



**Peninsula Airport Commission Annual and Regular Meeting Minutes
June 25, 2020**

Presided: Hon. Sharon Scott

Commissioners present were:

Hon. Scott, Mr. Joseph, Mr. Herbert, Mr. Coleman

Commissioners Absent were:

Mr. Wallace, Ms. Smith

Executive Director

Michael Giardino

Director of Marketing and Public Relations

Jenifer Spratley

Finance Manager

Jessica Minor

Executive Assistant

Barbara Rumsey

Legal Counsel

Mr. Eric Ballou, Esq. (in person), Mr. L. Scott Seymour, Esq. (online)

Others in Attendance:

Ralph Clayton

Call to Order Annual Meeting

Chair Scott called the meeting to order at 8:10 a.m.

Eric Ballou - The Commission is meeting in person and electronically pursuant to 2020 amendments to 2019 Appropriations Act.

Nominating Committee Appointments:

Mr. Coleman provided the Fiscal Year 2021 Slate of Officers as:

Chairman – Jay Joseph

Vice Chair – Rob Coleman

Treasurer – Tom Herbert
Assistant Treasurer – Sharon Scott
Secretary – Lindsay Smith
Assistant Secretary – Brian Kelly

Chair Scott asked for a motion, Mr. Coleman made a motion and Mr. Herbert seconded the motion.

Roll Call: 4-0, motion carried.

Eric Ballou provided a brief update of FOIA and COIA and provided a handout with specifics. See Addendum A for full handout.

- FOIA
 - What is considered a public record
 - Public Meeting requirements
 - Committee designations
 - Closed meeting requirements
- COIA
 - Personal Interest
 - Gift Restrictions
 - 2020 Updates
 - HB1011 email addresses added to required redactions
 - HB1527 and HB1527 Executive Directors and members of economic and Industrial economic development authorities required training and disclosure

Adjourn Annual Meeting

Chair Scott adjourned the annual meeting at 8:25 a.m.

Call to Order Regular June Meeting

Chair Scott called the regular June PAC meeting to order at 8:26 a.m.

Comments from The Public

Comments submitted as per Meeting Notice through Contact Us at flyphf.com:

John Sheehan “Public comments should be permitted during a zoom meeting. During the previous PAC zoom meeting it was not apparent that the commissioners knew who was present on the zoom. Although the chair provided instructions and asked for public comments. The attendees were all muted by the moderator. The public should be afforded the opportunity to speak.”

John Sheehan “public comment during a zoom meeting can be easily provided for by the moderator recognizing a raised hand. Noting how many hands are raised, who they are, and unmuting each speaker in turn. The PAC meeting is a public meeting and if held virtually the public should be permitted to participate. It can be done and should be done. Thank You”

Approval of Minutes May 28, 2020

Chair Scott asked for a motion to Approve Meeting Minutes from May 28, 2020.

Mr. Coleman made the motion; Mr. Herbert seconded the motion.

Roll Call: 4-0, motion carried.

Resolved Minutes from May 28, 2020 approved.

Committee Reports:

Governance Committee did not meet.

Finance & Audit Committee Report by Thomas Herbert

May Financials

- Currently waiting for CARES Reimbursement
- Revenue reflects the loss of enplanements down 95%
- Expenses are favorable due to PAC Staff diligence
- We have a net surplus year-to-date
- Unrestricted cash balance will be useful in the coming months

Capital Projects Update

- 2 major projects currently happening
 - Perimeter Road from FY2019
 - Taxiway A 100% funded by FAA
- Neither Project will require Airport Funds

Finance & Audit Committee recommended adoption of:

RESOLUTION 20-026 REGARDING SELECTION OF AUDIT SERVICES

An RFP was issued for selection of an audit firm. There were eight qualified respondents. The selection committee reported the outcome of the process to the committee and the committee is forwarding a resolution for adoption. Ms. Scott asked if the selectee was local. Ms. Minor replied that the office we would be working with is in Virginia Beach.

The Chair asked for Roll Call.

Roll Call: 4-0 **Motion carried.**

20-026 RESOLVED.

Be it Resolved by the Board of Commissioners of the Peninsula Airport Commission that:

- 1) The Executive Director of the Commission is hereby authorized and directed to enter into an engagement agreement with Cherry Bekaert, such agreement to be upon the terms and conditions as specified in the RFP, including a term of one year with four additional one year renewal periods at the opinion of the Commission, and as further negotiated in the RFP process, and upon such further terms and conditions as the Executive Director, upon the advice of counsel to the Commission, may deem necessary and appropriate.
- 2) This resolution shall take effect immediately.

FY2021 Budget

- The budget is based on 35% load factor
- 43 FTE, 14 PT employees
- Expenses are 30% less than FY19

- There will be no assistance from governing municipalities

Finance and Audit Committee recommend

RESOLUTION 20-025 APPROVING FISCAL YEAR 2021 BUDGET

Ms. Scott asked for Roll Call. 4-0. **Motion Carried.**

RESOLVED 20-025

Be it Resolved by the Board of Commissioners of the Peninsula Airport Commission that:

- 1) The budget consisting of the FY2021 annual operating and capital budgets of the Peninsula Airport Commission for the funds individuals describe therein; including the minimum rates and charges, including but not limited to landing fees, terminal and rental rates, transportation network company fees, and other increases in rental and contract rates as maybe negotiated higher by the Executive Director throughout the FY. Results being and hereby are approved and adopted as proposed on this date subject to a contention and availability of funds as indicated therein such budget to be in effect beginning July 1, 2020. Staff of the Commissioners are hereby directed and authorized to do things necessary and desirable to implement the budget and the undertaking describe subject matters therein authorized.
- 2) Staff of the Commission is hereby directed and authorized to do all things necessary or desirable to implement the budget and the undertakings, projects and matters therein authorized,
- 3) This resolution shall be in effect on and after its adoption.

Real Estate Committee Report by Jay Joseph

Committee met on Monday June 22, 2020.

Land acquisitions:

- Kentucky Drive will proceed

Land releases:

- Land being released to Huntington Point
 - Draft contract in review
- Waterworks
 - Renewed effort on both parts
 - Conference call was productive for strategy of moving forward
 - Department of Conservation
 - FAA
 - City of Newport News

GA Hanger Rates

- Staff will post a policy for Commissioners and Public
- Staff will publicly post two market studies on the website
- Staff is proposing rates to be phased-in beginning April 2021 for those signing the new lease before December 31, 2020
 - If tenants remain month to month, new rates will be effective Jan 1, 2021 with no Phasing
- Discussion at next meeting on adopting policy
- Lease document is being looked at by counsel and it will not be 8 pages but it will be less than 34

- Individuals encouraged to negotiate hangar rates based upon condition
 - Adjustments will be made public

Chair Scott thanked the Executive Director for addressing the NNPS lease for the Aviation Academy.

Staff Reports:

Jenifer Spratley

- 5K is postponed until next September 2021 due to COVID-19
 - Charitable Partner will remain the same
- Marketing Plan Post COVID
 - Welcome back
 - We are clean
 - Open to comments and suggestions from Commissioners

Executive Director

- Congratulations to outgoing Chair Scott and incoming Chair Joseph
- Goal is to keep the Commission informed of industry actions during pandemic
- Survey of airport customers – they are choosing cleanliness
- Thank you to Commissioner Wallace for his service on the Commission
- We welcome the new Commissioner from Hampton, Mr. Kelly
- Thank you to the Commission for their support as we have gone through the most devastating times in the last few months and for passing a responsible budget
 - We will be able to sustain the airport
 - If business improves before expectations, we are ready

Chair Scott thanked the team for all the accomplishments while serving as chair. She looks forward to working with the board until she transitions.

Chair Scott recommends a presentation to NN City Council from the PAC.

New Business:

Mr. Joseph wanted to update the team regarding Commissioner stipends he had previously suggested that the Commissioners stop receiving however, since the stipends are written in the Acts of Assembly, we are unable to take action.

- Heavy rain caused various roof and overhang leaks. Is this being addressed?
 - Mr. Giardino responded that is covered in the roof project.
- Billboard discussion
 - Billboard by Wal-Mart looks great
 - Trees were trimmed
- Cleaning/Advanced Filtration
 - Mr. Coleman asked if we use UV or other advanced filtration techniques
 - Mr. Giardino mentioned that we use top of the line HEPA filters

Old Business:

Ms. Scott asked about ongoing drainage issues in GA Hangar & Trailer Park areas

Mr. Giardino and staff briefed the Real Estate Committee in 2019

Issues are addressed when they occur, it is a very expensive long-term fix

- It is the low point on the airport
Chair Scott would like an update on what is being done

Chair Scott adjourned the meeting by encouraging the group to follow government procedures.
Adjourned at 9:11 a.m.

The next regularly scheduled meeting of the Peninsula Airport Commission is July 23, 2020.

PENINSULA AIRPORT COMMISSION

RESOLUTION SELECTION OF AUDIT SERVICES

June 25, 2020

WHEREAS, the Peninsula Airport Commission (the “Commission”) is a political subdivision of the Commonwealth of Virginia, created pursuant to Chapter 22 of the Acts of the General Assembly of the Commonwealth of Virginia of 1946, as amended, and owns and operates Newport News – Williamsburg International Airport (the “Airport”);

WHEREAS, the Commission issued its request for PROPOSALS (“RFP”) for audit services pursuant to the Virginia Public Procurement Act (the “Procurement Act”), and received eight proposals in response to the RFP;

WHEREAS, pursuant to the provisions of the Procurement Act, the Commission has considered the proposals that it has received in response to the RFQ and has conducted negotiations with selected offerors deemed fully qualified and best suited among those submitting proposals; and

WHEREAS, the Commissioners of the Peninsula Airport Commission, after mature deliberation and upon the recommendations of Staff, deem it prudent and desirable to award the engagement for audit services to Cherry Bekaert., which, in the opinion of the Commissioners of the Commission, has made the best proposal.

NOW, THEREFORE, BE IT RESOLVED THE BOARD OF COMMISSIONERS OF THE PENINSULA AIRPORT COMMISSION THAT:

1. The Executive Director of the Commission is hereby authorized and directed to enter into an engagement agreement with Cherry Bekaert, such agreement to be upon the terms and conditions as specified in the RFP, including a term of one year with four additional one year renewal periods at the option of the Commission, and as further negotiated in the RFP process, and upon such further terms and conditions as the Executive Director, upon the advice of counsel to the Commission, may deem necessary and appropriate.
2. This resolution shall take effect immediately.

Freedom of Information Act (“FOIA”) Overview

Va. Code §§ 2.2-3700 to -3714



FOIA – Policy and Purpose

- By enacting FOIA, “the General Assembly ensures the people of the Commonwealth ready access to public records in the custody of a public body or its officers and employees, and free entry to meetings of public bodies wherein the business of the people is being conducted.” § 2.2-3700(B)
- FOIA is to be “liberally construed to promote an increased awareness by all persons of governmental activities and afford every opportunity to citizens to witness the operations of government.” Further, “[a]ny exemption from public access to records or meetings shall be narrowly construed and no record shall be withheld or meeting closed to the public unless specifically made exempt [under FOIA] or other specific provision of law.”
§ 2.2-3700(B)

Central to FOIA – Public Business

“There is an important distinction to be made between what are matters of public business and what are matters of public interest.... [W]hile it may be of interest what our public officials are eating, personal diet in most cases has nothing to do with the public business...”

Burton v. Mann, 74 Va. Cir. 471, 474 (Loudoun Cty. 2008).

Public business “encompasses those matters over which the public governmental body has supervision, control, jurisdiction, or advisory power.” *Id.*

FOIA – Public Records

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

§ 2.2-3701

FOIA Request

A request for public records shall identify the requested records with reasonable specificity. The request need not make reference to FOIA in order to invoke its provisions or to impose the time limits for response. Any public body that is subject to FOIA and that is the custodian of the requested records shall respond promptly, but in all cases within five working days of receiving a request, § 2.2-3704(B), subject to numerous exceptions and limited extensions.

FOIA – Public Meeting

In general, a meeting occurs when three or more members (employees do not count towards the limit) of a “public body” assemble. § 2.2-3701. A meeting also includes a quorum, if less than three, of the membership of a public body.

A “public body” includes bodies such as the Commission and any committee or subcommittee or other entity of the public body created to perform delegated functions of the public body or to advise the public body.

It is a meeting regardless of whether votes are cast or minutes taken.

§ 2.2-3701

FOIA – Public Meeting

Under FOIA, it is not a meeting (regardless of how many members are present), so long as

- No part of the purpose or the conduct of the gathering is the discussion or transaction of public business; or
- At a public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to transact public business or to hold discussions relating to the transaction of public business. (§ 2.2-3701)

Subject to certain specified exceptions, all meetings of public bodies shall be open to the public. (§ 2.2-3707(A)).

FOIA – Closed Meeting

A public body may go into a closed meeting only under specifically enumerated circumstances. § 2.2-3711(A). Some specifically enumerated circumstances include:

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

- Discussion, consideration, interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specified public officers, appointees, or employees.

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

- Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

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

- Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

FOIA – Closed Meeting

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

- Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

§ 2.2-3711(A)(7): Actual or probable litigation. Provides an exemption for:

- Consultation with legal counsel and briefings by staff or consultants regarding actual or probable litigation.

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

- Consultation with legal counsel for a matter requiring legal advice.

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

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

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

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

FOIA – Closed Meeting

Procedures for going into a closed meeting are set forth in § 2.2-3712.

- In general, it takes board action in public session; after the closed meeting, board members are polled to confirm that the closed meeting was limited to the stated basis of the motion; any official action of the board must occur in public session.
- Board action (resolution) has certain specified elements: (i) identification of subject matter of closed meeting, (ii) statement of the purpose of the closed meeting, and (iii) specific reference to the applicable exemption from open meeting requirements.

FOIA – Common Mistakes

- A “meeting” includes any “informal assemblage” where public business is discussed, irrespective of location, including telephonic/electronic communications; however, information gathering alone (*e.g.*, in preparation for a trial), is not transacting business
- All records created in the transaction of public business are subject to disclosure, assuming no exemption applies, including records discussing both public and private information, drafts documents, and certain discussions of public business with private parties, which could include former employees (*see Town of Saltville v. Surber*, 83 Va. Cir. 161 (Smyth Cnty. 2011))
- E-mails that deal with public business are public records; if they are kept on a personal, home computer, they are still subject to inspection and copying
- Similarly, text messages regarding public business are records subject to disclosure, irrespective of personal ownership of the mobile device—ownership of the device is irrelevant

FOIA – Noncompliance

If the court finds a denial of the rights and privileges conferred by FOIA, the petitioner shall be entitled to recover reasonable costs, including costs and reasonable fees for expert witnesses, and attorneys' fees from the public body if the petitioner substantially prevails on the merits of the case, unless special circumstances would make an award unjust. § 2.2-3713(D)

In a FOIA violation proceeding commenced against any officer, employee, or member of a public body, the court, if it finds that a violation was willfully and knowingly made, shall impose upon such officer, employee, or member in his/her individual capacity a civil penalty of not less than \$500 nor more than \$2,000. § 2.2-3714

For a second or subsequent violation, such civil penalty shall be not less than \$2,000 nor more than \$5,000. § 2.2-3714

FOIA – 2020 Updates

- SB 138 - adds regional public bodies to the types of public bodies (in addition to local) that must designate a FOIA officer, and requires FOIA officer training once during each consecutive period of two calendar years (instead of annually)
- SB 139 – clarifies that the required FOIA training sessions for local elected officials enacted in 2019 can occur in-person as well as online, in addition to noting that local elected officials includes constitutional officers
- SB 153 - if a cost estimate is requested in advance of a FOIA request, the time to respond is tolled for the amount of time that elapses between notice of the cost estimate and the response from the requester. If no response is received within 30 days, the request is deemed withdrawn. In addition, a body may require an advance deposit be paid before it is required to process a FOIA request
- SB 977 – requires governing bodies of localities to provide the public an opportunity for public comment during a regular meeting at least quarterly
- Various other miscellaneous changes regarding library records; donations to public institutions of higher education; and financial records regarding affordable housing

FOIA – 2020 Meetings Under Declaration of Emergency

- Existing FOIA provision found at Virginia Code § 2.2-3708.2 – allows meeting without a physical quorum when the Governor has declared a state of emergency in accordance with § 44-146.17, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to address the emergency
- Governor’s 2020 HB 29 Budget Amendment - when the Governor declares a state of emergency in accordance with § 44-146.17, provided that (i) the nature of the emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location; (ii) the purpose of the meeting “is to discuss or transact the business statutorily required or necessary to continue operations of the public body . . . and the discharge of its lawful purposes, duties, and responsibilities;” (iii) a recording/transcript is made available on its website; and (iv) minutes are distributed to members through the same method notice is provided.

Conflict of Interests Act (“COIA”) Overview

Va. Code § § 2.2-3100 to -3131

COIA Policy and Purpose

“[C]itizens 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.”

§ 2.2-3100

COIA – Generally Prohibited Conduct

No officer or employee shall:

1. Solicit or accept money or other thing of value for services within scope of official duties;
2. Offer or accept money or other thing of value for employment, appointment or promotion;
3. Offer or accept money or other thing of value for use of public position to obtain government contract;
4. Use confidential information for personal benefit or that of another party;
 - Accept any money or gift reasonably tending to influence performance of official duties;
 - Accept any business or professional opportunity intended to influence performance of official duties;
3. Accept any gift under circumstances causing reasonable person to question officer's impartiality in matter affecting donor; and
4. Use his/her position to retaliate or threaten any person for expressing views on matters of public concern.

§ 2.2-3103

Central to COIA – Misuse of Office

- **Personal Interest in a Contract.** You are prohibited from having a personal interest in any contract with a public body. § 2.2-3109
- **Personal Interest in a Transaction.** You are prohibited from participating in a transaction being considered by the public body in which you have a personal interest. § 2.2-3112
- **Gifts.** You are prohibited from accepting anything of value in exchange for influencing you in the use of your office, any opportunity where there is a reasonable likelihood that it is being offered to influence you in the use of your office, and advancing your own or your family's economic interests through the use of your office. § 2.2-3103
- All of the above are subject to certain specified exceptions.

COIA – Personal Interest

“Personal interest” means a financial benefit or liability accruing to an officer or employee or to a member of his/her immediate family. Such interest shall exist by reason of:

- (i) Ownership of more than 3% of a business;
- (ii) Annual income greater than \$5,000 from ownership in property or a business;
- (iii) Annual salary and benefits greater than \$5,000 from a business or governmental agency;
- (iv) Ownership of property if the interest exceeds \$5,000;
- (v) Personal liability on behalf of a business if the liability exceeds 3% percent of the asset value of the business; or
- (vi) Option for ownership of a business or real or personal property if the ownership interest will consist of clause (i) or (iv).

COIA – Personal Interest in a Contract

“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/her being a party to the contract or due to a personal interest in a business that is a party to the contract.

§ 2.2-3101

You may not have a personal interest in a contract (other than his/her own employment contract) or in a contract with any other governmental agency that is a component of that particular agency, subject to certain exceptions such as competitive procurement.

§ 2.2-3109

COIA – Personal Interest in a Contract

Common Exceptions:

- Personal interest in a contract of employment with any other governmental agency of government
- Sale of governmental services or goods at uniform prices
- Sale, lease or exchange of real property between officer or employee and governmental agency; requires disclosure and no participation by officer or employee in such sale, lease or exchange
- Personal interest derives solely from income from contracting business; requires disclosure and no participation by officer or employee or member of his/her immediate family
- Contract between officer's governmental agency and a public service corporation, etc.
- Contracts for purchase of good and services that do not exceed \$500
- Interest derived solely by reason of marriage to officer's spouse, who is employed by the same agency, if spouse employed five (5) or more years before marrying officer or employee

§ 2.2-3109 and § 2.2-3110

COIA – Personal Interest in a Transaction

“Personal interest in a transaction” means a personal interest of an officer or employee in any matter considered by his/her agency. Such personal interest exists when an officer or employee or a member of his/her immediate family has a personal interest in property or a business or governmental agency, or represents or provides services to any 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. § 2.2-3101

Generally, if a personal interest in a transaction exists, the officer or employee must disqualify himself/herself, disclose the personal interest, and abstain from voting or acting on behalf of the agency in the transaction.

§ 2.2-3112(A)

COIA – Personal Interest in a Transaction

Common Exceptions:

- **Groups of 3 or more members.** If an officer is a member of a business, profession or group of three or more that is affected by the transaction, the officer may declare his/her personal interest and participate.
- **No personal representation of client.** If a party to the transaction is a client of his/her firm, the officer does not personally represent or provide services to such client and he/she complies with certain the declaration requirements, the officer may participate.
- **Application to public generally.** If the transaction affects the public generally, the officer may participate.

§ 2.2-3112(B)

COIA – Gift Restrictions

Neither you nor a member of your immediate family may 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 a calendar year (gifts valued at less than \$20 are not aggregated); and

That you or a member of your immediate family knows or has reason to know is either (i) a registered lobbyist, (ii) a person or entity who employs a registered lobbyist, or (iii) a person or entity who is or who is seeking a contract with the public body of which you are a member or with a public body over which you have the authority to direct.

§ 2.2-3103.1

COIA – Accepting Gifts

- “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.
- Gifts do not include the following:
 - Unused tickets, coupons, passes, etc.
 - Honorary degrees
 - Scholarships and financial aid awarded pursuant to procedures applicable to general public
 - Campaign donations properly received and reported
 - Gifts related to private profession or occupation
 - Food or beverages consumed or fees waived for an event where officer is a featured speaker
 - Unsolicited awards in form of plaque, trophy, etc.
 - Inheritance
 - Travel disclosed pursuant to Campaign Finance Disclosure Act
 - Travel paid for by U.S., state or local government
 - Gifts with a value of less than \$20.
 - Food and beverages served at a function which can be consumed while standing or walking around
 - Gifts from “relatives” or “personal friends”

COIA – Certain Gifts Prohibited; Exceptions

- Officer may accept gift of food and beverage, entertainment or admission valued in excess of \$100 associated with a “widely attended event.” Gift must be reported.
- Gift from foreign dignitary may be accepted on behalf of government agency.
- Gifts may be accepted if made on basis of personal friendship.
- Gifts of travel and related expenses may be accepted if approved in advance by Virginia Conflicts of Interest Advisory Council.

§ 2.2-3103.1

COIA – Filing Financial Interest Disclosure Form

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.

§ 2.2-3124(B)

COIA – Penalties

“Knowing Violation”

- Any person who knowingly violates COIA shall be guilty of a Class 1 or Class 3 misdemeanor (§ 2.2-3120), shall be guilty of malfeasance in office (§ 2.2-3122), and 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, and the money or thing of value is forfeited (§ 2.2-3124).
- A “knowing violation” is one in which the person engages in conduct, performs an act, or refuses to perform an act when he/she knows that the conduct is prohibited or required by COIA. § 2.2-3120
- Good faith reliance on a written opinion of the Attorney General or Commonwealth Attorney bars prosecution for a knowing violation. § 2.2-3121

COIA – Penalties

Contracts Made in Violation May be Rescinded

Any contract made in violation of COIA 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.

§ 2.2-3123

COIA – 2020 Updates

- HB 1011 – adds email address to required redactions for governing bodies
- HB 1527 – added executive directors and members of industrial and economic development authorities to required training under COIA within two months after assuming office and once every two years thereafter
- HB 1528 – added executive directors and members of industrial and economic development authorities to required disclosure of personal interests as a condition of assuming office

Questions?

