

City of Colonial Heights

# 2022 Annual City Council Retreat

Smithfield Station  
March 4- 5, 2022



# Friday, March 4

I. (1:00pm) Call to Order





## II. Discussion Regarding Overall City Vision and Priorities

- City Priorities
- Long- term Vision
- Growth Goals
- City- wide Appearance/Enhancement
- Department Goals

## II. Discussion Regarding Overall City Vision and Priorities (continued) ...

# MISSION STATEMENT

- Education
- Neighborhoods
- Small Town Feeling
- Infrastructure
- Safety
- Economic Base
- Services For Citizens
- Aesthetics
- Government Services

# LOOKING AHEAD: WHERE ARE WE GOING?



## VISION

What are the standards we want to be reaching in the future? (20 – 30 year view)



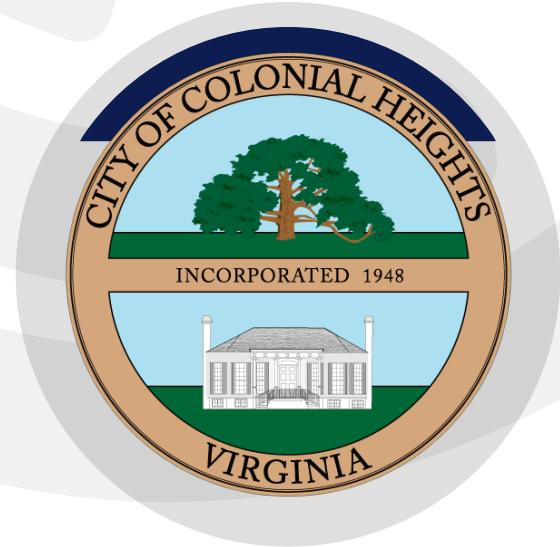
## MISSION

What is our organization's core purpose?



## GOAL AREAS

What are the major areas we to focus on to fulfill our mission and achieve our vision?



## OBJECTIVES

What specific programs and projects will help us achieve our goals?

# VISION

*What are the standards we what to be reaching in the future? (20 – 30 year view)*



**The City's Comprehensive Plan includes the following:**

The City of Colonial Heights will be recognized as an exceptional place in which to live, work, and visit. Our community will cherish its safe neighborhoods, excellent schools, historic heritage and scenic, natural resources.

The economic health of the City will welcome innovation and investment and will create opportunities for all.

This Vision will be achieved with the unified actions of the citizens, government, businesses, and other interested organizations, working in partnership to fulfill the City's potential as a small community with big ideals.

# MISSION

*What is our organization's core purpose?*



**Current City Council Mission Statement:**

It shall be the intent of City Council to meet the needs of the citizens, ensure public safety, enhance recreational and cultural activities, support the school system, strengthen our commercial base to help ensure the future viability of the city, and strive for the highest quality of life for all of our citizens.



# GOALS

***What are the major areas we to focus on to fulfill our mission and achieve our vision?***

## **Current City Council Focus Areas:**

We are committed to eight central themes; quality education, thriving neighborhoods, maintenance of the small town feeling, adequate infrastructure for current and growth needs, continued safety, prosperous economic base, efficient and exemplary customer service from city departments, and a more pleasant aesthetic appearance of the city.



# Proposed City Vision Statement

The vision of Colonial Heights is  
to be a thriving community  
where everyone is welcome.

# Proposed City Mission Statement (Options)

***The Mission of the City of Colonial Heights is:***

- ❖ To partner with the community in providing exceptional services offering opportunities for all to thrive.

**OR...**

- ❖ To provide exceptional services in partnership with a thriving community that offers opportunities for all.

# Proposed City Mission Statement (Options)

***The Mission of the City of Colonial Heights is:***

- ❖ To provide top quality services to our community each and every day.

**OR...**

- ❖ To serve our community with exceptional City services.

## Proposed Goal Areas:

- ❖ Exceptional Services  
(Government/Administrative Departments)
- ❖ Premier Health and Safety  
(Public Safety; Building Inspections; Recreational Activities; Social/Human Services)
- ❖ Community Appeal  
(Aesthetics; Community Appearance; Community Revitalization; Code Enforcement)

## Proposed Goal Areas Cont.:

- ❖ Thriving Economy  
(Economic and Community Development; Planning; Infrastructure; Sports Tourism)
- ❖ Excellent Educational Opportunities  
(Centralized Location for Higher Education Opportunities; Excellent K-12 School System)

### III. Discussion Regarding Employee Compensation

- Step-Based Pay Plan
- Estimated Cost to City



# EMPLOYEE COMPENSATION

# EMPLOYEE COMPENSATION

- Created to provide:
  - Salary range longevity and minimize the number of employees at the salary range maximum.
  - Employees at the salary range maximum received a lump sum bonus, which is not credible compensation toward VRS retirement benefits.
  - Consolidated two separate pay plans to improve workplace morale.
  - Elimination of steps provided flexibility with open salary ranges for future increases (2%, 2.5%, 3%, etc.).

# EMPLOYEE COMPENSATION

## ► Step Pay Plans

- Several surrounding localities have created step based pay plans for general and/or public safety employees.

**Chesterfield**

**Hanover**

**Henrico**

**Dinwiddie**

**Prince George**

# EMPLOYEE COMPENSATION

## ► Current pay plan

### Grade 11

Facilities/Groundskeeper I  
Public Works Technician

### Grade 14

Permit Technician  
Engineering Technician

### Grade 17

Battalion Chief  
Police Lieutenant

### Grade 12

Concrete Technician  
Deputy II

### Grade 15

Firefighter-EMT  
Police Officer

### Grade 18

Deputy Chief of Fire & EMS  
Deputy Chief of Police - Major

### Grade 13

Animal Control Officer  
Recreation Specialist I

### Grade 16

Fire Lieutenant  
Police Sergeant

### Span Between Grades

Grade	Percent
11 to 12	6.53%
12 to 13	14.25%
13 to 14	14.25%
14 to 15	14.24%
15 to 16	14.25%

# EMPLOYEE COMPENSATION

## ► Current pay plan

### Grade 11

Facilities/Groundskeeper I  
Public Works Technician  
Staff Assistant

### Grade 12

Concrete Technician  
Deputy II  
Financial Technician I

### Grade 13

Animal Control Officer  
Recreation Specialist I  
Traffic Technician

### Grade 14

Administrative Assistant  
Engineering Technician  
Communications Officer

### Grade 15

Firefighter-EMT  
Police Officer  
Utility Billing Supervisor

### Grade 16

Financial Systems Analyst  
Fire Lieutenant  
Police Sergeant

### Grade 17

Battalion Chief  
City Assessor  
Police Lieutenant

### Grade 18

Deputy Director of Finance  
Deputy Chief of Fire & EMS  
Deputy Chief of Police - Major

<b>Span within Salary Ranges (Minimum to Maximum)</b>	
<b>Grade</b>	<b>Percent age</b>
11	60%
12	71.74%
13	71.67%
14	71.67%
15	71.68%

# EMPLOYEE COMPENSATION

## ► Step Pay Plan Sample

Step Pay Plan Structure (2% Steps)																																
Current Min.	Grade	New Min.	Max	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14	Step 15	Step 16	Step 17	Step 18	Step 19	Step 20	Step 21	Step 22	Step 23	Step 24	Step 25	Step 26	Step 27	Step 28	Step 29
29,274	11	29,859	51,986	29,859	30,457	31,066	31,687	32,321	32,967	33,627	34,299	34,985	35,685	36,399	37,127	37,869	38,626	39,399	40,187	40,991	41,810	42,647	43,500	44,370	45,257	46,162	47,085	48,027	48,988	49,967	50,967	51,986
31,185	12	31,809	55,380	31,809	32,445	33,094	33,756	34,431	35,119	35,822	36,538	37,269	38,014	38,775	39,550	40,341	41,148	41,971	42,810	43,667	44,540	45,431	46,339	47,266	48,211	49,176	50,159	51,162	52,186	53,229	54,294	55,380
35,628	13	36,341	63,270	36,341	37,067	37,809	38,565	39,336	40,123	40,925	41,744	42,579	43,430	44,299	45,185	46,089	47,010	47,951	48,910	49,888	50,886	51,903	52,941	54,000	55,080	56,182	57,305	58,452	59,621	60,813	62,029	63,270
40,709	14	41,523	72,293	41,523	42,354	43,201	44,065	44,946	45,845	46,762	47,697	48,651	49,624	50,617	51,629	52,661	53,715	54,789	55,885	57,002	58,142	59,305	60,491	61,701	62,935	64,194	65,478	66,787	68,123	69,486	70,875	72,293
46,505	15	47,435	82,586	47,435	48,384	49,351	50,339	51,345	52,372	53,420	54,488	55,578	56,689	57,823	58,980	60,159	61,362	62,590	63,841	65,118	66,421	67,749	69,104	70,486	71,896	73,334	74,800	76,296	77,822	79,379	80,966	82,586
53,135	16	54,198	94,360	54,198	55,282	56,387	57,515	58,665	59,839	61,035	62,256	63,501	64,771	66,067	67,388	68,736	70,111	71,513	72,943	74,402	75,890	77,408	78,956	80,535	82,146	83,789	85,464	87,174	88,917	90,695	92,509	94,360
60,389	17	61,597	107,241	61,597	62,829	64,085	65,367	66,674	68,008	69,368	70,755	72,170	73,614	75,086	76,588	78,120	79,682	81,276	82,901	84,559	86,250	87,975	89,735	91,530	93,360	95,227	97,132	99,075	101,056	103,077	105,139	107,241
69,360	18	70,747	123,173	70,747	72,162	73,605	75,077	76,579	78,111	79,673	81,266	82,892	84,549	86,240	87,965	89,725	91,519	93,349	95,216	97,121	99,063	101,044	103,065	105,127	107,229	109,374	111,561	113,792	116,068	118,390	120,757	123,173

Grade	Current Min	Current Max	New Min.	New Max
EXEC	83,640	144,006	85,313	146,886

\*Note: 2.0% COL increase applied to each grade minimum.

# EMPLOYEE COMPENSATION

## ► Step Pay Plan Sample

- **Minimum of each grade increased by 2.0%**
- **Span within each grade is 74.10%**
- **Same span between grades as current pay plan.**

Span within Salary Ranges (Minimum to Maximum)	
Grade	Percentage
11	60%
12	71.74%
13	71.67%
14	71.67%
15	71.68%
16	71.67%
17	72.58%
18	71.67%

# EMPLOYEE COMPENSATION

## ► Step Pay Plan Sample

- Estimated cost to place employees in step pay plan:\$446,353
- Additional factors will increase total cost:
  - Current vacancies (Retirements & Separations)
  - Career Development Plans
  - VRS, Medicare, Social Security

## IV. BREAK

3:00pm - 3:15pm



## V. Development- Related Update and Discussion

### A: Staff Economic Development Update



- ED Website Development Update
- Business Development Updates
- Regional Tourism & ED Organizations Update
- Downtown Strategies Study Review
- CPD Resilience & Recovery Plan

## Economic Development Vision and Mission

### VISION

**Increase the tax base of Colonial Heights by enhancing the business climate and creating higher-paying jobs.**

### MISSION

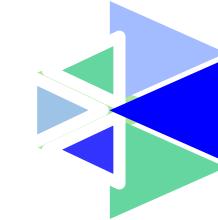
**Sustain and diversify the economy in order to provide a high quality of life for all residents.**

**Economic Development Strategic Plan should be updated during 2022-2023**

# ECONOMIC DEVELOPMENT WEBSITE

2021 Council Retreat, City Council  
approved an economic development website.

**COLONIALHEIGHTSVA**  
**economic development**  
[www.choosecolonialheights.com](http://www.choosecolonialheights.com)



## CHOOSE COLONIAL HEIGHTS



# Economic Development/Tourism Projects

Locke Supply	Boot Barn
Mission BBQ	Ace Hardware
Royal Farms	Valvoline
Midas Expansion	Dunkin
Towneplace Suites	Panera Drive-thru
Charles Dimmock Site – Upgraded to Tier 4	
Courthouse Parcel - Surveyed and Recorded	
Towneplace Suites	
Re-organization of PART – serves as Chair of Marketing Committee	
Greater Richmond Tourism- Tourism Ambassador	

# Downtown Strategies Report

## Market Analysis

### CUSTOM TRADE AREA

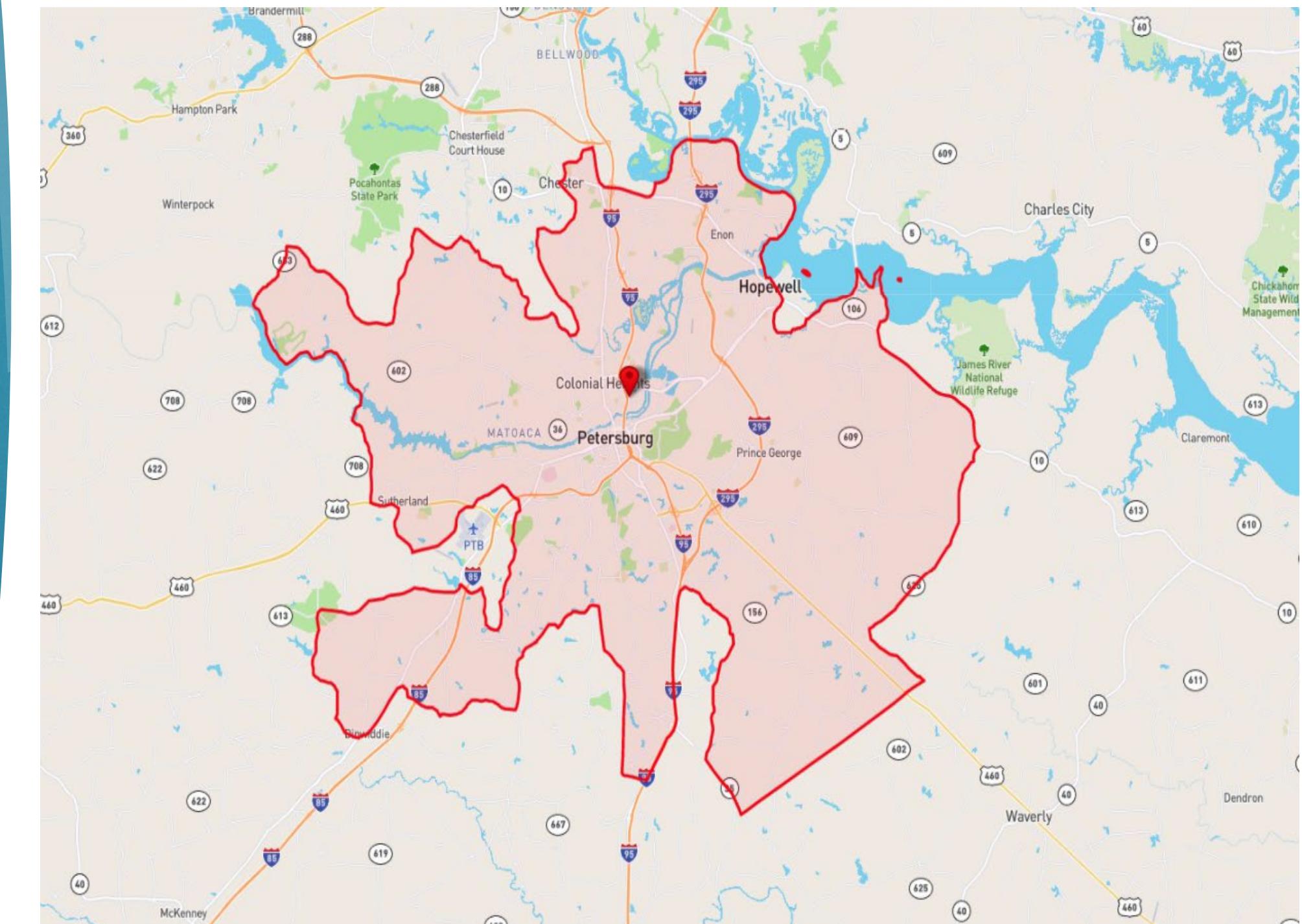
#### Colonial Heights, VA Custom Trade Area Population

177,203

- Each retailer has a specific set of site selection criteria they use to determine if they will have a profitable store. Municipal boundaries, radius rings and drive time areas are a start.
- A customized trade area is the next step to analyzing a market. A trade area defines a core customer base of consumers highly likely to shop and eat in the market at least once a month.
- Each retailer will analyze their own trade area based on their existing stores, their competition and site selection criteria.

# Custom Trade Area

- Colonial Heights trade area has been created by combining a series of drive times, mobile data analysis, geographic boundaries and proximity to neighboring shopping destinations.



## Corridor Revitalization

### Site Circulation

**Guideline** -Encourage attractive, convenient and functional site design, which minimizes conflicts among pedestrians, bicycles and vehicles.

**Description** –Commercial property is concentrated along the Boulevard--a primary transportation route for automobiles. In order to take steps to safely and functionally accommodate additional modes of transportation in a visually appealing manner, development should ensure that the pedestrian is a priority.

# Corridor Revitalization

Consolidate vehicular access points serving adjacent sites, thus minimizing curb cuts along the public streets.



Excessive curb cuts present unsafe environment for pedestrians.



# Corridor Revitalization

## Recommendations

- Consolidate vehicular access points serving adjacent sites, thus minimizing curb cuts along the public streets 
- Provide direct and convenient pedestrian and vehicle connections between adjacent developments
- Provide comprehensive, pleasant and direct pedestrian pathways linking buildings, open space and parking areas
- Clearly link public right of way – streets and sidewalks - to building front doors
- Promote use of pedestrian oriented Boulevard frontage roads providing parking and landscape buffering along high traffic arterial roads 
- Design sites to facilitate emergency responders

# Corridor Revitalization

Additional topics addressing corridor revitalization:

**Parking**

**Building Orientation**

**Screening & Service Areas**

**Landscaping**

**Signage**

Downtown Strategies DRAFT Report included in backup.

# Crater Planning District Commission - CPDC Resilience & Recovery Plan

## Comprehensive Economic Development Strategy – CEDS

- Roadmap for regional cooperation and collaboration in Crater District
- Five major priorities:
  - Workforce Development
  - Expanding Technology
  - Growing Small Business
  - Improving Infrastructure
  - GO Virginia Region 4
- Recovery Strategy
  - 12 Strategies for COVID Recovery

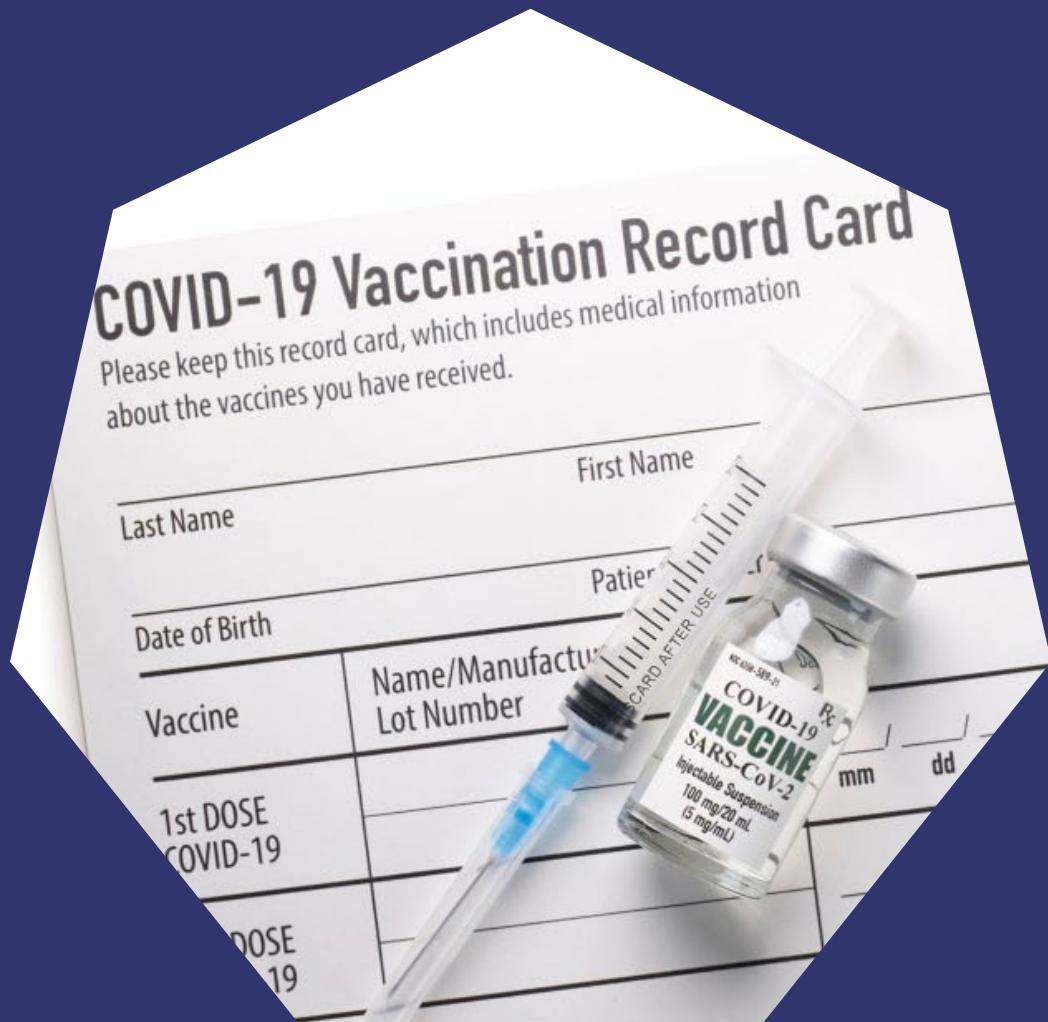
## V. Development- Related Update and Discussion

### B: Discussion of Vision for Development Opportunities in the City

- Southpark Mall Vision & other vacant areas (Industrial Zoned Property)
- Business Incentives
- Seasonal Boulevard Pole Displays



# VI. Discussion Regarding Policy for Requesting Employee Vaccination Status



- Administrative Policy - Personnel Records
- EEOC Information - COVID Vaccinations
- Health and Human Services Information - COVID Vaccination

## VII. BREAK

4:45pm - 5:00pm



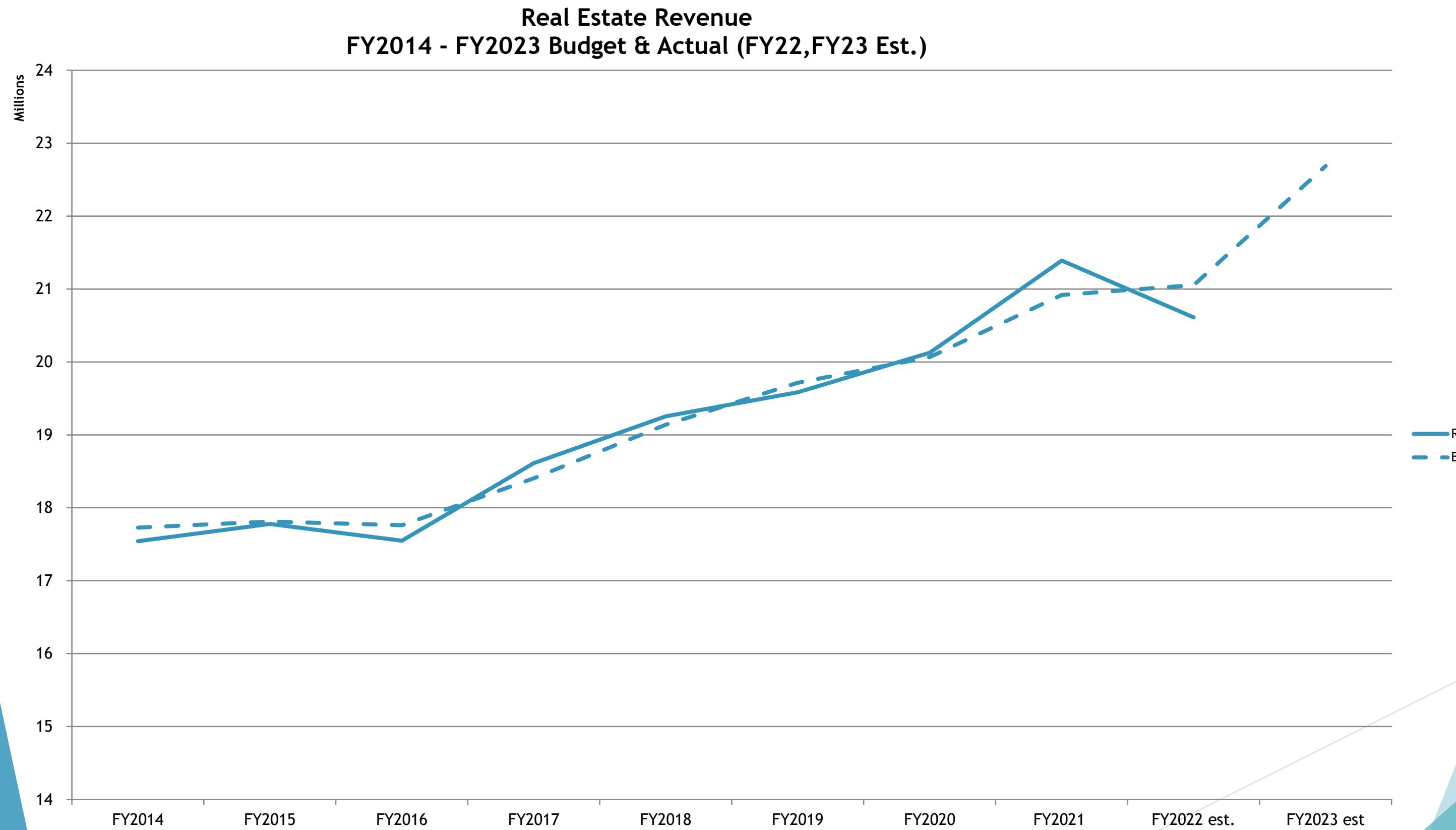


## VIII. Financial Overview



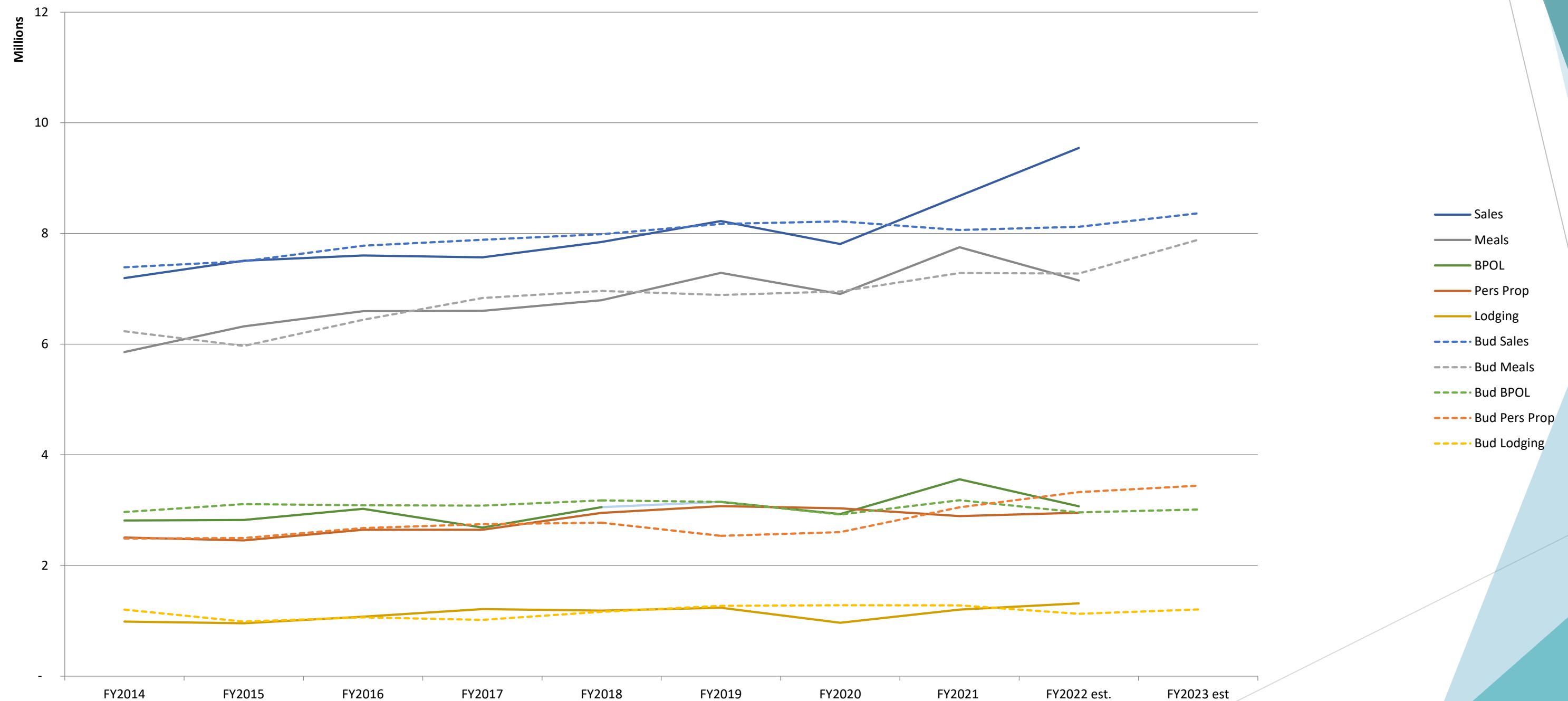
- Revenue Trends
- FY23 Budget Preview
- Project Updates
  - ERP/Business Process Consultant
  - CAD
  - Hrouda Pump Station
- Other Finance Items
  - Emergency Response Fund
  - Bond Issuance Update

# Revenue Trends



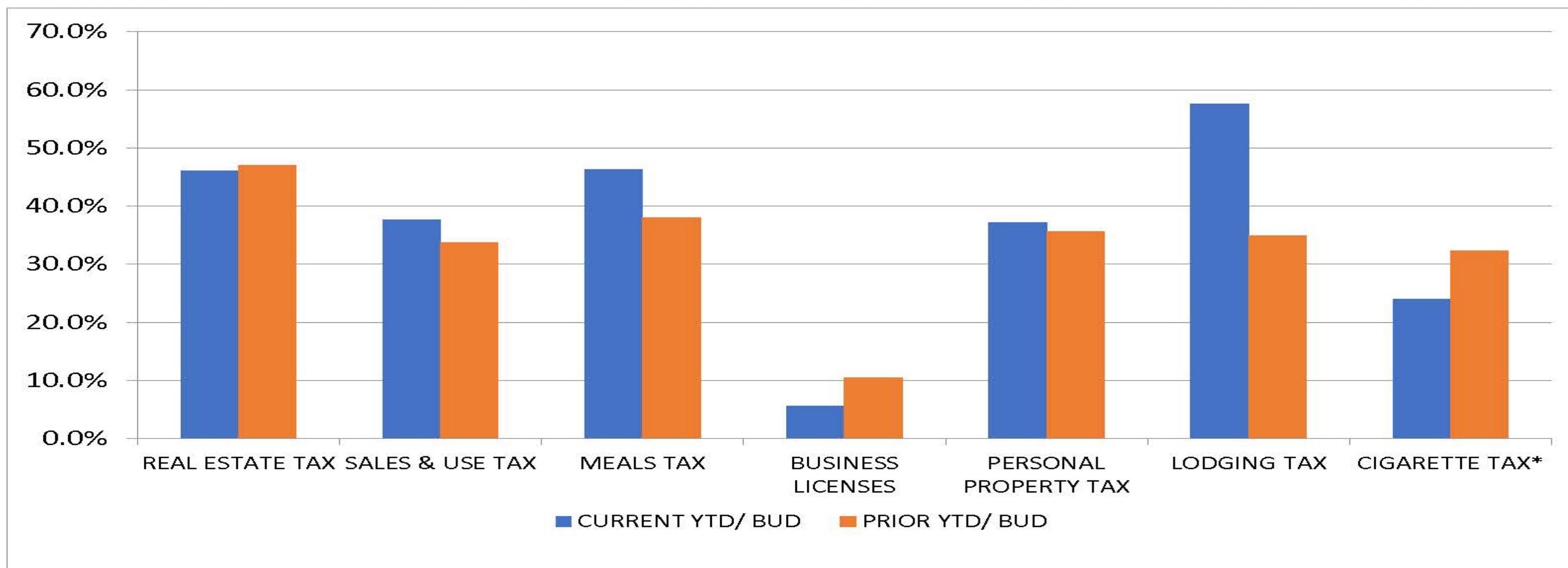
# Revenue Trends

**Six Largest Revenue Sources (Excl. RE Tax)**  
**FY2014 - FY2023 Budget & Actual (FY22,FY23 Est.)**



**City of Colonial Heights**  
**Quarterly Financial Report**  
**Top Six Revenues Through 12/31/21**  
**(including Cigarette Taxes)**

FD	ACCT	----- TITLE -----	FY21 ACTUAL	FY 22 BUDGET	DECEMBER RECEIPTS	YEAR TO DATE RECEIPTS	AVAILABLE BALANCE	CURRENT YTD/ BUD	PRIOR YTD/ BUD
10	4101	REAL ESTATE TAX	21,389,174	21,052,640	136,729	9,697,904	11,354,736	46.1%	47.0%
10	4203	SALES & USE TAX	8,677,937	8,119,754	783,177	3,060,661	5,059,093	37.7%	33.8%
10	4205	MEALS TAX	7,751,813	7,274,000	647,879	3,364,277	3,909,723	46.3%	38.0%
10	4301	BUSINESS LICENSES	3,555,784	2,958,755	3,644	165,947	2,792,808	5.6%	10.5%
10	4112	PERSONAL PROPERTY TAX	2,892,083	3,323,990	755,070	1,233,532	2,090,458	37.1%	35.6%
10	4207	LODGING TAX	1,202,305	1,124,765	146,533	647,480	477,285	57.6%	34.9%
10	4209	CIGARETTE TAX*	614,123	848,700	29,533	203,152	645,548	23.9%	32.3%



# FY23 Budget Preview

## Presentation Changes

- ▶ To better reflect structural changes coming with new Munis system
  - ▶ Office on Youth
    - ▶ Combined Better Beginnings, Kids After School Program, & VJCCCA to single department
  - ▶ Debt Service
    - ▶ Combines 1951 (Principal) and 1952 (Interest) which were previously separate
- ▶ Removing sensitivity analysis (related to Covid)

# FY23 Budget Preview

## Revenue Issues

- ▶ Top 6 revenue
- ▶ Real Estate impacted by 1/1/22 reassessment
- ▶ Personal Property

## Expenditure Issues

- ▶ Regional Jail Per Diem increase
- ▶ FY22 Refunding & New Bonds
- ▶ VRS Rate Changes
- ▶ Health Insurance Rates
- ▶ Cost of Living and Salary market
- ▶ Minimum wage increase

# Real Estate Tax Comparison

<b>Real Estate Tax Rate Per \$100 of Assessed Value</b>					
<b>Colonial Heights</b>	<b>Dinwiddie</b>	<b>Prince George</b>	<b>Chesterfield</b>	<b>Hopewell</b>	<b>Petersburg</b>
\$1.20	\$0.79	\$0.86	\$0.95	\$1.13	\$1.35

For Colonial Heights 1 cent generates about \$189,000 in real estate tax revenue

# Personal Property Tax Rate Comparison

Personal Property Tax Rate					
Colonial Heights	Hopewell	Chesterfield	Prince George	Dinwiddie	Petersburg
\$3.50	\$3.50	\$3.60	\$4.25	\$4.90	\$4.90

# 2018 Bond Project Updates

- ▶ ERP Project
  - ▶ Phase I Chart of Accounts complete
  - ▶ Phase II RE and PP Tax Administration live January 2021
  - ▶ Phase III Accounts Receivable/ Business Licenses/ Cashiering Live in August 2020
  - ▶ Phase IV Utility Billing Live in August 2020
  - ▶ Phase V Financials- nearing implementation, Planned Live July 2022
  - ▶ Phase VI HR/Payroll- nearing implementation, Planned Live October 2022

# 2018 Bond Project Updates

## ► Computer Aided Dispatch

- CAD Project went live in July 2021.
- ECC staff are utilizing CAD, Mobile, Records Management, and Civil Management software programs.
- Minor issues continue to be resolved
- Remaining items include fingerprinting, web monitoring, pictometry interfaces, and CAD to CAD with Chesterfield ECC

## ► Hrouda Pump Station

- Substantially complete October 2021
- Punch list item verification underway
- Final completion and project closeout January 2022.

# Emergency Response Fund- COVID-19

Funding	Available	Spent through 12/30/21	Complete?	Final Date
CARES/CRF	\$3,030,932	\$3,030,932	Yes	12/31/2021
CDBG-CV 1	61,807	6,513	No	80% by 6/30/2023
CDBG-CV 2	105,140	105,140	Yes	6/30/2026
CRF for Utilities	166,776	45,555	Yes	10/31/2021
ELECT	53,517	48,357	Yes	3/12/2021
CESF	47,696	47,696	Yes	9/30/2021
HHS/PRF	35,860	35,860	Yes	12/31/2020
ARPA/SLFRF	6,010,090	0	No	Oblig. 12/31/2024

# Options for Bond Refunding

- ▶ Previous Discussion on refinancing previous debt plus new debt of approximately \$3.97 million for:
  - ▶ Security Upgrades (\$1 million)
  - ▶ Water and Sewer Projects (main pump station valve and Hill Place sewer replacement) (\$400,000)
  - ▶ Shepherd Stadium improvements (turf renovation) (\$140,000)
  - ▶ Balance of funding for Fire Unit #941 (\$240,000)
  - ▶ Two School Projects (\$2.2 million)
- ▶ For March 8 public hearing, advertised for maximum new money bond issuance of \$6 million
  - ▶ This provides the opportunity to add additional projects to the list above
  - ▶ Can reduce from the advertised amount
  - ▶ Could include another \$1 million for security, and other projects.

# Questions/ Comments

## IX. DINNER BREAK

6:00pm - 7:30pm



## VIII. Financial Overview (continued) ...



# XII. Police Department Discussion Items

A: Discussion Regarding Handicap Parking Fines



B: Discussion Regarding Red Light and Speed Detection Cameras

# Red Light and Speed Detection Cameras – State Code Summary

## Red Light Cameras

- VA Code Section 15.2-968.1 provides for counties, cities and towns to use red light camera enforcement – commonly called photo enforcement.
- This legislation provides localities the option of installing and operating red light running camera systems (under a local ordinance).
- Localities may install and operate red light camera systems at not more than one intersection for every 10,000 residents
- Operator of the vehicle is liable for a monetary penalty if fail to comply with the traffic light signal as evidenced by the monitoring system.
- A private company may be contracted to provide the red light camera monitoring system/equipment; however, only a law-enforcement officer employed by a locality may to swear to or affirm to the certificate for the violation.

## Red Light Cameras (continued)...

- Penalty cannot exceed \$50.
- The penalty is not deemed a conviction as an operator, and does not go in the operating record of person who receives the fine.
- Owner, lessee, or renter of the vehicle is presumed to have committed the violation; but this presumption is rebutted if:
  - Owner, lessee, or renter files an affidavit that he was not the operator at the time of the alleged violation; or
  - Testifies in court that was not the operator at time of the alleged violation.
- The locality must complete an engineering safety analysis before implementation of a monitoring system at an intersection.
- Signage must be placed within 500 feet of the intersection approach
- A public awareness campaign needs to be conducted with the implementation.

## Speed Detection Cameras

- VA Code section 46.2-882.1 provides for state or local law enforcement agencies to operate photo speed monitoring devices in school crossing zones and highway work zones for purposes of recording violations.
- Operator of the vehicle is liable for a monetary civil penalty if a vehicle is traveling at least 10 miles per hour above the posted school crossing zone or highway work zone speed limit.
- The civil penalty shall not exceed \$100.
- Owner, lessee, or renter of the vehicle is presumed to have committed the violation; but this presumption is rebutted if:
  - Owner, lessee, or renter files an affidavit that he was not the operator at the time of the alleged violation, and provides the name and address of the person who was the operator; or
  - Testifies in court that he was not the operator at time of the alleged violation, and provides the name and address of the person who was the operator.

## Speed Detection Cameras (continued)...

- The penalty is not deemed a conviction as an operator, and does not go in the operating record of person who receives the fine (with some exceptions).
- A private company may be contracted to provide the photo speed monitoring device and services; however, only a law-enforcement officer employed by a locality may to swear to or affirm to the certificate for the violation.
- Signage must be placed within 1,000 feet of any school crossing zone or highway work zone where a photo speed monitoring device is used indicating the use of the device.

# XIII. Recess

9:00pm

# Saturday, March 5

I. (8:00- 9:00a m)

Breakfast & Hotel  
Check Out



## II. Reconvene/Call to Order

(9:00 a m )



# FREEDOM OF INFORMATION ACT

## III. Freedom of Information Act Training by City Attorney

Required City Council Training by FOIA

# **VIRGINIA FREEDOM OF INFORMATION ACT (FOIA): WHAT YOU NEED TO KNOW**

The Colonial Heights City Attorney's  
Office  
Hugh P. Fisher, III, City Attorney  
and  
Jeri-Ann F. Tomlin, Paralegal

## WHAT IS FOIA?

- Established in 1968.
- Is the primary state law that governs citizen access to records of public entities and their meetings. (VA Code §§ 2.2-3700 – 2.2-3715).
- Generally states that all public meetings and public records should be open to citizen inspection.
- Is designed to strike a reasonable balance between the citizens' right to know and the legitimate need of government officials to keep certain matters confidential (through specific exemptions).

# WHAT LOCAL GOVERNMENT ENTITIES ARE COVERED UNDER FOIA?

- City and town councils
- County board of supervisors
- Planning commissions and boards of zoning appeals
- School boards
- Economic development authorities
- Special purpose local and regional authorities (i.e., water and sewer authorities, regional jails, airports, etc.)
- Constitutional offices
- City and County departments
- Any organization supported principally by public funds

# WHAT IS DEEMED A FOIA REQUEST?

- Any request made for public information, regardless of the format in which it is made (verbal, writing, email, fax), is deemed a FOIA request.
- The requestor does NOT need to specifically state that he/she is making a FOIA request.

# MUST THE REQUEST BE IN WRITING?

- There is no statutory requirement that a FOIA request be in writing.
- However, some localities do require that the request be in writing.
- My recommendation is to ask the requestor to put it in writing because it creates a record of what information the requestor wants.

# TO WHOM MUST WE PROVIDE INFORMATION?

We must provide public records not exempt under FOIA to the following:

- Any resident of the Commonwealth of Virginia.
- Any employee of an entity with a business address in the Commonwealth of Virginia.
- Any non-resident employed by a newspaper with circulation in Virginia.
- Any non-resident employed by a radio or tv station that broadcasts in Virginia.

# PROVIDING DOCUMENTS PURSUANT TO A FOIA REQUEST

- Under FOIA, you are NOT required to create documents in any specific format.
- You are only required to provide information that you have on-hand in the format in which you have it.
- Example – Someone is requesting multiple items and he/she wants all the information provided in one excel spreadsheet. The answer is NO. You just send them the records you have in the format in which it is saved.

# RESPONSE TIME FOR FOIA REQUESTS

- You must respond to a FOIA request in 5 working days after the day you receive the request.
- If it is not practically possible to provide the information requested in the allotted 5 days, you may invoke an extension of 7 additional working days pursuant to subsection B 4 of Va. Code § 2.2-3704; however, you must advise them of the extension within the initial 5 working days.

# FOUR POSSIBLE RESPONSES TO A FOIA REQUEST

1. Provide the records as requested.
2. Advise the requestor that the records are being withheld as permitted by the Act or other applicable statute. This type of response MUST cite the specific sections of the State Code that exempt the records from disclosure and must also describe generally the subject matter and volume of the records withheld.
3. If only part of the record is exempt from disclosure, redact that specific part, provide the remaining document, and cite in general what has been redacted and the specific exemption from disclosure.
4. Tell the requestor that it is not practically possible to provide the information in the 5 working days; explain why; and request a 7 working day extension.

# CHARGES FOR INFORMATION

- Not all responses to a FOIA request require a fee to be charged.
- As a rule of thumb, if it is a simple, non-time consuming response, just give the requestor the information immediately and free of charge.
- If you feel a fee is warranted, the City's FOIA Policy is:
  - 5 pages or less is free
  - Over 5 pages – 10 cents per page
  - If research is required – staff time can be charged at \$20/hr. in 15 minute increments.
- If the total charge will be \$200 or more, you must let the requestor know in advance to see if he/she wishes you to proceed. You may require the person to pay in advance if the charge is \$200 or more. Once you advise the requestor that he/she must pay in advance, the 5 day period to respond is tolled (stopped) until you receive payment.

# WHAT IS A PUBLIC RECORD?

- Any compilation of letters, words, or numbers prepared, owned, or processed by a public body, regardless of its physical form or the manner in which it is stored.
- This includes printed, written, magnetic, and electronic records (and email) in final and draft formats.
- Rule of thumb – once you have a final format of a document, decide whether or not you need the draft document (with notes). If you keep it, the document becomes “foiable”.

# **WAIT – DID YOU SAY EMAILS ARE PUBLIC RECORDS?!**

- In most circumstances, the answer is YES, if the email has to do with public business.
- If you discuss City business in an email, that email is considered a public record. If you are expressing an opinion that you do not want the world to read, do not put it in writing!
- Personal emails on topics other than City business that are done on the City server are NOT applicable to FOIA.
- Emails on private/personal servers that deal with City business ARE subject to FOIA.
- Posts relating to City business on Facebook, Instagram, Twitter, etc. are disclosable under FOIA, as are text messages dealing with City business.

# EXCEPTIONS FOR CONFIDENTIAL RECORDS

- Under FOIA, there is nothing that requires any record to be confidential; **HOWEVER**, there are some State statutes that require confidentiality of certain records. Some examples include:
  1. Tax returns and other tax records that reveal information about the income or business of the subject.
  2. School and medical records.
  3. Records of social service agencies containing information about specific clients.

# OPEN MEETINGS

All meetings of local public bodies shall be open to the public, except for closed meetings convened to discuss certain types of subjects.

# PARTICIPATION IN MEETINGS

A member of a local public body shall not participate in a meeting by telephone, video, or electronic means except that members of the Colonial Heights City Council and Colonial Heights School Board may participate in a meeting by telephone, video, or electronic means if the public body follows the provisions of its policy authorizing such participation.

\*Policy of the Colonial Heights City Council for Participation in Meetings by Electronic Communications to follow this FOIA presentation.\*

# NOTICE OF MEETINGS

- Generally, notice of the date, time, and location of a public body meeting shall be posted at least 3 working days prior to the meeting.
- The notice shall be posted: (i) on the public body's official government website, if any; (ii) in a prominent public location at which notices are regularly posted; and (iii) at the office of the public body clerk – or, if the public body does not have a clerk, at the office of its chief administrator.
- In case of a special or emergency meeting in which it is not possible to give 3 working days' notice of the meeting, the notice shall be given at the same time that notice is provided to the members of the public body conducting the meeting.
- The proposed meeting agenda; all agenda packets; and unless exempt, all meeting materials provided to the public body members shall be made available for public inspection at the same time the documents are provided to the public body members.

# MEETING MINUTES

- Generally, minutes shall be recorded at all open meetings of a public body.
- Both draft minutes and approved minutes are public records, disclosable under FOIA, as are audio and visual records of a meeting.

# CLOSED MEETINGS

- A public body holding a closed meeting shall restrict its closed meeting discussion only to those matters which the law exempts and which are identified in the motion.
- The Code of Virginia specifies that a public body may meet in a closed meeting (formerly called an “executive session”) for 54 purposes.

# TYPICAL PURPOSES FOR CLOSED MEETINGS

A local public body typically goes into a closed meeting for these purposes:

- To discuss or interview prospective candidates for employment, or to discuss the performance, demotion, or promotion of a specific employee or appointee of the public body.
- (School Board) To discuss or consider admission or disciplinary matters that would disclose information in a public school student's scholastic record.
- To discuss the acquisition of real property for a public purpose, or the disposition of publicly held real property, where discussion in an open meeting would adversely affect the public body's bargaining or negotiating strategy.

# **TYPICAL PURPOSES FOR CLOSED MEETINGS (CONT.)**

- To discuss a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.
- To consult with legal counsel and be briefed by staff members relating to actual or probable litigation.

## **TYPICAL PURPOSES FOR CLOSED MEETINGS (CONT.)**

- To consult with legal counsel regarding specific matters requiring the counsel's legal advice.
- To discuss the award of a public contract, including interviews of bidders or officers, where discussion in an open session would adversely affect the public body's bargaining position or negotiating strategy.

# PRIOR TO HOLDING A CLOSED MEETING

Prior to holding a closed meeting, the public body must vote in open meeting to approve a motion that:

- Identifies the closed meeting's subject matter and its purpose.
- Cites which Code of Virginia provision exempts the subject from open meeting requirements.

# CONCLUSION OF A CLOSED MEETING

- The public body shall immediately reconvene in an open meeting and shall take a recorded vote certifying that:
  - i. only matters exempted from open meeting requirements were discussed; and
  - ii. Only matters identified in the motion for a closed meeting were discussed or considered in the closed meeting.
- Any member who believes there was a departure from the requirements of clauses (i) and (ii) shall so state and shall specify the substance of the departure.
- Action on a matter discussed in closed meeting shall be taken only in an open meeting.

# **VIOLATING FOIA: \$500 TO \$5,000 CIVIL PENALTIES**

- Generally, any employee, officer, or member of a public body who knowingly and willfully violates FOIA shall be subject to a civil penalty.
- The civil penalty is imposed upon the violator – NOT upon the public body.
- Civil penalty for first offense - \$500 to \$2,000.
- Civil penalty for second offense - \$2,000 to \$5,000.
- If a citizen proves a violation of the Act, the court must order the public body to pay costs and attorney's fees to the citizen. Attorney's fees can be substantial.
- A violation can subject one to embarrassment and to disciplinary action from his employer.

# **VIOLATING FOIA: PENALTY FOR DESTROYING OR ALTERING RECORDS**

If any officer, employee, or member of the public body fails to provide information to a requestor because he has altered or destroyed the records prior to the expiration date of the applicable records retention period (set by VA Public Records Act) with the intent of avoiding to provide the documents, he (in his individual capacity) may face a civil penalty of \$100 per record destroyed or altered. The \$100 penalty per record is in addition to any other civil penalties imposed under FOIA.

# **VIOLATING FOIA: PENALTIES FOR AN IMPROPER CERTIFICATION**

- Civil penalty on the public body:

If a court finds that a public body certifies a closed meeting, and the certification was not in accordance with the necessary requirements, the court may impose on the public body a civil penalty of up to \$1,000.

## REFERENCES

- *Code of Virginia.* (2019) <https://law.lis.virginia.gov/vacode/>
- Virginia FOIA Council (2019). *2019 FOIA Legislative Update: Status of Freedom of Information and Other Access-Related Bills.* <http://foiacouncil.dls.virginia.gov/>
- Wiley, R. (2018) *Local Government Officials' Guide to the Virginia Freedom of Information Act* (6<sup>th</sup> ed.) Charlottesville, VA: University of Virginia

**POLICY OF THE  
COLONIAL HEIGHTS CITY COUNCIL FOR  
PARTICIPATION IN MEETINGS BY  
ELECTRONIC COMMUNICATION**

# AUTHORITY

This policy is adopted pursuant to Virginia Code § 2.2-3708.2.

# DEFINITIONS

- “**Council**” means the Colonial Heights City Council.
- “**Member**” means any member of the Council.
- “**Remote participation**”, “**remotely participate**”, or “**participate remotely**” means participating by a member of the Council via telephonic, video, or other audio or combined audio and video electronic communication method where the member is not physically assembled with the other Council members.
- “**Meeting**” means a meeting as defined by Virginia Code § 2.2-3701.
- “**Notify**” or “**notifies**” means actual notice, including but not limited to email, text, telephone, or in-person notice.

# MANDATORY REQUIREMENTS

- The following conditions must be met for a member to participate remotely by electronic communication means:
  - a. A quorum of the Council must be physically assembled at a primary or central meeting location; and
  - b. Arrangements have been made for the voice of the member remotely participating to be heard by all persons at the primary or central meeting location. If at any point during the meeting the voice of the member remotely participating no longer is able to be heard by all persons at the meeting location, the member remotely participating shall no longer be permitted to participate remotely.

# PROCESS TO REQUEST REMOTE PARTICIPATION

- On or before the day of the meeting, and at any point before the meeting begins, the requesting member shall notify the Mayor (or the Vice-Mayor if the requesting member is the Mayor) that he is unable physically to attend a meeting due to a personal matter, or a temporary or permanent disability or other medical condition that prevents his physical attendance at the meeting.
- The requesting member shall also notify the City Clerk of his request, but his failure to do so shall not affect his ability to remotely participate.
- If the requesting member is unable physically to attend the meeting due to a personal matter, the requesting member shall state with specificity the nature of the personal matter. Remote participation due to a personal matter is limited to two times per calendar year for each member. There is no limit to the number of times that a member may participate remotely due to a temporary or permanent disability or other medical condition.
- The requesting member is not obligated to provide independent proof of why he is not able physically to attend the meeting.

# PROCESS TO APPROVE OR DISAPPROVE PARTICIPATION FROM A REMOTE LOCATION

When a quorum of the Council has assembled in one location for the meeting, the Council shall vote on whether to approve or disapprove the member's request to participate remotely. No request shall be approved unless the request conforms with this policy and the requestor's voice can be heard by all persons at the primary or central meeting location.

# RECORDING IN MINUTES

- If the member is allowed to participate remotely due to a temporary or permanent disability or other medical condition, the Council shall record in its minutes the Council's approval of the member's remote participation and the remote location from which the member participated.
- If the member is allowed to participate remotely due to a personal matter, such matter shall be stated in the minutes with specificity, whether this is the first or second meeting of the calendar year in which the member has participated remotely due to a personal matter, and the remote location from which the member participated.
- If the Council disapproves a member's request to participate remotely, the disapproval and the grounds upon which the requested participation violate this policy shall be recorded in the minutes with specificity.

# CLOSED MEETING

If the Council goes into a closed meeting, the member participating remotely shall ensure that no third party is able to hear or observe the closed meeting.

# STRICT AND UNIFORM APPLICATION

This policy shall be applied strictly and uniformly, without exception, to the entire Council membership, and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.



## IV. Discussion Regarding Funding for Water and Sewer

- Staff will make recommendations for further rate adjustments to build funding for ongoing infrastructure replacement.

# Study Results

- City's existing infrastructure:
  - Water line: 609,122 linear feet, \$343M replacement cost
  - Sewer line: 535,583 linear feet, \$329M replacement cost
  - Total: 1.14 M linear feet, \$672M replacement cost
  - 308 “vertical assets” (water tanks, pump stations)
    - \$8.2M replacement cost



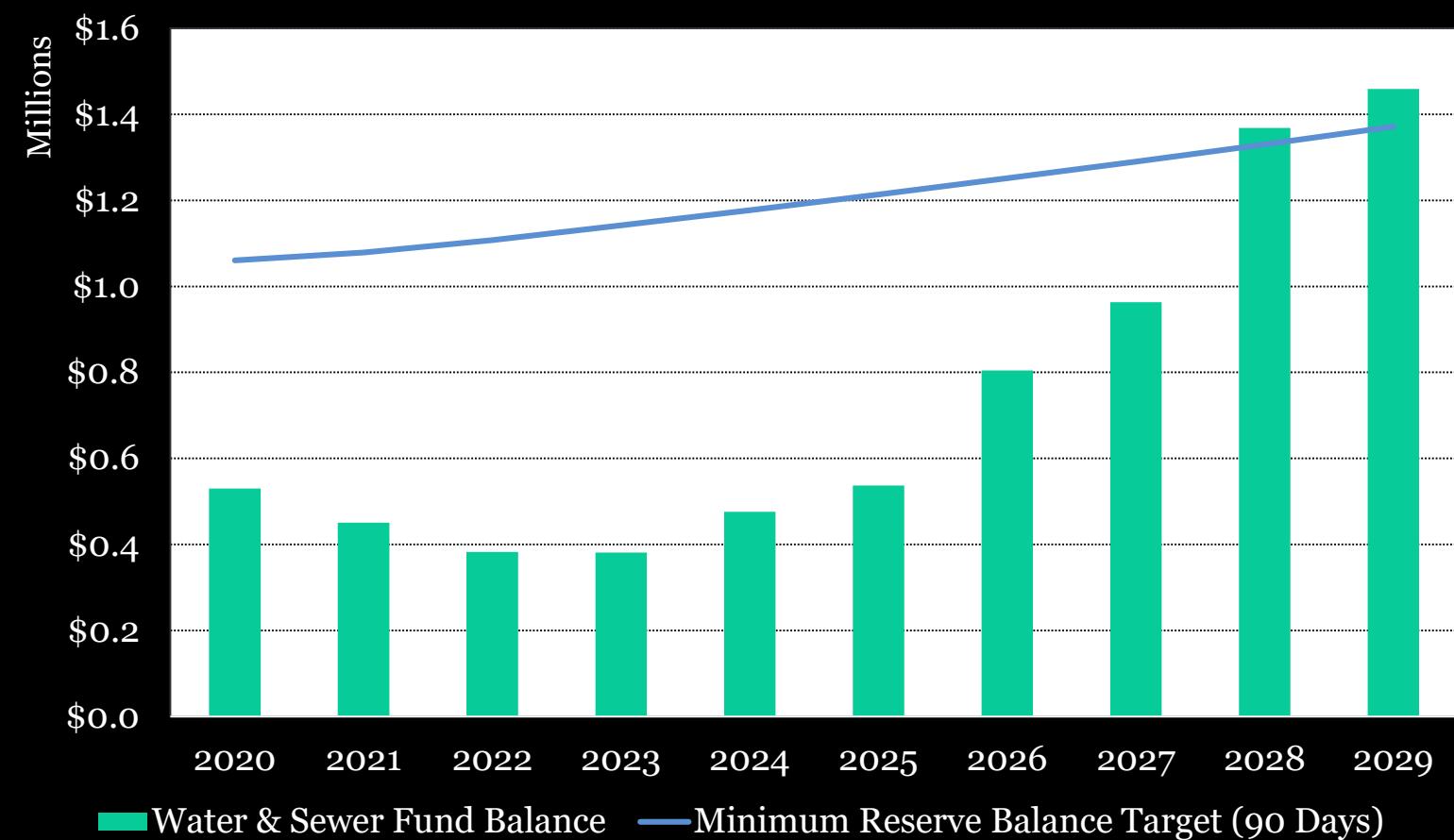
- In the next 25 years, we will reasonably have to replace:
  - 50,000 lf water (8%, \$27M)
  - **288,000 lf sewer (54%, \$159M)**
  - 206 vertical assets (67%, \$2M)
  - Total Cost: \$188,000,000



# Study Results (continued)

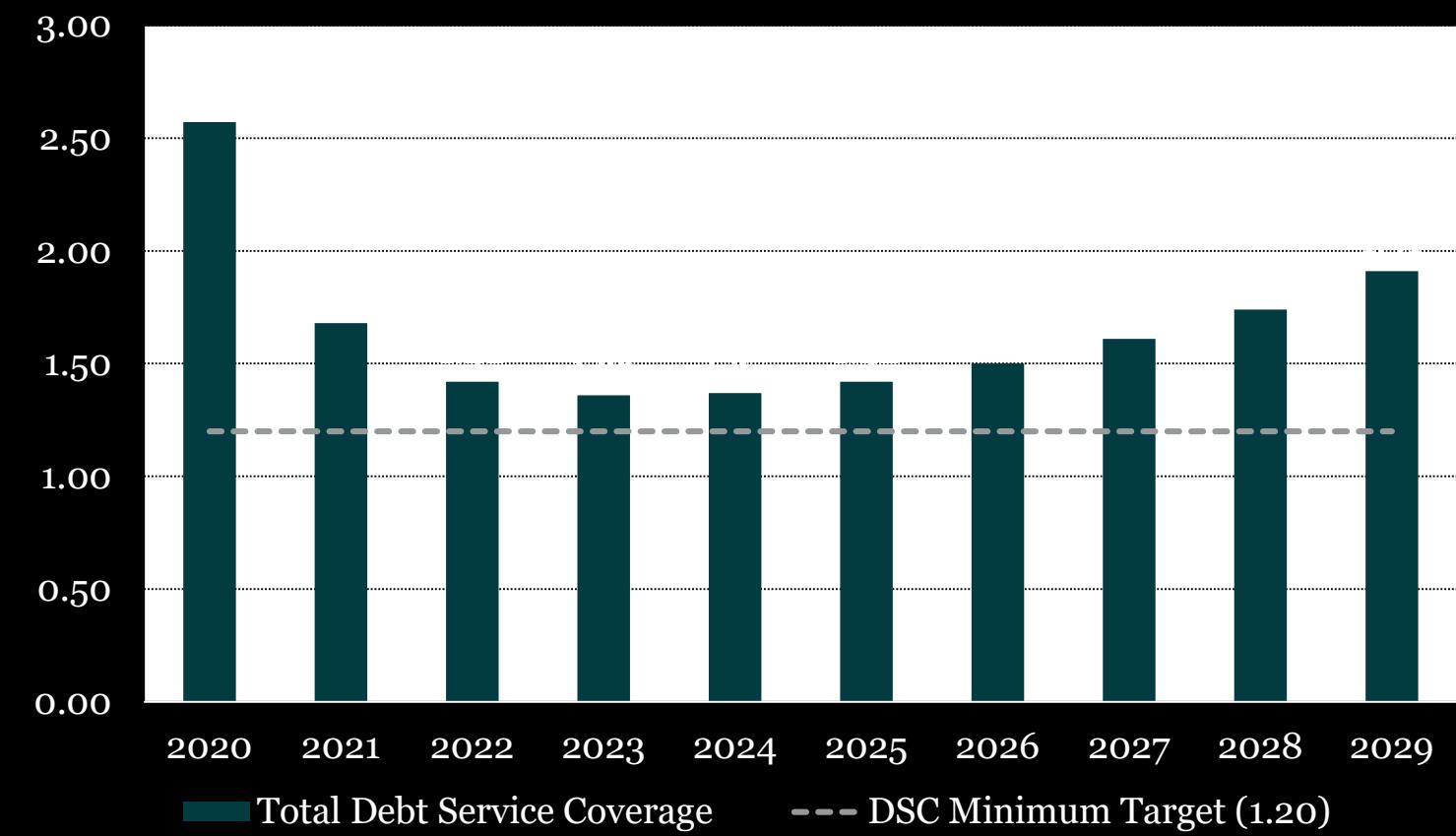
Current Revenue insufficient for:

- Liquidity (90 days cash)
- Future Debt Reserves (120% of debt service)
- Replacement of Existing Capital

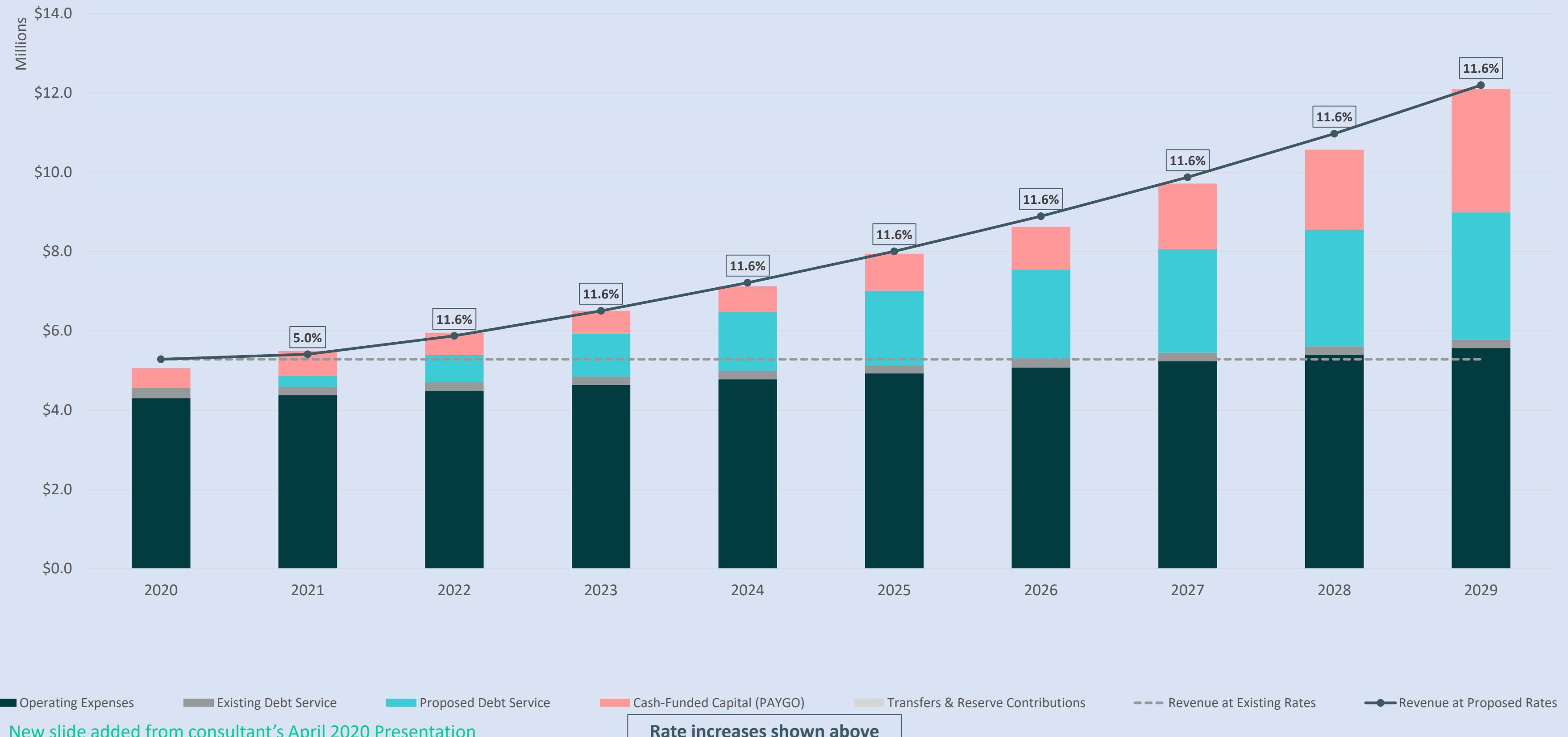


Recommendation for longer-term rates:

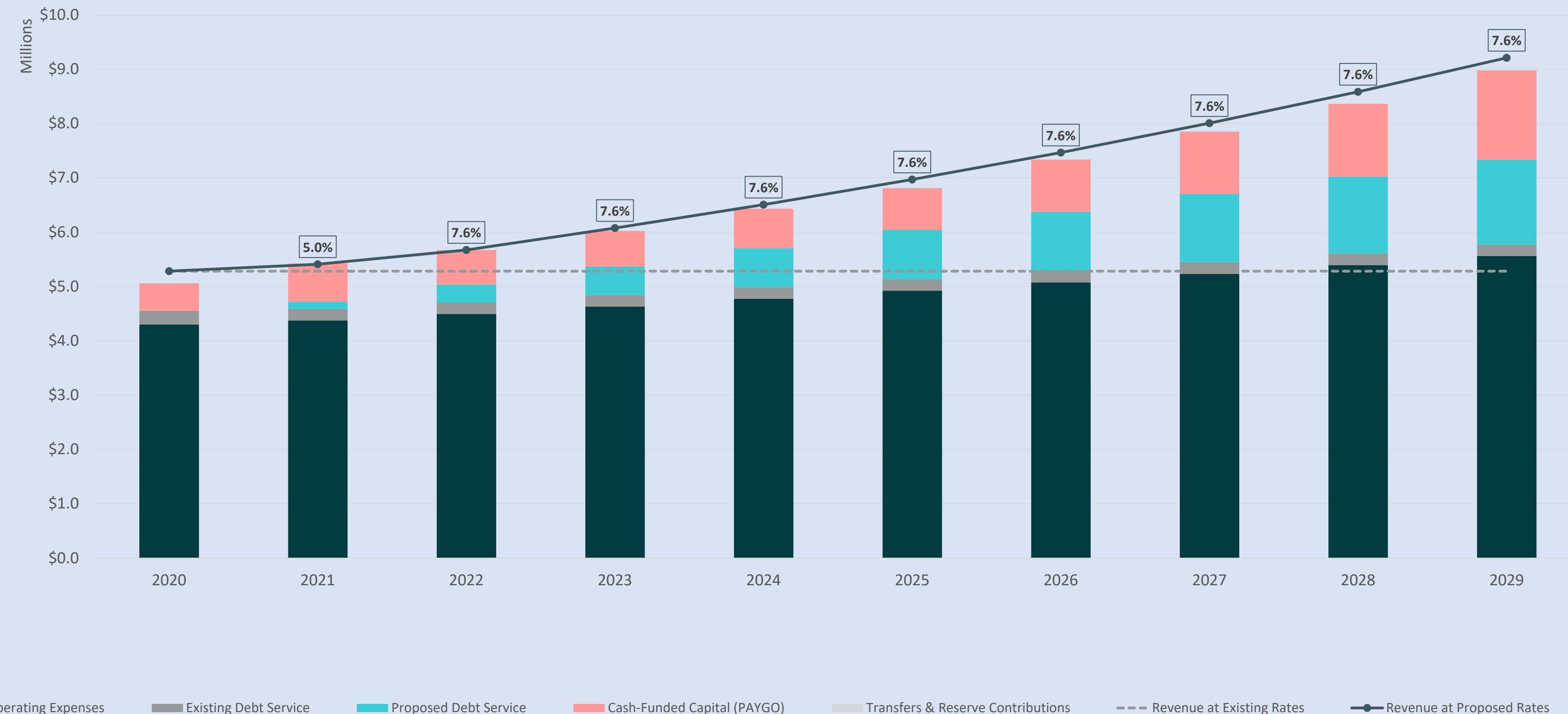
- \$7.5M annual capital outlay
  - fully replace \$188M in 25 years
  - 11.6% avg. annual rate increase
- \$4.0M annual capital outlay
  - Replaces \$100M in 25 years
  - Requires 47 years to replace \$188M
  - 7.6% avg. annual rate increase



# Projected Financial Plan: \$7.5m Capital Spend



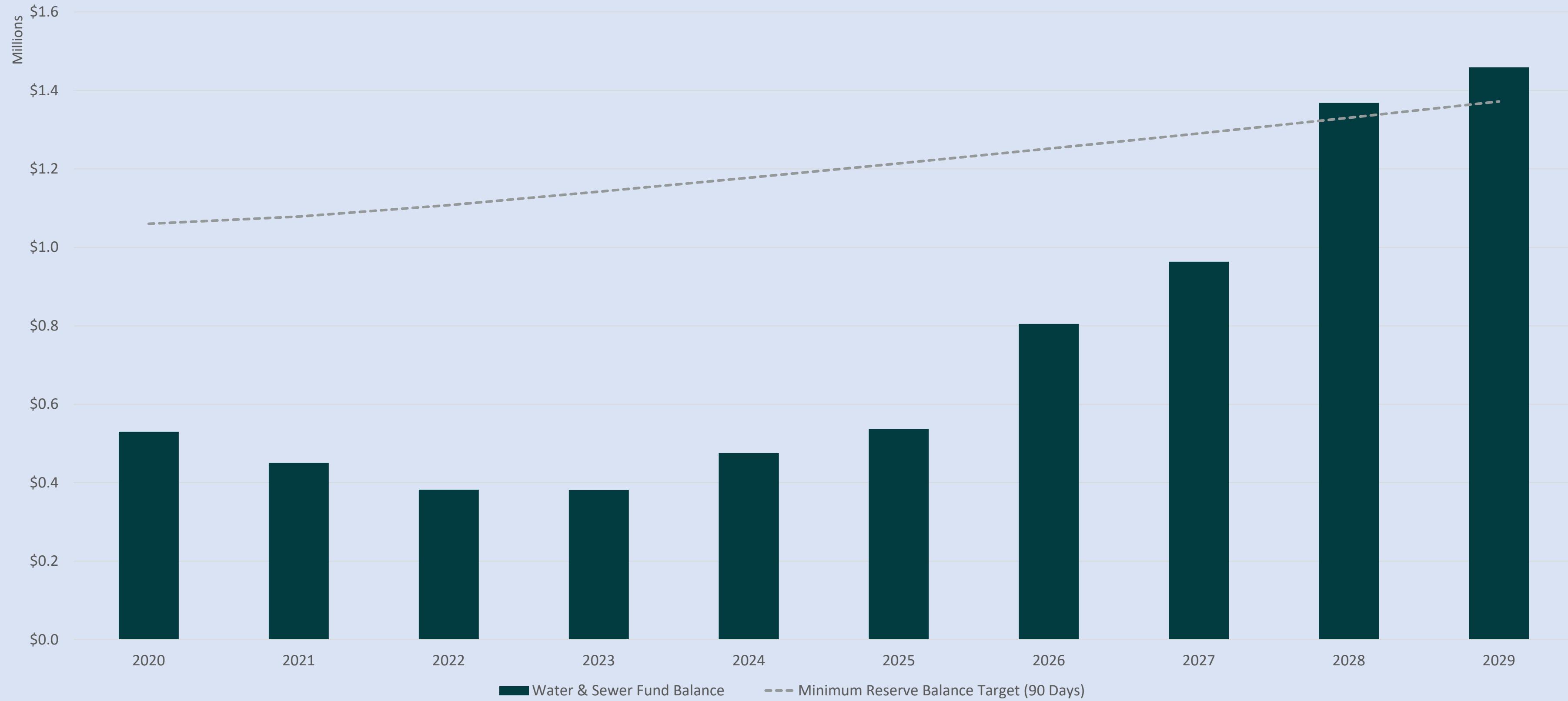
# Projected Financial Plan: \$4m Capital Spend



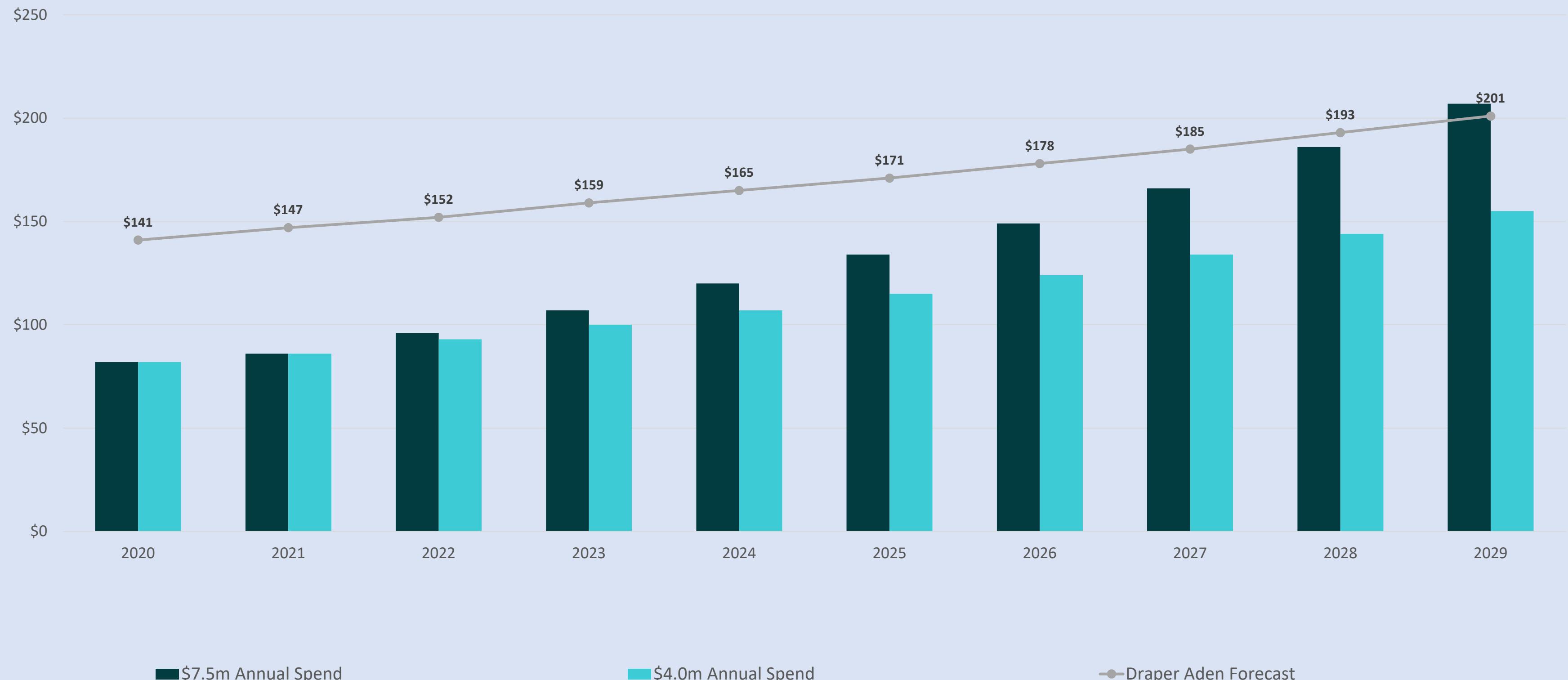
New slide added from consultant's April 2020 Presentation

Rate increases shown above

# Reserve Balance (\$7.5m Spend)



# Long-Range Customer Impacts (Bi-Monthly Bill for 10.7 Ccf or 4 Kgal)



■ \$7.5m Annual Spend

■ \$4.0m Annual Spend

● Draper Aden Forecast

*\*Draper Aden median bill, forecasted to grow at 4% per year  
(10-year avg. increase in VA)*

# V. BREAK

10:45 - 11:00 a m



## VI. Closed meeting pursuant to the Code of Virginia in accordance with the following provisions:

Paragraphs A.1 and A.8 of Section 2.2-3711, to discuss or consider the performance of the City Manager concerning a City employee, and consult with legal counsel employed by a public body regarding a specific legal matter – a personnel matter – requiring the provision of legal advice by such counsel.

## VII. Vote to come back in open meeting.

The Council has been a closed meeting pursuant to the Code of Virginia in accordance with the following provisions:

- Paragraphs A.1 and A.8 of Section 2.2-3711, to discuss or consider the performance of the City Manager concerning a City employee, and consult with legal counsel employed by a public body regarding a specific legal matter – a personnel matter – requiring the provision of legal advice by such counsel.

Consideration of the following certification:

Each member will now certify that to the best of the member's knowledge (i) only public business matters lawfully exempted from open meeting requirements of the act and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Any member who believes there was a departure from the requirements of clauses (i) and (ii), shall so state prior to the vote, indicating the substance of the departure that, in his judgment, has taken place.

Roll Call. An affirmative vote shall constitute certification of compliance.

City of Colonial Heights

# VIII. Adjourn

(12:30PM)

2022 Annual City  
Council Retreat

Smithfield Station  
March 4-5, 2022

