

**RESOLUTION TO RELEASE EMAILS EXEMPTED FROM
FOIA REQUEST T000177-101422**

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

WHEREAS on October 14, 2022, the Town received request number T000177-101422 from Citizens for Fauquier County, a non-stock membership organization located in Warrenton, VA (“CFFC”), seeking under the Virginia Freedom of Information Act, Va. Code Ann. §§ 2.2-3700, *et. seq.* (“VFOIA”) among other records within the meaning of VFOIA, documents and communications with the town mayor or the town managers pertaining to a proposed Amazon Development (“CFFC Request.”)

WHEREAS in response to the CFFC Request, the Town exempted 3,142 emails purportedly as follows: 2,633 emails involving the mayor or the town manager as chief executive officer pursuant to Virginia Code §§ 2.2-3705.7(2), 314 emails pursuant to Virginia Code §§ 2.2-3705.1 (2) (“Attorney-Client Privileged), and 195 emails pursuant Virginia Code §§2.2-3705.1(1) (“Personnel Exemption”); hereinafter “Confidential Documents”;

WHEREAS the Town asserted that the VFOIA exemption covered the “working papers and correspondence” of the mayor *and* the town manager as chief executive officer of the Town (the “CEO Exemption”), including emails where the Mayor and the Town Manager were merely on the distribution list and/or may have simply received a copy;

WHEREAS CFFC appealed the Town’s interpretation of the CEO Exemption to the Circuit Court of Fauquier County;

WHEREAS the Circuit Court of Fauquier County (J. Swersky presiding) sustained the Town’s interpretation of the exemption, denying CFFC any relief;

WHEREAS on appeal by CFFC, a three-judge panel of the Virginia Court of Appeals unanimously reversed the lower court's ruling and remanded the case to the Circuit Court for further proceedings consistent with that ruling;

WHEREAS Virginia Code 2.2-3705.7 allows for the disclosure of public records at the discretion of the custodian except where such disclosure is otherwise prohibited by law;

WHEREAS The Virginia Freedom of Information Act expressly states at VA. Code 2.2-3700 (B), "the provisions of this chapter shall be liberally construed to promote an increased awareness by all persons of governmental activities and afford every opportunity to citizens to witness the operations of government."

NOW THEREFORE BE IT RESOLVED that the Warrenton Council on this 14th Day of January 2025 and in conformation with the Appellate Court decision as attached hereto and made a part hereof, orders the clerk to do the following:

THAT IT SHALL PURSUE THE IMMEDIATE RELEASE OF ALL EMAILS OR OTHER COMMUNICATIONS FOR WHICH A CEO OR MAYOR EXEMPTION WAS PREVIOUSLY CLAIMED IN RESPONSE TO FOIA REQUEST T000177-101422 MADE BY THE CITIZENS FOR FAUQUIER COUNTY, EXCEPT THAT EMAILS SHALL BE WITHHELD WHERE DISCLOSURE IS OTHERWISE PROHIBITED BY LAW ("LEGALLY EXEMPT DOCUMENTS"), WHICH REVIEW SHALL BE PROMPTLY UNDERTAKEN BY THE TOWN ATTORNEY OR HIS DESIGNEE. THE TOWN CLERK SHALL ALSO TAKE SUCH STEPS AS MAY BE NECESSARY TO MAKE THESE DOCUMENTS AVAILABLE TO ANY INTERESTED PERSONS.