section 2.2-3708.2, VA Code Ann., to allow for remote participation by Members of the Council, and

WHEREAS, in accordance with the Council's policy, Duane Martin notified the Chair that they (the member) is requesting permission from the Council to electronically participate at the Council's February 27, 2024 Meeting; and

WHEREAS, the member certified (Check A or B);

- A. _____ the Member is unable to attend the meeting due to (i) a temporary or permanent disability or other medical condition that prevents the Member's physical attendance or (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance; OR
- B. X the Member is unable to attend the meeting due to the following specifically identified personal matter: (specify) family emergency

AND the Member has not already participated electronically due to a personal reason in excess of two meetings this calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater; and

WHEREAS, the remote location from which the Member plans to electronically participate is his residence; and this remote location will/will not (*underline one*) be open to the public; and

WHEREAS the Member verifies that the Member's participation in any closed session of the meeting shall remain confidential and not be disclosed to any unauthorized persons or entities; and

WHEREAS, pursuant to the Council's policy, a request for electronic participation from a remote location shall be approved unless participation violates the Council's policy or any provisions of the Virginia Freedom of Information Act;

NOW, THEREFORE, BE IT RESOLVED that the Prince William County Trails and Blueways Council does approve the request to participate in the meeting through electronic communication means in accordance with the Council's policy; a quorum of the Council was physically assembled at one primary or central meeting location; and arrangements were made for the voice of the Member to be heard by all persons at the primary or central meeting location.

Votes:

Ayes: 10

Nays: 0

Absent from Vote: 3

Absent from Meeting: 1

SIGNED: 
Prince William Trails and Blueways Council chair

MOTION: Lynda Silverstrand

February 27, 2024

SECOND: Mike DePue

Regular Meeting

Res. No. 24-3

**RE: APPROVE RICH WILSON'S REQUEST TO PARTICIPATE
REMOTELY THROUGH ELECTRONIC COMMUNICATION MEANS**

ACTION:

WHEREAS, the Prince William County Trails and Blueways Council adopted a policy pursuant to Section 2.2-3708.2, VA Code Ann., to allow for remote participation by Members of the Council, and

WHEREAS, in accordance with the Council's policy, Rich Wilson notified the Chair that they (the member) is requesting permission from the Council to electronically participate at the Council's February 27, 2024 Meeting; and

WHEREAS, the member certified (Check A or B);

- A. _____ the Member is unable to attend the meeting due to (i) a temporary or permanent disability or other medical condition that prevents the Member's physical attendance or (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance; OR
- B. X the Member is unable to attend the meeting due to the following specifically identified personal matter: (specify) family emergency

AND the Member has not already participated electronically due to a personal reason in excess of two meetings this calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater; and

WHEREAS, the remote location from which the Member plans to electronically participate is his residence; and this remote location will/will not (*underline one*) be open to the public; and

WHEREAS the Member verifies that the Member's participation in any closed session of the meeting shall remain confidential and not be disclosed to any unauthorized persons or entities; and

WHEREAS, pursuant to the Council's policy, a request for electronic participation from a remote location shall be approved unless participation violates the Council's policy or any provisions of the Virginia Freedom of Information Act;

NOW, THEREFORE, BE IT RESOLVED that the Prince William County Trails and Blueways Council does approve the request to participate in the meeting through electronic communication means in accordance with the Council's policy; a quorum of the Council was physically assembled at one primary or central meeting location; and arrangements were made for the voice of the Member to be heard by all persons at the primary or central meeting location.

Votes:

Ayes: 10

Nays: 0

Absent from Vote: 3

Absent from Meeting: 1

SIGNED: 
Prince William Trails and Blueways Council chair

MOTION: Eileen Sheridan

February 27, 2024

SECOND: Neil Nelson

Regular Meeting

Res. No. 24-4

RE: POTOMAC HERITAGE NATIONAL SCENIC TRAIL PREFERRED ALIGNMENT BETWEEN THE TOWN OF OCCOQUAN AND BELMONT BAY, PRINCE WILLIAM COUNTY

ACTION:

WHEREAS, the Potomac Heritage National Scenic Trail extends along the Potomac River from Pittsburgh, Pennsylvania to Virginia's Chesapeake Bay; and

WHEREAS, Prince William County is an important segment of the Potomac Heritage National Scenic Trail traversing from the Town of Occoquan south to the Stafford County line; and

WHEREAS, the Town of Occoquan is at the crossroads of national trails and greenways, which enhances its livability; and

WHEREAS, the opportunity exists for the Potomac Heritage National Scenic Trail to closely follow the Occoquan River shoreline from the Fairfax County crossing at Occoquan to Woodbridge rather than along traffic congested roads; and

WHEREAS, the Potomac Heritage National Scenic Trail can traverse from Poplar Lane to the I-95/Route 123 VDOT right-of-way; and

WHEREAS, the Potomac Heritage National Scenic Trail can follow the VDOT right of way on the west side of the I-95/Route 123 intersection and continue to the Occoquan River by going under the I-95 bridge and then continuing under the Route One and railroad bridges, thus avoiding traffic congested roads; and

WHEREAS, this trail route will enhance the scenic and recreational values of the Potomac Heritage National Scenic Trail, and has the support of the Town of Occoquan and the Potomac Heritage Trail Association; and

WHEREAS, the Trails and Blueways Council adopted a resolution on September 26, 2023, that the Potomac Heritage National Scenic Trail take advantage of the trail alignment to be as close to the Occoquan River as possible to connect the Town of Occoquan to the Occoquan Bay National Wildlife Refuge at Belmont Bay; and

WHEREAS, the Prince William County Comprehensive Plan currently shows two potential Potomac Heritage National Scenic Trail routes with the one going under I-95 as the preferred route;

NOW, THEREFORE, BE IT RESOLVED that the Prince William County Trails and Blueways Council hereby endorses for consideration the route of the Potomac Heritage National Scenic Trail as it takes advantage of the I-95/Route 123 VDOT right of way going north to, and then under, the I-95 bridge and then continuing along the shoreline of the Occoquan River under the Route One and railroad bridges; and

FURTHER, the Prince William County Trails and Blueways Council encourages the Prince William Board of County Supervisors and its Departments of Parks and Recreation, and Transportation, and the Virginia Department of Transportation to ensure that the design for the Potomac Heritage National Scenic Trail reflects this enhanced scenic route for the benefit of its citizens.

Votes:

Ayes: 13

Nays: 0

Absent from Vote: 0

Absent from Meeting: 1

SIGNED:



Prince William Trails and Blueways Council chair

**TOWN OF OCCOQUAN, VIRGINIA
RESOLUTION R-2024-02**

**RESOLUTION OF RECOGNITION AND ENDORSEMENT OF THE
POTOMAC HERITAGE NATIONAL SCENIC TRAIL**

WHEREAS, the Town of Occoquan is at the crossroads of national trails and greenways, which enhances its livability; and

WHEREAS, the Potomac Heritage National Scenic Trail extends along the Potomac River from Pittsburgh, Pennsylvania to Virginia's Chesapeake Bay; and

WHEREAS, the opportunity exists for the Potomac Heritage National Scenic Trail to closely follow the Occoquan River shoreline from the Fairfax County crossing at Occoquan to Woodbridge rather than along traffic-congested roads; and

WHEREAS, the Potomac Heritage National Scenic Trail can traverse from Poplar Lane to the 1-95/Route 123 VDOT right-of-way; and

WHEREAS, the Potomac Heritage National Scenic Trail can follow the VDOT right of way on the west side of the 1-95/Route 123 intersection and continue to the Occoquan River by going under the 1-95 bridge and then continuing under the Route One and railroad bridges, thus avoiding traffic-congested roads; and

WHEREAS, this trail route will enhance the scenic and recreational values of the Town of Occoquan and the Potomac Heritage National Scenic Trail.

NOW, THEREFORE, BE IT RESOLVED, the Occoquan Town Council hereby endorses the route of the Potomac Heritage National Scenic Trail as it takes advantage of the 1-95/Route 123 VDOT right of way going north to, and then under, the 1-95 bridge and then continuing along the shoreline of the Occoquan River under the Route One and railroad bridges; and

BE IT FURTHER RESOLVED, the Town of Occoquan encourages the Prince William Board of County Supervisors and its Parks and Transportation departments, and the Virginia Department of Transportation to ensure that the design for the Potomac Heritage National Scenic Trail reflects this enhanced route for the benefit of its citizens.

Adopted by the Town Council of the Town of Occoquan, Virginia this 5th Day of March, 2024.

MOTION: Councilmember Perkins

DATE: March 5, 2024

Town Council Meeting

SECOND: Vice Mayor Loges

Votes

Ayes: Vice Mayor Loges, Councilmember Perkins, Councilmember Daubresse, and Councilmember Freeborne Brinton

Nays:None

Absent from Vote: Councilmember Fithian

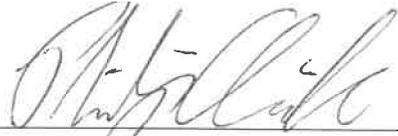
Absent from Meeting: Councilmember Fithian

BY ORDER OF THE TOWN COUNCIL

Attested:

p. 4 & £, a.

Earnest W. Porta, Jr., Mayor 


Philip Auville, Town Clerk



Meeting Date:	February 27, 2024
Agenda Title:	Trails and Blueways Council Communication Plan
Requested Action:	For information and discussion
Staff Lead:	Janet Bartnik, Deputy Director

BACKGROUND

In January's TBC meeting, Eileen Sheridan offered to draft a plan for member communication with their respective Supervisors. Ms. Sheridan's draft plan is provided below for Council discussion.

DISCUSSION

The Prince William Board of County Supervisors together with the Prince William County Park Authority Board established the Trails and Blueways Council in 2009 for the purpose of advising staff and the Board of County Supervisors on the development of a County-wide trails and blueways system. The Board of County Supervisors approved the re-establishment of the Council via Resolution 12-567 on June 5, 2012.

Regular communication with each Supervisor is essential and may assist the Trails and Blueways Council in accomplishment of its mission via:

2-3.3. Providing recommendations on provisions of the Prince William County Strategic Plan and Long Range Comprehensive Plan relating to or affecting trails.

2-3.4. Reviewing and recommending priorities for inclusion in the Prince William County Capital Improvement Program (CIP).

2-3.5. Recommending trail development and improvement opportunities.

Communication Objectives:

1. It is recommended that Council members report to their respective Supervisors at a minimum quarterly frequency.
2. Reporting may be verbal or written. Written reports should be limited to a single page.
3. At a minimum, report content should include:
 - a. Relevant magisterial district trail/parcel project summaries
 - b. Specific trails that may be outside of the district but are part of a larger existing or planned system, create an important connection (i.e., to a school, to a larger trail system, etc), or if the trail is included in the County-wide Trails Plan.
 - c. Comprehensive Plan recommendations or impacts
 - d. Approved Trails and Blueways Council Resolutions

Trails and Blueways Council

2024 Proposed Work Plan / Monthly Meeting Targets

WHEN	GOAL	WHAT	WHO	STATUS	COMMENT
January 16	5	FLAP Grant Gap Analysis Project budget & appropriation (ABA) goes to BOCS for approval	Parks staff	C - 1/16/2024	Approved
January 23	5	Powell's Creek Crossing initial meeting with consultants	TBC	C - 1/23/2024	Telecon Held
January 23	16	Discuss and form TBC subcommittee if necessary to explore communication plan/process that will keep Supervisors informed and updated (report due in February)	TBC	C - 1/23/2024	Eileen took lead
	2	East Coast Greenway – Elliott Caldwell	ECG	C- 1/23/2024	Elliott Introduced
February 16	11	TBC Participate in or provide feedback to Yorkshire TLC Shareholder meetings	Liz, Catherine and Joe	C-2/16/2024	Further meetings in March
February 27	16	Finish item on supervisor communication from January	TBC, Eileen	C-2/27/2024	Presented at TBC Meeting
February 27	1	Start discussion to set the stage for the county-wide trails plan update – what should be in the plan and how TBC can most effectively support and participate in the process. Identify preparations in advance of start?	TBC and Parks Staff	On hold	Discussed at TBC Meeting
February 27	9	Presentation of Catharpin Greenway alignment, gaps, and next steps	Parks Staff	C- 2/27/2024	Presented at TBC Meeting
February 27	10	Status of Discovery-ECO Trail for a Ribbon Cutting	Parks Staff		Signs mounted. Discussed at TBC Meeting - Awaiting Landfill coordination
February 27	5	Resolution about routing trail under I-95 and US 1 on section from Occoquan to Belmont Bay	TBC, David	C-2/27/2024	Resolution 24-4 written and approved
March	1	Present a process for the development of a comprehensive, county-wide trails plan prescribed in the PWC Comprehensive Plan to include what, who, how, and when (proposed process will determine additions to the work plan)	Planning, Transportation, and Parks Staff		

Trails and Blueways Council

2024 Proposed Work Plan / Monthly Meeting Targets

	5	Onboard FLAP grant gap analysis consultant; kickoff project	Parks Staff; PHNST subcommittee		
	2	NCTN Map Item – Define input process for Spring updates – should this be moved to March?	Bryce and Liz?		
	9	PATC presentation on the AT to Manassas Battlefield connection; possibly a resolution to formalize an alignment at a future meeting	PATC		
April	7	Presentation of Broad Run Greenway alignment, gaps, and next steps	Parks Staff		
April 21	5	Powell’s Creek Crossing Project stakeholder meetings (late Feb / early Mar)	TBC / PHNST Subcommittee		
May	3	Volunteer program	Eugene Loew		
	3	Discussion among members regarding volunteer efforts and identify areas where volunteers could be used to build and maintain trail. Anticipate Greenway gap analysis by park staff.	TBC		
	2	Report on connections with groups to connect to (such as Fairfax and Loudoun Counties)	Planning, Transportation, and Parks Staff		
June	8	Presentation of Neabsco Greenway alignment, gaps, and next steps	Parks Staff		
	5	FLAP Grant Gap Analysis Project update	PHNST Subcommittee		
	18	Presentation of standardized and branded signage for trails	Parks Staff		
July	1	WORK SESSION? – collectively explore how we’re doing; iron out work plan changes for remainder of year; discuss volunteer opportunities discovered; “low-hanging fruit” that could be added to the county	All		

Trails and Blueways Council

2024 Proposed Work Plan / Monthly Meeting Targets

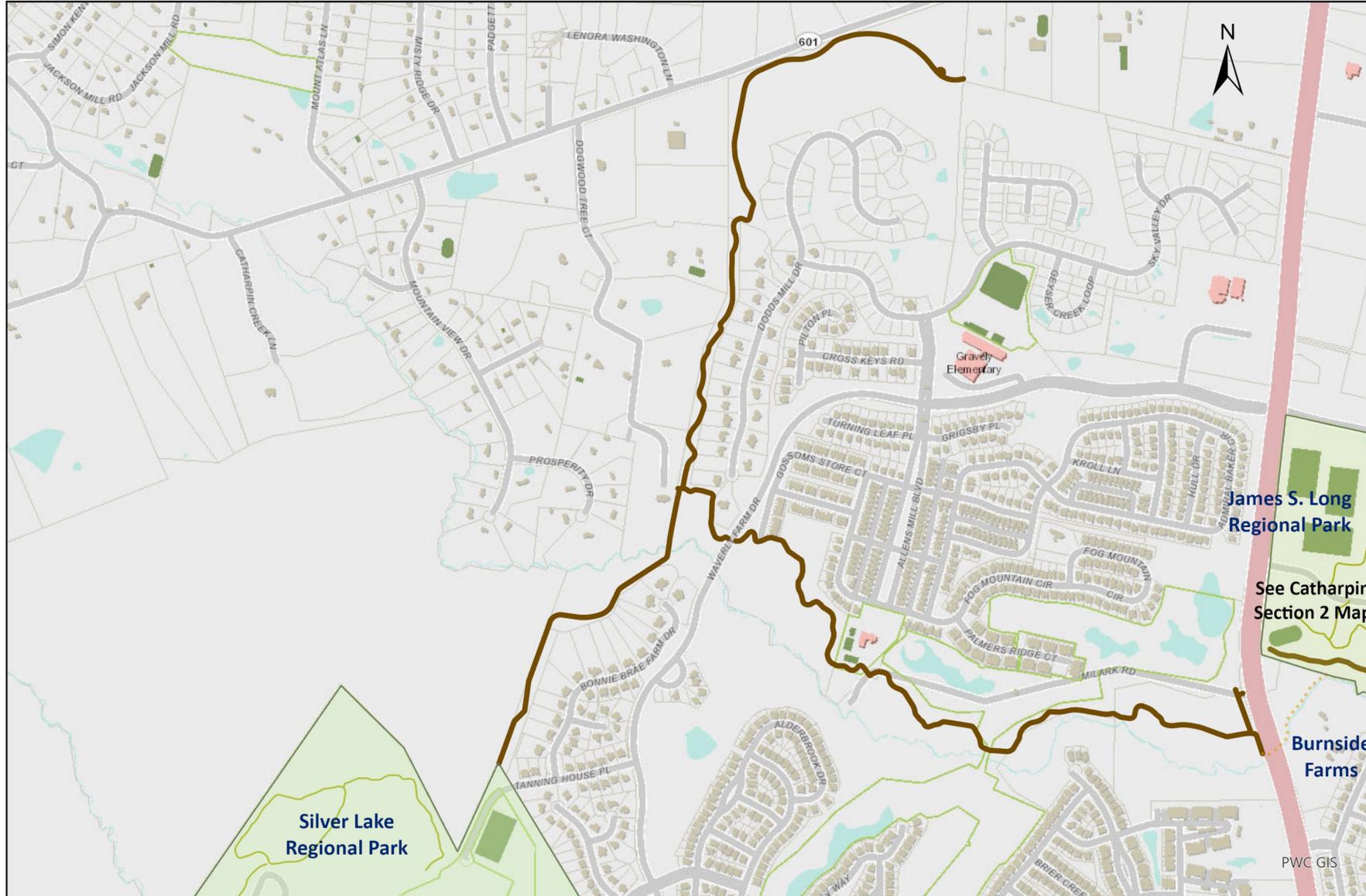
		trail system without significant costs or effort; anything else that comes up			
August	9	Presentation of Catharpin Greenway alignment, gaps, and next steps	Parks Staff		
September	12	Blueways / Water access updates	Parks Staff / Mike DePue		
October	10	Presentation of Powell’s Creek Greenway alignment, gaps, next steps	Parks Staff		
November	11	Presentation of Bull Run Loop Trail alignment, gaps, next steps	Parks Staff		
	4	Capital Improvement Planning and Advocacy; Initial presentation of department priorities	Planning, Transportation, and Parks Staff		
December	4	Capital Improvement Planning and Advocacy; Part 2 – making the list of items by District	Planning, Transportation, and Parks Staff		
INSERT WHEN APPROPRIATE	14	Ribbon cuttings in each district			
	10	Powell’s Creek Crossing milestones			
	5	FLAP Grant Gap Analysis Project milestones; then, taking the FLAP grant data, establishing a map for prioritization of currently unfunded gaps for construction (July work session??)			
	6	Occoquan Greenway updates			
	19	Dove’s Landing Design - updates/input opportunities			
	1	Trail and water access opportunities associated with development applications and road projects			

Trails and Blueways Council

2024 Proposed Work Plan / Monthly Meeting Targets

2024 Trails and Blueways Proposed Goals

1. Explore, collect, and warehouse information about existing community trails and other “low-hanging fruit” that could be added to the county trail system without significant costs or effort. Find ways to utilize volunteers to make some of these realities. (A comprehensive county-wide trails plan, unconstrained)
2. Interface with other groups to connect our trails and planned trails to Fairfax County, Stafford County, Loudoun County, and the National Capital Region.
3. Encourage volunteer efforts for maintaining more PWC trails using new PWC approved methodology.
4. Support and encourage PWC CIP additions for trails outside of bonds and additional trail maintenance funds.
5. Finish arranging plans and approaches for gaps in PHNST. Establish a traceable schedule to track in future years completing in 2031.
6. Encourage and track changes and updates to the Occoquan Greenway culminating in completion of this route from McCoart to Occoquan in 2025.
7. Inventory and identify gaps and approaches toward completion of the Broad Run Greenway.
8. Inventory and identify gaps and approaches toward completion of the Neabsco Creek Greenway.
9. Inventory and identify gaps and approaches toward completion of the Catharpin Creek Greenway.
10. Inventory and identify gaps and approaches toward completion of the Powells Creek Greenway.
11. Inventory and identify gaps and approaches toward completion of a Bull Run Loop trail in concert with Fairfax County.
12. Develop maps, plans, and approaches for one or more blueways in the county.
13. Develop two prioritized lists for each district of recreational trails and bike/pedestrian trails. Get buy-in from each district’s supervisor for the list.
14. Encourage at least one trails or blueways ribbon cutting in each district.
15. Publicity / awareness of the TBC and its work
16. Communication plan to keep Supervisors updated - formalize
17. Get more representation from the Potomac District especially since the potential for a park at cockpit point is coming closer
18. More signage / standardized signage
19. Boat launch at Sinclair Mill site (with different language)

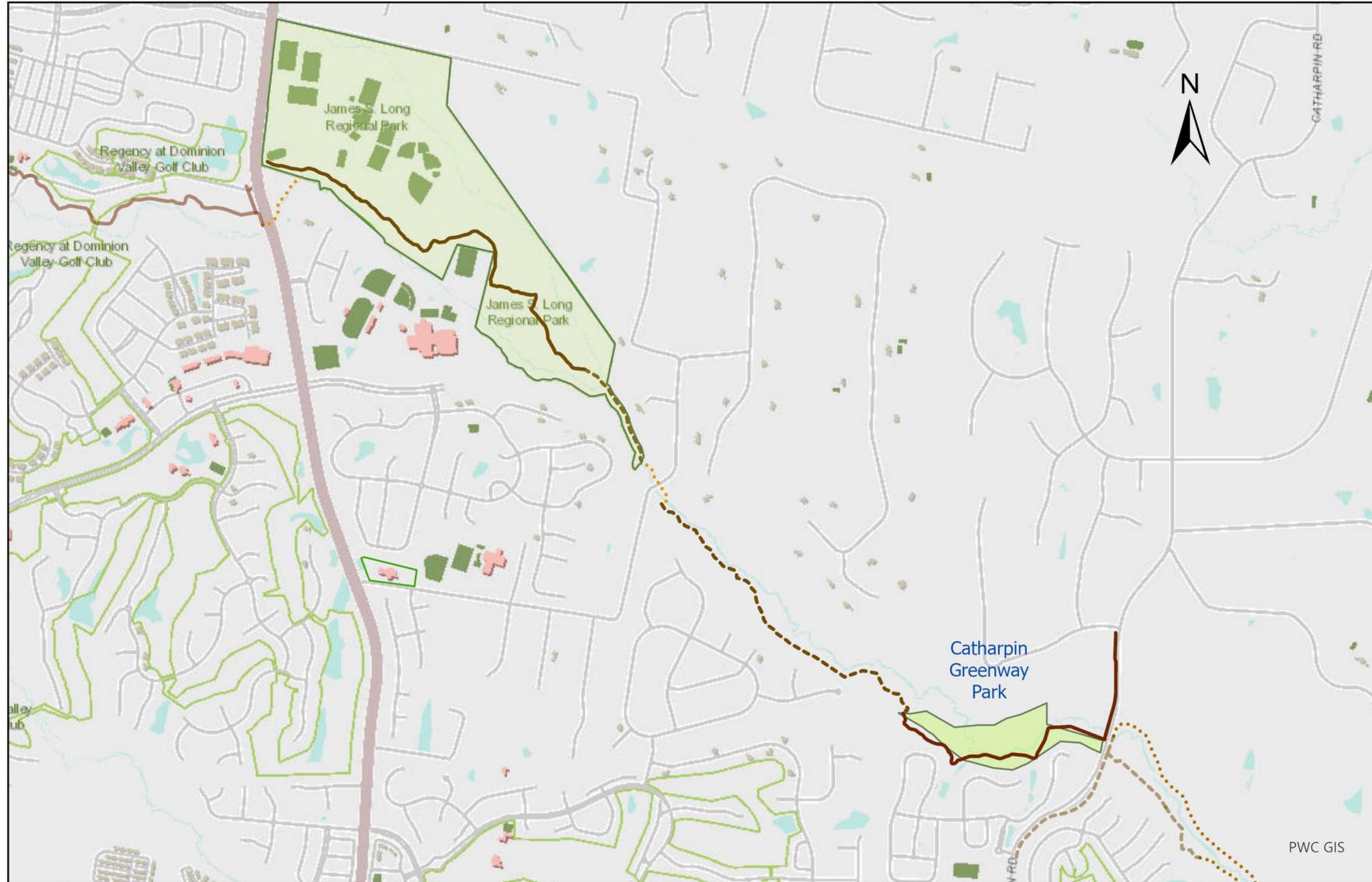


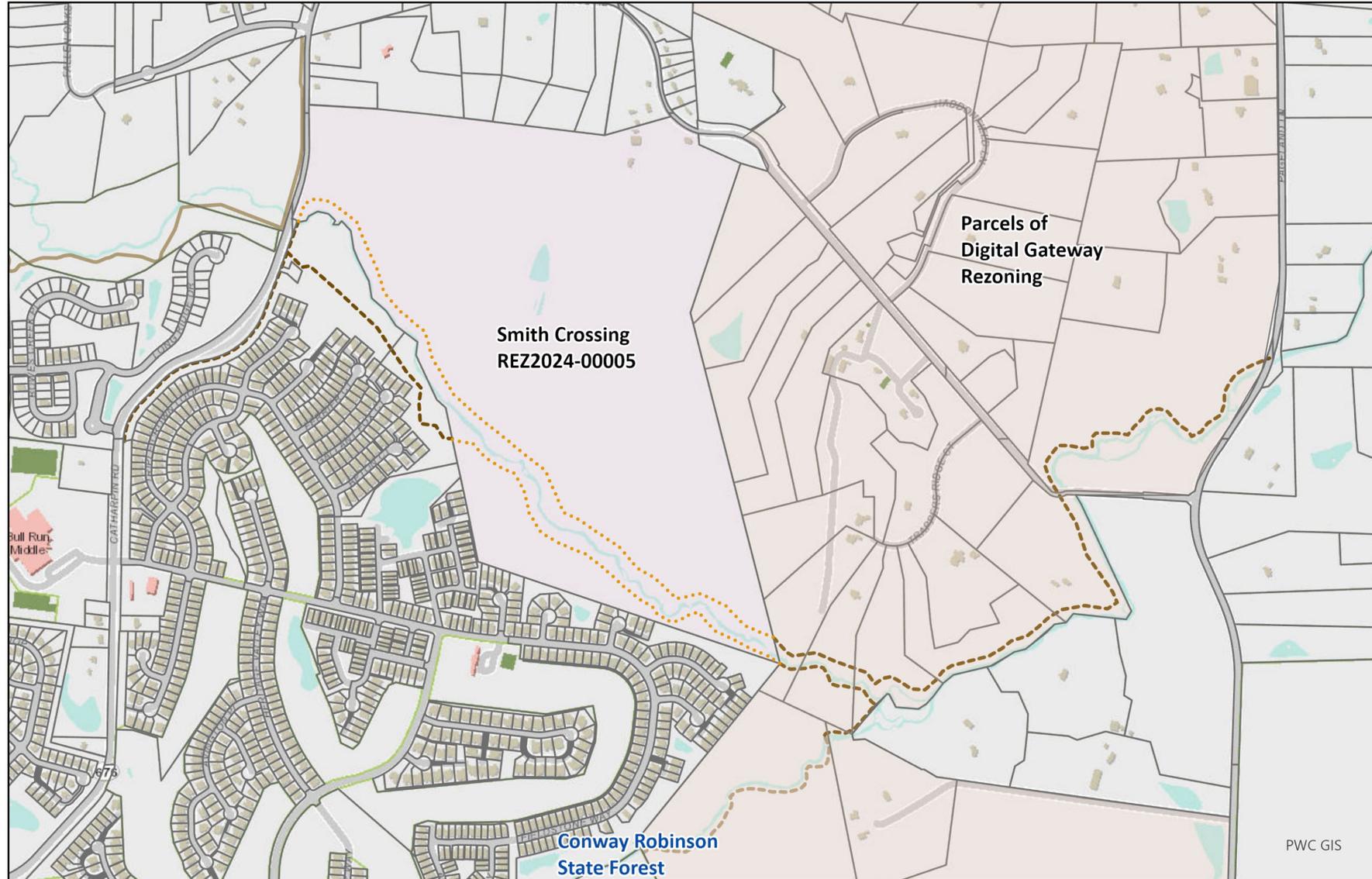
Prepared by the PWC Department of Parks, Recreation, & Tourism
George Hellwig Memorial Park Administrative Offices
14420 Bristow Road
Manassas, VA 20112
Phone: 703-792-7060
Fax: 703-792-4278

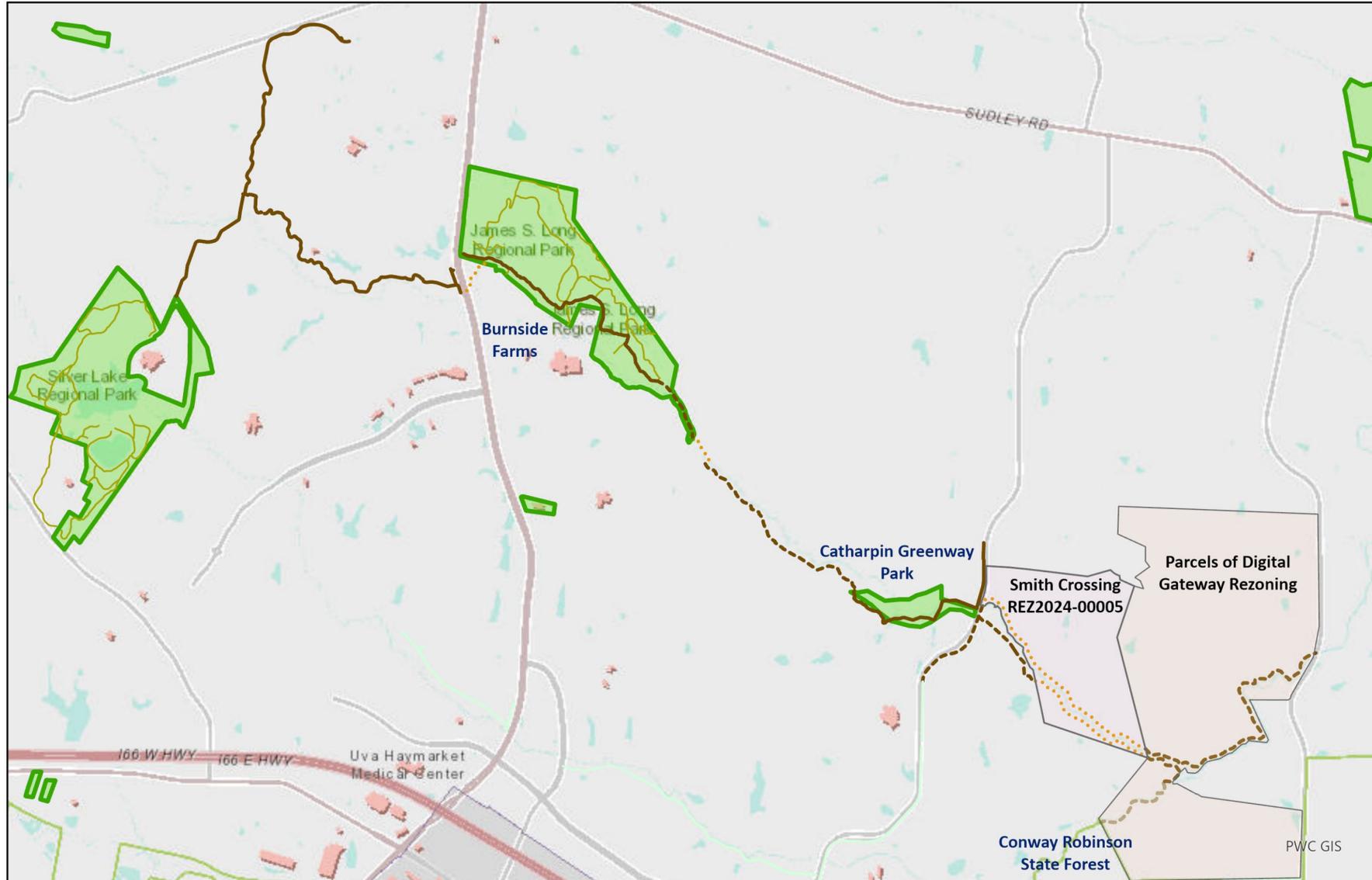
0 500 1,000
US Feet

— Existing Trail (3.1)
..... Proposed Trail (0 Miles)

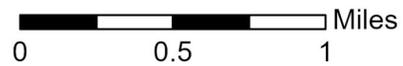
PWC GIS







Prepared by the PWC Department of Parks, Recreation, & Tourism
George Hellwig Memorial Park Administrative Offices
14420 Bristow Road
Manassas, VA 20112
Phone: 703-792-7060
Fax: 703-792-4278



- Existing Trail (5.3 Miles)
- Planned Trail (3.7 Miles)
- Proposed Trail (1.7 Miles)



Sign up now!



Trail Volunteers Needed!

We need your help collecting important data on the Potomac Heritage National Scenic Trail (PHNST) in Northern Virginia! Learn how to use a mobile phone application to identify existing trail amenities, wayfinding, interpretive signage, and other characteristics along the PHNST in spring 2024. This data will help inform where the PHNST requires increased and improved signage and amenities for greater trail accessibility.

Interested in learning more or ready to volunteer? Take part in a virtual volunteer training event on **March 28, 2024** from **5:30 - 6:30 pm**. Beginners are welcome!

Scan the QR code above or click **HERE** to register for the virtual training event and to receive updates on data collection activities.

Learn more about the project at
potomacheritagenoVA.com



For additional questions, please contact
lsheerman@novaregion.org



Prince William County
TRAILS AND BLUEWAYS COUNCIL
Advisors to the Board of County Supervisors

PHNST Sub-Committee
Meeting Notes
February 28, 2024; 2:00 PM

1. The PHNST sub-committee convened at the DPR offices on February 28.
2. Attendees
 - a. Sub-committee members present: David Brickley, Joe Marshall, Neil Nelson, Eileen Sheridan, Liz Cronauer, Lynda Silverstrand. Members absent: Jason Williams
 - b. County staff: Janet Bartnik
 - c. Guests: Bill Niedringhaus and Mary Jones, PHTA
3. Janet Bartnik provided this summary after the meeting:

Subcommittee members introduced themselves. The group reviewed the PHNST alignments for gap areas.

Gap 19/20 –

The group discussed the FLAP Grant project. Subcommittee requested a copy of the scope of work for the consultant firm. Requested time frames for the delivery of the scope of work and for the consultant to be on board.

Understand from Supervisor Boddye's office that any trail routing through the marina will be a challenge. PWC may need Mayor Porta's help to open a discussion with the route along the water with property owners.

There is an alignment that includes the sidewalk along the commercial development that includes the decorative feature.

The Belmont Bay development application has been withdrawn. The site's future is uncertain, although staff suspects that a resubmittal may be made in the future.

Gap 21 –

Featherstone's bid documents have been by all approvers. Procurement is finalizing advertisement.

Gap 22 –

Janet will contacted George Liffert who indicated Thanks for checking in. The archaeological work has been done and some minor tweaks to the route as a result. We hope to have a soft funded project crew get started on the reroute sometime this summer.

Still trying to secure funding to do the archaeological work for the Wash-Rochambeau (W3R) route.

Gap 23/24/25 –

This is a secondary spur trail. Considered to be lower in priority if the main corridor can be used. Will set up as a spur trail to connect PW residents to the PHNST.

A hike was set up with Tom Dombrowski to view the stream restoration project along Powell's Creek. The easements would make a good route, however, easement neighbors are opposed to construction of the trail.

Gap 26 –

Intro to Inform Studios was held with TBC in January. Any info subcommittee members would like to send to the consultant firm can be sent to Janet so that she can forward to Ed DeLeon, who is the project manager and point of contact for PWC.

Gap 27 –

This will be reviewed as a part of the Powell's Creek Crossing project.

There may be parking opportunity under the power line on the north side of the crossing near port Potomac school.

Gap 28/29/30 –

PHNST will come across Possum Point Road. On the Dumfries side of the road, Town is trying to acquire property for a park to connect the Town to the water. The Town also has ROW from the potential park property to near Rt 1.

Subcommittee members visited the existing Rt. 1 (Fralely Blvd) bridge over Quantico Creek. As it exists, there is height to walk under the bridge. This is a PWC DOT project.

Liz Cronauer is watching the Town's comp plan project to see when there may be an opportunity to comment on PHNST options.

David Brickley and Liz Cronauer plan to write letters to the Supervisor and Dumfries Mayor. A resolution will be presented to the TBC in March.

Gap 31:

If there is sufficient funding, this could be a third gap for review in the gap analysis study.

Next meeting date was not scheduled. The TBC will consider in March whether to meet in April.



PRINCE WILLIAM COUNTY

Trails and Blueways Council

Work Session Agenda

March 8, 2024, at 10:00am

Braemar Park

12401 Braemar Parkway, Bristow

- 1. Call to Order** – Liz Cronauer and Steve Cover were present. Staff present – Janet Bartnik. Guests included Charlie Grymes, Vida Carroll, and an interested resident from Dunbarton.
- 2. Braemar Park Site Visit** – TBC staff conducted a site visit to explore an opportunity to create a loop trail within Braemar Park.
- 3. Adjourn**

Prince William County
TRAILS AND BLUEWAYS COUNCIL

Advisors to the Board of County Supervisors

MOTION: person 1

March 26, 2024

Regular Meeting

SECOND: person 2

Res. No. 24-x

RE: FUNDING IN THE FY25 BUDGET FOR TRAILS AND BLUEWAYS

ACTION:

WHEREAS: The most recent parks facilities Needs Assessment (2019) identified trails as the public's most desired recreational facility and water access points as the public's 2nd most desired facility; and

WHEREAS, The Department of Parks and Recreation has identified trail and water access projects that are already designed and permitted, which means that in addition to having a certain amount of funding invested in them, they have already been vetted and approved as necessary and desirable facilities; and

WHEREAS, Because of rising construction costs and possible permit requirement changes, delaying the construction of these facilities will likely increase the amount of funding needed to complete them;

NOW, THEREFORE, BE IT RESOLVED that the Trails and Blueways Council recommends that the County's FY2025 budget include \$6,381,814 to ensure that the County is able to efficiently provide trails and blueways access points for the following projects:

PHNST – Neabsco Creek Wetland Preserve Boardwalk - \$4,020,814 – Shovel ready
Neabsco Creek ADA Parking to Boardwalk - \$111,000 – Shovel ready
Lake Ridge Marina Dock Replacement - \$2,000,000 – Design complete
Neabsco Creek Kayak Launch - \$ 250,000 – Shovel ready

BE FURTHER IT RESOLVED that the Trails and Blueways Council recommends that the County's FY2025 budget include increased funding for trails maintenance in the amount of \$250,000 to ensure adequate support for the 60+ miles of trails currently in the County's trails system.

Votes:

Ayes: n

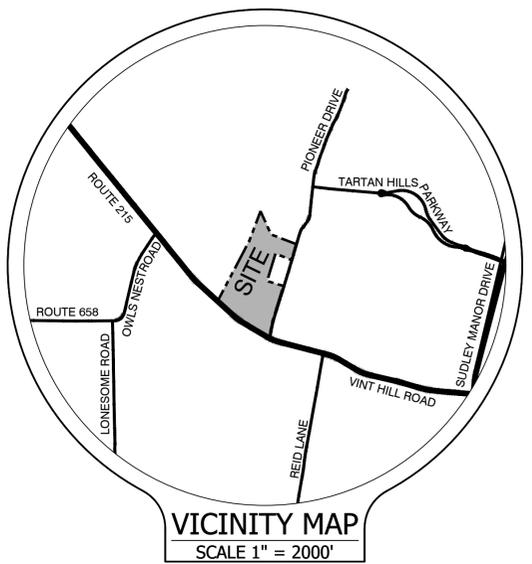
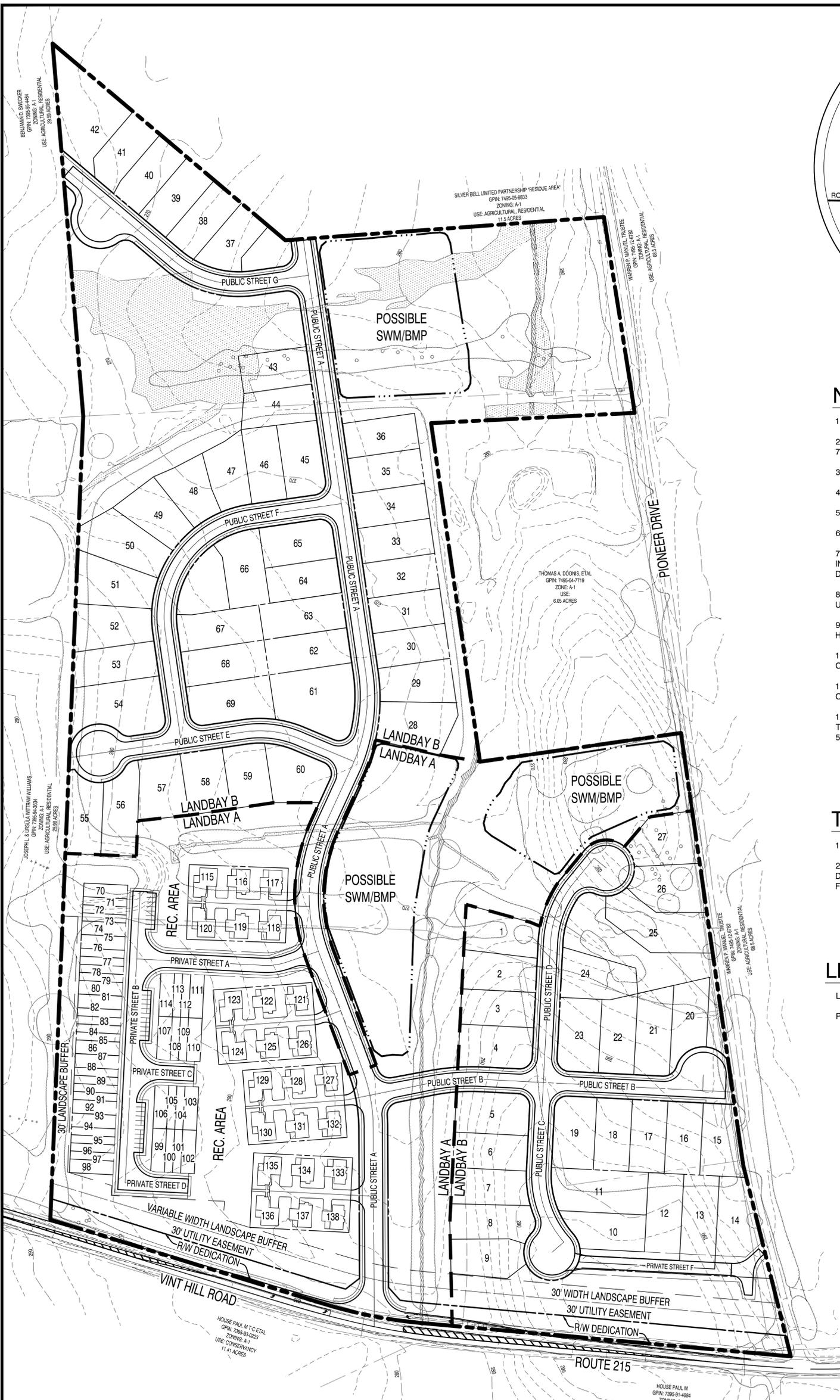
Nays: n

Absent from Vote (virtual only): n

Absent from Meeting: n

March 26, 2024
Regular Meeting
Res. No. 24-X
Page Two

SIGNED: _____
Chair, Prince William Trails and Blueways Council



NOTES:

1. SITE OWNER: BROOKFIELD PIONEER LLC
2. GPIN(S): 7495-04-6883, 7495-04-2736, 7495-03-5865, 7395-93-7356, 7495-03-4622
3. APPLICANT: BROOKFIELD PIONEER LLC
4. TOTAL SITE AREA: 55.5 AC
5. EXISTING ZONING: A-1
6. PROPOSED ZONING: PMR (PLANNED MIXED RESIDENTIAL) & R-4
7. LANDBAY AREAS ARE PROVIDED IN GROSS ACRES AND MAY INCLUDE FLOODPLAIN, RPA, EASEMENTS, POSSIBLE RIGHT-OF-WAY DEDICATION AREA, ETC.
8. THE AREAS FOR REZONING AS SHOWN HEREON ARE BASED UPON SURVEYS BY DEWBERRY CONDUCTED IN DECEMBER 2022.
9. THE BOUNDARIES OF THE WATERS OF THE U.S. (WOUS) SHOWN HEREON WERE PREPARED BY WHIT FOX CONSULTING, LLC.
10. SWM/BMP SHOWN HEREON IS CONCEPTUAL AND SUBJECT TO CHANGE WITH FINAL ENGINEERING.
11. NO RPA WITHIN PROJECT AREA PER FIELD INVESTIGATIONS CONDUCTED BY WHIT FOX CONSULTING, LLC.
12. THERE IS NO MAPPED 100 YEAR FLOODPLAIN LOCATED WITHIN THE AREA PROPOSED TO BE REZONED PER FEMA FIRM MAPS 51153C0155D.

TABULATIONS:

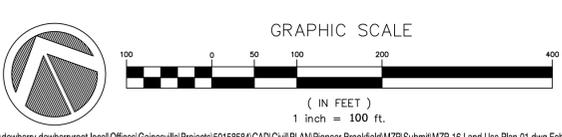
1. TOTAL LOTS PROPOSED: 138
2. PROPOSED DENSITY = (138 DU / 55.5 AC) 2.5 DU/AC ALL DWELLING UNITS (DU) TO BE SINGLE FAMILY, DETACHED, SINGLE FAMILY ATTACHED, AND CLUSTER HOUSING.

LEGEND:

- LANDBAY BOUNDARY -
- PROJECT BOUNDARY -

LANDBAY TABLE

LANDBAY	GROSS ACRES	ZONING DESIGNATION [LANDBAY DESIGNATION]	MAXIMUM DEVELOPMENT DWELLING UNITS (DU)	LAND USE PERMITTED
A	18.8	PMR [MDR / OS]	69 DU	SINGLE FAMILY ATTACHED / SFD VILLAGE CLUSTERS / OPEN SPACE
B	36.7	R-4 [LDR / OS]	69 DU	SINGLE FAMILY DETACHED / OPEN SPACE
TOTAL AREA TO BE REZONED		55.5	MAXIMUM DWELLING UNITS	138 DU



STRATHMORE LAND USE PLAN

DATE: FEBRUARY 23, 2023 REZ2023-000XX

BRENTSVILLE MAGISTERIAL DISTRICT
PRINCE WILLIAM COUNTY, VIRGINIA
PAGE 1 OF 8

13575 HEATHCOTE BLVD.
SUITE 130
GAINESVILLE, VA 20155-6693
PHONE: 703.468.2211
FAX: 703.468.2212

**VIRGINIA FREEDOM OF
INFORMATION ACT:

PUBLIC MEETINGS
&
RECORDS**

Presented by Robert P. Skoff
Deputy County Attorney

FOIA

- a. Meetings and records “presumed open”
- b. FOIA provisions “liberally construed”
- c. Exemptions “narrowly construed”
- d. In a representative democracy, citizens must know what is going on, so they can participate



WHAT IS A MEETING?

BROADLY DEFINED

ANY MEETING OR “INFORMAL ASSEMBLAGE” OF THREE MEMBERS OF A PUBLIC BODY (OR A QUORUM IF LESS THAN THREE MEMBERS EXIST) WHERE PUBLIC BUSINESS IS TRANSACTED OR DISCUSSED.



LOCATION DOES NOT MATTER

- OUT OF COUNTY
- ON THE PHONE
- AT A RETREAT

STILL A MEETING IF 3 OR MORE MEMBERS DISCUSS
PUBLIC BUSINESS

- KEY:

1. 3 OR MORE MEMBERS
2. DISCUSSING OR TRANSACTING PUBLIC BUSINESS



- IF 3 OR MORE MEMBERS ATTEND A PARTY OR COMMUNITY EVENT, IS THAT AUTOMATICALLY A MEETING?



NO! ONLY IF THEY DISCUSS OR TRANSACT PUBLIC BUSINESS

- IF IT IS A MEETING UNDER FOIA, THE LAW REQUIRES THAT:

1. NOTICE OF THE MEETING BE GIVEN;

2. THE MEETING MUST BE OPEN TO THE PUBLIC;
AND

3. MINUTES OF THE MEETING MUST BE TAKEN AND PRESERVED.

NOTICE:

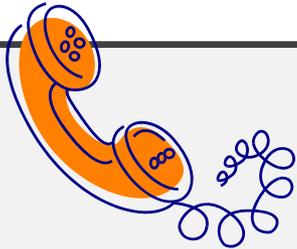
- a. Post notice three working days before meeting in Clerk's office and in prominent public place.
- b. The notice must state the date, time and location of the meeting
- c. Notice of meetings shall be furnished to any person who requests such notice and may be electronic notice unless person noticed objects and requests written notice
- d. Regular meetings: annual written notice is sufficient

MEETING LOCATION:

- a. Must be open to public
- b. Restaurant generally not ideal
- c. Public has right to record



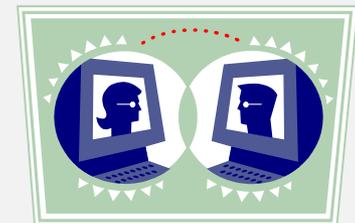
TELEPHONE OR ELECTRONIC MEETINGS



- **Generally Illegal**, however, with certain requirements and a written Board policy, a member may participate electronically if he or she has an emergency or personal matter and identifies the emergency or personal matter, or if he or she has a medical condition that prevents attendance. The remainder of council must approve the electronic participation by a majority vote.

(consult County Attorney to determine applicability of exception)

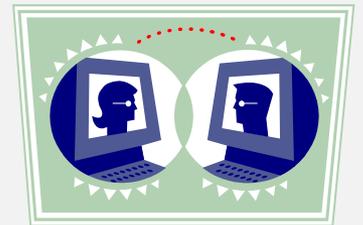
- A Quorum of the Board must all be present in person in one location
- May not meet simultaneously in computer “chat room” or teleconferencing or video conferencing



EMAIL AND MEETINGS

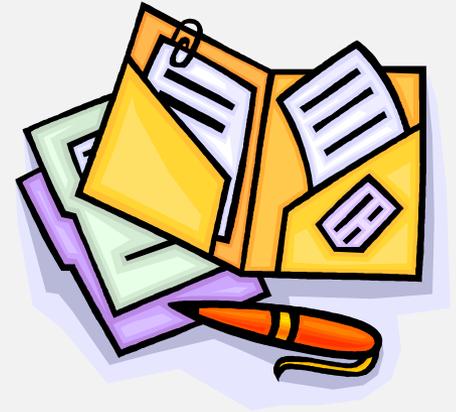


- No voting by email
- May send and receive email (but not contemporaneously)
- Email messages are public records and subject to disclosure
- Tip: One-to-one emails are fine. Don't "respond to all"
- Tip: Compose emails with recipients in "BCC" field. Responses only go to you.



**PUBLIC RECORDS:
WHAT MUST YOU PROVIDE
AND WHEN?**

Except as otherwise specifically provided by law, ALL PUBLIC RECORDS shall be open to inspection and copying by any citizens of the Commonwealth and certain media entities.



WHAT ARE PUBLIC RECORDS?

PUBLIC RECORDS - DEFINITION

“**All writings and recordings** that consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostatting, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees or agents in the **transaction of public business.**”

YES! emails created in the course of your duties are public records. . .



YES! drafts that you have made in the course of your duties and kept are public records . . .



everything you generate within the course of your job!



SIMPLY STATED . . .



Public Records =

. . . ***Anything and Everything***
created in the transaction of
public business . . .

**Note: Be careful about mixing personal
statements within business records.
Always draft as if it will be requested and
read by the public!**



***Even from your personal email address or
personal phone!***

**DOES A REQUEST HAVE TO BE
IN WRITING?**

NO! Requests may be made orally. If so, please **document the date** on which the request is made.



You can **encourage** – not **mandate** – a request be made in writing . . . for everyone’s benefit. . .

so that it is clear on what the requestor is seeking and whether the production is responsive to the request.



**IF THE REQUESTOR *WILL*
NOT OR**



***IS UNABLE TO
MAKE THE REQUEST
IN WRITING***



***YOU SHOULD DOCUMENT
IN WRITING WHAT YOU
UNDERSTAND THE REQUEST
TO BE***



DOES THE REQUESTOR HAVE TO REFERENCE FOIA?

NO! The requestor does NOT have to reference FOIA. The mere request for any records triggers the duties of FOIA.

ROLE OF LIAISON

- Manages requests for Department
- Department's point of contact with the County Attorney's Office
- Point of contact with the record's custodian within their Department
- Provides records directly to the public if unredacted
- Provides PDF records to the County Attorney's Office only if:
 1. Redactions, or
 2. Costs, or
 3. Multi-agency.

**WHEN DO WE HAVE
TO PROVIDE A RESPONSE?**

WHAT'S OUR TIMELINE?

Any public body subject to FOIA and the custodian of the requested records shall promptly, but in all cases within five (5) working days of receiving a request (do not count the day of receipt) provide the requested records to the requester or make one of the following responses in writing:



WHAT SHOULD MY RESPONSE BE?

5 WORKDAYS TO RESPOND...

Response No. 1:

PRODUCE
THE
RECORDS!



5 WORKDAYS TO RESPOND. . . RESPONSE NO. 2:



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.

5 WORKDAYS TO RESPOND. . . RESPONSE NO. 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.** The five-day response time starts once the request reaches anyone within the County.



5 WORKDAYS TO RESPOND. . .

RESPONSE NO. 4:



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.



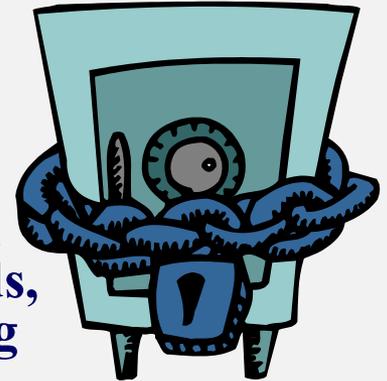
Such response shall identify with reasonable particularity the subject matter of withheld portions, and cite, as to each category of withheld records, the specific Code section authorizing the withholding of the records.

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.

5 WORKDAYS TO RESPOND... RESPONSE NO. 5:

The requested records are being entirely withheld because release is prohibited by law or the custodian has exercised 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. Departments should contact the County Attorney's Office if they intend to entirely withhold responsive records.



EXEMPTIONS

❖ There are certain records that are ***not*** subject to the provisions of FOIA and are ***not*** mandated to be released, e.g.:

- Most law enforcement records
- Personnel records
- Internal Affairs records
- Documents subject to the “attorney-client” privilege etc.
- Tax Records



EXEMPTIONS . . . *BUT*

If an exemption is invoked such that documents may be withheld, the section of the statute must be cited in the response.

FREQUENT EXEMPTIONS

➤ The following frequently used code sections may be cited for non-disclosure or redactions:

- ❖ VA Code 2.2-3706(F): **Law Enforcement records**, specifically complaints, memoranda, correspondence, case files or reports, witness statements, and evidence relating to a criminal investigation.
- ❖ VA Code 2.2-3705.1(1): **Personnel records** containing information concerning identifiable individuals, except that access shall not be denied to the person who is the subject thereof.
- ❖ VA Code § 2.2-3705.1(2): **Written advice of legal counsel** to state, regional or local public bodies or the officers or employees of such public bodies, and any other information protected by the attorney-client privilege.\
- ❖ VA Code § 2.2-3705.1(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.

VA CODE SECTION §2.2-3704(A)

“Except as otherwise specifically provided by law, all public records shall be open to citizens of the Commonwealth, representatives of newspapers and magazines with circulation in the Commonwealth, and representatives of radio and television stations broadcasting in or into the Commonwealth during the regular office hours of the custodian of such records.”

Other Law? **Yes!** Other State and Federal Law may provide the authority to withhold and not release the records

- VA Code §3 2.1-127.1:03 and HIPAA medical record protection
- Alcohol and Substance Abuse record protection
- Mental Health record protection

FORMAT

When records are maintained electronically, it is our duty to try to provide the requestor the records *in the format requested by him*, unless it is a format not regularly used by the government, and accommodation to produce in the requested format cannot reasonably be performed.



CREATING NEW OR SUMMARIZING DOCUMENTS

The County is **NOT** obligated to create a new document, summarize or abstract information from existing documents to provide information not already present within existing documents.



“QUESTION AND ANSWER”

FOIA is not a vehicle for a “question and answer” exchange with a citizen. When a question easily can be construed as a request for a document that answers the question, you may decide to provide the document.



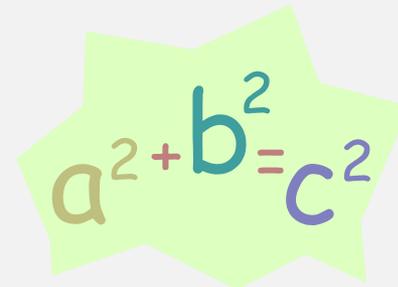
HINT:

It is better to think of FOIA as a TOOL
for a requestor to get RECORDS
(not exactly information)



COSTS & CHARGING

- We may charge for the *reasonable* actual costs to access, duplicate, supply, or search for the requested records.
- Charges *must* be reasonable and *not exceed* the actual costs.
- May charge a *flat fee per page* or a *rate* applied to the *time* spent to access, duplicate, supply, or search for the requested records.
- County Policy: Don't charge if it's less than \$50.00.



DEPOSIT



- ★ Where it appears that the costs for production are likely to exceed \$200, we should inform the requestor immediately before processing his request.
- ★ We require a deposit when the costs for production exceed \$200.
- ★ The clock is stopped once the requestor is informed and until he determines if he wishes for us to proceed and provides the deposit (if one is required).



COST ESTIMATES

- ❖ Prior to conducting a search for records, we are required to inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records. If there is no response from the requestor, continue to process the request.
- ❖ If the requestor asks for a cost estimate, *before production*, we must provide an estimate.

OUTSTANDING FOIA BILL

When a requestor has not resolved an outstanding bill for FOIA and it has remained unpaid for 30 days, we may require the requestor to pay any amounts owed to the County before processing a new FOIA request.



VIOLATIONS AND PENALTIES RELATING TO FOIA

- § 2.2-3713. Proceedings for enforcement of chapter

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

VIOLATIONS AND PENALTIES RELATING TO FOIA

▪ § 2.2-3714. Violations and penalties

- A. *In a proceeding commenced against any officer, employee, or member of a public body under § 2.2-3713 for a violation of § 2.2-3704, 2.2-3705.1 through 2.2-3705.7, 2.2-3706, 2.2-3706.1, 2.2-3707, 2.2-3708.2, 2.2-3708.3, 2.2-3710, 2.2-3711, or 2.2-3712, the court, if it finds that a violation was willfully and knowingly made, shall impose upon such officer, employee, or member in his individual capacity, whether a writ of mandamus or injunctive relief is awarded or not, **a civil penalty of not less than \$500 nor more than \$2,000**, which amount shall be paid into the Literary Fund. **For a second or subsequent violation, such civil penalty shall be not less than \$2,000 nor more than \$5,000.***
- B. *In addition to any penalties imposed pursuant to subsection A, if the court finds that any officer, employee, or member of a public body failed to provide public records to a requester in accordance with the provisions of this chapter **because such officer, employee, or member altered or destroyed the requested public records with the intent to avoid the provisions of this chapter** with respect to such request prior to the expiration of the applicable record retention period set by the retention regulations promulgated pursuant to the Virginia Public Records Act (§ 42.1-76 et seq.) by the State Library Board, **the court may impose upon such officer, employee, or member in his individual capacity, whether or not a writ of mandamus or injunctive relief is awarded, a civil penalty of up to \$100 per record altered or destroyed**, which amount shall be paid into the Literary Fund.*

COUNTY FOIA POLICIES

POLICY NO.: 20/22-0EM/CA-XXX-1

- **REQUEST**

- Whether verbally or in writing, all requests should be directed to the applicable FOIA Liaison or the FOIA Officer. If a request is made to a County employee who is not the FOIA Liaison for the department that is the custodian of the requested public record, that employee shall forward the request in writing to the appropriate FOIA Liaison or the FOIA Officer.

- **ACKNOWLEDGEMENT OF FOIA REQUEST**

- County staff should acknowledge and confirm to the requester, verbally or in writing, the receipt and scope of the FOIA request.

- **COST**

- As permitted under FOIA, the County may charge for its reasonable actual costs in responding to a FOIA request

- **RESPONSE**

- County staff must initially respond to a request for public records within five business days of receipt of the request. Day one is considered the first business day after the request is received by the County. All responses must be provided in writing. If applicable, the response must properly cite and include the applicable Virginia Code citation for any exemption(s) which is invoked. Before invoking any exemption(s), the FOIA Liaison must consult with the FOIA Officer to ensure the exemption(s) is permitted under FOIA or required by other applicable law and is properly cited.

- **FOIA LIASON**

- One or more FOIA Liaison(s) shall be designated by each department director to manage FOIA requests presented to the department as described in Section 200 of this policy. Each department director shall ensure that a FOIA Liaison is available at all times during regular County business hours

- **FOIA OFFICER**

- The FOIA Officer(s) shall be an employee of the County Attorney's Office and designated by the County Attorney. The County Attorney shall ensure that a FOIA Officer is available during all regular County business hours.

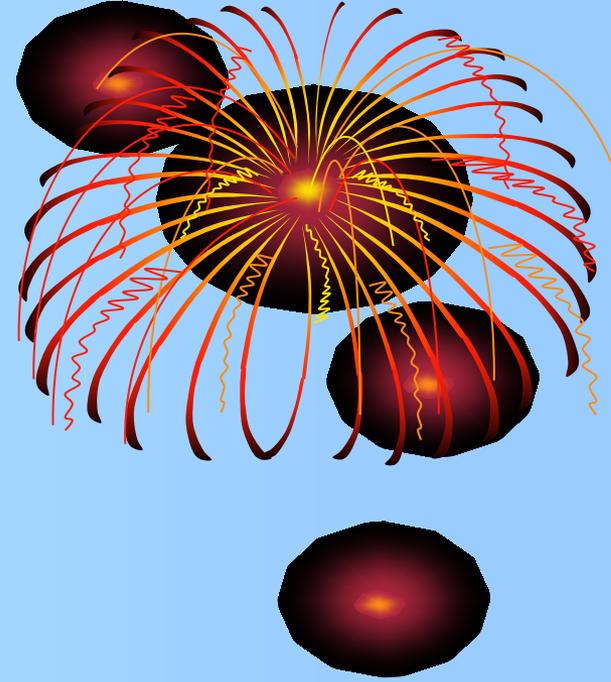
- **COMMUNICATIONS OFFICE**

- The Office of Executive Management Communications Office shall be responsible for responding to all requests from Virginia media for public records. Any County staff member who receives a request from Virginia media shall immediately forward the request to the FOIA Officer, the Director of Communications, and the FOIA Liaison for the Communications Office.

- **WITHHOLDING PUBLIC RECORDS**

- Each department director shall establish and implement procedures regarding who within their department is authorized to lawfully withhold a public record (in whole or in part) under FOIA, in consultation with the FOIA Officer.

QUESTIONS?



CONCLUSION



OFFICE OF EXECUTIVE MANAGEMENT

Prince William County, Virginia

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December 1, 2016

Subject:
FOIA POLICY

No:
20/22-0 EM/CA-XXX-1

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100 INTRODUCTION

100.1 PURPOSE

Prince William County Government, as a public body subject to the provisions set forth in the Virginia Freedom of Information Act, Virginia Code Section 2.2-3700 *et seq.* (FOIA), shall make all public records accessible in compliance with FOIA to Virginia citizens, representatives of newspapers and magazines with circulation in Virginia, and representatives of radio and television stations broadcasting in or into Virginia (collectively, Virginia media). This policy articulates the requirements of County employees with regard to requests for public records under FOIA by Virginia citizens and Virginia media.

100.2 SCOPE

- 100.2.1 This policy articulates the procedures County departments and employees must follow when Virginia citizens and Virginia media request public records.
- 100.2.2 Only existing public records are subject to disclosure.¹ Neither this policy nor FOIA require that new public records be created.

100.3 AUTHORIZATION

The County Executive's Office, in coordination with the County Attorney's Office, is responsible for overseeing the County's practices and procedures related to compliance with FOIA are followed.

100.4 APPLICABILITY

- 100.4.1 This policy applies to all County government departments, agencies, employees, volunteers, and vendors/contractors who are the custodian of or in possession of any County public record including, but not limited to, County-supported State employees.
- 100.4.2 This policy is supplementary to, and shall be interpreted consistent with, FOIA.
- 100.4.3 Per Board Resolution R16-558 (adopted on June 21, 2016), which amended the Board of County Supervisors' Rules of Procedure, "[a]s a policy matter, elected officials will not be treated any different from any other citizen when the County charges the reasonable and actual cost incurred by the County for responses to request for public records pursuant to the Virginia Freedom of Information Act (FOIA); [and] 'Elected officials' includes, but is not limited to, members of the Board of County Supervisors . . ."
- 100.4.4 This policy does not apply to members of the Board of County Supervisors who request a public record(s) in their capacity as Board members. For example, this policy does not apply to Board of County Supervisors' directives.
- 100.4.5 If County staff provides a Board member or their staff with a public record which has not been reviewed for potential exemptions under FOIA, the staff member

¹ County employees are also responsible for complying with the Virginia Public Records Act, Virginia Code § 42.1-76 *et seq.*, and applicable Library of Virginia records retention and disposition general schedules. The Virginia Public Records Act addresses the retention and disposition of County public records (including, but not limited to, emails), and is distinct from FOIA, which addresses access to public records.

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shall note this on the public record or as part of the transmission of the public record. *Cross-reference* Section 300.2.7 of this policy.

100.5 RESPONSIBILITY

- 100.5.1 The County Attorney's Office shall provide legal counsel regarding FOIA requests. The County Attorney shall designate an employee(s) in the County Attorney's Office as the County's FOIA Officer(s).
- 100.5.2 The County Attorney's Office is responsible for training County staff on the proper application of FOIA.
- 100.5.3 Department directors are responsible for designating one or more FOIA Liaisons, who are required to attend all FOIA training and shall be the point of contact for FOIA requests directed to the department they represent. Department directors are responsible for ensuring that a FOIA Liaison is available during all regular County business hours. Department directors are responsible for establishing and implementing appropriate procedures to ensure that if the department's regular FOIA Liaison(s) is absent during regular County business hours, FOIA requests are still addressed and processed in accordance with this policy and in compliance with FOIA (ex. FOIA requests emailed to the FOIA Liaison while the Liaison is out of the office). If a department director does not appoint a FOIA Liaison or a department's FOIA Liaison(s) is not available during regular County business hours, the director shall serve as that department's FOIA Liaison until the director appoints a FOIA Liaison or the FOIA Liaison is available.
- 100.5.4 Each department director is responsible for ensuring that all FOIA requests to their department are managed appropriately in accordance with this policy and in compliance with FOIA.
- 100.5.5 Each department director shall establish and implement procedures regarding who within their department is authorized to lawfully withhold a public record (in whole or in part) under FOIA, in consultation with the FOIA Officer.
- 100.5.6 Each department director may establish policies, procedures, and practices for their department to implement this Policy and address FOIA requests provided that any such policy, procedure, and practice is consistent with FOIA and this Policy.

100.6 EXCEPTIONS

The County Executive, with counsel from the County Attorney, must approve all exceptions to this policy. Any request for an exception must be in writing with justification and supporting documentation provided.

100.7 DEFINITIONS

- 100.7.1 **Business Day:** Any day where general County government offices are open for business (Monday – Friday, 8:30 a.m. to 5 p.m. excluding holidays and announced government closures).
- 100.7.2 **FOIA:** Refers to the Virginia Freedom of Information Act, Virginia Code § 2.2-3700 *et seq.*

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- 100.7.3 **FOIA Liaison:** The individual(s) designated by their department director to ensure that proper FOIA policy and protocols are administered within their respective department. The FOIA Liaison also serves as a point-of-contact for the general public and County Attorney's Office with regard to FOIA requests for their department.
- 100.7.4 **FOIA Officer:** The individual(s) designated by the County Attorney to serve as a point of contact for members of the general public in requesting public records and to coordinate the County's compliance with FOIA.
- 100.7.5 **Information:** Content within a public record that references a specifically identified subject matter and shall not be interpreted to require the production of information that is not embodied in a public record.
- 100.7.6 **Public Record:** Any writing or recording – regardless of whether it is a paper record, an electronic file, an audio or video recording, or any other format – that is prepared or owned by, or in the possession of a public body or its officers, employees, or agents in the transaction of public business. All records are presumed to be open and may only be withheld if a specific statutory exemption applies. Records that are not prepared for or used in the transaction of public business are not public records.
- 100.7.7 **Request for Public Record:** Any inquiry for a public record(s), whether verbally or in writing. The requester does not have to use the term "FOIA" or invoke any law when making a request for public record.

200 FOIA POLICY

200.1 REQUEST- Whether verbally or in writing, all requests should be directed to the applicable FOIA Liaison or the FOIA Officer. If a request is made to a County employee who is not the FOIA Liaison for the department that is the custodian of the requested public record, that employee shall forward the request in writing to the appropriate FOIA Liaison or the FOIA Officer.

200.1.1 Requests for public records must be made with reasonable specificity, so that the appropriate public records can be located.² If the FOIA Liaison is unable to obtain sufficient reasonable specificity regarding the request, he/she will forward the request to the FOIA Officer, who will contact the requester and manage the FOIA request.

200.1.2 There is no limit to the volume or number of public records that one may request, subject to Section 200.3 of this policy.

200.2 ACKNOWLEDGEMENT OF FOIA REQUEST

County staff should acknowledge and confirm to the requester, verbally or in writing, the receipt and scope of the FOIA request.

200.3 COST - As permitted under FOIA, the County may charge for its reasonable actual costs in

² Virginia Code § 2.203704(8).

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responding to a FOIA request.³

200.3.1 The County will not charge a requester when the estimated or actual total cost is \$50.00 or less.⁴

200.3.2 Requesters will be charged based on the following criteria:

200.3.2.1 1 Labor - The labor cost of responding to a FOIA request must be the reasonable and actual costs based on the most cost-effective staff member who is permitted to, and capable of, responding to the request.

Administrative staff - Requests that require 30 minutes or more of administrative staff time to process are charged the staff member's hourly rate for the time required to respond to the request.

Non-administrative staff - Requests requiring non-administrative staff time are charged the hourly rate of the staff member(s) required to respond to the request.

200.3.2.2 Printing/Copying - The cost of printing/copying is \$0.08 per page for black and white pages or \$.10 per page for color pages.

200.3.2.3 Redaction - The hourly rate for staff time spent to lawfully redact information as permitted under FOIA.

200.3.2.4 Postage - If the requesting party desires records to be shipped or mailed, the reasonable actual cost of the postage.

200.3.2.5 Legal Review - If the request requires legal review to assure that the records are responsive, are not exempt from disclosure, and may be disclosed without violating any other provision of law, and records are withheld as a result of the legal review, the actual cost of the legal exclusion review is charged to the requester.

200.3.2.6 Department Fee Schedule - If a department has an adopted/approved fee schedule which addresses fees applicable to this policy, the department shall charge its reasonable actual costs according to its fee schedule.

200.3.2.7 Miscellaneous - Any other reasonable actual costs incurred by the County in responding to a request.

200.3.3 County staff will provide a cost estimate, if one is requested.

200.3.4 If County staff determines that the cost to respond is greater than \$50, but less than \$200, staff will continue processing the FOIA request and notify the requester as soon as it makes that determination. Staff will then provide the requested public records to the requester along with a bill for the reasonable actual costs, which is due upon receipt.

200.3.5 If the estimated cost of supplying the public records exceeds \$200, the FOIA Liaison will immediately notify the FOIA Officer. The FOIA Officer or FOIA Liaison will then notify the requester and require a deposit of the full amount of the estimate prior to supplying the requested public records. All research and work

³ Virginia Code § 2.203704(F).

⁴ Virginia FOIA Advisory Council Opinion A0-06-09; FOIA Council, *Taking the Shock out of FOIA Charges: A Guide to Allowable Charges for Record Production Under the Freedom of Information Act*.

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related to the request will stop until requester (i) provides the required deposit, or (ii) narrows the scope of the request to the extent that a deposit is no longer required under this policy. If a requester provides the required deposit, County staff must respond to the requester as required under Section 200.4 of this policy and FOIA.

- 200.3.6 County staff will make its best good faith effort to accurately estimate the cost. However, if the reasonable actual cost exceeds the amount of the deposit, the requester shall be responsible, and will be billed, for any additional cost above the deposit amount. If the amount of the deposit is greater than the County's reasonable actual costs, the County will promptly refund the requester the difference.
- 200.3.7 Before processing a request for records, the County may require the requester to pay any amounts owed to the County for previous requests for public records that remain unpaid 30 days or more after billing. The FOIA Officer shall create and maintain a list of persons having unpaid FOIA requests charges, which shall be provided to all FOIA Liaisons and made available to County staff upon request.

200.4 RESPONSE – County staff must initially respond to a request for public records within five business days of receipt of the request. Day one is considered the first business day after the request is received by the County. All responses must be provided in writing. If applicable, the response must properly cite and include the applicable Virginia Code citation for any exemption(s) which is invoked. Before invoking any exemption(s), the FOIA Liaison must consult with the FOIA Officer to ensure the exemption(s) is permitted under FOIA or required by other applicable law and is properly cited. There are five possible responses to a FOIA request:

- 200.4.1 1 "The requested records are provided/attached." Include all responsive public records. County staff may, but is not required to, notify the FOIA Officer in the case of this response.
- 200.4.2 "The requested records could not be found or do not exist." County staff may, but is not required to, notify the FOIA Officer in the case of this response.
- 200.4.3 "The requested records are being entirely withheld." Provide appropriate FOIA citation authorizing the withholding of the responsive public record(s), and the approximate volume and subject matter of the withheld public record(s). County staff is required to promptly notify the FOIA Officer in the case of this response and consult with the FOIA Officer prior to issuing such response to the requester.
- 200.4.4 "The requested records are being withheld in whole or in part because Prince William County Government has exercised its discretion to withhold the records in accordance with VFOIA or applicable statute." Provide all responsive records not being withheld and include the appropriate FOIA citation authorizing the withholding of the responsive public record(s). County staff is required to promptly notify the FOIA Officer in the case of this response and consult with the FOIA Officer prior to issuing such response to the requester.
- 200.4.5 "It is not practically possible to provide the requested records within five working days, and Prince William County Government has invoked a seven working-day

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extension." Per Virginia Code § 2.2-3704(B)(4), a notice of extension requires specifying the conditions that make a response within five working days impossible. This provides a total of no more than 12 working days after receipt of the request by the County to supply the requested public record(s). County staff is required to promptly notify the FOIA Officer in the case of this response. The FOIA Officer will contact the requester regarding the extension. See Section 300.2.4 of this policy.

- 200.4.6 Unless agreed to by the requester, all responses shall be made within the time required by FOIA.
- 200.4.7 If it is not possible to respond to a request within 12 business days and, after reasonable efforts, an agreement in writing cannot be finalized with the requester for additional time, the request shall be forwarded immediately to the FOIA Officer who will manage the FOIA request.

300 FOIA PROCESS AND ROLES

300.1 ALL COUNTY EMPLOYEES

All County employees are responsible for being familiar with and complying with this policy and FOIA.

300.2 FOIA LIAISON

- 300.2.1 One or more FOIA Liaison(s) shall be designated by each department director to manage FOIA requests presented to the department as described in Section 200 of this policy. Each department director shall ensure that a FOIA Liaison is available at all times during regular County business hours.
- 300.2.2 The FOIA Liaison(s) shall attend all trainings and meetings, including an annual training, scheduled by the FOIA Officer.
- 300.2.3 The FOIA Liaison(s) shall familiarize him/herself with this policy, FOIA (available at <http://law.lis.virginia.gov/vacode/title2.2/chapter37/>), and the County's FOIA Rights and Responsibilities (available at <http://www.pwcgov.org/government/courts/countyattorney/Pages/Freedom-Of-Information-Act-as-of-July-1-2016.aspx>).
- 300.2.4 The FOIA Liaison(s) shall notify the FOIA Officer of all FOIA requests where an extension of time to respond to the request is necessary. The FOIA Officer will then contact the requester regarding the extension.
- 300.2.5 The FOIA Liaison(s) shall notify the FOIA Officer if the request is unclear or needs further clarification for response.
- 300.2.6 All FOIA requests where costs will be charged shall be referred to the FOIA Officer, along with any outstanding balance.
- 300.2.7 If any County staff receives a request for a public record(s) from, on behalf of, or involving a member of the Board of County Supervisors or their staff, that employee shall immediately notify the FOIA Officer who will then notify the applicable Board member, their chief of staff, and the County Executive.
- 300.2.8 The FOIA Liaison shall notify and consult with the FOIA Officer prior to withholding

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any public record (in whole or in part).

300.3 FOIA OFFICER

- 300.3.1 The FOIA Officer(s) shall be an employee of the County Attorney's Office and designated by the County Attorney. The County Attorney shall ensure that a FOIA Officer is available during all regular County business hours.
- 300.3.2 The FOIA Officer(s) is responsible for managing FOIA requests which are referred to him/her.
- 300.3.3 The FOIA Officer(s) shall be responsible for managing and coordinating any required and appropriate FOIA training.
- 300.3.4 The FOIA Officer(s) shall serve as a point of contact for the general public regarding FOIA requests.
- 300.3.5 The FOIA Officer(s) will be responsible for overseeing and ensuring the billing of a requester for the costs of responding to FOIA requests, and ensuring that an accounting of all unpaid FOIA invoices is maintained.
- 300.3.6 The FOIA Officer(s) shall maintain a record of all FOIA requests which are referred to the FOIA Officer(s).
- 300.3.7 The FOIA Officer(s) shall communicate with all requesters whose requests are referred to him/her regarding the charging of reasonable actual costs, extensions of time, and withholding of any public record (in whole or in part).

300.4 OFFICE OF EXECUTIVE MANAGEMENT COMMUNICATION OFFICE

The Office of Executive Management Communications Office shall be responsible for responding to all requests from Virginia media for public records. Any County staff member who receives a request from Virginia media shall immediately forward the request to the FOIA Officer, the Director of Communications, and the FOIA Liaison for the Communications Office.

400 DISCLOSURE OF PUBLIC RECORDS PURSUANT TO A FOIA REQUEST

400.1 FORMAT

Public records will be provided in the format specified by the requester where feasible, and may be made in paper or electronic form. To minimize the cost to the requester and maximize staff efficiency, where appropriate and if agreeable to the requester, County staff should provide requested public records in an electronic format (ex. PDF, via DropBox).

400.2 WITHHOLDING PUBLIC RECORDS (IN WHOLE OR IN PART)

- 400.2.1 1Records may only be withheld (in whole or in part) as required by law or as permitted by FOIA at the discretion of the custodian of the public record(s).
- 400.2.2 Since exemptions exist in order to protect some compelling public interest (such as privacy of individuals, criminal investigations, or the County's bargaining position in an on-going negotiation or discussion), it is inevitable that the County will need to rely on exemptions in many cases. For that reason, it is the County's general practice to invoke all exemptions that are applicable to any request for a public

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record(s). This practice ensures that the County treats all citizens the same way to the greatest extent possible.

- 400.2.3 Each department director shall establish and implement procedures regarding who within their department is authorized to lawfully withhold a public record (in whole or in part) under FOIA, in consultation with the FOIA Officer.
- 400.2.4 If a department believes that a public record may be lawfully withheld (in whole or in part) from disclosure under FOIA, the FOIA Liaison for that department shall contact and consult with the FOIA Officer. The FOIA Liaison or other designated individual within that department will then determine what information will be withheld prior to disclosure of a public record(s).
- 400.2.5 The County commonly withholds records subject to the following exemptions. If one of these exemptions applies to a received request, the FOIA Liaison must contact the FOIA Officer before responding to the requester.
- Personnel records;
 - Records subject to attorney-client privilege or attorney work product;
 - Vendor proprietary information;
 - Records relating to the negotiation and award of a contract, prior to a contract being awarded;
 - Records of criminal investigations;
 - Tax records;
 - Health records;
 - Appraisals and cost estimates of real property subject to a proposed sale, purchase, or lease;
 - Social service records; and
 - Records requested by individuals who are not citizens of Virginia or representatives of the media.

The above list of exemptions is only a list of some of the exemptions which are commonly used by the County; it is not an exhaustive list of all exemptions which may apply under FOIA. Staff should contact their department's FOIA Liaison and the FOIA Officer regarding the applicability, and prior to the use of, any exemption(s).

Approved By:





Christopher E. Martino
 County Executive

Date

ACCESS TO PUBLIC MEETINGS

under the

VIRGINIA FREEDOM OF INFORMATION ACT

I. STATUTORY GUIDANCE

The Virginia Freedom of Information Act (FOIA) is largely a procedural act, and the provisions relating to meetings set forth the procedures that a public body must follow in conducting an open meeting and convening in a closed meeting. This outline breaks down the procedural requirements, such as what is required in posting a notice and certifying a closed meeting, and provides practical advice for conducting meetings that comply with FOIA. Appendix A sets forth in detail the requirements for making a motion to convene a closed meeting. Appendix B describes commonly used meeting exemptions of general applicability.

II. OPEN MEETINGS GENERALLY

What is a meeting under FOIA?

A “meeting” is defined as “meetings including work sessions, when sitting physically, or through telephonic or video equipment pursuant to § 2.2-3708.2, 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” **where the business of the public body is being discussed or transacted.** (Emphasis added.)¹

What is not a meeting under FOIA?

1. The gathering of employees of a public body;
2. The gathering or attendance of two or more members of a public body 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, the gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body, **and** the public business is not discussed; or
3. The gathering or attendance of two or more members of a public body 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

¹ Statutory reference: § 2.2-3701. FOIA Council Opinions AO-4-00, AO-20-01, AO-40-01, AO-46-01, AO-02-02, AO-06-02, AO-13-03, AO-15-04, AO-20-04, AO-11-05, AO-02-06, AO-10-07, AO-12-08, AO-03-09, AO-05-11, AO-07-14.



the conduct of public business may be a topic of discussion or debate at such public meeting.²

May a public body conduct a meeting by conference call or other electronic method?

Maybe. Prior to July 1, 2007, no **local** governing body or any other type of local public body was permitted to conduct a meeting through telephonic, video, electronic or other communication means where the members are not physically assembled to discuss or transact public business. However, **state** public bodies may conduct such meetings under specified circumstances. Since July 1, 2007, all public bodies (state, local, and regional) may also allow participation by their members via teleconference or other electronic means under certain limited circumstances.³

What does FOIA require for public meetings?

For public meetings, the law requires that:

1. Notice of the meeting be given;
2. The meeting must be open to the public; **and**
3. Minutes of the meeting must be taken and preserved.⁴

What is sufficient notice?

Notice must contain the **date, time, and location** of the meeting.

Where does notice have to be posted?

As of July 1, 2017, FOIA requires that all public bodies post notices in three locations:

1. On its official public government website, if any;
2. In a prominent public location at which notices are regularly posted; and
3. At the office of the clerk of the public body or, in the case of a public body that has no clerk, at the office of the chief administrator.

State public bodies must also post notice on a central, publicly available electronic calendar maintained by the Commonwealth. Publication of meeting notices by electronic means by other public bodies shall be encouraged.⁵

Who else is entitled to notice of a meeting?

Any person who annually files a written request for notification with a public body is entitled to receive direct notification of all meetings of that public body. If the person requesting notice does not object, the public body may provide the notice electronically.

² Statutory references: §§ 2.2-3701. FOIA Council Opinions AO-4-00, AO-10-00, AO-46-01, AO-02-02, AO-13-03, AO-12-04, AO-12-08, AO-05-11, AO-07-14.

³ Statutory reference: § 2.2-3708.2 (formerly §§ 2.2-3708 and 2.2-3708.1). FOIA Advisory Opinions AO-1-01, AO-16-02, AO-21-04, AO-12-08, AO-07-09. Please see the *Electronic Meetings Guide* published by this office for details on the conduct of public meetings by electronic communication means.

⁴ Statutory references: §§ 2.2-3700, 2.2-3707. FOIA Council Opinions AO-40-01, AO-06-02, AO-17-02, AO-13-03, AO-15-04.

⁵ Statutory reference: § 2.2-3707(C). FOIA Council Opinions AO-18-01, AO-43-01, AO-08-07, AO-03-09.



The request for notice shall include the requester's name, address, zip code, daytime telephone number, electronic mail address, if available, and organization, if any.⁶

When must notice be posted?

For regular meetings: The notice must be posted **at least three working days prior to the meeting.**

For special, emergency, or continued meetings: Notice, reasonable under the circumstance, of special, emergency, or continued meetings must be given at the same time as the notice provided members of the public body conducting the meeting. FOIA defines an emergency as “an unforeseen circumstance rendering the notice required by FOIA impossible or impracticable and which circumstance requires immediate action.”⁷

May the public or the media record the meeting?

Yes. Any person may photograph, film, record, or otherwise reproduce any portion of a meeting required to be open.⁸

May a public body restrict the use of recording devices?

Yes. 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. However, public bodies are not permitted to conduct meetings required to be open in any building or facility where such recording devices are prohibited.⁹

When must agenda materials be available to the public and the media?

At least one copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body. The proposed agendas for meetings of state public bodies where at least one member has been appointed by the Governor shall state whether or not public comment will be received at the meeting and, if so, the approximate point during the meeting when public comment will be received.¹⁰

Are there any exceptions for taking minutes?

Yes. Minutes are required to be taken only at open meetings; minutes are not required to be taken during closed meetings. Minutes are also not required to be taken at deliberations of:

1. Standing and other committees of the General Assembly;
2. Legislative interim study commissions and committees, including the Virginia Code Commission;

⁶ Statutory reference: § 2.2-3707(E). FOIA Council Opinions AO-3-01, AO-13-03, AO-23-03, AO-08-07.

⁷ Statutory references: §§ 2.2-3701, 2.2-3707(C),(D). FOIA Council Opinions AO-13-00, AO-3-01, AO-18-01, AO-06-02, AO-08-07.

⁸ Statutory reference: § 2.2-3707(G). FOIA Council Opinions AO-03-03, AO-10-05.

⁹ Statutory reference: § 2.2-3707(G). FOIA Council Opinions AO-03-03, AO-10-05.

¹⁰ Statutory reference: § 2.2-3707(F). FOIA Council Opinions AO-3-01, AO-35-01, AO-23-03, AO-05-12.



3. Study committees or commissions appointed by the Governor; or
4. Study commissions or study committees, or any other committees or subcommittees appointed by the governing body or school board of a county, city or town, except where the membership of the commission, committee or subcommittee includes a majority of the members of the governing body.¹¹

What information must be included in meeting minutes?

Minutes are required (except as noted above) of all open meetings, and must include: the date, time, and location of the meeting; the members of the public body present and absent; a summary of matters discussed; and a record of any votes taken. In addition, motions to enter into a closed meeting and certification after a closed meeting must be recorded in the minutes.¹²

Are meeting minutes considered public records under FOIA?

Yes. Minutes, including draft minutes, and all other records of open meetings, including audio or audio/visual recordings, are public records and must be released upon request.¹³

Is there an affirmative obligation to post meeting minutes?

Yes, but **only for state agencies in the executive branch.**

All boards, commissions, councils, and other public bodies created in the executive branch of state government and subject to FOIA must post minutes of their meetings on their official public government website and on a central electronic calendar maintained by the Commonwealth. Draft minutes of meetings must be posted as soon as possible but no later than 10 working days after the conclusion of the meeting. Final approved meeting minutes must be posted within three working days of final approval of the minutes.¹⁴

Must all votes of a public body take place in a public meeting?

Yes. Any and all votes taken to authorize the transaction of any public business must be taken and recorded in an open meeting.

A public body may not vote by secret or written ballot.¹⁵

Is it a FOIA violation to poll members of a public body?

No. Nothing in FOIA prohibits 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. Such contact may be 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 FOIA.¹⁶

¹¹ Statutory reference: § 2.2-3707(H). FOIA Council Opinion AO-08-07.

¹² Statutory references: §§ 2.2-3707(H), 2.2-3712(A),(D). FOIA Council Opinions AO-25-04, AO-01-06, AO-05-15.

¹³ Statutory reference: § 2.2-3707(H). FOIA Council Opinions AO-13-03, AO-25-04.

¹⁴ Statutory reference: § 2.2-3707.1.

¹⁵ Statutory reference: § 2.2-3710(A). FOIA Council Opinions AO-9-00, AO-15-02, AO-01-03, AO-13-03, AO-01-05, AO-05-09, AO-07-09, AO-02-17.

¹⁶ Statutory reference: § 2.2-3710(B). FOIA Council Opinions AO-08-02, AO-15-02, AO-01-03, AO-07-09.



III. CLOSED MEETING PROCEDURES

What is the procedure for conducting a closed meeting?

In order to conduct a closed meeting, the 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;
2. States the purpose of the closed meeting; **and**
3. Makes specific reference to the applicable exemption from the open meeting requirements.

The motion must be set forth in detail in the minutes of the open meeting.

NOTE: A general reference to the provisions of FOIA, the authorized exemptions from open meeting requirements, or the subject matter of the closed meeting is not sufficient to satisfy the requirements for holding a closed meeting.¹⁷

What may be discussed during a closed meeting?

A public body holding a closed meeting must restrict its discussions during the closed meeting to those matters **specifically exempted** from the provisions of FOIA and **identified in the motion**.¹⁸

What does a public body have to do at the end of a closed meeting?

At the conclusion of any closed meeting, the public body holding the meeting must immediately reconvene in an open meeting and take a roll call or other recorded vote certifying that to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements under this chapter, **and**
2. 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.

The vote must be included in the minutes of the open meeting.

Any member of the public body who believes that there was a departure from the requirements of (1) or (2) above must state so prior to the vote and indicate the substance of the departure that, in his judgment, has taken place. This statement must also be recorded in the minutes of the open meeting.¹⁹

When do decisions made in a closed meeting become effective?

Decisions become effective when the public body reconvenes in an open meeting, reasonably identifies the substance of the decision, and takes a recorded vote on the

¹⁷ Statutory reference: § 2.2-3712(A). FOIA Council Opinions AO-8-00, AO-19-00, AO-14-01, AO-38-01, AO-45-01, AO-08-02, AO-17-02, AO-02-04, AO-24-04, AO-01-05, AO-06-07, AO-13-07, AO-04-08, AO-13-09, AO-03-13, AO-02-16, AO-03-17.

¹⁸ Statutory reference: § 2.2-3712(C). FOIA Council Opinions AO-8-00, AO-13-07, AO-13-09, AO-02-16.

¹⁹ Statutory references: § 2.2-3712(D),(E). FOIA Council Opinions AO-8-00, AO-17-02, AO-02-04, AO-06-07, AO-04-08, AO-02-16, AO-03-17.



resolution, ordinance, rule, contract, regulation, or motion agreed to in the closed meeting. Otherwise, no resolution, ordinance, rule, contract, regulation, or motion adopted, passed, or agreed to in the closed meeting is effective.

Public officers improperly selected due to the failure of the public body to comply with the other provisions of § 2.2-3711 will become *de facto* officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.²⁰

Can there be a closed meeting without first having an open meeting?

No. A closed meeting can take place only within the context of an open meeting, even if the closed meeting is the only agenda item. A closed meeting motion must be made and voted upon in an open meeting. After the conclusion of the closed meeting, the members of the public body must reconvene in an open meeting to vote to certify that they restricted their discussion during the closed meeting to those matters specifically exempted from the provisions of FOIA and identified in the motion. Because votes must be taken at open meetings, public bodies must convene in open meeting both before and after any closed meeting.²¹

²⁰ Statutory references: §§ 2.2-3711(B),(C), 2.2-3712(H). FOIA Council Opinions AO-23-01, AO-38-01, AO-15-02, AO-01-03, AO-13-03, AO-24-04, AO-01-05, AO-13-09.

²¹ FOIA Council Opinions AO-02-04, AO-06-07, AO-08-07, AO-13-09, AO-02-10.



APPENDIX A

How to Make a Motion to Convene a Closed Meeting

The Requirements

Section 2.2-3712(A) states that *[n]o 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.* (Emphasis added.)

FOIA Council opinions have held that a motion that lacks any of these three elements is insufficient under the law and would constitute a procedural violation.²² Here's a step-by-step look at how to put together a motion that meets all three requirements:

1. Identify the subject matter.

- The identification of the subject goes beyond a general reference to the exemption, and provides the public with information as to specifically why the closed meeting will be held. The subject matter describes the particular fact, scenario, or circumstances that will be discussed by the public body during the closed meeting.
- The specificity required for identification of the subject must be determined on a case-by-case basis. It involves balancing FOIA's policy of affording citizens every opportunity to witness the operations of government with the need of the public body to hold certain discussions in private. The identification of the subject need not be so specific as to defeat the reason for holding a closed meeting in the first place.
- Examples of identification of the subject: discussion of candidates for the appointment of a new city manager; discussion of the appropriate disciplinary action to take against a high school student for violation of school policy; discussion of probable litigation relating to highway construction.²³

2. State the purpose.

- The purpose refers to the general, statutorily allowed meeting exemptions set forth at § 2.2-3711(A). Section 2.2-3711(A) states that *public bodies may only hold closed meetings for the following purposes* (emphasis added) and then sets forth the exemptions.
- Examples of purposes: personnel matters; student admissions or discipline; consultation with legal counsel.

3. Make specific reference to the applicable exemption.

- All of the meetings exemptions can be found at § 2.2-3711(A). It is not enough to cite this general Code provision, because § 2.2-3711(A) includes over 50 different exemptions. Instead, the citation must be as specific as possible.

²² FOIA Advisory Opinions AO-14-01, AO-38-01, AO-45-01, AO-08-02, AO-24-04, AO-01-05, AO-06-07, AO-04-08, AO-13-09, AO-02-10, AO-03-13, AO-02-16.

²³ Example of probable litigation taken from FOIA Advisory Opinion AO-14-01.



- Examples of specific Code references: § 2.2-3711(A)(1); § 2.2-3711(A)(2); § 2.2-3711(A)(7).

Putting It All Together

Based upon the analysis above, here are three examples of motions to go into closed session that satisfy the minimum requirements of § 2.2-2712(A). It is always appropriate to include more information, and any motion should be tailored with additional facts describing the particular scenario being addressed by the public body.

1. I move that (insert name of public body) convene in closed session to discuss the candidates being considered for the appointment of a new city manager pursuant to the personnel exemption at § 2.2-3711(A)(1) of the Code of Virginia.
2. I move that (insert name of public body) convene in closed session to discuss the appropriate disciplinary action to take against an individual high school student for violation of school policy pursuant to the scholastic exemption at § 2.2-3711(A)(2) of the Code of Virginia.
3. I move that (insert name of public body) convene in closed session to meet with legal counsel about probable litigation relating to highway construction pursuant to the consultation with legal counsel exemption at § 2.2-3711(A)(7) of the Code of Virginia.

Remember, the appropriateness of any given motion is fact-based, and no “fill-in-the-blank” model motion will work in all situations. When drafting a motion, go down the checklist and ensure that you have included all three elements. Keep in mind the balancing required to keep citizens informed of the workings of a public body while maintaining the integrity of the closed session. Please do not hesitate to contact the FOIA Council to discuss these requirements or the sufficiency of a specific motion.



APPENDIX B

Meeting Exemptions of General Applicability

As of July 2019, FOIA contains more than 50 open meeting exemptions. Although many of these exemptions apply to specific agencies or to very content-specific discussions, there are several open meeting exemptions of general applicability that may be used by virtually all public bodies. The open meeting exemptions of general applicability are listed below, with the corresponding statutory citation, as a reference tool.

§ 2.2-3711(A)(1): Personnel. Provides an exemption for:

Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

§ 2.2-3711(A)(2): Students. Provides an exemption for:

Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

§ 2.2-3711(A)(3): Acquisition & disposition of property. Provides an exemption for:

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.

§ 2.2-3711(A)(4): Privacy. Provides an exemption for:

The protection of the privacy of individuals in personal matters not related to public business.

§ 2.2-3711(A)(5): Prospective business. Provides an exemption for:

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.



§ 2.2-3711(A)(6): Investment of public funds. Provides an exemption for:

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.

§ 2.2-3711(A)(7): Legal advice or briefings regarding actual or probable litigation. Provides an exemption for:

Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

§ 2.2-3711(A)(8): Legal advice regarding specific legal matters. Provides an exemption for:

Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

§ 2.2-3711(A)(12): Tests & exams. Provides an exemption for:

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

§ 2.2-3711(A)(16): Medical. Provides an exemption for:

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

§ 2.2-3711(A)(19): Public safety. Provides an exemption for:

Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

§ 2.2-3711(A)(29). Contracts. Provides an exemption for:

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.



§ 2.2-3711(A)(39). Economic development. Provides an exemption for:

Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.

