

January 19, 2024

To: Petula Burks
From: Connie R. Clay
Re: Today's Meeting

I have several concerns. Many have been unacknowledged, and most have been unaddressed.

1. I requested business cards months ago; at your direction, I sent an email to you and Cynthia.
2. There are problems with the receipt of emails to FOIAOfficer@rva.gov and Connie.Clav@rva.gov.
3. The Finance Department's handling of FOIA requests is unacceptable. There are overdue requests from October 2023.
4. On January 8, 2024, you accused me of:
 - a. Forwarding internal and fact-finding emails to individuals outside of the City
 - b. Generally responding inappropriately to requestors and failing to state/know when an exemption applies
 - c. Inappropriately copying and pasting email conversations
 - d. Placing a director "in jeopardy of jail time"
 - e. Approaching FOIAs from "an adversarial standpoint"
5. I want to thoroughly discuss the accusations you leveled against me, and I request that you respond to the email I sent in response to your email on January 8, 2024.
6. You have repeatedly asked me to parrot statements that are not true, such as the statement that only Sheila White could review and redact emails regarding the meals tax issue.
7. You have implied that I should do things that are unethical such as secreting parts of my FOIA log that are not exempt from disclosure under FOIA.
8. You were 100% responsible for the filing of a lawsuit regarding the Christian records. You ignored my legal advice. You ignored the opinion of the FOIA Council. You accepted service on my behalf but failed to notify me. I found out from Tyler Layne. You waited several hours before sending me the pleadings. You never accepted responsibility for this debacle, and you never apologized to me.
9. On Thursday, January 18, 2024, Cynthia sent a Teams invitation for the State of the City from 4:30 pm-9:30 pm. I responded that I could participate by teleworking that day but could only stay until 8:00 pm. You chastised me and included Cynthia in your response, which was inappropriate and embarrassing. You stated that "this should be in the form of an ask." I feel that if you are expecting me to work until 9:30 PM, it should be in the form of an ask, and you should consider reasonable modifications. You have not clearly communicated your expectations.

10. Several weeks ago, I asked if I could attend continuing legal education at a cost of \$125.00. You never responded. Now early bird registration is over. It is patently unfair that you authorized thousands of dollars in expenditures for you and others to attend the CBC weekend, but you refused to authorize \$125.00 for me to attend continuing legal education in the Richmond area. You have not clearly communicated your expectations or procedures. You often ignore my emails, cancel meetings, and refuse to accept my calls or respond to my text messages.
11. In the memo that I sent you on December 26, 2023, I noted challenges and recommendations, which are pasted below. You never acknowledged any of my concerns, nor have you done anything to address them.

Challenges

- Internal stakeholders who are obviously untrained in FOIA law, rights and responsibilities.
- The City's inconsistent handling of FOIA requests from billing to responsiveness and decision making.
- Needless lawsuits caused by the ignorance, arrogance and pride of internal stakeholders. The media reported the City's non-compliance with the law as well as the filing and the City's settling of the lawsuits.
- Tremendous responsibility but minimal authority as the City's FOIA "Officer".

Recommendations

- **Mandatory, annual training for directors and any other City employees who handle FOIA requests.**
- **A consistent FOIA policy that is consistent with the VA FOIA statute.**
- **Updating of the City's FOIA website.**
- **The FOIA Officer should report directly to the CAO.**
- **The FOIA Officer's legal opinion should be final.**
- **The FOIA Officer should have the authority, support and resources to ensure the City's compliance with the VA FOIA.**