

LEXINGTON, VIRGINIA CITY COUNCIL HANDBOOK



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Lexington City Council Handbook

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I. Introduction and Overview

I.1. Purpose of Handbook

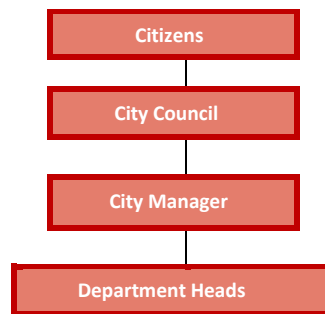
This orientation handbook is designed to assist the City Council, City staff, and others by memorializing existing policies, procedures and the general ways of conducting business. Its purpose is also to improve the efficiency and effectiveness of the relationship between Council and staff. Administration of city business is greatly enhanced by the agreement of the City Council and staff to follow these practices. This manual is not intended to be overly restrictive, thereby providing “banana peels” that Council or staff might slip on. Rather the handbook should be viewed as an instructive source of guidance so that accepted practices are documented and expectations are clarified. Practices and policies will change as circumstances arise. With that in mind, the City Council and staff will review and revise this manual accordingly.

I.2. Lexington’s Culture

The Lexington community is comprised of diverse, high-achieving, creative individuals who expect authenticity and high performance from their local government. Lexington’s style and approach is welcoming, responsible and well-rounded. Lexington respects the past, but is willing to embrace innovation.

I.3. Council-Manager Form of Government

Lexington operates as a Council-Manager form of government. In this form of government, the City Council is recognized as the governing body of the city, elected by the public and serving part-time, while the City Manager is hired by the Council and serves at their pleasure, carrying out policies established by the Council. The City Council provides legislative direction, while the City Manager oversees the day-to-day administrative operations of the city, based on policy set by Council. Core functions of the City Council include setting policy, approving the budget, and establishing tax rates. Core functions of the City Manager include preparing the budget, directing daily operations, and hiring and firing personnel. More information on how this form of government is specifically executed in Lexington is included in Chapter 10 of this handbook. A full city personnel organizational chart is included in Appendix A.



2. City Council: General Authority & Responsibilities

Effective management of a municipality is enhanced when elected officials and appointed staff clearly understand and agree on their respective roles as defined by their form of government, the City Charter, and City Code. As a general rule, the City Council is the legislative body, and its members are the community's decision makers; the City Manager oversees the executive functions of daily oversight and policy implementation. In this sense, Lexington's government works similarly to a major corporation with a part-time Board of Directors (Council) that sets policy and provides oversight and a CEO (City Manager) that carries out the policy and provides professional management of the day-to-day operations.

As elected officials, the Council implements the community's vision through the policies it enacts. In an effort to memorialize this vision, the Council adopted a Vision Statement as part of a Strategic Plan in August 2018. The Strategic Plan is included in Appendix B.

Lexington Strategic Plan Vision Statement: *"Lexington is an inviting, open-minded and welcoming city. Our community is known for its cultural, recreational and educational opportunities. Accomplishing this vision requires a solution-focused and fiscally responsible city government, a vibrant and economically healthy downtown, and an engaged citizenry interested in friendly, livable and safe neighborhoods."*

2.1. Role of City Council

The following is a brief overview of the various roles that the City Council undertakes.

2.1.1. Establish Policy

One of the most visible roles that the City Council has is its legislative responsibilities, which involves setting policy for Lexington. Some of these include, but are not limited to, adopting ordinances and resolutions, setting the tax rates for property taxes and other taxes and fees, approving the annual budget, approving expenditures, establishing priorities for city services, entering into contracts, establishing policies and procedures, and hearing rezoning and annexation requests. Section 3 of the City Charter (Appendix C) sets forth the Council's legislative authority.

2.1.2. Appoint/Supervise Officials

The city's appointed authorities, boards, and commissions assist the Council by serving in an advisory capacity and by overseeing various functions or projects. The City Charter grants the Council authority to create such bodies and to establish their composition, duties, and period of existence. Some examples of Lexington's appointed bodies include the Planning Commission, Board of Zoning Appeals, and Architectural Review Board. Lexington's appointed boards are outlined in further detail in Chapter 7 of this handbook. Chapter 10 of the City Code (Appendix D) provides more information on the Council's authority as it relates to authorities, boards, and commissions.

In addition to appointing authorities, boards, and commissions, the Council also appoints the City Manager and City Attorney.

2.1.3. Provide Community Leadership

Councilmembers will be offered many opportunities, both as a whole and individually, to take a visible role in interacting with and engaging the community and to show public support for the city's various initiatives and programs. Some examples of these include participating in and encouraging community involvement in strategic planning efforts, volunteering at events, and sitting on various appointed boards. The Councilmembers have an important role in interacting with the community - listening to wishes of constituents and communicating the city's vision and goals.

Lastly, Councilmembers will help to represent Lexington's interests at various regional, county, state, and federal levels. The City Manager will make the Council aware of these various opportunities as they arise.

2.1.4. Decision-Making

Closely related to the Council's legislative authority is the role that Councilmembers play in making important decisions that provide guidance to staff for carrying out the day-to-day operations of the city. Such decisions might include direction on project scope and feedback on various initiatives or programs. While typically less formal than the Council's legislative powers (many times not requiring a formal vote in a Council meeting), such decisions are important.

2.2. Role of Mayor

The Mayor serves as the presiding officer and chair of all meetings of the City Council. The Mayor may participate in all deliberations of the Council in the same manner as other members but only votes on matters in the case of a tie. The Mayor administers oaths and executes some city documents, including resolutions and ordinances.

The Mayor serves as Lexington's ceremonial representative at public events and functions; Councilmembers are welcome to attend as well. The Mayor is the official spokesperson for the Council, articulating actions taken and fielding questions about the city's policies and intentions.

The Mayor appoints individuals to committees and study groups. In certain cases, Councilmembers will be asked to submit nominees for such committees and groups, and the Mayor will then ratify those nominees. For more details on the Mayor's official role, please see Sections 4 and 5 of the City Charter in Appendix C.

2.3. Vice-Mayor

One Councilmember serves as the Vice-Mayor and performs the duties of Mayor in his/her absence or disability. The Vice-Mayor is appointed by the Mayor. For more details, please see Section 6 of the City Charter in Appendix C.

2.4. Intergovernmental Relations

Intergovernmental relations refers to the interactions between different governmental entities, such as Rockbridge County, City of Buena Vista, the Commonwealth, and the School Board. Many of the Council's legislative functions will involve negotiation and coordination with other governments, such as distribution of various tax revenues. Council speaks with one voice in communicating with other governmental entities and does so through joint meetings or through the City Manager. Interactions between elected officials from other localities are most appropriate when formal and open to the public.

2.4.1. Organizations

There are several organizations that help to facilitate intergovernmental relations, both around the region and state. Lexington's Councilmembers and staff have had a strong tradition of holding leadership roles within each of these organizations. One example is as follows:

- **Virginia Municipal League** – The Virginia Municipal League (VML) is a non-profit organization that was formed by the cities and counties of the Commonwealth of Virginia in order to foster better cooperation among the municipalities and to improve the understanding of the complex issues that they face. The VML holds general membership meetings on a regular basis, which are open to the elected officials and staff. For more information, please see www.vml.org.

3. Conflicts of Interest, Ethics & Liability of Elected Officials

3.1. Conflict of Interests Act

The state laws regarding ethics, conflict of interests and freedom of information are some of the most important for Councilmembers to be aware of and follow. Essentially, these laws prohibit any Councilmember from voting on any question that is brought before the Council in which he/she is personally involved. Due to both the complexity of these laws and the significant consequences if violated, it is highly suggested that Councilmembers discuss uncertainties or potential conflicts with the City Attorney.

Section 2.2-3100 of the state code details the city's position on conflict of interests and is included in Appendix E.

3.2. Code of Ethics and Conduct

Lexington has an adopted Code of Ethics and Conduct in place which includes guidelines to ensure that the city is operated in a manner that is, and gives the appearance of being, independent and impartial. The Code of Ethics and Conduct serves as an agreed-upon code for how Councilmembers and members of authorities, boards, and commissions will interact with each other and handle themselves both in public and internally. The document is signed annually and is included in Appendix F.

3.3. Freedom of Information Act

The Freedom of Information Act (FOIA) is meant to provide the public with access to federal agency records. It is often described as the law that keeps citizens "in the know" about their government. Virginia's Freedom of Information Act can be found in Section 2.2-3700 of the state code, which is included in Appendix G along with Lexington's FOIA procedures.

4. Overview of City Documents

Councilmembers will want to familiarize themselves with a number of different documents that will help guide decision-making and outline legal requirements for operating the city.

4.1. City Charter

Lexington's charter is a document that establishes the basic governmental structure, form of government, corporate boundaries, and municipal powers. In this respect, it is similar to a state or national constitution. Each municipality in Virginia has a charter, which is approved by the State General Assembly. As such, amendments to the City Charter require action by the General Assembly. The City Charter is included in Appendix C.

4.2. City Code

The City Code is the compilation of local laws that have been adopted and codified by the City Council. The City Code covers a wide range of areas, including taxes, environmental regulations, and business regulations. Amendments to the City Code must be adopted by the Council. Chapter 10 of the City Code is included in Appendix D; the entire City Code is available online via the city website.

4.3. Virginia Laws

Municipalities are created by the Commonwealth of Virginia. It is important to note that Virginia is a Dillon Rule state. The Dillon Rule means that a locality can only pass ordinances in areas that the General Assembly has granted full authority.

4.4. Zoning Ordinance

The zoning ordinance regulates the kinds of activities that are permitted in each district, including building heights, required parking, landscape and buffer requirements, and sign restrictions. Amendments to the zoning ordinance are drafted by staff and then forwarded to the Planning Commission for consideration, with Council having the final vote.

4.5. Personnel Manual

The Personnel Manual includes the written policies that govern City staff (including Council, as appropriate) and informs them of their responsibilities. This manual was revised in 2018; if you would like to see a copy, please contact the City Manager.

4.6. Budget

The budget is Lexington's financial plan that presents the services to be provided to the community over the coming year and the funds necessary to perform these services. Lexington operates under a fiscal year that begins on July 1 and ends June 30. In the fall, staff begins the process of estimating anticipated revenues, identifying and evaluating potential expenditures and preparing a recommended budget. Work sessions will be scheduled with the Council throughout the spring, as needed, for the City Manager to present the recommended budget. Public hearings are held in the spring to approve the budget and appropriate funds.

4.7. Capital Improvements Plan (CIP)

The CIP is a five-year plan of certain intended capital projects and purchases. This tool gives the city a comprehensive approach in planning for future assets and projects, as well as maintaining and replacing current ones. The CIP also allows the city to strategically plan how it will fund these projects and the impact they will have on future budgets. The CIP is a component of the annual budget and is developed and adopted in late winter or early spring, before the budget.

4.8. Comprehensive Annual Financial Report (CAFR)

At the close of each fiscal year on June 30, an independent auditor reviews the city's financial statements. The auditor's report, along with the financial statements and other important information, make up the CAFR. The CAFR essentially allows the reader to determine how well the city performed from a financial standpoint and where it stands in terms of assets and liabilities. The audit is completed in late summer and early fall, with the report and CAFR being presented to Council at the end of each calendar year.

4.9. Comprehensive Plan

A community's Comprehensive Plan identifies near-term and long-term critical planning strategies that will help guide the location and design of future development. Virginia municipalities are required to update and adopt a new Comprehensive Plan every five years. As of 2018, Lexington's current plan is in the process of an update, and the soon-to-be final product will be intended to guide development through the next few decades. Staff oversees minor reviews and updates, which take place on an annual basis.

4.10. Popular Annual Financial Report (PAFR)

The Popular Annual Financial Report is a document designed to be readily accessible and easily understandable to the general public without a background in public finance using information from the Comprehensive Annual Financial Report. The PAFR is included in Appendix H.

4.11. Downtown Enhancement Plan

In 2013, Lexington adopted a Downtown Enhancement Plan as part of an overall strategy to build momentum, synergy and economic development downtown. This plan focuses on potential conceptual level physical improvements that can bolster the economy, setting the backdrop for social and cultural activities downtown. The project goal is as follows: “Creating a more attractive, vibrant, walkable, bike-able Downtown to which local residents, students, visitors, shopkeepers and business people are attracted.” The full Downtown Enhancement Plan can be found on the city website.

4.12. Strategic Plan

In August of 2018, Lexington City Council adopted a strategy that outlines a unified and shared community vision for Lexington. This plan will then help guide Council in making decisions about the city’s services, budget, functions, goals, visions, infrastructure, values, and purpose. It is anticipated that City Council will revise and update the strategic plan on an ongoing basis. The city contracted with a seasoned consultant and at multiple stages solicited public input in order to prepare this plan. Similar to the Comprehensive Plan, minor annual updates will likely be needed and handled by staff. The strategic plan is included Appendix B.

5. Council Meetings

5.1. Schedule

The Council convenes for a regular meeting twice each month on the first and third Thursday at 8:00 p.m. at the Rockbridge County Administrative Offices located at 150 South Main Street, Lexington, Virginia (unless otherwise noted).

Other meetings may arise on an as needed basis, such as work sessions and closed sessions. Additionally, the Mayor or two members of Council may call a special meeting. At times, scheduling conflicts arise where meeting dates are adjusted. Generally, meetings continue as scheduled with individual Councilmembers absent, unless four or more Councilmembers will be unable to attend. More information about Council meetings is provided in Appendix I.

5.2. Agenda Development

5.3.1. Council Meeting Agendas

Council Meeting agendas are prepared the week before the meeting. Staff prepares the agenda with the Mayor. The agenda is typically finalized and distributed to Council on Friday of the week preceding the meeting. A sample agenda is provided in Appendix I.

5.3.2. Meeting Packets

Each meeting packet includes the agenda and background materials for each item, as appropriate. The meeting packet will be uploaded to the iCompass City Council Portal where Council and the public can access it from their computer or other device.

Staff prepares a limited number of hard copies of the agenda for the public. These are available in the meeting room at the time of the meeting.

5.3.3. Adding Items to the Agenda after Publication

At times, agenda items develop after the agenda has been finalized. In the case of an item to be added to the Council meeting agenda, the Councilmember should bring it to the attention of the City Manager and Mayor, who will inform Council. If appropriate, Council will take a formal vote in the meeting on whether to amend the agenda to add the item.

5.3.4. Meeting Packet Distribution

Staff distributes the final meeting packets to the following media outlets: The News-Gazette and The Rockbridge Advocate. Citizens may also request to receive a copy of the final agenda by e-mail. This request should be directed to the Clerk. As previously mentioned, the final meeting packets are posted on the iCompass City Council Portal where anyone can subscribe to receive the packet or view the packet.

5.3.5. Agenda Item Requests

Council, on behalf of themselves, members of boards, or community members, may request to have an item placed on the agenda by contacting the City Manager. Unless there are extenuating circumstances, an item must first be submitted to the City Manager in order to be placed on a Council meeting agenda.

5.3. Council Meetings

5.4.1. Attendance; quorum required

Council meetings are attended by all members of the City Council, the City Manager, and the City Attorney. The Mayor presides over the meetings. A quorum of four or more councilmembers is required for a meeting.

5.4.2. Minutes and recordings

The City Clerk takes formal minutes of each regular meeting. These minutes are adopted by Council the following meeting. The City Clerk also makes an audio recording of meetings, which are promptly posted to the city's Dropbox page; no video recording is done.

5.4.3. Public Participation

Citizens have two separate opportunities to participate in a Council meeting. The first is when they are invited to address the Council on any item that is not on the agenda. The second opportunity is during a public hearing, when the public may only comment on the topic of the public hearing being discussed. The Mayor has the authority to

impose a three-minute time limit for public comments in both the public hearing and the citizens' comment section of the meeting.

5.4. Consent Agenda

City Council regularly uses a consent agenda at Council meetings to approve items that are expected to receive unanimous approval and where no discussion is necessary. The consent agenda can be approved in one action, rather than filing motions on each item separately. Any member of Council can request a consent agenda item be moved to the regular agenda for discussion or clarification.

5.5. Public Hearings

Public hearings provide Council the opportunity to solicit public comment on a single subject. They are always scheduled for rezoning cases, special use permits, budget adoption, and the setting of the tax rates. As needed, public hearings are held in conjunction with regular Council meetings.

5.6. Open Meetings

Virginia's laws regarding government meetings and records are designed to provide transparency to the public on how government operates, how decisions are made, and how money is spent. As such, they require that the public have notice and access to city meetings and establish procedures for public access to city records.

5.7.1. What is a Meeting?

In general, whenever a quorum of the Council (or other city board) gathers at a designated time to conduct or discuss public or official business, this is considered a meeting that must be open and advertised to the public and comply with other aspects of state laws. This applies whenever any public matter, official business, or policy is discussed, even if no final action is taken. Social gatherings that include a quorum are not considered meetings as long as no city business or other public matter is discussed.

5.7.2. Closed Sessions

5.7.2.1. Purpose

Council and other city boards have the ability to discuss issues related to several areas in a closed discussion not open to the public, including but not limited to the following topics: discussion of prospective candidates for employment, performance or evaluation of a public body, discussion of acquisition or disposition of property, and consideration of investment of public funds where competition is involved. A more detailed list is provided in the state code section of Appendix E, which references the Conflict of Interests Act. The City Attorney will provide guidance, if necessary, on whether an item meets the criteria to be discussed in a closed session. All items discussed in a closed session are strictly confidential.

Council cannot enter into a closed session unless it was held in conjunction with a meeting, even if it is simply for the purposes of calling a meeting to order, immediately taking a vote to enter into closed session, and then adjourning the meeting after the closed session ends. A majority of Council must vote to enter into the closed session.

Official business does not take place in a closed session. If an item requires a vote by Council, the vote must take place in an open meeting.

5.7.2.2. Attendance

Depending on the topic(s) to be discussed, closed sessions are typically attended by the City Manager and City Attorney. Other staff members may be present, if needed.

6. Education & Training

There are a number of training opportunities that are offered by various organizations for Councilmembers. The following includes more details on these events.

6.1. Newly Elected Municipal Officials Institute

Institute for Local Officials program is a two-day program provided once per year by Virginia Municipal League. The course provides an orientation to city government for Councilmembers new to office, although incumbents and staff are welcome to attend as well. For more details, please see www.vml.org/education/conferences.

6.2. Virginia Municipal League Legislative Day

The Virginia Municipal League Legislative Day is an annual event that provides an outstanding opportunity for local government officials to interact with members of the General Assembly. The event usually takes place over the course of one day in Richmond. For more information, please see www.vml.org/advocacy/vml-legislative-day.

6.3. Virginia Municipal Annual Conference

The Virginia Municipal League Annual Conference is an annual event attended each fall by other local government officials, speakers and exhibitors. The conference includes general sessions featuring political leaders, nationally-known speakers and local government experts, workshop sessions on a variety of local government issues, the opportunity to network with colleagues from across the state, and more. For more information, please see: <https://www.vml.org/education/conferences/future-conference-dates/>.

7. Appointed Authorities, Boards, Commissions & Positions

Lexington's appointed authorities, boards, and commissions (ABCs) serve in advisory capacities and by overseeing various functions or projects. The City Charter grants the Council authority to create such bodies and to establish their composition, duties, and period of existence. Chapter 10 of the City Code (Appendix D) provides more information on the Council's role as it relates to ABCs.

In addition to appointing members of ABCs, the Council also appoints people to serve in individual capacities, such as the City Manager and City Attorney.

7.1. City Manager

Lexington is a Council-Manager form of government, with a City Manager overseeing and directing the daily operations of the city. The City Manager directs the city's administrative activities; serves as a focal point for strategic planning, programming and budgeting; supervises City staff; serves as a liaison between Council and staff; and assists the public. The current City Manager is credentialed through the International City/County Manager's Association (ICMA) and is bound by ICMA's Code of Ethics (included in Appendix J). For more details on the City Manager's functions, please see Sections 22-26 of the City Charter, included in Appendix C.

7.2. City Attorney

Council appoints a City Attorney, who is responsible for representing and defending the city in all litigation in which it is a party, attending meetings of Council as directed, and advising the Council and staff concerning legal aspects of the city's operations. The City Attorney serves on a part-time basis and works from his/her office, rather than from City Hall. For more details on the City Attorney, please see Section 32 of the City Charter, included in Appendix C.

7.3. Planning Commission

The Planning Commission is a seven-member board comprised of volunteers appointed by the Lexington City Council, as well as one City Council Liaison. Its duties and responsibilities include reviewing requests and making recommendations to the City Council on the following matters:

- **Rezoning Requests** – Requests to alter the zoning district for a piece of property. Zoning districts regulate the allowed and special uses and the basic development standards for properties throughout Lexington.
- **Conditional Use Permit** – Each zoning district includes a list of potential uses that may be appropriate for the district in certain locations. These uses require a permit to be issued by Council.
- **Amendments to the Zoning Ordinance** – Periodically the zoning ordinance requires changes in order to help the city meet the goals of the comprehensive plan.
- **Proposed Subdivisions of Land** – Requests to divide a lot, tract, or parcel of land into two or more lots.

Additionally, the Commission reviews and decides on the following:

- **Certificates of Appropriateness** – Design review for building modifications, signs, and landscaping in the city's entrance corridors.
- **Site Plans** – Review of site plans to ensure compliance with requirements of the zoning ordinance.

The Commission may also undertake special studies and reviews as directed by the Council. The Planning Commission meets on the second and fourth Thursday of each month, at 5:00 p.m., in the community meeting room at City Hall. Members serve four-year terms, appointed on a staggered basis, and must be residents of the City of Lexington.

7.4. Board of Zoning Appeals

The Board of Zoning Appeals (BZA) is a five-member board comprised of volunteers appointed by the Lexington City Council. Its duties and responsibilities include reviewing and issue rulings related to variance requests and appeals of administrative decisions.

- **Variations** - requests to deviate from the requirements of the zoning ordinance.
- **Appeals of Administrative Decisions** - requests to hear alternative interpretations from the zoning ordinance as interpreted by the Planning Director.

The BZA meets on the second Monday of each month (as needed), at 6:00 p.m., in the community meeting room at City Hall. Members serve five-year terms, appointed on a staggered basis, and must be residents of Lexington.

7.5. Other Authorities, Boards, and Commissions

Architectural Review Board – responsible for reviewing all proposals for exterior modifications to buildings and signs within the Lexington’s Downtown Historic Preservation District. A map of the district is included in Appendix K.

Cemetery Advisory Board – advises and makes recommendations to City Council the policies of cemetery operation, costs of internment, lots, equipment, and all other things incident or necessary in maintaining a cemetery for the Evergreen and Stonewall Jackson Memorial Cemeteries.

Rockbridge Area Community Services Board – provides mental health, intellectual disability, substance abuse services, and prevention to residents of Rockbridge and Bath counties.

Dabney S. Lancaster Community College Board – serves as an advisory board for Dabney S. Lancaster Community College.

Disability Services Board – regional advisory board charged with making recommendations to local governments for improving services provided to disabled persons.

Electoral Board – appoints the voter registrar and officers of election to work at the polls on election days. Additionally, the board conducts all general and special elections and afterwards meets to canvass the vote for Lexington City and certifies the results to the State Board of Elections. The Electoral Board consists of three members. Two members represent the party that received the most votes in the prior gubernatorial election. The third member represents the party that received the second highest number of votes in the prior gubernatorial election. The appropriate political party must submit three names to the Circuit Court judges. The court appoints one person each year to serve a three-year term.

Board of Equalization – responsible for hearing appeals to the assessment established by Lexington’s real estate assessor during the calendar year that the reassessment goes into effect.

Industrial Development Authority – serves as a vehicle for conduit financing; issues tax-exempt bonds to provide long-term financing to promote industry and develop trade by inducing manufacturing, industrial, governmental and commercial enterprises and institutions of higher education to locate in and remain in the Commonwealth and in the city.

Maury Service Authority – produces bulk water for the city and its surrounding area through ownership and operation of a water treatment plant; treats all wastewater from the city at its wastewater treatment plant.

Rockbridge Regional Communications Center Management Board “911” – provides emergency services dispatching for Lexington, Rockbridge, and Buena Vista; the dispatch center dispatches for local police, fire, rescue, and emergency services.

Rockbridge Regional Jail Commission – serves Lexington, Buena Vista, and Rockbridge County; manages operations of the jail.

Rockbridge Regional Tourism Board – oversees the activities of the regional tourism program that includes Lexington, Buena Vista, and Rockbridge County.

Rockbridge Regional Library Board – provides library services to Lexington, Buena Vista, Rockbridge County, and Bath County.

Lexington School Board – oversees the activities and operations of Lexington City Schools.

Shenandoah Valley Workforce Investment Board – serves as the fiscal agent and administrative entity for employment and training programs funder under Title 1 of the Workforce Investment Act for the Shenandoah Valley.

Department of Social Services – provides social services for Lexington residents and sets policy for the Social Services Department.

Threshold Housing Commission – addresses housing related issues within the city; guides development and implementation of housing rehabilitation programs for eligible low and moderate income families in designated target areas.

Tree Board – advises City Council, the Planning Department, and the City Arborist on activities that affect trees within city limits.

8. Financial Matters

It is important to recognize the key distinctions between the financial operations of a municipality compared to the commercial world. Cities have very different objectives from those of commercial enterprises. Lexington's primary goal is to provide services to its constituents within budgetary constraints. Lexington's capital assets are used to provide services whereas they are used to generate revenue for a business. For more information on the city's financial operations, please see Sections 27-31 of the City Charter located in Appendix C.

8.1. Budget

Each year, Lexington adopts an annual budget that determines where the funds to operate the city will come from and how they will be spent. The adopted budget serves as an important internal tool and control to both guide the services to be provided and ensure spending limits are not exceeded. The budget has an important role externally and, with public participation in the budget development, is one of the most significant ways Lexington can provide open and transparent leadership. Cities are required to adopt a balanced budget, meaning expenditures must equal revenues.

8.1.1. Preparation

Staff begins the process by analyzing trends, researching updated information, preparing revenue forecasts, identifying department goals and objectives, and reviewing department requests. to put together a draft budget for Council to review. The first draft is typically presented to Council in late March. This draft is made available for public review and Council holds a public meeting to discuss the proposed budget. A series of budget review hearings will be held during April for Council to review and discuss the proposed budget in detail with staff. After receiving Council input, staff revises the draft budget accordingly and the final draft is typically available for public review by early May.

8.1.2. Tax Rate

Setting the tax rate each year is closely related to budget development, matching revenue sources with planned expenditures. The Council will then schedule public hearings for the citizens to comment on the proposed tax rate. The public hearing and vote by Council typically takes place in June. The current taxes and fees are included in Appendix L.

8.1.3. Audit

At the close of each fiscal year on June 30, an independent audit is conducted in compliance with generally accepted accounting principles and governmental auditing standards. This is a requirement of state law. The purpose of the audit is to verify that the city's financial statements present the city's financial position in a fair and accurate manner and can provide citizens with a degree of trust that public funds have been expended as legally requirement. The audit also allows holders of debt securities to better understand the city's financial position. The audit also includes a review of the city's internal accounting controls, and if necessary, will include suggestions to help avoid circumstances that might permit inefficiencies or fraud. A copy of the final audit will be provided to Council, as well as presented in a Council meeting, typically in November or December of each year.

8.2. Council Compensation

Council establishes the rate of compensation for the Mayor and Councilmembers in accordance with the laws of the Commonwealth. This rate is currently set at \$400/month for the Mayor and \$300/month for the Councilmembers. Council is compensated monthly via direct-deposit.

9. Communications

One of the Council's fundamental roles is communication. The Council communicates with the public to share Lexington's vision and goals and to determine community opinions, needs, and desires. Council must also communicate with staff, in order to provide direction on policy.

9.1. Communications to and from Council

The Council acts as a body and it is important that individual Councilmembers understand general guidelines when speaking on behalf of the Council. On occasion, Councilmembers may wish to communicate on an issue on which the Council has not yet taken a position or about an issue for which the Council has no position. In these cases, the Councilmember should make it clear that he/she is expressing a personal view, rather than that of the Council.

Members of Council will often be requested to correspond with citizens, business, and public agencies. Such correspondence might be a response to an inquiry or a reference for an individual or business. The City Charter specifies that the Mayor serves as "chief elected officer of the city." With that in mind, Councilmembers should defer to the Mayor the role of communicating the city's position on policy matters to the public and other external bodies.

It is appropriate for the Council to use city letterhead, e-mail address, and Council titles when sending correspondence that communicates official city business. Staff support is also available for preparing and sending such correspondence; please forward requests to the City Manager. City letterhead, e-mail, staff support, and postage may not be used for personal or political purposes.

Mail, including letters and memos, that is received by the city and addressed to an individual Councilmember, will either be copied or scanned and forwarded to all Councilmembers.

9.2. Communications from the City

9.3.1 Press Releases

City press releases are written and distributed by the city's Public Information Officer or as needed. Press releases are also posted on the city's website, sent out in the City Manager's subscriber-based weekly report, and shared on social media.

9.3.2 City Website

Content for the city's website, lexingtonva.gov, is managed by staff. The home page of the site is updated as needed with current information. The website is a tool that is used for communicating news from the city as a whole and is not used for communicating from individuals or specific departments, including Council.

9.3.3 Social Media

In an effort to build relationships, reach audiences that do not have access to or typically utilize the city's more traditional means of communication, share information on a real-time basis, and retain its reputation as a progressive community, Lexington uses social media outlets for city communications. The city uses one central account with each network, e.g. Facebook and Instagram. Staff manages the city's social media accounts.

Elected officials should not post as "City of Lexington." Campaigning, on behalf of political candidates or in support or opposition to issues, is prohibited on the city's pages. Political candidates are encouraged to establish their own fan pages and accounts.

For more information on the city's social media policies, please see Section 6.23 of the Personnel Manual and the city's Social Media Policy. The Social Media Policy is included in Appendix M.

10. Interaction with City Staff

10.1. Council-Manager Form of Government

As a Council-Manager form of government, the policy of Lexington's City Council is carried out by a dedicated and professional staff, under the oversight of a City Manager. The Council-Manager form of government allows Council to direct their time and energies to legislation and policy development, while the City Manager focuses on the organizational, legal, personnel, financial, and other administrative matters that occur on a daily basis. As there is a clear distinction between the roles of both, it is critical that the relationship between Council and staff be well understood by all parties. The Council and City Manager are most effective when there is mutual respect between both parties and Council supports the organizational teamwork necessary to successfully implement Council's policies.

10.2. City Council Non-Interference

The City Council is to work through the City Manager when dealing with administrative and operational functions of the city.

The Council or its individual members shall not, either directly or indirectly, be involved in or attempt to influence administrative matters that are under the direction of the City Manager, such as staff decision-making, the development of staff recommendations, scheduling of work, executing department priorities, personnel issues, and purchasing. This is necessary to protect staff from undue influence and pressure from individual Councilmembers and to allow staff to execute work in the priority established by the City Manager. If a Councilmember wishes to influence an administrative action, decision, recommendation, workload, or work schedule, he/she must bring it to the attention of Council so that Council can decide whether to address it as a matter of policy.

Requests for staff assistance shall be directed to the City Manager. The City Manager will assign such requests to the appropriate staff person(s) and they will be completed in a timely and professional manner, as appropriate. The City Manager will forward requests to Council that are of the magnitude, either in terms of workload or policy, that are more appropriately assigned to staff as a matter of Council policy.

The Council shall not give any orders to staff under the direction of the City Manager. All communications from Council to staff shall be directed to the City Manager, with the exception of a general inquiry, which may be directed to the appropriate department director. All non-emergency communications to staff, with the exception of the City Manager, shall be during business hours.

10.3. Council/Manager Relationship

An effective professional relationship between the Council and City Manager honors the City Manager's role as chief executive of the city. All dealings with the City Manager, whether publicly or privately, shall respect the City Manager's role. Public disagreements should be centered on issues of policy, rather than in terms that question satisfaction with or support of the City Manager.

The City Manager respects and is sensitive to the responsibilities of Council in setting policy and acknowledges that the Council holds the final responsibility for establishing the policy direction of the city.

10.3.1. City Manager Code of Ethics

As mentioned in section 7.1, the current City Manager is a credentialed member of the International City/County Management Association (ICMA), and is bound to a professional code of ethics. The code addresses certain practices that are designed to ensure the Manager's actions are in the best interests of the city. Violation of the code can result in censure of the Manager by ICMA. The ICMA Code of Ethics is included in Appendix J.

10.4. Council & Staff Communications

10.4.1. Council Requests for Information

The City Manager serves as the liaison for communication between Council and City staff. The sharing of timely, accurate information is one of the City Manager's highest priorities. Council requests for information shall be forwarded to the City Manager who will ensure a prompt and professional response. Such information requests, and the subsequent response, will be copied to the full Council so that each member may be equally informed.

10.4.2. Staff Communications to Council

The City Manager and staff use a variety of methods to share information with Council. The City Manager's open-door policy allows for impromptu meetings. In an effort to consolidate the communication of non-emergency information, the City Manager will provide regular updates.

10.4.3. Restricted Information

There are certain circumstances under which the City Manager is restricted from providing information to Council, such as personnel information and certain aspects of public safety.

10.4.4. Citizen Requests for Service

Council will receive frequent contacts from citizens regarding requests for service by the city, such as repair of potholes, code enforcement issues, or replacement of street lights. Council or citizens can make these requests directly to staff by contacting the City Manager or the appropriate department via the various communication avenues available.

10.5. Staff Relationship to Appointed Boards

Staff provides support and assistance to the city's appointed boards. Such support includes assistance with agenda development and preparation of reports and background materials on issues before the boards. This assistance allows the boards to have sufficient information to discuss the issues before them.

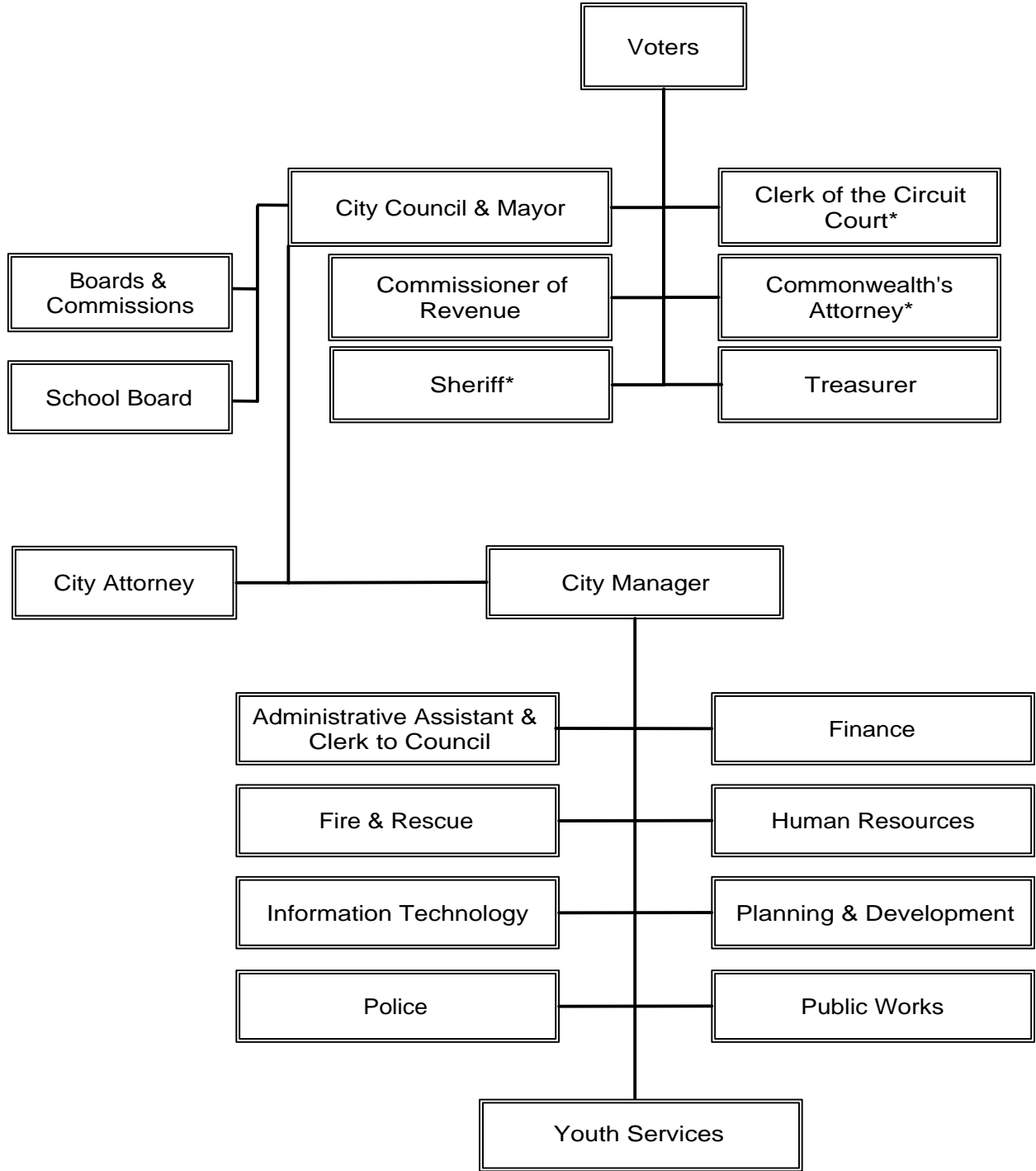
Appointed boards do not have supervisory authority over City staff. While staff members may work closely with the boards, staff remains responsible to their immediate supervisor, and ultimately, the City Manager. Appointed boards shall not give any orders to staff.

The following pages include the below appendix items:

A	City Personnel Organizational Chart & Department Descriptions
B	Lexington Strategic Plan
C	Lexington City Charter
D	Chapter 10 of Lexington City Code
E	Virginia Conflict of Interests Act & Guide
F	City Council Code of Ethics and Conduct Resolution
G	Freedom of Information Act: Lexington Policy & State Code
H	Popular Annual Financial Report for Fiscal Year 2018
I	City Council Meetings & Sample Agenda
J	ICMA City Manager Code of Ethics
K	Map of Lexington Downtown Historic Preservation District
L	Taxes and Fees
M	City of Lexington Social Media Policy
N	City Directory
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CITY OF LEXINGTON

Organizational Chart



*Shared with County

City Manager

The City Manager, appointed by City Council and serving at its pleasure, is the city's principal administrative officer. It is the City Manager's responsibility to see that all policies and ordinances of the city are enforced. He exercises supervision and control over all administrative departments and divisions. His other duties include:

- Advising City Council both on current and future needs of the city and on the day-to-day operation of the city government
- Developing and administering the city's annual budget
- Recommending adoption of measures he believes to be necessary or desirable
- Participating in all regular meetings of City Council to provide information (although he does not vote)

Weekly E-Newsletter

The City Manager issues weekly reports to City Council and the public via email, and by hard copy for those who have requested. These are also available through the City Website.

Commissioner of Revenue

The Commissioner of Revenue, a locally-elected constitutional officer, serves our community by:

- Fairly, accurately, and in accordance with the law assessing property taxes and administering tax relief
- Providing accurate and useful statistical information with which city officials and community members can make decisions
- Facilitating understanding of applicable tax laws and procedures
- Fairly, but aggressively, administering business taxes
- Striving to continuously improve ourselves, our organization, and our procedures to better serve the citizens of Lexington

Taxes

The Commissioner of Revenue is responsible for administering various local taxes. These taxes include:

- | | |
|---------------------------------------|---|
| • Business License Tax | • Personal Property Tax |
| • Business Personal Property Tax | • Real Estate Tax |
| • Disabled Veterans Exemption Program | • Real Estate Tax Relief for the Elderly and Disabled |
| • Lodging Tax | • Rental Tax |
| • Meals Tax | • State Income Tax |

Finance

The Finance Department provides account, budgeting, payroll, and financial reporting services for all city departments. The department also provides services to the Rockbridge Area Recreation Organization, the Central E-911 Dispatch Center, and the Lexington and the Rockbridge Area Tourism Development Program. Functions include:

- Maintaining a fund accounting system
- Paying city obligations
- Setting internal control to protect assets
- Conducting financial analysis
- Providing timely reports of financial information for management purposes

Data processing support is provided for revenue collection, central accounting, city and school payroll, and utility billing activities. Support for a decentralized purchasing system is provided in this department, as well as administrative oversight for the city's general insurance program.

Burial Purchases

Burial spaces can be purchased in this department for either the Stonewall Jackson or Evergreen Cemeteries. For additional information or assistance, please contact the Finance Department at 540-462-3702.

Annual Budgets & Financial Reports

Copies of both the annual budget and the annual comprehensive financial report are available for public review at the Rockbridge Regional Library, the Lexington and the Rockbridge Area Tourism Development Office, and in the City Treasurer's Office at City Hall, or you can access them below. Additional copies are available from the Finance Department subject to a charge to cover the cost of printing the document.

Fire & Rescue / Emergency Management

The Lexington Fire Department is a combination of volunteer and career staff organized in accordance with ordinances enacted by City Council to provide fire, rescue, extrication, hazardous materials, and other emergency services to the residents and visitors of the City of Lexington and surrounding areas of Rockbridge County. The department also provides emergency management and fire marshal services to the City of Lexington. The department is supported in part by the city, which provides buildings, equipment and 24 hour career staffing, and in part by dedicated volunteers and its auxiliary. The department and auxiliary conduct an annual fund drive and regularly sponsor other fund-raising programs.

Information Technology

The Information Technology Office provides services to help meet the technological needs of the various departments. Lexington IT manages the Lexington Schools' technology needs, also.

Planning & Development

The Department of Planning and Development assures that development within the city respects and promotes the heritage, appearance, and exceptional quality of life in the City of Lexington.

Responsibilities

The department is responsible for planning for the city, including preparing and updating the Comprehensive Plan, as well as preparing special planning studies such as the Master Plan for Jordan's Point Park, the action plan for restoration of Wood's Creek, and the plan for the renovation of the city's entrance corridors.

Zoning Ordinance

The department is also responsible for developing, amending, and enforcing the Zoning Ordinance (adopted in 2017), Chapter 420, and subdivision regulations. This includes coordinating site plan reviews, conditional use permit requests, design review, and rezoning requests.

Should you need information about flood maps, please visit the [Federal Emergency Management Agency website](#). There is a [tutorial](#) available, as well as the [flood maps](#) for Lexington.

Code Enforcement

The department enforces all building and property maintenance codes which includes reviewing plans and specifications for proposed construction, issuing permits, and conducting required inspections.

Housing Programs

The department also manages the city's housing programs. This includes writing and administering grants from federal and state agencies with the emphasis on housing related issues, including affordable housing.

Police Department

The Lexington Police Department (LPD) is a full-service law enforcement agency serving the citizens of Lexington, Virginia. The LPD is an industry leader in Police training, technology, and community engagement, and are fully committed to its mission to provide quality law enforcement services to all residents and visitors alike. The LPD motto is “LEADERSHIP PRIDE & DUTY.”

Public Works

Responsibilities

The Public Works Department is responsible for the following:

- Street maintenance and construction
- Garbage and brush collection and disposal
- Water and sewer line maintenance and construction
- Maintenance of parks, playgrounds, and cemeteries
- Water turn-ons and turn-offs
- Water meter readings for billing purposes

Central Dispatch

The Rockbridge Regional Public Safety Communications Center serves as the Central Dispatch Center for Lexington, Buena Vista, and Rockbridge County. The center is overseen by the Public Safety Communications Board.

Phone Numbers

Dial 911 for all emergencies. For routine police matters, use the following numbers:

- Buena Vista - 540-261-6171
- Lexington - 540-463-9177
- Rockbridge County - 540-463-7328

Rockbridge Area Recreation Organization (RARO)

RARO manages the recreational opportunities throughout the Greater Lexington Area and includes the neighboring jurisdictions of Rockbridge County and Buena Vista. RARO aspires to be an outstanding educational-athletic organization that provides a high-quality experience to every participant. A high-quality experience is one in which every participant:

- Is coached using principles which promote the growth of self-esteem and skill development while stressing fair-play and good sportsmanship
- Has fun at practices and games
- Feels like an important part of the team regardless of performance
- Learns " life lessons" that have value beyond the playing field
- Learns the skills, tactics and strategies of the sport and improves as a player

Rockbridge Regional Library

The Rockbridge Regional Library System's (RRLS) main library and headquarters are located at 138 South Main Street, Lexington, VA 24450. RRLS reaches citizens throughout Rockbridge County through a Bookmobile and four satellite libraries located in Bath, Buena Vista, Glasgow, and Goshen. Managed by an Executive Director with staff and governed by a Board of Directors, the mission is stated as, "The Rockbridge Regional Library is dedicated to providing free access to information, popular materials, and lifelong learning for all.

Regional Tourism

The Lexington and Rockbridge Area Tourism have a Visitor's Center at 106 East Washington Street in Lexington, as well as a centers in Buena Vista and Natural Bridge. They are also affiliated with several tourism organizations throughout the Shenandoah Valley. Each Center is staffed by helpful, knowledgeable travel counselors who are happy to provide personalized suggestions, maps, brochures, restaurant menus, and lodging information.

Please visit lexingtonvirginia.com for information on local events and attractions.

Swimming Pool

The Lexington municipal outdoor swimming pool is located at the intersection of Waddell and Wallace Streets near the Maury River Middle School. We encourage anyone interested in enjoying a day of relaxation to come and join. The pool is operated by the Rockbridge Area YMCA.

Treasurer

The Virginia Constitution of 1869 created the office of Treasurer. The treasurer and the commissioner of revenue are elected and serve for four years. The commissioner of revenue is the chief tax assessing officer of the local government. The treasurer is responsible for collecting all revenue that comes to Lexington, including:

- Personal property and real estate taxes
- Business license fees
- State income tax payments and state estimated income tax payments
- Water bills
- Fees for dog licenses

The treasurer is also responsible for managing the investment of local funds and maintaining local finance records.

Youth Services

The purpose of the Youth Services is to provide a diversity of well-supervised activities for students in an alcohol-free, drug-free, and intimidation-free environment. The department receives funding from the City of Lexington. The Office of Youth Services has an After-School Program and Summer Fun Youth Program. Both are supervised by the Youth Services Director and staffed by employees and volunteers.

2018

STRATEGIC PLAN

Lexington, Virginia

I

Healthy &
Physically
Active

II

Economically
Healthy

III

Learning

IV

Safe

V

Engaged

CITY COUNCIL

Lexington City Council voted to adopt the Lexington Strategic Plan on January 3, 2019.



Council member David G. Sigler, Mayor Frank W. Friedman, Council member Michele F. Hentz, Council member Leslie C. Straughan, Council member Marilyn E. Alexander, Council member Dr. J. Patrick Rhamey, Jr., and Council member Charles "Chuck" Smith

CITY MANAGER'S MESSAGE



City Manager
NOAH A. SIMON

It is my pleasure to present the Lexington Strategic Plan. This plan reflects the input of engaged citizens, community and business partners, Mayor and Council members, and City staff. Lexington began the strategic planning process in the summer of 2017. The vision provides the foundation for the plan's five key outcome areas: Healthy and Physically Active, Economically Healthy, Learning, Safe, and Engaged. We developed the goals and strategies in each outcome area through analysis of citizen needs and desires, local and national trends, and information provided by experts within the city organization. The Strategic Plan is a tool that clearly articulates priorities to the Lexington community and will direct the development of the budget and Capital Improvements Plan. I want to convey my appreciation to all of the citizens who provided their time and input to the process, the Mayor and Council for their leadership, and City staff for their hard work and commitment to Lexington.



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WHAT IS THE STRATEGIC PLAN?

The Lexington Strategic Plan is a road map that directs the city's pursuit of its vision and desired goals on a short term, long term, and ongoing basis. This strategic plan is the product of months of diligent work by the Lexington City Council, citizen groups and City staff, and provides a benchmark of where we currently are, where we would like to be, and how we plan to get there.

DEVELOPMENT PROCESS

Stage 1: City Council Brainstorming Sessions

City Council met several times with consultant Craig Gerhart of Gerhart Enterprises, Inc. to brainstorm the vision statement and talk about their aspirations for Lexington. This resulted in the creation of five vision elements.

Stage 2: City Staff Develop Policy Briefs

Members of City staff formed five groups to develop policy briefs exploring each of the five Vision Elements. These briefs were presented to City Council, who then solidified goals for each vision element.

Stage 3: Citizen Groups Define Strategies

Citizens, Council members, and members of City staff formed groups which met several times and determined strategies and action steps for each of the goals defined by Council in the previous stage.

Stage 4: Review and Adoption

City Council reviewed the overall goals, strategies and vision statement and voted to adopt the Strategic Plan on December 6, 2018.

Stage 5: Begin Implementation

City staff and City Council have begun pursuing strategies and initiatives in order to reach the goals of the Strategic Plan.



READING THIS PLAN

Performance Indicators

Vision Elements

Components of the vision statement.

Goals

Planned achievable targets that the city strives to achieve.

Strategic Action Items

Specific projects, programs or actions departments use or implement to accomplish goals and objectives. Strategic action items serve as detailed work plans that lead resource allocation.

Term

The desired time frame in which strategic action items should be completed. **Short Term** items should be completed within the next two years. **Long Term** items should be completed in the next five years. **Ongoing** items will occur continuously.

Department Key

Each strategy in the Strategic Plan has one or more city departments assigned to it. These departments take ownership and are responsible for completing the task.

CM	City Manager
F	Finance
PW	Public Works
P&D	Planning and Development
FD	Fire
PD	Police
HR	Human Resources
Y	Youth Services
LSB	Lexington School Board
O	Outside Organization(s)

Budgeting and Review Process

Strategic planning and budgeting are integral components of good management. The strategic plan charts direction, while the budget provides resources to implement the plan. A strategic plan neither grounded in fiscal reality nor linked to the budget would be only a dream. On the other hand, resource allocation without strategic thinking would be shortsighted and unresponsive to future conditions.

Strategic planning guides the budget process. It establishes and affords management an opportunity to reevaluate existing allocations of funds. Lexington will develop strategies and action plans that detail what will be accomplished to achieve strategic planning goals and objectives each year. These action plans, together with performance measures, provide the strongest links between the operating and capital budgets.

Since government funding continues to be limited, strategic planning helps the city strive to “do more with less” while remaining focused on results. City Council will assess progress on the Strategic Plan periodically and will conduct a review of the plan every two years.

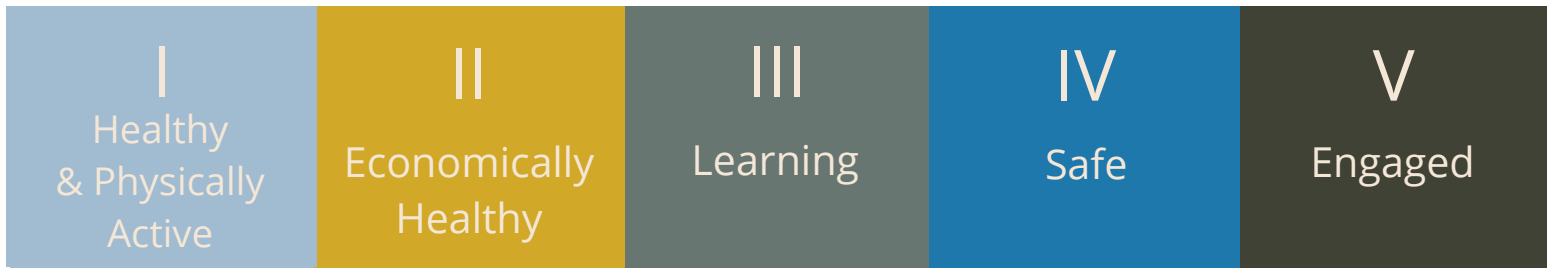


ENVISION LEXINGTON

The Vision Statement

Lexington is an inviting, open-minded and welcoming city. Our community is known for its cultural, recreational and educational opportunities. Accomplishing this vision requires a solution-focused and fiscally responsible city government, a vibrant and economically healthy downtown, and an engaged citizenry interested in friendly, livable and safe neighborhoods.










The Vision Elements



VISION I: Healthy & Physically Active City

GOAL I

Increase accessibility for the disabled and continue efforts to achieve compliance with Americans with Disabilities Act (ADA)

Strategic Action Items	Departments	Term
Ensure that all city projects under Public Works include ADA planning and compliance.	 	Ongoing
Consider offering "Did You Know" education to select private groups to encourage voluntary compliance or accommodation for ADA issues. Targeted groups to educate could include downtown businesses, realtors, landlords, and/or remodelers and developers.	  	Short Term
Conduct an ADA assessment to look at improvements to city streets and walkways.	 	Short Term
Prepare an overlay map consistent with the city zoning map that locates ADA survey results.	 	Long Term

The quality of life for all citizens is important as is the improvement of access for all persons with disabilities. Lexington strives to comply with ADA standards for the betterment of all persons, be they citizens or visitors. Although our historic city is challenged with limited rights-of-way and aged infrastructure, every effort will be made to bring accessible assets into compliance with the ADA as infrastructure improvements are made citywide.

VISION I: Healthy & Physically Active City

GOAL II Increase awareness and availability in adult recreational opportunities

Strategic Action Items	Departments	Term
Build a working group including community organization representatives that could support recreational opportunities and evaluate appropriate methods to market existing recreational resources that are sustainable over time.		Short Term
Create regular open-gym opportunities for various age groups.		Short Term
Study transportation options that include pick up and drop off at health and recreation facilities via the Maury Express and/or Rockbridge Area Transportation System.		Long Term
Encourage the development and marketing of community events that support recreation; potentially run a section in the local paper each week for races, hikes, birding, clean-up days, and sports enrollment deadlines.	 	Ongoing

Many opportunities exist in Lexington for youths to be involved in recreational opportunities. However, the choices for adults to be involved with organized recreation is more limited. While passive recreation such as the Woods Creek Trail is available to all, adults desire to be involved with organized activities such as adult softball, volleyball, and soccer. The development of these opportunities would make Lexington a more attractive place to live as a young or middle-aged adult.

VISION I: Healthy & Physically Active City

GOAL III Examine city employee wellness program opportunities

Strategic Action Items

Departments

Term

Work with OneDigital, a health and employee benefits company, to assess wellness program opportunities for employees and determine the following: What is wellness? Does it include only health? What is financial wellness? What metric should be used to measure wellness?



Short Term

A wellness program will provide employees with tools and knowledge to improve their physical and mental health. In addition to the benefits afforded to city employees for improving their health, the city would expect to experience reduced insurance costs, fewer employee absences, earlier illness diagnoses, and reduced worker's compensation claims. A financial wellness program would reduce employee stress by providing financial planning tools for day to day budgeting and in the preparation for retirement.

VISION I: Healthy & Physically Active City

GOAL IV Improve walk-ability and bike-ability for recreation and transportation






Strategic Action Items	Departments	Term
Utilize Central Shenandoah Planning District Commission to inventory current sidewalks, walkways, bike paths, and ADA access. Create a plan for improvements.	P&D	Long Term
Define the city trail system and plans for creating connectors with various trails in Lexington to those in Rockbridge County, W&L, and VMI. Connections to consider include: <ul style="list-style-type: none"> • Brushy Blue, Boxerwood trails, Kendal trails • Connections from city parks to the trail system 	P&D PW	Long Term
Improve downtown walk-ability.	P&D PW	Ongoing

Lexington is a compact urban area, but improvements can be made to the existing sidewalks and bike infrastructure to increase mobility. A bike/pedestrian plan is needed to inventory sidewalks and bike lanes, which would help determine deficiencies and needed improvements. The national trend is toward increased walking and biking as a healthier mode of transportation. Lexington should participate by making appropriate infrastructure investments allowing citizens to walk and bike more.

VISION I: Healthy & Physically Active City

GOAL V

Improve Jordan's Point to be a destination for outdoor activities

Strategic Action Items	Departments	Term
In conjunction with stakeholders, identify opportunities to increase recreation at the area including fishing, biking, paddling, running, walking, and swimming.	 	Short Term
Develop a master plan for Jordan's Point Park incorporating the above elements.	  	Long Term

With the planned removal of the Jordan's Point dam, the interaction of the park and the Maury River will change markedly. Lexington anticipates this change and will advertise a request for proposals for a new master plan for Jordan's Point Park to improve existing facilities and experiences at the park.

VISION II: Economically Healthy City

GOAL I Exert positive influence on regional economic development





Strategic Action Items	Departments	Term
Continue to lead in economic development for Lexington, and play an important supporting role for development in the surrounding area.	CM O	Ongoing
Offer incentives where appropriate.	CM	Short Term
Consider creating an economic development position.	CM HR	Long Term
Facilitate conversations between public and private transportation providers to ensure that they are meeting the needs of our residents and visitors.	CM O	Ongoing
Consider creative solutions to growing, recruiting, retaining, and improving our workforce. This also helps with population growth.	HR CM	Ongoing

Lexington is a regional hub for dining, retail, and entertainment. Attracting commercial activity both within city limits and in the county increases the quality of life for residents and attractiveness to the area for visitors. The city partners with the Chamber of Commerce, Main Street Lexington, and other local governments and local entities to achieve this. Staffing of an economic development position may enhance future efforts in this regard. The offering of tax incentives may be helpful in promoting desired economic development.

VISION II: Economically Healthy City

GOAL II

Ensure adequate population and demographic mix for a healthy community

Strategic Action Items	Departments	Term
Incentivize and encourage multi-family and high-density development or redevelopment in accordance with the Comprehensive Plan.	CM 	Short Term
Consider ways to increase affordability of units for lower-income residents.	CM 	Ongoing
Compensate public employees with competitive wages, raises, and benefits.	CM 	Ongoing
Encourage development and redevelopment of upper floors in downtown properties as a means of increasing downtown population.	CM 	Ongoing

A demographic balance and adequate population growth rates are necessary for economic vitality in a community. Including several thousand college students who come and go throughout the year, Lexington is home to about 7,045 residents with a median income of just under \$35,000 per year, according to the U.S. Census Bureau. Encouraging and promoting the development of affordable housing and a mix of housing types is a must.

VISION II: Economically Healthy City

GOAL III Diversify tax base and reduce reliance on property taxes

Strategic Action Items	Departments	Term
Explore the best use of currently underutilized city-owned properties.	CM P&D F	Ongoing
Consider incentives to encourage development that would increase the tax base.	CM P&D	Ongoing
Consider creating new fees, such as fees on stormwater, and/or increasing existing fees	CM PW F	Short Term
Evaluate the feasibility of capturing the development value of Brushy Hills (and possibly Moore's Creek) without giving up ownership of it.	CM F P&D	Long Term
Consider making improvements to conserve energy in city-owned buildings where appropriate.	CM F	Ongoing

Lexington currently relies heavily on property taxes to sustain itself and provide services to the public. This can cause stress on Lexington's overall economic health, as well as on property owners. To create more of a balance, the city will explore additional development opportunities, assess energy consumption, and consider new sources of revenue. City properties should be used for the highest and best use.

VISION II: Economically Healthy City

GOAL IV

Maintain and update infrastructure and align fees with costs

Strategic Action Items	Departments	Term
Continue to make infrastructure a priority by following the recommendations in the Financial Roadmap.	PW CM	Ongoing
Make infrastructure a priority in the Capital Improvements Plan budget.	PW CM F	Ongoing
Continue to aggressively pursue grants from Virginia Department of Transportation.	PW	Ongoing
Consider new stormwater fee to cover new investments and improvements in infrastructure.	CM PW F	Short Term
Support and expand infrastructure, such as RANA, that makes Lexington attractive to new and expanding businesses.	CM PW F	Ongoing

As a small city originally chartered in 1777, Lexington's landscape and infrastructure have very much evolved with the times, often meaning there is a need for improvements. An updated infrastructure system improves the quality of life for residents and attracts new and expanding businesses. Lexington's current initiatives reflect support for maintaining infrastructure, including ongoing waterline and sewer replacement projects as well as major street resurfacing and reconstruction in the downtown area. The city will take deliberate measures to continue prioritizing infrastructure by aligning its long term planning and policies with this goal, ensuring sound financial management along the way.

VISION II: Economically Healthy City

GOAL V Promote entrepreneurial opportunities

Strategic Action Items	Departments	Term
Assess how tourism is marketed and at what cost.	CM F O	Short Term
Encourage local business-to-business activity.	CM O	Ongoing
Be aware of opportunities for small businesses, such as grants.	CM O	Ongoing
Encourage the development of a business ecosystem, which includes incubators, maker spaces, accelerators, etc.	CM O	Ongoing
Play a role in finding continued funding for new business training and support, such as Launch Lex, possibly using Industrial Development Authority funds.	CM F O	Short Term
Consider a sustainable funding method for Main Street Lexington such as additional Transient Occupancy Tax with a cap.	CM F O	Short Term

Lexington's historic downtown is known for its thriving small business community which provides visitors, residents and college students with a central hub in which to shop, dine and be entertained. Promoting entrepreneurial activity throughout the city will help fuel the economy, provide job opportunities, and serve the many interests of the public. To do this, Lexington will assess its current relationships with regional partners such as Tourism and Main Street Lexington, as well as seek its own funds to encourage the development of an entrepreneurial ecosystem.

VISION III: Learning City

GOAL I

Provide access to K-12 education that is competitive with top-ranked schools in the broader region

Strategic Action Items

Departments

Term

Examine data on school quality.	CM LSB	Short Term
Examine evaluation tools with respect to progress and equity.	LSB	Ongoing

Quality education is a key factor in bringing diverse families to Lexington. In order to enhance the quality of life for city residents, the schools need to offer a quality education. Both Lexington City Schools are 100 percent accredited through 2019 and have SOL pass rates above the state level. Harrington Waddell Elementary School is award winning. Lexington City Schools continues to grow in technological advances. Rockbridge County High School offers many choices post-graduation, including employment, military, technical/vocational school, two-year college for transfer to a four-year school, or certification leading to employment, or acceptance into a four-year college or university. In order to promote success after high school, students need access to a high school education that is competitively ranked in US News and World Report to top-ranked schools in Albemarle, Roanoke Counties and Harrisonburg.

VISION III: Learning City

GOAL II Increase availability of fulltime affordable daycare

Strategic Action Items	Departments	Term
Study demand and determine whether there is a gap in childcare services in Lexington. Then identify the city's role in addressing this opportunity.	CM Y O LSB	Short Term
Publicize information about opportunities for pre-school and childcare through multiple media accessible to the broadest possible population. This information should describe the specific care and education available, the eligibility requirements, the hours at which it is offered, waiting lists for enrollment, and any available scholarships or subsidies.	CM Y	Ongoing

For most families in Lexington, both parents work outside of the home. Affordable, high quality, full time childcare is necessary, yet limited. Early childhood programs have proven to benefit children, both academically and socially, well into adulthood. Lexington has many early childhood education programs that benefit the Pre-K age group. There are three half-day preschools in the area, and five full days (two Montessori), and all of them are modestly expensive. Lexington would benefit greatly from more affordable full-day early childhood education/daycare programs

VISION III: Learning City

GOAL III

Explore adult education opportunities that generate business, provide apprenticeships and workforce development, or encourage expansion of lifelong learning opportunities

Strategic Action Items	Departments	Term
Work with local and prospective employers; identify skills-gaps in the local workforce.	CM O	Short Term
Continue to participate in workforce development and retention efforts with regional partners (e.g., Chamber of Commerce, the Shenandoah Valley Work Force Development Board, Career and Technical Education, Dabney S. Lancaster Community College, etc.).	CM O LSB	Ongoing
Evaluate if the existing Community Center can be used more efficiently to provide day care/preschool space and evening classes. (Use would have to conform to the loan criteria.)	CM Y LSB	Long Term

Lexington is fortunate to have a broad array of higher education options both within the City and in the nearby surrounding areas. The Dabney S. Lancaster Community College (DSLCC) is a two-year community college in the Virginia Community College System and is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to award the Associates Degree in Arts and Sciences and the Associates Degree in Applied Sciences. Workforce training programs are also available at DSLCC and can be developed as requested.






Within Lexington are two nationally recognized four-year institutions of higher learning: the Virginia Military Institute and Washington and Lee University. Although vastly different in their approaches, these schools produce high-quality graduates, many of whom consistently return to the area to live and raise their families. These same individuals are often active in the community, serving on numerous city boards and community committees.

VISION IV: Safe City

GOAL I

Rank in the top three cities in the Commonwealth in terms of fewest part 1 crimes

Part 1 Crimes include: murder and non negligent homicide, rape, robbery, aggravated assault, burglary, motor vehicle theft, larceny-theft, and arson.

Strategic Action Items	Departments	Term
Maintain Lexington Police Department's accreditation by the Virginia Law Enforcement Professional Standards Committee		Ongoing
Continue and strengthen collaboration between the various local and regional law enforcement agencies; cooperate fully and collaborate on a daily basis; train together and respond to calls together	 	Ongoing
<p>Educate the public regarding the importance of crime prevention and reporting, specifically in domestic violence, child abuse and illicit/illegal drug use by doing the following:</p> <ul style="list-style-type: none"> • Air public service announcements provided by the police department and Department of Social Services • Maintain and update the city's website and social media platforms to highlight information about the Citizens Crime Link, updates/initiatives in crime prevention, and upcoming events ongoing as needed • Produce posters with content encouraging reporting of crime and emphasizing the city as one that cares about its residents • Revitalize Community Watch program • Continue sponsoring special events such as the annual Community Cookout and partnering with the Lexington Police Foundation • Complete the process of becoming a Certified Crime Prevention Community, demonstrating the city's commitment to crime prevention. Once certified, more services can be provided 	 	Short Term/ Ongoing

The Lexington Police Department attained state accreditation status in 1998, and the department has since been assessed every four years in order to maintain this status, with an upcoming assessment in January 2019. Accreditation plays a major role in contributing to the effectiveness of the police force in keeping Lexington safe. The Lexington Police Department works closely with and maintains mutual aid agreements with its surrounding law enforcement agencies. The Lexington Police Department desires to achieve more effective communication between the department itself and members of the general public. The department seeks to increase participation in existing programs as well as implement new services or initiatives which can assist with crime prevention. Crime prevention and, ultimately, a safer locality, cannot be achieved without the collaborative effort of both law enforcement and the community it serves.

GOAL II

Achieve and maintain at least a class 3 ISO rating

Strategic Action Items	Departments	Term
Achieve and maintain a class 3 ISO rating through improved training and reporting	FD	Short Term
Increase number of firefighters certified as Level II with the overall goal of all firefighters being Level II	FD HR	Long Term
Improve training records for ISO recognition and credit	FD CM	Ongoing





The Insurance Services Office (ISO) Public Protection Classification is a numerical rating assigned to each community based on an in-depth analysis of their Fire Department, Emergency Communications, and Water Supply. The Public Protection Classification (PPC) program is a tool developed by the ISO for property and casualty insurers to properly assess their risk by rating fire protection services throughout the specific community. The numerical classification assigned to each community then relates to the insurance rates and insurability of properties within that community. Each community is assigned a PPC score between 1 and 10 to the department, with Class 1 representing "superior property fire protection" and Class 10 indicating that an area doesn't meet the minimum criteria set by the ISO.

In developing a PPC, the following major categories are evaluated:

- Emergency Communications
- Fire Department
- Water Supply
- Fire Prevention
- Public Fire Safety Education Programs





The Safe City visions for Lexington of achieving and maintaining an ISO Class 3 rating recognize the value of quality fire protection services and the real cost savings related to home and business insurance purchases that this rating brings to the residents and businesses of Lexington. Based on current rating feedback from ISO, it was determined that the best course of action towards this goal was to improve points earned from ISO in the area of Training and Training Records.

GOAL III Provide and improve pedestrian and bike accommodations and awareness

Strategic Action Items	Departments	Term
<p>Improve street lighting by:</p> <ul style="list-style-type: none"> • Completing lighting assessment. • Encouraging VMI to install temporary street lighting from North Main Street to athletic training facility until the aquatic center is built. 		Short Term
<p>Provide new sidewalks and improve the condition of current sidewalks where needed by:</p> <ul style="list-style-type: none"> • Completing city-wide sidewalk survey with assistance from Shenandoah Planning District Commission. • Using results from sidewalk survey and lighting assessment to plan for future improvements and needs. • Constructing bike lane and widening sidewalks from Stop-In to Route 11 Bridge. • Improving the intersection at Jordan Street and Main Street. • Considering paved or raised crosswalks or speed tables in strategic locations. 		Ongoing
<p>Implement a more robust visibility ordinance to address sight concerns and restrictions at intersections.</p>		Long Term
<p>Continue to implement Main Street Lexington's Downtown Enhancement Plan.</p>		Ongoing

Pedestrian and bike accommodations are an integral component of an efficient transportation network. Improving and expanding these facilities, particularly for those with disabilities, strengthens community inclusion, health, and overall quality of life. Expanded use of these facilities will additionally benefit the environment. Making these modes of travel more accessible, efficient and safe will improve the community's overall independent mobility and access to the broader transportation network. These initiatives may also bring a positive economic impact to Lexington by providing links between local and regional historic, cultural, scenic and recreational opportunities.



GOAL IV Provide and improve infrastructure

Strategic Action Items	Departments	Term
Prioritize and coordinate various upgrades to water and sewer lines; replace primary water distribution lines, and as priorities are established, educate the public and publicize the impacts to neighborhoods, businesses and schools.		Ongoing
Plan for contingencies, such as a "grid", and educate citizens about their responsibilities.		Long Term
Continue relocating utility lines, particularly in conjunction with scheduled infrastructure projects.		Ongoing
Develop and implement a plan to document the knowledge and experience of long-term employees so that the information they have can be used for future projects.		Short Term

America’s infrastructure is rapidly deteriorating. The global infrastructure ranking continues to decline. The overall American Society of Civil Engineer’s infrastructure grade is a D+. Our city is not immune to this endemic problem. Much of Lexington's infrastructure is between 60 and 100 years of age. Deferring replacement will only cost more in future dollars. Sound infrastructure is a necessity for public safety, health and welfare, quality of life, and economic prosperity. Smart planning and project delivery will be required to stretch tax and fee payer dollars to the maximum extent possible. People will not want to live, work, or visit a Lexington with crumbling streets and walks, bridges, or utilities. Continue to follow the road map set forth in current water and sewer infrastructure plans.

VISION V: Engaged City

GOAL Increase and diversify community involvement and civic awareness



Strategic Action Items	Departments	Term
<p>Launch a community survey to measure and define current engagement levels and gather intelligence on community interests and communication platforms for best use.</p> <ul style="list-style-type: none"> • Outsource the creation of the survey to ensure its effectiveness. • With results from the survey, define a system to quantify engagement with segmented audiences; match outreach platforms with desired audience segments. • Establish measurable goals using current success rates defined from survey outcome. 		Ongoing
<p>High Touch: Increase overall city presence in the community in a proactive and positive way.</p> <ul style="list-style-type: none"> • When there is a community event, the city should be there to represent itself, create awareness and inspire engagement. • A city representative should speak to students at university orientations and high school on an annual basis to educate on issues and services and encourage participation. • Distribute informational brochures to long term renters. • Incorporate central phone system with the ability to transfer calls to all city departments. • Increase engagement efforts between local and regional groups. 		Long Term
<p>High Tech: Continue the initiative to increase and improve digital media efforts.</p> <ul style="list-style-type: none"> • Let audience dictate messaging platform and message people where they already are. • Record and broadcast City Council meetings via Facebook Live for accessibility from home. • Create content that is fun and marketable to community interests. • Explore new ground such as Snapchat or city-wide wifi while continuing to evaluate and improve on current services. • Continue to educate, promote, and create awareness of Alert Rockbridge. 		Ongoing

VISION V: Engaged City

GOAL

CONTINUED

Increase and diversify community involvement and civic awareness

Strategic Action Items	Departments	Term
<p>Design an internship program focused on city engagement efforts.</p> <ul style="list-style-type: none"> Recruit university and high school students or young professionals in the area with interest in and experience with marketing, public relations, communications, or a related field. Duties would involve assisting city communications officer in carrying out communications-related duties. 		Ongoing
<p>Design a City Ambassador program with universities and high school.</p> <ul style="list-style-type: none"> Meet regularly with City Ambassadors to discuss community issues, events, and happenings. Each Ambassador, in turn, is empowered and will report information back to his or her respective group using online and offline communication platforms. 		Short Term

The rise of innovations in technology has provided citizens with new and unprecedented opportunities to directly engage policymakers and government officials. These new communication platforms, including social media, have proven to help close the feedback loop between citizens and their government. Being a small town, Lexington is naturally tight-knit, and information seems to travel fast. However, the city sees an opportunity to improve current methods of engagement - online and offline. The city strives to be inclusive and responsive to citizens' needs in order to enhance the management of public finances, and bring about greater transparency, accountability and social inclusion, resulting in tangible improvements in people's lives.

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THE CHARTER

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- § 2. Territorial limits.
- § 3. Powers generally.

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- § 6. Vice mayor.
- § 7. Mayor and Council generally.
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- § 45. School district and division.
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General Provisions

- § 49. Contractual relationships.
- § 50. Present ordinances, resolutions, rules and regulations continued in effect.
- § 51. Repealed.
- § 52. Repealed.
- § 53. Repealed.
- § 54. Partial invalidity.

[HISTORY: Adopted by Acts 1966, c. 662. Amendments noted where applicable.]

A Bill to provide a new Charter for the City of Lexington, and to repeal Chapter 321, as amended, of the Acts of Assembly of 1932, approved March 25, 1932, which act provided a new Charter for the Town of Lexington.

Be it enacted by the General Assembly of Virginia:

Incorporation, Territorial Limits and Powers Generally

§ 1. Incorporation, seal, etc.

The inhabitants of the territory comprised within the limits of the City of Lexington as the same are now or may hereafter be established by law shall continue to be a body politic and corporate under the name of the City of Lexington and as such shall have perpetual succession, may sue and be sued, contract and be contracted with and may have a corporate seal which it may alter at its pleasure.

§ 2. Territorial limits.

The corporate boundaries of the city are set forth in the annexation order recorded in the office of the clerk of the circuit court of Rockbridge County, Virginia, in Deed Book 251; pages 489-501.

§ 3. Powers generally. [Amended by Acts 2000, c. 223]

The powers set forth in Title 15.2 of the Code of Virginia as in force on July 1, 1998, and all other powers which are now or may be conferred upon or delegated to cities under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of a city government are hereby specifically conferred upon the City of Lexington, and no enumeration of particular powers in this Charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers.

In addition to the powers granted by other sections of this Charter, the city shall have the power to raise annually by taxes and assessments, as permitted by general law, in the city such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the city, in such manner as the council shall deem expedient. In addition to, but not as a limitation upon, this general grant of power the city shall have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools; to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport or athletic event in the city, which taxes may be added to and collected with the price of such admission or other charge; to levy and collect taxes on hotel and motel rooms; to levy and collect privilege taxes, and capitation taxes; unless prohibited by general law to require licenses, prohibit the conduct of any business, profession, vocation or calling without such a license, require taxes to be paid on such licenses in respect of all businesses, professions, vocations and callings which cannot, in the opinion of the council, be reached by the ad valorem system; and to require licenses of all owners of vehicles of all kinds for the privilege of using the streets, and other public places in the city, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the city without such license.

Administration and Government Generally

§ 4. Mayor generally; qualifications; to be chief elected officer; compensation. [Amended by Acts 2000, c. 223]

The mayor shall be a qualified voter and a bona fide resident of the city. By virtue of the office, the mayor shall be the chief elected officer of the city. The mayor shall receive such annual compensation as may be fixed by the council in accordance with the laws of the Commonwealth.

§ 5. Powers and duties generally. [Amended by Acts 2000, c. 223]

The mayor shall preside over the meetings of the council and shall have the same right to speak therein as other members. The mayor shall have no vote in the proceedings of the council except in case of a tie. The mayor shall have authority to appoint such committees of the council as deemed necessary and expedient to the proper administration of the city government.

The mayor shall be recognized as the head of the city government for all ceremonial purposes, the purpose of military law and the service of civil process. The mayor shall authenticate, by his or her signature, such instruments as the council, this Charter or the laws of the Commonwealth shall require.

§ 6. Vice mayor. [Amended by Acts 2000, c. 223]

Immediately upon assuming office, the mayor shall designate a member of council who shall be known as the vice mayor and who, in the event of the mayor's death, or during his or her absence or disability, shall become or perform the duties of the mayor.

§ 7. Mayor and Council generally. [Amended by Acts 2000, c. 223; Acts 2004, c. 599]

In addition to a mayor, the city of Lexington shall be governed by a city council which shall be composed of six members elected at large and who shall be qualified voters and bona fide residents of the city.

Vacancies in either the office of mayor or in the council shall be filled within 30 days by a recorded majority vote of the council. Such appointment shall be for the unexpired term subject to the following: In the case of an unexpired term that exceeds two years and such vacancy occurs in the first 18 months of the term, a petition shall be filed within 15 days of the occurrence of the vacancy with the Circuit Court to issue a writ of election to fill the remaining term of the vacancy, such election to coincide with the next general election in an even-numbered year. In such case any appointee shall serve until the duly elected council member or mayor has qualified.

In absence, or in the case of disability of both the mayor and vice mayor, one of the other members of council selected by a majority vote of the council shall have all of the powers heretofore conferred upon the mayor and vice mayor.

The council shall have the right to fix salaries for the members thereof, and the same shall not be increased or diminished during their respective terms of office except as governed by § 15.2-1414.6.

§ 8. Election and term of mayor and council. [Amended by Acts 1971, c. 72; Acts 2000, c. 223; Acts 2003, c. 65]

The mayor and council members shall be elected for four-year staggered terms at the regular municipal elections. The mayor and three council members shall be elected at one such election and the remaining three members of council shall be elected at the next regular municipal election. Candidates for city offices shall not be identified on the ballot by political affiliation.

§ 9. Powers of council.

All powers of the City of Lexington as a body politic and corporate shall be vested in the city council.

Council Meetings, Procedures, etc.

§ 10. Oath of office; effect of failure to qualify. [Amended by Acts 2000, c. 223]

The mayor and other municipal officers of the city, on or before the day on which their terms of office begin, and before entering upon the duties of their respective offices, shall be sworn in according to the laws of the Commonwealth before the circuit court and by anyone authorized to administer oaths, which said oaths shall be subscribed in writing and filed with the clerk of the council.

The failure of any person elected or appointed to an office under this Charter to qualify within thirty (30) days after the commencement of the term for which he or she was elected or appointed, or if elected or appointed to fill a vacancy, for thirty (30) days after such election or appointment shall vacate the office.

§ 11. Council meetings, rules, etc., generally.

The council shall, by ordinance, fix the time and place of its meetings. It shall have authority to adopt such rules as it may deem proper for the regulation of its proceedings and may compel the attendance of its members, punish its members for disorderly behavior, and by a vote of two-thirds of its members may expel a member for malfeasance or misfeasance in office. The council shall determine its own rules of procedure. All elections and appropriations of money shall be by oral vote and the vote shall be recorded in the minutes of the council.

§ 12. Quorum; presiding officer. [Amended by Acts 2000, c. 223]

Four (4) members of the council and the mayor, or in the absence of the mayor, four (4) members of the council, shall constitute a quorum for the transaction of business; but no ordinance or resolution shall be adopted, having for its object the levying of taxes or the appropriating of moneys, except by an affirmative vote of two-thirds of all the members of the council. The mayor shall preside at all meetings of the council when present, but in the absence or inability of the mayor or the vice mayor, the members of the council present shall select one of their body to preside over the meeting. In the absence of the mayor, the officer presiding over such meeting shall vote.

§ 13. Forfeiture of office upon conviction of felony. [Amended by Acts 2000, c. 223]

Any member of the council or other officer of the city who shall have been convicted of a felony while in office shall thereby forfeit his or her office.

§ 14. Condition of discharge of officer or employee.

Any officer or employee of the city may be discharged for good cause.

§ 15. Organization meeting and meetings generally. [Amended by Acts 2000, c. 223]

On the first regular meeting following the end of the fiscal year and following the regular municipal election, the council shall meet in the council chambers and at that time the newly elected council members and mayor, after first having taken the oath of office prescribed by law, shall assume the duties of their offices. Thereafter the council shall meet at such time as may be prescribed by ordinance or resolution; except that they shall meet regularly not less than once each month.

§ 16. Special meetings of council. [Amended by Acts 2000, c. 223]

The mayor, or any two (2) members of the council, may call special meetings of the council, at any time, after a written notice of six (6) hours, with the purpose of the meeting stated therein, served personally on each member of the council and the mayor, or left at his or her usual place of business or residence, or such meeting may be held at any time, without any service of notice, provided all members of the council attend. No business other than that mentioned in the call shall be considered at such meeting.

§ 17. Repealed. [Acts 1974, c. 345]

§ 17.1. Council meetings to be public; exceptions. [Added by Acts 1974, c. 345]

All meetings of the council shall be public and open, except when by a recorded vote of a majority of those members present, the council shall declare that the public welfare requires secrecy.

Executive or closed meetings may be held only for the purpose and in the manner provided in the Freedom of Information Act, Virginia Code § 2.1-342 et seq.¹

§ 18. Clerk to the council. [Amended by Acts 2000, c. 223]

The council shall appoint a clerk to the council to serve at the pleasure of the council. The Clerk shall keep the journal of the council's proceedings and shall record all ordinances in a book kept for the purposes. He or she shall be the custodian of the corporation seal of the city and shall be the officer authorized to use and authenticate it. Such person shall receive such compensation as clerk to the council as may be determined by the council.

Enactments

§ 19. Ordinances and resolutions generally.

Each proposed ordinance or resolution shall be introduced in written or printed form and the enacting clause of all ordinances passed by the mayor and council shall substantially be "Be it ordained and enacted by the Mayor and Council of the City of Lexington, Virginia." Except as otherwise provided in this Charter, an affirmative vote of a majority of the members elected to the council shall be necessary to adopt any ordinance or resolution. An ordinance or resolution may be presented and enacted at the same meeting.

§ 20. Recordation and authentication of ordinances.

Every ordinance or resolution having the effect of an ordinance when enacted by the mayor and council shall be recorded and indexed by the clerk of the council, in a book kept for that purpose, and shall be authenticated by the signature of the presiding officer and the clerk of the council.

§ 21. Publication of ordinances. [Amended by Acts 2000, c. 223]

Except for emergency ordinances, every ordinance shall be advertised in summary form at least once seven days prior to being acted upon in a newspaper of general circulation in the City of Lexington, Virginia. City council may, after certification by a majority of the members of council that an emergency exists, adopt an ordinance without advertising as set forth above. Every ordinance of a general or permanent nature shall be published in full once within ten days

¹Editor's Note: For the Freedom of Information Act see now Code of Virginia, § 2.2-3700 et seq.

after is enactment by posting a copy thereof at one of the public entrances to the city hall and at two other public locations within the city.

The City Manager

§ 22. City manager generally; appointment, qualifications and term of office. [Amended by Acts 2000, c. 223]

There shall be a city manager who shall be responsible to the council for the proper administration of the city government. The manager shall be chosen by the council without regard to political beliefs and solely upon the basis of executive and administrative qualifications. He shall be appointed for an indefinite period and shall hold office at the pleasure of the council. At the time of appointment the manager need not be a resident of the city or the Commonwealth, but during the tenure of office shall reside within the city.

§ 23. Duties. [Amended by Acts 2000, c. 223]

- (1) To see that all laws and ordinances of the city are enforced.
- (2) To exercise supervision and control over all administrative departments and divisions.
- (3) To attend all regular meetings of council with the right to take part in the discussion but having no vote.
- (4) To recommend to the council for adoption such measures as he or she may deem necessary or desirable.
- (5) To execute all contracts on behalf of the city.
- (6) To prepare and submit to the council the annual budget.
- (7) To keep the council advised as to the present and future needs of the city and as to all operations of its government.
- (8) To perform all such duties as may be prescribed by the Charter or be required by the council.

§ 24. Absence or disability. [Amended by Acts 1974, c. 345]

During the absence or disability of the city manager or in case of a vacancy, the council may designate some properly qualified person to perform the duties of the office during such absence, disability or vacancy; except that the council may delegate to the city manager the authority to designate an acting city manager for a period not to exceed thirty days during the temporary absence or disability of the city manager.

§ 25. Council-manager relationship.

Except for the purpose of conducting administrative inquiries and hearings by the council or a committee thereof, the mayor and members of the council shall deal with the administrative service solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately.

§ 26. Councilmen not to succeed to office of city manager. [Amended by Acts 2000, c. 223]

No council member shall be appointed as city manager during the term for which he or she shall have been elected nor within one year after the expiration of his or her term.

Financial Administration

§ 27. Fiscal year.

The fiscal year of the city shall be from July 1 through June 30 inclusive.

§ 28. Submission and adoption of budget; hearings and tax levy.

No later than the first day of May annually the city manager shall prepare and submit to the council a budget presenting the financial plan for conducting the affairs of the city for the ensuing fiscal year. Such budget shall be set up in the manner provided by law and shall include such information as council, by ordinance or resolution, may require. Hearings on the budget shall be held and notice thereof given and the budget adopted in accordance with general laws of the Commonwealth. Provided that the tax levy for each fiscal year shall be made and a budget for the fiscal year shall be adopted prior to the first day of the fiscal year for which they were made or adopted.

§ 29. Borrowing powers.

The council may, in the name and for the use of the city incur indebtedness by issuing its negotiable bonds or notes for the purposes in the manner and to the extent provided for in the following paragraphs of this Charter.

§ 30. Purpose for which bonds or notes may be issued; manner of issuance.

Bonds and notes in anticipation of bonds when the issuance of bonds has been authorized as hereinafter provided may be issued for any purpose for which cities are authorized to issue bonds by the constitution or general laws of the state.

Notes in anticipation of collection of revenue may be issued when authorized by the council at any time during the fiscal year. Bonds and notes of the city may be issued in any manner provided by general law.

§ 31. Audits generally.

At the close of each fiscal year the council shall cause to be made an independent audit of the accounts, books, records and financial transactions of the city by the auditor of public accounts of the Commonwealth or by a firm of independent certified public accountants to be selected by the council. The report of such audit shall be filed within such time as the council shall specify and one copy thereof shall always be available for public inspection in the office of the clerk to the council during regular business hours. Upon the death, resignation or termination of employment of any city officer or employee, council may order an audit of the accounts, books, records and financial transactions of that office.

City Attorney, Courts and Judges

§ 32. City Attorney. [Amended by Acts 1974, c. 345; Acts 2000, c. 223]

There shall be a city attorney appointed by council for a term of four (4) years and who shall receive such compensation as council may determine. He or she shall be an attorney at law licensed to practice under the laws of the Commonwealth. The city attorney shall be the chief legal adviser of the council, the city manager, and of all departments, boards, commissions and agencies of the city including the school board in all matters affecting the interest of the city except in those situations when such representation would be a conflict. He or she shall represent the city in all civil proceedings and shall prosecute those persons accused of violations of the city ordinances both in the Lexington General District Court and those cases which are appealed to the Circuit Court of Rockbridge County. It shall be the city attorney's duty to perform all services as may be required by the laws of the Commonwealth, this Charter or by ordinance.

§ 33. Repealed. [Acts 1974, c. 345]

§ 33.1. General district court and juvenile and domestic relations district court. [Added by Acts 1974, c. 345]

There shall be within the City of Lexington, one court which shall be called the Lexington General District Court and one court which shall be called the Lexington Juvenile and Domestic Relations District Court.

The judges of the Lexington General District Court and the Lexington Juvenile and Domestic Relations District Court shall be elected or appointed pursuant to § 16.1-69.9, Code of Virginia of 1950.

§ 34. Repealed. [Acts 1974, c. 345]

§ 34.1. Compensation of judges. [Added by Acts 1974, c. 345]

The compensation of judges and substitute judges of the Lexington General District Court and the Lexington Juvenile and Domestic Relations District Court shall be as provided by general law.

§ 35. Repealed. [Acts 1974, c. 345]

§ 36. Fees, costs and fines.

Fees, costs and fines shall be assessed, fixed, collected and disbursed as provided by general law.

§ 37. Repealed. [Acts 1974, c. 345]

§ 37.1. Clerk. [Added by Acts 1974, c. 345]

The clerk of the Lexington General District Court and the Lexington Juvenile and Domestic Relations District Court shall be appointed as provided by general law.

Public Safety

§ 38. Functions.

The functions of public safety shall be performed by the police department and such other bureaus, divisions and units as may be provided by ordinance or by orders of the city manager consistent therewith.

§ 39. Police department.

The police department shall be under the supervision of the city manager and consist of the chief of police and such other officers and employees of such ranks and grades as may be established by ordinance. The police department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, and enforcement of the laws of the Commonwealth, the ordinances of the city and all rules and regulations made in accordance therewith. The chief of police and the other members of the police force of the city shall have all the powers and duties of police officers as provided by the general laws of the Commonwealth.

§ 40. Chief of Police. [Amended by Acts 2000, c. 223]

The head of the police department shall be the chief of police who shall be appointed by the city manager with the approval of the council. The Chief shall appoint all members of the department and assign all members of the department to their respective posts, shifts, details and duties. He or she shall, with the approval of the city manager, make rules and regulations in conformity with this Charter and the ordinances of the city concerning the operation of the department, the conduct of the officers, and employees thereof, their uniforms, arms and other equipment, their training and the penalties to be imposed for infractions of such rules and regulations. The chief of police shall be responsible for the efficiency, discipline and good conduct of the department. Orders of the city manager relating to the police department shall be transmitted in all cases through the chief of police or in his or her absence from the city or incapacity through an officer of the department designated as acting chief by the city manager.

Constitutional Officers

§ 41. Treasurer and commissioner of the revenue; election, term, powers, duties and compensation. [Amended by Acts 1974, c. 345]

On the first Tuesday after the first Monday in November, 1977 and every four (4) years thereafter, the qualified voters of the city shall elect a treasurer and a commissioner of the revenue for the city who shall have such powers and perform such duties and receive such compensation as are provided by general law.

The treasurer and commissioner of the revenue elected at the general election in November, 1971, and whose offices would otherwise be subject to election at the general election in November, 1975, shall have their terms automatically extended and said offices shall not be subject to election until the general election of November, 1977, unless otherwise changed by charter or general law prior to January, 1976.

§ 42. Vacancies.

Vacancies in the office of treasurer and commissioner of the revenue shall be filled by the council for the unexpired portion of the term of office.

§ 43. Repealed. [Acts 1974, c. 345]

§ 43.1. Magistrates. [Added by Acts 1974, c. 345]

Issuing justices appointed under the predecessor section to this section will continue in office after December 31, 1973, as magistrates and shall continue in office as magistrates for the balance of the term of their appointment and until their successors are appointed.

At least two magistrates shall be appointed for the City of Lexington and their appointments shall be made by the Chief Judge of the Twenty-fifth Judicial Circuit of Virginia. Their duties, compensation, the filling of vacancies and revocation of appointments shall be as provided by general law.

§ 44. City sheriff. [Amended by Acts 1974, c. 345; Acts 2000, c. 223]

The constitutional office of sheriff has been consolidated with that of Rockbridge County and is governed by state law.

Schools

§ 45. School district and division. [Amended by Acts 2000, c. 223]

The city of Lexington shall remain a separate school district and division.

§ 46. School board; number and qualifications of members. [Amended by Ch. 72, Acts of 1971; Acts 2000, c. 223]

The school board shall consist of five (5) members who shall be bona fide residents and qualified voters of the city.

§ 47. Appointment and term of members.

Members of the school board shall be appointed by the city council for overlapping three (3) year terms in a manner prescribed by general law.

§ 48. Compensation. [Amended by Acts 2000, c. 223]

The compensation to be paid each member shall be fixed by the school board in accordance with state law.

General Provisions

§ 49. Contractual relationships.

The City of Lexington may enter into contractual relationships with the Commonwealth and/or its departments, bureaus, boards and agencies, neighboring political subdivisions and private agencies for the performance of any part or all of the functions, or purposes of the city, on such terms and for such periods as council may determine to be in the public interest, where such contractual relations are not specifically prohibited by constitution and general laws of the

Commonwealth. The school board, with the approval of council, may enter into contractual relationships with the Commonwealth and/or its departments, bureaus, boards and agencies, neighboring political subdivisions and private agencies with a performance of any part of or all of the functions or purposes of the school board on such terms and for such periods as the school board may determine to be in the public interest or such contractual relations are not specifically prohibited by the constitution and general laws of the Commonwealth.

§ 50. Present ordinances, resolutions, rules and regulations continued in effect.

All ordinances and resolutions of the city and all rules, regulations and orders legally made by any department, board, commissioner or officer of the city in force at the effective date of this Charter insofar as they or any portion thereof are not inconsistent therewith shall remain in force until amended or repealed.

§ 51. Repealed. [Acts 2000, c. 223]

§ 52. Repealed. [Acts 2000, c. 223]

§ 53. Repealed. [Acts 2000, c. 223]

§ 54. Partial invalidity.

If any clause, sentence, paragraph or part of this Charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of said Charter, but shall be confined in its operations to the clause, sentence, paragraph or part thereof directly involved in the controversy in which said judgment shall have been rendered.

ARTICLE I
Planning Commission

§ 10-1. Creation.

A City Planning Commission is hereby created for the City, in accordance with the provisions of § 15.2-2210 et seq., Chapter 22, Article 2, of the Code of Virginia.

§ 10-2. Composition; appointment and term of office.

The City Planning Commission shall consist of seven members, one of whom shall be a member of City Council and the remaining six of whom, hereinafter referred to as "appointed members," shall be residents of the City and otherwise qualified as provided by § 15.1-437 of the Code of Virginia.¹ At least 1/2 of the membership of the Commission shall be owners of real property. The appointed members and the Councilman member shall be appointed by the Council. The term of the Councilman member shall in all cases correspond with his or her tenure of office. Members of the Commission serving on June 30, 1988, shall continue to serve until expiration of the current term of appointment. All new appointments and reappointments shall be for a term of four years.

§ 10-3. Removal of appointed members.

Any of the appointed members of the City Planning Commission may be removed by the Council for inefficiency, neglect of duty or malfeasance in office, provided that such removal may be made only after a public hearing at which such member is given an opportunity to appear and be heard on the charges against him or her.

§ 10-4. Compensation.

All members of the City Planning Commission shall serve as such without compensation. Members shall be reimbursed for reasonable expenses incurred in the performance of their duties.

§ 10-5. Vacancies.

Any vacancy in the membership of the City Planning Commission shall be filled by appointment of the Council, and such appointment shall be for the unexpired term.

§ 10-6. Powers and duties.

The City Planning Commission shall have the functions, powers and duties which are prescribed by law.

§ 10-7. Comprehensive plan.

1. Editor's Note: See now Code of Virginia, § 15.2-2212.

- A. The Planning Commission shall prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction.
- B. In the preparation of a comprehensive plan, the Commission shall make careful and comprehensive surveys and studies of the existing conditions and trends of growth and of the probable future requirements of its territory and inhabitants. The comprehensive plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants.
- C. The comprehensive plan shall be general in nature, in that it shall designate the general or approximate location, character, and extent of each feature shown on the plan and shall indicate where existing lands or facilities are proposed to be extended, widened, removed, relocated, vacated, narrowed, abandoned, or changed in use, as the case may be.
- D. The plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the Planning Commission's long-range recommendations for the general development of the territory covered by the plan. It may include, but need not be limited to:
- (1) The designation of areas for various types of public and private development and use, such as different kinds of residential, business, industrial, agricultural, mineral resources, conservation, recreation, public service, floodplain and drainage, and other areas;
 - (2) The designation of a system of transportation facilities, such as streets, roads, highways, parkways, railways, bridges, viaducts, waterways, airports, ports, terminals, and other like facilities;
 - (3) The designation of a system of community service facilities, such as parks, forests, schools, playgrounds, public buildings and institutions, hospitals, community centers, waterworks, sewage disposal or waste disposal areas, and the like;
 - (4) The designation of historical areas and areas for urban renewal or other treatment;
 - (5) The designation of areas for the implementation of reasonable groundwater protection measures;
 - (6) An official map, a capital improvements program, a subdivision ordinance, a zoning ordinance and zoning district maps, mineral resource district maps and agricultural and forestal district maps, where applicable;
 - (7) The location of existing or proposed recycling centers; and

- (8) The designation of areas for the implementation of measures to promote the construction and maintenance of affordable housing sufficient to meet the current and future needs of residents of all levels of income in the locality while considering the current and future needs of the planning district within which the locality is situated.

ARTICLE II
Architectural Board

§ 10-8. Creation.

A City Architectural Board is hereby created for the purpose of administering the ordinances governing the appearance and alteration of buildings in the downtown historic zone of the City.

§ 10-9. Composition; appointment and term of office.

The Board shall consist of five members, all of whom shall be residents of the City. At least 1/2 of the members of the Board shall be owners of real estate in the City. All of the members will be appointed by City Council. The initial terms of office shall be as follows: one member shall be appointed for a term to expire June 30, 1990, two members shall be appointed for terms to expire June 30, 1991, and two shall be appointed for terms to expire June 30, 1992. Appointments thereafter shall be for terms of four years.

§ 10-10. Removal of appointed members.

Any member of the Board may be removed by the Council for inefficiency, neglect of duty, or malfeasance in office, provided that such removal may be made only after a public hearing in which such member is given an opportunity to appear and be heard.

§ 10-11. Compensation.

All members of the Board shall serve as such without compensation.

§ 10-12. Vacancies.

Any vacancy in the membership of the Board shall be filled by appointment by the Council, and such appointment shall be for the unexpired term.

§ 10-13. Powers and duties.

The Board shall have the functions, powers and duties which are prescribed by law, including the ordinances of the City, and with specific reference to Chapter 420, Zoning, Article XVII, Historic Downtown Preservation District, and Article XVIII, Residential Historic Neighborhood Conservation District, of the Lexington City Code.

Amendment to ARB By-Laws April 2018

ARTICLE III - COMPOSITION

Section 1. Composition: As directed in Sec. 10-9 of the City Code, the Board consists of seven members, of whom five shall be appointed as regular members and two as alternate members to vote in the absence of any regular member. All members must be residents of the City of Lexington and at least half of whom must be owners of real estate in the City, except that one member need not be a resident but shall be either (1) a property owner in the Lexington Downtown Historic Preservation District or (2) a business owner in the Lexington Downtown Historic Preservation District licensed and operating his or her business in accordance with all applicable laws and ordinances. All members are appointed by the City Council and the two alternate members shall be appointed as Alternate A and as Alternate B. Alternate A shall be the first alternate selected as needed during the first ARB meeting of each month and Alternate B shall be the first alternate selected as needed during the second ARB meeting of each month. All members will, after those initial periods of appointment ending in 1990, serve terms of four years.

ARTICLE III
Housing Commission

§ 10-14. Finding and declaration of necessity.

It hereby is declared that the lack of adequate affordable housing is a significant problem for the citizens of Lexington, particularly for low-income persons. The availability of safe and sanitary dwelling accommodations for persons of low income is of grave concern to the City.

§ 10-15. Creation and designation.

There is hereby created for the City a Housing Commission, which will be an agency designated "Threshold," which is to take the initiative in coordinating the parties which, in partnership with the City, may be able to make progress in resolving the City's housing problems.

§ 10-16. Function and purposes.

- A. The primary responsibility of the Commission shall be to coordinate and administer housing programs, recruit public and private developers and provide public information on housing issues, which shall include programs for the elderly and handicapped as well as low-income persons.
- B. It will catalogue available sites within the City available and suitable for low-income housing, suggest zoning ordinance changes allowing implementation of programs for developments in those areas, investigate and inquire as to the availability of surplus land now titled in institutions which could be made available for private residential development, investigate and seek out funding resources for the improvement of low-income housing in the City, and perform any other functions which may be requested of the Commission by the Council.

§ 10-17. Composition and term of office.

- A. Threshold will consist of eight regular members. Seven members are appointed by the City Council and will, after initial periods of appointment, serve terms of three years. The eighth member of Threshold will be the housing liaison, appointed by Council as a member thereof.
- B. Additional members may be appointed as needed pursuant to the terms and conditions set forth below.
- C. Additional members may be added who will be target area representatives. These members will be appointed by City Council to serve on Threshold during any given twenty-four-month grant implementation period. Target area representatives must be residents of specific target areas.

§ 10-18. Removal of members.

Any of the members of the City Housing Commission may be removed by the Council for inefficiency, neglect of duty or malfeasance in office, provided that such removal may be made only after a public hearing in which such member is given an opportunity to appear and be heard.

§ 10-19. Compensation.

All members of the City Housing Commission shall serve as such without compensation. Members shall be reimbursed for reasonable expenses incurred in the performance of their duties.

§ 10-20. Officers, meetings and reports.

The members of the Housing Commission shall elect their own Chairperson and Secretary and such other officers as may be required for the proper functioning of the Commission. The Commission will adopt a regular schedule of meetings with such frequency as is necessary to carry out its duties set forth in this article. It will report its activities to City Council at the end of each quarter through June 30, 1990, and not less frequently than semiannually thereafter.

ARTICLE IV
Youth Services Citizen Board

§ 10-21. Finding and declaration of necessity.

It is hereby declared that the potential of juvenile delinquency is a problem for the citizens of Lexington and that a Youth Services Citizen Board is needed to assist the City in confronting this problem.

§ 10-22. Creation and designation.

In accordance with the Delinquency Prevention and Youth Development Act of Virginia,² there is hereby created as an advisory agency for the City a Youth Services Citizen Board. The Board shall assist the City Manager in establishing, administering and supervising the City's Office on Youth.

§ 10-23. Function and purposes.

- A. It shall be the responsibility of the Youth Services Citizen Board to:
- (1) Assist community agencies and organizations in establishing and modifying programs and services to youth on the basis of an objective assessment of the community's needs and resources;
 - (2) Evaluate and monitor community programs and services to determine their impact on youth;
 - (3) Provide a mechanism whereby all youths and their families with needs for services will be linked to appropriate services; and
 - (4) Attempt to resolve agency policies and procedures that make it difficult for youths and their families to receive services.
- B. The Board shall actively participate with community representatives in the formulation of a comprehensive plan for the development, coordination and evaluation of the youth services program and shall make formal recommendations to the governing authority or authorities at least annually concerning the comprehensive plan and its implementation during the ensuing year.

§ 10-24. Composition and term of office.

The Board shall be composed of nine members appointed by City Council. Board members shall be residents of Lexington, Buena Vista, or Rockbridge County or its towns. A majority of the Board shall be citizens who are not employed by government or service agencies and who are not elected government officials. One appointee shall be a youth member of under age 18. The youth member of the Board shall serve for a one-year term, subject to reappointment. The initial appointments of two members shall be for a term to expire on June 30, 1990, two members shall be appointed for a term

2. Editor's Note: See Code of Virginia, § 66-26 et seq.

which will expire June 30, 1991, and two members will be appointed for a term which will expire June 30, 1992. With the exception of the youth members, all subsequent appointments and reappointments shall be for a term of three years.

§ 10-25. Removal of members.

Any of the members of the Board may be removed by the Council for inefficiency, neglect of duty, or malfeasance in office, provided that such removal may be made only after a public hearing in which such member is given an opportunity to appear and be heard.

§ 10-26. Compensation.

All members of the Board shall serve as such without compensation. Members shall be reimbursed for reasonable expenses incurred in the performance of their duties.

§ 10-27. Officers, meetings and reports.

The members of the Board shall elect their own Chairperson and Secretary and such other officers as may be required for the proper functioning of the Board and will also establish its own bylaws. The Board will adopt a regular schedule of meetings with such frequency as is necessary to carry out its duties set forth in this article. It will report its activities to City Council at the end of each quarter through June 30, 1990, and not less frequently than semiannually thereafter.

ARTICLE V
Downtown Area Parking Advisory Committee
[Added 10-21-2010 by Ord. No. 2010-08]

§ 10-28. Creation.

A Downtown Area Parking Advisory Committee is hereby created for the purpose of providing advice to the City staff and City Council concerning the management of vehicular parking in the downtown area of Lexington.

§ 10-29. Mission statement.

The guiding mission statement for City staff, City Council and the Downtown Area Parking Advisory Committee shall be: "The City of Lexington's on- and off-street parking system shall support existing land uses, assist the City's economic development initiative, facilitate parking for all downtown user groups by providing adequate and quality parking resources and related services, and to deliver those services in a cost efficient and fiscally responsible manner.

§ 10-30. Composition.

The Downtown Area Parking Advisory Committee shall consist of 10 members with representation from the following groups or organizations: Chamber of Commerce, Regional Tourism Bureau, Washington and Lee University, Virginia Military Institute, three representatives of employers located in the downtown area or residents (appointed for three-year terms), the director of the City Public Works, Planning Department, and the Chief of Police or such representative as such directors may choose to represent the said departments.

§ 10-31. Meetings.

The Downtown Area Parking Advisory Committee shall meet on an "as needed" basis, but at least quarterly, to monitor the management of parking in the City's downtown area and provide recommendations for improvement.

Virginia Conflict of Interests Act

Local Officers and Employees

Prior to assuming office or taking employment, each person listed below must file their required disclosure form. Thereafter, they must file annually on or before February 1.

You may not sign, date, or submit your disclosure form for your regular annual filing prior to January 1.

The following local officials are required to file the State and Local Statement of Economic Interests per § 2.2-3115:

- Members of the Board of Supervisors
- Members of the City Council
- Members of the Town Council, if the town has a population exceeding 3,500
- Executive director and members of Industrial Development Authorities and Economic Development Authorities
- Members of the school board
- Persons holding positions of trust appointed or employed by the governing body if the governing body has passed an ordinance requiring them to file
- Persons holding positions of trust appointed or employed by school board if the school board has adopted a policy requiring them to file
- Members of the governing body of any entity established in a county or city with the power to issue bonds or expend funds in excess of \$10,000 in any fiscal year if the governing body of the appointing jurisdiction has required them to submit this form

The following local officials are required to file the Financial Disclosure Statement per § 2.2-3115:

- Members of the governing body of any authority established in any county or city, or part or combination thereof, and having the power to issue bonds or expend funds in excess of \$10,000 in any fiscal year unless required to file the Statement of Economic Interests by the governing body of the appointing jurisdiction.
- Nonsalaried citizen members of local boards, commissions, and councils if the governing body has designated them to file.

The following local officials are required to file the Real Estate Disclosure per § 2.2-3115 (G):

- Planning commission members
- Members of board of zoning appeals
- Real estate assessors
- County, city, or town managers
- Executive officers

Code of Virginia
Title 2.2. Administration of Government
Subtitle I. Organization of State Government
Part E. State Officers and Employees

Chapter 30.1. The Fraud and Abuse Whistle Blower Protection Act

§ 2.2-3100. Policy; application; construction

The General Assembly, recognizing that our system of representative government is dependent in part upon (i) citizen legislative members representing fully the public in the legislative process and (ii) its citizens maintaining the highest trust in their public officers and employees, finds and declares that the citizens are entitled to be assured that the judgment of public officers and employees will be guided by a law that defines and prohibits inappropriate conflicts and requires disclosure of economic interests. To that end and for the purpose of establishing a single body of law applicable to all state and local government officers and employees on the subject of conflict of interests, the General Assembly enacts this State and Local Government Conflict of Interests Act so that the standards of conduct for such officers and employees may be uniform throughout the Commonwealth.

This chapter shall supersede all general and special acts and charter provisions which purport to deal with matters covered by this chapter except that the provisions of §§ [15.2-852](#), [15.2-2287](#), [15.2-2287.1](#), and [15.2-2289](#) and ordinances adopted pursuant thereto shall remain in force and effect. The provisions of this chapter shall be supplemented but not superseded by the provisions on ethics in public contracting in Article 6 (§ [2.2-4367](#) et seq.) of Chapter 43 of this title and ordinances adopted pursuant to § [2.2-3104.2](#) regulating receipt of gifts.

The provisions of this chapter do not preclude prosecution for any violation of any criminal law of the Commonwealth, including Articles 2 (Bribery and Related Offenses, § [18.2-438](#) et seq.) and 3 (Bribery of Public Servants and Party Officials, § [18.2-446](#) et seq.) of Chapter 10 of Title 18.2, and do not constitute a defense to any prosecution for such a violation.

This chapter shall be liberally construed to accomplish its purpose.

1987, Sp. Sess., c. 1, § 2.1-639.1; 1990, c. 672; 2001, c. [844](#); 2003, c. [694](#); 2008, c. [532](#); 2014, cc. [792](#), [804](#).

§ 2.2-3100.1. Copy of chapter; review by officers and employees

Any person required to file a disclosure statement of personal interests pursuant to subsections A or B of § [2.2-3114](#), subsections A or B of § [2.2-3115](#) or § [2.2-3116](#) shall be furnished by the public body's administrator a copy of this chapter within two weeks following the person's election, reelection, employment, appointment or reappointment.

All officers and employees shall read and familiarize themselves with the provisions of this chapter.

2004, cc. [134](#), [392](#).

§ 2.2-3101. Definitions

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

"Advisory agency" means any board, commission, committee or post which does not exercise any

sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

"Affiliated business entity relationship" means a relationship, other than a parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that may be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person owns or manages the two entities, there are common or commingled funds or assets, the business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis, or there is otherwise a close working relationship between the entities.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. The candidate shall become subject to the provisions of this chapter upon the filing of a statement of qualification pursuant to § 24.2-501. The State Board of Elections or general registrar shall notify each such candidate of the provisions of this chapter. Notification made by the general registrar shall consist of information developed by the State Board of Elections.

"Contract" means any agreement to which a governmental agency is a party, or any agreement on behalf of a governmental agency that involves the payment of money appropriated by the General Assembly or a political subdivision, whether or not such agreement is executed in the name of the Commonwealth, or some political subdivision thereof. "Contract" includes a subcontract only when the contract of which it is a part is with the officer's or employee's own governmental agency.

"Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in § 30-355.

"Employee" means all persons employed by a governmental or advisory agency, unless otherwise limited by the context of its use.

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, broker-dealer as defined in subsection A of § 13.1-501, or investment company or advisor registered under the federal Investment Advisors Act or Investment Company Act of 1940.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational

program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession or occupation or volunteer service of an officer or employee or of a member of his immediate family; (vi) food or beverages consumed while attending an event at which the filer is performing official duties related to his public service; (vii) food and beverages received at or registration or attendance fees waived for any event at which the filer is a featured speaker, presenter, or lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state; (xii) travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House Committee on Rules or its Chairman or the Senate Committee on Rules or its Chairman; (xiii) travel related to an official meeting of, or any meal provided for attendance at such meeting by, the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment; (xiv) gifts with a value of less than \$20; (xv) attendance at a reception or similar function where food, such as hors d'oeuvres, and beverages that can be conveniently consumed by a person while standing or walking are offered; or (xvi) gifts from relatives or personal friends. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse or the donee's son-in-law or daughter-in-law. For the purpose of this definition, "personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; (c) for an officer or employee of a local governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the local agency of which he is an officer or an employee; or (d) for an officer or employee of a state governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth. For purposes of this definition, "person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Governmental agency" means each component part of the legislative, executive or judicial branches of state and local government, including each office, department, authority, post, commission, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties. Corporations organized or controlled by the Virginia Retirement System are "governmental agencies" for purposes of this chapter.

"Immediate family" means (i) a spouse and (ii) any other person who resides in the same household as the officer or employee and who is a dependent of the officer or employee.

"Officer" means any person appointed or elected to any governmental or advisory agency including local school boards, whether or not he receives compensation or other emolument of office. Unless the context requires otherwise, "officer" includes members of the judiciary.

"Parent-subsidiary relationship" means a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation.

"Personal interest" means a financial benefit or liability accruing to an officer or employee or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, \$5,000 annually; (iv) ownership of real or personal property if the interest exceeds \$5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or (vi) an option for ownership of a business or real or personal property if the ownership interest will consist of clause (i) or (iv).

"Personal interest in a contract" means a personal interest that an officer or employee has in a contract with a governmental agency, whether due to his being a party to the contract or due to a personal interest in a business that is a party to the contract.

"Personal interest in a transaction" means a personal interest of an officer or employee in any matter considered by his agency. Such personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business or governmental agency, or represents or provides services to any individual or business and such property, business or represented or served individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction. Notwithstanding the above, such personal interest in a transaction shall not be deemed to exist where (a) an elected member of a local governing body serves without remuneration as a member of the board of trustees of a not-for-profit entity and such elected member or member of his immediate family has no personal interest related to the not-for-profit entity or (b) an officer, employee, or elected member of a local governing body is appointed by such local governing body to serve on a governmental agency, or an officer, employee, or elected member of a separate local governmental agency formed by a local governing body is appointed to serve on a governmental agency, and the personal interest in the transaction of the governmental agency is the result of the salary, other compensation, fringe benefits, or benefits provided by the local governing body or the separate governmental agency to the officer, employee, elected member, or member of his immediate family.

"State and local government officers and employees" shall not include members of the General Assembly.

"State filer" means those officers and employees required to file a disclosure statement of their personal interests pursuant to subsection A or B of § [2.2-3114](#).

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

1987, Sp. Sess., c. 1, § 2.1-639.2; 1988, c. 536; 1992, c. 865; 1993, c. 303; 1994, cc. 74, 724; 1995, c. 495; 1996, c. 77; 1997, c. 641; 2001, c. 844; 2003, c. 694; 2004, cc. 134, 392; 2012, cc. 345, 771; 2013, c. 475; 2014, cc. 792, 804; 2015, cc. 763, 777; 2016, cc. 773, 774; 2017, cc. 829, 832.

Chapter 31. State and Local Government Conflict of Interests Act

Article 1. General Provisions

§ 2.2-3102. Application

This article applies to generally prohibited conduct that shall be unlawful and to state and local government officers and employees.

1987, Sp. Sess., c. 1, § 2.1-639.3; 2001, c. 844.

§ 2.2-3103. Prohibited conduct

No officer or employee of a state or local governmental or advisory agency shall:

1. Solicit or accept money or other thing of value for services performed within the scope of his official duties, except the compensation, expenses or other remuneration paid by the agency of which he is an officer or employee. This prohibition shall not apply to the acceptance of special benefits that may be authorized by law;
2. Offer or accept any money or other thing of value for or in consideration of obtaining employment, appointment, or promotion of any person with any governmental or advisory agency;
3. Offer or accept any money or other thing of value for or in consideration of the use of his public position to obtain a contract for any person or business with any governmental or advisory agency;
4. Use for his own economic benefit or that of another party confidential information that he has acquired by reason of his public position and which is not available to the public;
5. Accept any money, loan, gift, favor, service, or business or professional opportunity that reasonably tends to influence him in the performance of his official duties. This subdivision shall not apply to any political contribution actually used for political campaign or constituent service purposes and reported as required by Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2;
6. Accept any business or professional opportunity when he knows that there is a reasonable likelihood that the opportunity is being afforded him to influence him in the performance of his official duties;
7. Accept any honoraria for any appearance, speech, or article in which the officer or employee provides expertise or opinions related to the performance of his official duties. The term "honoraria" shall not include any payment for or reimbursement to such person for his actual travel, lodging, or subsistence expenses incurred in connection with such appearance, speech, or article or in the alternative a payment of money or anything of value not in excess of the per diem deduction allowable under § 162 of the Internal Revenue Code, as amended from time to

time. The prohibition in this subdivision shall apply only to the Governor, Lieutenant Governor, Attorney General, Governor's Secretaries, and heads of departments of state government;

8. Accept a gift from a person who has interests that may be substantially affected by the performance of the officer's or employee's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the officer's or employee's impartiality in the matter affecting the donor. Violations of this subdivision shall not be subject to criminal law penalties;

9. Accept gifts from sources on a basis so frequent as to raise an appearance of the use of his public office for private gain. Violations of this subdivision shall not be subject to criminal law penalties; or

10. Use his public position to retaliate or threaten to retaliate against any person for expressing views on matters of public concern or for exercising any right that is otherwise protected by law, provided, however, that this subdivision shall not restrict the authority of any public employer to govern conduct of its employees, and to take disciplinary action, in accordance with applicable law, and provided further that this subdivision shall not limit the authority of a constitutional officer to discipline or discharge an employee with or without cause.

1987, Sp. Sess., c. 1, § 2.1-639.4; 1994, cc. [663](#), [815](#), [851](#); 2001, c. [844](#); 2006, cc. [787](#), [892](#); 2015, c. [574](#).

§ 2.2-3103.1. Certain gifts prohibited

A. For purposes of this section:

"Person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Widely attended event" means an event at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event and the event is open to individuals (i) who are members of a public, civic, charitable, or professional organization, (ii) who are from a particular industry or profession, or (iii) who represent persons interested in a particular issue.

B. No officer or employee of a local governmental or advisory agency or candidate required to file the disclosure form prescribed in § [2.2-3117](#) or a member of his immediate family shall solicit, accept, or receive any single gift with a value in excess of \$100 or any combination of gifts with an aggregate value in excess of \$100 within any calendar year for himself or a member of his immediate family from any person that he or a member of his immediate family knows or has reason to know is (i) a lobbyist registered pursuant to Article 3 (§ [2.2-418](#) et seq.) of Chapter 4; (ii) a lobbyist's principal as defined in § [2.2-419](#); or (iii) a person, organization, or business who is or is seeking to become a party to a contract with the local agency of which he is an officer or an employee. Gifts with a value of less than \$20 are not subject to aggregation for purposes of this prohibition.

C. No officer or employee of a state governmental or advisory agency or candidate required to file the disclosure form prescribed in § [2.2-3117](#) or a member of his immediate family shall solicit, accept, or receive any single gift with a value in excess of \$100 or any combination of gifts with an aggregate value in excess of \$100 within any calendar year for himself or a member of his immediate family from any person that he or a member of his immediate family knows or has

reason to know is (i) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4; (ii) a lobbyist's principal as defined in § 2.2-419; or (iii) a person, organization, or business who is or is seeking to become a party to a contract with the state governmental or advisory agency of which he is an officer or an employee or over which he has the authority to direct such agency's activities. Gifts with a value of less than \$20 are not subject to aggregation for purposes of this prohibition.

D. Notwithstanding the provisions of subsections B and C, such officer, employee, or candidate or a member of his immediate family may accept or receive a gift of food and beverages, entertainment, or the cost of admission with a value in excess of \$100 when such gift is accepted or received while in attendance at a widely attended event and is associated with the event. Such gifts shall be reported on the disclosure form prescribed in § 2.2-3117.

E. Notwithstanding the provisions of subsections B and C, such officer or employee or a member of his immediate family may accept or receive a gift from a foreign dignitary with a value exceeding \$100 for which the fair market value or a gift of greater or equal value has not been provided or exchanged. Such gift shall be accepted on behalf of the Commonwealth or a locality and archived in accordance with guidelines established by the Library of Virginia. Such gift shall be disclosed as having been accepted on behalf of the Commonwealth or a locality, but the value of such gift shall not be required to be disclosed.

F. Notwithstanding the provisions of subsections B and C, such officer, employee, or candidate or a member of his immediate family may accept or receive certain gifts with a value in excess of \$100 from a person listed in subsection B or C if such gift was provided to such officer, employee, or candidate or a member of his immediate family on the basis of a personal friendship. Notwithstanding any other provision of law, a person listed in subsection B or C may be a personal friend of such officer, employee, or candidate or his immediate family for purposes of this subsection. In determining whether a person listed in subsection B or C is a personal friend, the following factors shall be considered: (i) the circumstances under which the gift was offered; (ii) the history of the relationship between the person and the donor, including the nature and length of the friendship and any previous exchange of gifts between them; (iii) to the extent known to the person, whether the donor personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iv) whether the donor has given the same or similar gifts to other persons required to file the disclosure form prescribed in § 2.2-3117 or 30-111.

G. Notwithstanding the provisions of subsections B and C, such officer, employee, or candidate or a member of his immediate family may accept or receive gifts of travel, including travel-related transportation, lodging, hospitality, food or beverages, or other thing of value, with a value in excess of \$100 that is paid for or provided by a person listed in subsection B or C when the officer, employee, or candidate has submitted a request for approval of such travel to the Council and has received the approval of the Council pursuant to § 30-356.1. Such gifts shall be reported on the disclosure form prescribed in § 2.2-3117.

H. During the pendency of a civil action in any state or federal court to which the Commonwealth is a party, the Governor or the Attorney General or any employee of the Governor or the Attorney General who is subject to the provisions of this chapter shall not solicit, accept, or receive any gift from any person that he knows or has reason to know is a person, organization, or business that is a party to such civil action. A person, organization, or business that is a party to such civil action shall not knowingly give any gift to the Governor or the Attorney General or any of their employees who are subject to the provisions of this chapter.

I. The \$100 limitation imposed in accordance with this section shall be adjusted by the Council every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, rounded to the nearest whole dollar.

J. The provisions of this section shall not apply to any justice of the Supreme Court of Virginia, judge of the Court of Appeals of Virginia, judge of any circuit court, or judge or substitute judge of any district court. However, nothing in this subsection shall be construed to authorize the acceptance of any gift if such acceptance would constitute a violation of the Canons of Judicial Conduct for the State of Virginia.

2014, cc. [792](#), [804](#);2015, cc. [763](#), [777](#);2017, cc. [829](#), [832](#).

§ 2.2-3103.2. Return of gifts

No person shall be in violation of any provision of this chapter prohibiting the acceptance of a gift if (i) the gift is not used by such person and the gift or its equivalent in money is returned to the donor or delivered to a charitable organization within a reasonable period of time upon the discovery of the value of the gift and is not claimed as a charitable contribution for federal income tax purposes or (ii) consideration is given by the donee to the donor for the value of the gift within a reasonable period of time upon the discovery of the value of the gift provided that such consideration reduces the value of the gift to an amount not in excess of \$100 as provided in subsection B or C of § [2.2-3103.1](#).

2015, cc. [763](#), [777](#).

§ 2.2-3104. Prohibited conduct for certain officers and employees of state government

For one year after the termination of public employment or service, no state officer or employee shall, before the agency of which he was an officer or employee, represent a client or act in a representative capacity on behalf of any person or group, for compensation, on matters related to legislation, executive orders, or regulations promulgated by the agency of which he was an officer or employee. This prohibition shall be in addition to the prohibitions contained in § [2.2-3103](#).

For the purposes of this section, "state officer or employee" shall mean (i) the Governor, Lieutenant Governor, Attorney General, and officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof is required or not, who are regularly employed on a full-time salaried basis; those officers and employees of executive branch agencies who report directly to the agency head; and those at the level immediately below those who report directly to the agency head and are at a payband 6 or higher and (ii) the officers and professional employees of the legislative branch designated by the joint rules committee of the General Assembly. For the purposes of this section, the General Assembly and the legislative branch agencies shall be deemed one agency.

To the extent this prohibition applies to the Governor's Secretaries, "agency" means all agencies assigned to the Secretary by law or by executive order of the Governor.

Any person subject to the provisions of this section may apply to the Council or Attorney General, as provided in § [2.2-3121](#) or [2.2-3126](#), for an advisory opinion as to the application of the restriction imposed by this section on any post-public employment position or opportunity.

1994, cc. [727](#), [776](#), § 2.1-639.4:1; 2001, c. [844](#);2013, c. [648](#);2014, cc. [792](#), [804](#);2015, cc. [763](#), [777](#).

§ 2.2-3104.01. Prohibited conduct; bids or proposals under the Virginia Public Procurement Act, Public-Private Transportation Act, and Public-Private Education Facilities and Infrastructure Act; loans or grants from the Commonwealth's Development Opportunity Fund

A. Neither the Governor, his political action committee, or the Governor's Secretaries, if the Secretary is responsible to the Governor for an executive branch agency with jurisdiction over the matters at issue, shall knowingly solicit or accept a contribution, gift, or other item with a value greater than \$50 from any bidder, offeror, or private entity, or from an officer or director of such bidder, offeror, or private entity, who has submitted a bid or proposal to an executive branch agency that is directly responsible to the Governor pursuant to the Virginia Public Procurement Act (§ [2.2-4300](#) et seq.), the Public-Private Transportation Act of 1995 (§ [33.2-1800](#) et seq.), or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ [56-575.1](#) et seq.)(i) during the period between the submission of the bid and the award of the public contract under the Virginia Public Procurement Act or (ii) following the submission of a proposal under the Public-Private Transportation Act of 1995 or the Public-Private Education Facilities and Infrastructure Act of 2002 until the execution of a comprehensive agreement thereunder.

B. The provisions of this section shall apply only for public contracts, proposals, or comprehensive agreements where the stated or expected value of the contract is \$5 million or more. The provisions of this section shall not apply to contracts awarded as the result of competitive sealed bidding as set forth in § [2.2-4302.1](#).

C. Any person who knowingly violates this section shall be subject to a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater, and the contribution, gift, or other item shall be returned to the donor. The attorney for the Commonwealth shall initiate civil proceedings to enforce the civil penalties. Any civil penalties collected shall be payable to the State Treasurer for deposit to the general fund and shall be used exclusively to fund the Council.

2010, c. [732](#);2011, c. [624](#);2013, c. [583](#);2015, cc. [763](#), [777](#);2016, c. [641](#).

§ 2.2-3104.02. Prohibited conduct for constitutional officers

In addition to the prohibitions contained in § [2.2-3103](#), no constitutional officer shall, during the one year after the termination of his public service, act in a representative capacity on behalf of any person or group, for compensation, on any matter before the agency of which he was an officer.

The provisions of this section shall not apply to any attorney for the Commonwealth.

Any person subject to the provisions of this section may apply to the Council or the attorney for the Commonwealth for the jurisdiction where such person was elected as provided in § [2.2-3126](#), for an advisory opinion as to the application of the restriction imposed by this section on any post-public employment position or opportunity.

2011, c. [591](#);2020, c. [111](#).

§ 2.2-3104.1. Exclusion of certain awards from scope of chapter

The provisions of this chapter shall not be construed to prohibit or apply to the acceptance by (i) any employee of a local government, or (ii) a teacher or other employee of a local school board of

an award or payment in honor of meritorious or exceptional services performed by the teacher or employee and made by an organization exempt from federal income taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code.

2001, c. 48, § 2.1-639.4:2; 2008, cc. 478, 497.

§ 2.2-3104.2. Ordinance regulating receipt of gifts

The governing body of any county, city, or town may adopt an ordinance setting a monetary limit on the acceptance of any gift by the officers, appointees or employees of the county, city or town and requiring the disclosure by such officers, appointees or employees of the receipt of any gift.

2003, c. 694.

Article 2. Generally Prohibited and Unlawful Conduct

§ 2.2-3105. Application

This article proscribes certain conduct relating to contracts by state and local government officers and employees. The provisions of this article shall be supplemented but not superseded by the provisions on ethics in public contracting in Article 6 (§ 2.2-4367 et seq.) of Chapter 43 of this title.

1987, Sp. Sess., c. 1, § 2.1-639.5; 2001, c. 844; 2003, c. 694.

§ 2.2-3106. Prohibited contracts by officers and employees of state government and Eastern Virginia Medical School

A. No officer or employee of any governmental agency of state government or Eastern Virginia Medical School shall have a personal interest in a contract with the governmental agency of which he is an officer or employee, other than his own contract of employment.

B. No officer or employee of any governmental agency of state government or Eastern Virginia Medical School shall have a personal interest in a contract with any other governmental agency of state government unless such contract is (i) awarded as a result of competitive sealed bidding or competitive negotiation as set forth in § 2.2-4302.1 or 2.2-4302.2 or (ii) is awarded after a finding, in writing, by the administrative head of the governmental agency that competitive bidding or negotiation is contrary to the best interest of the public.

C. The provisions of this section shall not apply to:

1. An employee's personal interest in additional contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided the employee does not exercise any control over the employment or the employment activities of the member of his immediate family and the employee is not in a position to influence those activities;

2. The personal interest of an officer or employee of a public institution of higher education or the Eastern Virginia Medical School in additional contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided (i) the officer or employee and the immediate family member are engaged in teaching, research or administrative support positions at the educational institution or the Eastern Virginia Medical School, (ii) the governing board of the educational institution finds that it is in the best interests of the institution or the Eastern Virginia Medical School and the Commonwealth for such dual

employment to exist, and (iii) after such finding, the governing board of the educational institution or the Eastern Virginia Medical School ensures that the officer or employee, or the immediate family member, does not have sole authority to supervise, evaluate or make personnel decisions regarding the other;

3. An officer's or employee's personal interest in a contract of employment with any other governmental agency of state government;

4. Contracts for the sale by a governmental agency or the Eastern Virginia Medical School of services or goods at uniform prices available to the general public;

5. An employee's personal interest in a contract between a public institution of higher education in the Commonwealth or the Eastern Virginia Medical School and a publisher or wholesaler of textbooks or other educational materials for students, which accrues to him solely because he has authored or otherwise created such textbooks or materials;

6. An employee's personal interest in a contract with his or her employing public institution of higher education to acquire the collections or scholarly works owned by the employee, including manuscripts, musical scores, poetry, paintings, books or other materials, writings, or papers of an academic, research, or cultural value to the institution, provided the president of the institution approves the acquisition of such collections or scholarly works as being in the best interests of the institution's public mission of service, research, or education;

7. Subject to approval by the board of visitors, an employee's personal interest in a contract between the Eastern Virginia Medical School or a public institution of higher education in the Commonwealth that operates a school of medicine or dentistry and a not-for-profit nonstock corporation that operates a clinical practice within such public institution of higher education or the Eastern Virginia Medical School and of which such employee is a member or employee;

8. Subject to approval by the relevant board of visitors, an employee's personal interest in a contract for research and development or commercialization of intellectual property between a public institution of higher education in the Commonwealth or the Eastern Virginia Medical School and a business in which the employee has a personal interest, if (i) the employee's personal interest has been disclosed to and approved by such public institution of higher education or the Eastern Virginia Medical School prior to the time at which the contract is entered into; (ii) the employee promptly files a disclosure statement pursuant to § 2.2-3117 and thereafter files such statement annually on or before January 15; (iii) the institution has established a formal policy regarding such contracts, approved by the State Council of Higher Education or, in the case of the Eastern Virginia Medical School, a formal policy regarding such contracts in conformity with any applicable federal regulations that has been approved by its board of visitors; and (iv) no later than December 31 of each year, the institution or the Eastern Virginia Medical School files an annual report with the Secretary of the Commonwealth disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for administering each contract, the details of the institution's or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, and any other information requested by the Secretary of the Commonwealth; or

9. Subject to approval by the relevant board of visitors, an employee's personal interest in a contract between a public institution of higher education in the Commonwealth or the Eastern Virginia Medical School and a business in which the employee has a personal interest, if (i) the personal interest has been disclosed to the institution or the Eastern Virginia Medical School prior to the time the contract is entered into; (ii) the employee files a disclosure statement pursuant to § 2.2-3117 and thereafter annually on or before January 15; (iii) the employee does not participate in the institution's or the Eastern Virginia Medical School's decision to contract; (iv) the president of the institution or the Eastern Virginia Medical School finds and certifies in writing that the contract is for goods and services needed for quality patient care, including related medical education or research, by the institution's medical center or the Eastern Virginia Medical School, its affiliated teaching hospitals and other organizations necessary for the fulfillment of its mission, including the acquisition of drugs, therapies and medical technologies; and (v) no later than December 31 of each year, the institution or the Eastern Virginia Medical School files an annual report with the Secretary of the Commonwealth disclosing each open contract entered subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for administering each contract, the details of the institution's or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, and any other information requested by the Secretary of the Commonwealth.

D. Notwithstanding the provisions of subdivisions C 8 and C 9, if the research and development or commercialization of intellectual property or the employee's personal interest in a contract with a business is subject to policies and regulations governing conflicts of interest promulgated by any agency of the United States government, including the adoption of policies requiring the disclosure and management of such conflicts of interests, the policies established by the Eastern Virginia Medical School pursuant to such federal requirements shall constitute compliance with subdivisions C 8 and C 9, upon notification by the Eastern Virginia Medical School to the Secretary of the Commonwealth by January 31 of each year of evidence of their compliance with such federal policies and regulations.

E. The board of visitors may delegate the authority granted under subdivision C 8 to the president of the institution. If the board elects to delegate such authority, the board shall include this delegation of authority in the formal policy required by clause (iii) of subdivision C 8. In those instances where the board has delegated such authority, on or before December 1 of each year, the president of the relevant institution shall file a report with the relevant board of visitors disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for administering each contract, the details of the institution's or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, the details of how revenues are to be dispersed, and any other information requested by the board of visitors.

1987, Sp. Sess., c. 1, § 2.1-639.6; 1989, c. 74; 1991, c. 470; 1993, c. 876; 1995, c. 403; 1998, c. 838; 2001, c. 844; 2002, cc. 87, 478; 2003, c. 646; 2006, c. 839; 2013, c. 583; 2015, cc. 763, 777; 2016, cc. 773, 774.

§ 2.2-3107. Prohibited contracts by members of county boards of supervisors, city councils and

town councils

A. No person elected or appointed as a member of the governing body of a county, city or town shall have a personal interest in (i) any contract with his governing body, or (ii) any contract with any governmental agency that is a component part of his local government and which is subject to the ultimate control of the governing body of which he is a member, or (iii) any contract other than a contract of employment with any other governmental agency if such person's governing body appoints a majority of the members of the governing body of the second governmental agency.

B. The provisions of this section shall not apply to:

1. A member's personal interest in a contract of employment provided (i) the officer or employee was employed by the governmental agency prior to July 1, 1983, in accordance with the provisions of the former Conflict of Interests Act, Chapter 22 (§ 2.1-347 et seq.) of Title 2.1 as it existed on June 30, 1983, or (ii) the employment first began prior to the member becoming a member of the governing body;

2. Contracts for the sale by a governmental agency of services or goods at uniform prices available to the public; or

3. A contract awarded to a member of a governing body as a result of competitive sealed bidding where the governing body has established a need for the same or substantially similar goods through purchases prior to the election or appointment of the member to serve on the governing body. However, the member shall have no involvement in the preparation of the specifications for such contract, and the remaining members of the governing body, by written resolution, shall state that it is in the public interest for the member to bid on such contract.

1987, Sp. Sess., c. 1, § 2.1-639.7; 2001, c. [844](#).

§ 2.2-3108. Prohibited contracts by members of school boards

A. No person elected or appointed as a member of a local school board shall have a personal interest in (i) any contract with his school board or (ii) any contract with any governmental agency that is subject to the ultimate control of the school board of which he is a member.

B. The provisions of this section shall not apply to:

1. A member's personal interest in a contract of employment provided the employment first began prior to the member becoming a member of the school board;

2. Contracts for the sale by a governmental agency of services or goods at uniform prices available to the public; or

3. A contract awarded to a member of a school board as a result of competitive sealed bidding where the school board has established a need for the same or substantially similar goods through purchases prior to the election or appointment of the member to serve on the school board. However, the member shall have no involvement in the preparation of the specifications for such contract, and the remaining members of the school board, by written resolution, shall state that it is in the public interest for the member to bid on such contract.

1996, c. [548](#), § 2.1-639.7:1; 2001, c. [844](#).

§ 2.2-3109. Prohibited contracts by other officers and employees of local governmental agencies

A. No other officer or employee of any governmental agency of local government, including a hospital authority as defined in § 2.2-3109.1, shall have a personal interest in a contract with the agency of which he is an officer or employee other than his own contract of employment.

B. No officer or employee of any governmental agency of local government, including a hospital authority as defined in § 2.2-3109.1, shall have a personal interest in a contract with any other governmental agency that is a component of the government of his county, city or town unless such contract is (i) awarded as a result of competitive sealed bidding or competitive negotiation as set forth in § 2.2-4302.1 or 2.2-4302.2 or is awarded as a result of a procedure embodying competitive principles as authorized by subdivision A 10 or 11 of § 2.2-4343 or (ii) is awarded after a finding, in writing, by the administrative head of the governmental agency that competitive bidding or negotiation is contrary to the best interest of the public.

C. The provisions of this section shall not apply to:

1. An employee's personal interest in additional contracts for goods or services, or contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided the employee does not exercise any control over (i) the employment or the employment activities of the member of his immediate family and (ii) the employee is not in a position to influence those activities or the award of the contract for goods or services;
2. An officer's or employee's personal interest in a contract of employment with any other governmental agency that is a component part of the government of his county, city or town;
3. Contracts for the sale by a governmental agency of services or goods at uniform prices available to the general public;
4. Members of local governing bodies who are subject to § 2.2-3107;
5. Members of local school boards who are subject to § 2.2-3108; or
6. Any ownership or financial interest of members of the governing body, administrators, and other personnel serving in a public charter school in renovating, lending, granting, or leasing public charter school facilities, as the case may be, provided such interest has been disclosed in the public charter school application as required by § 22.1-212.8.

1987, Sp. Sess., c. 1, § 2.1-639.8; 1996, c. 548; 2001, c. 844; 2004, c. 530; 2009, c. 862; 2013, c. 583; 2015, c. 699.

§ 2.2-3109.1. Prohibited contracts; additional exclusions for contracts by officers and employees of hospital authorities

A. As used in this section, "hospital authority" means a hospital authority established pursuant to Chapter 53 (§ 15.2-5300 et seq.) of Title 15.2 or an Act of Assembly.

B. The provisions of § 2.2-3109 shall not apply to:

1. The personal interest of an officer or employee of a hospital authority in additional contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided (i) the officer or employee and the immediate family member are licensed members of the medical profession or hold administrative support positions at the hospital authority, (ii) the governing board of the hospital authority finds that it is in the best interests of the hospital authority and the county, city, or town for such dual employment to

exist, and (iii) after such finding, the governing board of the hospital authority ensures that neither the officer or employee, nor the immediate family member, has sole authority to supervise, evaluate, or make personnel decisions regarding the other;

2. Subject to approval by the governing board of the hospital authority, an officer or employee's personal interest in a contract between his hospital authority and a professional entity that operates a clinical practice at any medical facilities of such other hospital authority and of which such officer or employee is a member or employee;

3. Subject to approval by the relevant governing body, an officer or employee's personal interest in a contract for research and development or commercialization of intellectual property between the hospital authority and a business in which the employee has a personal interest, provided (i) the officer or employee's personal interest has been disclosed to and approved by the hospital authority prior to the time at which the contract is entered into; (ii) the officer or employee promptly files a disclosure statement pursuant to § 2.2-3117 and thereafter files such statement annually on or before January 15; (iii) the local hospital authority has established a formal policy regarding such contracts in conformity with any applicable federal regulations that has been approved by its governing body; and (iv) no later than December 31 of each year, the local hospital authority files an annual report with the Virginia Conflict of Interest and Ethics Advisory Council disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the hospital authority's employee responsible for administering each contract, the details of such hospital authority's commitment or investment of resources or finances for each contract, and any other information requested by the Virginia Conflict of Interest and Ethics Advisory Council; or

4. Subject to approval by the relevant governing body, an officer or employee's personal interest in a contract between the hospital authority and a business in which the officer or employee has a personal interest, provided (i) the personal interest has been disclosed to the hospital authority prior to the time the contract is entered into; (ii) the officer or employee files a disclosure statement pursuant to § 2.2-3117 and thereafter annually on or before January 15; (iii) the officer or employee does not participate in the hospital authority's decision to contract; (iv) the president or chief executive officer of the hospital authority finds and certifies in writing that the contract is for goods and services needed for quality patient care, including related medical education or research, by any of the hospital authority's medical facilities or any of its affiliated organizations, or is otherwise necessary for the fulfillment of its mission, including but not limited to the acquisition of drugs, therapies, and medical technologies; and (v) no later than December 31 of each year, the hospital authority files an annual report with the Virginia Conflict of Interest and Ethics Advisory Council disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the hospital authority's employee responsible for administering each contract, the details of the hospital authority's commitment or investment of resources or finances for each contract, and any other information requested by the Virginia Conflict of Interest and Ethics Advisory Council.

C. Notwithstanding the provisions of subdivisions B 3 and B 4, if the research and development or commercialization of intellectual property or the officer or employee's personal interest in a contract with a business is subject to policies and regulations governing conflicts of interest promulgated by any agency of the United States government, including the adoption of policies

requiring the disclosure and management of such conflicts of interest, the policies established by the hospital authority pursuant to such federal requirements shall constitute compliance with subdivisions B 3 and B 4, upon notification by the hospital authority to the Virginia Conflict of Interest and Ethics Advisory Council by January 31 of each year of evidence of its compliance with such federal policies and regulations.

D. The governing body may delegate the authority granted under subdivision B 2 to the president or chief executive officer of hospital authority. If the board elects to delegate such authority, the board shall include this delegation of authority in the formal policy required by clause (iii) of subdivision B 3. In those instances where the board has delegated such authority, on or before December 1 of each year, the president or chief executive officer of the hospital authority shall file a report with the relevant governing body disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the hospital authority's employee responsible for administering each contract, the details of the hospital authority's commitment or investment of resources or finances for each contract, the details of how revenues are to be dispersed, and any other information requested by the governing body.

2015, c. 699;2016, cc. 773, 774.

§ 2.2-3110. Further exceptions

A. The provisions of Article 3 (§ 2.2-3106 et seq.) shall not apply to:

1. The sale, lease or exchange of real property between an officer or employee and a governmental agency, provided the officer or employee does not participate in any way as such officer or employee in such sale, lease or exchange, and this fact is set forth as a matter of public record by the governing body of the governmental agency or by the administrative head thereof;
2. The publication of official notices;
3. Contracts between the government or school board of a county, city, or town with a population of less than 10,000 and an officer or employee of that county, city, or town government or school board when the total of such contracts between the government or school board and the officer or employee of that government or school board or a business controlled by him does not exceed \$5,000 per year or such amount exceeds \$5,000 and is less than \$25,000 but results from contracts arising from awards made on a sealed bid basis, and such officer or employee has made disclosure as provided for in § 2.2-3115;
4. An officer or employee whose sole personal interest in a contract with the governmental agency is by reason of income from the contracting firm or governmental agency in excess of \$5,000 per year, provided the officer or employee or a member of his immediate family does not participate and has no authority to participate in the procurement or letting of such contract on behalf of the contracting firm and the officer or employee either does not have authority to participate in the procurement or letting of the contract on behalf of his governmental agency or he disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating the contract or in approving the contract;
5. When the governmental agency is a public institution of higher education, an officer or employee whose personal interest in a contract with the institution is by reason of an ownership in the contracting firm in excess of three percent of the contracting firm's equity or such

ownership interest and income from the contracting firm is in excess of \$5,000 per year, provided that (i) the officer or employee's ownership interest, or ownership and income interest, and that of any immediate family member in the contracting firm is disclosed in writing to the president of the institution, which writing certifies that the officer or employee has not and will not participate in the contract negotiations on behalf of the contracting firm or the institution, (ii) the president of the institution, or an officer or administrator designated by the president of the institution to make findings imposed by this section, makes a written finding as a matter of public record that the contract is in the best interests of the institution, (iii) the officer or employee either does not have authority to participate in the procurement or letting of the contract on behalf of the institution or disqualifies himself as a matter of public record, and (iv) the officer or employee does not participate on behalf of the institution in negotiating the contract or approving the contract;

6. Except when the governmental agency is the Virginia Retirement System, contracts between an officer's or employee's governmental agency and a public service corporation, financial institution, or company furnishing public utilities in which the officer or employee has a personal interest, provided the officer or employee disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating the contract or in approving the contract;

7. Contracts for the purchase of goods or services when the contract does not exceed \$500;

8. Grants or other payment under any program wherein uniform rates for, or the amounts paid to, all qualified applicants are established solely by the administering governmental agency;

9. An officer or employee whose sole personal interest in a contract with his own governmental agency is by reason of his marriage to his spouse who is employed by the same agency, if the spouse was employed by such agency for five or more years prior to marrying such officer or employee;

10. Contracts entered into by an officer or employee or immediate family member of an officer or employee of a soil and water conservation district created pursuant to Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1 to participate in the Virginia Agricultural Best Management Practices Cost-Share Program (the Program) established in accordance with § 10.1-546.1 or to participate in other cost-share programs for the installation of best management practices to improve water quality. This subdivision shall not apply to subcontracts or other agreements entered into by an officer or employee of a soil and water conservation district to provide services for implementation of a cost-share contract established under the Program or such other cost-share programs; or

11. Contracts entered into by an officer or immediate family member of an officer of the Marine Resources Commission for goods or services for shellfish replenishment, provided that such officer or immediate family member does not participate in (i) awarding the contract, (ii) authorizing the procurement, or (iii) authorizing the use of alternate procurement methods pursuant to § 28.2-550.

B. Neither the provisions of this chapter nor, unless expressly provided otherwise, any amendments thereto shall apply to those employment contracts or renewals thereof or to any other contracts entered into prior to August 1, 1987, which were in compliance with either the former Virginia Conflict of Interests Act, Chapter 22 (§ 2.1-347 et seq.) or the former

Comprehensive Conflict of Interests Act, Chapter 40 (§ 2.1-599 et seq.) of Title 2.1 at the time of their formation and thereafter. Those contracts shall continue to be governed by the provisions of the appropriate prior Act. Notwithstanding the provisions of subdivision (f)(4) of former § 2.1-348 of Title 2.1 in effect prior to July 1, 1983, the employment by the same governmental agency of an officer or employee and spouse or any other relative residing in the same household shall not be deemed to create a material financial interest except when one of such persons is employed in a direct supervisory or administrative position, or both, with respect to such spouse or other relative residing in his household and the annual salary of such subordinate is \$35,000 or more.

1987, Sp. Sess., c. 1, § 2.1-639.9; 1990, c. 51; 1993, c. 303; 1994, cc. 450, 713; 1997, c. 641; 2001, c. 844; 2006, c. 839; 2010, cc. 301, 304; 2016, cc. 351, 531; 2017, cc. 150, 546, 829, 832; 2018, c. 742; 2020, c. 777.

Article 3. Prohibited Conduct Relating to Contracts

§ 2.2-3111. Application

This article proscribes certain conduct by state and local government officers and employees having a personal interest in a transaction.

1987, Sp. Sess., c. 1, § 2.1-639.10; 2001, c. 844.

§ 2.2-3112. Prohibited conduct concerning personal interest in a transaction; exceptions

A. Each officer and employee of any state or local governmental or advisory agency who has a personal interest in a transaction shall disqualify himself from participating in the transaction if (i) the transaction has application solely to property or a business or governmental agency in which he has a personal interest or a business that has a parent-subsidiary or affiliated business entity relationship with the business in which he has a personal interest or (ii) he is unable to participate pursuant to subdivision B 1, 2, or 3. Any disqualification under the provisions of this subsection shall be recorded in the public records of the officer's or employee's governmental or advisory agency. The officer or employee shall disclose his personal interest as required by subsection E of § 2.2-3114 or subsection F of § 2.2-3115 and shall not vote or in any manner act on behalf of his agency in the transaction. The officer or employee shall be prohibited from (i) attending any portion of a closed meeting authorized by the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) when the matter in which he has a personal interest is discussed and (ii) discussing the matter in which he has a personal interest with other governmental officers or employees at any time.

B. An officer or employee of any state or local government or advisory agency who has a personal interest in a transaction may participate in the transaction:

1. If he is a member of a business, profession, occupation, or group of three or more persons the members of which are affected by the transaction, and he complies with the declaration requirements of subsection F of § 2.2-3114 or subsection H of § 2.2-3115;
2. When a party to the transaction is a client of his firm if he does not personally represent or provide services to such client and he complies with the declaration requirements of subsection G of § 2.2-3114 or subsection I of § 2.2-3115; or
3. If it affects the public generally, even though his personal interest, as a member of the public, may also be affected by that transaction.

C. Disqualification under the provisions of this section shall not prevent any employee having a personal interest in a transaction in which his agency is involved from representing himself or a member of his immediate family in such transaction provided he does not receive compensation for such representation and provided he complies with the disqualification and relevant disclosure requirements of this chapter.

D. Notwithstanding any other provision of law, if disqualifications of officers or employees in accordance with this section leave less than the number required by law to act, the remaining member or members shall constitute a quorum for the conduct of business and have authority to act for the agency by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members.

Notwithstanding any provisions of this chapter to the contrary, members of a local governing body whose sole interest in any proposed sale, contract of sale, exchange, lease or conveyance is by virtue of their employment by a business involved in a proposed sale, contract of sale, exchange, lease or conveyance, and where such member's or members' vote is essential to a constitutional majority required pursuant to Article VII, Section 9 of the Constitution of Virginia and § 15.2-2100, such member or members of the local governing body may vote and participate in the deliberations of the governing body concerning whether to approve, enter into or execute such sale, contract of sale, exchange, lease or conveyance. Official action taken under circumstances that violate this section may be rescinded by the agency on such terms as the interests of the agency and innocent third parties require.

E. The provisions of subsection A shall not prevent an officer or employee from participating in a transaction merely because such officer or employee is a party in a legal proceeding of a civil nature concerning such transaction.

F. The provisions of subsection A shall not prevent an employee from participating in a transaction regarding textbooks or other educational material for students at state institutions of higher education, when those textbooks or materials have been authored or otherwise created by the employee.

G. The provisions of this section shall not prevent any justice of the Supreme Court of Virginia, judge of the Court of Appeals of Virginia, judge of any circuit court, judge or substitute judge of any district court, member of the State Corporation Commission, or member of the Virginia Workers' Compensation Commission from participating in a transaction where such individual's participation involves the performance of adjudicative responsibilities as set forth in Canon 3 of the Canons of Judicial Conduct for the State of Virginia. However, nothing in this subsection shall be construed to authorize such individual's participation in a transaction if such participation would constitute a violation of the Canons of Judicial Conduct for the State of Virginia.

1987, Sp. Sess., c. 1, § 2.1-639.11; 2001, c. 844; 2003, c. 694; 2007, c. 613; 2012, c. 429; 2017, cc. 829, 832.

Article 4. Prohibited Conduct Relating to Transactions

§ 2.2-3113. Application

This article requires disclosure of certain personal and financial interests by state and local government officers and employees.

1987, Sp. Sess., c. 1, § 2.1-639.12; 2001, c. 844.

§ 2.2-3114. Disclosure by state officers and employees

A. In accordance with the requirements set forth in § 2.2-3118.2, the Governor, Lieutenant Governor, Attorney General, Justices of the Supreme Court, judges of the Court of Appeals, judges of any circuit court, judges and substitute judges of any district court, members of the State Corporation Commission, members of the Virginia Workers' Compensation Commission, members of the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, members of the Board of Directors of the Virginia Alcoholic Beverage Control Authority, members of the Board of the Virginia College Savings Plan, and members of the Virginia Lottery Board and other persons occupying such offices or positions of trust or employment in state government, including members of the governing bodies of authorities, as may be designated by the Governor, or officers or employees of the legislative branch, as may be designated by the Joint Rules Committee of the General Assembly, shall file with the Council, as a condition to assuming office or employment, a disclosure statement of their personal interests and such other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

B. In accordance with the requirements set forth in § 2.2-3118.2, nonsalaried citizen members of all policy and supervisory boards, commissions and councils in the executive branch of state government, other than the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, members of the Board of the Virginia College Savings Plan, and the Virginia Lottery Board, shall file with the Council, as a condition to assuming office, a disclosure form of their personal interests and such other information as is required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such form annually on or before February 1. Nonsalaried citizen members of other boards, commissions and councils, including advisory boards and authorities, may be required to file a disclosure form if so designated by the Governor, in which case the form shall be that prescribed by the Council pursuant to § 2.2-3118.

C. The disclosure forms required by subsections A and B shall be made available by the Council at least 30 days prior to the filing deadline. Disclosure forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. All forms shall be maintained as public records for five years in the office of the Council. Such forms shall be made public no later than six weeks after the filing deadline.

D. Candidates for the offices of Governor, Lieutenant Governor or Attorney General shall file a disclosure statement of their personal interests as required by § 24.2-502.

E. Any officer or employee of state government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subsection A of § 2.2-3112, or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall also be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental agency or advisory agency or, if the agency has a clerk, in the clerk's office.

F. An officer or employee of state government who is required to declare his interest pursuant to subdivision B 1 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

G. An officer or employee of state government who is required to declare his interest pursuant to subdivision B 2 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

H. Notwithstanding any other provision of law, chairs of departments at a public institution of higher education in the Commonwealth shall not be required to file the disclosure form prescribed by the Council pursuant to § 2.2-3117 or 2.2-3118.

1987, Sp. Sess., c. 1, § 2.1-639.13; 1988, cc. 767, 849; 1992, c. 710; 1993, c. 303; 1997, c. 641; 2001, cc. 217, 844; 2003, c. 694; 2005, c. 169; 2006, c. 779; 2014, cc. 225, 792, 804; 2015, cc. 763, 777; 2016, cc. 773, 774; 2017, cc. 829, 832; 2018, c. 528.

§ 2.2-3114.1. Filings of statements of economic interests by General Assembly members

The filing of a current statement of economic interests by a General Assembly member, member-elect, or candidate for the General Assembly pursuant to §§ 30-110 and 30-111 of the General Assembly Conflicts of Interests Act (§ 30-100 et seq.) shall suffice for the purposes of this chapter. The Secretary of the Commonwealth may obtain from the Council a copy of the statement of a General Assembly member who is appointed to a position for which a statement is required pursuant to § 2.2-3114. No General Assembly member, member-elect, or candidate shall be required to file a separate statement of economic interests for the purposes of § 2.2-3114.

2002, c. 36; 2015, cc. 763, 777.

§ 2.2-3114.2. Report of gifts by certain officers and employees of state government

The Governor, Lieutenant Governor, Attorney General, and each member of the Governor's Cabinet shall file, on or before May 1, a report of gifts accepted or received by him or a member of his immediate family during the period beginning on January 1 complete through adjournment sine die of the regular session of the General Assembly. The gift report shall be on a form prescribed by the Council and shall be filed electronically with the Council in accordance with

the standards approved by it pursuant to § 30-356. For purposes of this section, "adjournment sine die" means adjournment on the last legislative day of the regular session and does not include the ensuing reconvened session. Any gifts reported pursuant to this section shall not be listed on the annual disclosure form prescribed by the Council pursuant to § 2.2-3117.

2016, cc. 773, 774.

§ 2.2-3115. Disclosure by local government officers and employees

A. In accordance with the requirements set forth in § 2.2-3118.2, the members of every governing body and school board of each county and city and of towns with populations in excess of 3,500 and the executive director and members of each industrial development authority and economic development authority, as created by the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

In accordance with the requirements set forth in § 2.2-3118.2, the members of the governing body of any authority established in any county or city, or part or combination thereof, and having the power to issue bonds or expend funds in excess of \$10,000 in any fiscal year, other than the executive director and members of each industrial development authority and economic development authority, as created by the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), shall file, as a condition to assuming office, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such a statement annually on or before February 1, unless the governing body of the jurisdiction that appoints the members requires that the members file the form set forth in § 2.2-3117.

In accordance with the requirements set forth in § 2.2-3118.2, the members of the Northern Virginia Transportation Authority and the Northern Virginia Transportation Commission shall file, as a condition to assuming office, a disclosure of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such a statement annually on or before February 1.

In accordance with the requirements set forth in § 2.2-3118.2, persons occupying such positions of trust appointed by governing bodies and persons occupying such positions of employment with governing bodies as may be designated to file by ordinance of the governing body shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

In accordance with the requirements set forth in § 2.2-3118.2, persons occupying such positions of trust appointed by school boards and persons occupying such positions of employment with school boards as may be designated to file by an adopted policy of the school board shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

B. In accordance with the requirements set forth in § 2.2-3118.2, nonsalaried citizen members of local boards, commissions and councils as may be designated by the governing body shall file, as

a condition to assuming office, a disclosure form of their personal interests and such other information as is required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such form annually on or before February 1.

C. No person shall be mandated to file any disclosure not otherwise required by this article.

D. The disclosure forms required by subsections A and B shall be made available by the Virginia Conflict of Interest and Ethics Advisory Council at least 30 days prior to the filing deadline, and the clerks of the governing body and school board shall distribute the forms to designated individuals at least 20 days prior to the filing deadline. Forms shall be filed and maintained as public records for five years in the office of the clerk of the respective governing body or school board. Forms filed by members of governing bodies of authorities shall be filed and maintained as public records for five years in the office of the clerk of the governing body of the county or city. Such forms shall be made public no later than six weeks after the filing deadline.

E. Candidates for membership in the governing body or school board of any county, city or town with a population of more than 3,500 persons shall file a disclosure statement of their personal interests as required by § 24.2-502.

F. Any officer or employee of local government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subsection A of § 2.2-3112 or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental or advisory agency.

G. In addition to any disclosure required by subsections A and B, in each county and city and in towns with populations in excess of 3,500, members of planning commissions, boards of zoning appeals, real estate assessors, and all county, city and town managers or executive officers shall make annual disclosures of all their interests in real estate located in the county, city or town in which they are elected, appointed, or employed. Such disclosure shall include any business in which such persons own an interest, or from which income is received, if the primary purpose of the business is to own, develop or derive compensation through the sale, exchange or development of real estate in the county, city or town. In accordance with the requirements set forth in § 2.2-3118.2, such disclosure shall be filed as a condition to assuming office or employment, and thereafter shall be filed annually with the clerk of the governing body of such county, city, or town on or before February 1. Such disclosures shall be filed and maintained as public records for five years. Such forms shall be made public no later than six weeks after the filing deadline. Forms for the filing of such reports shall be made available by the Virginia Conflict of Interest and Ethics Advisory Council to the clerk of each governing body.

H. An officer or employee of local government who is required to declare his interest pursuant to subdivision B 1 of § 2.2-3112 shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or

administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day. The officer or employee shall also orally disclose the existence of the interest during each meeting of the governmental or advisory agency at which the transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.

I. An officer or employee of local government who is required to declare his interest pursuant to subdivision B 2 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

J. The clerk of the governing body or school board that releases any form to the public pursuant to this section shall redact from the form any residential address, personal telephone number, email address, or signature contained on such form; however, any form filed pursuant to subsection G shall not have any residential addresses redacted.

1987, Sp. Sess., c. 1, § 2.1-639.14; 1988, c. 849; 1995, c. 495; 1996, c. 526; 2000, c. 317; 2001, cc. 217, 844; 2003, c. 694; 2012, c. 429; 2014, cc. 792, 804; 2015, cc. 763, 777; 2016, cc. 773, 774; 2017, cc. 829, 832; 2020, cc. 73, 77, 81, 111.

§ 2.2-3116. Disclosure by certain constitutional officers

For the purposes of this chapter, holders of the constitutional offices of treasurer, sheriff, attorney for the Commonwealth, clerk of the circuit court, and commissioner of the revenue of each county and city shall be required to file with the Council, as a condition to assuming office, the Statement of Economic Interests prescribed by the Council pursuant to § 2.2-3117. These officers shall file statements annually on or before February 1. Candidates shall file statements as required by § 24.2-502. Statements shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. These officers shall be subject to the prohibition on certain gifts set forth in subsection B of § 2.2-3103.1.

1988, c. 469, § 2.1-639.14:1; 2001, c. 844; 2014, cc. 792, 804; 2015, cc. 763, 777; 2016, cc. 773, 774; 2017, cc. 829, 832.

§ 2.2-3117. Disclosure form

The disclosure form to be used for filings required by subsections A and D of § 2.2-3114 and subsections A and E of § 2.2-3115 shall be prescribed by the Council. Except as otherwise provided in § 2.2-3115, all completed forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. Any person who knowingly and intentionally makes a false statement of a material fact on the Statement of Economic Interests is guilty of a Class 5 felony.

1987, Sp. Sess., c. 1, § 2.1-639.15; 1988, c. 849; 1994, cc. 724, 733, 777, 793; 1995, c. 763; 1996, c. 77; 1997, cc. 577, 844; 1998, c. 732; 2001, c. 844; 2006, cc. 310, 779, 787, 892; 2008, c. 239; 2010, c. 670; 2012, c. 429; 2014, cc. 792, 804; 2015, cc. 763, 777; 2016, cc. 773, 774.

§ 2.2-3118. Disclosure form; certain citizen members

The financial disclosure form to be used for filings required pursuant to subsection B of § 2.2-3114 and subsection B of § 2.2-3115 shall be filed in accordance with the provisions of § 30-356. The financial disclosure form shall be prescribed by the Council. Except as otherwise provided in § 2.2-3115, all completed forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356.

1988, c. 849, § 2.1-639.15:1; 1996, c. 77; 2001, c. 844; 2006, c. 779; 2011, cc. 123, 177; 2014, cc. 792, 804; 2015, cc. 763, 777; 2016, cc. 773, 774.

§ 2.2-3118.1. Special provisions for individuals serving in or seeking multiple positions or offices; reappointees

A. The filing of a single current statement of economic interests by an individual required to file the form prescribed in § 2.2-3117 shall suffice for the purposes of this chapter as filing for all positions or offices held or sought by such individual during the course of a calendar year. The filing of a single current financial disclosure statement by an individual required to file the form prescribed in § 2.2-3118 shall suffice for the purposes of this chapter as filing for all positions or offices held or sought by such individual and requiring the filing of the § 2.2-3118 form during the course of a calendar year.

B. Any individual who has met the requirement for annually filing a statement provided in § 2.2-3117 or 2.2-3118 shall not be required to file an additional statement upon such individual's reappointment to the same office or position for which he is required to file, provided such reappointment occurs within 12 months after filing such annual statement.

2005, c. 397; 2014, cc. 792, 804; 2016, cc. 773, 774; 2018, c. 529.

§ 2.2-3118.2. Disclosure form; filing requirements

A. An officer or employee required to file an annual disclosure on or before February 1 pursuant to this article shall disclose his personal interests and other information as required on the form prescribed by the Council for the preceding calendar year complete through December 31. An officer or employee required to file a disclosure as a condition to assuming office or employment shall file such disclosure on or before the day such office or position of employment is assumed and disclose his personal interests and other information as required on the form prescribed by the Council for the preceding 12-month period complete through the last day of the month immediately preceding the month in which the office or position of employment is assumed; however, any officer or employee who assumes office or a position of employment in January shall be required to only file an annual disclosure on or before February 1 for the preceding calendar year complete through December 31.

B. When the deadline for filing any disclosure pursuant to this article falls on a Saturday, Sunday, or legal holiday, the deadline for filing shall be the next day that is not a Saturday, Sunday, or legal holiday.

2017, cc. 829, 832.

Article 5. Disclosure Statements Required to Be Filed

§ 2.2-3119. Additional provisions applicable to school boards and employees of school boards; exceptions

A. Notwithstanding any other provision of this chapter, it shall be unlawful for the school board of any county or city or of any town constituting a separate school division to employ or pay any teacher or other school board employee from the public funds, federal, state or local, or for a division superintendent to recommend to the school board the employment of any teacher or other employee, if the teacher or other employee is the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law or brother-in-law of the superintendent, or of any member of the school board.

This section shall apply to any person employed by any school board in the operation of the public free school system, adult education programs or any other program maintained and operated by a local county, city or town school board.

B. This section shall not be construed to prohibit the employment, promotion, or transfer within a school division of any person within a relationship described in subsection A when such person:

1. Has been employed pursuant to a written contract with a school board or employed as a substitute teacher or teacher's aide by a school board prior to the taking of office of any member of such board or division superintendent of schools; or
2. Has been employed pursuant to a written contract with a school board or employed as a substitute teacher or teacher's aide by a school board prior to the inception of such relationship; or
3. Was employed by a school board at any time prior to June 10, 1994, and had been employed at any time as a teacher or other employee of any Virginia school board prior to the taking of office of any member of such school board or division superintendent of schools.

C. A person employed as a substitute teacher may not be employed to any greater extent than he was employed by the school board in the last full school year prior to the taking of office of such board member or division superintendent or to the inception of such relationship. The exceptions in subdivisions B 1, B 2, and B 3 shall apply only if the prior employment has been in the same school divisions where the employee and the superintendent or school board member now seek to serve simultaneously.

D. If any member of the school board or any division superintendent knowingly violates these provisions, he shall be personally liable to refund to the local treasury any amounts paid in violation of this law, and the funds shall be recovered from the individual by action or suit in the name of the Commonwealth on the petition of the attorney for the Commonwealth. Recovered funds shall be paid into the local treasury for the use of the public schools.

E. The provisions of this section shall not apply to employment by any school district of the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law of any member of the school board, provided that (i) the member certifies that he had no involvement with the hiring decision and (ii) the superintendent certifies to the remaining members of the governing body in writing that the employment is based upon merit and fitness and the competitive rating of the qualifications of the individual and that no member

of the board had any involvement with the hiring decision.

F. The provisions of this section shall not apply to the employment by any school district of the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law of any division superintendent, provided that (i) the superintendent certifies that he had no involvement with the hiring decision and (ii) the assistant superintendent certifies to the members of the governing body in writing that the employment is based upon merit and fitness and the competitive rating of the qualifications of the individual and that the superintendent of the division had no involvement with the hiring decision.

1987, Sp. Sess., c. 1, § 2.1-639.16; 1994, c. 758; 1995, c. 186; 1997, c. 84; 2001, c. 844; 2010, cc. 676, 759; 2011, c. 517; 2017, cc. 146, 515; 2018, cc. 483, 520; 2019, c. 641.

Article 6. School Boards and Employees of School Boards

§ 2.2-3120. Knowing violation of chapter a misdemeanor

Any person who knowingly violates any of the provisions of Articles 2 through 6 (§§ 2.2-3102 through 2.2-3119) of this chapter shall be guilty of a Class 1 misdemeanor, except that any member of a local governing body who knowingly violates subsection A of § 2.2-3112 or subsection D or F of § 2.2-3115 shall be guilty of a Class 3 misdemeanor. A knowing violation under this section is one in which the person engages in conduct, performs an act or refuses to perform an act when he knows that the conduct is prohibited or required by this chapter.

1987, Sp. Sess., c. 1, § 2.1-639.17; 2001, c. 844; 2012, c. 429.

§ 2.2-3121. Advisory opinions

A. A state officer or employee shall not be prosecuted for a knowing violation of this chapter if the alleged violation resulted from his good faith reliance on a written opinion of the Attorney General or a formal opinion or written informal advice of the Council made in response to his written request for such opinion or advice and the opinion or advice was made after a full disclosure of the facts regardless of whether such opinion or advice is later withdrawn provided the alleged violation occurred prior to the withdrawal of the opinion or advice.

B. A local officer or employee shall not be prosecuted for a knowing violation of this chapter if the alleged violation resulted from his good faith reliance on a written opinion of the attorney for the Commonwealth or a formal opinion or written informal advice of the Council made in response to his written request for such opinion or advice and the opinion or advice was made after a full disclosure of the facts regardless of whether such opinion or advice is later withdrawn, provided that the alleged violation occurred prior to the withdrawal of the opinion or advice. The written opinion of the attorney for the Commonwealth shall be a public record and shall be released upon request.

C. If any officer or employee serving at the local level of government is charged with a knowing violation of this chapter, and the alleged violation resulted from his reliance upon a written opinion of his county, city, or town attorney, made after a full disclosure of the facts, that such action was not in violation of this chapter, then the officer or employee shall have the right to introduce a copy of the opinion at his trial as evidence that he did not knowingly violate this chapter.

1987, Sp. Sess., c. 1, § 2.1-639.18; 2001, c. 844; 2003, c. 694; 2014, cc. 792, 804; 2015, cc. 763, 777; 2016, c. 665; 2017, cc. 829, 832.

§ 2.2-3122. Knowing violation of chapter constitutes malfeasance in office or employment

Any person who knowingly violates any of the provisions of this chapter shall be guilty of malfeasance in office or employment. Upon conviction thereof, the judge or jury trying the case, in addition to any other fine or penalty provided by law, may order the forfeiture of such office or employment.

1987, Sp. Sess., c. 1, § 2.1-639.19; 2001, c. 844.

§ 2.2-3123. Invalidation of contract; rescision of sales

A. Any contract made in violation of § 2.2-3103 or §§ 2.2-3106 through 2.2-3109 may be declared void and may be rescinded by the governing body of the contracting or selling governmental agency within five years of the date of such contract. In cases in which the contract is invalidated, the contractor shall retain or receive only the reasonable value, with no increment for profit or commission, of the property or services furnished prior to the date of receiving notice that the contract has been voided. In cases of rescision of a contract of sale, any refund or restitution shall be made to the contracting or selling governmental agency.

B. Any purchase by an officer or employee made in violation of § 2.2-3103 or §§ 2.2-3106 through 2.2-3109 may be rescinded by the governing body of the contracting or selling governmental agency within five years of the date of such purchase.

1987, Sp. Sess., c. 1, § 2.1-639.20; 2001, c. 844.

§ 2.2-3124. Civil penalty from violation of this chapter

A. In addition to any other fine or penalty provided by law, an officer or employee who knowingly violates any provision of §§ 2.2-3103 through 2.2-3112 shall be subject to a civil penalty in an amount equal to the amount of money or thing of value received as a result of such violation. If the thing of value received by the officer or employee in violation of §§ 2.2-3103 through 2.2-3112 increases in value between the time of the violation and the time of discovery of the violation, the greater value shall determine the amount of the civil penalty. Further, all money or other things of value received as a result of such violation shall be forfeited in accordance with the provisions of § 19.2-386.33.

B. An officer or employee required to file the disclosure form prescribed by § 2.2-3117 who fails to file such form within the time period prescribed shall be assessed a civil penalty in an amount equal to \$250. The Council shall notify the Attorney General of any state officer's or employee's failure to file the required form and the Attorney General shall assess and collect the civil penalty. The clerk of the school board or the clerk of the governing body of the county, city, or town shall notify the attorney for the Commonwealth for the locality in which the officer or employee was elected or is employed of any local officer's or employee's failure to file the required form and the attorney for the Commonwealth shall assess and collect the civil penalty. The Council shall notify the Attorney General and the clerk shall notify the attorney for the Commonwealth within 30 days of the deadline for filing. All civil penalties collected pursuant to this subsection shall be deposited into the general fund and used exclusively to fund the Council.

1987, Sp. Sess., c. 1, § 2.1-639.21; 1994, cc. 727, 776; 2001, c. 844; 2012, cc. 283, 756; 2015, cc. 763, 777.

§ 2.2-3125. Limitation of actions

The statute of limitations for the criminal prosecution of a person for violation of any provision

of this chapter shall be one year from the time the Attorney General, if the violation is by a state officer or employee, or the attorney for the Commonwealth, if the violation is by a local officer or employee, has actual knowledge of the violation or five years from the date of the violation, whichever event occurs first. Any prosecution for malfeasance in office shall be governed by the statute of limitations provided by law.

1987, Sp. Sess., c. 1, § 2.1-639.22; 2001, c. 844.

§ 2.2-3126. Enforcement

A. The provisions of this chapter relating to an officer or employee serving at the state level of government shall be enforced by the Attorney General.

In addition to any other powers and duties prescribed by law, the Attorney General shall have the following powers and duties within the area for which he is responsible under this section:

1. He shall advise the agencies of state government and officers and employees serving at the state level of government on appropriate procedures for complying with the requirements of this chapter. He may review any disclosure statements, without notice to the affected person, for the purpose of determining satisfactory compliance, and shall investigate matters that come to his attention reflecting possible violations of the provisions of this chapter by officers and employees serving at the state level of government;

2. If he determines that there is a reasonable basis to conclude that any officer or employee serving at the state level of government has knowingly violated any provision of this chapter, he shall designate an attorney for the Commonwealth who shall have complete and independent discretion in the prosecution of such officer or employee;

3. He shall render advisory opinions to any state officer or employee who seeks advice as to whether the facts in a particular case would constitute a violation of the provisions of this chapter. He shall determine which opinions or portions thereof are of general interest to the public and may, from time to time, be published.

Irrespective of whether an opinion of the Attorney General has been requested and rendered, any person has the right to seek a declaratory judgment or other judicial relief as provided by law.

B. The provisions of this chapter relating to an officer or employee serving at the local level of government shall be enforced by the attorney for the Commonwealth within the political subdivision for which he is elected.

Each attorney for the Commonwealth shall be responsible for prosecuting violations by an officer or employee serving at the local level of government and, if the Attorney General designates such attorney for the Commonwealth, violations by an officer or employee serving at the state level of government. In the event the violation by an officer or employee serving at the local level of government involves more than one local jurisdiction, the Attorney General shall designate which of the attorneys for the Commonwealth of the involved local jurisdictions shall enforce the provisions of this chapter with regard to such violation.

Each attorney for the Commonwealth shall establish an appropriate written procedure for implementing the disclosure requirements of local officers and employees of his county, city or town, and for other political subdivisions, whose principal offices are located within the jurisdiction served by such attorney for the Commonwealth. The attorney for the Commonwealth

shall provide a copy of this act to all local officers and employees in the jurisdiction served by such attorney who are required to file a disclosure statement pursuant to Article 5 (§ 2.2-3113 et seq.) of this chapter. Failure to receive a copy of the act shall not be a defense to such officers and employees if they are prosecuted for violations of the act.

Each attorney for the Commonwealth shall render advisory opinions as to whether the facts in a particular case would constitute a violation of the provisions of this chapter to the governing body and any local officer or employee in his jurisdiction and to political subdivisions other than a county, city or town, including regional political subdivisions whose principal offices are located within the jurisdiction served by such attorney for the Commonwealth. If the advisory opinion is written, then such written opinion shall be a public record and shall be released upon request. In case the opinion given by the attorney for the Commonwealth indicates that the facts would constitute a violation, the officer or employee affected thereby may request that the Attorney General review the opinion. A conflicting opinion by the Attorney General shall act to revoke the opinion of the attorney for the Commonwealth. The Attorney General shall determine which of his reviewing opinions or portions thereof are of general interest to the public and may, from time to time, be published.

Irrespective of whether an opinion of the attorney for the Commonwealth or the Attorney General has been requested and rendered, any person has the right to seek a declaratory judgment or other judicial relief as provided by law.

1987, Sp. Sess., c. 1, § 2.1-639.23; 2001, c. 844; 2003, c. 694.

§ 2.2-3127. Venue

Any prosecution for a violation involving an officer serving at the state level of government shall be brought in the Circuit Court of the City of Richmond. Any prosecution for a violation involving an employee serving at the state level of government shall be within the jurisdiction in which the employee has his principal place of state employment.

Any proceeding provided in this chapter shall be brought in a court of competent jurisdiction within the county or city in which the violation occurs if the violation involves an officer or employee serving at the local level of government.

1987, Sp. Sess., c. 1, § 2.1-639.24; 2001, c. 844.

Article 7. Penalties and Remedies

§ 2.2-3128. Semiannual orientation course

Each state agency shall offer at least semiannually to each of its state filers an orientation course on this chapter, on ethics in public contracting pursuant to Article 6 (§ 2.2-4367 et seq.) of Chapter 43 of this title, if applicable to the filer, and on any other applicable regulations that govern the official conduct of state officers and employees.

2004, cc. 134, 392.

§ 2.2-3129. Records of attendance

Each state agency shall maintain records indicating the specific attendees, each attendee's job title, and dates of their attendance for each orientation course offered pursuant to § 2.2-3128 for a period of not less than five years after each course is given. These records shall be public records subject to inspection and copying consistent with § 2.2-3704.

2004, cc. 134, 392.

§ 2.2-3130. Attendance requirements

Except as set forth in § 2.2-3131, each state filer shall attend the orientation course required in § 2.2-3128, as follows:

1. For a state filer who holds a position with the agency on January 1, 2004, not later than December 31, 2004 and, thereafter, at least once during each consecutive period of two calendar years commencing on January 1, 2006.
2. For a person who becomes a state filer with the agency after January 1, 2004, within two months after he or she becomes a state filer and at least once during each consecutive period of two calendar years commencing on the first odd-numbered year thereafter.

2004, cc. 134, 392.

§ 2.2-3131. Exemptions

- A. The requirements of § 2.2-3130 shall not apply to state filers with a state agency who have taken an equivalent ethics orientation course through another state agency within the time periods set forth in subdivision 1 or 2 of § 2.2-3130, as applicable.
- B. State agencies may jointly conduct and state filers from more than one state agency may jointly attend an orientation course required by § 2.2-3128, as long as the course content is relevant to the official duties of the attending state filers.
- C. Before conducting each orientation course required by § 2.2-3128, state agencies shall consult with the Attorney General and the Virginia Conflict of Interest and Ethics Advisory Council regarding appropriate course content.

2004, cc. 134, 392; 2014, cc. 792, 804.

Article 8. Orientation for State Filers

§ 2.2-3132. Training on prohibited conduct and conflicts of interest

- A. The Council shall provide training sessions for local elected officials and the executive directors and members of industrial development authorities and economic development authorities, as created by the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), on the provisions of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). The Council may provide such training sessions by online means.
- B. Each local elected official and the executive director and members of each industrial development authority and economic development authority, as created by the Industrial Development and Revenue Bond Act, shall complete the training session described in subsection A within two months after assuming the local elected office and thereafter at least once during each consecutive period of two calendar years while he holds such office, commencing with the date on which he last completed a training session. No penalty shall be imposed on a local elected official or an executive director or member of an industrial development authority or an economic development authority for failing to complete a training session.
- C. The clerk of the respective governing body or school board shall maintain records indicating local elected officials and executive directors and members of industrial development authorities

and economic development authorities subject to the training requirement and the dates of their completion of a training session pursuant to subsection B. Such records shall be maintained as public records for five years in the office of the clerk of the respective governing body or school board.

2019, c. [530](#);2020, cc. [76](#), [80](#).



VIRGINIA
CONFLICT OF INTEREST AND
ETHICS ADVISORY COUNCIL

**AN INFORMAL GUIDE TO COMPLETING THE STATE AND LOCAL
STATEMENT OF ECONOMIC INTERESTS**

Introduction and Frequently Asked Questions

1. Who files the State and Local Statement of Economic Interests?

The State and Local Statement of Economic Interests (the Statement) is a required filing for all individuals designated to file pursuant to Va. Code §§ 2.2-3114, 2.2-3115, and 2.2-3116 and Executive Order 33. Additionally, candidates for certain state and local offices are required to file a Statement of Economic Interests to complete their application to appear on the ballot for election.

2. When do I file the Statement?

The Statement is filed annually, due on or before February 1. If February 1 falls on a weekend or state holiday, the deadline is moved to the next regular business day.

You are also required to file the Statement as a condition to assuming office or employment.

3. What is the reporting period?

For a regular annual filing, the Statement covers a reporting period of the immediately preceding year, from January 1 to December 31. This means that you **MAY NOT** sign, date, or submit your form prior to January 1. Such a filing is incomplete and **WILL NOT** satisfy your regular annual filing requirement.

For individuals filing the Statement as a condition to assuming office or employment or to complete their candidate application, the Statement covers a reporting period of the immediate 12-month period prior to the filing date. This filing **DOES NOT** satisfy your requirement for the annual February 1 filing, unless you assume your office or position during the month of January and filed your Statement between January 1 and February 1.¹ For example, if you file the Statement as a newly elected or appointed officer on December 15 as a condition to assuming office, you must file again between January 1 and February 1. If you assume your office or position on January 5, and file the Statement by February 1, you have satisfied both the requirement to file prior to assuming office and the annual filing requirement.

4. How do I file the Statement?

All state officers and employees and constitutional officers are required to file with the Virginia Conflict of Interest and Ethics Advisory Council (the Council) using the Council's online filing system.² The Council may **NOT** accept any filings submitted via mail, email, fax, or hand delivery.

State officers and employees and constitutional officers will receive an email each year reminding you of the filing deadline with instructions on how to access and log into the filing system. If the filing deadline is approaching and you have not yet received such an email, please contact ethics@dls.virginia.gov.

All local officers and employees are required to file with the clerk of the local governing body or school board. Your clerk is required to provide the appropriate form to you at least 20 days prior to the filing deadline.³ These forms are also available on the Council website. If the filing

¹ VA. CODE ANN. § § 2.2-3118.2

² VA. CODE ANN. § § 2.2-3114 (C) AND 2.2-3116.

³ VA. CODE ANN. § 2.2-3115 (D).

deadline is approaching and you have not received any communication from your local clerk, please contact them.

5. What happens if I do not file by the filing deadline?

For all state filers and constitutional officers, if you do not file by the filing deadline, the Council is required to include your name on a list of late filers that is sent to the Office of the Attorney General. The Attorney General is then required to assess and collect a fine of \$250 from you.⁴

For all local filers, if you do not file by the filing deadline, your clerk is required to include your name on a list of late filers that is sent to the local Commonwealth's Attorney. The Commonwealth's Attorney is then required to assess and collect a fine of \$250 from you.⁵

If you require a deadline extension, you may request one by submitting the deadline extension request form found on the Council's website.⁶ The Council has five business days to respond to a request. If the Council requests more information from you, the Council has five business days after receiving the information to respond to your request.

Deadline extensions are granted for:

1. The death of a relative of the filer, as relative is defined in the definition of "gift" in Article 3 or the Acts.
2. A state of emergency is declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 or declared by the President of the United States or the governor of another state pursuant to law and confirmed by the Governor by an executive order, and such an emergency interferes with the timely filing of disclosure forms. The extension shall be granted only for those filers in areas affected by such emergency.
3. The filer is a member of a uniformed service of the United States and is on active duty on the date of the filing deadline.
4. A failure of the Council's electronic filing system and the failure of such system prevents the timely filing of disclosure forms.
5. Good cause shown as determined by the Council.⁷

6. Are my filings available to the public? How long are my filings retained?

For state filers, your filed Statement is available to the public on a searchable database on the Council's website. Your filing is retained for five years.⁸

⁴ VA. CODE ANN. § 2.2-3124 (B). "An officer or employee required to file the disclosure form prescribed by § 2.2-3117 who fails to file such form within the time period prescribed shall be assessed a civil penalty in an amount equal to \$250. The Council shall notify the Attorney General of any state officer's or employee's failure to file the required form and the Attorney General shall assess and collect the civil penalty. The clerk of the school board or the clerk of the governing body of the county, city, or town shall notify the attorney for the Commonwealth for the locality in which the officer or employee was elected or is employed of any local officer's or employee's failure to file the required form and the attorney for the Commonwealth shall assess and collect the civil penalty. The Council shall notify the Attorney General and the clerk shall notify the attorney for the Commonwealth within 30 days of the deadline for filing."

⁵ *Id.*

⁶ <http://ethics.dls.virginia.gov/filing-resources.asp#extension>

⁷ VA. CODE ANN. § 30-356.2.

⁸ VA. CODE ANN. § 2.2-3114 (C).

For local filers, your filed Statement is open to the public. Your filing is retained for five years in the office of the appropriate clerk.⁹

7. What do I do if I need to amend a Statement I already submitted?

State filers and constitutional officers, please contact ethics@dls.virginia.gov.

Local filers please contact your local clerk.

8. Can I attach a list or spreadsheet of information for any of the schedules on the Statement instead of entering the information line by line?

No.

For individuals required to file with the Council using the Council's online filing system, the online filing system does not allow for uploads of any kind, and you may not add attachments as a substitute for properly filling out any portion of the Statement.

For local officers and employees filing on paper with your local clerk, **you may not add attachments as a substitute for properly filling out any portion of the Statement.** If you require more space than is provided on a schedule, please make additional copies of that schedule as needed to accommodate all necessary information.

⁹ VA. CODE ANN. § 2.2-3115 (D).

I. Statement of Economic Interests

In this section, you will provide your basic contact information and your signature.

1. List your first and last name, your office or position, and your agency.
2. Mark if you are filing the Statement as a candidate for election.
 - If you are filing the Statement to complete your application to appear on a ballot, check “yes.”
 - If you are filing the Statement as a condition to assuming office or employment or for your regular annual filing requirement, check “no.”
3. List your business address, office telephone number, home telephone number, and a working, current email address where you may be reached.
 - **DO NOT list your residential address.**
4. List the **first and last names** of all the members of your immediate family.
 - For the definition of immediate family, refer to the definitions accompanying the Statement.
 - **Please note that if you have minor children who are members of your immediate family, you may list them as “Minor Child A, Minor Child B, Minor Child C, etc.” instead of listing their names.**
5. This Statement must be completed on the basis of your “best knowledge, information, and belief” as of the date you submit it.
 - **A knowing and intentional false statement of material fact on the Statement is a Class 5 felony.**
6. Your signature affirms that the information you provide on the form is full, true, and correct to the best of your knowledge.

II. Schedule A: Offices, Directorships, and Employment

In this section, you will provide information regarding certain offices, director positions, and employment positions you and members of your immediate family hold.

1. If you or a member of your immediate family receive remuneration, benefits, or compensation as an officer or director of a business, mark “yes” to Question 1.¹⁰

- Service as an officer or director of a business for which you or your immediate family member receive no remuneration, benefits, or compensation (i.e. you serve on a completely non-compensated volunteer basis with no benefits) is not required to be disclosed in this section.

If neither you nor any member of your immediate family serve as such an officer or director, mark “no” to Question 1.

2. If you or a member of your immediate family is paid more than \$5,000 a year in salary or wages from any employer, NOT including salary received from a state or local governmental or advisory agency, mark “yes” to Question 2.

If neither you nor any member of your immediate family receive such salary or wages, mark “no” to Question 2.

3. If you mark “yes” to either Question 1 or Question 2, complete the table by listing the name of the business or employer for which you or a member of your immediate family serve as an officer, director, or employee.

List the city or county and state in which the business or employer is located.

- **DO NOT list any street addresses.**

List the position held by you or your immediate family member and the first and last name of the individual that holds the position.

Indicate if the position is an office or directorship or an employment position.

4. If you mark “no” to both Question 1 and Question 2, do not enter any information on the table and proceed to Schedule B.

EXAMPLE:

- You, Joseph Brown, are the paid CEO of XYZ Corporation.
- You are paid for your service as an officer with your agency.
- Your spouse volunteers on the local hospital board, for which she receives no benefits or compensation of any kind.
- Your daughter, age 15, who lives in your home and is your dependent, has a very lucrative paper route for which she earns \$7,000 from News Co.

¹⁰ See Virginia Conflict of Interest and Ethics Advisory Council Formal Advisory Opinion 2016-F-003 §§ 2.2-3117 & 30-311 Board of directors filers. <http://ethics.dls.virginia.gov/2016-F-003%202.2-3117%20&%2030-111%20Board%20of%20directors%20filers-1.pdf>

The table on Schedule A should be completed as follows:

NAME OF BUSINESS OR EMPLOYER	LOCATION OF BUSINESS OR EMPLOYER (CITY OR COUNTY, AND STATE)	POSITION HELD	BY WHOM	Check whether Office or Directorship OR Employment	
				OFFICE OR DIRECTORSHIP	EMPLOYMENT
XYZ Corp	Richmond, VA	CEO	Joseph Brown	✓	
News Co.	Alexandria, VA	News Delivery	Minor Child A		✓

You can see that you should disclose your position with XYZ Corporation because you are a paid officer of that entity.

You should disclose your daughter's employment with News Co. because she earns more than \$5,000 a year from that entity.

You should not disclose your compensation for your service as an officer with your agency. Additionally, you should not disclose your spouse's position on the hospital board because she receives no remuneration, benefits, or compensation for her service.

Finally, because your daughter is a minor, if you listed her as Minor Child A on the initial information section of the Statement, you may continue to do so throughout the form.

III. Schedule B: Personal Debts

In this section, you will provide information regarding certain debts owed by you and members of your immediate family.

1. If you personally owe more than \$5,000 to any one creditor, mark “yes” on Question 1. If not, mark “no.”

- When answering this question, you should INCLUDE contingent debts. For a definition of contingent debt, refer to the definitions accompanying the Statement.
- When answering this question, you should NOT include debts owed to any government or loans secured by a recorded lien on property if the lien is at least equal to the value of the loan. For reference, most home mortgages and car loans financed by a lender are secured by recorded liens. You should contact your lender to determine if your loan is secured by a recorded lien with a value at least equal to the value of the loan.

2. If a member of your immediate family owes more than \$5,000 to any one creditor, mark “yes” on Question 2. If you answer no, mark “no.”

- When answering this question, you should INCLUDE contingent debts. For a definition of contingent debt, refer to the definitions accompanying the Statement.
- When answering this question, you should NOT include debts owed to any government or loans secured by a recorded lien on property if the lien is at least equal to the value of the loan. For reference, most home mortgages and car loans financed by a lender are secured by recorded liens. You should contact the loan lender to determine if the loan is secured by a recorded lien with a value at least equal to the value of the loan.

3. If you answer “yes” to Question 1, complete Table(s) 1A, 1B, and/or 1C as applicable.

- If you owe a personal debt jointly with a member of your immediate family, you should disclose that debt as if you are solely liable for the debt. You should NOT repeat the debt in Table 2A, 2B, or 2C.
- If you owe a personal debt jointly with another person who is not a member of your immediate family, you should disclose only your portion of the debt.

4. Table 1A provides a list of categories of creditors. If you owe more than \$5,000 to any one creditor that fits into one of the categories, check the appropriate category and amount owed.

- When calculating the amount of debt you owe in each category, only include debts in excess of \$5,000.

5. If you owe a personal debt to a business creditor that does not fit into any of the categories listed in Table 1A, list that debt in Table 1B by listing the name of the business and its principal business activity.

6. If you owe a personal debt to an individual creditor that does not fit into any of the categories listed in Table 1A, list that debt in Table 1C by listing the name of the individual and his principal business or occupation.

EXAMPLE:

- You have three personal credit cards, each issued by a different lender, one with \$30,000 owed, one with \$4,000 owed, and one with \$17,000 owed.
- You have a home mortgage from your credit union, on which you owe \$12,000, which is secured by a recorded lien for which such lien value is greater than the amount of the loan.
- You have a student loan financed by the federal government on which you owe \$15,000.
- You and your spouse have a joint loan of \$67,000 borrowed from ACME Inc, a real estate company.
- You and your brother have a joint loan of \$75,000 borrowed from your father, Glen Brown, who is an engineer. You are legally liable for only half of the loan.

Tables 1A, 1B, and 1C of Schedule B should be completed as follows:

Table 1A. Creditor categories:

CHECK APPROPRIATE CATEGORIES	AMOUNT OF PERSONAL DEBT (check one)	
	\$5,001 to \$50,000	MORE THAN \$50,000
Banks, credit unions, and other savings institutions		
Other loan or finance companies		
Issuers of credit cards	✓	
Insurance companies		
Stock, commodity, or other brokerage companies		

Table 1B. Other business creditors:

NAME OF CREDITOR	CREDITOR'S PRINCIPAL BUSINESS ACTIVITY	AMOUNT OF PERSONAL DEBT (check one)	
		\$5,001 to \$50,000	MORE THAN \$50,000
ACME Inc	Real estate		✓

Table 1C. Individual creditors:

NAME OF CREDITOR	CREDITOR'S PRINCIPAL BUSINESS OR OCCUPATION	AMOUNT OF PERSONAL DEBT (check one)	
		\$5,001 to \$50,000	MORE THAN \$50,000
Glen Brown	Engineer	✓	

You can see that you should only report the credit card debts for the cards on which you owed \$30,000 and \$17,000. You should not include the credit card debt of \$4,000 because it is less than \$5,000. Therefore, while the total amount of credit card debt you owe is in excess of \$50,000, the total amount of *reportable* credit card debt you owe is only \$47,000.

Next, you should report the total amount of your loan to ACME Inc on Table 1B. ACME does not fit into any of the categories listed on Table 1A, and you owe the debt jointly with your spouse, so you report the total amount as if it is solely yours.

Next, you should report your portion of your joint debt with your brother on Table 1C. Your father, the creditor, is an individual creditor that does not fit into any of the categories listed in Table 1A. Because your brother is not a member of your immediate family, you are only required to disclose your portion of the debt. Because you are legally liable for only half of the loan, your portion of the debt is \$37,500.

Finally, you should not disclose your home mortgage because it is secured by a recorded lien at least in equal value to the loan, and you should not disclose your student loan because it is a debt owed to a government.

7. If you answer “yes” to Question 2, complete Table(s) 2A, 2B, and/or 1C as applicable.

8. Table 2A provides a list of categories of creditors. If any members of your immediate family owe more than \$5,000 to any one creditor that fits into one of the categories, check the appropriate category and amount owed.

- When calculating the amount of debt owed in each category, only include debts in excess of \$5,000.

9. If any member of your immediate family owes a personal debt to a business creditor that does not fit into any of the categories listed in Table 2A, list that debt in Table 2B by listing the name of the business and its principal business activity.

10. If any member of your immediate family owes a personal debt to an individual creditor that does not fit into any of the categories listed in Table 2A, list that debt in Table 2C by listing the name of the individual and his principal business or occupation.

EXAMPLE:

- You and your spouse have a joint loan of \$67,000 borrowed from ACME Inc, a real estate company.
- Your spouse and your daughter, who lives in your home and is a dependent of you, each have a credit card issued from different lenders. Your spouse owes \$47,000 on her credit card, while you daughter owes \$4,000 on her credit card.

Tables 2A, 2B, and 2C of Schedule B should be completed as follows:

Table 2A. Creditor categories:

CHECK APPROPRIATE CATEGORIES	AMOUNT OF PERSONAL DEBT (check one)	
	\$5,001 to \$50,000	MORE THAN \$50,000
Banks, credit unions, and other savings institutions		
Other loan or finance companies		
Issuers of credit cards	✓	
Insurance companies		
Stock, commodity, or other brokerage companies		

Table 2B. Other business creditors:

NAME OF CREDITOR	CREDITOR'S PRINCIPAL BUSINESS ACTIVITY	AMOUNT OF PERSONAL DEBT (check one)	
		\$5,001 to \$50,000	MORE THAN \$50,000

Table 2C. Individual creditors:

NAME OF CREDITOR	CREDITOR'S PRINCIPAL BUSINESS OR OCCUPATION	AMOUNT OF PERSONAL DEBT (check one)	
		\$5,001 to \$50,000	MORE THAN \$50,000

You can see that you should not report the joint loan from ACME on Table 2B, because you should report joint debts you owe with a member of your immediate family on Table(s) 1A, 1B, and/or 1C, as if they are solely yours.

You also should disclose only your spouse's credit card debt because your daughter's credit card debt is less than \$5,000. Therefore, while the total amount of credit card debt owed by members of your immediate family is \$51,000, the total amount of *reportable* credit card debt owed by members of your immediate family is \$47,000.

Finally, you should leave Tables 2B and 2C blank, as there is no debt owed by any of your immediate family members that should be reported on either of those tables.

11. If you answer "no" to both Question 1 and Question 2, do not enter any information on either of the tables and proceed to Schedule C.

IV. Schedule C: Securities

In this section, you will provide information regarding securities owned by you and members of your immediate family.

1. If you or a member of your immediate family, separately or together, own securities with a value over \$5,000 invested in any business or Virginia governmental entity, mark “yes” on the question.

If you answer no, mark “no,” do not enter any information on the table, and proceed to Schedule D.

- When answering this question, you should include securities with a value over \$5,000 of any business, regardless of whether or not they operate within the Commonwealth. For a definition of business, refer to the definitions accompanying the Statement.
- When answering this question, you should include securities held in trusts, IRAs, defined contributions plans, including plans established in accordance with sections 401, 403, or 457 of the Internal Revenue Code, and any other type of investment account.
- When answering this question you should include securities not held in your name or the name of a member of your immediate family if you or a member of your immediate family retains the right to control the security or the right to receive income from the security.
- To determine what is and is not a security, consult the bulleted lists included in the instructions for the schedule.

2. The key to reporting securities is knowing:

- i. The difference between the security held and the type of account in which the security may be held; and
 - ii. Who has the power to control the security.
- A security is a distinct investment vehicle, such as a stock, corporate bond, or mutual fund. A security can be made up of either a single asset, such as stock in Apple, or a “basket” of assets, such as a mutual fund that contains a variety of stocks.
 - In the case of a security that is a basket of assets, the security you should report is the basket, not the underlying assets that go in the basket, *unless* you have the power to control what securities go into the basket, in which case you should report the underlying assets in the basket that are valued over \$5,000.
 - Securities can be held in various kinds of investment accounts, such as a 401(k) or an IRA, but the account is not the security. The account is merely the manner in which you hold the security.

For example, there is no difference between direct ownership of \$5,000 worth of Apple stock and ownership of \$5,000 worth of Apple stock through a 401(k). In both cases, you would report the Apple stock.

3. If you mark “yes” to the question, disclose the securities owned by you and members of your immediate family by listing the name of the issuer of the security and the type of the security and marking the appropriate category for the value of the security.

- When reporting defined contribution plans administered by the Commonwealth or its political subdivisions, you should list the administering agency as the issuer of the security unless the security is held in a self-directed brokerage account. In that case, you should list the actual issuer of the security.

EXAMPLE:

- You have a brokerage account with Charles Schwab with \$7,500 worth of Dominion stock, \$75,000 worth of Apple stock, \$2,500 in a Schwab S&P Index mutual fund, and \$10,000 in a Schwab Small Cap Index mutual fund. Your account manager at Charles Schwab handles all the investments with your account, but you have the power to direct the investments if you so choose.
- Your spouse has a 457 defined contribution plan through the Virginia Retirement System that has \$1,000 in a bond fund, \$10,000 in an inflation-protected bond fund, \$25,000 in an international stock fund, and \$75,000 in an emerging markets stock fund.

The table on Schedule C should be completed as follows:

NAME OF ISSUER OF SECURITY	TYPE OF SECURITY (STOCKS, BONDS, MUTUAL FUNDS, IRA, ETC.)	VALUE OF SECURITY (Check one)		
		\$5,001 to \$50,000	\$50,001 to \$250,000	MORE THAN \$250,000
Apple	Stock		✓	
Dominion	Stock	✓		
Charles Schwab	Small Cap Index mutual fund	✓		
VRS	Inflation-Protected Bond Fund	✓		
VRS	International Stock Fund	✓		
VRS	Emerging Markets Stock Fund		✓	

You can see that you should disclose each individual security valued over \$5,000 in your Charles Schwab account because you have the power to control the investments within the account and because the account is not a security. The securities are the four separate investments you hold within the account.

Note that you should not disclose the S&P Index mutual fund because it is not valued in excess of \$5,000. Also, you should not disclose the assets that make up the Small Cap Index mutual fund because you do not control what goes into the mutual fund. In this case, your security is the mutual fund “basket.”

For your spouse’s defined contribution plan, you should disclose each individual security valued over \$5,000 within the VRS account because your spouse’s VRS account is not a security. The securities are the four separate investments your spouse holds within the account. You should list VRS as the issuer of the securities because your spouse does not hold the various funds in a self-directed brokerage account. Finally, you should not disclose all the investments within each of the funds in your spouse’s VRS account because your spouse does not control what assets go into each of the funds.

V. Schedule D: Business Interests and Rental Property

In this section, you will provide information regarding businesses you and members of your immediate family own or have interests in. You will also provide information regarding rental property you and members of your immediate family own or have interests in.

1. If you or a member of your immediate family, separately or together, own a business and the business has a value of more than \$5,000, mark “yes” to Question 1.

2. If you or a member of your immediate family, separately or together, have an interest in a business and the interest has a value of more than \$5,000, mark “yes” to Question 1.

3. If you and members of your immediate family do not own a business or have an interest in a business with a value of more than \$5,000, mark “no” to Question 1.

- You should NOT include any securities previously disclosed on Schedule C when answering these questions.

4. If you or a member of your immediate family, separately or together, own a rental property and the value of the rental property is more than \$5,000, mark “yes” to Question 2.

5. If you or a member of your immediate family, separately or together, have an interest in a rental property and the interest has a value of more than \$5,000, mark “yes” to Question 2.

6. If you and members of your immediate family do not own rental property or have an interest in rental property with a value of more than \$5,000, mark “no” to Question 2.

7. If you mark “yes” to Question 1, disclose each business that you or members of your immediate family own or have interests in on Table 1.

- If the business is owned or operated under a trade, partnership, or corporate name, list that name. If not, list the nature of the business.

List the city or county, state, and country where the business is located.

- **DO NOT list any street addresses.**

Indicate the gross income that you or your immediate family member receives due to your ownership of or interest in the business.

EXAMPLE:

- You and your spouse own BigCo, a business valued at \$200,000 that is located in London, England. You each receive \$30,000 of income per year from BigCo.
- You own a farm in Goochland that sells produce that is valued at \$100,000, but you have not incorporated the farm. You make \$6,000 a year from selling the produce.
- You have invested \$300,000 in Computers LLC, a technology company in San Francisco, California. Computers LLC is a new startup, so you have not received any income from your investment yet.
- Your spouse has an interest worth \$4,900 in a local retail store. She receives \$2,000 of income per year from her interest.

Table 1 of Schedule D should be completed as follows:

NAME OF BUSINESS OR NATURE OF BUSINESS	LOCATION OF BUSINESS (CITY OR COUNTY, STATE, AND COUNTRY)	GROSS INCOME (CHECK ONE)		
		\$50,000 or LESS	\$50,001 to \$250,000	MORE THAN \$250,000
BigCo	London, England		✓	
Produce retail	Goochland, VA	✓		
Computers LLC	San Francisco, CA	✓		

You can see that you should list your ownership of BigCo and your farm and your interest in Computers LLC because BigCo and your farm are valued at more than \$5,000 and your interest in Computers LLC is valued at more than \$5,000. You and your spouse’s combined income per year from BigCo is over \$50,000, so you should mark the category of “\$50,001 to \$250,000” of gross income. While you do not receive any income from Computers LLC, you still must mark the appropriate category of gross income received from your investment, which is less than \$50,000.

You should not list your spouse’s interest in the retail store because the interest is not worth more than \$5,000.

8. If you mark “yes” to Question 2, disclose each rental property that you and members of your immediate family own or have interest in on Table 2.

You must list each property individually.

List the name in which the property is owned or recorded.

- If the property is owned or recorded under a trade, partnership, or corporate name, list that name.

List the city or county, state, and country in which the property is located.

- **DO NOT list any street addresses.**

Identify the type of the property and indicate the amount of gross income that you or your immediate family member receives due to ownership of or interest in the property.

EXAMPLE:

- You own Rentals Corp, a company that rents residential apartments. Currently, the company has five apartments in Richmond, each valued at more than \$5,000. Three of the apartments are recorded in your name, and two are recorded under Rentals Corp. One of the apartments recorded under your name has not been rented for the past year, so you have not received any income from it. The other four apartments are each rented for \$100,000 per year.
- You and your spouse, Anna Brown, also own a factory, owned in both your names, in London that you rent for \$275,000 per year.

- Your spouse has an interest in a farm in Charlottesville that is rented out. The farm is recorded in her name. Her interest is valued at \$300,000 and she receives \$100,000 per year from her interest.

Table 2 of Schedule D should be completed as follows:

NAME IN WHICH RENTAL PROPERTY IS OWNED OR RECORDED	LOCATION OF RENTAL PROPERTY (CITY OR COUNTY, STATE, AND COUNTRY)	TYPE OF RENTAL PROPERTY (RESIDENTIAL, COMMERCIAL, ETC.)	GROSS INCOME (CHECK ONE)		
			\$50,000 or LESS	\$50,001 to \$250,000	MORE THAN \$250,000
Rentals Corp	Richmond, VA	Residential		✓	
Rentals Corp	Richmond, VA	Residential		✓	
Joseph Brown	Richmond, VA	Residential		✓	
Joseph Brown	Richmond, VA	Residential		✓	
Joseph Brown	Richmond, VA	Residential	✓		
Joseph Brown & Anna Brown	London, England	Commercial			✓
Anna Brown	Charlottesville, VA	Farm		✓	

You can see that you should list each apartment rented through your company separately. You CANNOT list them all together on one line. While you did not receive any income from one of the apartments, you still must mark the appropriate category of gross income received from the property, which is less than \$50,000.

9. If you mark “no” to both Question 1 and Question 2, do not enter any information on either of the tables and proceed to Schedule E.

VI. Schedule E: Real Estate

In this section, you will provide information regarding real property owned by you or members of your immediate family.

1. If you or a member of your immediate family, separately or together, have an interest in real property and that interest is valued at more than \$5,000, mark “yes” to the question.

If you and members of your immediate family do not have any interest worth more than \$5,000 in property, mark “no” to the question, do not enter any information on the table, and proceed to Schedule F.

- When answering this question, include real estate held in trust. Refer to the definitions that accompany the Statement for further information on trusts.
- When answering this question, **DO NOT INCLUDE** your principal residence or any real estate you already disclosed on Schedule D.

2. If you answer “yes” to the question, disclose each property on the table.

You must list each property individually.

List the type of property, such as residential, commercial, etc.

List the city or county, state, and country in which the property is located.

- **DO NOT list any street addresses.**

List the name or names in which the property is owned or recorded.

- If the property is owned or recorded in a name other than your name or the name of your immediate family member, list that name.

EXAMPLE:

- You and your spouse own your home, located in Richmond.
- You and your spouse jointly own an apartment in Paris, France, valued at \$750,000, which you use each year for vacation.
- You solely own a hotel in Brussels, Belgium, valued at \$2.5 million.
- You have a \$300,000 interest in a shopping mall in Fairfax that is owned by Retail Inc.

The table on Schedule E should be completed as follows:

TYPE OF REAL ESTATE	LOCATION OF REAL ESTATE (CITY OR COUNTY, STATE, AND COUNTRY)	NAME OR NAMES IN WHICH REAL ESTATE IS OWNED OR RECORDED
Residential	Paris, France	Joseph Brown & Anna Brown
Commercial	Brussels, Belgium	Joseph Brown
Commerical	Fairfax, VA	Retail Inc

You can see that you should disclose the apartment in Paris and the hotel in Brussels because you own both properties and both are valued at more than \$5,000. Therefore, your interest in both properties is more than \$5,000.

You should list the shopping mall because your interest in the property exceeds \$5,000.

You should not list your home in Richmond or any of the properties that you already disclosed on Schedule D.

VII. Schedule F: Payments for Talks, Meetings, and Conferences

In this section, you will provide information regarding your attendance at certain events.

1. If you received, in your official capacity, any lodging, transportation, money, or other thing of value with a combined value of more than \$100 for your presentation of a talk, participation in a meeting, or attendance at a meeting, conference, or event designed to educate you on issues or enhance your knowledge and skills relevant to your duties, mark “yes” to the question.

If you did not receive such items, payments, or reimbursements, mark “no” to the question. Do not enter any information on the table and proceed to Schedule G.

- When answering this question, do not include payments and reimbursements from the Commonwealth, its political subdivisions, an employer listed on Schedule A, or a source of income listed on Schedule D.
- When answering this question, do not include any payment or reimbursement if you returned it within 60 days.
- When answering this question, you should include any payments you donated to charity, but only if you claimed or plan to claim such payment as a charitable deduction on your taxes.

2. When answering this question, a payment’s exclusion from the definition of a gift or its exemption from the \$100 gift cap does not impact your requirement to report the payment.

- **This schedule is not for the reporting of gifts and a payment’s status as a gift does not affect your duty to report it on this schedule.**

When answering this question, you are required to disclose payments from all entities other than the Commonwealth, its political subdivisions, employers listed on Schedule A, or a source of income listed on Schedule D.

- **The reporting requirement for this schedule is not limited to payments received from lobbyists, lobbyist’s principals, or entities that are a party to or are seeking to become a party to a contract with your agency (a contractor).**

If a payment fits into the categories listed in the instructions and is valued at over \$100, you must disclose the payment on this schedule.

- **The only payments you should exclude are those that do not fit into the categories listed in the question and those paid for by entities listed in the “DO NOT INCLUDE” list in the question.**

3. If you answer “yes” to the question, list the source of the payment for your attendance at the event and a brief description of the event.

List the city or county, state, and country where the event occurred.

- You do not need to list a street address.

List the date or dates of the event and the total value paid by the donor for your attendance at the event.

Finally, mark if you received a travel waiver from the Council for your attendance at the event.

EXAMPLE:

- You attended three conferences last year, all out of state. The total cost to attend each conference exceeded \$100. The first conference was for your private occupation, and you did not attend in your official capacity. You attended the second conference in your official capacity, and the purpose of the conference was to discuss public policy topics pertinent to your official duties. A state agency of the Commonwealth paid for you to attend this conference. You attended the third conference in your official capacity, and the purpose of the conference was to educate the attendees on new topics relevant to your official duties. EduConference, not registered as a lobbyist’s principal in the Commonwealth or a contractor, paid for you to attend the conference.
- You also attended Virginia Org’s annual meeting in your official capacity to present a talk. The meeting took place in the Commonwealth, and was attended by over 200 members of the organization. The organization, a registered lobbyist’s principal, paid for your meals and registration fee for the event, the total value of which was \$125. Virginia Org did not pay for any of your transportation or lodging expenses.
- You also attended a board meeting of Charity Group, of which you are a board member by virtue of your official office. The total cost of your trip was \$600 and was paid for by the state government of Maryland.
- You went on a trip paid for by Lobbyist Inc, a registered lobbyist’s principal in the Commonwealth. Because the value of the trip exceeded \$100, you requested a travel waiver from the Council and it was approved.

The table on Schedule F should be completed as follows:

SOURCE OF PAYMENT	DESCRIPTION OF EVENT	LOCATION OF EVENT (CITY OR COUNTY, STATE, AND COUNTRY)	DATE(S) OF EVENT	TOTAL VALUE	CHECK IF YOU RECEIVED A TRAVEL WAIVER FROM THE COUNCIL FOR THIS EVENT
EduConference	2016 Conference	San Diego, CA	1/5/16-1/7/16	\$1,262	
Virginia Org	2016 Annual Meeting	Roanoke, VA	4/4/16	\$125	
State of Maryland	August Board Meeting	Baltimore, MD	8/3/16	\$600	
Lobbyist Inc	Policy Retreat	Alexandria, VA	11/30/16	\$735	✓

You can see that you should not disclose the first two conferences you attended. You do not have to report the first conference because you did not attend in your official capacity and because it was paid for by an employer you should have already named on Schedule A. You do not have to report the second conference because it was paid for by the Commonwealth.

You should report the last conference even though it was paid for by an entity that is not a lobbyist, lobbyist's principal, or an entity that is a party to or is seeking to become a party to a contract with your agency and the \$100 gift cap does not apply to the trip. This is because your attendance at the event fits within the categories listed in this schedule. You attended the conference in your official capacity and the purpose of the conference was to educate you on issues relevant to your official duties. You did not need to request a travel waiver for this trip because it was not paid for by a lobbyist, lobbyist's principal, or contractor.

You should report the annual meeting you attended for Virginia Org, even though the value of your attendance is exempt from the \$100 gift cap. This is because your attendance at the event fits within the categories listed in this schedule. You attended the meeting in your official capacity. You did not need to request a travel waiver for this trip because your lodging and transportation were not paid for by a lobbyist, lobbyist's principal, or contractor and the meals and registration paid for by the lobbyist's principal were already exempted from the \$100 gift cap. The meals and registration are exempted from the \$100 gift cap because the meeting qualified as a widely attended event. More than 25 persons were expected to attend the event, and the event was open to individuals who are members of a public organization. This exemption from the gift cap does not remove your requirement to report your attendance at this meeting.

You should report your attendance at the Charity Group board meeting, even though the trip is not a gift. The trip is not a gift under two different exemptions from the definition of a gift. First, it was travel paid for by the government of a U.S. state. Second, it was travel for an official meeting of an entity of which you are a member by virtue of your office. However, the trip's exemption from the definition of a gift does not remove your requirement to report your attendance at this meeting. This is because your attendance at the meeting fits within the categories listed in this schedule. You attended in your official capacity for the purpose of participating in the meeting as a board member.

Finally, you should report the trip paid for by Lobbyist Inc, even though you received a travel waiver for this trip. The trip's exemption from the \$100 gift cap due to the approved travel waiver does not remove your requirement to report your attendance at the event.

VIII. Schedule G: Gifts

In this section, you will provide information regarding gifts you and members of your immediate family received from lobbyists and lobbyist's principals.

1. If you or a member of your immediate family received any one gift or any combination of gifts with a total value of more than \$50 from a lobbyist, lobbyist's principal, or contractor during the previous calendar year, mark "yes" to the question.

- For local officers and employees, a contractor is a person, organization, or business who is or is seeking to become a party to a contract with the local agency of which you are an officer or an employee.
- For state officers and employees, a contractor is a person, organization, or business who is or is seeking to become a party to a contract with the state governmental or advisory agency of which you are an officer or an employee or over which you have the authority to direct such agency's activities.

If you and any member of your immediate family did not receive any such gifts, mark "no" to the question. Do not enter any information on the table and proceed to Schedule H.

2. **When answering this question, carefully read the entirety of the exemptions from the definition of a gift included in the definitions that accompany the Statement.** If an item is exempted from the definition of a gift, you should not report it in this section.

3. **An exemption from the \$100 gift cap does not remove your requirement to report a gift.**

4. If you mark "yes" to the question, list the first and last name of the individual who received the gift and the name of the donor.

List the exact gift, the date you or a member of your immediate family accepted the gift, and the total value of the gift.

Finally, if an exemption to the \$100 gift cap applies to the gift, indicate the appropriate exemption. If no exemption applies, leave the final column blank.

EXAMPLE:

During the prior calendar year, you received the following gifts:

- A dinner with lobbyist Jane Lamb, who is your close personal friend, with a cost per person of \$22. Ms. Lamb expensed the cost of the dinner to her principal.
- Attendance at a reception hosted by lobbyist's principal Lobbyist Inc with a cost per person of \$35. The reception qualified as a widely attended event. The reception included only hors d'oeuvres and drinks that could be conveniently consumed while standing, and no portion of the event included a sit down meal.
- A ticket to a festival from lobbyist's principal Lobbyist Inc. The festival did not qualify as a widely attended event because it did not meet all the necessary qualifications of the definition of a widely attended event. For the definition of a widely attended event, refer to the definitions accompanying the Statement. The total value of the ticket was \$45.

- A sit down dinner for a professional organization hosted by lobbyist’s principal Lobbyist Inc with a cost per person of \$60. The dinner qualified as a widely attended event because at least 25 persons were invited to attend and the event was open to individuals who are members of a professional organization.
- A Christmas gift basket from lobbyist Jane Lamb with a value of \$45. Ms. Lamb did not expense the basket to her principal, did not claim the basket as a business deduction, and did not give the same or similar gifts to other individuals required to file a disclosure statement.
- A ticket to an event from Charity Org, an organization that is not a registered lobbyist’s principal or a contractor, with a value of \$100.
- A lunch paid for by a representative of ACME, a business that is submitting a bid for a contract with your agency, with a cost per person of \$55.
- A book with a value of \$65 from Professional Org, an organization to which your agency pays membership fees.

During the prior calendar year, members of your immediate family received the following gifts:

- Your spouse received a coffee cup from a lobbyist valued at \$10.
- Your spouse received an emerald necklace from the Queen of England valued at \$25,000. The Queen presented your spouse with this gift during a visit to discuss a possible trade agreement with your agency. Your spouse accepted the necklace on behalf of the Commonwealth and archived it in accordance with the guidelines set by the Library of Virginia.
- Your spouse and your daughter, who is a member of your immediate family, each received a ticket to the same festival listed above from Lobbyist Inc. The total value of their tickets was \$45 each.

The table on Schedule G should be completed as follows:

NAME OF RECIPIENT	NAME OF DONOR	EXACT GIFT OR EVENT	DATE ACCEPTED	VALUE	GIFT CAP EXEMPTION
Joseph Brown	Jane Lamb	Dinner	2/25/16	\$22	<input type="checkbox"/> Widely attended event <input type="checkbox"/> Personal friend <input type="checkbox"/> Archived gift from a foreign dignitary
Joseph Brown	Lobbyist Inc	Dinner	1/15/16	\$60	<input checked="" type="checkbox"/> Widely attended event <input type="checkbox"/> Personal friend <input type="checkbox"/> Archived gift from a foreign dignitary

Joseph Brown	Lobbyist Inc	Festival	11/12/16	\$45	[] Widely attended event [] Personal friend [] Archived gift from a foreign dignitary
Joseph Brown	Jane Lamb	Christmas gift basket of assorted meats and cheeses	12/23/16	\$45	[] Widely attended event [✓] Personal friend [] Archived gift from a foreign dignitary
Joseph Brown	ACME	Lunch	8/3/2016	\$55	[] Widely attended event [] Personal friend [] Archived gift from a foreign dignitary
Joseph Brown	Professional Org	Book	12/15/16	\$65	[] Widely attended event [] Personal friend [] Archived gift from a foreign dignitary
Anna Brown, accepted on behalf of the Commonwealth	Queen Elizabeth II	Emerald necklace	4/4/2016		[] Widely attended event [] Personal friend [✓] Archived gift from a foreign dignitary

You can see that you should list all gifts you received from Jane Lamb because she is a registered lobbyist who gave you gifts with a total combined value of more than \$50. The dinner she gave you does not qualify for the personal friend gift cap exemption because she expensed the dinner to her principal. The Christmas gift basket she gave you does qualify for the personal friend gift cap exemption because it meets the factors listed in Va. Code § 2.2-3103.1. Consult that Code section for the factors to consider when applying the personal friend exemption.

You also should list the festival ticket and the attendance at the dinner you received from Lobbyist Inc, because it is a lobbyist's principal who gave you gifts with a total combined value of more than \$50. While the dinner qualifies for an exemption from the gift cap, remember that an exemption from the \$100 gift cap does not remove your requirement to report a gift.

You should report the lunch you received from ACME because it is an entity that is seeking to become a party to a contract with your agency, and the value of the lunch exceeded \$50.

You should report the gift you received from Professional Org because it is an entity that is a party to a contract with your agency, and the value of the book exceeds \$50. Please consult the definition of a contract in Va. Code § 2.2-3101, which includes “any agreement to which a governmental agency is a party.” This includes the payment of dues by an agency in exchange for membership in an organization.

You should report the necklace your spouse received from Queen Elizabeth II because she was seeking to become a party to a contract with your agency, and the value of the necklace exceeded \$50. Because the necklace is from a foreign dignitary and your spouse accepted the necklace on behalf of the Commonwealth and archived it, the necklace is exempted from the \$100 gift cap and you do not have to disclose the value of the gift. The exemption from the \$100 gift cap for archived gifts from foreign dignitaries is the only exemption that allows you to omit the value of the gift in your disclosure. You should also indicate that your spouse accepted the gift on behalf of the Commonwealth.

You should not report the stand-up reception hosted by Lobbyist Inc because it falls into one of the exemptions from the definition of a gift. To review the definition of a gift, refer to the definitions accompanying the Statement.

You should not report the ticket you received from Charity Org because it is not a lobbyist, lobbyist’s principal, or a contractor.

You should not report the coffee cup your spouse received because items valued under \$20 are excluded from the definition of a gift.

You should not report your spouse’s or your daughter’s attendance at the festival given by Lobbyist Inc because the total value of gifts each received from Lobbyist Inc in a year did not reach the \$50 reporting threshold.

IX. Schedule H: Payments for Representations and Other Services Generally

In this section, you will provide information regarding payments you received for representing entities before state agencies, payments those with whom you have a close financial association received for representing entities before state agencies, and payments you and those with whom you have a close financial association received for any services to any businesses operating in Virginia.

1. If you represented any business before any state governmental agency and received more than \$5,000 for that representation, mark “yes” to Question 1.

If you did not, mark “no” and proceed to Question 2.

If you are completing the Statement as a local officer or employee, do not answer this question. Leave the response blank, and do not enter any information on Table 1. Proceed to Question 3.

- When answering this question, you should not include compensation for other services you may have provided to a business that were unrelated to representation before the state agency. If you earn a salary as opposed to an hourly wage, you should prorate your salary to determine the portion of your earnings attributable to your representation before a state agency.
- When answering this question, you should not include representation of a business before any court or judicial officer.
- When answering this question, you should not include representation that consisted solely of the filing of mandatory papers and any subsequent representation regarding those papers.

2. If you mark “yes” to Question 1, complete Table 1 by listing the type of business that you represented.

- You do not have to list the specific name of the business.

List the state agency that you represented the business before, and the purpose of that representation.

Finally, indicate the amount of compensation you received for the representation.

EXAMPLE:

- Last year you were retained by a restaurant for various services, including public relations and representing the restaurant in an appeal before the Virginia ABC Board regarding the loss of the restaurant’s liquor license. You received a total of \$60,000 for your services. You calculate that you spent half of your time working for the restaurant on public relations issues and half of your time working on the appeal before the ABC Board.
- You assisted a retail business with filing an application for reservation of the business’s name with the State Corporation Commission. You received a total of \$5,500 for your work with the business.

- You represented a client regarding a family law matter in court. You received \$7,000 for your work for the client.

Table 1 of Schedule H should be completed as follows:

TYPE OF BUSINESS	NAME OF AGENCY	PURPOSE OF REPRESENTATION	AMOUNT OF COMPENSATION RECEIVED		
			\$5,001 to \$50,000	\$50,001 to \$250,000	MORE THAN \$250,001
Restaurant	VA Department of Alcohol Beverage Control	License appeal	✓		

You can see that you should report your representation of the restaurant before the ABC Board. You should not list the restaurant's name. Also, you should only report the amount of compensation you received for your representation of the restaurant before the Board. You should not report the compensation from the restaurant for other services. While you received \$60,000 in compensation for your work, only half of it was for representation before the ABC Board.

You should not report your compensation for your work with the retail business, because it consisted solely of the filing of mandatory papers. You also should not report your compensation for your final client because your representation was before a court.

3. If any person with whom you have a close financial relationship represented any business before any state governmental agency and received more than \$5,000, mark "yes" to Question 2.

If you answer no, mark "no" and proceed to Question 3.

If you are completing the Statement as a local officer or employee, do not answer this question. Leave the response blank, and do not enter any information on Table 2. Proceed to Question 3.

- When answering this question, refer to the definition of close financial relationship in the definitions accompanying the Statement.
- When answering this question, you should not include members of your immediate family (as that term is defined in the definitions accompanying the Statement) when determining with which individuals you have a close financial relationship, *unless* you and your immediate family member are employed by or work for the same business or organization.
- When answering this question, you should not include compensation for services an individual provided to a business that were unrelated to the representation before a state agency. If an individual earns a salary as opposed to an hourly wage, you should prorate his salary to determine the portion of his earnings attributable to his representation before a state agency.

- When answering this question, you should not include representation of a business before any court or judicial officer.
- When answering this question, you should not include representation that consisted solely of the filing of mandatory papers and any subsequent representation regarding those papers.

4. If you mark “yes” to Question 2, complete Table 2 by listing the type of business that the individual with whom you have a close financial relationship represented.

- You do not have to list the specific name of the business.

List the state agency that your associate represented the business before and the purpose of that representation.

Finally, indicate the amount of compensation your associate received for the representation.

EXAMPLE:

See the above example for Table 1. The same analysis applies for representations by individuals with whom you have a close financial association.

5. If you or any individual with whom you have a close financial association provide any type of services to any business operating in the Commonwealth and earned more than \$5,000 for those services, mark “yes” to Question 3.

- When answering this question, refer to the definition of close financial relationship in the definitions accompanying the Statement.
- When answering this question, you should not include members of your immediate family (as that term is defined in the definitions accompanying the Statement) when determining with which individuals you have a close financial relationship, *unless* you and your immediate family member are employed by or work for the same business or organization.
- When answering this question, do not include compensation you already reported on Table 1 or 2.

6. If you answer “yes” to Question 3, complete Table 3 by listing business categories together.

- When calculating the amount of compensation for each category, include compensation received from all businesses that fit within that category.

List the type or types of services rendered and indicate the total amount of compensation received by you or an individual with whom you have a close financial association.

Examples of business categories include:

- | | |
|-----------------------|-----------------------------|
| • Electric utilities | • Cable television |
| • Gas utilities | • Internet service provider |
| • Telephone utilities | • Transportation |
| • Water utilities | • Banks |
| | • Savings institution |

- Loan or finance company
- Retail
- Restaurant
- Manufacturing
- Technology
- Mining
- Insurance
- Alcohol company
- Trade association
- Professional association
- County/city/town
- Labor organization
- Association of public employees/officials

This is not a comprehensive list of every business category. You should indicate the appropriate category for a business you provided services to even if it does not appear in the above list.

EXAMPLE:

- Last year you were retained by a restaurant for various services, including public relations and representing the restaurant in an appeal before the Virginia ABC Board regarding the loss of the restaurant’s liquor license. You received a total of \$60,000 for your services. You calculate that you spent half of your time working for the restaurant on public relations issues and half of your time working on the appeal before the ABC Board.
- You assisted a retail business with filing an application for reservation of the business’s name with the State Corporation Commission. You received a total of \$5,500 for your work with the business.
- An individual with whom you have a close financial association completed graphic design services for a restaurant. He received \$9,000 for those services.
- You represented a client regarding a family law matter in court. You received \$7,000 for your work for the client.

Table 3 of Schedule H should be completed as follows:

BUSINESS CATEGORY	TYPE OF SERVICE RENDERED	AMOUNT OF COMPENSATION RECEIVED		
		\$5,001 to \$50,000	\$50,001 to \$250,000	MORE THAN \$250,001
Restaurant	Public relations & graphic design	✓		
Retail	Legal	✓		

You can see that you should disclose all the work you and the individual with whom you have a close financial association did for two different restaurants on the same line, as one category. You should only report the portion of the work you did for the restaurant that was not already reported on Table 1.

You should report the work you completed for the retail business even though you did not have to disclose that work on Table 1. Note that you do not have to indicate the specific name of any business or even how many businesses within a category you provided services to.

You should not report the court representation you completed for a client because the individual does not fall into the definition of a business as that term is defined in the definitions accompanying the Statement.

7. If you answer “no” to all three questions, do not enter any information on any of the tables and proceed to Schedule I.

X. Schedule I: Real Estate Contracts with Governmental Agencies

In this section, you will provide information regarding interests you and members of your immediate family hold in real estate that is the subject of a contract with a governmental agency.

1. If you or a member of your immediate family, separately or together, hold an interest in real estate that is the subject of a contract for sale, exchange, or leasing with a governmental agency and that interest is valued at more than \$5,000, mark “yes” to the question.

If neither you nor a member of your immediate family have such an interest in such real estate, mark “no” to the question, do not enter any information on the table.

- **When answering this question, state officers and employees report only contracts with state governmental agencies. Local officers and employees report only contracts with local governmental agencies. Constitutional officers report only contracts with local governmental agencies.**
- When answering this question, consult the list found in the instructions that describe an “interest.”
- When answering this question, you should include all contracts that are currently pending or that have been completed in the prior calendar year.
- **When answering this question, you should include all contracts even if you already disclosed the real estate or your interest in it on another schedule of the Statement.**
- When answering this question, you may exclude lease contracts if your interest in the real estate is due to an ownership interest in a business and your ownership interest in that business does not exceed three percent of the total equity of the business.

2. If you answer “yes” to the question, complete the table by indicating the type of contract involving the real estate you or a member of your immediate family have an interest in.

List the parties to the contract by first naming the governmental agency and then the other party to the contract. The other party may be an individual or a business.

List the city or county and state in which the real estate is located.

- **DO NOT list any street addresses.**

Finally, select the appropriate option to indicate the value of the contract.

EXAMPLE:

You are a state officer and have the following real estate interests:

- You have a 2% ownership interest in a company that owns an apartment building. The building is valued at \$400,000 and is leased to a state agency for \$10,000 per month.
- You own an office building in downtown Richmond valued at \$150,000. This year, you sold that building to the Virginia Department of the Treasury for \$165,000.
- Your spouse owns an easement on land in Chesterfield County valued at \$5,500. Your spouse leases the easement to the Virginia Department of Transportation for \$40,000 per year.

- You own an apartment in Fredericksburg, valued at \$135,000 and rent it out for \$1,000 per month. The apartment is leased via a contract with the Federal Housing Administration.

The table on Schedule I should be completed as follows:

DESCRIBE THE CONTRACT (SALE, EXCHANGE, LEASE, ETC.)	PARTIES TO THE CONTRACT		LOCATION OF REAL ESTATE (CITY OR COUNTY, AND STATE)	VALUE OF CONTRACT (CHECK ONE)		
	GOVERNMENTAL AGENCY	OTHER PARTY		\$5,001-\$50,000	\$50,001-\$250,000	MORE THAN \$250,001
Sale	Department of the Treasury	Joseph Brown	Richmond, VA		✓	
Lease	Department of Transportation	Anna Brown	Chesterfield County, VA	✓		

You can see that you should list the sale of the office building because your ownership interest in the building was worth more than \$5,000, and the sale was to a state governmental agency.

You should also list the lease of your spouse's easement because her interest in the easement land is valued at more than \$5,000, and the lease is with a state governmental agency.

You should not list the lease of the apartment building because your interest in that building is through an ownership interest in a business, and that interest is less than three percent of the total equity of the business.

You also should not list the apartment that is leased through the Federal Housing Administration because that is a federal agency, not a state governmental agency.

RESOLUTION

**A RESOLUTION TO ADOPT A CODE OF ETHICS AND CONDUCT FOR THE
MEMBERS OF THE LEXINGTON CITY COUNCIL AND FOR THE MEMBERS OF
ALL BOARDS, COMMITTEES AND COMMISSIONS
APPOINTED BY THE COUNCIL**

WHEREAS, the citizens and businesses of Lexington, Virginia are entitled to have fair, ethical and accountable local government which has earned the public's full confidence; and

WHEREAS, in keeping with Lexington's commitment to excellence, all public officials, both elected and appointed, must comply with both the letter and spirit of the laws and policies affecting the operation of government; and

WHEREAS, all public officials, both elected and appointed, are required to be impartial and fair in their judgment and actions and ensure that public office is used for the public good; and

WHEREAS, the Lexington City Council has determined that the adoption of a Code of Ethics and Conduct for its members and the members of all Council-appointed boards, committees and commissions will assist in achieving these ends; now, therefore, be it

RESOLVED by the Lexington City Council this 3rd day of December, 2015, that the following Code of Ethics and Conduct is hereby adopted:

**LEXINGTON CITY COUNCIL
CODE OF ETHICS**

Preamble

The citizens and businesses of Lexington, Virginia, are entitled to have a fair, ethical and accountable local government, which has earned the public's full confidence for integrity. In keeping with the City of Lexington's Commitment to Excellence, the effective functioning of democratic government therefore requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; that public officials be independent, impartial and fair in their judgment and actions; that public office be used for the public good, not for personal gain; and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Lexington City Council has adopted this Code of Ethics for members of the Council and for the members of the City's boards, commissions and committees to assure public confidence in the integrity of local government and its effective and fair operation.

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Lexington and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims, and transactions coming before the Lexington City Council, boards, commissions, and committees.

2. Comply with the Law

Members shall comply with the laws of the nation, the Commonwealth of Virginia and the City of Lexington in the performance of their public duties. These laws include, but are not limited to: the United States and Virginia constitutions; Virginia Conflict of Interests Act; and the Code of the City of Lexington; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

3. Respect for Process

Members shall perform their duties in accordance with the processes and rules of order established by the Lexington City Council and boards, committees, and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Lexington City Council by City staff.

4. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

5. Communication

Members shall publicly share substantive information that is relevant to a matter under consideration by the Lexington City Council or boards, committees and commissions, which they may have received from sources outside of the public decision-making process.

6. Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship that may give the appearance of a conflict of interest or where they have a conflict of interest under Section 2.2-3101 of the 1950 Code of Virginia, as amended.

In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts as required by Section 2.2-3115(A). Upon a determination that a member has a conflict of interest such member shall disclose the interest that causes the

disqualification by identifying the interest, in writing, as required by Section 2.2-3112, they shall abstain from participating in deliberations and decision-making where conflicts may exist and, to avoid any appearance of impropriety such member shall remove him or herself from the Council table until all activity associated with the matter has been completed. Any disqualified member may not attend the portion of a closed meeting at which the transaction is discussed and may not discuss the matter with anyone in the government who is involved in the transaction.

7. Gifts and Favors

Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised. Further, Members shall provide a record of all gifts, favors or benefits which might give rise to the appearance of compromised judgment.

8. Confidential Information

Members, City employees and officials shall not use or disclose confidential information acquired by or available to them in the course of their service to or employment by the city for personal gain or for any reason not related to city business. Members, employees and officials shall uphold the public's right to know not only the decisions taken, but also the deliberations which shape public policies. Any employee or official, who is aware of a breach of confidentiality, is expected to bring forth that information to the appropriate officials in a timely manner.

9. Implementation

As an expression of the standards for members, the Lexington Code of Ethics and Conduct is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards and a copy of the most recent VML publication addressing the Virginia Conflict of Interests Act, which sets out the applicable Virginia Code sections, shall be included in the regular orientations for candidates for the Lexington City Council, applicants to boards, committees and commissions, and newly elected, reelected and appointed officials as required by Section 2.2-3100.1 of the Code of Virginia. Members entering office shall sign a statement affirming they have read and understood the Lexington Code of Ethics and the Virginia Conflict of Interests Act. In addition, the Lexington City Council, boards, committees and commissions, shall review the Code of Ethics at the organizational meeting following newly elected officials taking office and the Lexington City Council shall consider recommendations from boards, committees and commissions and update it as it deems appropriate.

10. Compliance and Enforcement

The Lexington Code of Ethics and Conduct expresses standards for the Lexington City Council, boards, committees and commissions. Members themselves have the primary responsibility to assure that ethical standards and code of conduct are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards, committees and commissions and the Mayor of the Lexington City Council have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

The Lexington City Council may impose sanctions on members who do not comply with the City's ethical standards and code of conduct, such as reprimand, formal censure, loss of seniority or committee assignment, or budget restriction, which may be in addition to any criminal penalties that may be imposed under Section 2.2-3120 of the Code of Virginia. Where allowed by law, the Lexington City Council also may remove members of Council-appointed boards, committees and commissions from office or a Judge may order forfeiture of the seat on Council under Section 2.2-3122.

A violation of this Code of Ethics and Conduct shall not be considered a basis for challenging the validity of a Lexington City Council, board, and committee or commission decision. However, nothing contained herein shall negate any provision of Article 7 of the Virginia Conflicts of Interest Act.

LEXINGTON CITY COUNCIL CODE OF CONDUCT

1. Conduct of Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Lexington City Council, boards, commissions, and committees, the staff or public.

2. Conduct of Public Meetings

Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

3. Representation of Private Interests

In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Lexington City Council or any board, committee, commission or proceeding of the City, nor shall members of boards, committees or commissions appear before their own bodies or before the Lexington City Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

4. Advocacy

Members shall represent the official policies or positions of the Lexington City Council, boards, commissions or committees to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or Lexington, nor will they allow the inference that they do.

5. Use of Public Resources

Members shall not use public resources that are not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

6. Policy Role of Members

The Lexington City Council determines the policies of the City with the advice, information and analysis provided by the public, boards, commissions, and committees, and City staff. The Lexington City Council delegates authority for the administration of the City to the City Manager.

Members therefore shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.

7. Independence of Boards and Commissions

Because of the value of the independent advice of boards, committees and commissions to the public decision-making process, members of the Lexington City Council shall refrain from using their positions to unduly influence the deliberations or outcomes of board, committee or commission proceedings.

8. Positive Work Place Environment

Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees and in no way create the perception of inappropriate direction to staff.

Code of Ethics and Conduct Lexington City Council, Boards, Committees and Commissions

MEMBER STATEMENT

As a member of the Lexington City Council, or of a Lexington board, committee or commission, I agree to uphold the Code of Ethics and Conduct for elected and appointed officials adopted by the City and conduct myself by the following model of excellence. I will:

- a. Recognize the worth of individual members and appreciate their individual talents, perspectives and contributions;
- b. Help create an atmosphere of respect and civility where individual members, City staff and the public are free to express their ideas and work to their full potential;
- c. Conduct my personal and public affairs with honesty, integrity, fairness and respect for others;
- d. Respect the dignity and privacy of individuals and organizations;
- e. Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit:
 - Avoid and discourage conduct which is divisive or harmful to the best interests of Lexington;
 - Treat all people with whom I interact in the manner I wish to be treated.

I affirm that I have read and understand the Lexington Code of Ethics and Conduct and the Virginia Conflict of Interests Act.

Signature: _____

Name (printed): _____

Office: _____

Date: _____

FREEDOM OF INFORMATION ACT

I. Purpose

This Guideline establishes the policies and procedures concerning responding to requests under the Virginia Freedom of Information Act (FOIA) so that requests may be handled as efficiently as possible, and within the required timeframes. Deadlines must be strictly observed, subject to court fines if not.

II. Responsibility

It is the responsibility of all Department Heads to be familiar with and maintain all information contained within this and any other Guideline. Specific responsibility is assigned to the City Clerk and/or the Department Head who are the custodians of the requested records.

III. Definitions

- **Custodial possession:** The control and storage of official records by a City department.
- **Electronic records:** Those official records in the custodial possession by a City department that exist solely as electronically-recorded data within a computer or computer system network, including such records that may be kept on physical electronic recording media but which do not exist as paper records.
- **Exempt records:** Those official records that are exempt from FOIA such as tax information, medical and mental records, personnel and scholastic records, legal counsel, library records, and security or emergency information such as vulnerability assessments or response plans. Exemptions may be exercised (records may be withheld) for other types of documents and records. For a complete list of exemptions see Virginia Code Title 2.2, Chapter 37.
- **FOIA:** Virginia Freedom of Information Act
- **Oversize records:** Those official paper records in the custodial possession of a City department that cannot be easily reproduced by office photocopiers (usually paper larger than 11” by 17”)
- **Supervised access:** The means of facilitating access to certain official paper or electronic records in the custodial possession of a City department where, due to the uniqueness, physical or recording media characteristics or

other attributes of the record document or media, the requesting party must be assisted by a City employee during an inspection of same. Typically, such official records cannot be easily photocopied, reproduced or printed.

IV. **Policy**

A. Compliance to Virginia Code Title 2, Chapter 37, §2.2-3704: The City of Lexington will comply with the Virginia Freedom of Information Act that states, “*all public records shall be open to inspection and copying by any citizens of the Commonwealth during the regular office hours of the custodian of such records.*” Furthermore, “*The custodian of such records shall take all necessary precautions for their preservation and safekeeping.*” Note: The City, in most circumstances, does not have to respond to citizens not of the Commonwealth.

B. Request Requirements: The City of Lexington requires the following information from the requestor of records:

1. Requestor must identify his/her request under the Virginia Freedom of Information Act or FOIA to be subject to the VA Code
2. Requests must contain:
 - a. Date of request
 - b. Type of request (Written, Email, Verbal/In Person, Verbal/Telephone)
 - c. Person and Department receiving request
 - d. Requestor’s Name, Response Mailing Address, Phone, Email
 - e. Type of records requested with “*reasonable specificity.*”

C. City Response Requirements: For any request made pursuant to the Virginia Freedom of Information Act, a response is required within five (5) working days. (The workday following receipt of the request is considered the first working day.) Prompt attention is critical. Employees receiving such a request shall:

1. Refer the request immediately to the City Clerk or
2. Make one of the following responses, within five (5) working days:
 - a. **Provide all** - provide all of the items requested immediately, if readily available, or provide the items within five (5) working days of the request, if they can be made available within that time.

- b. **Provide some** - provide some of the items requested and withhold some. Consult with the City Attorney prior to withholding any documents. Upon the Attorney's approval, respond to the requester in writing, within five (5) working days of the request, citing the Virginia State Code section authorizing the withholding, and enclosing a copy of the Code section (see attached).
- c. **Withhold all** - withhold all of the items requested. Consult with the City Attorney prior to withholding any documents. Upon the Attorney's approval, respond to the requester in writing, within five (5) working days of the request, citing the Virginia State Code section authorizing the withholding, and enclosing a copy of the Code section (see attached.)
- d. **Invoke 7 additional working days** - If the request can't be reasonably met within five (5) working days, respond to the requester in writing within five (5) working days, invoking an additional seven (7) working days to respond to the request, Then respond, within the additional seven (7) working days, as described in 2.a., 2.b., or 2.c. above.

V. Procedure

- A. **FOIA Request and Response Form:** Each FOIA request must be written on the top half of page one on the attached form, "CITY OF LEXINGTON, VIRGINIA RESPONSE TO REQUEST PURSUANT TO VIRGINIA FREEDOM OF INFORMATION ACT" (Lexington FOIA Form)
 - 1. If the request has arrived in writing (letter or email), transfer the requester's contact information onto the Lexington FOIA Form (top half of page one.), and note "See attached" for the "Description of Records..."
 - 2. If the request arrives verbally/in person, write down the information on the top half of page one of the Lexington FOIA Form, and have the requestor read what is written and acknowledge accuracy by initialing in the box provided.
 - 3. If the request arrives verbally/over the phone, write down the information on the Lexington FOIA Form. When you have completed the top half of page one, read the entire information back to the requestor and ask him/her to acknowledge that it is correct. If

s/he has corrections, make those changes, then read it again and have him/her acknowledge that it is correct. Note the acknowledgment on the form in the box provided.

B. Method: The choice for inspection of records versus receiving copies of records belongs to the requestor. The City may impose labor rates for supervision, as well as accessing or searching for the requested records.

C. Fees: “A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records” (Virginia Code §2.2-3704(F)).

1. Accordingly, Lexington has imposed the following reasonable fees:
 - a. Copying at five (5) cents per black and white copy and ten (10) cents per color copy (unless unusual circumstances, all copies will be black and white.)
 - b. Labor at the hourly rate of the administrative support staff in the responding department.
 - c. Copying electronic records onto CDs is \$3.00 per CD plus labor, but there is only a labor fee for non-exempt records emailed to the requestor. Electronic records printed and provided in paper form are subject to fees described above. The requestor can choose the medium by which to receive the information.
2. “Always tell requesters in advance whether there will be a charge and a general breakdown of how charges will be calculated” (Taking the shock out of FOIA charges, Virginia Freedom of Information Advisory Council, June, 2014).

D. Collection of Fees

1. The City has elected not to charge for filling requests that have an actual cost of less than \$50.
2. If the estimated cost is \$50-\$199.99, the City will bill the requestor with a due date of 30 days. The requested materials can be provided to the requestor without advance payment.
3. If the estimated cost is over \$200, do not process the request until the estimate is paid in advance. If the actual cost exceeds the estimate, the City will bill the balance to the requestor with a 30-day

due date. If the actual cost is lower than the estimate, the difference will be refunded to the requestor.

4. If the requestor has an open balance on any billings for FOIA requests that are 30 days old or older, the requestor must pay the open balance before the new request can be processed.

E. Exceptions

1. Lexington is not required to create records that do not already exist.
2. Lexington is not required to abstract or summarize records.
3. Lexington is no longer the custodian of records that have been sent to The Library of Virginia for permanent archiving.
4. Lexington may require supervised inspection if oversized records are not reproducible on a standard copier.
5. Lexington and the requestor of records can negotiate a different timeframe with reduced costs, as mutually agreed prior to the five-day timetable, or prior to the seven-day extension.
6. Lexington *“may petition the appropriate court for additional time to respond to a request for records when the request is for an extraordinary volume of records or requires an extraordinarily lengthy search, and a response by the public body within the time required by [Virginia Code Chapter 37]...will prevent the public body from meeting its operational responsibilities. Before proceeding with the petition, however, the public body shall make reasonable efforts to reach an agreement with the requester concerning the production of the records”* (Code of Virginia §2.2-3704 C)

F. Recommendations

1. Place commonly requested non-exempt documents on the City Website and direct requestors to the Website.
2. Have available copies of routinely requested non-exempt records.

Note: Index 0880 has three attachments: Lexington FOIA Form, VA Code excerpt, Citizens Guide

Noah A. Simon, City Manager

Date

Bibliography:

1. Virginia Code (online)
2. Taking the Shock out of FOIA Charges (booklet by the VA FOIA Advisory Council, 2014)
2. 2014 Montgomery Co FOIA Policy
3. Shenandoah County FOIA REQUEST REPLY FORM

Rights & Responsibilities:

The Rights of Requesters and the Responsibilities of citizens and the Lexington FOIA Department under the Virginia Freedom of Information Act

The Virginia Freedom of Information Act (FOIA), located § 2.2-3700 et seq. of the Code of Virginia, guarantees citizens of the Commonwealth and representatives of the media access to public records held by public bodies, public officials, and public employees.

A public record is 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 public records are presumed to be open, and may only be withheld if a specific, statutory exemption applies.

The policy of FOIA states that the purpose of FOIA is to promote an increased awareness by all persons of governmental activities. In furthering this policy, FOIA requires that the law be interpreted liberally, in favor of access, and that any exemption allowing public records to be withheld must be interpreted narrowly.

Your FOIA Rights

- You have the right to request to inspect **or** receive copies of public records, or both.
- You have the right to request that any charges for the requested records be estimated in advance.
- If you believe that your FOIA rights have been violated, you may file a petition in district or circuit court to compel compliance with FOIA. Alternatively, you may contact the FOIA Council for a nonbinding advisory opinion.

Making a Request for records from FOIA Department

- You may request records by U.S. Mail, fax, e-mail, in person, or over the phone. FOIA does not require that your request be in writing, nor do you need to specifically state that you are requesting records under FOIA.
 - From a practical perspective, it may be helpful to both you and the person receiving your request to put your request in writing. This allows you to create a record of your request. It also gives us a clear statement of what records you are requesting, so that there is no misunderstanding over a verbal request. However, we cannot refuse to respond to your FOIA request if you elect to not put it in writing.
- Your request must identify the records you are seeking with "reasonable specificity." This is a common-sense standard. It does not refer to or limit the volume or number of records that you are requesting; instead, it requires that you

be specific enough so that we can identify and locate the records that you are seeking.

- Your request must ask for existing records or documents. FOIA gives you a right to inspect or copy **records**; it does not apply to a situation where you are asking general questions about the work of the Lexington FOIA Department, nor does it require the Department to create a record that does not exist.
- You may choose to receive electronic records in any format used by the FOIA Department in the regular course of business.
 - For example, if you are requesting records maintained in an Excel database, you may elect to receive those records electronically, via e-mail or on a computer disk, or to receive a printed copy of those records
- If we have questions about your request, please cooperate with staff's efforts to clarify the type of records that you are seeking, or to attempt to reach a reasonable agreement about a response to a large request. Making a FOIA request is not an adversarial process, but we may need to discuss your request with you to ensure that we understand what records you are seeking.

To request records from the Lexington FOIA Department], you may direct your request to either of the FOIA Officers, the City Manager or the City Attorney. They can be reached at City Hall, 300 East Washington Street, Lexington, Virginia (540) 462-3700. FOIA@lexingtonva.gov. You may also contact the FOIA Department with questions you have concerning requesting records. In addition, the Freedom of Information Advisory Council is available to answer any questions you may have about FOIA. The Council may be contacted by e-mail at foiacouncil@dls.virginia.gov, or by phone at (804) 225-3056 or [toll free] 1-866-448-4100.

Lexington's FOIA Department's Responsibilities in Responding to Your Request

- The FOIA Department must respond to your request within five working days of receiving it. "Day One" is considered the day after your request is received. The five-day period does not include weekends or holidays.
- The reason behind your request for public records from FOIA Department is irrelevant, and you do not have to state why you want the records before we respond to your request. FOIA does, however, allow FOIA Department to require you to provide your name and legal address.
- FOIA requires that the FOIA Department make one of the following responses to your request within the five-day time period:
 - 1) We provide you with the records that you have requested in their entirety.

- 2) We withhold all of the records that you have requested, because all of the records are subject to a specific statutory exemption. If all of the records are being withheld, we must send you a response in writing. That writing must identify the volume and subject matter of the records being withheld, and state the specific section of the Code of Virginia that allows us to withhold the records.
 - 3) We provide some of the records that you have requested, but withhold other records. We cannot withhold an entire record if only a portion of it is subject to an exemption. In that instance, we may redact the portion of the record that may be withheld, and must provide you with the remainder of the record. We must provide you with a written response stating the specific section of the Code of Virginia that allows portions of the requested records to be withheld.
 - 4) We inform you in writing that the requested records cannot be found or do not exist (we do not have the records you want). However, if we know that another public body has the requested records, we must include contact information for the other public body in our response to you.
 - 5) If it is practically impossible for the FOIA Department to respond to your request within the five-day period, we must state this in writing, explaining the conditions that make the response impossible. This will allow us seven additional working days to respond to your request, giving us a total of 12 working days to respond to your request.
- If you make a request for a very large number of records, and we feel that we cannot provide the records to you within 12 working days without disrupting our other organizational responsibilities, we may petition the court for additional time to respond to your request. However, FOIA requires that we make a reasonable effort to reach an agreement with you concerning the production of the records before we go to court to ask for more time.

Costs

- A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. All charges for the supplying of requested records shall be estimated in advance at the request of the citizen as set forth in subsection F of § 2.2-3704 of the Code of Virginia.
- You may have to pay for the records that you request from the FOIA Department. FOIA allows us to charge for the actual costs of responding to FOIA requests. This

would include items like staff time spent searching for the requested records, copying costs, or any other costs directly related to supplying the requested records. It cannot include general overhead costs.

- If we estimate that it will cost more than \$200 to respond to your request, we may require you to pay a deposit, not to exceed the amount of the estimate, before proceeding with your request. The five days that we have to respond to your request does not include the time between when we ask for a deposit and when you respond.
- You may request that we estimate in advance the charges for supplying the records that you have requested. This will allow you to know about any costs upfront, or give you the opportunity to modify your request in an attempt to lower the estimated costs.
- If you owe us money from a previous FOIA request that has remained unpaid for more than 30 days, the FOIA Department may require payment of the past-due bill before it will respond to your new FOIA request.

Types of records

The following is a general description of the types of records held by the City of Lexington:

- Personnel records concerning employees and officials of the City
- Records of contracts which the City has entered into.
- Budget information and fiscal records.
- Zoning and Building Permit information.
- Tax parcel identification.

If you are unsure whether the City has the record(s) you seek, please contact either of the FOIA Officers directly at FOIA Department, 300 East Washington Street, Lexington, Virginia 24450, 540-462.3700, 540-463-5310 (fax); FOIA@lexingtonva.gov.

Commonly used exemptions

The Code of Virginia allows any public body to withhold certain records from public disclosure. The FOIA Department commonly withholds records subject to the following exemptions:

- Personnel records (§ 2.2-3705.1 (1) of the Code of Virginia)
- Records subject to attorney-client privilege (§ 2.2-3705.1 (2)) or attorney work product (§ 2.2-3705.1 (3))

- Vendor proprietary information (§ 2.2-3705.1 (6))
- Records relating to the negotiation and award of a contract, prior to a contract being awarded (§ 2.2-3705.1 (12))
- Internal reports or memos dealing with ongoing contract negotiations.

Policy regarding the use of exemptions

- The general policy of the City is to invoke the personnel records exemption in those instances where it applies in order to protect the privacy of employees and officials of the City.
- The general policy of the City is to invoke the contract negotiations exemption whenever it applies in order to protect the City's bargaining position and negotiating strategy.

CITY OF LEXINGTON, VIRGINIA
RESPONSE TO REQUEST
PURSUANT TO
VIRGINIA FREEDOM OF INFORMATION ACT



REQUESTING PARTY INFORMATION:

Requesting Party Name: _____

Requesting Party Response Address: _____

Email: _____ Telephone: _____ Fax: _____

DESCRIPTION OF RECORDS BEING REQUESTED (§2.2-3704(B))

By initialing, requestor acknowledges that the information is correct _____

Telephone Requestor acknowledged that the information is correct.

OFFICE USE ONLY

Received Date: _____ Response Due Date: _____ Response Date: _____

Type of Request: _____ Written/e-mail _____ Verbal/Telephone _____ Verbal/In Person

Department Receiving Request: _____ Responding Department: _____

RESPONSE(S) TO REQUEST:

The applicable response(s) to your request(s) is (are) indicated:

___ The requested records are enclosed. The City has elected not to charge for filling requests which have an actual cost of less than \$50.00, and this request cost less than \$50.00. Accordingly, there is no charge.

___ The requested records are enclosed. Costs relating to searching, copying and supplying this request to the requester are \$ _____. Payment is due within 30 days. Please remit check or money order payable to Treasurer of Lexington, Virginia at 300 East Washington Street, Post Office Box 920, Lexington, VA 24450. Please note on memo line, "FOIA request." § 2.2-3704(F).

___ Lexington has estimated that the cost of searching and copying the requested records will exceed \$200. Lexington estimates that the cost of searching and copying will be \$ _____. Payment of \$ _____ must be received by Lexington before processing of the request begins. § 2.2-3704(H).

___ Before processing this request, the requesting party must pay amounts owed to Lexington for previous request(s) for records that remain unpaid 30 days or more after billing. Lexington records indicate the requesting party owes the amount of \$ _____ for previous request(s). § 2.2-3704(I).

___ The requested records do not exist. Lexington is not required to create or prepare a particular requested record if it does not already exist. § 2.2-3704(D)

___ The requested records will be entirely withheld because state law prohibits their release or the records custodian has exercised discretion to withhold the records in accordance with provisions of the Virginia Freedom of Information Act. The Virginia Code Section(s) that authorize(s) the withholding of the records is/are cited below. § 2.2-3704(B)(1)

___ The requested records will be provided in part and withheld in part because state law prohibits the release of part of the records or the records custodian has exercised discretion to withhold a portion of the records in accordance with provisions of the Virginia Freedom of Information Act. The Virginia Code Section(s) that authorize the withholding of the records is/are cited below (see attached).

___ The requested records may be reviewed in person upon request beginning on or after the date given below at the office of the custodian(s) of the records listed below. Please call for an appointment.

On or after

Custodial Office

Phone number

___ The requested records are for records of another agency and are not maintained or in the possession of Lexington. § 2.2-3704(B)(3)

___ It is not practically possible to provide the requested records or to determine whether they are available within the 5 working day period since receiving the request. Stated below are the conditions that make a response impossible. Lexington shall have an additional 7 working days in which to provide one of the preceding responses. § 2.2-3704(B)(4)

___ The records requested have not been identified "with reasonable specificity". Please use the space provided below to clarify record request. If applicable, please see notation below* regarding the record request. § 2.2-3704(B)

*ADDITIONAL INFORMATION CONCERNING ABOVE RESPONSE(S):

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

A. Except as otherwise specifically provided by law, all public records shall be open to 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. Access to such records shall be provided by the custodian in accordance with this chapter by inspection or by providing copies of the requested records, at the option of the requester. The custodian may require the requester to provide his name and legal address. The custodian of such records shall take all necessary precautions for their preservation and safekeeping.

B. A request for public records shall identify the requested records with reasonable specificity. The request need not make reference to this chapter in order to invoke the provisions of this chapter or to impose the time limits for response by a public body. Any public body that is subject to this chapter and that is the custodian of the requested records shall promptly, but in all cases within five working days of receiving a request, provide the requested records to the requester or make one of the following responses in writing:

1. The requested records are being entirely withheld. Such response shall identify with reasonable particularity the volume and subject matter of withheld records, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records.

2. The requested records are being provided in part and are being withheld in part. Such response shall identify with reasonable particularity the subject matter of withheld portions, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records.

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

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

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

agreement with the requester concerning the production of the records requested.

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

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

F. A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. The public body may also make a reasonable charge for the cost incurred in supplying records produced from a geographic information system at the request of anyone other than the owner of the land that is the subject of the request. However, such charges shall not exceed the actual cost to the public body in supplying such records, except that the public body may charge, on a pro rata per acre basis, for the cost of creating topographical maps developed by the public body, for such maps or portions thereof, which encompass a contiguous area greater than 50 acres. All charges for the supplying of requested records shall be estimated in advance at the request of the citizen. The period within which the public body shall respond under this section shall be tolled for the amount of time that elapses between notice of the cost estimate and the response of the requester. If the public body receives no response from the requester within 30 days of sending the cost estimate, the request shall be deemed to be withdrawn.

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

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

H. In any case where a public body determines in advance that charges for producing the requested records are likely to exceed \$200, the public body may, before continuing to process the request, require the requester to pay a deposit not to exceed the amount of the advance determination. The deposit shall be credited toward the final cost of supplying the requested

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

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

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

1968, c. 479, § 2.1-342; 1973, c. 461; 1974, c. 332; 1975, cc. 307, 312; 1976, cc. 640, 709; 1977, c. 677; 1978, c. 810; 1979, cc. 682, 684, 686, 689; 1980, cc. 678, 754; 1981, cc. 456, 464, 466, 589; 1982, cc. 225, 449, 452, 560, 635; 1983, cc. 372, 462, 607; 1984, cc. 85, 395, 433, 513, 532; 1985, cc. 81, 155, 502, 618; 1986, cc. 273, 291, 383, 469, 592; 1987, cc. 401, 491, 581; 1988, cc. 39, 151, 395, 411, 891, 902; 1989, cc. 56, 358, 478; 1990, cc. 217, 538, 721, 819, 968; 1991, cc. 213, 561; 1992, cc. 40, 150, 167, 200, 203, 207, 593, 612; 1993, cc. 205, 270, 296, 537, 552, 638, 750, 883; 1994, cc. 485, 532, 606, 839, 853, 918; 1995, cc. 299, 362, 499, 562, 638, 722, 812, 837; 1996, cc. 168, 469, 589, 599, 783, 786, 794, 855, 862, 902, 905, 1001, 1046; 1997, cc. 198, 295, 439, 567, 636, 641, 777, 782, 785, 838, 861; 1998, cc. 427, 891; 1999, cc. 438, 703, 726; 2001, c. 844; 2002, cc. 715, 830; 2003, cc. 275, 981, 1021; 2007, c. 439; 2009, c. 626; 2010, c. 627; 2011, c. 604; 2016, cc. 620, 716; 2017, c. 778; 2020, c. 1142.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Popular Annual Financial Report
To the Community
For the Fiscal Year ended on June 30, 2019

Created by Cadets Simon Krauthamer and David Zingaro (Faculty Advisor: Dr. Bing Jiang)

The City of Lexington proudly presents Popular Annual Financial Report [PAFR]. The purpose of this report is to inform the community of the City's financial activity in a simple and easy-to-read format for the fiscal year ending June 30, 2019.

These highlights are based on the City's 2019 Comprehensive Annual Financial Report [CAFR], a more inclusive and audited document.

INSIDE THIS ISSUE:

Lexington's New City Manager..1
Infrastructure.....2
General Fund.....3
Capital Projects Fund.....3
Governmental Fund.....4

ABOUT THIS REPORT

The City of Lexington reports financial year-end results in the Comprehensive Annual Financial Report (CAFR).

The Popular Annual Financial Report (PAFR) is an unaudited report that summarizes the most significant data from the 2019 CAFR and is consistent with Generally Accepted Accounting Principles.

For a complete review of the City's financial position for 2019, consult the 2019 CAFR available on the City's website at <http://lexingtonva.gov> or from the Finance Department at 540-462-3731.

City of Lexington Welcomes the New Manager



City Council Members FY 2019



New City Manager: Jim Halasz

The City of Lexington welcomes Mr. Jim Halasz as the new city manager! Before coming to Lexington as the new City manager on Nov 9, 2019, Mr. Jim Halasz was the Halifax County Administrator and lived in South Boston, Virginia for over 6 years. Prior to that, Jim worked for 12 years as Assistant & Deputy City Manager in Staunton, Virginia. He had also worked additional nearly 12 years in Michigan as Paw Paw Village Manager, Milford Village Manager and City of Cadillac, Assistant to the City Manager.

Jim is a long time Rotarian and believes deeply in community service on a professional and personal level. In his first few months in Lexington, he has very much enjoyed working with the City Council, the regional partners, stakeholders and residents of the community. He actively pursues outdoor activities like running, hiking, hunting and wilderness canoeing. Jim has been married for nearly 30 years and has a daughter and son, both of who are adults and now have moved to Colorado.

Infrastructure and Improvements in Lexington

The City of Lexington made a series of improvements to infrastructure throughout the community. Several of these improvements are described below.

Enfield Sewer Improvements – Phase II

This \$1.2M project completed the Enfield sewer shed sanitary sewer repair, replacement, and lining efforts which commenced with Phase I in 2017. This project focused on the City's sewer infrastructure within and along the periphery of Borden Road, Alum Springs Road, and Lime Kiln Road.



Woods Creek Sewer Interceptor Improvements

This \$520K project increased the size of the City's primary sewer conveyance main to 16-inches from the Lime Kiln Bridge to its confluence with the Sarah's Run Interceptor. The existing 12-inch interceptor was poorly aligned and experienced periodic overflows.

Main Street Waterline Project

This \$1.6M project replaced the myriad of aged 8-inch, 10-inch, and 12-inch waterlines within Main Street with new 12-inch ductile iron pipe from Jordan Street to Maiden Lane. This project also included the installation of new master water meters for the Virginia Military Institute.



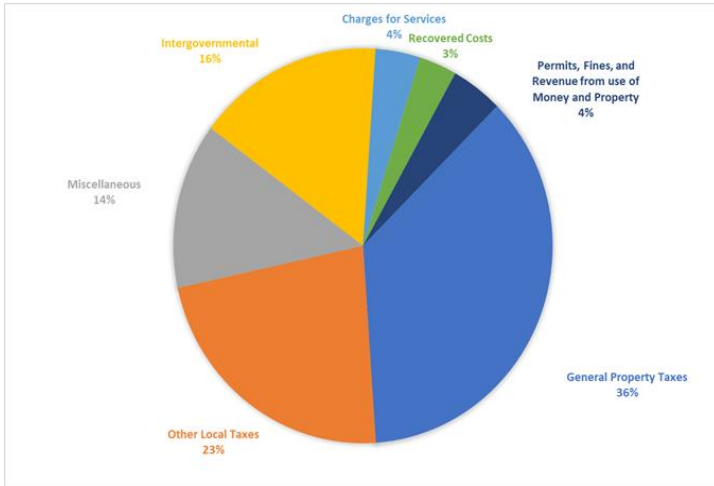
Taylor Street Reconstruction

This \$600K project replaced all City right-of-way water, sewer, concrete, and roadway infrastructure from Houston Street to Wallace Street. The project was fifty percent funded by VDOT Revenue Sharing grant monies.



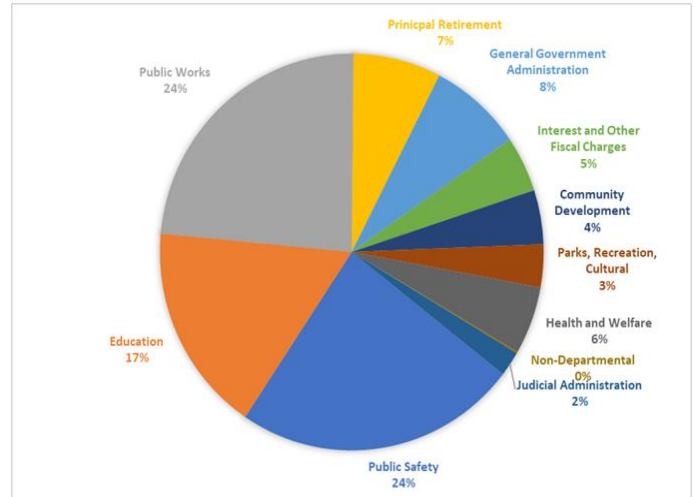
General Fund Revenue

Total: \$19,269,550



General Fund Expenditure

Total: \$17,949,318



The General Fund is one of the largest funds for Lexington's operation. The General Fund accounts for day-to-day general expenditures such as street and park maintenance, public safety, and administrative services, while also providing to other funds. However, it does not account for the purchase of tangible assets like buildings. Those purchases fall under the Capital Projects Fund.

In the Fiscal Year 2019, most of Lexington's expenditure was about evenly split between public works (24%) and public safety (24%), and the second largest expense was education (17%). The total expenditure was \$17,949,318, which was 3.5% higher than the approved budget of \$17,334,338.00. This was due to an increase in public safety, non-departmental, and community development.

Capital Projects Fund

Capital Projects Fund Revenue

Miscellaneous	-
Commonwealth	-
Total Revenue	-

Capital Projects Expenditure

Current	
Public Works	\$689,662
Education	\$5,667
Parks, recreation and cultural	\$37,345
Public Safety	\$258,610
General government administration	\$14,378
Community Development	\$40,697
Total Expenditure	\$1,046,359

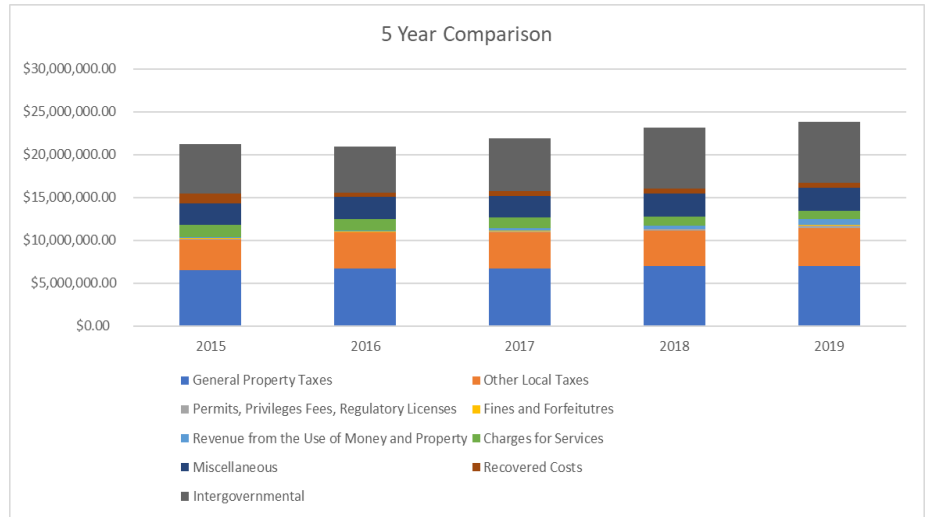
Revenue	-
Expenditure	\$1,046,359
Excess	\$(1,046,359)
Transfer	\$1,610,000
Excess	\$563,641
Beginning Fund	\$2,794,787
Ending Fund	\$3,358,428

A transfer of \$1,610,000 was made from bond funds and the General Fund to cover the excess in expenditure, \$1,046,359, which brought the excess to a positive \$563,641. This excess was added to the beginning Capital Projects Fund of \$2,794,787 to leave \$3,358,428 as the ending balance of the Capital Projects Fund.

Governmental Revenue and Expenditure

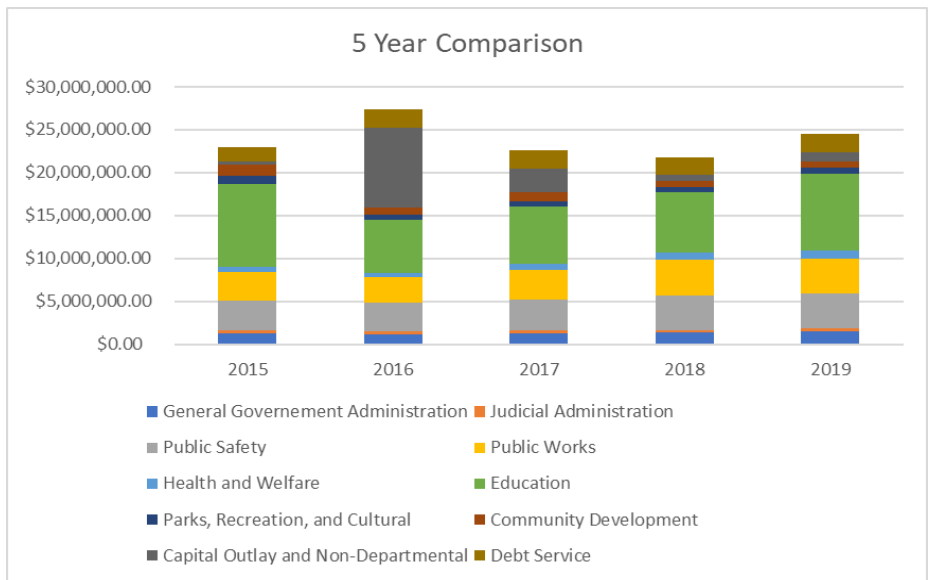
Revenue

Lexington's revenue for FY 2019 was a total of \$19,367,135.00. This was about a 1.25% increase from 2018's revenue.



Expenditure

Lexington's expenditure in the FY 2019 was a total of \$17,949,358.00. This was about a 1% increase from 2018's total expenditure.



Long-Term Debt

2018 \$28,152,374
2019 \$29,397,936

The City's total general obligation debt increased by \$1,245,562 or 4.4% during the current fiscal year.

The current debt limitation for the City of Lexington is \$58,665,000, so the current long-term debt is *significantly* lower than the debt limit.



COUNCIL MEETINGS AND SAMPLE AGENDA

Council meetings and meeting procedures are prescribed in Sections 10-18 of the City Charter. Regular City Council meetings are held on the first and third Thursdays of each month at 8:00 p.m. in the Rockbridge County Administrative Offices board room at 150 South Main Street, Lexington, VA 24450. Periodically, City Council will meet before the Council meeting for a Council work session or standing committee meeting in the same location. Other meeting sites are used occasionally, such as City Hall, the Lexington Police Department, or Lexington Fire Station. The Clerk of Council and or the City Manager will notify the Mayor and Council members of any changes in time or location.

City Council meetings are audio-recorded. The audio recordings of the meetings are available for review in the City Dropbox accessed through the city website (lexingtonva.gov). The Clerk of Council is present at the Council meetings and will record a summary of actions, discussions, and reports. The official minutes of the meetings will be presented for approval as part of the agenda at a subsequent meeting.

City Council work sessions are intended as in-depth discussions of major issues in a less formal setting than a regular meeting. Council does not typically take action at work sessions. The in-depth discussions at work sessions result in more productive and shorter regular meetings.

The City Council regular meeting follows a set order for the conduct of business and often includes a public hearing near the beginning of the meeting to receive public comment on matters under consideration by the City Council. The agenda also contains an element called the "Consent Agenda" for items that most likely do not require discussion, but need City Council consideration. If discussion is needed, these items can be moved to another section of the agenda during the Approval of the Agenda. Council meetings periodically contain Closed Sessions during which the public is excused. These may occur for specific purposes outlined in Virginia Code Section 2.2-3711.

Meeting packets containing the agenda and supporting documents are prepared and distributed electronically through iCompass. The agenda package contains agenda memos describing the issue under consideration, background, economic impact, and a recommendation from the City Manager or other City Staff. Samples are herein attached of a Regular Meeting Agenda and an Agenda Memo.



LEXINGTON CITY COUNCIL AGENDA

Thursday, February 6, 2020, 8:00 PM
Waddell Elementary School
100 Pendleton Place, Lexington, Virginia

**SAMPLE
AGENDA**

- 1. Call to Order - Mayor Friedman**
- 2. Pledge of Allegiance - Mayor Friedman**
- 3. Approval of the Agenda - Mayor Friedman**
- 4. Proclamations**
- 5. Presentations**
- 6. Public Hearings**
 - 6.1. Adopt Ordinance 2020-02, incorporating the budget amendments for the second quarter of FY 2020.

Manager's Recommendation: Adopt Ordinance 2020-02, incorporating the budget amendments for FY 2020.
[AIR 6.1 - Pdf](#)
- 7. Approval of Minutes**
- 8. Citizens' Remarks and Comments**
- 9. Consent Agenda**
 - 9.1. Request by Richard Hastings for street closure in order to host the Memorial Day Celebration on Monday, May 25, 2020.

Manager's Recommendation: To approve the street closure request for the Memorial Day Celebration as presented.
[AIR 9.1 - Pdf](#)
 - 9.2. Approve the FY20 second quarter financial report.
[2ndqtr2020 Financials-City of Lexington Revenue and Expense Reports](#)
- 10. Unfinished Business**
 - 10.1. Discussion on Goals for VDOT Property Development
[CC-VDOT Property Memo](#)
- 11. Reports and Communications**

A. Boards and Commissions

1. Blue Ridge Resource Authority – F. Friedman and C. Smith
2. Main Street Lexington – L. Straughan
3. Planning Commission – L. Straughan
4. Regional Tourism Board – D. Ayers
5. Rockbridge Area Recreation Organization – D. Sigler
6. Threshold – M. Alexander

12. Mayor

13. City Manager

- 13.1. Resolution 2020-02 Setting the Personal Property Tax Relief Percentage for 2020 at 60%

Manager's Recommendation: The City Manager, Commissioner of the Revenue and Treasurer recommend approving Resolution 2020-01 setting the Personal Property Tax Relief Percentage for 2020 at 60%.

[AIR 13.1 - Pdf](#)

14. City Attorney

15. New Business

16. Closed Meeting

- 16.1. Closed Session in accordance with Section 2.2-3711, Subsection A, (3), Discussion of the acquisition of real estate for a public purpose.

17. Adjournment



SAMPLE AGENDA MEMO

Regular Council Agenda Item Report

Subject: Resolution 2020-02 Setting the Personal Property Tax Relief Percentage for 2020 at 60%
Meeting: Regular Council - 06 Feb 2020
Department: Commissioner of the Revenue
Staff Contact: Karen Roundy, Commissioner of the Revenue

BACKGROUND INFORMATION:

Annually, the state provides money for tax relief from personal property taxes as set forth in the Virginia Code and cited in the attached Resolution 2020-02. The figure of 60% relief has worked very well for the City, and has maintained continuity for our revenue streams and consistency for the taxpayer.

Patricia S. DeLaney, City Treasurer and Karen T. Roundy, Commissioner of Revenue have considered the vehicle values as set by NADA and the amount of surplus from previous years and recommend that the rate for tax relief should be continued at 60%.

FINANCIAL IMPACT:

There are no costs from the City's budget associated with this program.

RECOMMENDATION:

Manager's Recommendation: The City Manager, Commissioner of the Revenue and Treasurer recommend approving Resolution 2020-01 setting the Personal Property Tax Relief Percentage for 2020 at 60%.

ATTACHMENTS:

[RES2020-02 PPTRA Resolution](#)

Resolution 2020-02

Resolution of the City Council of the City of Lexington, Virginia Setting Personal Property Tax Relief Percentage for 2020

Whereas, the City Council must set a percentage rate for Personal Property Tax Relief in accordance with the requirements set forth in Section 58.1-3524(C) (2) and Section 58.1-3912(E) of the Code of Virginia, as amended by Chapter 1 of the Acts of Assembly (2004 Special Session 1) and as set forth in Item 503.E (Personal Property Tax Relief Program) of Chapter 951 of the 2005 Acts of Assembly any qualifying vehicle situated with the City commencing January 1, 2020.

Now, Therefore Be it Resolved, the City Council of Lexington does hereby approve that taxpayers shall receive personal property tax relief in the following manner:

- Personal use vehicles valued to \$20,000 will be eligible for 60% tax relief;
- Personal use vehicles valued at \$20,001 or more shall only receive 60% tax relief on the first \$20,000 of value; and
- All other vehicles which do not meet the definition of “qualifying” (business use vehicles, farm use vehicles, motor homes, vehicles over 7,500 lbs, etc.) will not be eligible for any form of tax relief under this program.
- In accordance with Item 503.D.1. the entitlement to personal property tax relief for qualifying vehicles for tax year 2005 and all prior tax years expired on September 1, 2006. Supplemental assessments for tax years 2005 and prior that are made after September 1, 2006, shall be deemed ‘non-qualifying’ for purposes of state tax relief and the local share due from the taxpayer shall represent 100% of the tax assessable.

Adopted: February 6, 2020

Frank W. Friedman, Mayor

Jani Hostetter, Clerk



ICMA Code of Ethics with Guidelines

The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in June 2020. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in June 2020.

The mission of ICMA is to advance professional local government through leadership, management, innovation, and ethics. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

Tenet 1. We believe professional management is essential to efficient and democratic local government by elected officials.

Tenet 2. Affirm the dignity and worth of local government services and maintain a deep sense of social responsibility as a trusted public servant.

GUIDELINE

Advice to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities in order to uphold local government professionalism.

Tenet 3. Demonstrate by word and action the highest standards of ethical conduct and integrity in all public, professional, and personal relationships in order that the member may merit the trust and respect of the elected and appointed officials, employees, and the public.

GUIDELINES

Public Confidence. Members should conduct themselves so as to maintain public confidence in their position and profession, the integrity of their local government, and in their responsibility to uphold the public trust.

Length of Service. For chief administrative/executive officers appointed by a governing body or elected official, a minimum of two years is considered necessary to render a professional service to the local government. In limited circumstances, it may be in the best interests of the local government and the member to separate before serving two years. Some examples include refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or significant personal issues. It is the responsibility of an applicant for a position to understand conditions of employment, including expectations of service. Not understanding the terms of employment prior to accepting does not justify

premature separation. For all members a short tenure should be the exception rather than a recurring experience, and members are expected to honor all conditions of employment with the organization.

Appointment Commitment. Members who accept an appointment to a position should report to that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time. However, once a member has accepted a formal offer of employment, that commitment is considered binding unless the employer makes fundamental changes in the negotiated terms of employment.

Credentials. A member's resume for employment or application for ICMA's Voluntary Credentialing Program shall completely and accurately reflect the member's education, work experience, and personal history. Omissions and inaccuracies must be avoided.

Professional Respect. Members seeking a position should show professional respect for persons formerly holding the position, successors holding the position, or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity.

Reporting Ethics Violations. When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report possible violations to ICMA. In reporting the possible violation, members may choose to go on record as the complainant or report the matter on a confidential basis.

Confidentiality. Members shall not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

Seeking Employment. Members should not seek employment for a position that has an incumbent who has not announced his or her separation or been officially informed by the appointive entity that his or her services are to be terminated. Members should not initiate contact with representatives of the appointive entity. Members contacted by representatives of the appointive entity body regarding prospective interest in the position should decline to have a conversation until the incumbent's separation from employment is publicly known.

Relationships in the Workplace. Members should not engage in an intimate or romantic relationship with any elected official or board appointee, employee they report to, one they appoint and/or supervise, either directly or indirectly, within the organization.

This guideline does not restrict personal friendships, professional mentoring, or social interactions with employees, elected officials and Board appointees.

Influence. Members should conduct their professional and personal affairs in a manner that demonstrates that they cannot be improperly influenced in the performance of their official duties.

Conflicting Roles. Members who serve multiple roles – either within the local government organization or externally – should avoid participating in matters that create either a conflict of interest or the perception of one. They should disclose any potential conflict to the governing body so that it can be managed appropriately.

Conduct Unbecoming. Members should treat people fairly, with dignity and respect and should not engage in, or condone bullying behavior, harassment, sexual harassment or discrimination on the basis of race, religion, national origin, age, disability, gender, gender identity, or sexual orientation.

Tenet 4. Serve the best interests of the people.

GUIDELINES

Impacts of Decisions. Members should inform their governing body of the anticipated effects of a decision on people in their jurisdictions, especially if specific groups may be disproportionately harmed or helped.

Inclusion. To ensure that all the people within their jurisdiction have the ability to actively engage with their local government, members should strive to eliminate barriers to public involvement in decisions, programs, and services.

Tenet 5. Submit policy proposals to elected officials; provide them with facts, and technical and professional advice about policy options; and collaborate with them in setting goals for the community and organization.

Tenet 6. Recognize that elected representatives are accountable to their community for the decisions they make; members are responsible for implementing those decisions.

Tenet 7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

GUIDELINES

Elections of the Governing Body. Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not participate in an election campaign on behalf of or in opposition to candidates for the governing body.

Elections of Elected Executives. Members shall not participate in the election campaign of any candidate for mayor or elected county executive.

Running for Office. Members shall not run for elected office or become involved in political activities related to running for elected office, or accept appointment to an elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

Elections. Members share with their fellow citizens the right and responsibility to vote. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office.

Elections relating to the Form of Government. Members may assist in preparing and presenting materials that explain the form of government to the public prior to a form of government election. If assistance is required by another community, members may respond.

Presentation of Issues. Members may assist their governing body in the presentation of issues involved in referenda such as bond issues, annexations, and other matters that affect the government entity's operations and/or fiscal capacity.

Personal Advocacy of Issues. Members share with their fellow citizens the right and responsibility to voice their opinion on public issues. Members may advocate for issues of personal interest only when doing so does not conflict with the performance of their official duties.

Tenet 8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

GUIDELINES

Self-Assessment. Each member should assess his or her professional skills and abilities on a periodic basis.

Professional Development. Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

Tenet 9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

Tenet 10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

GUIDELINE

Information Sharing. The member should openly share information with the governing body while diligently carrying out the member's responsibilities as set forth in the charter or enabling legislation.

Tenet 11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

GUIDELINE

Equal Opportunity. All decisions pertaining to appointments, pay adjustments, promotions, and discipline should prohibit discrimination because of race, color, religion, sex, national origin, sexual orientation, political affiliation, disability, age, or marital status.

It should be the members' personal and professional responsibility to actively recruit and hire a diverse staff throughout their organizations.

Tenet 12. Public office is a public trust. A member shall not leverage his or her position for personal gain or benefit.

GUIDELINES

Gifts. Members shall not directly or indirectly solicit, accept or receive any gift if it could reasonably be perceived or inferred that the gift was intended to influence them in the performance of their official duties; or if the gift was intended to serve as a reward for any official action on their part.

The term "Gift" includes but is not limited to services, travel, meals, gift cards, tickets, or other entertainment or hospitality. Gifts of money or loans from persons other than the local government jurisdiction pursuant to normal employment practices are not acceptable.

Members should not accept any gift that could undermine public confidence. De minimus gifts may be accepted in circumstances that support the execution of the member's official duties or serve a legitimate public purpose. In those cases, the member should determine a modest maximum dollar value based on guidance from the governing body or any applicable state or local law.

The guideline is not intended to apply to normal social practices, not associated with the member's official duties, where gifts are exchanged among friends, associates and relatives.

Investments in Conflict with Official Duties. Members should refrain from any investment activity which would compromise the impartial and objective performance of their duties. Members should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict of interest, in fact or appearance, with their official duties.

In the case of real estate, the use of confidential information and knowledge to further a member's personal interest is not permitted. Purchases and sales which might be interpreted as speculation for quick profit should be avoided (see the guideline on "Confidential Information"). Because personal investments may appear to influence official actions and decisions, or create the appearance of impropriety, members should disclose or dispose of such investments prior to accepting a position in a local government. Should the conflict of interest arise during employment, the member should make full disclosure and/or recuse themselves prior to any official action by the governing body that may affect such investments.

This guideline is not intended to prohibit a member from having or acquiring an interest in or deriving a benefit from any investment when the interest or benefit is due to ownership by the member or the member's family of a de minimus percentage of a corporation traded on a recognized stock exchange even though the corporation or its subsidiaries may do business with the local government.

Personal Relationships. In any instance where there is a conflict of interest, appearance of a conflict of interest, or personal financial gain of a member by virtue of a relationship with any individual, spouse/partner, group, agency, vendor or other entity, the member shall disclose the relationship to the organization. For example, if the member has a relative that works for a developer doing business with the local government, that fact should be disclosed.

Confidential Information. Members shall not disclose to others, or use to advance their personal interest, intellectual property, confidential information, or information that is not yet public knowledge, that has been acquired by them in the course of their official duties.

Information that may be in the public domain or accessible by means of an open records request, is not confidential.

Private Employment. Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

Representation. Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

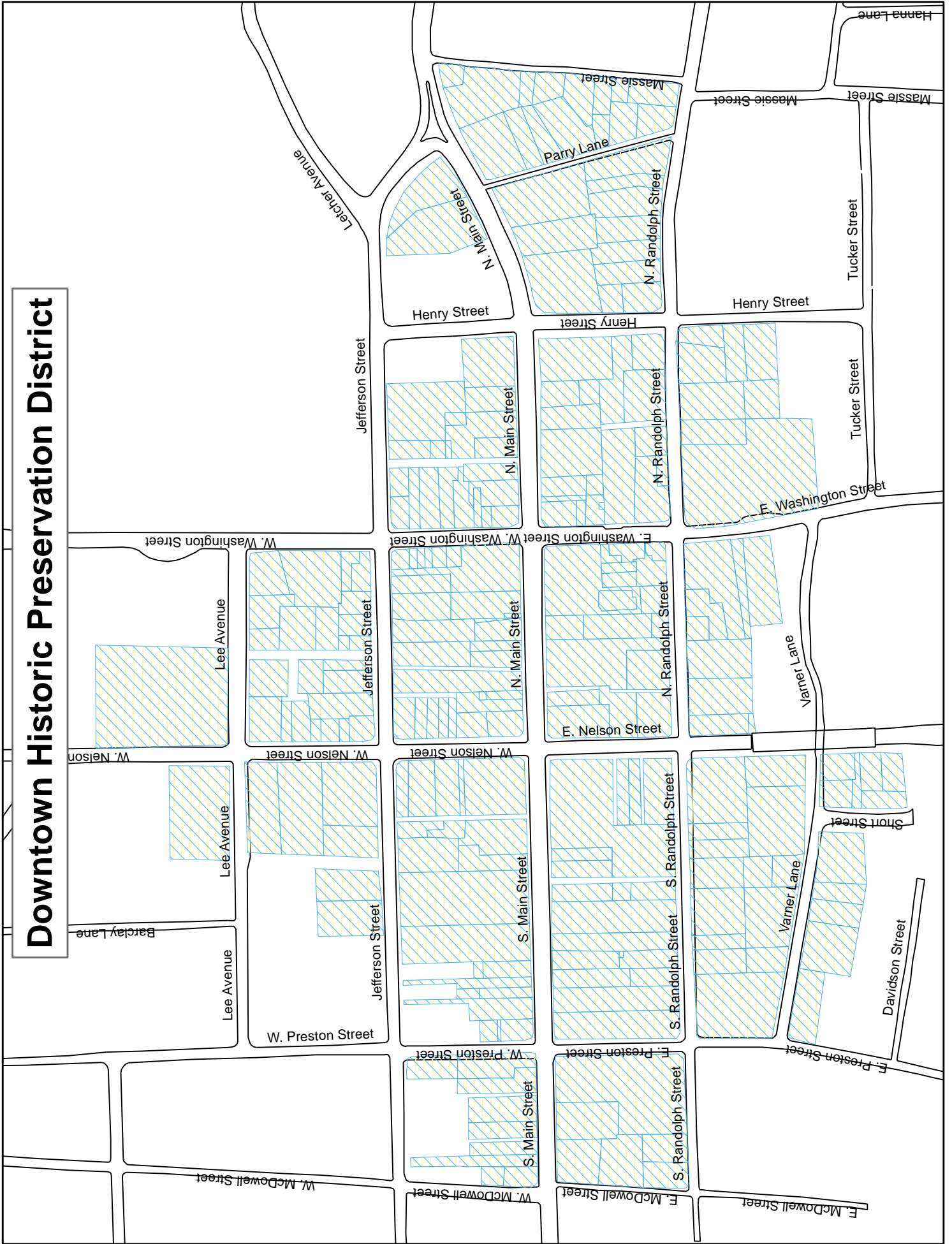
Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements,

marketing materials, social media, or other documents, whether the member is compensated or not for the member's support. Members may, however, provide verbal professional references as part of the due diligence phase of competitive process or in response to a direct inquiry.

Members may agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.

Downtown Historic Preservation District



Taxes and Fees

Real Estate Taxes: \$1.06 per \$100.00 assessed value

Personal Property Taxes: \$4.25 per \$100.00 valuation with 60% of the first \$20,000 value abated under the Personal Property Tax Relief Act

Meals Tax: 6%

Lodging Tax: 8%

Cemetery Lot (per space): City resident \$1,257 Non-resident \$2,843

Grave opening & closing: normal work hours \$927; other hours \$1,282

Cremation: normal work hours \$608; other hours \$762

Water & Sewer Rates (per cubic foot):

Inside City Limits

<u>Tiers</u>	<u>Water</u>	<u>Sewer</u>
201 - 1,100	0.0561	0.1116
1,101 - 12,000	0.0893	0.1779
12,001 - & over	0.1227	0.2442

Outside City Limits

<u>Tiers</u>	<u>Water</u>	<u>Sewer</u>
201 - 1,100	0.0757	0.1507
1,101-12,000	0.1205	0.2401
12,001 & over	0.1657	0.3296

Water & Wastewater Customers Outside City Limits

All consumers outside City limits shall pay 35% more than City rates for both water and wastewater.

Water & Sewer Connection Charges:

Water \$1,863 Sewer \$1,809

Social Media Policy
City of Lexington, Virginia
September 6, 2017

I. INTRODUCTION

The City of Lexington supports the controlled use of social media sites to enhance the presentation, access and communication of city information to its residents.

Communicating with the City of Lexington through social media further enables citizens to contact the City of Lexington in a direct and meaningful way. Social media sites and tools provide city officials, departments, teams or other city groups the ability to publish and share information and collaborate on issues related to city government. All official City of Lexington social media sites are considered an extension of the city's information network and are governed by the Social Media Policy.

A. Purpose

The purpose of this policy is to ensure that communications across the City of Lexington are well-coordinated, effectively managed, and responsive to the diverse information needs of the public. Social media will be used as a public education and communication tool while advocating to help departments reach their stated goals.

City social media sites and tools facilitate further discussion of those issues related to city government by providing the public an opportunity to submit information. Submission of materials by the public constitutes participation in a moderated discussion site and not a public forum.

This policy applies but is not limited to all individuals, departments, teams or groups who create, post, moderate or maintain Internet-based communications pertaining to city business. It covers individuals who are full-time or part-time employees, interns, temporary workers, volunteers, consultants, contractors, constitutional officers or other entities who have been contracted or authorized to perform work on behalf of the City of Lexington.

This policy does not address the personal and private use of social media by city employees.

B. Policy Statement

It will be the policy of the City of Lexington to foster and encourage an atmosphere of openness and transparency, and to:

1. Provide the public with timely, accurate, clear and complete information about its policies, programs, services, events and initiatives.

2. Employ a variety of ways and means to communicate, and provide information in multiple formats to accommodate diverse needs.
3. Identify and address communication needs and issues routinely in the development, implementation and evaluation of policies, programs, services and initiatives.
4. Consult the public, listen to and take account of people's interests and concerns when establishing priorities, developing policies, and planning programs and services.
5. Deliver prompt, courteous and responsive service that is sensitive to the needs and concerns of the public and respectful of individual rights.

II. DEFINITIONS

1. **Content manager**: An authorized city representative who is responsible for posting social media communications with appropriate content as well as reviewing and responding to social media responses.
2. **External social media author**: A member of the public, or other person not representing the City of Lexington, who submits a social media communication or social media response for posting on a social media site.
3. **Principal social media site**: A site intended to encompass all facets of City of Lexington government and not linked to a specific official, department, team, group, issue or project.
4. **Social media communication**: An original posting of content to a city social media site that is by or has been approved by the content manager.
5. **Spam**: The abuse of electronic messaging systems (including most broadcast media and digital delivery systems) to send unsolicited bulk messages indiscriminately.

III. CREATION OF A SOCIAL MEDIA SITE

A. Procedure

Anyone who wishes to create a social media site shall make a request to the City Manager. The social media creator shall specify whether the implementation of the site will allow social media responses to post immediately or be reviewed prior to posting. The City Manager, or designee, shall determine if the social media platform or tools sought to be used are approved and appropriate for use under this policy. In addition, the social media creator will need to demonstrate sufficient resources to manage the site's content, to keep records of and relating to the social media site, to regularly review social media responses, and to respond timely, as necessary, to external social media authors.

B. Duties and Responsibilities

A designated content manager will be responsible for administering the city's public communication programs through social media.

1. It is the responsibility of the city's designated content manager to maintain the city's official web presence via social media sites and to keep record of all city departments who are authorized to engage in social media networking in an official capacity for their department. The city's content manager will also serve as the spokesperson for the city on official City of Lexington social media sites.
2. The designated Police Department content manager(s) will serve as the official spokesperson for the Lexington Police Department social media sites, as will the designated Fire Department content manager(s) on the Lexington Fire Department social media sites. The same goes for any City of Lexington department implementing social media.
3. It is the responsibility of the Information Technology (IT) Department to administer security and monitor measures that support this policy.
4. It is the responsibility of the City Manager to assure complete compliance with the provisions of this policy, supervisors and the individual employees involved.
5. It is the responsibility of social media users and those engaged in social networking to stay informed regarding city policies related to this activity.

IV. SOCIAL MEDIA CONTROLS

The following list includes, but is not limited to, procedural and technical controls and restrictions related to social media sites:

1. If a social media site permits social media responses, then City of Lexington's "Posting Policy" shall be linked to the site as follows ([link here](#)):

Users are welcome to submit or post content, including photographs and videos, to an official City of Lexington site where users are allowed to post comments. However, the content must meet the standards articulated in our policy and pertain to the subject of the social media site. Users should have no expectation of privacy when posting to a city site. Comments made by the public to these sites are reviewed and, while comments will not be edited by city personnel, a comment may be removed or hidden if it violates the comment policy described as follows (subject to amendment or modification at any time): (i) contains anything vulgar or sexually explicit; (ii) is spam; (iii) advocates or depicts illegal activity; (iv) contains hate speech targeting or disparaging any ethnic, racial, religious, gender or other type of group; (v) contains threats, personal attacks or defamatory statements; (vi) promotes or endorses private business ventures, services, or products; (vii) campaigns for public office or promotes a political organization; (viii) infringes on copyrights or trademarks; or (ix) is blatantly off topic.

2. In addition, the city reserves the right to remove material containing computer viruses or which otherwise may disrupt, damage or restrict the use of any computer software, hardware or telecommunications equipment.
3. Content that is designated as inappropriate by the social media moderator will be removed from public view, and a record of the content and the reason it was removed shall be retained pursuant to the appropriate records retention schedule.
4. Departments, teams, groups or others who wish to submit social media articles for release through principal sites shall submit those communications to the City content manager for approval and distribution.
5. All content managers and internal social media authors shall be informed regarding the terms of this policy and the other policies referred to herein.
6. All social media sites shall clearly indicate that they contain communications from City of Lexington.
7. Although it will be the ultimate responsibility of the content manager to maintain the content of any social media site, the City Manager will periodically review content to determine that consistent messages are being conveyed citywide.

V. ENFORCEMENT

1. Violation of this policy may include, but is not limited to, discipline up to and including termination.
2. The City Attorney and City Manager retain the authority to remove pages due to violations of this policy, underuse or misuse of the site, and inability to provide technical or content support.
3. Electronic information posted to a social media site by the city, or a member of the public, may be considered a public record subject to Virginia's Freedom of Information Act, and therefore posts deemed technically harmful or inappropriate pursuant to Section IV, 3 of this policy shall be promptly documented, saved according to record retention guidelines and removed.
4. Employees representing the Lexington City government via social media outlets must conduct themselves at all times as representatives of the city. While acting in such capacity, employees:
 - a. May not comment on work-related matters unless they are an official spokesperson and have the approval to do so.
 - b. Shall not post images, files or text depicting city property, equipment or personnel in any manner that would adversely affect the reputation of the city or a city department.
 - c. Shall not make insulting or offensive comments, engage in harassment, hate speech or libel.
 - d. Are prohibited against disclosure of confidential information or information that could breach the security of the city in any way.
 - e. May not attribute personal statements or opinions to the city when engaging in private blogging or postings on social media sites.

<u>POSITION</u>	<u>NAME/ADDRESS</u>	<u>TERM EXPIRATION</u> (4 year terms)
Mayor	Frank W. Friedman P O Box 94 FFriedman@lexingtonva.gov W:540-463-2222 C:540-570-3485	12/31/24
Councilmember	Marylin E. Alexander 212 Lewis Street MAlexander@lexingtonva.gov C:540-817-9330	12/31/24
Councilmember	Dennis W. Ayers 221 Alum Springs Road DAyers@lexingtonva.gov H: 540-458-1866	12/31/22
Councilmember	J. Charles Aligood 506 Calvary Road CAligood@lexingtonva.gov H: 540-464-5220	12/31/24
Councilmember	David G. Sigler 5 Sellers Avenue DSigler@lexingtonva.gov C: 540-460-5871	12/31/22
Councilmember	Charles “Chuck” Smith 6 Jordan Street CSmith@lexingtonva.gov C: 540-460-4853	12/31/22
Councilmember	Leslie C. Straughan 906 Sunset Drive LStraughan@lexingtonva.gov H: 540-463-2349	12/31/24
City Attorney’s Office	Mann Legal Group, PLLC 15 E. Nelson Street, W: 540-463-7119 Laurence A. Mann, LMann@lexingtonva.gov Jared Jenkins, JJenkins@lexingtonva.gov	

STANDING COMMITTEES/APPOINTMENTS OF CITY COUNCIL 2019

<u>COMMITTEES AND APPOINTMENTS</u>	<u>MEMBERS</u>	<u>RESPONSIBILITIES</u>
Vice Mayor	Marylin Alexander	
Blue Ridge Resource Authority	Frank Friedman Chuck Smith	City Representatives
Central Shenandoah Planning District	Frank Friedman	Council Liaison
Main Street Lexington	Leslie Straughan	Council Liaison
Planning Commission	Leslie Straughan	Council Liaison
Rockbridge Area Recreation Org	David Sigler	Council Liaison
Shenandoah Valley Partnership	Jim Halasz	City Representative
Threshold-Lexington Housing Commission	Marylin Alexander	Council Liaison
Tourism- Regional Tourism Board	Dennis Ayers	Council Liaison

CITY OF LEXINGTON STAFF

Department	Dept Head Name and Email	Department Personnel
Central Dispatch 100 Baner Lane, BV 24416 (w) 261-9300	Curtis Berry, Executive Director CBerry@lexingtonva.gov	(D 004)
City Manager's Office 300 E Washington (w) 462-3700	Jim Halasz, City Manager JHalasz@lexingtonva.gov 462-3733 (direct)	AA, Jani Hostetter x700
Clerk of Council 300 E Washington (w) 462-3700	Jani L. Hostetter JHostetter@lexingtonva.gov	
Commissioner of Revenue 300 E Washington (w) 462-3701	Karen T. Roundy, Commissioner KRoundy@lexingtonva.gov 462-3754 (direct)	Heidi Reynolds x701 Beth Armstrong x755
Finance 300 E Washington (w) 462-3702	Jake Adams, Fin. Director JAdams@lexingtonva.gov 462-3731 (direct)	Teresa Hartless x702 Tommy Roberts x735 Jani Hostetter x700
Fire and Rescue 708 S. Main St. (dispatch) 911 (firehouse) 463-3210	Ty Dickerson, Chief TDickerson@lexingtonva.gov	(D 008)
Voter's Registration 300 E Washington (w) 462-3706	Jan Yowell, General Registrar JYowell@lexingtonva.gov	
Human Resources 300 E Washington (w) 462-3729	Robby Bailey, Director RBailey@lexingtonva.gov	
Lexington Information Technology 300 E Washington (w) 458-3040	Nathan Straub and Scott Lemmer infotech@lexingtonva.gov	I.T. Voice Mail x3040
Office on Youth 300 E Washington (w) 463-4315	Tammy Dunn, Director TDunn@lexedu.org	(D 038)
Planning & Development 300 E Washington (w) 462-3704	Arne Glaeser, Director & Zoning Adm AGlaeser@lexingtonva.gov 462-3730 (direct)	Steve Paulk x738 Bonnie Tombarge x704
Police Department 11 Fuller St 300 E Washington (w) 462-3705	Mike Frost, Interim Chief MFrost@lexingtonva.gov 462-3751 (direct)	Lori Condry x705 Vicki Pickle x749 Non-Emergency Dispatch 463-9177
Outdoor Pool 194 Wallace St. (w) 463-5441	Bobbie Wagner, Manager BWagner@ymcaroanoke.org	(D019)
Public Works 890 Shop Rd. (w) 463-3154	Jeff Martone, Director JMartone@lexingtonva.gov	Stephanie Tomlin Tammy Smith (D020)
RARO (Recreation) (w) 463-9525	Darryl Plogger, Interim Exec Dir. DPlogger@rarorec.org	Beverly McGee Brian Smith (D 021)
School Board 300 Diamond St (w) 463-7146	Rebecca Walters, Superintendent RWalters@lexedu.org	Stephanie Burch, Julie Nicely (D 029)
Treasurer's Office 300 E Washington (w) 462-3707	Patricia DeLaney, Treasurer PDelaney@lexingtonva.gov 461-3767 (direct)	Wanda Floyd x711 Christina Bennington x758 Linda Burroughs x707
Visitors Relations 106 E Washington (w) 463-3777	Jean Clark, Executive Director director@lexingtonvirginia.com	TBD, Manager Patty Williams, Marketing (D034)

BUENA VISTA
CITY COUNCIL

Bill Fitzgerald, Mayor
2039 Sycamore Avenue
Buena Vista, Virginia 24416
(p) 261-8601

Council Members

Stanley Coffey
2039 Sycamore Avenue
Buena Vista, Virginia 24416
(p) 261-8601

Tyson Cooper
2039 Sycamore Avenue
Buena Vista, Virginia 24416
(p) 261-8601

Melvin Henson
2039 Sycamore Avenue
Buena Vista, Virginia 24416
(p) 261-8601

Cheryl Hickman
2039 Sycamore Avenue
Buena Vista, Virginia 24416
(p) 261-8601

Danny Staton
2039 Sycamore Avenue
Buena Vista, Virginia 24416
(p) 261-8601

City Manager

Jay Scudder
2039 Sycamore Avenue
Buena Vista, Virginia 24416
(w) 261-8601
(e) jscudder@bvcity.org

City Clerk/Executive Assistant

Dawn Wheeler, 261-8600, dwheeler@bvcity.org
Regular Meetings: 1st and 3rd Thursdays, 6:00 p.m.

ROCKBRIDGE COUNTY
BOARD OF SUPERVISORS

Buffalo District

Leslie E. Ayers
150 South Main Street
Lexington, VA 24450
540-817-5320 C
layers@rockbridgecountyva.gov

Kerrs Creek District

Daniel E. Lyons
170 District Court
Lexington, VA 24450
540-460-1552 C
dlyons@rockbridgecountyva.gov

Natural Bridge District

David B. McDaniel
P.O. Box 702
Glasgow, VA 24555
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South River District

R.W. Day
P.O. Box 303
Fairfield, VA 24435
540-461-2025 C
rday@rockbridgecountyva.gov

Walkers Creek District

A.J. "Jay" Lewis, II
P.O. Box 9
Rockbridge Baths, VA 24473
540-570-5095 C
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County Administrator

Spencer H. Suter
150 South Main Street
Lexington, Virginia 24450
540-463-43 W 540-463-5981 F
spencer_suter@co.rockbridge.va.us

County Clerk/Executive Assistant

Brandy Whitten, 463-1460
Brandy_whitten@co.rockbridge.va.us

Regular Meetings: 2nd and 4th Mondays, 5:30 p.m.

Title	Member	Start Year	Term End
ARB	4-yr Term		30-Jun
Architectural Review Board	Caroline Alexander	2019	2023
	Arthur Bartenstein	2018	2024
	Julie Goyette	2018	2022
	Robin LeBlanc	2015	2023
	Elizabeth Teaff	2020	2024
Alternate Member A	Chip Honsinger	2020	2022
Alternate Member B	Barbara Crawford	2020	2022
	1-yr Term		31-Dec
BRR	Frank Friedman		2020
Blue Ridge Resource Authority	Chuck Smith		2020
	5-yr Term		30-Jun
BZA	Jim Gianniny	2013	2023
Board of Zoning Appeals	Mary Harvey-Halseth	2020	2024
	Robert Hull	2012	2025
Must be sworn in and fill out real estate disclosure upon appointment	Gail MacLeod	2013	2024
	Ross Waller	2017	2022
	2-yr Term		31-Aug
CAB	Bill Anthony	2011	2021
Cemetery Advisory Board	Marquita Dunn	2020	2022
	Julia "Julie" Grover	2016?	2022
	Jon-Michael Hardin	2017	2021
	Mary Newman	2018	2021
	Trina Welsheimer	2012	2022
	3-yr Term		31-Dec
CSB	James Gire	2012	2021
Community Services Board	Vacant		2020
	Michael Gilmore	2018	2022
	4-yr Term		30-Jun
DSLCC	Marilyn Alexander	2019	2023
Dabney S. Lancaster Community College			
	3-yr Term		31-Dec
DSB	Hannah Archer	2018	2021
Disability Services Board	Marquita Dunn	2020	2023
	Joan Manley	1997	2019
	Jeff Martone	Staff	Liaison
	Gail Newell	2013	2019

		3-yr Term	31-Dec
Electoral Board	Dorothy Blackwell, Secretary	2014	2023
	Nancy Sullivan, Chair	2020	2022
	Vicki Turner, Vice Chair	2003	2020

		1-yr Term	31-Dec
Equalization Board	Charles Aligood	2018	2019
	Bob Lera	2014	2019
	Jim Joyner	2014	2019

IDA		4-yr Term	1-May
Industrial Development Authority	Vacant		2021
	Felicia DiPronio Bush, finishing term	2018	2021
	"Buddy" Homer Derrick	2010	2022
Must be sworn in and fill out statement of economic interest upon appointment	Tammi Helwig	2018	2022
	Bill King, finishing term	2014	2023
	Camille Miller, finishing term	2020	2024
	Liz Ramsey, finishing term	2020	2024

IDA, Regional		4-yr Term	30-Jun
Vacant			
Vacant			

Jail Commission			14-Jan
Regional	no term length--was 1 yr.		
	Current City Manager		continues

Juvenile Detention Home (Shen Vly)		no term length	
	Current City Manager		continues

Library Board		4-yr Term	30-Jun
Regional	Alexandra Brown	2019	2024
	Joseph Cailles	2018	2022
	McKinley Williams	2019	2023

MSL		Council appointment	31-Dec
Main Street Lexington	Leslie Straughan		

MSA		4-yr Term	30-Jun
Maury Service Authority	George Graves	2002	2021
	Ned Riester	2009	2022

OPEB Liability Bd		2-yr Term	31-Jul
Vacant			

PC		4-yr Term	31-Jul
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Planning Commission	Patrick Bradley	2016	2024
	John Driscoll	2017	2021
Must fill out financial and real estate disclosure upon appointment	Jamie Goodin	2018	2022
	Matthew Tuchler	2015	2023
	Blake Shester	2018	2023
Council Liaison	Leslie Straughan	Council	Liaison
	Vacant		2024

Planning District Cm		3-yr term	30-Jun
Central Shen Vly	Frank Friedman	2014	2022

Public Safety	no term length		n/a
Communications Bd Regional	Current City Manager		

RANA		4-yr Term	31-Dec
Rockbridge Area Network Authority	Leslie Straughan	2017	2020

Regional Tourism Bd		2-yr Term	31-Dec
	Dennis W. Ayers	Council	Liaison

RARO		4-yr Term	30-Jun
Rockbridge Area Recreation Org	Scott Rogers	2019	2021
	David G. Sigler	Council	Liaison

School Board		3-yr Term	30-Jun
	Owen Collins	2013	2021
	Timothy Diette	2016	2022
	Tammy Dunn	2019	2022
	Mollie Fox	2020	2023
	Glenn Sullivan	2018	2021

Shenandoah Valley Partnership		2-yr Term	30-Jun
	Current City Manager		

SVWIB		4-yr Term	30-Jun
Shen Vly Workforce Investment Bd	Corey Berkstresser	2015	2023

SSB		4-yr Term	31-Aug
Social Services Board	Michael Gilmore	2018	2022
		2020	2024
Must be sworn in upon appointment			

TAP Board		2-yr Term	30-Sep
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Total Action for Progress	Robby Bailey	2020	2021
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Threshold Board		3-yr Term	30-Jun
	Nadine Craney	2017	2023
	Latonya Douglas	2018	2021
	Jen Handy	2018	2021
	Fred Kirchner	~1998	2023
	Christyl Vozzo	2017	2023
	Monique Moore	2015	2021
	Vicki Turner	1999	2022
Council Liaison	Marylin Alexander		

Tree Board		3-yr Term	30-Jun
	Arthur Bartenstein	2000	2021
	Betty Besal	2018	2021
	Clifford Kiracofe	2008	2021
	David Rosher	2018	2021
	Chris Wise	2000	2021

VASAP Board			
Valley Alcohol Safety Action Program	Jim Halasz		