

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR ORGANIZATIONAL MEETING ON MONDAY, JANUARY 5, 2026, AT 3:00 P.M., IN THE BOARD OF SUPERVISORS MEETING ROOM LOCATED IN THE FRANKLIN COUNTY GOVERNMENT CENTER, 1255 FRANKLIN STREET, ROCKY MOUNT, VIRGINIA.

THERE WERE PRESENT:

Mike Carter, Rocky Mount District
Dan Quinn, Union Hall District
Nick Mitchell, Snow Creek District
Marshall Jamison, Blackwater District
Lorie Smith, Gills Creek District
Tim Tatum, Blue Ridge District
Mike Meredith, Boone District

OTHERS PRESENT:

Christopher Whitlow, County Administrator
Steve Sandy, Deputy County Administrator
Brandy Rosser, Assistant County Administrator
Brian Carter, Deputy County Administrator/CFO
Jim H. Guynn, Jr., County Attorney
Amy R. Renick, Clerk

County Administrator, Chris Whitlow, called the meeting to order.

Invocation by Supervisor Nick Mitchell.

Pledge of Allegiance was led by Supervisor Lorie Smith.

County Attorney, Jim Guynn, Jr., opened the floor for nominations for the 2026 Franklin County Board of Supervisors Chairperson. Supervisor Mike Carter nominated Lorie Smith for the 2026 Chair position, seconded by Supervisor Nick Mitchell. There being no further nominations, Mr. Guynn called for a motion to close the nominations for 2026 Chairperson. Supervisor Tatum offered a Motion:

(RESOLUTION # 01-01-2026)

BE IT THEREFORE RESOLVED by the Board of Supervisors to close the nominations for 2026 Chairperson.

MOTION BY: Tatum

SECONDED BY: Mitchell

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: All Ayes; None Opposed

NO: N/A

(RESOLUTION # 02-01-2026)

BE IT THEREFORE RESOLVED by the Board of Supervisors to appoint Lorie Smith as the 2026 Chairperson.

MOTION BY: Carter

SECONDED BY: Mitchell

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Smith, Carter, Mitchell, Jamison, Tatum

NO: Quinn

ABSTAIN: Meredith

* Roll call vote was taken

Lorie Smith was declared the 2026 Chairperson of the Franklin County Board of Supervisors.

Chairperson Lorie Smith opened the floor for nominations for 2026 Vice Chairperson. Supervisor Mike Carter nominated Nick Mitchell for the 2025 Vice Chair position, seconded by Supervisor Marshall Jamison. Supervisor Mike Meredith nominated Tim Tatum for the Vice Chair position, seconded by Supervisor Dan Quinn. There being no further nominations, Chairperson Smith closed the nominations for 2026 Vice Chairperson, and called for a vote.

(RESOLUTION # 03-01-2025)

BE IT THEREFORE RESOLVED by the Board of Supervisors to declare Nick Mitchell as the 2026 Vice Chairperson for the Franklin County Board of Supervisors with the following vote.

Votes for Supervisor Tim Tatum: Tatum, Quinn and Meredith, for a total vote of: 3.

Votes for Supervisor Nick Mitchell: Mitchell, Carter, Jamison, Smith, for a total vote of: 4.

With 4 out of 7 votes, Supervisor Nick Mitchell was declared the 2026 Vice Chairperson.

* Roll call vote was taken

The proposed 2026 meeting dates were presented for discussion:

PROPOSED MEETING DATES FOR 2026

All County residents are hereby encouraged to attend public meetings of the Franklin County Board of Supervisors. To facilitate this public participation, the Board gives notice they will meet on the following dates and times in 2026.

Tuesday	January 20 at	3 PM	Thursday	January 22 at	3 PM
Tuesday	February 17 at	3 PM	Thursday	February 19 at	3 PM
Tuesday	March 17 at	3 PM	Thursday	March 19 at	3 PM
Tuesday	April 21 at	3 PM	Thursday	April 23 at	3 PM
Tuesday	May 19 at	3 PM	Thursday	May 21 at	3 PM
Tuesday	June 16 at	3 PM	Thursday	June 18 at	3 PM
Tuesday	July 21 at	3 PM	Thursday	July 23 at	3 PM
Tuesday	August 18 at	3 PM	Thursday	August 20 at	3 PM
Tuesday	September 15 at	3 PM	Thursday	September 17 at	3 PM
Tuesday	October 20 at	3 PM	Thursday	October 22 at	3 PM
Tuesday	November 17 at	3 PM	Thursday	November 19 at	3 PM
Tuesday	December 15 at	3 PM	Thursday	December 17 at	3 PM

All meetings will be held in the Board Room at the Franklin County Government Center, 1255 Franklin Street, Rocky Mount, Virginia unless otherwise duly noticed. All public hearings and public comment will be held at 6:00 P.M. on the first meeting date of the month for the convenience of the public. All interested parties are encouraged to attend.

Any person with a disability who needs accommodations to participate in any of these meetings should notify Amy Renick, Clerk, by calling (540) 483-3032 with at least a 48-hour notice prior to the meeting(s).

DISCUSSION:

There was discussion concerning maintaining the current practice of two meetings in the same week versus having the work session earlier in the month. There was further conversation about the meeting times.

Supervisor Jamison offered a motion to adopt the 2026 meetings as proposed.

(RESOLUTION # 04-01-2026)

BE IT THEREFORE RESOLVED by the Board of Supervisors to adopt the 2026 meeting dates as proposed above.

MOTION BY: Jamison

SECONDED BY: Mitchell

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: All Ayes; None Opposed

NO: N/A

The following proposed holidays for 2026 were presented:

PROPOSED HOLIDAYS FOR 2026

The Board will adopt the 2026 Commonwealth of Virginia's legal holidays plus any changes made by the Governor during the year for State employees.

The following list of legal holidays is found in the Code of Virginia Section 2.2-3300.

Thursday, January 1, 2026	New Year's Day
Monday, January 19, 2026	Martin Luther King, Jr Day
Monday, February 16, 2026	George Washington Day
Monday, May 25, 2026	Memorial Day
Friday, June 19, 2026	Juneteenth
Friday, July 3, 2026	Independence Day
Monday, September 7, 2026	Labor Day
Monday, October 12, 2026	Columbus Day & Yorktown Victory Day
Tuesday, November 3, 2026	Election Day
Wednesday, November 11, 2026	Veterans Day
Wednesday, November 25, 2026	4 Hours Additional Holiday Time
Thursday, November 26, 2026	Thanksgiving Day
Friday, November 27, 2026	Thanksgiving Friday
Thursday, December 24, 2026	8 Hours Additional Holiday Time
Friday, December 25, 2025	Christmas Day
Friday, January 1, 2027	New Year's Day

Supervisor Tim Tatum offered a Motion to approve the proposed holidays for 2026 as presented.

(RESOLUTION #05-01-2025)

BE IT THEREFORE RESOLVED by the Board of Supervisors to adopt the proposed holidays for 2026 as presented.

MOTION BY: Tatum

SECONDED BY: Meredith

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: All Ayes; None Opposed

NOS: N/A

The following proposed Rules of Procedure were presented:

FRANKLIN COUNTY BOARD OF SUPERVISORS RULES OF PROCEDURE

The following Rules of Procedure are adopted by the Franklin County Board of Supervisors to enable the Board to discharge its duties and responsibilities effectively and efficiently and to facilitate the exercise of its authority and powers in the Code of Virginia. It is the Board's intent to generally follow Robert's Rules of Order (Newly Revised, 11th Edition) unless superseded by state law or *written* Board practice. (Amended /Resolution #06-01-2012)

MEETINGS:

1. ORGANIZATIONAL MEETING

The Board shall elect a chairman and vice chairman at the Board's Organizational Meeting to be held on the first business day of January. Terms for chairman and vice chairman shall be for a one (1) year term.

In the event the Board is unable to hold its organizational meeting, or at the organizational meeting the Board is unable to elect a chairman or vice-chairman, the sitting chairman or vice-chairman will carry over in their position until the board is able to elect a chairman or vice-chairman. The Board shall attempt to elect a chairman or vice-chairman at each successive meeting until it elects a chairman or vice-chairman to serve for the calendar year. (Amended /Resolution #22-01-2019)

2. REGULAR MEETINGS

The Board of Supervisors shall adopt a schedule of the times, dates, and places of its regular meetings, for each calendar year, at its organizational meeting. Should the Board's regular meeting day fall on a County holiday, the meeting will be held on the next business day following the holiday. At its annual meeting the governing body may fix the day or days to which a regular meeting shall be continued if the chairman or vice-chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required. (Per State Code 15.2-1416)

3. WORK SESSIONS

The Board of Supervisors shall adopt a schedule of the times, dates, and places of its work session meetings, for each calendar year, at its organizational meeting. Should the Board's work session meeting day fall on a County holiday, the meeting may be rescheduled. At its annual meeting the governing body may fix the day or days to which a work session meeting shall be continued if the chairman or vice-chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the work session meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required. Standing work sessions may be cancelled due to lack of business. (Per State Code 15.2-1416)

4. SPECIAL MEETINGS

The Board may hold special meetings by establishing a special meeting date, time, place and an agenda for said meeting. The Clerk shall post and publish notice of the special meeting in accordance with the Virginia Freedom of Information Act, Chapter 37 of Title 2.2 of the Code of Virginia of 1950 as amended.

A Called Meeting may be convened when called by the chairman or requested by two or more of the members of the board of supervisors. The call or request shall be made to the clerk and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the clerk, after consultation with the chairman, shall immediately give actual notice to each member of the governing body and the county attorney to attend such meeting at the time and place stated in the notice. The notice may be waived if all members of the governing body attend the special meeting or sign a waiver. The clerk shall also give notice to the public in accordance with the Virginia Freedom of Information Act, Chapter 37 of Title 2.2 of the Code of Virginia as amended. Such notice shall specify the matters to be considered at the meeting. No matter not specified in the notice shall be considered at such meeting, unless all members are present.

5. VOTING

Motions properly made cannot die for lack of a second and shall be voted on as though they had been seconded.

Motions by the Chair will be considered without the need to hand the gavel to the Vice Chair. *(Adopted 1-5-2015/Resolution)*

Members of the Board are expected to vote on all matters except when abstention is appropriate pursuant to the Virginia Conflict of Interest Act or when a board member perceives he or she has a conflict of interest that is not covered by the Conflict of Interest Act. The procedures for abstention that are set out in the Conflict of Interest Act will be applicable to perceived conflicts of interest that are not covered by the Act.

6. PUBLIC COMMENT PERIOD

Public comment gives citizens an opportunity to address the Board in person or in writing on matters appropriate to the responsibilities of the Board. Speakers must direct all comments to the Board as a whole and not to individual board members or employees of the Board or County. Personal attacks and insulting, profane, or vulgar language will not be tolerated. Likewise, commentary on issues that are not within the purview of the Board, and that are not a function of local government, and over which the Board has no control, are not acceptable. Public comment is not a question and answer session and Board members will not answer questions during public comment without permission of the Chair. If a speaker violates these rules, the Chair may rule the speaker out of order and upon second violation have the speaker removed from the podium.

Only citizens who are residents of Franklin County or property owners in Franklin County are eligible to address the Board during the public comment period. The Board will include a comment period at the end of its regularly scheduled monthly meeting for public comment in person. Each speaker will be limited to three minutes for their comments. If several eligible citizens have requested an opportunity to address the Board on the same issue, they can agree to appoint one of their number as spokesperson and request that the Board allow their spokesperson to speak for five minutes by giving up their opportunity to speak. The Chair of the Board of Supervisors has the ultimate authority to manage the time that the Board allocates for public comment. The Chair's authority includes, but is not limited to, limiting public comment to one person per side or position of a topic, shortening the time that each speaker has to speak and/or waiving any of the public comment provisions when appropriate and/or necessary. The Chair may act in accordance with this authority or at the request of a majority of the Board.

There will be a sign-up sheet at a table near the meeting room for the public to sign up to speak. The Board will call citizens to the podium to speak in the order in which the citizens signed up. After the Board has heard comments from those who signed up, others in the audience who have not had an opportunity to speak and desire to do so will be invited to speak, time permitting.

Speakers may provide copies of their comments to the Clerk for inclusion in the minutes. If this section is amended at any time, then the adopted public comment guidelines will automatically be amended. The Board will provide a method for eligible citizens who are attending the Board of Supervisors' meeting remotely to submit public comment by email or other electronic method. The Clerk will include such written comments in the record of the meeting.

(Amended/Resolution # 21-06-2006 & # 07-01-2007 & -01-2015 & 02-18-20)

7. MOTIONS TO RECONSIDER

Motions to reconsider an action by the Board must be made by a member of the Board who previously voted with the prevailing side when the reconsidered motion was originally voted on. Since a second is not required, any member may second the motion to reconsider and the motion shall be decided by a majority vote of the members present.

8. PLACING OF AGENDA ITEMS

The County Administrator, based on input from the Board, shall develop the agenda for each meeting.

Individual Board members who wish to address the Board on a topic may do so under "Other Matters from Supervisors". If the Board wishes to investigate a topic further, it can direct staff to place the topic on a future agenda, bring back a staff report with the appropriate research, or take action as it see fit.*(Amended/Resolution #07-01-2007)*

At meetings in which there is not a full complement (7) of board members in attendance, no motion to amend, add to, or delete from the agenda shall pass without a unanimous vote of supervisors present. *(Amended/Resolution #10-01-2024)*

9. PUBLIC HEARINGS

It is the purpose and objective of the Board of Supervisors to give each citizen an opportunity to express his/her views at public hearings and to treat all speakers equally and with courtesy. While it is often necessary to have a presentation by an applicant or staff, it is the desire of the Board to hear from the public, and therefore, the applicant and staff presentations shall be as brief as possible.

Each speaker shall be limited to three minutes unless speaking for a larger group in which case, 5 minutes shall be allotted.

Speakers shall direct their presentations/comments/questions to the Board and not the audience

10. REMOTE PARTICIPATION *(Amended/Resolution #22-05-2015, #01-01-2022)*

- A. As authorized by the Virginia Freedom of Information Act, Chapter 37 of Title 2.2 of the Code of Virginia, 1950, as amended, the Franklin County Board of Supervisors (Board) shall allow the participation of members of the Board in a meeting through electronic communication means provided that a quorum of members is physically present at the primary or central meeting location and subject to complying with all parts of this policy.
- B. On or before the day of a meeting (no less than 1 hour prior to the start of the meeting), the Board member shall notify the Chair of the Board or the County Administrator who will then notify the Chair, that:
 1. Such member is unable to attend the meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance or (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance; or
 2. Such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. Participation by a member pursuant to this subdivision b is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

3. A majority of the Board that is present at the primary or central meeting location must approve by voice vote the absent Board member's remote participation. The Board shall record in its minutes the remote location from which the member participated; however, the location need not be open to the public. If participation is approved, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to circumstances described in subdivision 2a or 2b. If participation is approved pursuant to subdivision 2b, the public body shall also include in its minutes the specific nature of the personal matter cited by the member.

If a member's participation from a remote location is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

4. The Board shall make arrangements for the voice of the absent Board member to be heard by all persons in attendance at the primary or central meeting location.
5. Any votes taken during such a meeting where there is a remote participant shall be by roll call vote so as to accurately record all votes taken.

APPOINTMENTS:

11. APPOINTMENTS TO BOARDS AND COMMISSIONS

County staff shall maintain an up to date listing of available vacancies on Boards and Commissions and shall publish such list to the County's web site and make available in the Office of the County Administrator. 60 days in advance of scheduled vacancies, staff shall make the Board aware of upcoming vacancies and shall advertise such vacancies throughout the County. All candidates shall be required to complete a County application to serve on a Board or Commission and applications shall be distributed to the Board as soon as is practical.

APPLICATION PROCESS FOR APPOINTMENTS TO BOARDS & COMMISSIONS

(Amended/Resolution #07/1/2013)

- ❖ *Require all interested persons to complete applications as provided by the Clerk's office.*
- ❖ *Clerk then forwards applications for any open positions to the BOS for review.*
- ❖ *Position vacancies and potential candidates are then discussed as a closed session item under personnel.*
- ❖ *Subject to clean background checks, appointments are then made in open session.*
- ❖ *Address only new appointees going forward (i.e. sitting members are grandfathered and will not have to go through the full process of completing another application or background check)*

BUDGET ITEMS:

12. REQUEST FOR FUNDS OUTSIDE OF NORMAL BUDGET CYCLE

Whenever any delegation or individual shall make a request or appeal for County funds for the benefit of an outside or non-County agency or program, the following guidelines shall be followed.

A. Budget Preparation Calendar.

Whenever possible, the request shall be submitted in accordance with the budget preparation calendar.

B. Explanation and Background.

Any such request shall be accompanied by a brief narrative explanation of the request and background as needed.

C. Carry-over of Requests.

If it is not possible to utilize the annual budget preparation calendar, the request shall be carried over to the next regular meeting following introduction to the Board.

D. Waiver of Carry-over.

Waiver of the carry-over period shall be granted if the request is considered an emergency by the majority of the Board, or for any reason if approved unanimously by all Board members.

E. Emergency.

Emergency is defined as an unforeseen circumstance or combination of circumstances that calls for immediate action to secure and protect the health, safety and general welfare of the inhabitants of Franklin County.

13. MILEAGE REIMBURSEMENT

The Virginia Mileage Reimbursement Law provides for mileage reimbursement if you work and drive your personal vehicle for work.

Reimbursement must stem from services performed in the role of a duly elected Supervisor. Further, services are defined as arranged meetings, both internally and externally, events, conferences, regional and state meetings and related activities performed in the role of a Supervisor. Mileage reimbursement will not be permitted for unspecified travel, e.g. check-in visits at County offices, etc.

Supervisors are required to utilize the Travel and Expense Report form to record monthly mileage/travel expenses.

- A. For in County travel the mileage should be calculated by the vehicle's odometer. For out of County travel, the recordation of mileage should be calculated from a trusted mapping source, such as Google Maps, that articulates specific trips or a vehicle mileage indicator.
- B. Mileage is to be reported on a monthly basis by the 5th of the next month.
- C. Under 'Destination & Reason', every effort should be made to articulate where the meeting is held and for what purpose.
- D. Mileage must reflect travel during the reporting period. Mileage will not be reimbursed for previous months. Failure to submit timely reports may result in non-payment of mileage expenses.

Travel and Expense Reports are to be signed and presented to the Clerk of the Board of Supervisors for Chairman approval and submission to the Finance Department. This will begin in February 2022.

14. CLOSED MEETINGS (*Amended/Resolution #10-01-2024*)

Information and discussions from a closed session and attorney-client privileged communication shall not be disclosed by a board member without the approval of the Board. In the event confidential or privileged information is released or otherwise disclosed without the consent of the Board, then the Board shall vote to either authorize the disclosure or reaffirm the confidentiality and/or claim of privilege. In addition, the Board may, in its discretion, sanction or censure a member for improper disclosure of confidential or privileged information.

There was discussion about pending revisions to the Rules of Procedure. An initial rough draft of proposed revisions was discussed with the understanding that additional revisions would be made following recent receipt of further Board member comments/requests with additional legal review anticipated. Chair Smith noted that the current policies will remain in effect until a new, revised version is adopted by the Board.

As an aside, there was some conversation about whether Franklin County has had a Fire and EMS Advisory Board in the past. It was confirmed Franklin County has not had such a Board, but that there was a volunteer chiefs meeting group, which is not a designated Franklin County Commission with Board of Supervisors representation.

County Administrator, Christopher Whitlow, reminded the Board members of the upcoming Roanoke Regional Chamber of Commerce dinner on January 29th.

In addition, he brought up two house-keeping matters. He mentioned the need for motions to fast track two applications. The first one concerns amendment of Map No. 9.5 of the comprehensive plan to depict a new substation facility and transmission lines at Summit View Business Park and associated special use permit application.

Supervisor Carter offered the following Motion:

(RESOLUTION #06-01-2026)

BE IT THEREFORE RESOLVED by the Board of Supervisors to initiate a Comprehensive Plan amendment to amend Map #9.5 of the Plan to depict a new proposed substation facility and associated transmission lines in

the Summit View Business Park. I further authorize County Administrator to initiate this amendment process and fast-track the application concurrently with the necessary special use permit application.

MOTION BY: Carter

SECONDED BY: Mitchell

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Quinn, Smith, Tatum, Carter, Mitchell, Jamison, Meredith

NOS: N/A

* Roll call vote was taken.

Mr. Whitlow announced that the Tobacco Commission awarded the County a grant to support housing development needs in the County, and Virginia Housing awarded a grant through West Piedmont Planning District Commission for infrastructure and support of workforce housing. This precipitated the request to fast track another application for economic development purposes – the Boone Real Estate rezoning amendment and special use permit. It was clarified for the record that to “fast track” the application simply means that both the Planning Commission and the Board of Supervisors public hearings on this issue will occur in the same month (February) versus the Planning Commission’s hearing in one month and the Board of Supervisors hearing the following month.

Supervisor Tatum offered a Motion:

(RESOLUTION #07-01-2026)

BE IT THEREFORE RESOLVED by the Board of Supervisors to fast track the Boone Real Estate rezoning and special use permit request for economic development purposes. I further authorize the County Administrator to advise the Zoning Administrator so proper and timely notifications relative to processing the application can be made.

MOTION BY: Tatum

SECONDED BY: Quinn

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Quinn, Smith, Tatum, Carter, Mitchell, Jamison, Meredith

NOS: N/A

* Roll call vote was taken.

Supervisor Smith announced it is time for the Board to go into closed session. Supervisor Mike Carter offered a Motion:

RESOLUTION # 08-01-2026)

BE IT THEREFORE RESOLVED by the Board of Supervisors to enter into a Closed Meeting in Accordance with 2.2-3711, (A)(1), Personnel Discussion of appointments to County Boards, Commissions, etc.; (A) (3) Discussion of the acquisition of real property or the disposition of real property; (A) (8) Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

MOTION BY: Carter

SECONDED BY: Jamison

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Smith, Jamison, Carter, Tatum, Mitchell, Quinn, Meredith

NO: None

ABSENT: N/A

* Roll call vote was taken

The Board returned from closed session. Chair Smith reconvened the meeting, and Supervisor Carter offered a Motion to certify the closed session:

RESOLUTION # 09-01-2026)

BE IT THEREFORE RESOLVED by the Board of Supervisors, to certify that only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the Closed Session to which this certification applies, and only such business matters as were

identified in the motion by which this Closed Session was convened were heard, discussed or considered in the meeting to which this certification applies.

MOTION BY: Carter

SECONDED BY: Tatum

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Smith, Jamison, Carter, Tatum, Mitchell, Meredith, Quinn

NO: None

ABSENT:

* Roll call vote was taken

APPOINTMENTS

Chair Smith announced the need for a few appointments, and a Motion followed:

RESOLUTION #10-01-2026

BE IT THEREFORE RESOLVED by the Board of Supervisors to re-appoint Richard Shively and Eric Buck to the Building Code Appeals Board.

MOTION BY: Tatum

SECONDED BY: Meredith

VOTING ON THE MOTION WAS AS FOLLOWS:

NO: N/A

AYES: All Ayes; None Opposed

ABSENT: N/A

Chair Smith announced that the County Attorney will now proceed with offering FOIA and COIA training, and that afterward, the Board will reconvene at 5:30 PM at the Rocky Mount Town Council meeting, and will then recess until January 20th Broadband Authority and Board of Supervisors meetings.

County Attorney, Jim Guynn Jr., made the following presentation:

FOIA AND COIA Franklin County Board of Supervisors

January 5, 2026

Prepared by Jim H. Guynn, Jr., Esq.
Guynn Waddell, P.C.

FREEDOM OF INFORMATION ACT

Purpose

By enacting this chapter, the General Assembly ensures the people of the Commonwealth:

1. ready access to public records
2. free entry to meetings of public bodies wherein the business of the people is being conducted.

All public records and meetings shall be presumed open, unless an exemption is properly invoked.

Va. Code section 2.2-3700.

Liberal Construction

The provisions of this chapter shall be liberally construed:

1. to promote an increased awareness by all persons of governmental activities; and
2. afford every opportunity to citizens to witness the operations of government.

Any exemption from public access to records or meetings shall be narrowly construed ...

Meetings

"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to *Section 2.2-3708.2*, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body shall be deemed a "meeting" subject to the provisions of this chapter. For purposes of this definition of "meeting" only, the term "public business" means any activity a public body has undertaken or proposes to undertake on behalf of the people it represents.

Exceptions

Neither the gathering of employees of a public body nor the gathering or attendance of two or more members of a public body (a) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body, and no discussion or transaction of public business takes place among the members of the public body,

Exceptions

or (b) at a public forum, informational gathering, candidate appearance, meeting of another public body, or debate, the purpose of which is to inform the electorate or to gather information from the public and not to transact public business or to hold discussions relating to the transaction of public business, where no discussion or transaction of public business takes place among the members of the public body, even though the performance of the members individually or collectively in the conduct of public business may be a topic of discussion, debate, or question by others at such public meeting.

Notice of Meetings

- Date, time, location, and remote location, if required, of meetings by:
 1. Posting on official public government website
 2. Placing in a prominent public location at which notices are regularly posted
 3. Placing at the office of the clerk
 4. The notice shall be posted at least 3 days before meeting

Agenda

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

Called Meetings

- Notice, reasonable under the circumstances, of special, emergency, or continued meetings shall be given contemporaneously with the notice provided to the members of the public body conducting the meeting

Remote Participation 2.2-3708.3B

1. Temporary or permanent disability or other medical condition that prevents the member's physical attendance.
2. Medical condition of member or family
3. Member's principal residence is more than 60 miles from the meeting location
4. Personal matter—identify it with specific county. No more than 2 or 25% of meetings

Open / Closed Meetings

Generally, all meetings are **open** to the public.

Closed meetings are permitted only for certain limited purposes.

Closed Meetings

Virginia Code section 2.2-3711(A):

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

Closed Meetings

- 3. Acquisition of real property for a public purpose or disposition of real property;
- 5. Discussion of prospective business or expansion of business.
- 6. Investment of public funds where competition or bargaining involved;

Closed Meetings

- 7. Consultation with legal counsel re actual or probable litigation;
- 8. Consultation with legal counsel regarding specific legal matters;
- 29. Discussion of award of public contract and terms of contract;
- 33. Discussion of confidential proprietary records and trade secrets re procurement.

Closed Meetings

No action agreed to in a closed meeting shall become effective unless the body reconvenes in an open meeting and takes a vote.

Va. Code section 2.2-3711(B).

Closed Meetings

Require motion and vote in open meeting that identifies subject matter, states purpose of the meeting, and makes reference to applicable Virginia Code section.

Require certification in open meeting.

Public Records

Any compilation of letters, words, or numbers prepared, owned, or possessed by a public body, regardless of its physical form or characteristics or the manner in which it is stored. Written, printed, magnetic, and electronic records, among other forms, are all included if they have been prepared or accumulated in the transaction of public business.

Application

The definition of public records includes the personal records of an individual member if they have been prepared or held by the member in the transaction of public business. This includes paper and electronic messages about the business of a public body, sent or received by members of the body.

Be Aware

Your emails and text messages that pertain to county or EDA business are subject to FOIA. You should use only your county email when communicating regarding county business so that if you are asked to produce emails the county IT staff can assist you in making sure you produce all emails in response to a request.

Do Not Delete

By statute you must retain documents including emails and text messages for designated periods of time.

https://www.lva.virginia.gov/agencies/records/sched_local/GS-19.pdf

Conflict of Interest Act Virginia Code §2.2-3100 *et seq.*

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.

Training for Conflicts of Interest Act

A. The Council shall provide training sessions for local elected officials on the provisions of the State and Local Government Conflict of Interests Act (*Section 2.2-3100 et seq.*). The Council may provide such training sessions by online means.

Training for Conflicts of Interest Act

B. Each local elected official 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 for failing to complete a training session.

Training for Conflicts of Interest Act

C. The clerk of the respective governing body or school board shall maintain records indicating local elected officials 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.

Available Training

The Virginia Conflict of Interest and Ethics Advisory Council was created by the General Assembly to encourage and facilitate compliance with the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.), the General Assembly Conflicts of Interests Act (§ 30-100 et seq.) and the lobbying laws in Article 3 of the Code of Virginia (§ 2.2-418 et seq.).

The Council is also responsible for receiving lobbyist disclosures and Conflict of Interest disclosures from members of the General Assembly, state officers and employees, constitutional officers and members of the judiciary.

Available Training

Training Modules

Below is the link for training modules. In order to receive attendance credit, you are required to register and view the training module in its entirety. The system will not credit your attendance if you fast forward through any portion of the training. Please email ethics@dls.virginia.gov if you have any issues viewing the training.

Local Elected Officials Training Module

<https://ethicswebinar.dls.virginia.gov/>

Available Training

At this time, the system does not issue certificates of completion. Registration information is captured for on-line training and is available to agency coordinators and clerks of local governing bodies and school boards, upon request. Agency coordinators and clerks of local governing bodies and school boards are responsible for maintaining training records.

Available Training

In-person training is available from Council staff upon request as the staff schedule permits. This training is provided by the Council with no cost. The Council does not schedule any training during the month of January, and it does not schedule any training outside the metro Richmond area during the General Assembly Session each year. For more information about in-person training or to request a training session, please email ethics@dls.virginia.gov. Please note, it is the responsibility of the entity hosting the in-person training to maintain attendance records.

Enforcement

The Commonwealth's Attorney enforces the Act with respect to county officers and employees.

Va. Code § 2.2-3126

Opinions of a Local Government Attorney: A Defense

A written advisory opinion from a local government attorney, made after a full disclosure of the facts, may be introduced as evidence that the officer did not knowingly violate the Act.

Va. Code § 2.2-3121(C).

Opinions of a Commonwealth's Attorney: Immunity

An officer may not be prosecuted for a knowing violation of the Act if the alleged violation resulted from his good faith reliance on a written opinion of the Commonwealth's Attorney and the opinion was made upon written request in which the officer fully disclosed all pertinent facts.

Va. Code § 2.2-3121(B).

The Takeaway

COIA is complicated. Even after you have been trained, the answer is not always clear. Always begin your analysis of a potential conflict of interest with whether or not you, or a person close to you, will benefit financially from a particular transaction or vote. And remember that even though a transaction or vote may not technically violate COIA, it is always a good idea to avoid the appearance of impropriety.

Questions?

There was very brief discussion before the meeting was adjourned.

Chairperson

Clerk