

RESOLUTION TO WITHDRAW PETITION FOR APPEAL

WHEREAS Warrenton, VA (hereinafter “The Town”) is a municipal corporation located within the County of Fauquier;

WHEREAS Citizens for Fauquier County, a non-stock membership organization located in Warrenton, VA (“CFFC”) filed two requests (T000148-071222 and T000177-101422) to the Town under the Virginia Freedom of Information Act, Va. Code Ann. §§ 2.2-3700, *et. seq.* (“VFOIA”) seeking, among other records within the meaning of VFOIA, documents and communications with the town mayor and the town managers pertaining to a proposed Amazon Development;

WHEREAS in response to VFOIA request T000177-191422 specifically, the Town exempted 3,142 emails, claiming 2,633 emails involving either the mayor or chief executive officer as exempt pursuant to §§ 2.2-3705.7(2), 314 emails as exempt pursuant to §§ 2.2-3705.1 (2) (“Attorney-Client Privileged), and 195 emails as exempt pursuant §§2.2-3705.1(1) (“Personnel Exemption”);

WHEREAS on December 19, 2022, CFFC filed a Petition for Writ of Mandamus, Injunctive Relief and Award of Civil Penalties against the Town of Warrenton and Steven Clough Town Clerk (“Lawsuit”) demanding the release of said 3,142 emails (“Confidential Documents”);

WHEREAS at a January 6 , 2023 hearing before Judge Alfred D. Swersky in the Fauquier Circuit Court, the Town Attorney proffered that the Confidential Documents were about the steps for Amazon to gain approval for the proposed datacenter, the special-use permit that was required, and the tax revenue generated by the project;

WHEREAS on February 7, 2023, Judge Alfred D. Swersky of the Fauquier Circuit Court denied all relief sought by CFFC;

WHEREAS upon appeal by CFFC, Stuart A. Raphael of the Virginia Court of Appeals issued a ruling dated July 30, 2024, on behalf of the unanimous three judge panel, reversing the lower court’s ruling;

WHEREAS on September 27, 2024, the Town of Warrenton appealed the ruling by the Virginia Court of Appeals to the Virginia Supreme Court, to which the Appellee filed a brief in opposition on October 18, 2024 (“Petition for Appeal”);

WHEREAS as of January 14, 2025, the Town’s appeal has not been docketed for a hearing before the Virginia Supreme Court;

WHEREAS the non-release of the Confidential Documents has generated an extensive and profoundly negative response by Town citizens, reinforcing their views that their Town government operates in secret, contrary to the basic principles of Virginia’s Freedom of Information Act;

WHEREAS an election was held on November 5, 2024, in which five candidates for Council were elected who, in the name of transparency, each pledged to remove wherever practicable any assertion of privilege over which the Council has discretion;

WHEREAS the Town Council of Warrenton no longer wishes to defend a lawsuit that violates the principles of transparency and open government, and is contrary to the basic principles of Virginia’s Freedom of Information Act ;

THEREFORE, be it resolved that the Town Council directs the Town Attorney to withdraw the Petition for Appeal forthwith, and to provide all necessary or appropriate notices in connection therewith.