Bond Case Briefs

Municipal Finance Law Since 1971

OPEN MEETINGS - VIRGINIA

Suffolk City School Board v. Wahlstrom

Supreme Court of Virginia - April 27, 2023 - S.E.2d - 2023 WL 3103622

Resident brought action against city school board and two board members individually and in their official capacities, alleging board and members violated the Virginia Freedom of Information Act (FOIA) by denying her free entry to a public meeting of the board.

Following bench trial, the Suffolk Circuit Court entered judgment awarding relief against board and sustaining demurrer as to members' individual liability. Defendants appealed and resident cross-appealed.

The Supreme Court held that:

- Board violated VFOIA by denying resident "free entry" to meeting;
- Board's VFOIA violation warranted injunctive relief;
- There is no requirement that a trial court making finding, express or implied, of a willful and knowing violation of VFOIA before it may issue a VFOIA injunction, overruling *Hale v. Washington Cnty. Sch. Bd.*, 241 Va. 76, 81, 400 S.E.2d 175;
- Resident "substantially prevailed," as required for attorney fee award;
- Board did not present "special circumstances" sufficient to make attorney fee award unjust;
- Trial court erred in concluding that VFOIA did not permit civil penalties to be assessed against members in their individual capacities; and
- Members' violations of VFOIA were not "knowingly made," as required for imposition of civil penalties.

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com