

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend and reenact §§ 2.2-2101, as it is currently effective and as it shall become effective,
3 and 2.2-3711 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 24 of
4 Title 2.2 an article numbered 26, consisting of sections numbered 2.2-2484 through 2.2-2490,
5 relating to Virginia Growth and Opportunity Act; creation of Virginia Growth and Opportunity
6 Board and Fund; establishment of regional councils; report.

7 [S 449]
8 Approved

9 Be it enacted by the General Assembly of Virginia:
10 1. That §§ 2.2-2101, as it is currently effective and as it shall become effective, and 2.2-3711 of the
11 Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding
12 in Chapter 24 of Title 2.2 an article numbered 26, consisting of sections numbered 2.2-2484
13 through 2.2-2490, as follows:

14 § 2.2-2101. (Effective until July 1, 2017) Prohibition against service by legislators on boards,
15 commissions, and councils within the executive branch; exceptions.

16 Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils
17 within the executive branch of state government who are responsible for administering programs
18 established by the General Assembly. Such prohibition shall not extend to boards, commissions, and
19 councils engaged solely in policy studies or commemorative activities. If any law directs the
20 appointment of any member of the General Assembly to a board, commission, or council in the
21 executive branch of state government that is responsible for administering programs established by the
22 General Assembly, such portion of such law shall be void, and the Governor shall appoint another
23 person from the Commonwealth at large to fill such a position.

24 The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall
25 be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest
26 Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of
27 the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as
28 provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who
29 shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating
30 Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans
31 Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of
32 Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the
33 Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in
34 § 2.2-2423; to members of the Standards of Learning Innovation Committee, who shall be appointed as
35 provided for in § 22.1-253.13:10; to members of the Board of Visitors of the Virginia School for the
36 Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the
37 Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of
38 the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the
39 Council on Virginia's Future, who shall be appointed as provided for in § 2.2-2685; to members of the
40 State Executive Council for Children's Services, who shall be appointed as provided in § 2.2-2648; to
41 members of the Virginia Board of Workforce Development, who shall be appointed as provided for in
42 § 2.2-2471; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund
43 Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure Commonwealth
44 Panel, who shall be appointed as provided for in § 2.2-222.3; to members of the Forensic Science
45 Board, who shall be appointed as provided for in § 9.1-1109; ~~or~~ to members of the Southwest Virginia
46 Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735; or to members of the
47 Virginia Growth and Opportunity Board, who shall be appointed as provided in § 2.2-2485.

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 78 Board, who shall be appointed as provided for in § 9.1-1109; or to members of the Southwest Virginia
 79 Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735; or to members of the
 80 Virginia Growth and Opportunity Board, who shall be appointed as provided in § 2.2-2485.

81 Article 26.

82 Virginia Growth and Opportunity Act.

83 § 2.2-2484. **Definitions.**

84 As used in this article, unless the context requires a different meaning:

85 "Board" means the Virginia Growth and Opportunity Board.

86 "Fund" means the Virginia Growth and Opportunity Fund.

87 "Qualifying region" means a region with a regional council.

88 "Region" means one or more planning districts or otherwise defined areas designated as a region by
 89 the Board for the purpose of administering grants provided pursuant to this article.

90 "Regional activity" means an economic or workforce development-focused collaborative project or
 91 program that is (i) endorsed by a regional council, (ii) consistent with the economic growth and
 92 diversification plan developed by the regional council, and (iii) carried out, performed on behalf of, or
 93 contracted for by two or more localities, political subdivisions, or public bodies corporate and politic
 94 within a region.

95 "Regional council" means a public body certified by the Board as eligible to receive grants pursuant
 96 to this article and that is supported by or affiliated with an existing or newly established organization
 97 that engages in collaborative planning or execution of economic or workforce development activities
 98 within a region.

99 § 2.2-2485. **Virginia Growth and Opportunity Board; membership; terms; compensation.**

100 A. The Virginia Growth and Opportunity Board is established as a policy board in the executive
 101 branch of state government. The purpose of the Board is to promote collaborative regional economic
 102 and workforce development opportunities and activities.

103 B. The Board shall have a total membership of 24 members that shall consist of seven legislative
 104 members, 14 nonlegislative citizen members, and three ex officio members. Members shall be appointed
 105 as follows: four members of the House of Delegates, consisting of the Chairman of the House
 106 Committee on Appropriations and three members appointed by the Speaker of the House of Delegates;
 107 three members of the Senate, consisting of the Chairman of the Senate Committee on Finance and two
 108 members appointed by the Senate Committee on Rules; two nonlegislative citizen members to be
 109 appointed by the Speaker of the House of Delegates, who shall be from different regions of the
 110 Commonwealth and have significant private-sector business experience; two nonlegislative citizen
 111 members to be appointed by the Senate Committee on Rules, who shall be from different regions of the
 112 Commonwealth and have significant private-sector business experience; two nonlegislative citizen
 113 members to be appointed by the Governor, who shall be from different regions of the Commonwealth
 114 and have significant private-sector business experience; and eight nonlegislative citizen members to be
 115 appointed by the Governor, subject to the confirmation of the General Assembly, who shall have
 116 significant private-sector business experience. Of the Governor's nonlegislative citizen appointments
 117 subject to General Assembly confirmation, no more than two appointees may be from any one region of

118 *the Commonwealth. The Speaker of the House of Delegates and the Senate Committee on Rules shall*
 119 *submit a list of recommended nonlegislative citizens with significant private-sector business experience*
 120 *for the Governor to consider in making his nonlegislative citizen appointments. The Governor shall also*
 121 *appoint three Secretaries from the following, who shall serve ex officio with voting privileges: the*
 122 *Secretary of Agriculture and Forestry, the Secretary of Commerce and Trade, the Secretary of*
 123 *Education, the Secretary of Finance, and the Secretary of Technology. Nonlegislative citizen members*
 124 *shall be citizens of the Commonwealth.*

125 *C. Legislative members and ex officio members of the Board shall serve terms coincident with their*
 126 *terms of office. After the initial staggering of terms, nonlegislative citizen members shall be appointed*
 127 *for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for*
 128 *the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. No*
 129 *House member appointed by the Speaker of the House shall serve more than four consecutive two-year*
 130 *terms, no Senate member appointed by the Senate Committee on Rules shall serve more than two*
 131 *consecutive four-year terms, and no nonlegislative citizen member shall serve more than two consecutive*
 132 *four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not*
 133 *constitute a term in determining the member's eligibility for reappointment.*

134 *D. The Board shall elect a chairman and vice-chairman from among its membership. The chairman*
 135 *shall be a nonlegislative citizen member. A majority of the members shall constitute a quorum.*

136 *E. Any decision by the Board shall require an affirmative vote of a majority of the members of the*
 137 *Board.*

138 *F. Legislative members of the Board shall receive such compensation as provided in § 30-19.12, and*
 139 *nonlegislative citizen members shall receive compensation as provided in § 2.2-2813 for the performance*
 140 *of their duties. All members shall be reimbursed for all reasonable and necessary expenses incurred in*
 141 *the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.*

142 *G. Staff support and technical assistance to the Board and the Governor in carrying out the*
 143 *provisions of this article shall be provided by the agencies of the Secretariats of Commerce and Trade,*
 144 *Education, and Finance.*

145 **§ 2.2-2486. Powers and duties of the Board.**

146 *A. The Board shall have the power and duty to:*

147 *1. Designate regions for the purpose of administering this article;*

148 *2. Certify qualifying regions and regional councils, including developing and implementing guidelines*
 149 *or procedures for such certification;*

150 *3. Develop and implement guidelines and procedures for the application for and use of any moneys*
 151 *in the Fund;*

152 *4. Receive and assess applications for awards from the Fund submitted by regional councils and*
 153 *determine the distribution, duration, and termination of awards from the Fund for uses identified in such*
 154 *applications;*

155 *5. Advise the Governor on the allocation and prioritization of other funds available within the*
 156 *executive branch that may be used to promote economic and workforce development on a regional*
 157 *basis;*

158 *6. Advise the Governor on the provision of technical assistance regarding the organization and*
 159 *operation of regional councils, the preparation of applications for Fund awards, and the development,*
 160 *validation, and assessment of regional economic growth and diversification plans and regional activities*
 161 *that receive grants from the Fund;*

162 *7. Provide for the collection and dissemination of information concerning local, state, national, and*
 163 *other best practices related to collaborative regional economic and workforce development initiatives*
 164 *that focus on private-sector growth and opportunity;*

165 *8. Designate advisory committees with expertise in the industries or clusters around which grant*
 166 *requests are proposed to assist in carrying out the Board's duties;*

167 *9. Seek independent analytical assistance from outside consultants, including post-grant assessments*
 168 *and reviews to evaluate the results and outcomes of grants awarded pursuant to this article;*

169 *10. Enter into contracts to provide services to regional councils to assist with prioritization, analysis,*
 170 *planning, and implementation of regional activities;*

171 *11. Submit to the Governor and the General Assembly an annual report for publication as a report*
 172 *document as provided in the procedures of the Division of Legislative Automated Systems for the*
 173 *processing of legislative documents and reports. The chairman shall submit to the Governor and the*
 174 *General Assembly an annual executive summary of the interim activity and work of the Board no later*
 175 *than December 1. The executive summary shall be submitted for publication as a report document as*
 176 *provided in the procedures of the Division of Legislative Automated Systems for the processing of*
 177 *legislative documents and reports and shall be posted on the General Assembly's website; and*

178 *12. Perform such other activities and functions as the Governor and General Assembly may direct.*

179 *B. The development of guidelines and procedures to implement the provisions of this article shall be*
 180 *exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).*

181 **§ 2.2-2487. Virginia Growth and Opportunity Fund.**

182 *A. There is hereby created in the state treasury a special nonreverting fund to be known as the*
 183 *Virginia Growth and Opportunity Fund. The Fund shall be established on the books of the Comptroller.*
 184 *All moneys appropriated by the General Assembly for the Fund, and from any other sources, public or*
 185 *private, shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the*
 186 *Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, included*
 187 *interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in*
 188 *the Fund. Expenditures and disbursements from the Fund shall be made by the State Treasurer on*
 189 *warrants issued by the Comptroller upon written request signed by the chairman of the Board.*

190 *B. Moneys in the Fund shall be used to facilitate regional collaboration on economic growth and*
 191 *diversification. Specifically, the Fund shall be used to incentivize and encourage cooperation among*
 192 *business, education, and government on regional strategic economic development and workforce*
 193 *development efforts. Available moneys in the Fund shall be allocated as follows:*

194 *1. A portion of the Fund may be used to support the initial organizational efforts of each regional*
 195 *council, such as capacity-building activities, project prioritization, and studies and analyses related to*
 196 *the development of an economic growth and diversification plan for the region, including identification*
 197 *of existing and prospective gaps in education and skills within the region;*

198 *2. A portion shall be reserved for specific projects in each region on the basis of a region's share of*
 199 *state population, based on population estimates made by the Weldon Cooper Center for Public Service*
 200 *at the University of Virginia. However, the Board may cancel such reservation in whole or in part if, in*
 201 *the Board's judgment, the region has failed to establish a certified regional council or to otherwise meet*
 202 *the qualifications for grant funding in accordance with this article; and*

203 *3. A portion shall be competitively awarded on the basis of expected economic impact and outcomes*
 204 *without regard to a region's population.*

205 *Except for initial grants awarded pursuant to subdivision 1, no more than eight percent of any*
 206 *grants from the Fund to a single regional council shall be used for administrative or planning purposes.*

207 *C. Public comment shall be received by the Board when making decisions regarding awards from the*
 208 *Fund.*

209 *D. No more than 90 percent of moneys in the Fund shall be awarded or allocated in any fiscal year.*

210 **§ 2.2-2488. Formation of regional councils.**

211 *A. A regional council may be established in each region identified by the Board. Regional councils*
 212 *shall solicit, review, and recommend regional activity projects to the Board in accordance with this*
 213 *article.*

214 *B. When there is no certified regional council in existence in a region, the Board may provide for*
 215 *the formation of a regional council by designating a formation committee chairman and two members*
 216 *from the region. The formation committee chairman shall be a nonlegislative citizen member of the*
 217 *Board, and the chairman may designate up to two additional members of the formation committee. The*
 218 *formation committee shall be responsible for such consultation and recruitment within the region as is*
 219 *likely to result in certification of a regional council for the region. The formation committee chairman*
 220 *and members may serve as officers and members of the regional council.*

221 *C. A regional council shall include representatives from (i) the education sector, including school*
 222 *divisions, community colleges, and public institutions of higher education; (ii) the economic and*
 223 *workforce development sector; (iii) local government; (iv) planning district commissions; (v) nonprofit*
 224 *organizations; and (vi) other entities that significantly affect regional economic or workforce*
 225 *development. Membership may include one or more nonlegislative citizen members of the Board from*
 226 *the region. A majority of the members of a regional council shall be from the private sector with*
 227 *demonstrated significant private-sector business experience. A regional council shall be chaired by a*
 228 *citizen member from the region with significant private-sector business experience.*

229 *D. The Board shall certify that the regional council member selection process, membership,*
 230 *governance, structure, composition, and leadership meet the requirements of this article and the*
 231 *program guidelines and procedures. The Board shall certify that the regional council has adopted*
 232 *bylaws and taken other such steps in its organizational activities and business plan as are necessary or*
 233 *required by Board guidelines and procedures to provide for accountability for and oversight of regional*
 234 *activities funded from the Fund.*

235 *E. Public comment shall be received by the Board when certifying a regional council.*

236 **§ 2.2-2489. Award of grants to regional councils.**

237 *A. The Board shall establish guidelines, procedures, and objective criteria for the award and*
 238 *distribution of grants from the Fund to regional councils.*

239 *B. In order to qualify to receive grants from the Fund, a regional council shall develop an economic*

240 growth and diversification plan to (i) promote private-sector growth and opportunity in the region; (ii)
 241 identify issues of economic competitiveness for the region, including gaps in education and skills
 242 required to meet existing and prospective employer needs within the region; and (iii) outline steps that
 243 the collaborating business, education, and government entities in the region will pursue to expand
 244 economic opportunity, diversify the economy, and align workforce development activities with the
 245 education and skills needed by employers in the region. A regional council shall review such plan not
 246 less than biennially while the regional council is receiving grants from the Fund.

247 C. The Board shall only consider those regional activities endorsed by a regional council in its
 248 application for grants from the Fund. For any regional activity included in a regional council's
 249 application, the regional council shall identify (i) the amount of grants requested and the number of
 250 years for which grants are sought; (ii) the participating business, education, and government entities
 251 and their respective roles and contributions; (iii) the private, local, and other sources of nonstate
 252 funding that the grant from the Fund will assist in generating, including specific amounts pledged by
 253 such sources as of the application date; (iv) how the regional activity addresses the skills gaps identified
 254 in the council's economic growth and diversification plan; and (v) the economic impact or other
 255 outcomes that are reasonably expected to result from the proposed regional activity, including timetables
 256 and means of measurement.

257 D. Regional activities eligible for grants from the Fund shall be focused on high-impact,
 258 collaborative projects in a region that promote new job creation, entrepreneurship, and new capital
 259 investment; leverage nonstate resources to enhance collaboration; foster research, development, and
 260 commercialization activities; encourage cooperation among public bodies to reduce costs and
 261 duplication of government services; and promote other economic or workforce development activities
 262 consistent with this article that are authorized by the Board. The Board shall give initial priority to
 263 grant proposals that promote workforce development and other activities focused on eliminating skills
 264 gaps identified in a region's economic growth and diversification plan.

265 E. In determining a regional council's eligibility to receive grants from the Fund, and the amount of
 266 such grants, the Board shall review and score the proposed regional activities. Scores shall be assigned
 267 on the basis of predetermined criteria established by the Board in its guidelines and procedures based
 268 on the following factors:

269 1. The expected economic impact or outcome of the activity, with particular emphasis on goals
 270 identified in the regional council's plan for economic growth and diversification;

271 2. The fiscal resources from non-Fund sources that will be committed to the activity, including local
 272 or federal funds, private contributions, and cost savings expected to be achieved through regional
 273 collaboration;

274 3. The number and percentage of localities, including political subdivisions and bodies corporate and
 275 politic, within the region that are participating in the activity, the portion of the region's population
 276 represented by the participating localities, and the participation of localities that are outside of the
 277 applicant region;

278 4. The compatibility with other projects, programs, or existing infrastructure in a region to maximize
 279 the leverage of grants from the Fund to encourage new collaborative activities;

280 5. The expected economic impact and outcomes of the project and the complexity of the project
 281 relative to the size of the economy of the region or to the population of the participating localities;

282 6. The projected cost savings and other efficiencies generated by the proposed activity, and the local
 283 resources generated by collaboration that have been or will be repurposed to support the activity;

284 7. The character of the regional collaboration, including the nature and extent of the regional effort
 285 involved in developing and implementing the proposed activity, the complexity of the activity, the
 286 prospective impact on relations between and among the affected localities, and the prospective impact
 287 on collaboration between and among business, education, and government entities in the region;

288 8. Interstate, inter-regional, and other beneficial forms of collaboration, if any, that will accompany,
 289 result from, or be encouraged by the activity;

290 9. Efficiency in the administration and oversight of regional activities; and

291 10. Other factors deemed to be appropriate by the Board.

292 F. Each regional council awarded a grant from the Fund shall issue an annual report that shall
 293 include, at a minimum, an assessment of the impact and outcomes from regional activities supported by
 294 grants from the Fund and the region's overall progress in addressing the goals and strategies identified
 295 in the region's plan for economic growth and diversification. Such assessment shall address performance
 296 criteria prescribed in the program guidelines and procedures.

297 G. Subject to the provisions of § 2.2-2488 and this section, once a regional council becomes eligible
 298 for grants from the Fund, the regional council may continue to apply for and receive grants from the
 299 Fund to support economic activities consistent with the regional council's economic growth and
 300 diversification plan in such amounts and for such duration as the Board may determine in accordance

301 with its guidelines and procedures. The Board may terminate any payments to regional councils that fail
 302 to perform in accordance with this article, the Board's guidelines or procedures, or any conditions
 303 expressly agreed upon as part of a grant award, or for malfeasance. The Board may require the refund
 304 of moneys from the Fund upon such termination. Grants that are terminated shall revert to the Fund for
 305 distribution on an unallocated competitive basis.

306 H. In making Fund recommendations and awards, the Board may consider regional activities that
 307 commenced prior to the enactment of this article, provided that the grant-funded program or project will
 308 expand the scope of, or increase the number of localities participating in, such preexisting activity.

309 I. No regional council may have outstanding grant commitments of more than 25 percent of the total
 310 amount appropriated to the Fund.

311 J. The year for grant payments shall be the Commonwealth's fiscal year following the calendar year
 312 in which the region qualifies, with payments made annually by the Comptroller upon certification by the
 313 Board. Grant amounts shall be made at the sole discretion of the Board.

314 K. Any grant awarded from the Fund to a regional council shall require matching funds at least
 315 equal to the grant, provided, however, that the Board shall have the authority to reduce the match
 316 requirement to no less than half of the grant upon a finding by the Board of fiscal distress or an
 317 exceptional economic opportunity in a region. Such matching funds may be from local, regional, federal,
 318 or private funds, but shall not include any state general or nongeneral funds, from whatever source.

319 L. Decisions of the Board shall be final and not subject to review or appeal.

320 **§ 2.2-2490. Annual audit.**

321 The accounts of the Board shall be audited annually by the Auditor of Public Accounts or his legally
 322 authorized representatives. Copies of the annual audit shall be distributed to the Governor and to the
 323 Chairmen of the House Committee on Appropriations and the Senate Committee on Finance.

324 **§ 2.2-3711. Closed meetings authorized for certain limited purposes.**

325 A. Public bodies may hold closed meetings only for the following purposes:

326 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment,
 327 appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public
 328 officers, appointees, or employees of any public body; and evaluation of performance of departments or
 329 schools of public institutions of higher education where such evaluation will necessarily involve
 330 discussion of the performance of specific individuals. Any teacher shall be permitted to be present
 331 during a closed meeting in which there is a discussion or consideration of a disciplinary matter that
 332 involves the teacher and some student and the student involved in the matter is present, provided the
 333 teacher makes a written request to be present to the presiding officer of the appropriate board.

334 2. Discussion or consideration of admission or disciplinary matters or any other matters that would
 335 involve the disclosure of information contained in a scholastic record concerning any student of any
 336 Virginia public institution of higher education or any state school system. However, any such student,
 337 legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to
 338 be present during the taking of testimony or presentation of evidence at a closed meeting, if such
 339 student, parents, or guardians so request in writing and such request is submitted to the presiding officer
 340 of the appropriate board.

341 3. Discussion or consideration of the acquisition of real property for a public purpose, or of the
 342 disposition of publicly held real property, where discussion in an open meeting would adversely affect
 343 the bargaining position or negotiating strategy of the public body.

344 4. The protection of the privacy of individuals in personal matters not related to public business.

345 5. Discussion concerning a prospective business or industry or the expansion of an existing business
 346 or industry where no previous announcement has been made of the business' or industry's interest in
 347 locating or expanding its facilities in the community.

348 6. Discussion or consideration of the investment of public funds where competition or bargaining is
 349 involved, where, if made public initially, the financial interest of the governmental unit would be
 350 adversely affected.

351 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual
 352 or probable litigation, where such consultation or briefing in open meeting would adversely affect the
 353 negotiating or litigating posture of the public body; and consultation with legal counsel employed or
 354 retained by a public body regarding specific legal matters requiring the provision of legal advice by such
 355 counsel. For the purposes of this subdivision, "probable litigation" means litigation that has been
 356 specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe
 357 will be commenced by or against a known party. Nothing in this subdivision shall be construed to
 358 permit the closure of a meeting merely because an attorney representing the public body is in attendance
 359 or is consulted on a matter.

360 8. In the case of boards of visitors of public institutions of higher education, discussion or
 361 consideration of matters relating to gifts, bequests and fund-raising activities, and grants and contracts

362 for services or work to be performed by such institution. However, the terms and conditions of any such
 363 gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign
 364 person and accepted by a public institution of higher education in Virginia shall be subject to public
 365 disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision,
 366 (i) "foreign government" means any government other than the United States government or the
 367 government of a state or a political subdivision thereof; (ii) "foreign legal entity" means any legal entity
 368 created under the laws of the United States or of any state thereof if a majority of the ownership of the
 369 stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the
 370 membership of any such entity is composed of foreign persons or foreign legal entities, or any legal
 371 entity created under the laws of a foreign government; and (iii) "foreign person" means any individual
 372 who is not a citizen or national of the United States or a trust territory or protectorate thereof.

373 9. In the case of the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum
 374 of Natural History, the Jamestown-Yorktown Foundation, and The Science Museum of Virginia,
 375 discussion or consideration of matters relating to specific gifts, bequests, and grants.

376 10. Discussion or consideration of honorary degrees or special awards.

377 11. Discussion or consideration of tests, examinations, or other records excluded from this chapter
 378 pursuant to subdivision 4 of § 2.2-3705.1.

379 12. Discussion, consideration, or review by the appropriate House or Senate committees of possible
 380 disciplinary action against a member arising out of the possible inadequacy of the disclosure statement
 381 filed by the member, provided the member may request in writing that the committee meeting not be
 382 conducted in a closed meeting.

383 13. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to
 384 consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing
 385 body in open meeting finds that an open meeting will have an adverse effect upon the negotiating
 386 position of the governing body or the establishment of the terms, conditions and provisions of the siting
 387 agreement, or both. All discussions with the applicant or its representatives may be conducted in a
 388 closed meeting.

389 14. Discussion by the Governor and any economic advisory board reviewing forecasts of economic
 390 activity and estimating general and nongeneral fund revenues.

391 15. Discussion or consideration of medical and mental health records excluded from this chapter
 392 pursuant to subdivision 1 of § 2.2-3705.5.

393 16. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to
 394 subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and
 395 discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game
 396 information and studies or investigations exempted from disclosure under subdivision 6 of § 2.2-3705.3
 397 and subdivision 11 of § 2.2-3705.7.

398 17. Those portions of meetings by local government crime commissions where the identity of, or
 399 information tending to identify, individuals providing information about crimes or criminal activities
 400 under a promise of anonymity is discussed or disclosed.

401 18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity
 402 of, or information tending to identify, any prisoner who (i) provides information about crimes or
 403 criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the
 404 apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders
 405 other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

406 19. Discussion of plans to protect public safety as it relates to terrorist activity or specific
 407 cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement
 408 or emergency service officials concerning actions taken to respond to such matters or a related threat to
 409 public safety; discussion of records excluded from this chapter pursuant to subdivision 3 or 4 of
 410 § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the
 411 security of any facility, building, structure, information technology system, or software program; or
 412 discussion of reports or plans related to the security of any governmental facility, building or structure,
 413 or the safety of persons using such facility, building or structure.

414 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or
 415 of any local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the
 416 University of Virginia, acting pursuant to § 23-76.1, or by the Board of the Virginia College Savings
 417 Plan, acting pursuant to § 23-38.80, regarding the acquisition, holding or disposition of a security or
 418 other ownership interest in an entity, where such security or ownership interest is not traded on a
 419 governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential
 420 analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement
 421 system or by the Virginia College Savings Plan or provided to the retirement system or the Virginia
 422 College Savings Plan under a promise of confidentiality, of the future value of such ownership interest

423 or the future financial performance of the entity, and (ii) would have an adverse effect on the value of
424 the investment to be acquired, held or disposed of by the retirement system, the Rector and Visitors of
425 the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be
426 construed to prevent the disclosure of information relating to the identity of any investment held, the
427 amount invested or the present value of such investment.

428 21. Those portions of meetings in which individual child death cases are discussed by the State Child
429 Fatality Review team established pursuant to § 32.1-283.1, those portions of meetings in which
430 individual child death cases are discussed by a regional or local child fatality review team established
431 pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by
432 family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in
433 which individual adult death cases are discussed by the state Adult Fatality Review Team established
434 pursuant to § 32.1-283.5, and those portions of meetings in which individual adult death cases are
435 discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6.

436 22. Those portions of meetings of the University of Virginia Board of Visitors or the Eastern
437 Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any
438 persons to whom management responsibilities for the University of Virginia Medical Center or Eastern
439 Virginia Medical School, as the case may be, have been delegated, in which there is discussed
440 proprietary, business-related information pertaining to the operations of the University of Virginia
441 Medical Center or Eastern Virginia Medical School, as the case may be, including business development
442 or marketing strategies and activities with existing or future joint venturers, partners, or other parties
443 with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case
444 may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such
445 information would adversely affect the competitive position of the Medical Center or Eastern Virginia
446 Medical School, as the case may be.

447 23. In the case of the Virginia Commonwealth University Health System Authority, discussion or
448 consideration of any of the following: the acquisition or disposition of real or personal property where
449 disclosure would adversely affect the bargaining position or negotiating strategy of the Authority;
450 operational plans that could affect the value of such property, real or personal, owned or desirable for
451 ownership by the Authority; matters relating to gifts, bequests and fund-raising activities; grants and
452 contracts for services or work to be performed by the Authority; marketing or operational strategies
453 where disclosure of such strategies would adversely affect the competitive position of the Authority;
454 members of its medical and teaching staffs and qualifications for appointments thereto; and qualifications
455 or evaluations of other employees. This exemption shall also apply when the foregoing discussions occur
456 at a meeting of the Virginia Commonwealth University Board of Visitors.

457 24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within
458 the Department of Health Professions to the extent such discussions identify any practitioner who may
459 be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

460 25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein
461 personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees
462 by or on behalf of individuals who have requested information about, applied for, or entered into
463 prepaid tuition contracts or savings trust account agreements pursuant to Chapter 4.9 (§ 23-38.75 et seq.)
464 of Title 23 is discussed.

465 26. Discussion or consideration, by the Wireless Carrier E-911 Cost Recovery Subcommittee created
466 pursuant to § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et
467 seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of wireless
468 E-911 service.

469 27. Those portions of disciplinary proceedings by any regulatory board within the Department of
470 Professional and Occupational Regulation, Department of Health Professions, or the Board of
471 Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach
472 a decision or meetings of health regulatory boards or conference committees of such boards to consider
473 settlement proposals in pending disciplinary actions or modifications to previously issued board orders as
474 requested by either of the parties.

475 28. Discussion or consideration of records excluded from this chapter pursuant to subdivision 11 of
476 § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are
477 defined in § 33.2-1800, or any independent review panel appointed to review information and advise the
478 responsible public entity concerning such records.

479 29. Discussion of the award of a public contract involving the expenditure of public funds, including
480 interviews of bidders or offerors, and discussion of the terms or scope of such contract, where
481 discussion in an open session would adversely affect the bargaining position or negotiating strategy of
482 the public body.

483 30. Discussion or consideration of grant or loan application records excluded from this chapter

484 pursuant to subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the
 485 Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment
 486 Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

487 31. Discussion or consideration by the Commitment Review Committee of records excluded from
 488 this chapter pursuant to subdivision 9 of § 2.2-3705.2 relating to individuals subject to commitment as
 489 sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

490 32. [Expired.]

491 33. Discussion or consideration of confidential proprietary records and trade secrets excluded from
 492 this chapter pursuant to subdivision 18 of § 2.2-3705.6.

493 34. Discussion or consideration by a local authority created in accordance with the Virginia Wireless
 494 Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary records and trade secrets
 495 excluded from this chapter pursuant to subdivision 19 of § 2.2-3705.6.

496 35. Discussion or consideration by the State Board of Elections or local electoral boards of voting
 497 security matters made confidential pursuant to § 24.2-625.1.

498 36. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee
 499 created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of records excluded from
 500 this chapter pursuant to subdivision A 2 a of § 2.2-3706.

501 37. Discussion or consideration by the Brown v. Board of Education Scholarship Program Awards
 502 Committee of records or confidential matters excluded from this chapter pursuant to subdivision 3 of
 503 § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship
 504 award, review and consider scholarship applications and requests for scholarship award renewal, and
 505 cancel, rescind, or recover scholarship awards.

506 38. Discussion or consideration by the Virginia Port Authority of records excluded from this chapter
 507 pursuant to subdivision 1 of § 2.2-3705.6.

508 39. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting
 509 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26,
 510 by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College
 511 Savings Plan acting pursuant to § 23-38.80, or by the Virginia College Savings Plan's Investment
 512 Advisory Committee appointed pursuant to § 23-38.79:1 of records excluded from this chapter pursuant
 513 to subdivision 25 of § 2.2-3705.7.

514 40. Discussion or consideration of records excluded from this chapter pursuant to subdivision 3 of
 515 § 2.2-3705.6.

516 41. Discussion or consideration by the Board of Education of records relating to the denial,
 517 suspension, or revocation of teacher licenses excluded from this chapter pursuant to subdivision 12 of
 518 § 2.2-3705.3.

519 42. Those portions of meetings of the Virginia Military Advisory Council or any commission created
 520 by executive order for the purpose of studying and making recommendations regarding preventing
 521 closure or realignment of federal military and national security installations and facilities located in
 522 Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization
 523 appointed by a local governing body, during which there is discussion of records excluded from this
 524 chapter pursuant to subdivision 12 of § 2.2-3705.2.

525 43. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of
 526 records excluded from this chapter pursuant to subdivision 29 of § 2.2-3705.7.

527 44. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of
 528 records excluded from this chapter pursuant to subdivision 23 of § 2.2-3705.6.

529 45. Discussion or consideration by the board of directors of the Commercial Space Flight Authority
 530 of records excluded from this chapter pursuant to subdivision 24 of § 2.2-3705.6.

531 46. Discussion or consideration of personal and proprietary information that are excluded from the
 532 provisions of this chapter pursuant to (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of
 533 § 10.1-104.7. This exemption shall not apply to the discussion or consideration of records that contain
 534 information that has been certified for release by the person who is the subject of the information or
 535 transformed into a statistical or aggregate form that does not allow identification of the person who
 536 supplied, or is the subject of, the information.

537 47. (Effective July 1, 2018) Discussion or consideration by the Board of Directors of the Virginia
 538 Alcoholic Beverage Control Authority of records excluded from this chapter pursuant to subdivision 1 of
 539 § 2.2-3705.3 or subdivision 34 of § 2.2-3705.7.

540 48. *Discussion or development of grant proposals by a regional council established pursuant to*
 541 *Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth*
 542 *and Opportunity Board.*

543 B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a
 544 closed meeting shall become effective unless the public body, following the meeting, reconvenes in open

545 meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or
546 motion that shall have its substance reasonably identified in the open meeting.

547 C. Public officers improperly selected due to the failure of the public body to comply with the other
548 provisions of this section shall be de facto officers and, as such, their official actions are valid until they
549 obtain notice of the legal defect in their election.

550 D. Nothing in this section shall be construed to prevent the holding of conferences between two or
551 more public bodies, or their representatives, but these conferences shall be subject to the same
552 procedures for holding closed meetings as are applicable to any other public body.

553 E. This section shall not be construed to (i) require the disclosure of any contract between the
554 Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1
555 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant
556 to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body
557 empowered to issue industrial revenue bonds by general or special law, to identify a business or industry
558 to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of
559 public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance
560 of such bonds.

561 **2. That the initial appointments of nonlegislative citizen members to the Virginia Growth and**
562 **Opportunity Board shall be staggered as follows: (i) two members for two years appointed by the**
563 **Speaker of the House of Delegates; (ii) two members for three years appointed by the Senate**
564 **Committee on Rules; and (iii) three members for two years, three members for three years, and**
565 **four members for four years appointed by the Governor.**

566 **3. That the Chairmen of the Senate Committee on Finance and the House Committee on**
567 **Appropriations shall convene a working group to assist the Virginia Growth and Opportunity**
568 **Board in the development of guidelines and procedures to implement the provisions of this act.**
569 **The working group shall include representatives of state and regional economic development**
570 **organizations, regional workforce entities, planning district commissions, manufacturing and small**
571 **business associations, local government, and other such entities and individuals as the Chairmen**
572 **deems appropriate. The working group shall conclude its work on the guidelines by October 15,**
573 **2016, but shall remain constituted and shall convene upon the call of the Chairmen to provide**
574 **guidance on future changes to the guidelines and procedures or other activities related to the**
575 **implementation of this act.**

576 **4. That it is the intent of the General Assembly that by fiscal year 2019, the Virginia Growth and**
577 **Opportunity Board shall create an affiliated entity, funded wholly from non-state sources, to**
578 **provide staff support and to provide other services necessary for the Board to carry out the duties**
579 **set forth in this act.**

580 **5. Notwithstanding the provisions of any other law, including subsection M of Item 109 of House**
581 **Bill 30 of the 2016 Session of the General Assembly, no funds shall be awarded by the Virginia**
582 **Growth and Opportunity Board as grants to qualifying regions based on each region's share of**
583 **population, as set forth in subdivision B 2 of § 2.2-2487 as added by this act, or as grants to**
584 **regional councils on a competitive basis, as set forth in subdivision B 3 of § 2.2-2487 as added by**
585 **this act, unless authorized by a subsequent enactment of the General Assembly on or after July 1,**
586 **2016.**