

There are very specific laws that address how local governments must conduct the public business of the people. All meetings are to be conducted publically, according to Virginia Code [§2.2-3707](#) with some specific exceptions outlined in Virginia Code [§2.2-3711](#).

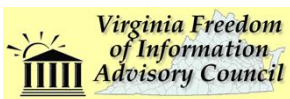
Such matters of exception from the public meeting law that any County Board of Supervisors *may* encounter could be;

- Personnel discussions, hiring or disciplinary actions.
- Acquisition and disposal of property.
- The protection of the privacy of individuals in personal matters not related to public business.
- 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.
- 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.
- Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation...
- 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.

Closed meeting sessions have a very specific and limited purpose. They are not to be used to plan or conduct public business not exempted by law, discuss how to conduct public meeting proceedings about tax rates or budget hearings, rehearse or role-play.

Matters that come before the Board of Supervisors on behalf of constituents should be openly discussed in public without origination from a closed door session. Improper use of closed meetings is an abuse of the public trust.

For lawfully exempted matters to be discussed in a closed meeting or “executive session”, a motion is required during a public meeting to enter into the closed meeting stating its purpose, the § code cited covering the exception within [§2.2-3711](#), and the subject of the exception.



The [Virginia Freedom of Information Advisory Council](#) is sanctioned by the Commonwealth of Virginia and publishes a pamphlet entitled, [“The Freedom of Information Act and Local Government Officials”](#) as a resource. The pamphlet states that, **“Unless a public body or public official specifically elects to exercise an exemption provided by this chapter or any other statute, every meeting shall be open to the public and all public records shall be available for inspections and copying upon request.”** The pamphlet also defines public records, the Policy of FOIA, meeting requirements, defines what a meeting is and is NOT, and covers record retention.

For any open session to continue upon conclusion to a closed session, a motion must be made to come out of closed session. Each member of the board present during the meeting must certify if only lawful matters exempted by [§2.2-3711](#) were discussed during the closed meeting. This certification affirms that the members followed the law while out of public view.

From: John Barkley <jbarkley@gcva.us>
Sent: Tuesday, February 23, 2016 11:42 AM
To: rayclarke@cvillelaw.com
Cc: Bart Svoboda
Subject: Golden Hills Private Roads

FYI,

I have scheduled a brief overview of the requests for improvements to private roads received from certain homeowners in the Golden Hills subdivision for tonight's executive session.

John C. Barkley,
County Administrator

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