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County Administrator

## Community & Economic Development Committee Meeting AGENDA

February 7, 2016 – 12:00 Noon  
Conference Room A/B/C, Second Floor

**Committee Members:** Wendy Maurer, Gary Snellings and Bob Thomas

Agenda Item	
1.	Election of Committee Chairman
2.	Broadband Authority Discussion/Infrastructure Installation
3.	Zoning Text Amendment to allow Veterinary services at Pet Stores or change the definition of Pet Store
4.	Maximum light levels at residential property lines
5.	Extend compliance for trash complaints from 10 to 14 days and amend enforcement policy
6.	Extension of Technology Fee for Electronic Plan Review software
7.	Availabilities Fees in P-TND zones
8.	Economic Development Quarterly Report
9.	Recommended Changes to the FOIA Policy
	Next CEDC meeting is scheduled for March 7, 2017

CEDC02072017agenda



**Current Situation**

- At a recent VACO meeting Supervisor Maurer attended a session about Orange County and their newly established Broadband Authority and requested a discussion regarding Stafford.
- In rural parts of the County citizens and businesses have limited or no access to broadband services
- The County has 26 sites including many fire stations with no fiber connection to the County network and CAD and rely on cable modems
- State legislation being drafted may negatively impact the County and it's telecommunications regulatory authority

**Proposed End State**

- Through a County-issued RFEI, determine if telecommunications companies have an interest in partnering with the County to offer:
  - broadband service to unserved and underserved parts of the County
  - deploy fiber to County facilities that are not part of the County network
  - lease unused "dark" fiber from schools' fiber network
  - lease space for wireless services on County owned self supporting towers

**Questions to consider forr the CEDC Committee/Board of Supervisors**

Should the County create a broadband authority such as Orange County has done or can the telecommunications commission and staff serve a similar purpose?

Should the County issue a Request for Expression of Interest (RFEI) to telecom. companies to partner with the County?

Will the Schools be interested in making unused "dark" fiber available as part of the RFEI? Should the County offer space on self supporting towers?

**Benefits to the County**

- Could partially or fully fund fiber deployment to critical public safety sites and other County facilities
- Could result in broadband service for unserved and underserved areas of the County, which will benefit residents, businesses and students
- Could foster economic development in areas where fiber and high-speed broadband is not available and/or provide a revenue stream to the Schools/County through leasing agreements

Due to the limited time for CEDC Meetings, please limit the salient points of your presentation to this single slide. Backup slides may be submitted for additional reference but may or may not be reviewed during the presentation. We ask that presenters limit their presentations to 10 minutes or less.

Current Situation

Staff received a request for a text amendment to the Zoning Ordinance to establish a new definition to allow a pet store to provide vaccinations for animals in the PTN-D zoning district.

Currently, the definition for pet stores excludes veterinary services and boarding. The PTN-D district permits only the retail uses listed in the B-2 zoning district to be permitted. A veterinary clinic is a service which is allowed in the B-2, but it is not a retail use.

Proposed End State

Adopt a text amendment that provides a new definition for a pet store to include an accessory use of a clinic for vaccinations for dogs and cats.

Request for the CEDC Committee/Board of Supervisors

Amend Section 28-25 -Definitions to include a new definition for a pet store to include veterinary vaccination clinic for dogs and cats as an accessory use and a definition for a veterinary vaccination clinic.

Benefits to the County

Provide a service that would be a convenience to the residents for a PTN-D development and further the goal of the development being an urban neighborhood style development.

## Amendments

### Sec. 28-25 Definitions

*Pet store.* A retail establishment engaged in the retail sale of domestic animals such as dogs, cats, fish, birds and rodents, along with equipment and food necessary for the keeping of pets. Limited on-site grooming and a veterinary vaccination clinic ~~is~~ as accessory uses, but a pet store does not include boarding ~~or veterinary services~~.

*Veterinary clinic.* A facility staffed with medical personnel licensed in the State of Virginia for the purpose of attending to the medical needs of various animals

Veterinary vaccination clinic – a facility staffed with medical personnel licensed in the state of Virginia for the purpose of administering vaccinations to dogs and cats.

<u>Current Situation</u>	<u>Proposed End State</u>
<p>A request for a text amendment to the Zoning Ordinance to establish a maximum light level at the property line of a single family residential property</p> <p>Currently, the general provisions of Section 28-87 contain provisions stating there shall be no light trespass over a property line but do not provide a specific level</p> <p>This request is resulting from a citizen complaint</p> <ul style="list-style-type: none"> <li>.</li> </ul>	<ul style="list-style-type: none"> <li>• Adopt a text amendment that provides a maximum light level at the property line of single family lot</li> <li>.</li> </ul>
<u>Request for the CEDC Committee/Board of Supervisors</u>	<u>Benefits to the County</u>
<p>Request CEDC to consider requesting the Board of Supervisors:</p> <ul style="list-style-type: none"> <li>• to amend Section 28-87 to include a maximum light level of .5 foot candle at the property line of a single family dwelling</li> <li>• To reduce time on motion detection lights from 15 minutes to 7 minutes</li> </ul>	<ul style="list-style-type: none"> <li>• Provide a measurable light level to aid in addressing light trespass from one single family lot to another</li> </ul>

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Sec. 28-87. - Outdoor lighting standards.

- (a) *Purpose and intent.* The purpose and intent of this section is to establish outdoor lighting standards that will minimize glare, light trespass, over-lighting, and skyglow, while conserving energy and improving the safety and security for businesses and residents of Stafford County.
- (b) *Applicability.*
  - (1) All new commercial, industrial and residential outdoor lighting installations or replacement of existing outdoor lighting fixtures shall meet the requirements of this chapter. Replacement of a fixture shall mean: i) a change of fixture type if the site is being redeveloped; or ii) an increase in lighting by twenty-five (25) percent or more if the entire lighting scheme is being replaced. Routine maintenance such as changing bulbs or lamps, lenses, housing, or similar components shall not constitute a replacement as long as the change does not result in a higher output.
  - (2) Outdoor lighting fixtures lawfully existing prior to the adoption of the September 3, 2013 amendment of this section 28-87 that do not conform to this section will be considered nonconforming. Nonconforming light fixtures that are modified as part of a redevelopment plan or replacement of the entire lighting scheme must conform to the current outdoor lighting standards in subsection (k) of this section.
  - (3) For existing vehicle fuel station canopies, convenience stores, motor vehicle sales, motor vehicle rentals, ATMs, or lighted playing fields/courts of public or private outdoor recreational facilities that do not comply with the applicable maintained lighting levels specified in subsection (d) of this section, the addition of the new outdoor lighting fixtures may be permitted in accordance with the following:
    - a. There may be an addition of new outdoor lighting fixtures to existing vehicle fuel station canopies, convenience stores, motor vehicle sales, motor vehicle rentals, ATMs, or lighted playing fields/courts of public or private outdoor recreational facilities, only when the outdoor lighting meets the provisions of this chapter and such replacement or addition will not increase the noncompliance with the applicable maintained levels specified in subsection (d) below.
- (c) *General outdoor lighting standards.*
  - (1) All outdoor lighting shall be designed, shielded, aimed, located and maintained to protect adjacent properties and roadways from:
    - a. Excessive illumination;
    - b. Energy waste;
    - c. Glare;
    - d. Light trespass; and
    - e. Unnecessary skyglow.
  - (2) *Shielding.* Full cut-off and fully-shielded lighting fixtures shall be required. Exemptions shall be made for other acceptable outdoor light fixtures. Acceptable outdoor light fixtures shall include those which:
    - a. Are provided with internal and/or external glare control louvers and installed so as to minimize uplight and off-site light trespass.
    - b. Are installed and maintained with aiming angles that permit no greater than five (5) percent of the light emitted by each fixture to project above the horizontal.
    - c. Architectural and landscape lighting as described in subsection (g) of this section.
  - (3) *Prohibited lighting.*
    - a. Flashing, revolving or intermittent exterior lighting visible from a property line or street.

- b. High intensity lights, such as, but not limited to, outdoor search lights, lasers or strobe lights unless used as part of a security system.

(4) *Measurements.*

- a. Unless otherwise stated all luminance measurements for the purpose of this section 28-87 shall be made at waist height with the light meter oriented horizontally.
- b. Height shall be measured from the grade or surface on which the light pole is mounted to the bottom of the lighting fixture.

(5) Street lighting shall be provided in accordance with the requirements of section 22-215.

**(6) Lighting levels shall not exceed five-tenths (0.5) footcandles at any property line adjacent to a residential or agricultural property.**

(j) *Exemptions.* The following shall be exempt from the provisions of chapter 28:

- (1) Nonconforming fixtures. Light fixtures installed prior to the effective date of this section 28-87 are exempt from the provision of this section; provided however, no replacement or structural alteration of outdoor light fixtures shall be made unless it conforms to the provisions of chapter 28. Any modification to a nonconforming fixture shall be required to meet all current standards.
- (2) Outdoor lighting fixtures and standards required by federal, state, or other government agencies, including roads with lighting in the right-of-way.
- (3) Construction or emergency lights used for construction, law enforcement, fire and rescue, emergency, or construction repair work to public facilities.
- (4) Holiday outdoor lighting fixtures.
- (5) Security lighting on single-family residences that is controlled and activated by motion sensor devices for a duration of ~~fifteen (15)~~ seven (7) minutes or less and is not aimed at any point outside of the property boundary.**
- (6) Flag lighting of the United States' flag or Commonwealth of Virginia's flag, flags, or other noncommercial flags where such activities is protected by the United States Constitution, the Virginia Constitution, or federal or state law, provided that shielded and directional fixtures are used. Fixtures must be installed and aimed so as to minimize glare, sky glow, and light trespass to adjacent properties, pedestrians and motorists.
- (7) Airport lighting.
- (8) Any other uses determined by the zoning administrator.
  - a. A modification, waiver or variation from the standards set forth in this section 28-87 may be granted by the zoning administrator or CPTED official.
  - b. The zoning administrator or CPTED official may modify or waive any standard set forth in this section 28-87 for an individual case, and he/she may impose conditions on such a modification or waiver which he/she deems appropriate to further the purposes of these lighting regulations, under the following circumstances:
    - 1. Upon finding that the strict application of the standard would not further the purposes of chapter 28, or that the alternatives proposed by the applicant would satisfy the purposes of these lighting regulations, at least to an equivalent degree;
    - 2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and/or
    - 3. The authorization of the modification, waiver, or variation will not be of substantial detriment to the adjacent property(ies) and the character of the zoning district will not be changed by granting the modification, waiver, or variation.

- c. Prior to the granting of a modification, waiver, or variation from the standards set forth in chapter 28, the zoning administrator or CPTED official shall give, or require the applicant to give, all adjacent property owners written notice of the request for the modification, waiver or variation. Adjacent property owners shall have twenty-one (21) days from the date of the notice to comment on the request for modification, waiver or variation.
- d. The zoning administrator or CPTED official shall make a decision of the application for modification, waiver, or variation within thirty (30) days of receipt of the application, and issue a written decision with a copy provided to the applicant and any other adjacent property owner who responded in writing to the notice sent pursuant to the section.
- e. Decisions of the zoning administrator or CPTED official may be appealed within ten (10) days of the decision to the board of zoning appeals.
- f. Decisions of the board of zoning appeals may be appealed to the circuit court as provided under the Virginia Code.



Current Situation

CEDC requested information for discussion on options for enforcement of code violations

Suggested increasing time limit for compliance with code regulation

Proposed End State

Adopt a text amendment that provides 14 days to remove trash from property

Request for the CEDC Committee/Board of Supervisors

Request by CEDC for future meeting

- Language for proposed text amendment
  - Increase time limit for removal of trash from private property

Benefits to the County

- Provide an reasonable amount of time for removal of trash from property so not to jepordize the health, safety and welfare of the surrounding property

Sec. 21-54. - Removal of trash, garbage, etc., from property.

- (a) The owner of any property in the county shall remove trash, garbage, refuse, litter, junk, and other substances which might endanger the health or safety of other residents of the county upon written notice by Stafford County.
- (b) Reasonable notice for the removal of such trash, garbage, refuse, junk, litter, and other substances which might endanger the health or safety of other residents of the county shall be given by ~~registered return receipt~~ certified mail, or by delivery of a written notice to the owner of property. Upon the failure of the owner of property to remove such trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of the county, as provided in such notice, the county administrator may have such trash, garbage, refuse, litter, and other substances removed and bill the owner of the property for the work.
- (c) Upon the property owner's failure to pay such bill, it shall be placed upon the tax bill of the owner and collected as taxes are collected.

Sec. 21-56. - Notice to remove generally.

Upon determination by the director, from reports or inspections, that there exists upon any land or premises within the county, accumulations of trash, garbage, refuse, litter, or other like substances, notice shall be served on the owner or his agent or occupant of the land or premises to remove or cause to be removed all such substances within ~~ten (10)~~ fourteen (14) days from the date of proof of receipt of such notice is served.

**Current Situation**

- Board adopted a 2.75% Technology fee in 2012 to fund our development tracking software upgrades (Hansen 8).
- The fee ordinance included a sunset clause which will expire on June 18, 2017.
- As a second phase of this Customer Service Initiative, we have recently initiated a project to implement electronic plan review and submittal for both site plan and building permit review, including State agencies such as VDOT.
- This initiative is underway and we anticipate widespread release later this year.

**Proposed End State**

- An Ordinance Amendment for a permanent extension of the 2.75% Technology fee in order to fund the annual maintenance cost for the e-Plans package, which facilitates electronic submittal and review of site plans and permits

**Request for the CEDC Committee/Board of Supervisors**

- Recommend an Ordinance Amendment for a permanent extension of the 2.75% Technology fee

**Benefits to the County**

- Enhanced customer service for the development community by providing a savings in time and money, including printing costs and travel time
- Greater flexibility - plans and permits can be submitted afterhours
- Enhanced online comment tracking and communication with up to date status and comment information
- Simultaneous reviews from County departments and State agencies

## **Extension of Technology Fee for Electronic Plan Review Software**

### **Background**

- The Board adopted a 2.75% Technology fee in 2012 to fund our development tracking software upgrades (Hansen 8).
- Before implementing the fee, the Fredericksburg Area Builders Association (FABA) was briefed on the benefits and supported the fee as a means to improve customer service and enhance the development process.
- The estimated cost was \$680,000. To date the technology fee has collected \$677,264. The fee ordinance included a sunset clause which will expire on June 18, 201. The Hansen 8 upgrades have provided better customer service, but there is still room for improvement. The annual maintenance cost for the Hansen tracking software is \$109,064 and is included in the County's annual budget.

### **Phase II**

- As a second phase of this Customer Service Initiative, we have recently initiated a project to implement electronic plan review and submittal for both site plan and building permit review, including State agencies such as VDOT
- The County has been working with the software provider to implement electronic review and submittal specifically for Stafford County. This includes customizing the software and working through various business models and flow charts to ensure a smooth transition to this new way of receiving submittals.
- The system is cloud based allowing for unlimited storage and easy access for our customers.
- This benefits to the development community include:
  - Savings in time and money, including printing costs and travel time
  - Greater flexibility- plans and permits can be submitted afterhours
  - No waiting in line during peak periods
  - Enhanced comment tracking and communication between review staff and the design professionals
  - Up to date status and comment information
  - Simultaneous reviews from County departments and State agencies

## **Costs**

- In January, 2016 the County signed a one year Software As A Service (SAAS) contract for \$165,300 which included software, services, and training.
- The annual maintenance cost for the e-Plans package is estimated to continue at the same cost of \$165,000 with some slight increase each year for inflation.
- Future upgrade and testing costs are possible, but are unknown at this time.
- The initial cost of the program was funded with General Funds
- Estimated revenue if the 2.75% technology fee is extended is \$150,000 annually. This would cover much, but not all, of the annual e-Plans maintenance and operation fee.
- Because the cost is recurring, we are requesting a permanent extension of the technology fee to provide the enhanced service.
- This service, which only a handful of other localities provide, should save the development community a great deal of money while improving the process through enhanced submittal, routing, review, and communication.

## **Implementation Plan**

- We have conducted staff training and will be conducting internal process testing this winter. We also anticipate producing training documents and “How to.” information for the public.
- Beta testing will be conducted with select outside firms early this spring.
- Training will be provided to FABA and other interested parties this spring and summer
- We anticipate a release to the public in May for limited Planning and Public Works applications, with additional applications being added over time.
- We presented a demonstration of the product to FABA in February and they were excited. We will be working with several of their members to conduct trial runs.
- Although an extension of fees is not a favorite of most businesses, the FABA members in attendance agreed the extension of the fee has merit and will present it to the full FABA Board for a formal vote of endorsement.

**Current Situation**

- Utilities Availability Fees are collected to ensure sufficient funding to provide capacity for future development as well as pay debt service for existing capacity
- The Availability for multi-family units (apartments) are based on a per dwelling unit fee in lieu of a meter size fee that is used for non-residential structures
- A request has been received from a developer to consider amending the per dwelling unit fees in a P-NTD zone to allow apartments to be charged the meter size fee

**Proposed End State**

- An availability fee policy that will ensure the funding is collected to build needed capacity for the future as well as pay the existing debt service
- The current system provides this state and was developed with the assistance of our financial consultant and the rate model

**Request for the CEDC Committee/Board of Supervisors**

- Provide guidance to staff if a change in policy is desired

**Impact to the County**

- A change in the availability fee to allow apartments in any zone use the meter size would result in significantly less revenue with a continued depletion of capacity
- If fees are changed, other sources of funding would be required, such as an increase in our fees per meter size, or an increase in user fees

# Request to Consider a Change in Utilities Availability Fees

## Background

- Availability fees are collected to pay for the Treatment Facility capacity (both water and sewer) needed for the development.
- The amount of water usage is based on the peak usage for each unit – just as treatment capacity is calculated using the peak day each year.
- The fees were determined using our rate consultant and the costs for the construction of our current water and sewer facilities. Each facility has a limited capacity.
- As each dwelling unit or meter is authorized that equivalent capacity is removed from the facilities. When the capacity reaches 80% the state requires we begin upgrades or a moratorium could be placed on future growth in Stafford.
- If there is a change in the Availability fee rates for apartments, it will significantly decrease the amount of revenue, which will affect the rate model and CIP projects.
- In order to maintain those projects, we would need to increase the rest of the availability fees to account for the loss due to apartments.

## Costs

- Our current ordinance/policy charges each dwelling unit a fee of \$6,900 for water and \$3,500 for sewer.
- The non-residential customers are charged a fee based on meter sizes.
- The EDUs for non-residential are based on expected usage for commercial customers using their fixtures values for the water serving components in the building.

## Requested Change

- The proposal for the Garrison, requests the water usage in the P-TND zone use the meter based fees for the apartments since they are mixed use. Their premise is that if you change it per the zoning, you will not have to do it for all apartments.
- If it is the Board's will to use a meter based fee for this zoning, there is a risk that it would set a precedent for all future apartments and greatly reduce the revenue from the Department of Utilities without reducing the corresponding capacity depletion
- In order to provide the Treatment capacity for future growth, as well as pay for the current capacity the Availability fees for all users, commercial and residential would need to be raised, or other sources of funding would need to be identified (i.e. user fees)
- Another option is to base apartments on a portion of the EDU as was originally proposed in 2015. This would again reduce the overall revenue and the EDU rates for other users may need to be adjusted.

# Economic Development CEDC Feb 2017

In the chart below, “Inputs” represent the interactions Economic Development staff have with citizens and businesses. “Outputs” reflect statistics regarding Stafford County that are reported by external agencies.

## INPUTS

2016 Economic Development Activity Report						
	Site Visits	Walk-ins	Start up packets	E-Newsletter Outreach	Website Views	Social media interactions
January	11	61	74	3,185	4,649	41,862
February	11	58	72	3,819	5,972	49,997
March	12	48	37	3,844	5,137	48,712
April	11	50	66	3,569	5,318	54,696
May	12	45	37	3,746	5,949	56,427
June	12	51	55	4,216	5,992	30,396
July	18	50	65	4,394	6,706	49,516
August	29	49	32	7,516	8,397	55,139
September	17	50	73	11,010	7,430	50,488
October	23	45	153	3,708	6,050	59,322
November	20	46	31	7,723	6,373	27,909
December	20	28	62	3,694	5,582	28,319

## OUTPUTS

Quarterly Census of Establishments / Employment / Wages for Stafford County							
Year	Period	Average Establishments		Average Employment			
		Delta	% Growth			Delta	% Growth
2011	2nd Qtr	2,259				37,334	
2015	2nd Qtr	2,533	1 year	71	2.80%	41,343	1 year 1,695 4.10%
2016	2nd Qtr	2,604	5 year	345	15.27%	43,038	5 year 5,704 15.28%
Average Weekly Wage							
Year	Period			Delta	% Growth		
	2011 2nd Qtr					\$838	
	2015 2nd Qtr		1 Year		41	\$878	4.67%
	2016 2nd Qtr		5 Year		81	\$919	9.67%

Commercial Projects in the Pipeline	
Projects Being Site Planned	1,183,502 sq ft
Projects with Approved Site Plans but No Building Permits	594,789 sq ft
Projects with Building Permits but Not Yet Occupied	611,826 sq ft
<b>Total</b>	<b>2,390,117 sq ft</b>

Monthly Unemployment	
Period	Unemployment Rate (%)*
Dec-11	5.9
Dec-15	3.9
Dec-16	3.6

Commercial Vacancy Rates - 4Q16			
	4Q16 **	1 yr trend	5 yr trend
Office	18.2%	↑	↑
Industrial	5.5%	↓	↓
Retail	4.6%	↓	↓

### Assumptions:

1. Projects are not in the pipeline until they have proper zoning.
2. Projects are no longer in the pipeline once any occupancy permit has been issued.
3. This does not include tax exempt projects or residential apartments.

Source: VEC/Labor Market Statistics, Covered Employment and Wages Program (lags 2 Qrts behind)

\*Source: LAUS Unit and Bureau of Labor Statistics

\*\* Source: CoStar

NOTE: Updated April, June, October and January with calendar year investment and square footage data included in every January report.



**Current Situation**

- Our current FOIA policy does not provide for a “promise of confidentiality” therefore; it negates much of a non-disclosure agreement usually required during negotiations with potential economic development opportunities
- Va. Code § 2.2-3705.6(3) provides for this “promise of confidentiality”
- (3). Proprietary information, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade, and tourism development or retention; and memoranda, working papers, or other information related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where disclosure of such information would adversely affect the financial interest of the public body.

**Proposed End State**

- An amended FOIA policy which will allow the County Administrator or his designee to enter into agreements with economic development prospects on behalf of the Board of Supervisors in order to control the release of proprietary information.

**Request for the CEDC Committee/Board of Supervisors**

- Authorize an amendment to the FOIA Policy

**Benefits to the County**

- Enhanced economic development opportunities
- Trust from our economic development partners that we will be able to hold their information confidential

## **The Rights of Requesters and the Responsibilities of Stafford County under the Virginia Freedom of Information Act**

The Virginia Freedom of Information Act (FOIA), found in Virginia Code § 2.2-3700 et seq., 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 purpose of FOIA is to promote an increased awareness by all persons of governmental activities. In furthering this policy, FOIA requires that its provisions be interpreted liberally, in favor of access, and that any exemption allowing public records to be withheld must be interpreted narrowly.

### **Requester's FOIA Rights**

- You have the right to request to inspect and/or receive copies of public records.
- 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 general 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 Stafford County**

- You may request records by 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. Nevertheless, the County would prefer requests to be submitted, in writing, on the attached form.
  - 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 the County a clear statement of what records you are requesting. However, the County 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 the County can identify and locate the records that you are seeking.

- You may only request existing records or documents. FOIA gives you a right to inspect or copy records; it does not apply to general questions about the work of the County and its public officers, officials, and employees, nor does it require the County to create a record that does not exist.
- You may choose to receive electronic records in any format used by the County 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 the County has 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. We may need to discuss your request with you to ensure that we understand what records you are seeking.
- Stafford County shall comply with the following procedures for processing a FOIA request.
  - FOIA requests should be directed to the FOIA Officer in the County Administrator's Office, as the centralized receiving center for FOIA requests.
    - By mail: County Administrator's Office  
ATTN: Wendy Mallow, FOIA Officer  
PO Box 339  
Stafford, VA 22555
    - Fax: (540) 720-4572
    - Phone: (540) 658-8605
    - E-mail: [wmallow@staffordcountyva.gov](mailto:wmallow@staffordcountyva.gov)
  - After receipt of the request, the FOIA Officer will direct the request to the appropriate County Departments, the Board, and other public officials (as appropriate).
    - Department heads will implement and follow a process for providing FOIA requests to staff in his/her department for response.
  - If FOIA requests are initially received by any County Department, official, or employee, other than the County Administrator's Office, the request shall immediately be forwarded to the County Administrator's Office to follow the same centralized process detailed above.
  - If you have questions regarding accessing records from the County, please contact the FOIA Officer, Wendy Mallow, at (540) 658-8605.

- 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@leg.state.va.us](mailto:foiacouncil@leg.state.va.us), or by phone at (804) 225-3056 or [toll free] 1-866-448-4100.

### **Stafford County's Responsibilities in Responding to Your Request**

- The County must respond to your request within five (5) 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 the County is irrelevant, and you do not have to state why you want the records before the County responds to your request. FOIA does, however, allow the County to ask you to provide your name and legal address.
- FOIA requires that the County make one of the following responses to your request within the five-day period:
  - Provide you with the records that you have requested in their entirety.
  - 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, the County will send you a response in writing. That writing will identify the volume and subject matter of the records being withheld, and state the specific section of the Virginia Code that allows the County to withhold the records.
  - Provide some of the records that you have requested, but withhold other records. The County cannot withhold an entire record if only a portion of it is subject to an exemption. In that instance, the County may redact the portion of the record that may be withheld, and will provide you with the remainder of the record. The County will provide you with a written response stating the specific section of the Virginia Code that allows portions of the requested records to be withheld.
  - Inform you in writing that the requested records cannot be found or do not exist (the County does not have the records you want). However, if the County knows that another public body has the requested records, the County will include contact information for the other public body in the County's response to you.
  - If it is practically impossible for the County to respond to your request within the five-day period, the County will state this in writing, explaining the conditions that make the response impossible. This will allow the County seven (7) additional working days, for a total of twelve (12) days, to respond to your request.
- If you make a request for a very large number of records, and the County feels that it cannot provide the records to you within twelve (12) working days without disrupting its other organizational responsibilities, the County may petition the circuit court for

additional time to respond to your request. Prior to petitioning the court, FOIA requires that the County make a reasonable effort to reach an agreement with you concerning the time for producing the records.

- Stafford County shall comply with the following procedures for responding to a FOIA request.
  - Staff, within each applicable Department, will provide all responsive records to his/her Department head.
  - All Department heads shall review all submitted, responsive records, ensuring all information required and allowed to be exempted, redacted, or withheld under the FOIA statutes has been excluded or redacted. The Department heads will also appropriately document any information redacted or withheld in accordance with the FOIA statutes.
  - The Department heads will transmit all records to the County Administrator's Office for final coordination. The County Administrator's Office will then transmit all records to the requester.
  - All Board members and other public officials/officers shall respond directly to the County Administrator's Office.
  - If at any time during the process a Department head or the County Administrator's Office has any legal questions about the records, responsiveness, exemptions, or information that shall/may be withheld or redacted, he/she may consult with the County Attorney's Office.
- Delays in responding to a FOIA request.
  - If staff or a Department head needs clarification regarding a FOIA request, and the ambiguity can be cleared up by communication with the requester, the Department head or the County Administrator's Office shall contact the requester.
  - If the Department head determines that he/she or his/her staff will not be able to respond to a FOIA request within the statutory five (5) working days, he/she shall communicate with the County Administrator's Office the need for more time and approximately how long the Department needs to respond to the request.
    - The County Administrator's Office shall communicate the need for an extension in writing, invoking the statutory additional seven (7) working days.
    - If greater than seven (7) days is necessary, the County Administrator's Office shall try to reach a reasonable agreement with the requester for more time. If a reasonable agreement cannot be reached, the County Administrator's Office shall contact the County Attorney's Office to petition the circuit court for additional time.

- Please see the section below about cost and deposits with regards to further possible delays in responding.

### Costs

- Pursuant to Virginia Code § 2.2-3704.1, 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 supply of requested records shall be estimated in advance at the request of the citizen as set forth in subsection F of Virginia Code § 2.2-3704.
- You may have to pay for the records that you request from Stafford County. FOIA allows the County 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 the County estimates that it will cost more than \$200 to respond to your request, the County will require you to pay a deposit, not to exceed the amount of the estimate, before proceeding with your request. The five (5) days that the County has to respond to your request does not include the time between when the County asks for a deposit and when you respond.
- All deposits shall be paid by check or money order made payable to Stafford County and delivered to the County Administrator's Office. Checks and money orders will be held and only deposited once the request is complete. Any outstanding balance due must be paid before or at the time the responding records are released. Any balance remaining from the deposit shall be returned to the requester.
- You may request that the County 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. The statutory time limits provided do not begin to run until you give the County permission to proceed, approving the estimate or by paying the deposit as required above.
- If you owe the County money from a previous FOIA request that has remained unpaid for more than 30 days, Stafford County may require payment of the past-due bill before it will respond to your new FOIA request.
- Responses to FOIA requests that require 30 minutes or less of an individual Board member, public officer/official, or staff member time, will not be charged to you.
- Board members, public officers/officials, and Constitutional officers shall have discretion to determine if his/her individual time spent responding to a FOIA request (in excess of



### **Commonly used Exemptions**

The Virginia Code allows any public body to withhold certain records from public disclosure. Stafford County commonly withholds records subject to the following exemptions:

- Records subject to attorney-client privilege (Virginia Code § 2.2-3705.1(2)) or attorney work product (Virginia Code § 2.2-3705.1(3))
- Records relating to the negotiation and award of a contract, prior to a contract being awarded (Virginia Code § 2.2-3705.1(12))
- Appraisals and cost estimates of real property subject to a proposed purchase, sale, or lease, prior to the completion of such purchase, sale, or lease (Virginia Code § 2.2-3705.1(8))
- Personnel records (Virginia Code § 2.2-3705.1(1))

For a full list of exemptions, *see* Virginia Code § 2.2-3705.1 *et seq.*

### **Policy regarding the use of Exemptions**

- It is Stafford County's general policy to exempt any and all records that are allowed to be exempted, redacted, or excluded from production by law.
- Any record exempt under the Virginia Code, which the custodian of the record has the option of disclosing, shall not be disclosed.
- The County Administrator or his designee has the authority to enter into agreements with economic development prospects on behalf of the Board of Supervisors in order to control the release of proprietary information. Such agreements are to be treated as promises of confidentiality pursuant to Va. Code § 2.2-3705.6(3).