



**Meeting Minutes**  
**November 29, 2022, 1:00 p.m.**  
**Senate Room A, Pocahontas Building**

**Council members present:**

John C. Blair  
Senator Jennifer L. McClellan  
Senator Thomas K. Norment, Jr.  
Sharon E. Pandak  
Tracy Retchin  
The Honorable Malfourd W. Trumbo  
Delegate Vivian E. Watts  
The Honorable Bruce D. White

**Council members not present:**

Delegate M. Keith Hodges

**Staff members present:**

Stewart Petoe, Executive Director  
Rebekah Stefanski, Senior Attorney  
Elizabeth Sundberg, Senior Filing Coordinator

**Staff members not present:**

Valerie Mizzell, Assistant Filing Coordinator

**Summary:**

- I. The meeting was called to order at 1:08 p.m. by Judge White. Judge White requested that Mr. Petoe confirm the current COVID-19 protocols. Mr. Petoe announced that the current policy states that if you are fully immunized, it is not necessary to wear a mask.

Since the Council's last meeting, Judge Malfourd "Bo" W. Trumbo had been appointed by the Senate to succeed Judge Wilford Taylor. Judge Trumbo introduced himself and Judge White proceeded to recognize all members present at the start of the meeting.

- II. The first order of business was the election of a chair and vice-chair. Judge White was nominated as candidate for chair and Judge Trumbo for vice-chair. Senator Norment made

the motion to accept these nominations and it was seconded by Senator McClellan. The Council unanimously approved the new chair and vice-chair.

- III. Mr. Petoe presented the requirements under § 2.2-3708.3 of the Code of Virginia for public bodies to have remote participation by members during meetings. The 2022 amendments to the statute permit remote participation in situations other than declared states of emergency. For this to be permissible, the public body must adopt a formal policy. Mr. Petoe offered staff's policy proposal that members of the Council be allowed to participate remotely at Council meetings pursuant to subsection B of § 2.2-3708.3 of the Code of Virginia. Senator McClellan made the motion to adopt the policy and Senator Norment seconded it. The Council unanimously approved the policy measure.
- IV. The next order of business was a proposed addition to the Council's document retention policy: how long should travel waivers and requests for travel waivers be retained before being deleted? Mr. Petoe presented staff's recommendation that the retention for these records mirror the Council's existing retention period for disclosure forms. Under the recommendation, the travel waiver records would be kept for five years, after which they would be deleted on or as soon as practicable after the Council publishes the current year's annual filings in accordance with subsection C of § 2.2-3114 and subsection A of § 30-110 of the Code of Virginia. Senator Norment made the motion, seconded by Judge Trumbo, to adopt the proposed policy on travel waivers. The policy measure was approved unanimously by the Council.
- V. Mr. Petoe then presented possible legislation for the upcoming 2023 Session. The first proposal was to require members of school boards that are appointed, not elected, to receive training on the State and Local Government Conflict of Interests Act (COIA). Currently, § 2.2-3132 of the Code of Virginia only requires "local elected officials" to receive COIA training every two years. Because of the wording of the statute, appointed school board members are not required to receive COIA training, although their job duties and filing requirements are identical to elected school board members. Delegate Watts moved for a training requirement for appointed school board members to be included in the legislative package from the Council. Senator McClellan seconded the motion. The Council voted unanimously to recommend this change to the General Assembly.
- VI. The second legislative proposal was a technical correction to § 2.2-3106 of the Code of Virginia, which refers to a filing deadline of January 15, rather than February 1, for the annual filing period. When the filing deadline was changed in 2017 to February 1, two references to January 15 in § 2.2-3106 of the Code of Virginia were left unchanged. Judge Trumbo moved to adopt this proposal and Delegate Watts seconded the motion. The Council unanimously approved this legislative recommendation to the General Assembly.
- VII. Mr. Petoe reviewed the current responsibilities of Council staff, the number of inquiries and requests for assistance and advice received throughout the year, and the number of in-person trainings provided. The Council considered the number of current staff, discussed how additional in-person trainings could be offered if there was an additional attorney on staff, and how an additional filing coordinator could help maintain the consistently rapid response times officers and employees have come to expect from the Council. After discussion, Senator McClellan recommended that the General Assembly increase the number of Council staff by one additional attorney and one additional filing coordinator. Ms.

Pandak seconded the motion. The Council approved this recommendation by a vote of 7-0; Judge Trumbo abstained from the vote.

- VIII. Mr. Petoe presented the draft of the Council's 2022 Annual Report. Senator McClellan made a motion to approve the report and Mr. Blair seconded it. The motion was unanimously approved by the Council.
- IX. Judge White asked if anyone had signed up for public comment and it was confirmed that no one had. The floor was opened for public comment; none was given.
- X. The meeting was adjourned at 1:59 p.m.

DRAFT