



Virginia's First Regional Industrial Facility Authority

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Bland County

Henry M. Blessing
Lace (Nick) Asbury

Craig County

Jay Polen

Giles County

Chris McKlarney
Richard McCoy

Montgomery County

Mary W. Biggs, *Chair*
Craig Meadows

Pulaski County

Peter M. Huber
Shawn Utt

Roanoke County

Charlotte Moore
Jill Loope
Executive Committee

Wythe County

Bucky Sharitz
Martha P. Umberger

City of Radford

Tim Cox
Basil Edwards

City of Roanoke

Brian Townsend
William Bestpitch

Town of Christiansburg

Randy Wingfield
Barry D. Helms,
Secretary/Treasurer

Town of Dublin

Doug Irvin
William H. Parker

Town of Pearisburg

Kenneth F. Vittum,
Vice-Chair
Brad Jones

Town of Pulaski

Morgan Welker
John Hawley
Executive Committee

Memorandum

Date: December 6, 2011
To: Virginia First Board Members
From: Christy Straight
Subject: Membership Representation, Financial Disclosure Statements
Membership Representation, Freedom of Information Act
Notification; and Conflict of Interest Act Notification

This memo covers various required filing and notification requirement of the Commonwealth of Virginia for appointees to the Virginia's First Authority. To assist board members with meeting the requirements, a copy of this memo is also being sent to the clerks of the governing bodies of member localities.

Financial Disclosure or Economic Interest Statements

A Financial Disclosure or Economic Interest Statement, pursuant to 1950 Code of Virginia Section 2.2-3115, as amended, must be completed by each board member and alternate of the Virginia's First Regional Industrial Facility Authority (VFRIFA) upon assuming office and then annually while serving as a member of the authority. Members of the governing body of any authority having the power to issue bonds or expend funds in excess of \$10,000 in any fiscal year are required to file the Financial Disclosure Statement from Code of Virginia Section 2.2-3118, unless the governing body of the jurisdiction that appoints the members requires that the members file the Statement of Economic Interests required by Code of Virginia Section 2.2-3117. All local elected officials on the VFRIFA Board of Directors from localities over 3,500 in population are required to file the Statement of Economic Interests by state law and non-elected officials may have to file the Statement of Economic Interests if required by local ordinance. The annual filing deadline is January 15. These disclosure statements are available for review by the public for a period of no less than five years.

If you have filed the Statement of Economic Interests form required by Section 2.2-3117, please let me know. I would appreciate a copy for reference. If you have not, please file the Financial Disclosure Statement

form required by Section 2.2-3118 with VFRIFA. The form required by 2.2-3118 is enclosed for your convenience. Should you have questions after reviewing the form, please feel free to contact me at 540-639-9313 or cstraight@nrvpdc.org.

Please send a copy of the financial disclosure statement and any other requested documentation to the authority office. An envelope addressed to Virginia's First is enclosed for your convenience in returning the completed form. You may also send the information by e-mail, using a scanned copy of the forms.

Alternate Status

The existing bylaws for the authority and the Code of Virginia allow alternates to serve for either board member:

Article 1. 1.5 Appointment of Alternates. Each member locality may appoint up to two alternate Board members. Alternates shall be selected in the same manner as other Board members, and may serve as an alternate for either Board member from the member locality that appoints the alternate. Alternates shall be appointed for terms that coincide with one or more of the Board members from the member locality that appoints the alternate. Alternates are required to take an oath of office and are entitled to reimbursement for expenses in the same manner as Board members.

If your locality has appointed alternates and designated those persons to specifically serve for only one board member, we suggest your governing body review their status to allow them to represent either board member when they are unable to attend meetings. This arrangement would benefit the authority and action taken by the board by providing flexibility in obtaining a quorum. We also recommend appointing two alternates for each member locality.

Freedom of Information Notification

All Board Members are required to be furnished a copy of the Virginia Freedom of Information Act, by Section 2.2-3702, of the 1950 Code of Virginia, as amended, as follows: "Notice of chapter: Any person elected, reelected, appointed or reappointed to any body not excepted from this chapter shall (i) be furnished by the public body's administrator or legal counsel with a copy of this chapter within two weeks following election, reelection, appointment or reappointment and (ii) read and become familiar with the provisions of this chapter." For all new members, appointed in 2010, a copy of Title 2.2, Chapter 37, Virginia Freedom of Information Act can be found on the Code of Virginia webpage at <http://leg1.state.va.us/000/src.htm> under <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+TOC0202000003700000000000>. If any other member needs a copy, please advise me.

Conflict of Interest Information Notification

All Board Members are also required to be furnished a copy of the Virginia State and Local Government Conflict of Interest Act, by Section 2.2-3100.1, of the 1950 Code of Virginia, as amended, as follows: "Copy of chapter; review by officers and employees. Any person required to file a disclosure statement of personal interests pursuant to subsections A or B of § 2.2-3114, subsections A or B of § 2.2-3115 or § 2.2-3116 shall be furnished by the public body's administrator a copy of this chapter within two weeks following the person's election, reelection, employment, appointment or

reappointment. All officers and employees shall read and familiarize themselves with the provisions of this chapter.” For all new members, appointed in 2010, a copy of Title 2.2, Chapter 31, State and Local Conflict of Interests Act can be found on the Code of Virginia webpage at <http://leg1.state.va.us/000/src.htm> under <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+TOC02020000031000000000000>. If any other member needs a copy, please advise me.

Your assistance in meeting these requirements of the Commonwealth of Virginia is appreciated.

cc: Clerks of Virginia First Regional Industrial Facility Authority Member Governments



SECRETARY OF THE COMMONWEALTH

FINANCIAL DISCLOSURE STATEMENT

Members of certain boards of state and local government are required to file this Financial Disclosure Statement as a condition of assuming office and, then, annually while serving as an officeholder.

You must complete this form. Attached additional pages when necessary. **You must sign and date this form upon completion.**

The annual filing deadline is January 15th.

For State Board Members: If you have recently been appointed, you must file this form with the Secretary of the Commonwealth prior to attending your first meeting.

For Local Board Members: If you have recently been appointed, you must file this form with the Clerk of the appropriate governing body prior to attending your first meeting.

As an annual filing, this form constitutes a report of financial interests for the calendar year beginning January 1 and ending December 31. As a condition for assuming an office, this form constitutes a report of financial interests at the time of filing.

The information required on this form must be provided on the basis of the best knowledge, information and belief of the individual filing the form as of the date of this report unless otherwise stated.

This Financial Disclosure Statement is open for public inspection.

§ 2.2-3118. Disclosure form; certain citizen members.

A. The financial disclosure form to be used for filings required pursuant to subsection B of § 2.2-3114 and subsection B of § 2.2-3115 shall be substantially as follows:

DEFINITIONS AND EXPLANATORY MATERIAL.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Close financial association" means an association in which the person filing shares significant financial involvement with an individual and the filer would reasonably be expected to be aware of the individual's business activities and would have access to the necessary records either directly or through the individual. "Close financial association" does not mean an association based on (i) the receipt of retirement benefits or deferred compensation from a business by which the person filing this statement is no longer employed, or (ii) the receipt of compensation for work performed by the person filing as an independent contractor of a business that represents an entity before any state governmental agency when the person filing has no communications with the state governmental agency.

"Contingent liability" means a liability that is not presently fixed or determined, but may become fixed or determined in the future with the occurrence of some certain event.

"Immediate family" means (i) a spouse and (ii) any other person residing in the same household as the filer, who is a dependent of the filer or of whom the filer is a dependent.

"Dependent" means any person, whether or not related by blood or marriage, who receives from the filer, or provides to the filer, more than one-half of his financial support.

"Personal interest" means, for the purposes of this form only, a personal and financial benefit or liability accruing to a filer or a member of his immediate family. Such interest shall exist by reason of (i) ownership in real or personal property, tangible or intangible; (ii) ownership in a business; (iii) income from a business; or (iv) personal liability on behalf of a business; however, unless the ownership interest in a business exceeds three percent of the total equity of the business, or the liability on behalf of a business exceeds three percent of the total assets of the business, or the annual income, and/or property or use of such property, from the business exceeds \$10,000 or may reasonably be anticipated to exceed \$10,000, such interest shall not constitute a "personal interest."

Name

Office or position held or to be held

Address

I. Financial Interests

My personal interests and those of my immediate family are as follows: Include all forms of personal interests held at the time of filing: real estate, stocks, bonds, equity interests in proprietorships and partnerships. You may exclude: 1. Deposits and interest bearing accounts in banks, savings institutions and other institutions accepting such deposits or accounts; 2. Interests in any business, other than a news medium, representing less than three percent of the total equity value of the business; 3. Liability on behalf of any business representing less than three percent of the total assets of such business; and 4. Income (other than from salary) less than \$10,000 annually from any business. You need not state the value of any interest. You must state the name or principal business activity of each business in which you have a personal interest.

A. My personal interests are:

1. Residence, address, or, if no address, location.

2. Other real estate, address, or, if no address, location.

3. Name or principal business activity of each business in which stock, bond or equity interests is held

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B. The personal interests of my immediate family are:

1. Real estate, address, or, if no address, location.
2. Name or principal business activity of each business in which stock, bond or equity interests is held

II. Offices, Directorships and Salaried Employments

The paid offices, paid directorships and salaried employments which I hold or which members of my immediate family hold and the businesses from which I or members of my immediate family receive retirement benefits are as follows: (You need not state any dollar amounts.)

A. My paid offices, paid directorships and salaried employments are:

| Position held | Name of business |
|---------------|------------------|
| | |
| | |

B. The paid offices, paid directorships and salaried employments of members my immediate family are:

| Position held | Name of business |
|---------------|------------------|
| | |
| | |

III. Businesses to Which Services Were Furnished

A. The businesses I have represented, excluding activity defined as lobbying in § 2.2-419, before any state governmental agency, excluding any court or judge, for which I have received total compensation in excess of \$1,000 during the preceding year, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers, are as follows:

Identify businesses by name and name the state governmental agencies before which you appeared on behalf of such businesses.

| Name of business | Name of governmental agency |
|------------------|-----------------------------|
| ----- | ----- |
| ----- | ----- |
| ----- | ----- |

B. The businesses that, to my knowledge, have been represented, excluding activity defined as lobbying in § 2.2-419, before any state governmental agency, excluding any court or judge, by persons with whom I have a close financial association and who received total compensation in excess of \$1,000 during the preceding year, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers, are as follows:

Identify businesses by type and name the state governmental agencies before which such person appeared on behalf of such businesses.

Type of business

Name of state governmental agency

C. All other businesses listed below that operate in Virginia to which services were furnished pursuant to an agreement between you and such businesses and for which total compensation in excess of \$1000 was received during the preceding year:

Check each category of business to which services were furnished.

| | | | | | |
|-------------------------------------|--|----------------------------------------------------------------------------------|--|------------------------------------------------|--|
| Electric utilities | | Banks | | Retail companies | |
| Gas utilities | | Savings institutions | | Beer, wine or liquor companies or distributors | |
| Telephone utilities | | Loan or finance companies | | Trade associations | |
| Water utilities | | Manufacturing companies (state type of product, e.g., textile, furnitures, etc.) | | Professional associations | |
| Cable television companies | | Mining companies | | Associations of public employees or officials | |
| Intrastate transportation companies | | Life insurance companies | | Counties, cities or towns | |
| Interstate transportation companies | | Casualty insurance companies | | Labor organizations | |
| Oil or gas retail companies | | Other insurance companies | | | |

IV. COMPENSATION FOR EXPENSES

The persons, associations, or other sources other than my governmental agency from which I or a member of my immediate family received remuneration in excess of \$200 during the preceding year, in cash or otherwise, as honorariums or payment of expenses in connection with my attendance at any meeting or other function to which I was invited in my official capacity are as follows:

| Name of Source | Description of occasion | Amount of remuneration for each occasion |
|----------------|-------------------------|------------------------------------------|
| ----- | ----- | ----- |
| ----- | ----- | ----- |

B. The provisions of Part III A and B of the disclosure form prescribed by this section shall not be applicable to officers and employees of local governmental and local advisory agencies.

C. Except for real estate located within the county, city or town in which the officer or employee serves or a county, city or town contiguous to the county, city or town in which the officer or employee serves, officers and employees of local governmental or advisory agencies shall not be required to disclose under Part I of the form any other interests in real estate.

I swear or affirm that the foregoing information is full, true and correct to the best of my knowledge.

Signature _____ **Date** _____