



Below please find my and the County Attorney's official statement regarding the July 15, 2016 Transportation Land Use Committee meeting:

Supervisor Buffington's official statement:

Transparency in conducting public business is very important to me and the Board of Supervisors goes to great lengths to promote public access to information related to its business. I have received a determination from County Attorney Leo Rogers that my actions did not constitute a violation of the Freedom of Information Act. Rogers consulted the attorney for the Virginia FOIA Council and the Virginia Coalition for Open Government regarding his determination and both entities agree the exchange of text messages did not constitute a FOIA violation. That said, if my exchange of text messages with individual members of the Board of Supervisors during last week's Transportation and Land Use Committee meeting created a perception of wrongdoing to even one member of the public, then I am absolutely regretful. As is apparent from my text messages, my priority remains to effectively represent the people of the Blue Ridge District and Loudoun County. I am committed to my constituents and I will continue to work to the best of my ability to serve them on the Board of Supervisors.

County Attorney's official statement:

Loudoun County Government is aware of concerns raised by members of the public regarding an exchange of text messages sent to and received by Blue Ridge District Supervisor Tony Buffington during the Board of Supervisors' Transportation and Land Use Committee (TLUC) meeting on July 15, 2016. In response to these concerns, Loudoun County Attorney Leo Rogers reviewed all of the text messages, watched the video of the meeting, and spoke with the Board members. He determined that the exchange of text messages did not constitute a violation of the Virginia Freedom of Information Act (FOIA).

First, given that the text messages were exchanged between only two Board members, there was no participation in the meeting itself. A public meeting of the county's elected body is defined under FOIA as a meeting of three or more Board members. Second, in order to be an electronic communication under FOIA, there needs to be an audio or visual component, which the text messages did not include. In any event, in order for a FOIA violation to be actionable, it must be done "willfully and knowingly," and there is no evidence that is the case.

Rogers consulted the attorney for the Virginia FOIA Council and with the Virginia Coalition for Open Government regarding his determination; both entities agreed that the exchange of text messages did not constitute a FOIA violation.

Supervisor Buffington's Response to July 15, 2016 Transportation and Land Use Committee Meeting

In the interest of transparency in conducting public business, however, the members of the TLUC disclosed the texts sent to and received by Supervisor Buffington and read them into the public record during the July 15 TLUC meeting. The archived webcast of the TLUC meeting is available online at www.loudoun.gov/webcast-archives.

Loudoun County provides extensive information about FOIA, including the public's rights and the county's responsibilities, online at www.loudoun.gov/FOIA.