

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 Stephen 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, the Virginia Court of Appeals issued a ruling dated July 30, 2024, on behalf of the unanimous three judge panel, which reversed the Circuit Court’s ruling and

ordered the disclosure of those emails which had been withheld under “the Chief Executive Officer” exemption from VFOIA;

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 Town Council now seeks to withdraw the appeal as relating to the Confidential Documents, as well as any objection to that production; and disclose said documents pursuant to its discretion under Va. Code §2.2-3705.7;

WHEREAS the Town and its counsel will continue to defend itself and any agents against any monetary or other penalties that may be sought at the Circuit Court level

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