

October 14<sup>th</sup>, 2025  
Town Council  
Regular Meeting  
Res. No.

**A RESOLUTION AUTHORIZING THE TOWN ATTORNEY TO FILE A MISALENIOUS ACTION AND  
BEGING TO SUBPOENA INDIVIDUALS OR ENTITIES BASED ON THE WORK OF THE WARRENTON  
COMMISSION ON OPEN AND TRANSPARENT GOVERNMENT**

**WHEREAS**, Warrenton, VA (Hereinafter "the Town") is a municipal corporation located within the County of Fauquier; and

**WHEREAS**, the Town of Warrenton is a corporate entity with those powers authorized within its own charter and by Title 15.2 of the Virginia Code; and

**WHEREAS**, the Virginia Code, per Section 15.2-1409, empowers localities, such as the Town, to form a commission which can investigate matters relating to the Town and its governance; and

**WHEREAS**, the Town Council on January 14, 2025 voted to authorize such a commission which it named "The Town of Warrenton Commission for Transparent and Open Government"; and

**WHEREAS**, the function of the "Commission" is to focus on the land use application process and find ways to make it more open and transparent for citizens and applicants alike; and

**WHEREAS**, the Town Council on March 10, 2025, appropriated \$60,000 in funds for the Commission to further its work and further authorized it to hire Whitson Robinson, Esq., as its Special Counsel; and

**WHEREAS**, the Commission held its first meeting on March 27<sup>th</sup>, 2025, at which it decided to focus on three land use applications which had been considered and approved by the Council over the past five years; and

**WHEREAS**, the Commission members and Special Counsel have been working with Town staff over the past six months to obtain and review internal Town records which are relevant to the Commission's business; and

**WHEREAS**, the Commission has adopted a discovery plan which permitted the Town Attorney to decide any disputes relating to methods of gathering and reviewing Town records that might be deemed confidential; and

**WHEREAS**, since August 23, 2025, the Town staff has been producing, and the Commission members reviewing, Town records pursuant to a 4-point agreement drafted by the Town Attorney which addresses both cost concerns and the non-disclosure of confidential information; and

**WHEREAS**, the Commission now seeks to obtain information from outside parties, per Section 15.2-1409, and has voted to authorize the Town Attorney to issue subpoenas for relevant information;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of Warrenton that the Town Attorney is authorized to issue and enforce subpoenas, pursuant to the guidance in Section 15.2-1409, on behalf of the Commission.

ATTACHMENT:

**Votes:**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

**For Information:**

Town Attorney

Warrenton Commission on Open and Transparent Government ,Chair

**ATTEST:** \_\_\_\_\_  
Town Recorder