



CITY COUNCIL AGENDA December 7, 2020

Members

Nikayah Walker, Mayor
Sena Magill, Vice Mayor
Heather D. Hill
Michael K. Payne
J. Lloyd Snook, III

6:30 p.m. Regular Meeting

Virtual/electronic meeting in accordance with the local ordinance approved July 27, 2020 to ensure continuity of government and prevent the spread of disease. Register at www.charlottesville.gov/zoom. NOTE: Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator at (434) 970-3182 or submit a request via email to ada@charlottesville.gov. The City of Charlottesville requests that you provide a 48 hour notice so that proper arrangements may be made.

CALL TO ORDER

MOMENT OF SILENCE

ROLL CALL

AGENDA APPROVAL

ANNOUNCEMENTS

CONSENT AGENDA*

1. Minutes: Minutes: October 5 closed and regular meetings, October 6 work session on boards and commissions, October 19 closed and regular meetings; October 27 special meeting
2. Appropriation: Fire Truck Insurance Reimbursement - \$21,214.18 (1st of 2 readings)
3. Resolution: Disposition of City Council appointed Boards and Commissions (1 reading)

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

COMMUNITY MATTERS Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration available for up to 8 spaces; preregistered speakers announced by Noon the day of the meeting. Additional public comment period at end of meeting. Public comment will be conducted through electronic participation as City Hall is closed to the public. Participants can register in advance at www.charlottesville.gov/zoom.

ACTION ITEMS

4. Public Hearing/App.: Fiscal Year 2020 Year-end Adjustments (1st of 2 readings)
5. Public Hearing/Ord.: Closing, vacating and discontinuing a public gas utility line easement within the Stonefield Shopping Center in Albemarle County (1 reading, waiving the 2nd reading)
6. Ordinance: 817 Nassau Street rezoning (1st of 2 readings)
7. Ordinance*: Covid-19 Ordinance amendment (may be passed on 1 reading with 4/5 vote)
8. Resolution*: Sister City Partnership with HueHuetenango, Guatemala (1 reading)
9. Report: Legislative Agenda (1 reading)

GENERAL BUSINESS

10. Report: Comprehensive Annual Finance Report (CAFR) - FY2020 Audit

OTHER BUSINESS

MATTERS BY THE PUBLIC

CITY COUNCIL MEETING
October 5, 2020
Virtual/electronic meeting

5:30 PM CLOSED MEETING

The Charlottesville City Council met in an electronic meeting on Monday, October 5, 2020, in accordance with a local ordinance approved July 27, 2020 to ensure continuity of government and prevent the spread of disease. Mayor Nikuyah Walker called the meeting to order at 5:32 p.m. with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, Councilor Heather Hill, Councilor Michael Payne and Councilor Lloyd Snook.

On motion by Councilor Hill, seconded by Councilor Snook, Council voted 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none) to meet in closed session as authorized by Virginia Code Sections 2.2-3711 and 2.2- 3712, specifically:

- as authorized by Section 2.2-3711(A)(7) for consultation and briefing by legal counsel regarding probable litigation arising from a contract, and
- as authorized by Section 2.2-3711(A)(8) for consultation with legal counsel and legal advice regarding a matter relating to COVID-19 emergency regulations, and regarding a matter of the status of a previously threatened legal claim.

On motion by Councilor Hill, seconded by Councilor Snook, Council certified by the following vote: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none.), that to the best of each Council member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed or considered in the closed session.

The meeting adjourned at 6:32 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

6:30 PM REGULAR MEETING

The Charlottesville City Council met virtually/electronically in regular session on Monday, October 5, 2020, in accordance with the local ordinance approved July 27, 2020 to ensure continuity of government and prevent the spread of disease. The following members were present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, Councilor Heather Hill, Councilor Michael Payne and Councilor Lloyd Snook.

Mayor Walker called the meeting to order at 6:33 p.m.

On motion by Councilor Hill, seconded by Vice Mayor Magill, Council unanimously adopted the meeting agenda.

City Council observed a moment of silence.

ANNOUNCEMENTS

Councilor Snook acknowledged the passing of former City Councilor John Conover, on October 4, 2020, and shared information from Mr. Conover's 1980-1984 tenure.

Vice Mayor Magill announced the Request for Proposal notice for 2020 CDBG-CV3 (Community Development Block Grant – Coronavirus) funding and 2021 CDBG and HOME Program funding.

Dr. Denise Bonds, Thomas Jefferson Health District Director, provided an update on Covid-19 data.

Mayor Walker announced the work session focused on boards and commissions scheduled for October 6 from 4:00 - 7:00 p.m.

RECOGNITIONS/PROCLAMATIONS

Sheriff's Deputies De'Quan M. Neal and Peter T. O'Malley were recognized for saving seven people from a burning building on September 3, 2020 at the 700 block of Prospect Avenue. Mayor Walker, Sheriff James Brown and Interim Fire Chief Emily Pelliccia shared words of appreciation for their acts of courage.

Mayor Walker read a proclamation recognizing October as Domestic Violence Awareness Month.

CONSENT AGENDA*

Clerk of Council Kyna Thomas read the following Consent Agenda items into the record:

APPROPRIATION: Fiscal Year 2021 Fire Programs Aid to Locality Funding (Firefund) - \$165,628.00 (2nd reading)

APPROPRIATION

Fiscal Year 2021 Fire Programs Aid to Locality Funding (Firefund) - \$165,628.00

WHEREAS, the Virginia Department of Fire Programs has awarded a grant to the Fire Department, through the City of Charlottesville, specifically for fire service applications;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a total of \$165,628.00 be appropriated in the following manner:

Revenues - \$165,628

\$165,628 Fund: 209 I/O: 1900010 G/L Account: 430110

Expenditures - \$165,628

\$165,628 Fund: 209 I/O: 1900010 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$165,628.00 from the Virginia Department of Fire Programs.

APPROPRIATION: Virginia Behavioral Health Docket Grant Award - \$40,000 (2nd reading)

APPROPRIATION

Charlottesville - Albemarle Therapeutic Docket Grant Award - \$40,000

WHEREAS, the Supreme Court of Virginia awarded the Supreme Court of Virginia Behavioral Health Docket Grant in the amount of \$40,000 for the Charlottesville - Albemarle Therapeutic Docket in order to fund salaries, benefits, and operating expenses; and

WHEREAS, the City of Charlottesville serves as the fiscal agent for this grant program; and

WHEREAS, the City of Charlottesville and Albemarle County both have dedicated local matches to this grant, totaling \$109,450; and

WHEREAS, the grant award covers the period September 1, 2020, through June 30, 2021.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$40,000, received as a grant from the Supreme Court of Virginia, is hereby appropriated in the following manner:

Revenues

\$40,000 Fund:209 Internal Order: #1900371 G/L Account: 430110

Expenditures

\$40,000 Fund:209 Internal Order: #1900371 G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$40,000 from the Supreme Court of Virginia.

APPROPRIATION: Urban and Community Forestry Grant - \$20,000.00 (2nd reading)

**APPROPRIATION
Urban and Community Forestry Grant - \$20,000**

WHEREAS, the City of Charlottesville has received \$10,000 from the Virginia Department of Forestry through the Urban Community Forestry Grant in order to perform an urban tree canopy assessment; and

WHEREAS, the City will contribute \$10,000 in funds from the previously appropriated Tree Maintenance funds to serve as the required grant match;

Revenue - \$20,000

\$10,000	Fund: 209	IO: 1900375	G/L Code: 430120
\$10,000	Fund: 209	IO: 1900375	G/L Code: 498010

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$20,000 is hereby appropriated in the following manner:

Expenditures - \$20,000

\$20,000	Fund: 209	IO: 1900375	G/L Code: 599999
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Transfer From:

\$10,000	Fund: 105	Cost Center: 3671001000	G/L Code: 530600
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$10,000 from the Virginia Department of Forestry.

APPROPRIATION: Housing Opportunities for People with AIDS/HIV (H.O.P.W.A.) - \$288,172 (2nd reading)

APPROPRIATION
H.O.P.W.A. Grant - \$288,172

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received the H.O.P.W.A. Grant from the Virginia Department of Housing and Community Development in the amount of \$288,172;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$288,172 is hereby appropriated in the following manner:

Revenues

\$288,172 Fund: 209 IO: 1900372 (H.O.P.W.A.) G/L: 430120 Federal Pass-Thru State

Expenditures

\$288,172 Fund: 209 IO: 1900372 (H.O.P.W.A.) G/L: 530550 Contracted Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$288,172 in funds from the Virginia Department of Housing and Community Development.

APPROPRIATION: Battalion Chief Vehicle Insurance Reimbursement - \$36,649.68 (carried)

APPROPRIATION: Red Light Management Funds for Home to Hope for Reentry Services/Programming - \$20,000 (carried)

APPROPRIATION: Virginia Department of Social Services (VDSS) Temporary Aid to Needy Families (TANF) Grants – \$257,479.76 (carried)

APPROPRIATION: Virginia Juvenile Community Crime Control Act Grant (VJCCCA) - \$452,704 (carried)

Mayor Walker opened the floor for comments from the public on the Consent Agenda:

Peter Krebs spoke about the Urban and Forestry grant in support of tree coverage.

On motion by Councilor Hill, seconded by Vice Mayor Magill, Council by the following vote APPROVED the Consent Agenda as presented: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: None).

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

Acting City Manager John Blair followed up on the following items:

- Regarding an inquiry about the City's Climate Action Plan, he advised that there would be an item on the City Council meeting for October 19.
- He announced a Preston Commons Site Plan webinar conference being held on Wednesday, October 7.
- Regarding an inquiry about election and inauguration, he advised that the Critical Incident Management Team is monitoring the election events. He advised the public to be prepared for any contingency that may occur.
- Regarding questions that arose at the September 21 City Council meeting about the drug court program, he introduced Commonwealth's Attorney Joe Platania and public defender Liz Murtagh, who spoke as members of the Drug Court Advisory Board. They shared information about the drug court program, which was started in 1998 and has grown through the years. They answered Council questions.

COMMUNITY MATTERS

Michelle Amt, city resident, asked Council to adopt an equitable Climate Action Plan.

Katherine Slaughter, city resident, suggested ways for Council to reach the climate action goal of zero percent emissions by the year 2030.

Roy Van Doorn, city resident, serving as Chair of the Virginia Restaurant Lodging Association, spoke about concerns facing the restaurant industry, and made recommendations for distribution of the second round of CARES funding.

Cale Jaffe, city resident, Associate Professor of Law at the University of Virginia along with his 11th grade daughter Caroline Jaffe, spoke about the need for Charlottesville City to adopt a climate action plan.

Tanesha Hudson spoke about Council dynamics and the need to be fair and impartial.

Sara Santa Cruz, representing the Charlottesville Food Justice Network and the International Rescue Committee spoke about benefits of urban agriculture for the refugee community, and food equity issues that should be addressed in the City's Strategic Plan.

Kathryn Laughon, city resident, spoke about delays in appointing members to the Human

Rights Commission.

- Mayor Walker advised that Council would be waiting to make appointments.

Shantell Bingham spoke on behalf of the Food Justice Network in support of CARES funding for the Public Housing Association of Residents (PHAR).

Peter Krebs, city resident, spoke in support of the Healthy Streets trial on the Belmont Bridge.

Nancy Carpenter, city resident, spoke about her working relationship with the Home to Hope program peer navigators and clients.

Daniel Kaufman, local restaurant(s) owner, spoke about a social media post from the mayor regarding closing outdoor dining.

Ang Conn, city resident, asked a question about the number of drug court successful cases.

Chris Meyer, Executive Director for the Local Energy Alliance Program (LEAP), shared information about declining funds for the program.

Don Gathers spoke in favor of the LEAP and PHAR requests for Coronavirus Aid, Relief, and Economic Security (CARES) Act Funding.

Jeanette Abi-Nader, city resident and Executive Director for Cultivate Charlottesville, spoke about Farm to School and Healthy Schools Week, October 5-9. She also spoke in support of the PHAR request for CARES funding.

Carol Thorpe spoke about a recent City settlement with Tanesha Hudson.

- Mayor Walker provided a response, and Acting City Attorney Lisa Robertson added that the press release from the City disclosed all necessary City actions taken, and that any monetary compensation would have been determined between third parties.

The meeting recessed at 9:11 p.m. and reconvened at 9:25 p.m.

ACTION ITEMS

PUBLIC HEARING/APPROPRIATION: Coronavirus Aid, Relief, and Economic Security (CARES) Act Funding, second allocation - \$4,123,776 (2nd reading)

Acting City Attorney John Blair introduced the item and gave a recap of the first round of CARES Act funding. The following staff members provided answers to questions raised during the September 21, 2020 City Council meeting: Director of Finance Chris Cullinan, Deputy City Manager Letitia Shelton, and Director of Human Services Kaki Dimock.

Mayor Walker opened the public hearing and the following people spoke:

Brandon Collins spoke on behalf of the Public Housing Association of Residents and in support of a request from Charlottesville Redevelopment and Housing Authority.

Don Gathers spoke of the need to support housing and food security with CARES Act funding.

Jay James spoke on behalf of the Bridge Ministry program regarding partnership with drug court and requested \$200,000.

Mayor Walker closed the public hearing.

After discussion, Council guided staff to return with a report to show prioritization options for community support funds and removal of funding for employee support.

On motion by Councilor Snook, seconded by Councilor Hill, Council by the following vote APPROVED the appropriation: 4-1 (Ayes: Hill, Magill, Payne, Snook; Noes: Walker).

APPROPRIATION

**Coronavirus Aid, Relief, and Economic Act (CARES) Funds – Second Allocation
\$4,123,776.00**

WHEREAS, Commonwealth of Virginia has allocated a second round of federal funds from the Coronavirus Aid Relief and Economic Security (CARES) Act to the City in the amount of \$4,123,776 to address the COVID-19 pandemic;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the following is hereby appropriated in the following manner which conform with the conditions and guidance established by the Commonwealth, U.S. Treasury, and the City:

Revenue

\$4,123,776 Fund: 208 Cost Center: 9900000000 G/L Account: 430127

\$4,123,776 Expenditures

Business Support

\$825,000 Fund: 208 Order: 1900353 G/L Account: 599999

Community Support

\$639,000 Fund: 208 Order: 1900354 G/L Account: 599999

Operational Modifications

\$1,275,000 Fund: 208 Order: 1900355 G/L Account: 599999

Employee Support

\$381,876 Fund: 208 Order: 1900356 G/L Account: 599999

Technology

\$377,400 Fund: 208 Order: 1900357 G/L Account: 599999

Contingency Reserve Fund

\$625,000 Fund: 208 Order: 1900358 G/L Account: 599999

BE IT FURTHER RESOLVED, the amounts above appropriated appropriation shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuing fiscal year unless altered by further action of this Council.

BE IT FURTHER RESOLVED, the amounts hereinabove appropriated for the categories of Business Support, Community Support, Operational Modifications, Employee Support, Technology, Contingency Reserve Fund, may on authorization from the City Manager, or his designee, between categories as needed to meet unforeseen circumstances.

PUBLIC HEARING/ORDINANCE: Closing, vacating and discontinuing certain utility easements within the public rights of way for Jersey Pine Ridge and Sunset Drive, public streets within the Briarwood subdivision located in Albemarle County

Director of Utilities Lauren Hildebrand presented the item summary and answered clarifying questions from Council.

Mayor Walker opened the public hearing. With no speakers coming forward, the public hearing was closed.

On motion by Councilor Snook, seconded by Vice Mayor Magill, Council by the following vote APPROVED the Ordinance, waiving the second reading: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

ORDINANCE CLOSING, VACATING AND DISCONTINUING CERTAIN UTILITY EASEMENTS WITHIN THE PUBLIC RIGHTS OF WAY FOR JERSEY PINE RIDGE AND SUNSET DRIVE, PUBLIC STREETS WITHIN THE BRIARWOOD SUBDIVISION LOCATED IN ALBEMARLE COUNTY, VIRGINIA

GENERAL BUSINESS

PUBLIC COMMENT: Council Strategic Plan Update

Mayor Walker shared information about the strategic planning process and opened the floor for public comment.

Brandon Collins spoke about the housing crisis as a priority.

REPORT: City of Promise Report

Mary Coleman, City of Promise Executive Director, presented the City of Promise report. She shared the mission “to end generational poverty and to foster a culture of achievement in which all children graduate from high school ready for college or career.” The report shared information about current City of Promise leadership, staff and services.

REPORT: Home to Hope Report

Hollie Lee from the Office of Economic Development presented the Home to Hope report and success stories along with peer navigators and other staff members.

Ramanda Jackson, peer navigator, reviewed the Home to Hope process. Whitmore Merrick, peer navigator, reviewed peer recovery services. Shadee Gilliam, peer navigator, reviewed supportive services. Darrell Simpson with the Downtown Job Center reviewed Supportive Services related to housing. Stacey Washington, peer navigator, reviewed referrals, community engagement and partnerships. Roy Fitch with the Downtown Job Center shared future plans for Home to Hope:

1. Self Odyssey
2. Peer Training
3. Enhanced partnerships and community engagement
4. Continued growth.

Councilors made comments in support of the program and the work being done.

REPORT: Mayor's "Imagining a Just Cville Working Group" update

Mayor Walker reported that the number of individuals involved with the work group has increased to 21:

- | | | |
|---------------------|-----------------------|---------------------|
| 1. Nikuyah Walker | 8. Neal Goodloe | 15. Kelisha Powell |
| 2. Michael Payne | 9. Janice Redinger | 16. Martize Tolbert |
| 3. Rashall Brackney | 10. Cherry Henley | 17. Nicholas Fagan |
| 4. Kaki Dimock | 11. Ramanda Jackson | 18. Herb Dickerson |
| 5. Joe Platania | 12. Stacey Washington | 19. Jay James |
| 6. Harold Folley | 13. Whitmore Merrick | 20. Tasha Smith |
| 7. Jeffrey Fogel | 14. Joy Johnson | 21. Jordy Yager |

She advised that an update would be provided at the second Council meeting in November.

OTHER BUSINESS

Mayor Walker brought up the topic of temporary employee layoffs and advised that Council agreed to have a public discussion at the next regular Council meeting.

MATTERS BY THE PUBLIC

Tanesha Hudson spoke about CARES funding, wage disparities, and transparency.

The meeting adjourned at 12:32 a.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CITY COUNCIL WORK SESSION
on Boards and Commissions
October 6, 2020
Virtual/electronic meeting

4:00 PM CITY COUNCIL WORK SESSION

The Charlottesville City Council met in an electronic work session on Monday, October 6, 2020, in accordance with a local ordinance approved July 27, 2020 to ensure continuity of government and prevent the spread of disease. Mayor Nikuyah Walker called the meeting to order at 4:00 p.m. with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, Councilor Heather Hill, Councilor Michael Payne and Councilor Lloyd Snook.

The purpose of the meeting was to discuss boards and commissions.

Councilor Hill advised that the scope of the meeting would be to discuss Council-appointed boards and committees, and not the statutorily required boards and committees or appointments to boards.

Whereas City Council appoints members to over thirty Council-established boards and Councilors serve on an additional thirty-plus boards, several Councilors expressed a desire to reduce redundancy, re-align board functions and evaluate boards and commissions to consider:

- whether the board purpose is still relevant to City goals and initiatives.
- whether Council participation on the board is necessary.
- whether the board serves to advise Council or staff.
- whether changes to board make-up would need to be considered.
- staff capacity to support board and commission meetings.
- ensuring transparency for benefit of the public.

Council agreed on the following actions:

Dissolve -

- Belmont Bridge Steering Committee
- Hydraulic Road Planning Advisory Panel
- Streets That Work/Code Audit Steering Committee

Table -

- Historic Resources Committee (potentially a staff advisory committee)
- Police Civilian Review Board (pending General Assembly conclusion)

Transition to staff-advisory -

- Parking Advisory Panel
- Parks and Recreation Advisory Committee
- PLACE Design Task Force
- Water Resources Protection Program Advisory Committee

Staff and board liaisons were available to answer questions.

Charlottesville Area Transit (CAT) Director Garland Williams suggested enhancements to the composition and purpose of the CAT Advisory Board. He advised that CAT was in position to be able to hire a consultant with Council support. Council indicated support as a consultant could help with developing a baseline for CAT services and board composition prior to joint meetings with Albemarle County and the University of Virginia.

Todd Niemeier spoke on behalf of the Human Rights Commission.

Economic Development Director Chris Engel shared background on the Parking Advisory Panel.

Council discussed the composition and Council charge of each board and commission, as well as supporting boards and commissions through the Covid-19 pandemic. Mayor Walker advised of the need to be cognizant of diversity in the composition of boards and to review outreach efforts.

Alex Ikefuna, Deputy Director for Neighborhood Development Services, shared information about the Piedmont Housing Alliance – Friendship Court Committee, and the PLACE Design Task Force. Deputy City Manager Paul Oberdorfer added that the PLACE Design Task Force could be more project-driven, and that the new Director of Public Works should have a chance to weigh in.

Director of Communications Brian Wheeler advised that during the Covid-19 State of Emergency, one virtual meeting per month would be supported for all boards and commissions, and an additional six monthly slots for a maximum of three hours each could be accommodated for subcommittee meetings on a first-come, first-served basis.

Mayor Walker opened the floor for public comment and the following people spoke:

- Shantell Bingham - Human Rights Commission
- Rory Stolzenberg - Planning Commission, PLACE Design Task Force

Council discussed the number and composition of seats on some larger boards such as the Human Rights Commission and Housing Advisory Committee, whether to appoint to vacant positions or reduce the size of the boards, and the desire for certain boards to expand their scope.

The meeting adjourned at 7:10 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CITY COUNCIL MEETING
October 19, 2020
Virtual/electronic meeting

5:00 PM - CLOSED MEETING

The Charlottesville City Council met in an electronic meeting on Monday, October 19, 2020, in accordance with a local ordinance approved July 27, 2020 to ensure continuity of government and prevent the spread of disease. Mayor Nikuyah Walker called the meeting to order at 5:02 p.m. with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, Councilor Heather Hill, Councilor Michael Payne and Councilor Lloyd Snook.

On motion by Councilor Hill, seconded by Councilor Magill, Council voted 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none) to meet in closed session as authorized by Virginia Code Sections 2.2-3711 and 2.2- 3712, specifically:

- as authorized by Virginia Code Section 2.2-3711(A)(1), for discussion and consideration of appointment of a city manager and for discussion and consideration of the appointment of individuals to the human rights commission, and
- as authorized by Section 2.2-3711(A)(8) for consultation with legal counsel and legal advice regarding a matter relating to the City's special events regulations.

On motion by Councilor Hill, seconded by Councilor Snook, Council certified by the following vote: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none.), that to the best of each Council member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed or considered in the closed session.

The meeting adjourned at 6:30 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

6:30 PM – REGULAR MEETING

The Charlottesville City Council met in regular session on Monday, October 19, 2020, with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, Councilor Heather Hill, Councilor Michael Payne and Councilor Lloyd Snook. Mayor Walker called the meeting to order at 6:31 p.m.

On motion by Councilor Magill, seconded by Councilor Hill, Council unanimously approved the meeting agenda.

City Council observed a moment of silence.

ANNOUNCEMENTS

Councilor Hill shared an announcement about safe Halloween activities. She announced that the Charlottesville Skate Park, located in McIntire Park, was named “Best New Facility” by the Virginia Recreation & Park Society (VRPS) at its annual conference, and offered congratulations on behalf of City Council to the Parks and Recreation Department. She also announced that the period for loose leaf collection would begin November 2nd.

Mayor Walker announced that applications for the city’s boards and commissions would be accepted through December 11th. She also mentioned that Council, in an attempt to conclude meetings earlier, would hold meetings at 4:00 p.m. to hear staff reports on regular Council meeting days.

Councilor Payne announced an event on November 10 and 11 commemorating the African-American military experience telling the untold history, showing on local television and online outlets.

BOARD/COMMISSION APPOINTMENTS

On motion by Councilor Hill, seconded by Councilor Snook, Council by a 5-0 vote (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none.), APPROVED the following appointments to the Human Rights Commission: Mary Bower, Tobia Mundt, and Alex Oxford.

CONSENT AGENDA*

Clerk of Council Kyna Thomas read the following Consent Agenda items into the record:

MINUTES: September 8 regular and closed meetings, September 11 special meeting, September 29 special meeting

APPROPRIATION: Battalion Chief Vehicle Insurance Reimbursement - \$36,649.68 (2nd reading)

APPROPRIATION
Battalion Chief's Vehicle Insurance Reimbursement
\$36,649.68

WHEREAS, Allstate Insurance Company is reimbursing the City of Charlottesville for a vehicle loss associated with an accident involving vehicle #3265;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a total of \$36,649.68 be appropriated in the following manner:

Revenues

\$36,649.68 Fund: 106 Cost Center: 3201001001 G/L Account: 451110

Expenditures

\$36,649.68 Fund: 106 Cost Center: 3201001001 G/L Account: 541040

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of funds from Allstate Insurance Company.

APPROPRIATION: Virginia Department of Social Services (VDSS) Temporary Aid to Needy Families (TANF) Grants – \$257,479.76 (2nd reading)

APPROPRIATION
Virginia Department of Social Services (V.D.S.S.) Temporary Aid to Needy Families (T.A.N.F.) Grants - \$257,479.76

WHEREAS, the City of Charlottesville has received a third renewal of grant funds from the Virginia Department of Social Services in the amount of \$50,000 requiring a \$7,500 local in-kind match provided by the Office of Economic Development through the Workforce Investment Fund; and

WHEREAS, the City of Charlottesville has received a second renewal of grant funds from the Virginia Department of Social Services in the amount of \$33,800 requiring a \$5,070 local in-kind match provided by the Office of Economic Development through the Workforce Investment Fund; and

WHEREAS, the City of Charlottesville has received a second renewal of grant funds from the Virginia Department of Social Services in the amount of \$173,679.76; and

WHEREAS, the funds will be used to support workforce and business development training programs, supportive services, and staffing provided by the Office of Economic Development; and

WHEREAS, the grant award covers the period from July 1, 2020 and June 30, 2021;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$257,479.76 is hereby appropriated in the following manner:

Revenue – \$57,500

\$50,000	Fund: 209	IO: 1900374	G/L: 430120 State/Fed pass thru
\$7,500	Fund: 209	IO: 1900374	G/L: 498010

Expenditures – \$57,500

\$57,500	Fund: 209	IO: 1900374	G/L: 599999 Lump Sum
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Transfer – \$7,500

\$7,500	Fund: 425	WBS P-00385	G/L: 561209 Transfer to State Grants Fund
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Revenue – \$38,870

\$33,800	Fund: 209	Cost Center: 1621003000	G/L: 430120 State/Fed pass thru
\$5,070	Fund: 209	Cost Center: 1621003000	G/L: 498010

Expenditures – \$38,870

\$38,870	Fund: 209	Cost Center: 1621003000	G/L: 599999 Lump Sum
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Transfer – \$5,070

\$5,070	Fund: 425	WBS: P-00385	G/L: 561209 Transfer to State Grants
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Revenue – \$173,679.76

\$173,679.76	Fund: 209	IO: 1900373	G/L: 430120 State/Fed pass thru
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Expenditures - \$173,679.76

\$173,679.76	Fund: 209	IO: 1900373	G/L: 599999 Lump Sum
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$257,479.76 from the Virginia Department of Social Services.

APPROPRIATION: Red Light Management Funds for Home to Hope for Reentry Services/Programming - \$20,000 (2nd reading)

**APPROPRIATION
Red Light Management Funds for Home to Hope - \$20,000**

WHEREAS, the City of Charlottesville has received funds from Red Light Management in the amount of \$20,000; and

WHEREAS, the funds will be used to support the Home to Hope program through the Office of Economic Development;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$20,000 is hereby appropriated in the following manner:

Revenue – \$20,000

\$20,000 Fund: 105 Cost Center: 1621004000 G/L: 451020

Expenditures – \$20,000

\$20,000 Fund: 105 Cost Center: 1621004000 G/L: 599999

APPROPRIATION: Victim Witness Assistance Program Grant - \$265,024 (carried)

APPROPRIATION: Annie E. Casey Foundation Grant Award - \$10,000 (carried)

APPROPRIATION: Housing Opportunities for People with AIDS/HIV (HOPWA) Covid Supplement- \$20,050 (carried)

REPORT: Rivanna Water and Sewer Authority - Rivanna Solid Waste Authority Quarterly Update

Mayor Walker opened the floor for comments from the public on the Consent Agenda and no one indicated a desire to speak.

On motion by Vice Mayor Magill, seconded by Councilor Hill, Council by the following vote APPROVED the Consent Agenda: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: None).

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

Acting City Manager John Blair shared an update on the following community matters:

- Regarding the number of drug court graduates, he confirmed that 425 was the cumulative number of graduates since program inception.
- Regarding climate change, he shared that the Climate Action Plan would be discussed later on the agenda.
- Regarding a concern about potential source of funds discrimination within the city, he spoke with Mr. Niemeier of the Human Rights Commission (HRC), who advised anyone with that issue to contact the Office of Human Rights. Mr. Blair also advised that the HRC would be considering ordinance revisions to possibly include language about funds discrimination.
- Regarding the last item on the consent agenda, he advised that Mr. Moyer agreed to give an in-person report for the next quarterly update.

COMMUNITY MATTERS

The following members of the public spoke during Community Matters:

1. Chris Meyer, city resident, asked Council to not include severance language in the contract for the next City Manager. He spoke about delay of contract award for the City Schools design contract and about climate action goals in relation to the gas utility.
2. Andres Clarens, professor of Environmental Engineering at UVA, spoke about the city's carbon neutrality goals.
3. Michele Mattioli, city resident, spoke about prioritizing climate action.
4. Jonathan Blank and his daughters spoke about climate action.
5. Roy Van Doorn spoke about City restaurant survival during the Covid-19 pandemic.
6. Brandon Collins spoke about redevelopment, affordable housing, and payment in lieu of taxes.
7. Tanesha Hudson spoke in support of eliminating large severance agreements in city personnel contracts, and about a request for use of city-managed space for tutoring children during virtual learning.
8. Nancy Carpenter thanked the initial members of the Police Civilian Review Board, citing upcoming Virginia legislation.
9. Robin Hoffman spoke about air quality control for restaurants, about the number of children who do not have access to computers, about people who are having a tough time dealing with the Covid-19 pandemic, and about art workshops that she plans to provide for children.

10. Don Gathers spoke in support of Police Civilian Review Board efforts.

ACTION ITEMS

ORDINANCE: Café Space Fee Waiver and Reduction (1 reading approval with 4/5 vote)

Chris Engel, Director of Economic Development presented the proposal.

On motion by Councilor Hill, seconded by Councilor Payne, Council by the following vote APPROVED the ordinance: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

ORDINANCE TO MODIFY DEADLINES, MODIFY PUBLIC MEETING AND PUBLIC HEARING PRACTICES AND PROCEDURES TO ADDRESS CONTINUITY OF OPERATIONS ASSOCIATED WITH THE PANDEMIC DISASTER

The meeting recessed at 7:28 p.m. and reconvened at 7:45 p.m.

ORDINANCE: Authorizing a Grant of Public Funding to Subsidize Construction of For-Rent Affordable Housing to be Occupied by Persons of Low and Moderate Income as Part of a Redevelopment of Public Housing (carried):

- a. South First Street Phase One Redevelopment**
- b. Crescent Halls Redevelopment**

Brenda Kelley, Redevelopment Manager made the presentation.

Charlottesville Redevelopment and Housing Authority Executive Director John Sales shared funding concerns with Council.

Council engaged in discussion about sustainability, timing of requests, project scope, funding sources, and future liability.

Jeff Meyer with Charlottesville Community Development Corporation (CCDC) shared economic feasibility concerns should property tax implementation replace the current payment in lieu of taxes status.

Lisa Robertson, Acting City Attorney, spoke about the current arrangement and about non- appropriation clauses or the inability of Council to bind future Councils to such financial obligations. She also spoke about the complicated issues around property taxes, and about the use of performance agreements.

Krisy Hammill, Senior Budget and Management Analyst, shared information about bondable projects.

Chris Engel, Economic Development Director, added information to support the developer's payment history.

Council agreed to move the item forward to the November 2nd Consent Agenda, with staff making modifications as discussed.

RESOLUTION: Approving a Recovery Agreement between Charlottesville Redevelopment and Housing Authority and the United States Department of Housing and Urban Development and the City of Charlottesville

John Sales, Executive Director of the Charlottesville Redevelopment and Housing Authority (CRHA), presented the resolution request along with a report about mitigation efforts to address the CRHA "Troubled" status.

On motion by Councilor Hill, seconded by Vice Mayor Magill, Council by the following vote APPROVED the resolution: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

**RESOLUTION
APPROVING A RECOVERY AGREEMENT BETWEEN CHARLOTTESVILLE
REDEVELOPMENT AND HOUSING AUTHORITY AND THE UNITED STATES
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE CITY OF
CHARLOTTESVILLE**

WHEREAS, in May 2019, the City of Charlottesville was notified by the U.S. Department of Housing and Urban Development (“HUD”) that Charlottesville Redevelopment and Housing Authority (“CRHA”) has been designated “Troubled” for financial, physical and/or management indicators, or other deficiencies as HUD has identified; and

WHEREAS, in August 2019, HUD issued an Audit Report that identified specific deficiencies in operations. HUD requires each troubled agency to enter into agreements that establish performance targets to remedy deficiencies, set out strategies for meeting targets, provide for incentives and sanctions for effective implementation of the strategies leading to recovery of performance and attain an improved status of a least a Standard Performer; and

WHEREAS, HUD requests that the City of Charlottesville be a party to the Recovery Agreement and to take certain actions in the event CRHA’s governing board does not effectively perform under the Recovery Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia, **THAT**:

The Recovery Agreement proposed by HUD and CRHA is hereby approved, and City Council hereby authorizes the Mayor to execute the Recovery Agreement on behalf of the City of Charlottesville and City Council.

ORDINANCE: Authorization of a Forgivable Loan to Piedmont Housing Alliance to Support Redevelopment of Friendship Court for the Purpose of Producing New Housing for Low and Moderate Income Persons (carried)

Brenda Kelley, Redevelopment Manager, presented the report and request. Mr. Sunshine Mathon, Executive Director with Piedmont Housing Alliance, shared additional information regarding the development and along with Budget staff answered questions from Council.

Council agreed to move this item to the November 2nd Consent Agenda.

RESOLUTION: Approval of Performance Agreement to support Friendship Court Redevelopment efforts

Chris Engel, Director of Economic Development, presented the request. Staff provided answers to questions from Council.

On motion by Councilor Hill, seconded by Councilor Payne, Council by the following vote APPROVED the resolution: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

**RESOLUTION OF THE
CITY COUNCIL
OF THE CITY OF CHARLOTTESVILLE, VIRGINIA**

WHEREAS, the Economic Development Authority of the City of Charlottesville, Virginia (**the “Authority”**), a political subdivision of the Commonwealth of Virginia (**the “Commonwealth”**), was established to promote the safety, health, welfare, convenience or prosperity of the inhabitants of the City of Charlottesville, Virginia (**the “City”**) by improving and rehabilitating a distressed area of the City which will enhance the tax base in the City and create opportunities for commercial and other economic development in the City; and

WHEREAS, the City Council of the City is empowered pursuant to Section 15.2-953 of the *Code of Virginia*, 1950, as amended (**the “Code”**), to make appropriations of public funds to the Authority for the purpose of promoting economic development in the City; and

WHEREAS, the Authority is empowered pursuant to Section 15.2-4901, *et seq.*, of the Code to, among other things, accept contributions, grants and other financial assistance from the City and make grants to any person, partnership, association, corporation, business, or governmental entity for the purposes of promoting economic development in the City; and

WHEREAS, the Authority, pursuant to that certain proposed Economic Development Performance Agreement (**the “Agreement”**) by and among the Authority and Piedmont Housing Alliance, a non-profit 501(c)(3) organization under the Internal Revenue code of 1986 as amended (**“PHA”**) on its own behalf and on behalf of a limited liability company of

which PHA serves as manager (**the “Developer”**), attached hereto as **Exhibit I**, is proposing to provide a certain financial incentive grant (**the “Grant”**) to the Developer in order to encourage and induce the Developer to invest a significant amount of money into real estate improvements, described as phase I of the planned development consisting of 106 units (**the “Investment”**) located in the City currently known as Friendship Court; and such phase I and 106 units are described and depicted on Exhibit A of the Agreement (**the “Property”**) along with the other requirements included in such Investment as set forth in Exhibit B to the Agreement; and

WHEREAS, the Authority, while recognizing that the City Council of the City (**the “City Council”**) is not empowered under Virginia law to make any binding commitment beyond the current fiscal year of the City, has requested that the City Council annually appropriate monies to the Authority for the purpose of promoting economic development in the City by funding certain financial obligations of the Authority pursuant to and during the term of the Agreement; and

WHEREAS, there has been presented to this meeting a draft of the Agreement which sets forth the understanding and agreement between the Authority and the Developer.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA:

1. The City Council finds and determines that the terms and conditions of the Agreement, including the provisions for the Grant, is consistent with the mission, goals and purposes of the Authority.
2. It is the current intention of the City Council to make sufficient annual appropriation of monies to the Authority for the purpose of promoting economic development in the City by funding certain financial obligations of the Authority pursuant to and during the term of the Agreement.
3. The City Manager or any other officer charged with the responsibility of preparing the City budget is hereby authorized and directed to include in the City budget for each fiscal year of the City during the term of the Agreement a request that the City Council appropriate sufficient monies to the Authority for the purpose of promoting economic development in the City and funding certain financial obligations of the Authority pursuant to the terms of the Agreement during such fiscal year.
4. The City Manager is hereby authorized to acknowledge the City’s understanding of the Agreement and to execute such documents as he deems appropriate in relation to such Agreement.

5. All other acts of the City Manager, the Director of Economic Development or any other officer of the City relating to the purposes and intent of this resolution are hereby approved and ratified.
6. This resolution shall take effect immediately.

The meeting recessed at 10:30 p.m. and reconvened at 10:40 p.m.

RESOLUTION: Coronavirus Aid, Relief, and Economic Act (CARES) Funds – Second Allocation: Contingency Reserve Allocation - \$410,000

Acting City Attorney John Blair introduced the item, referencing the initial request that was considered at the October 5, 2020, City Council meeting.

Chris Cullinan, Director of Finance, provided financial details of the request.

Kaki Dimock, Director of Human Services, provided an update on a variety of programs and staff provided answers to questions from Council.

On motion by Councilor Hill, seconded by Vice Mayor Magill, Council by the following vote APPROVED the resolution with amendment: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

RESOLUTION
Coronavirus Aid, Relief, and Economic Act (CARES) Funds – Second Allocation Contingency Reserve Allocation - \$415,000

WHEREAS, the Charlottesville City Council appropriated \$625,000 of Coronavirus Aid, Relief, and Economic Act (CARES) funds to a Contingency Reserve Fund on October 5, 2020; and

WHEREAS, the Charlottesville City Council has requested those funds be used to fund requests from the Public Housing Association of Residents (\$110,000), Charlottesville Redevelopment and Housing Authority (\$80,000), the Conscious Capitalist Foundation (\$25,000) and the Black Community Wellness Center (\$200,000);

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that \$415,000.00 of the Contingency Reserve Fund shall be allocated in the following manner:

Transfer From:

Contingency Reserve

\$415,000 Fund: 208 Internal Order: 1900388 G/L Code: 599999

Transfer To:

Community Support

\$415,000 Fund: 208 Internal Order: 1900384 GL Code: 599999

GENERAL BUSINESS

There were no items of general business.

PUBLIC COMMENT: Council Strategic Plan Update

Mayor Walker announced the date changes for the second and third work sessions for the Strategic Plan update to November 20 and December 15. She then opened the floor for public comment on the City's strategic plan. No speakers came forward.

REPORT: City Financial Report through September 30, 2020

Ryan Davidson, Senior Budget and Management Analyst, shared the monthly financial update. Budget staff and the Commissioner of the Revenue answered Council questions about projections.

**REPORT: Climate Action Plan update; Report from Community Climate Collaborative;
Speaker: Pamela Boyce Simms - Climate Justice**

Susan Elliott, Climate Protection Program Manager, made a presentation regarding the Climate Action Plan development process.

Susan Kruse, Community Climate Collaborative (C3) Executive Director, introduced the Uncovering Energy Inequity Report: an Analysis of How Energy Burden is Distributed. She turned the presentation of findings over to Caetano de Campos Lopes, Director of Climate Policy with C3.

Ms. Pamela Boyce Simms spoke about climate justice and inclusivity of the most distressed members of the community in developing solutions.

DISCUSSION: Temporary City employees

John Blair, Acting City Attorney, introduced staff who would be available to answer questions for Council.

Michele Vineyard, Human Resources Director, presented a report on the status of Parks and Recreation temporary and seasonal staff during the Covid-19 pandemic. She provided clarification about the number of employees and number of positions, where some people may have held multiple positions. She shared instructions that were given to employees at the on-set of the Covid-19 pandemic and advised of how weekly pay was calculate for those temporary/seasonal staff who were instructed to stay home. She shared revenue loss information for the Parks and Recreation Department and about workforce reduction due to the cancellation of certain services and activities that were canceled indefinitely.

Mayor Walker expressed concerns about the report and about the handling of temporary employees. She asked about the potential for using the Employee Assistance Fund for employees. Mr. Blair advised that he, Deputy City Manager Letitia Shelton, and Ms. Vineyard would look into it.

OTHER BUSINESS

There were no other business items.

MATTERS BY THE PUBLIC

Brad Slocum, city resident, spoke about decreasing the reliance on supply chains for food and medicine to be more resilient as a community.

Jay James, city resident and Assistant Director for the Bridge Ministry, spoke about the proposal submitted by The Bridge Ministry for CARES funding.

Don Gathers spoke in support of Mayor Walker's stance on temporary employees. He thanked Council for support of the Housing Authority items supported earlier in the agenda. He thanked those who have shown support for Black Lives Matter.

Mayor Walker made closing comments.

The meeting adjourned at 1:20 a.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CHARLOTTESVILLE CITY COUNCIL

October 27, 2020

SPECIAL MEETING

Virtual/electronic meeting

12:00 PM SPECIAL SESSION

Pursuant to Virginia Code Section 2.2-3712, the Charlottesville City Council met on Tuesday, October 27, 2020, at 12:00 p.m. for a closed meeting. The meeting was called to order at 12:02 p.m. with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, Ms. Heather Hill, Mr. Michael Payne, and Mr. Lloyd Snook.

On motion by Ms. Hill, seconded by Ms. Magill, Council voted 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker. Noes: none) to meet in closed session as authorized by Virginia Code Section 2.2-3711(A)(1) for interviews of offerors competing for award of a public contract and discussion of the terms or scope of such contract.

On motion by Ms. Hill, seconded by Mr. Payne, Council certified by the following vote: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker. Noes: none), that to the best of each Council member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed or considered in the closed session.

The meeting adjourned at 4:59 p.m.

BY Order of City Council

BY Maxicelia Robinson, Deputy Clerk of Council

CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA



Agenda Date:	December 7, 2020
Action Required:	Appropriation
Presenter:	Mike Rogers, Deputy Chief – Business Services, Charlottesville Fire Dept.
Staff Contacts:	Mike Rogers, Deputy Chief – Business Services, Charlottesville Fire Dept.
Title:	Truck Company 9 Insurance Reimbursement – \$21,214.18

Background: City asset, vehicle # 3312 – a 2017 Pierce tractor-drawn ladder truck (Truck 9), was involved in an auto incident 7/16/2020 in which the vehicle was struck by a box truck in a parking lot. Vehicle # 3312 was inspected by industry professionals and a repair estimate was sent to the box trucks insurer by the City.

Discussion: A check for the damages from Retail Business Services Claims Management was received based on the repair estimate that was sent to them. The insurance monies will be utilized to repair the damage done to this vehicle.

Alignment with Council Vision Areas and Strategic Plan: The reimbursement of the insurance monies for the vehicle damage done to vehicle #3312 support the City’s mission - “We provide services that promote equity and an excellent quality of life in our community”.

The anticipated use of the reimbursed monies also aligns with Goal 5 - A Well-managed and Responsive Organization.

Community Engagement: N/A

Budgetary Impact: There is no impact to the General Fund, as these are reimbursed funds from an insurance carrier for damages.

Recommendation: Staff recommends approval and appropriation of insurance monies.

Alternatives: If the insurance reimbursement is not appropriated, the Fire Department will not be able to utilize this funding to repair the damage to this vehicle.

Attachments: Appropriation

APPROPRIATION

Truck Company 9 Insurance Reimbursement

\$21,214.18

WHEREAS, Retail Business Services Claims Management is reimbursing the City of Charlottesville for vehicle damage associated with an accident involving vehicle #3312;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a total of \$21,214.18 be appropriated in the following manner:

Revenues - \$21,214.18

\$21,214.18 Fund: 105 Cost Center: 3201006000 G/L Account: 530271

Expenditures - \$21,214.18

\$21,214.18 Fund: 105 Cost Center: 3201006000 G/L Account: 530271

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of funds from Retail Business Services Claims Management.

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	December 7, 2020
Action Required:	Approval of Resolution
Presenter:	John Blair, Acting City Manager
Staff Contact:	Kyna Thomas, Chief of Staff/Clerk of Council
Title:	Disposition of City Council-appointed Boards and Commissions

Background

Charlottesville City Council met on October 6, 2020, in a work session to discuss City Council-appointed boards and commissions.

The City Council appoints members to over thirty Council-established boards and Councilors serve on an additional thirty-plus boards. Several Councilors expressed a desire to evaluate all boards and commissions to consider:

- Whether the board purpose is still relevant to City goals and initiatives.
- Whether Council participation on the board is necessary.
- Whether the board serves to advise Council or staff.
- Whether changes to board make-up would need to be considered.
- Staff capacity to support board and commission meetings.
- Ensuring transparency for benefit of the public.

Discussion

Council agreed on the following actions:

Dissolve

- Belmont Bridge Steering Committee
- Hydraulic Road Planning Advisory Panel
- Streets That Work/Code Audit Steering Committee after completing its task

Re-evaluate Council participation at a later date

- Historic Resources Committee

Table

- Police Civilian Review Board discussion pending General Assembly decisions

Transition to staff-advisory entity

- Parking Advisory Panel
- Parks and Recreation Advisory Committee
- PLACE Design Task Force
- Water Resources Protection Program Advisory Committee

Director of Communications Brian Wheeler advised that during the Covid-19 State of Emergency, one virtual meeting per month would be supported for all boards and commissions, and an additional six monthly slots for a maximum of three hours each could be accommodated for subcommittee meetings on a first-come, first-served basis.

Alignment with Council Vision Area and Strategic Plan

This action is in line with Section 5.4 of the City's Strategic Plan for Fostering Effective Community Engagement. The wide array of seats on the city's boards and commissions offers significant opportunity for community engagement. By periodically reviewing the alignment of boards and commissions, City Council helps to promote effective and meaningful use volunteer, staff, public and Council time in working to achieve city goals.

Budgetary Impact:

None

Alternatives:

City Council could delay action.

RESOLUTION
Disposition of City Council-appointed Boards and Commissions

WHEREAS, the Council of the City of Charlottesville previously established specific entities pursuant to its authority conferred by Virginia Code Section 15.2-1411; and

WHEREAS, the Council convened an October 6, 2020 work session to determine if these entities should still exist or be appointed by the Council; and

WHEREAS, after its deliberations, the Council determined that the status of several entities needed to be revised.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville that the following boards or committees are dissolved: Belmont Bridge Steering Committee, Hydraulic Road Planning Advisory Panel, and Streets That Work/Code Audit Steering Committee.

BE IT FURTHER RESOLVED that the following boards or committees will transition from public bodies appointed by City Council to staff-advisory committees: Parking Advisory Panel, Parks and Recreation Advisory Committee, PLACE Design Task Force, and Water Resources Protection Program Advisory Committee.

CITY OF CHARLOTTESVILLE, VIRGINIA. CITY COUNCIL AGENDA.



Agenda Date:	December 7, 2020.
Action Required:	Council Appropriation (1 st of 2 readings).
Presenter:	Chris Cullinan, Director of Finance.
Staff Contacts:	Chris Cullinan, Director of Finance. Krisy Hammill., Senior Budget and Management Analyst.
Title:	Year-End Adjustments Fiscal Year 2020.

Background:

The audit for Fiscal Year (FY) 2020 has been completed. To close the City's financial records for the year, several year-end adjustments to various accounts require City Council action. These adjustments are to carry over unspent funds from the last fiscal year to the current fiscal year. These carry overs are the result of either previous City Council policy direction or requirements associated with the funds.

Discussion:

For FY2020, the General Fund ended \$3.9 million in excess of its 17% fund balance policy. Given the unknown and on-going financial impacts of COVID 19, staff recommends that the entire \$3.9 million be transferred into the CIP Contingency account as per the City's financial policy. Any future uses of these contingency funds would require further Council discussion and a resolution.

The City's financial statements will report an actual decline of \$1.8 million in fund balance from FY2019 to FY2020. A portion of this decline was planned, as funds were appropriated at the end of FY2019 and spent in FY2020. This decline was also the result of COVID 19 impacting several of the City's large, economically sensitive revenues (Sales Tax, Meals Tax, and Lodging Tax) resulting in underperformance of their original budget projections.

The City does not anticipate the reported decline in fund balance will have any impact on the City's bond rating as the City still remains in compliance with its 17% fund balance policy and other long-term financial management policies.

Recommendation/Carryover Request:

Per City policy, the surplus fund balance amount is recommended to be transferred to the CIP Contingency

account. Staff recommends that no further uses of these funds be obligated at this time given the significant financial impacts COVID 19 continues to have on the City's current year revenues and ability to transfer cash to the Capital Projects Fund coupled with projected future capital expenditures,

A memo is included with this agenda item which provides a summary of carry over appropriations requested.

Community Engagement:

This agenda item is the first reading of this appropriation.

Budgetary Impact:

The recommended transfer to the CIP Contingency account is in accordance with the City's financial policy and contributes towards a "pay as you go" (PAYGO i.e. cash) C.I.P. versus issuing bonds. This is something the bond rating agencies track closely and consider a good financial management practice

Alignment with Council Vision Areas and Strategic Plan:

This resolution aligns with Goal 4 of the Strategic Plan, to be a well-managed and successful organization.

Recommendation:

Staff recommend that Council approve the first reading of the attached resolution.

Alternatives:

Amend the Recommendations.

Attachments:

1. Memo- End of Year Adjustments.
2. FY 2020 Year End Appropriation.

To: Members of City Council.
From: Chris Cullinan, Director of Finance.
Krisy Hammill, Senior Budget and Management Analyst.
Date: December 7, 2020
Subject: **Fiscal Year 2020 End of Year Adjustments.**

In order to close the City's financial records for Fiscal Year 2020, City Council is requested approve the attached resolution to adjust certain accounts.

Provided below is a brief description of the items contained in the various sections of the appropriation:

- Section I - General Fund.
- Section II - Facilities Repair Fund.
- Section III – Grants Fund.

Included are names of the department or program, the amount of the adjustment and a brief discussion of the reason(s) for the appropriation.

I. General Fund - \$4,392,425.

(a) Departmental Appropriations – Section 1 (a).

The following appropriations are carryovers of unspent funds and shall be considered continuing appropriations unless further altered by Council.

- | | |
|----------------------------|------------|
| • Citizen's Review Board. | \$53,814. |
| • Unity Days. | \$18,625. |
| • Minority Business Fund. | \$19,621. |
| • BAMA Work Fire Safety. | \$3,500. |
| • Skate Park Lighting. | \$100. |
| • Landfill Diversion. | \$169,296. |
| • EMS COVID 19 | \$39,254. |
| • Home to Hope. | \$63,369. |
| • Participatory Budgeting. | \$115,000. |

(b) Additional Transfers and Appropriations – Section 1(b).

- Transfer to Capital Projects Fund - \$3,909,846.
These funds will be transferred to the C.I.P. Contingency Fund per the City's financial policy.

II. Facilities Repair Fund - \$23,899.

- Courthouse Maintenance (P-00099) - \$10,326 - These unspent restricted court fees will be used for future court repair work or records conversion. The amount will be carried over in the Facilities Repair Fund.
- Courthouse Construction (P-00783) - \$13,573 – These unspent restricted court fees will be used for future renovations or construction projects relating to the courts and will be carried over in the Facilities Repair Fund.

III. Grants Fund - \$2,405.

These funds were received from outside sources and are being appropriated to be spent by the respective grants:

- \$2,405 – these funds will be used for additional qualifying State Fire Grant expenditures (1900010).

Cc: Lisa Robertson, Acting City Attorney.

FY 2020 Year End Appropriation

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the actions hereinafter set forth are herein authorized with respect to the accounts of the City listed herein, for the fiscal year ended June 30, 2020. The memo to Council dated December 7, 2020 is hereby made part of this appropriation.

General Fund (105).

(a) Departmental Appropriations.

The following amounts shall be permitted to be carried over and expended in the General Fund's respective cost centers or internal orders in the following fiscal year and shall remain as continuing appropriations unless further altered by Council:

2000141.	Citizen's Review Board.	\$53,814.
2000147.	Unity Days.	\$18,625.
2000151.	Minority Business Fund.	\$19,621.
2000152.	BAMA Work Fire Safety.	\$3,500.
2000155.	Skate Park Lighting.	\$100.
2000156.	Landfill Diversion.	\$169,296.
2000158.	EMS COVID 19	\$39,254.
1621004000	Home to Hope.	\$63,369.
1601001000	Participatory Budgeting.	\$115,000.
Total Section 1 (a).		<u>\$482,579.</u>

(b) Additional Transfers and Appropriations.

9803030000.	Transfer to Capital Projects Contingency Fund.	\$3,909,846.
Total Section 1 (b).		<u>\$3,909,846.</u>

Facilities Repair Fund (107).

- Courthouse Maintenance (P-00099) - \$10,326 - These unspent restricted court fees will be used for future court repair work or records conversion. The amount will be carried over in the Facilities Repair Fund.
- Courthouse Construction (P-00783) - \$13,573 – These unspent restricted court fees will be used for future renovations or construction projects relating to the courts and will be carried over in the Facilities Repair Fund.

Grants Fund (209).

These funds were received from outside sources and are being appropriated to be spent by the respective grants:

- \$2,405 – these funds will be used for additional qualifying State Fire Grant expenditures (1900010).

**CITY OF CHARLOTTESVILLE
CITY COUNCIL AGENDA**



Agenda Date:	December 7 th , 2020
Action Required:	Approve (First Reading of Ordinance)
Presenter:	Lauren Hildebrand, Director of Utilities
Staff Contacts:	Lauren Hildebrand, Director of Utilities Christian Chirico, Gas Utility Engineer
Title:	Vacate Natural Gas Easement – Bond St. (Stonefield)

Background:

In 2014 the City acquired a natural gas line easement from Albemarle Realty, LLC. The easement is located within Bond Street in the Stonefield Development in Albemarle County. The property owner has requested the gas line easement be partially vacated and recorded in another location outside the limits of disturbance for a future building. The proposed building was not a part of the initial site plan that was used to execute the original easement.

Discussion:

The ordinance requires the gas line easement to be partially vacated in order to avoid having the natural gas line and easement be in conflict with a proposed building. This gas line easement in the new location has been granted by the developer and recorded with Albemarle County. The natural gas line will be relocated prior to the construction of the new building and the developer will pay for the relocation.

Alignment with Council Vision Areas and Strategic Plan:

This contributes to Objective 3.2 of the Strategic Plan, to provide reliable and high quality infrastructure.

Community Engagement:

A public hearing is required by law to give the public an opportunity to comment on the proposed conveyance of a public interest. Notice of the public hearing was advertised in the local newspaper at least 7 days in advance of the public hearing.

Alternatives:

If the vacation of the natural gas easement is not approved, the easement will remain in conflict with the proposed building. This will prevent Albemarle County from approving the site plan.

Budgetary Impact:

None.

Recommendation:

Approval of the attached ordinance.

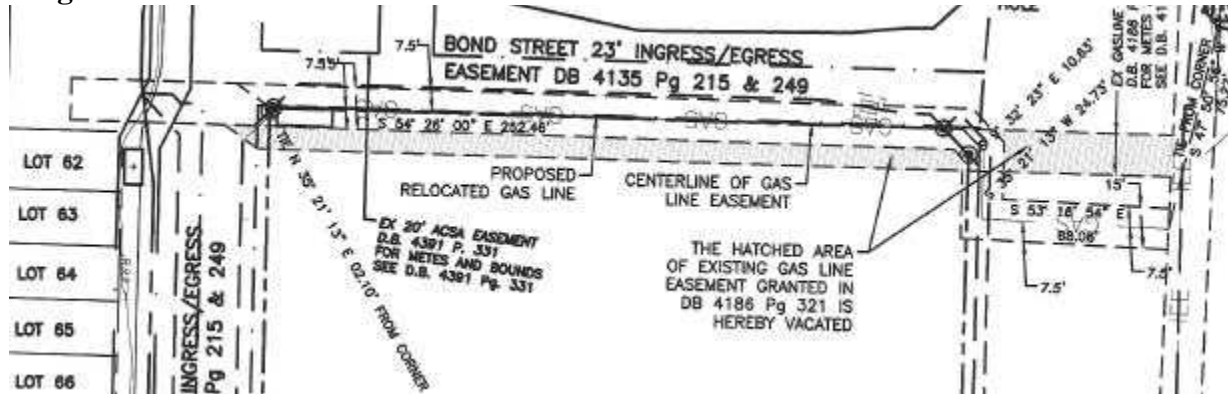
Attachments:

Ordinance and Easement Plat

ORDINANCE
CLOSING, VACATING AND DISCONTINUING
A PUBLIC GAS UTILITY LINE EASEMENTS
WITHIN THE STONEFIELD SHOPPING CENTER
LOCATED IN ALBEMARLE COUNTY, VIRGINIA

WHEREAS, the owner of land (“Landowner”) within the Stonefield Shopping Center (“Stonefield”) previously granted an easement for a public gas utility line easement to the City, over and across land within that shopping center, by deed recorded within the land records maintained by the Clerk of the Circuit Court of Albemarle County, Virginia, within Deed Book 4186 at Page 321 (“Existing Gas Line Easement”), the location of the Existing Gas Line Easement being generally illustrated as a hatched area within Diagram 1, following below:

Diagram 1:



And,

WHEREAS, Landowner and the City have mutually agreed to a relocation of the gas line constructed within the Existing Gas Line Easement, and the Landowner will dedicate and convey to the City a new easement for the relocated gas line, by a deed containing terms and conditions for the new easement; and

WHEREAS, the City’s Director of Utilities recommends that City Council should approve the proposed vacation of the Existing Gas Line Easement, in return for the Landowner’s agreement to convey a new easement upon terms satisfactory to the City for the relocated gas line;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Existing Gas Line Easement is hereby approved to be vacated, provided, however, that said vacation is hereby made conditionally, and expressly subject to the following conditions:

1. The City Attorney shall prepare a Deed releasing and quitclaiming the City’s interests in the Existing Gas Line Easement approved by this Ordinance to be vacated, and the City Attorney shall also prepare a Deed of Easement granting and conveying to the City a new easement for the relocated utility line.

2. Upon presentation of these instruments to the Landowner, the Landowner shall cause each instrument to be executed by a duly authorized officer, member or other agent, and shall deliver the fully-executed instruments to the City Attorney for recordation within the land records of the Jurisdiction in which the land is situated, consistent with this ordinance.
3. The City Attorney will cause the Deed of Vacation to be recorded within the land records of the jurisdiction in which the Existing Gas Line Easement is located, after a Deed of Easement for the new, relocated gas line has been recorded within said land records.

AND BE IT FURTHER ORDAINED BY CITY COUNCIL THAT the requirement within City Code Section 2-97 (for a two readings of an ordinance) is hereby WAIVED and this Ordinance shall be effective upon its adoption by Council without any requirement for a second reading.

Approved by Council
Date: _____, 2020

Clerk of Council

Prepared by Lisa A. Robertson (VSB #32486)
Charlottesville City Attorney's Office
P.O. Box 911, Charlottesville, VA 22902

Albemarle County – TMP: 61W-03-19A

**This deed is exempt from recordation taxes pursuant to
Virginia Code Secs. 58.1-811(A)(3) and 58.1-811(C)(4).**

DEED OF QUITCLAIM

THIS DEED made and entered into on this _____ day of _____, 2020, by and between the CITY OF CHARLOTTESVILLE, VIRGINIA, a municipal corporation (“City”), as **GRANTOR**, and the OCT STONEFIELD PROPERTY OWNER, LLC, a limited liability company organized under the laws of the state of Delaware, as **GRANTEE**, whose address is O’Connor Capital Partners, 535 Madison Avenue - 6th Floor, New York, NY 10022.

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid, receipt of which is hereby acknowledged, the GRANTOR does hereby remise, release, and forever QUITCLAIM to the GRANTEE all of its right, title and interest in or to that portion of GRANTEE’s lands, as described within a deed recorded among the land records maintained by the Clerk of the Charlottesville Circuit Court within Deed Book 4186 at Page 321, said right, title and interest having previously been conveyed to the GRANTOR as and for an easement and right-of-way for a public gas utility line (“Existing Gas Line Easement”) crossing the GRANTEE’s property. The Charlottesville City Council approved the vacation of the City’s interests in said property, by Ordinance approved _____, 2020.

IN WITNESS WHEREOF, the GRANTOR has caused its name to be assigned hereto and its seal to be affixed and attested by its appropriate officers, all after due authorization, on the day and year first above written.

CITY OF CHARLOTTESVILLE, VIRGINIA

BY: _____ [seal]
Nikuyah Walker, Mayor

ATTEST:

Clerk of Council

STATE OF VIRGINIA
CITY OF CHARLOTTESVILLE

I, _____, a Notary Public in and for the City of Charlottesville within the State aforesaid, do hereby certify that Nikuyah Walker, Mayor of the City of Charlottesville, Virginia, and Kyna Thomas, its Clerk of Council, whose names are signed to the foregoing writing, bearing date of _____, 2020, have each duly acknowledged the same before me within my City and State aforesaid.

My Commission Expires: _____

Given under my hand this _____ day of _____, 2020.

Notary Public
Registration # _____

Approved as to Form:

Lisa A. Robertson, Acting City Attorney

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	December 7, 2020
Action Requested:	Consideration of a Rezoning Application
Presenter:	Matt Alfele, NDS
Staff Contacts:	Matt Alfele, City Planner
Title:	ZM20-00004 817 Nassau Street

Background:

Justin Shimp (Shimp Engineering, P.C., representing the owner, Hulett Management Services Inc.) has submitted a Rezoning Application pursuant to City Code Sec. 34-41 seeking a rezoning of approximately (0.19) acres of land identified within City tax records as Tax map and Parcel (TMP) 610084000 (Subject Property) from the existing R-1S (Residential Small Lot) to R-2 (Residential Two-Family) with no development plan. The Subject Property has road frontage on Nassau Street and the Comprehensive Land Use Map for this area calls for Low Density Residential.

Discussion:

The Planning Commission discussed this matter at their November 10, 2020 meeting.

The Commission questioned the applicant on why the request was being made. Under R-1S you can have two units, but with a rezoning, each unit can be individually owned and there are no size restrictions on the second unit. If the lot stayed R-1S and had an ADU, the ADU could not be owned by the occupant and would need to be smaller than the main unit.

Alignment with City Council’s Vision and Strategic Plan:

If City Council approves the rezoning request, the project could contribute to *Goal 3: A Beautiful and Sustainable Natural and Built Environment, 3.1 Engage in robust and context sensitive urban planning and implementation*, and the City Council Vision of *Quality Housing Opportunities for All*.

Community Engagement:

The Planning Commission held a joint Public Hearing with City Council on this matter at their meeting on November 10, 2020.

No members of the public spoke.

Budgetary Impact:

This has no impact on the General Fund.

Recommendations:

The Planning Commission took the following action:

Mr. Solla-Yates moved to recommend approval of this application to rezone the subject property from R-R1S to R-2, on the basis that the proposal would serve the interests of the general public and good zoning practice.

Mr. Lahendro seconded the motion.

Ms. Dowell - Yes

Mr. Heaton - Yes

Mr. Lahendro - Yes

Mr. Mitchell - Yes

Ms. Russell - Yes

Mr. Solla-Yates - Yes

Mr. Stolzenberg - Yes

The Motion passed 7 - 0

Alternatives:

City Council has several alternatives following a public hearing:

- (1) by motion, deny the requested Rezoning as recommended by the Planning Commission;
- (2) by motion, take action to approve the attached ordinance granting the Rezoning;
- (3) by motion, request changes to the attached ordinance, and then approve the Rezoning; or
- (4) by motion, defer action on the Rezoning.

Attachments:

A. Ordinance

B. Link to the Staff Report and background information from the November 10, 2020 Planning Commission meeting:

<https://charlottesvilleva.civicclerk.com/Web/Player.aspx?id=882&key=-1&mod=-1&mk=-1&nov=0>

ORDINANCE
TO APPROVE A REZONING TO CHANGE THE ZONING DISTRICT
CLASSIFICATION OF 817 NASSAU STREET, FROM
R-1(S) (SINGLE FAMILY RESIDENTIAL, SMALL LOT) TO R-2 (TWO FAMILY)

WHEREAS, Hulett Management Services, Inc., (“Landowner”) has submitted rezoning application ZM20-00004, proposing a change in the zoning district classification of approximately 0.19 acre of land, having an address of 817 Nassau Street, further identified by City Real Estate Parcel Identification No. 610084000, from “R-1(S)” to “R-2” (the “Proposed Rezoning”); and

WHEREAS, a joint public hearing on the Proposed Rezoning was conducted by the Planning Commission and City Council on November 10, 2020, after notice to the public and to adjacent property owners as required by law;

WHEREAS, on November 10, 2020, following the joint public hearing, the Planning Commission voted to recommend that City Council should approve the Proposed Rezoning; and

WHEREAS, this City Council has considered the matters set forth within: the Landowner’s rezoning application, the Comprehensive Plan Land Use Map designation for the Subject Property (low-density residential), the NDS Staff Report, comments received from the public, and the Planning Commission’s recommendation, and, based upon said matters, this Council hereby finds and determines that the public necessity, convenience, general welfare and good zoning practice require the Proposed Rezoning; that both the existing zoning classification and the proposed zoning classification are reasonable; and that the Proposed Rezoning is consistent with the Comprehensive Plan; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Zoning District Map Incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, be and hereby is amended and reenacted as follows:

Section 34-1. Zoning District Map. The zoning district classification of all of the land identified by City Real Estate Parcel Identification No. 610084000, containing approximately 0.19 acre (approximately 8,450 square feet), having an address of 817 Nassau Street, is hereby changed from R-1(S) (Single Family Residential Small Lot) to R-2 (Two Family Residential)

BE IT FURTHER ORDAINED THAT the City’s Zoning Administrator shall update the Zoning District Map to reflect the new R-2 zoning district classification for the Subject Property.

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	December 7, 2020
Action Required:	Ordinance Enactment
Staff Contacts:	Lisa Robertson, Acting City Attorney John Blair, Acting City Manager
Presenters:	John Blair, Acting City Manager
Title:	COVID-19 Ordinance Amendment (4/5 Vote Required)

Background:

On March 12, 2020, Dr. Tarron J. Richardson, in his capacity as Director of Emergency Management, declared the potential spread of COVID-19 an emergency on March 12, 2020 pursuant to a Resolution adopted by the Charlottesville City Council.

After Dr. Richardson's Declaration of Emergency, Virginia Governor, Ralph S. Northam, has issued a number of Executive Orders related to COVID-19.

On July 27, 2020, the Charlottesville City Council enacted an ordinance designed to contain the spread of COVID-19.

On September 21, 2020, the Charlottesville City Council re-enacted its ordinance designed to contain the spread of COVID-19.

Discussion:

On November 13, 2020, Governor Northam amended Executive Order 67 which limits all public and private in-person gatherings to no more than twenty-five (25) individuals.

The Council's September 21, 2020 ordinance permits public and private in-person gatherings of up to fifty (50) individuals.

The proposed amendment brings the Council's September 21, 2020 ordinance into congruence with Governor Northam's Executive Order 67.

Attachments:

Proposed Ordinance Amendment

**AN ORDINANCE TO PREVENT THE SPREAD OF THE NOVEL CORONAVIRUS,
SARS-CoV-2, AND THE DISEASE IT CAUSES, COMMONLY REFERRED TO AS
COVID-19**

WHEREAS, on March 11, 2020, the World Health Organization declared the outbreak of the novel coronavirus, SARS-CoV-2, and the disease it causes, commonly referred to as COVID-19, a pandemic (for reference in this ordinance, this virus and the disease that it causes are referred to as “COVID-19”); and

WHEREAS, City Manager and Director of Emergency Management, Dr. Tarron J. Richardson, declared the potential spread of COVID-19 an emergency on March 12, 2020 pursuant to a Resolution adopted by the Charlottesville City Council; and

WHEREAS, also on March 12, 2020, Governor Ralph S. Northam issued Executive Order Number Fifty-One (“EO 51”) declaring a state of emergency for the Commonwealth of Virginia because of the COVID-19 pandemic; EO 51 acknowledged the existence of a public health emergency arising from the COVID-19 pandemic and that it constitutes a “disaster” as defined by Virginia Code § 44-146.16 because of the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, COVID-19 spreads person to person and, at this time, it appears that COVID-19 is spread primarily through respiratory droplets, which can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs; spread is more likely when people are in close contact with one another (within about six feet)ⁱ; and.

WHEREAS, COVID-19 is extremely easy to transmit, can be transmitted by infected people who show no symptoms, and the population has not developed herd immunityⁱⁱ; and

WHEREAS, at this time, there is no known cure, no effective treatment, no vaccine, and because people may be infected but asymptomatic, they may unwittingly infect othersⁱⁱⁱ; and

WHEREAS, the World Health Organization, the United States Centers for Disease Control and Prevention (“Centers for Disease Control”) and the Virginia Department of Health have identified several behaviors and practices that are fundamental in controlling the spread of COVID-19 in the community: frequently washing hands, sanitizing frequently touched surfaces, wearing a cloth face covering when in public, maintaining a separation of at least six feet between people (“social distancing” or “physical distancing”), limiting the size of gatherings in public places, and limiting the duration of gatherings^{iv}; and

WHEREAS, with respect to people wearing face coverings when in public, current evidence suggests that transmission of COVID-19 occurs primarily between people through direct, indirect, or close contact with infected people through infected secretions such as saliva and respiratory secretions, or through their respiratory droplets, which are expelled when an infected person coughs, sneezes, talks or sings; and some outbreak reports related to indoor crowded spaces have suggested the possibility of aerosol transmission, combined with droplet transmission, for example, during choir practice, in food establishments, or in fitness classes^v; and

WHEREAS, according to the World Health Organization, fabric face coverings, “if made and worn properly, can serve as a barrier to droplets expelled from the wearer into the air and environment,” however, these face coverings “must be used as part of a comprehensive package of preventive measures, which includes frequent hand hygiene, physical distancing when possible, respiratory etiquette, environmental cleaning and disinfection,” and recommended precautions also include “avoiding indoor crowded gatherings as much as possible, in particular when physical distancing is not feasible, and ensuring good environmental ventilation in any closed setting”^{vi}; and

WHEREAS, the World Health Organization advises that people take a number of precautions, including: (i) maintaining social distancing because when someone coughs, sneezes, or speaks they spray small liquid droplets from their nose or mouth which may contain virus, and if other persons are too close, they can breathe in the droplets, including the COVID-19 virus, if the person coughing, sneezing, or speaking has the disease; and (ii) avoiding crowded places because when people are in crowds, they are more likely to come into close contact with someone that has COVID-19 and it is more difficult to maintain social distancing^{vii}; and

WHEREAS, the Centers for Disease Control caution that: (i) the more people a person interacts with at a gathering and the longer that interaction lasts, the higher the potential risk of becoming infected with COVID-19 and COVID-19 spreading; (ii) the higher level of community transmission in the area that a gathering is being held, the higher the risk of COVID-19 spreading during the gathering; and (iii) large in-person gatherings where it is difficult for persons to remain spaced at least six feet apart and attendees travel from outside the local area pose the highest risk of COVID-19 spreading^{viii}; and

WHEREAS, the Centers for Disease Control state that cloth face coverings are strongly encouraged in settings where persons might raise their voice (*e.g.*, shouting, chanting, singing)^{ix}; and

WHEREAS, the Centers for Disease Control advise, in restaurants: (i) wearing cloth face coverings when less than six feet apart from other people or indoors; (ii) wearing face coverings as much as possible when not eating; (iii) maintaining a proper social distancing if persons are sitting with others who do not live with the person; and (iv) sitting outside when possible^x; and

WHEREAS, for these and related reasons, the Virginia Department of Health has stated that those businesses that operate indoors and at higher capacity, where physical distancing “recommendations” are not observed, sharing objects is permitted, and persons are not wearing cloth face coverings, create higher risk for the transmission of COVID-19^{xi}; and

WHEREAS, since Governor Northam issued EO 51 on March 13, 2020, he has issued several more Executive Orders jointly with Orders of Public Health Emergency issued by M. Norman Oliver, MD, MA, State Health Commissioner, pertaining to COVID-19; as of the date of adoption of this ordinance, “Executive Order Number Sixty-Seven (2020) and Order of Public Health Emergency Seven, Phase Three Easing of Certain Temporary Restrictions Due to Novel Coronavirus (COVID-19)” (collectively referred to as “EO 67”)^{xii}, which became effective at 12:00 a.m. on July 1, 2020, is in effect; and

WHEREAS, as of July 21, 2020, the spread of COVID-19 in the Commonwealth, in the Thomas Jefferson Health District of which the City is a member, and in the City itself, has been

increasing since late June, shortly before EO 67 moved the Commonwealth into “Phase 3” of its reopening plan, the curve in the positivity rate of persons tested for COVID-19 is no longer flattened, and the community is currently experiencing more transmission of COVID-19.

NOW, THEREFORE, BE IT ORDAINED by the Council of Charlottesville, Virginia, that:

Sec. 1. Purpose

For the reasons stated in the recitals, the purpose of this ordinance is to prevent the spread of COVID-19.

Sec. 2. Authority

This ordinance is authorized by §14 of the Charlottesville City Charter, which enables the City Council to enact ordinances to “prevent the introduction or spreading of contagious or infectious diseases, and prevent and suppress diseases generally.”

Sec. 3. Definitions

The following definitions apply to this ordinance:

- A. “Expressive activity” means a non-commercial activity in which a person intends to convey a lawful message through speech or conduct that is likely to be perceived by an observer of the speech or conduct, and includes any lawful public gathering, demonstration, procession, or parade in which the primary purpose is to exercise the rights of free speech or peaceable assembly.
- B. “Face covering” means an item normally made of cloth or various other materials with elastic bands or cloth ties to secure over the wearer’s nose and mouth in an effort to contain or reduce the spread of potentially infectious respiratory secretions at the source (*i.e.*, the person’s nose and mouth).
- C. “Food establishment” means a food establishment as defined in 12VAC5-421-10 and the term includes, but is not limited, any place where food is prepared for service to the public on or off the premises, or any place where food is served, including restaurants, lunchrooms, short order places, cafeterias, coffee shops, cafes, taverns, delicatessens, dining accommodations of public or private clubs. For purposes of this ordinance, “food establishment” does not include kitchen facilities of hospitals and nursing homes, dining accommodations of public and private schools and institutions of higher education, and kitchen areas of local correctional facilities subject to standards adopted under Virginia Code § 53.1-68.
- D. “Gathering” means a planned or spontaneous indoor or outdoor, or both, event with people participating or attending for a common purpose such as a community event, concert, festival, conference, parade, wedding, sporting event, party (including parties at private residences), celebration, and other social events. “Gathering” does not include a place of employment where persons are present to perform their functions of employment, events or activities on the grounds of an institution of higher education- or school-owned property that

are institution or school related, or persons engaging in religious exercise at their religious institution or other place of religious significance.

- E.. “Micro-producers” means the retail shop, bar, tasting room, tap-room, restaurant or other similar facility of a microbrewery, microwinery, or microdistillery, in which twenty-five (25) percent or more of the facility's production is sold directly to the consumer on-site.

- F. “Public place” means any place other than a person’s residence or personal vehicle that is indoors, or the indoor portion of the place, or outdoors where at least six feet of physical distancing between persons not living in the same household cannot be maintained, and generally open to the public including, but not limited to, retail stores, food establishments, theaters, personal care and personal grooming services, and transportation other than a personal vehicle. “Public place” does not include institutions of higher education and other schools, fitness and other exercise facilities, religious institutions, indoor shooting ranges, and the City courthouse buildings.

- G. “Small brewery” means the retail shop, bar, tasting room, tap-room, restaurant or other similar facility of the small brewery which sells directly to the consumer.

Sec. 4. Limitation on the Number of Persons at Food Establishments

- A. *Indoor occupancy.* Indoor occupancy at food establishments, micro-producers, and small breweries must not be more than 50 percent of the lowest occupancy load on the certificate of occupancy issued by the City of Charlottesville. If the building or structure does not have an occupancy load established on a certificate of occupancy issued by the City of Charlottesville, indoor occupancy must not be more than 50 persons.

- B. *Persons at gathering are counted.* Persons participating in or attending a gathering who are indoors count towards the occupancy limits established by this section.

- C. *Persons working not counted.* The employees or independent contractors of any food establishment, micro-producer, or small brewery do not count towards the occupancy limits established by this section.

- D. *State requirements, recommendations, and guidance.* Except as provided in Sections 4(A), (B), and (C), this section does not affect any requirement, recommendation, or guidance including, but not limited to, those requiring or recommending physical distancing that apply to food establishments, micro-producers, or small breweries established in EO 67, or as it may be further amended or superseded, any Order of Public Health Emergency, any workplace safety regulations, or any other state or federal laws related to the COVID-19 pandemic.

Sec. 5. Limitation of the Number of Attendees at Gatherings

- A. *Gatherings of more than ~~25~~ 50 persons prohibited.* All public and private in-person gatherings of more than 25 50 persons are prohibited except as provided in Section 5(B).
- B. *Gatherings not subject to the ~~25~~ 50-person limit.* Section 5(A) does not apply to the following gatherings and, instead, the maximum size for gatherings established in EO 67, or as it may be further amended or superseded, or any Order of Public Health Emergency, applies:
 - 1. Gatherings for religious exercise including, but not limited to, religious ceremonies.
 - 2. Wedding ceremonies and wedding receptions.
 - 3. Expressive activity on a public street, public sidewalk, spontaneous demonstrations as defined in the City Manager's standard operating procedures for special events and demonstrations on city property and on other public property as permitted by a special event permit issued by the City Manager.
- C. *Persons working not counted.* Persons working at gatherings, either as employees or independent contractors, do not count towards the limit on the number of persons at a gathering.
- D. *State requirements, recommendations, and guidance.* Except as provided in Sections 5(A), (B), and (C), this Section does not affect any requirement, recommendation, or guidance including, but not limited to, those requiring or recommending physical distancing, that apply to gatherings established in EO 67, or as it may be further amended or superseded, any Order of Public Health Emergency, any workplace safety regulations, or any other State or federal laws related to the COVID-19 pandemic.

Sec. 6. Face Coverings

- A. *Face coverings required.* Face coverings must be worn by all persons in public places except as provided in Sections 6(B) and (C).
- B. *Persons not required to wear face coverings.* Face coverings are not required to be worn by the following persons:
 - 1. *Children.* Children 10 years of age and under.
 - 2. *Wearing face covering poses certain risks.* Persons for whom wearing a face covering poses a substantial mental or physical health, safety, or security risk such as persons who have trouble breathing or are unconscious, incapacitated, or otherwise unable to remove the face covering without assistance. For this exception to apply to any person claiming that wearing a face covering poses a substantial mental or physical health risk: (i) the person must present a valid document from a physician or other health care practitioner licensed, accredited, or certified to perform specified health care services, including mental health services, consistent with State law, specifying the medical necessity for not wearing a face covering and the date on which the person may begin wearing a face covering again; and (ii) the public place is unable to provide goods, services, or activities outdoors to the person or to the adult accompanying a child 10 years of age or under.

3. *Certain employees.* On-duty employees of the public place for which workplace safety regulations promulgated by the State Safety and Health Codes Board, or face covering rules established by an applicable Executive Order of the Governor or an Order of Public Health Emergency by the State Health Commissioner, apply.

C. *Circumstances when face coverings are not required to be worn by any persons.* Face coverings are not required to be worn by persons in the following circumstances:

1. *Outdoor activities.* While persons are engaged in outdoor activities in public places such as parks and other open spaces, provided that minimum physical distancing established by any applicable Executive Order of the Governor or Order of Public Health Emergency of the State Health Commissioner is maintained.
2. *Eating or drinking.* While a person is eating food or drinking a beverage.
3. *End of waiver of Virginia Code § 18.2-422.* When the waiver of Virginia Code § 18.2-422, currently established in EO 67, Section (C)(3), or as it may be further amended or superseded, ends.

D. *Responsibility of adults accompanying minors.* Adults accompanying minors between the ages of 10 years old and 17 years old must attempt to prompt the minor to wear face coverings while in public places.

Sec. 7. Effect of More Restrictive Executive Order or Order of Public Health Emergency

Sections 4, 5, or 6 do not apply when a more restrictive requirement in an Executive Order or an Order of Public Health Emergency is in effect.

Sec. 8. Penalties

- A. *Penalty for violation of Section 4.* A violation of Section 4 by the owner of the food establishment, micro-producer, or small brewery and any manager or assistant manager, however titled, responsible for the operation and management of the food establishment, micro-producer, or small brewery, after first being warned by a law enforcement to lower the establishment's occupancy, is punishable as a Class 3 misdemeanor. Section 4(D) is not enforced pursuant to this ordinance.
- B. *Penalty for violation of Section 5.* A violation of Section 5 by the owner or tenant of the private property on which the gathering is located, after first being warned by a law enforcement officer to disperse the gathering, is punishable as a Class 3 misdemeanor. A violation of Section 5 by any person attending the gathering, after first being warned by a law enforcement officer to disperse from the gathering because it exceeds the limitation for a gathering and having failed to disperse after a reasonable period of time not to exceed two minutes, is punishable as a Class 4 misdemeanor. Section 5(D) is not enforced pursuant to this ordinance.
- C. *Penalty for violation of Section 6.* A violation of Section 6 by any person subject to its requirements, after first being warned by a law enforcement officer to apply a face covering,

is punishable as a Class 4 misdemeanor. No person under the age of 18 years old is subject to a criminal penalty for failing to wear a face covering.

D. *Injunctive relief.* The City, the City Council, and any City officer authorized by law, may seek to enjoin the continuing violation of any provision of this ordinance by bringing a proceeding for an injunction in any court of competent jurisdiction.

Sec 9. Duration

This ordinance reenactment is effective 12:00 a.m., December 8, 2020 and shall expire upon the cessation of the City's Declaration of Emergency of March 12, 2020, unless amended by the Charlottesville City Council.

Sec. 10. Effect of this Ordinance on the Powers of the Director of Emergency Management

This ordinance does not affect the powers of the City Manager, acting as the Director of Emergency Management, pursuant to Virginia Code § 44-146.21 during the COVID-19 disaster.

Sec. 11. Severability

It is the intention of the City Council that any part of this ordinance is severable. If any part is declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, the unconstitutionality or invalidity does not affect any other part of this ordinance.

Sec. 12. Waiver of Three Day Intervention

This ordinance is adopted with the vote of four-fifths of City Councilors on the date of its introduction. The requirement in Charlottesville City Code Section 2-97 that three days intervene between an ordinance's introduction and its passage is waived.

ⁱ *Xponential Fitness v. Arizona*, No. CV-20-01310-PHX-DJH, 2020 WL 3971908, at *1 (D. Ariz. July 14, 2020) and cases and authorities cited therein.

ⁱⁱ *Xponential Fitness v. Arizona*, No. CV-20-01310-PHX-DJH, 2020 WL 3971908, at *1 (D. Ariz. July 14, 2020) and cases and authorities cited therein.

ⁱⁱⁱ *South Bay United Pentecostal Church v Newsom*, 140 S. Ct. 1613 (May 29, 2020) (Roberts concurring in denial of application for injunctive relief); on the fact that there is no effective treatment as of the date of this ordinance, see also https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public/myth-busters?gclid=EAIaIQobChMI9IvSvJPk6gIVGrbICh2TYw9QEAAAYASAAEgKjDfD_BwE#medicines; <https://www.health.harvard.edu/diseases-and-conditions/treatments-for-covid-19>; <https://www.mayoclinic.org/diseases-conditions/coronavirus/diagnosis-treatment/drc-20479976>.

^{iv} See <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/considerations-for-events-gatherings.html> and <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/business-employers-bars-restaurants.html> and links therein; <https://www.vdh.virginia.gov/coronavirus/#COVID-19-resources> and links therein.

^v World Health Organization Scientific Brief, July 9, 2020 <https://www.who.int/news-room/commentaries/detail/transmission-of-sars-cov-2-implications-for-infection-prevention-precautions>.

^{vi} World Health Organization Scientific Brief, July 9, 2020 <https://www.who.int/news-room/commentaries/detail/transmission-of-sars-cov-2-implications-for-infection-prevention-precautions>; see also Statement of Dr. Michael Ryan, World Health Organization COVID-19 Virtual Press Conference, transcript page 12,

https://www.who.int/docs/default-source/coronaviruse/transcripts/covid-19-virtual-press-conference---17-july.pdf?sfvrsn=dd7f91a1_0 (“So it’s all about the setting, it is about the duration you spend in that setting and it’s about the intensity of the activities that you participate in in that setting and when you get into a particular setting, a very overcrowded situation in an indoor environment then effectively all bets are off because so many of the modes of transmission come into play; the aerosol route, the airborne route, the fomite or contamination route. So the more close you are to other people, the more you are inside, the more the activity is intense or involves very close social contact the more that multiple modes of transmission come into play. So in that sense it is about you understanding your risk, it is about you managing that risk and being aware of the situation that you find yourself in personally and reducing that risk for you, for your family, for your children and for your community. It is important, as I've said previously, that governments communicate those risks very, very carefully and it is also important that providers, authorities and others ensure that those environments are as safe as possible and that the risks are also managed.”)

^{vii} <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public>.

^{viii} <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/considerations-for-events-gatherings.html>; see also <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html>.

^{ix} <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/considerations-for-events-gatherings.html>.

^x <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/personal-social-activities.html>.

^{xi} <https://www.vdh.virginia.gov/coronavirus/schools-workplaces-community-locations/businesses/>.

^{xii} [https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/EO-67-and-Order-of-Public-Health-Emergency-Seven---Phase-Three-Easing-of-Certain-Temporary-Restrictions-Due-to-Novel-Coronavirus-\(COVID-19\).pdf](https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/EO-67-and-Order-of-Public-Health-Emergency-Seven---Phase-Three-Easing-of-Certain-Temporary-Restrictions-Due-to-Novel-Coronavirus-(COVID-19).pdf).

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	December 7, 2020
Action Required:	Approval of Resolution
Presenter:	Kate Kogge, Co-Chair, Charlottesville Sister Cities Commission (CSSC) Joan Clarke, Chair, CSCC Spanish-Speaking Sister City Subcommittee
Staff Contact:	Kyna Thomas, Clerk of Council/City Staff Liaison to CSSC
Title:	Resolution Initiating Sister City Partnership Between Charlottesville, USA and Huehuetenango, Guatemala

Background:

In 2019, at the request of Charlottesville City Schools educators and members of our area's growing Latinx community, the Charlottesville Sister Cities Commission embarked on a reasoned and systematic approach to identifying a potential new Sister City partnership between our home city and a Spanish-speaking city in the Americas. This memo sets forth our recommendation for City Council to take the initial steps of formalizing a Sister City relationship with Huehuetenango, Guatemala.

Charlottesville enjoys Sister City relationships with other world cities for various reasons, including educational partnerships, artists in residence, humanitarian efforts, etc. We are recommending the city of Huehuetenango as an ideal Spanish-speaking Sister City based on our cities having many similarities on which activities and exchanges can be built.

Along with Spanish course offerings in most City schools, Spanish is the second most common language spoken in our city. It is also important to note that a substantial portion of our Spanish-speaking population are native to Guatemala. Most importantly, the Charlottesville Sister Cities Commission would increase its capability to develop mutually-beneficial cultural, educational, medical, governmental, economic, and humanitarian activities and exchanges through a new partnership with Huehuetenango, Guatemala.

Key criteria for our recommendation included:

- Citizens and community leaders in both cities demonstrated an interest in this partnership.
- A well-established local advocate group (Ixtatán Foundation) is willing and able to help nurture and support the relationship between the two cities on an ongoing basis.
- Citizens of both cities are readily able to communicate with each other and travel to each city safely.

- There is potential for activities between our two cities to be developed in numerous areas such as cultural, educational, medical, governmental, economic, and humanitarian.
- We have good reason to believe the relationship would be sustainable over time.

Selection Process:

The Charlottesville Sister Cities Commission created an inclusive and open process for identifying and selecting a Spanish-speaking Sister City. CSCC first invited members of our community to submit written proposals and make in-person presentations to the Sister Cities Commission. The Commission reviewed all proposals and selected the cities of Huehuetenango, Guatemala and Villa Carlos Paz, Argentina as the two cities that best demonstrated sufficient volunteers, local organizational support, and institutions willing to establish a relationship between the two cities.

In order to seek broad input from the Charlottesville community on the selection of a Spanish-speaking Sister City, CSCC worked closely with City Communications Director Brian Wheeler to establish a public involvement platform that included media releases, interviews, a public survey, and an open invitation to attend a public information session. This public information session took place January 22, 2020 at Buford Middle School, with presentations about both finalist cities and an opportunity for public comment. Commission members were available for questions and comments from the community and from the local media. Hundreds of members of the public subsequently participated in in-person and on-line surveys on the selection of a Spanish-speaking Sister City, with survey responses due by February 17, 2020.

CSCC reconvened on February 27, 2020 to discuss the results of the public information session and the public surveys. In the surveys, the city of Huehuetenango received more votes than the city of Villa Carlos Paz. After considering the survey responses and a wide variety of other factors, CSCC members voted to recommend the city of Huehuetenango, Guatemala to the Charlottesville City Council as an ideal candidate for a Spanish-speaking Sister City.

Discussion:

From geography to community vibrancy to ethnic diversity and beyond, there are numerous similarities between Charlottesville and Huehuetenango which would provide a strong foundation for a Sister City relationship between the communities. Huehuetenango rests at the foothills of the Cuchumatanes mountain range in the Western Highlands of Guatemala. A hub of activity, 'Huehue' is home to numerous universities, hospitals, hotels, businesses, and cultural sites that draw numerous tourists to the area. It is one of the most diverse cities in the region, as many of the 23 indigenous Mayan cultures of Guatemala are represented and deeply woven into the history and identity of the city. Since 2001, the Charlottesville-based Ixtatán Foundation (www.ixtatan.org) has been working to develop educational, community development and public health programs and activities in Huehuetenango and its surrounding region. There are also many Charlottesville-area residents who speak the same languages spoken in Huehuetenango and thus could be available for translating and interpreting.

For all of these reasons and more, CSCC recommends that Council approve the attached resolution initiating a Sister City partnership between Charlottesville and Huehuetenango. The first step in this partnership process would be a year-long discernment period whereby representatives of both communities would identify potential areas for collaboration between the cities, primarily through virtual communications to start (given COVID-related travel limitations). By the end of 2021, the two

communities should aim to have crafted a Memorandum of Understanding formalizing the terms and goals of a Sister City partnership between Charlottesville and Huehuetenango, for official approval by both city governments and for submission to Sister Cities International. If Council approves the resolution on Dec. 7, then citizen-initiated projects that contribute to the development of ties between Charlottesville and Huehuetenango will be eligible for project grants from the Sister Cities Commission during the upcoming 2021 grants cycle.

Alignment with Council Vision Area and Strategic Plan:

By facilitating a diverse array of cross-cultural exchanges and by broadening the horizons of local residents through international collaboration and understanding, Charlottesville's Sister City program contributes significantly to the enhancement of *C'ville Arts and Culture* and to the city's desire to be a *Community of Mutual Respect*. These Vision Areas would be enriched by the establishment of a thriving, mutually-beneficial Sister City relationship between Charlottesville and a Spanish-speaking city here in the Americas.

Section 5.4 of the City's Strategic Plan speaks to the objective of "Fostering Effective Community Engagement." The Sister City program fosters invaluable (and often unparalleled) opportunities for community residents to engage in life-changing cross-cultural exchanges, eye-opening educational programs and other activities of significant impact and effect.

Budgetary Impact:

The Sister City partnership between Charlottesville and Pleven, Bulgaria was recently put on 'Sister City emeritus' status due to lack of any sustained activity between the two cities for over 10 years. (Meanwhile, Charlottesville's three other Sister City partnerships -- Winneba, Ghana; Poggio a Caiano, Italy; and Besancon, France -- remain quite active.) Since Huehuetenango would essentially be replacing Pleven as Charlottesville's fourth Sister City, the addition of Huehuetenango would not come at any budgetary cost to the City. The City's renewed commitment of a \$15,000/year allocation to the CSCC would continue to be sufficient in sustaining the work of the Sister City program moving forward.

Alternatives:

City Council could decline to proceed with initiating a new Sister City, or delay the matter for further review.

RESOLUTION INITIATING SISTER CITY PARTNERSHIP BETWEEN CHARLOTTESVILLE, USA AND HUEHUETENANGO, GUATEMALA

WHEREAS, the Charlottesville Sister Cities Commission (CSSC) has acted on a desire by community members to pursue establishment of a Spanish-speaking Sister City for Charlottesville;

WHEREAS, as the result of a thorough selection process involving substantial public input, the CSSC has recommended Huehuetenango, Guatemala as Charlottesville's newest Sister City;

WHEREAS, Huehuetenango and Charlottesville enjoy numerous similarities and strong support from individuals and organizations in both communities in sustaining a Sister City partnership;

NOW, THEREFORE, BE IT RESOLVED by the Charlottesville City Council that a Sister City partnership between Charlottesville and Huehuetenango is hereby initiated;

AND, FURTHERMORE, that representatives from Charlottesville and Huehuetenango shall hereby work to identify potential areas for collaboration between the cities, with the goal of crafting a Memorandum of Understanding formalizing the terms and goals of a Sister City partnership by the end of 2021 for official approval by both city governments and for submission to Sister Cities International.

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	December 7, 2020
Action Requested:	Motion to Approve 2021 Legislative Positions
Presenter:	David Blount, Thomas Jefferson Planning District Commission Lisa Robertson, Chief Deputy City Attorney
Staff Contacts:	Lisa Robertson
Title:	Review of 2021 TJPDC and City Council Legislative Positions

Background:

Each year, the localities in the Thomas Jefferson Planning District region adopt legislative statements and positions on issues of importance and concern to local governments. These positions form the basis for local advocacy efforts during the General Assembly session each winter. The City Attorney's Office works in conjunction with TJPDC's legislative liaison during the session to provide advocacy on behalf of the City's interests.

Additionally each year, City Council establishes a statement of legislative positions, as a means of communicating to legislators (i) issues of concern and interest to Council, and (ii) requests, if any, for legislative action items.

Discussion:

TJPDC Program—The TJPDC legislative program has been drafted based on discussions with and input from the six localities in the region. The recommendations, requests and positions in the program cover a range of issues and topics that are anticipated to become the subject of proposed legislation or the state budget during the upcoming session, and that may be of concern to the region or to individual localities in the region.

City Position Statement—The City Position Statement has been drafted to reflect ongoing issues of concern and interest specifically to Council. We try not to repeat positions that are repetitive of those advocated within the TJPDC Program, but where City Council has a slightly different position than TJPDC as a whole, it's appropriate to include it within Council's position statements.

The City's Position Statement has been assembled with the opportunity for input from the Council Legislative Committee (Councilors Magill and Snook), giving consideration to information and recommendations received from other organizations of which the City is a member and the City's Public Works, Environmental Division.

Alignment with City Council's Vision and Strategic Plan: Yes. We believe that the TJPDC Program as well as the proposed City Position Statements promote all of the Goals of the City Council's Strategic Plan: (1) Inclusive, Self-Sufficient Community; (2) Healthy and Safe City, (3) Beautiful Environment; (4) Strong, Diversified Economy; and (5) Responsive Organization.

Community Engagement: N/A

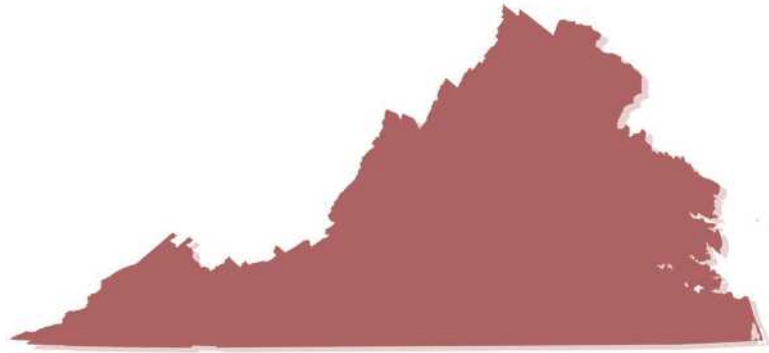
Budgetary Impact: N/A

Recommendation: We recommend approval of the TJPDC 2021 Program, and approval of the City's 2021 Statement of Legislative Positions

Alternatives: N/A

Attachments:

- (1) TJPDC 2021 Legislative Program and List of Changes
- (2) Proposed City Statement of Legislative Positions (2021)



Thomas Jefferson Planning District
2021 LEGISLATIVE PROGRAM

Albemarle County | City of Charlottesville
Fluvanna County | Greene County
Louisa County | Nelson County

DRAFT
October 2020

Dale Herring, Chair
Chip Boyles, Executive Director
David Blount, Director of Legislative Services

TOP LEGISLATIVE PRIORITIES

Support for Recovering Communities

PRIORITY: The Planning District’s member localities support action at the federal, state and local levels to protect local communities and to ensure their viability in the face of the COVID-19 health emergency.

The ongoing public health emergency has Virginia communities facing new challenges to their post-COVID local economies and the ability to restore and strengthen them. Coupled with worries about stalling national and state economies, localities are bracing for revenue collections that may fall millions of dollars short of expectations. Small businesses face a long and difficult recovery. Action, investment and creative solutions are needed, at the federal, state and local levels, to protect these local communities and to ensure their viability.

We believe retention of current businesses is crucial. Small businesses, which have accounted for two-thirds of net new jobs since the Great Recession, need support systems that link them to resources to aid them in the next 18 to 24 months. Local governments also need flexibility to work with local businesses to develop and implement strategies necessary to implement public health standards and combat the coronavirus. Making expenditures now to support local economic development would also deliver a healthier and more stable tax base in the months ahead.

While needs are many and varied, support in the following additional areas should be realized as we continue to navigate the pandemic: 1) Funding for public health emergency needs and functions; 2) tools and supplies necessary to maintain safe and effective education services – in person or virtually; 3) additional dollars for local and regional governments to keep public buildings and facilities both safe and cleanly; and 4) federal legislation that provides financial assistance to local governments and that allows local governing bodies to replace lost local revenues with the additional federal money until the economic recovery takes hold.

Budgets and Funding

PRIORITY: The Planning District’s member localities urge the governor and legislature to enhance state aid to localities and public schools, to not impose mandates on or shift costs to localities, and to enhance local revenue options.

As the State develops revenue and spending priorities during the ongoing pandemic, we encourage support for K-12 education, health and safety, economic development and other public goals. Localities continue to be the state’s “go-to” service provider and we believe state investment in local service delivery must be enhanced. Especially in these critical times, the State should not expect local governments to pay for new funding requirements or to expand existing ones on locally-delivered services, without a commensurate increase in state financial assistance.

The State should fully fund its share of the realistic costs of the Standards of Quality (SOQ) without making policy changes that reduce funding or shift funding responsibility to localities. We believe localities need an adequately-defined SOQ so that state funding better aligns with what school divisions are actually providing in their schools. This could include recognizing additional instructional positions and increasing state-funded staffing ratios.

We oppose unfunded state and federal mandates and the cost shifting that occurs when the State or the federal government fails to fund requirements or reduces or eliminates funding for programs. Doing so strains local ability to craft effective and efficient budgets to deliver required services or those demanded by residents.

We believe a changed business landscape will necessitate a review of revenue sources to localities, along with new ideas and actions to broaden and diversify local revenue streams. Any tax reform efforts also should examine the financing and delivering of state services at the local level. Accordingly, we support the legislature 1) making additional revenue options available to localities in order to diversify the local revenue stream; and 2) further strengthening for counties, those revenue authorities that were enhanced during the 2020 legislative session. The State also should not eliminate or restrict local revenue sources or confiscate or redirect local general fund dollars to the state treasury. This includes Communications Sates and Use Tax Trust Fund dollars and the local share of recordation taxes.

Broadband

PRIORITY: The Planning District localities urge and support state and federal efforts and financial incentives that assist localities and their communities in deploying universal, affordable access to broadband technology in unserved areas.

Access to broadband, or high-speed internet, is essential in the 21st century for economic growth, equity in access to public education and health services, community growth, and remote work. Localities understand the importance of robust broadband for economic viability; the COVID-19 pandemic has further stressed the need for broadband for homes and businesses, and to address K-12 education and telemedicine access without delay. Approaches that utilize both fiber and wireless technologies, public/private partnerships and regulated markets that provide a choice of service providers and competitive prices should be utilized. Accordingly, we support the ability of localities to establish, operate and maintain sustainable broadband authorities to provide essential broadband to communities.

We believe state and federal support for broadband expansion should include the following:

- Additional state general fund dollars for localities/private sector providers to help extend service to areas presently unserved by any broadband provider. We appreciate state actions that have substantially increased funding for the Virginia Telecommunication Initiative (VATI) in recent years, but believe additional, significant increases in investment are critical.
- A statewide comprehensive plan for broadband and state support for local governments that are developing or implementing local or regional broadband plans.
- Provisions and incentives that would provide a sales tax exemption for materials used to construct broadband infrastructure.
- Support for linking broadband efforts for education and public safety to private sector efforts to serve businesses and residences.
- Maintaining local land use, permitting, fee and other local authorities.
- Consideration of proposals that would subject broadband to stricter and more developed regulation as a public utility.

LEGISLATIVE POSITIONS

Children's Services Act

The Planning District's member localities urge the State to be partners in containing Children's Services Act (CSA) costs and to better balance CSA responsibilities between the State and local governments. Accordingly, we take the following positions:

- We support local ability to use state funds to pay for mandated services provided directly by the locality, specifically for private day placements, where the same services could be offered in schools; additionally, we support rate setting by the state for private day placements.
 - We support the state maintaining cost shares on a sum sufficient basis by both the State and local governments; changing the funding mechanism to a per-pupil basis of state funding would shift the sum sufficient portion fully to localities, which we would oppose.
 - We support enhanced state funding for local CSA administrative costs.
 - We support a cap on local expenditures (with the State making up any gaps) in order to combat higher costs for serving mandated children.
 - We support the State being proactive in making residential facilities, services and service providers available, especially in rural areas, and in supporting locality efforts to provide facilities and services on a regional level.
 - We oppose state efforts to increase local match levels and to make the program more uniform by attempting to control how localities run their programs.
-

Economic and Workforce Development

The Planning District's member localities recognize economic development and workforce training as essential to the continued viability of the Commonwealth. Policies and additional state funding that closely link the goals of economic and workforce development and the state's efforts to streamline and integrate workforce activities and revenue sources is crucial. Accordingly, we support the following:

- Enhanced coordination with the K-12 education community to equip the workforce with in-demand skill sets, so as to align workforce supply with anticipated employer demands.
 - Continuing emphasis on regional cooperation in economic, workforce and tourism development.
 - Continuation of the *GO Virginia* initiative to grow and diversify the private sector in each region.
 - State job investment and small business grants being targeted to businesses that pay higher wages.
 - Increased state funding for regional planning district commissions.
-

Education

The Planning District's member localities believe that, in addition to funding the Standards of Quality (as previously noted), the State should be a reliable funding partner with

localities by recognizing other resources necessary for a high-quality public education system. Accordingly, we take the following positions:

- We believe that unfunded liability associated with the teacher retirement plan should be a shared responsibility of state and local government.
- We support legislation that 1) establishes a mechanism for local appeal to the State of the calculated Local Composite Index (LCI); and 2) amends the LCI formula to recognize the land use taxation value, rather than the true value, of real property.
- Concerning school facilities, we urge state financial assistance with school construction and renovation needs, and that the State discontinue seizing dollars from the Literary Fund to help pay for teacher retirement.

Environmental Quality

The Planning District's member localities believe that environmental quality should be funded and promoted through a comprehensive approach, and address air and water quality, solid waste management, land conservation, climate change and land use policies. Such an approach requires regional cooperation due to the inter-jurisdictional nature of many environmental resources, and adequate state funding to support local and regional efforts. Accordingly, we take the following positions:

- We oppose legislation mandating expansion of the Chesapeake Bay Preservation Act's coverage area. Instead, we urge the State to provide legal, financial and technical support to localities that wish to improve water quality and use other strategies that address point and non-point source pollution.
- We support the option for localities, as a part of their zoning ordinances, to designate and/or reasonably restrict the land application of biosolids to specific areas within the locality.
- We support legislative and regulatory action to ensure effective operation and maintenance of alternative on-site sewage systems and to increase options for localities to secure owner abatement or correction of system deficiencies.
- We support dam safety regulations that do not impose unreasonable costs on dam owners whose structures meet current safety standards.
- The State should be a partner with localities in water supply development and should work with and assist localities in addressing water supply issues, to include investing in regional projects.
- The State should not impose a fee, tax or surcharge on water, sewer, solid waste or other local services to pay for state environmental programs.
- As the move to non-carbon sources of energy continues, we support the creation of stronger markets for distributed solar and authority for local governments to install small solar facilities on government-owned property and use the electricity for schools or other government-owned buildings located nearby.

General Government

The Planning District's member localities believe that since so many governmental actions take place at the local level, a strong local government system is essential. Local governments must have the freedom, flexibility and tools to carry out their responsibilities. Accordingly, we take the following positions:

- We oppose legislation that would single out internet-based businesses and services for special treatment or exceptions. Rather, the State should support local authority concerning collection and auditing of taxes, licensing and regulation.
- We oppose intrusive legislation involving purchasing procedures; local government authority to establish hours of work, salaries and working conditions for local employees; matters that can be adopted by resolution or ordinance; procedures for adopting ordinances; and procedures for conducting public meetings.
- The state should maintain the principles of sovereign immunity for local governments and their employees, to include regional jail officers.
- Localities should have maximum flexibility in providing compensation increases for state-supported local employees (including school personnel), as local governments provide significant local dollars and additional personnel beyond those funded by the State.
- We urge state funding to address shortfalls in elections administration dollars, as elections administration has become more complex and federal and state financial support for elections has been decreasing. Specifically, we request that the State adequately fund costs associated with early voting requirements.
- We request that any changes to FOIA preserve 1) a local governing body's ability to meet in closed session; 2) the list of records currently exempt from disclosure; and 3) provisions concerning creation of customized records.
- Local and regional public bodies should be allowed to conduct electronic meetings as now permitted for state public bodies, and to use alternatives to newspapers for publishing various legal advertisements and public notices.
- We support expanding local authority to regulate smoking in public places.
- We support enhanced state funding for local and regional libraries.

Health and Human Services

The Planning District's member localities recognize that special attention must be given to helping the disabled, the poor, the young and the elderly achieve their full potential. Transparent state policies and funding for at-risk individuals and families to access appropriate services are critical. Accordingly, we take the following positions:

- We support full state funding for the local costs associated with Medicaid expansion, including local eligibility workers and case managers, but oppose any shifting of Medicaid matching requirements from the State to localities.
- The State should provide sufficient funding to allow Community Services Boards to meet the challenges of providing a community-based system of care.
- We support the provision of sufficient state funding to match federal dollars for the administration of mandated services within the Department of Social Services, and to meet the staffing standards for local departments to provide services as stipulated in state law.
- We support continued operation and enhancement of early intervention and prevention programs, including the Virginia Preschool Initiative and Part C of the Individuals with Disabilities Education Act (infants and toddlers).

Housing

The Planning District's member localities believe that every citizen should have an opportunity to afford decent, safe and sanitary housing. The State, regions and localities should work to expand and preserve the supply and improve the quality of affordable housing for the elderly, disabled, and low- and moderate-income households. Accordingly, we take the following positions:

- We support the following: 1) local flexibility in the operation of affordable housing programs and establishment of affordable dwelling unit ordinances; 2) grants and loans to low- or moderate-income persons to aid in purchasing dwellings; 3) the provision of other funding to encourage affordable housing initiatives; and 4) measures to prevent homelessness and to assist the chronic homeless.
- We support incentives that encourage rehabilitation and preservation of historic structures.

Land Use and Growth Management

The Planning District's member localities encourage the State to resist preempting or circumventing existing land use authorities, and to support local authority to plan and regulate land use. Accordingly, we take the following positions:

- We support the State providing additional tools to plan and manage growth, as current land use authority often is inadequate to allow local governments to provide for balanced growth in ways that protect and improve quality of life.
- We support broader impact fee authority for facilities other than roads, authority that should provide for calculating the cost of all public infrastructure, including local transportation and school construction needs caused by growth.
- We support changes to provisions of the current proffer law that limit the scope of impacts that may be addressed by proffers.
- We oppose legislation that would 1) restrict local oversight of the placement of various telecommunications infrastructure, and 2) single out specific land uses for special treatment without regard to the impact of such uses in particular locations.
- We request state funding and incentives for localities, at their option, to acquire, preserve and maintain open space and support greater flexibility for localities in the preservation and management of trees.

Public Safety

The Planning District's member localities encourage state financial support, cooperation and assistance for law enforcement, emergency medical care, criminal justice activities and fire services responsibilities carried out locally. Accordingly, we take the following positions:

- The Compensation Board should fully fund local positions that fall under its purview. It should not increase the local share of funding for Constitutional offices or divert money away from them, but increase dollars needed for their operation.

- We urge state funding of the HB 599 law enforcement program in accordance with *Code of Virginia* provisions.
 - We support Virginia’s transition to Next Generation 911 (NG 911) in a way that does not unfairly burden localities.
 - We support funding for mental health and substance abuse services at juvenile and adult detention facilities.
 - We encourage consideration of programs that supplement law enforcement responses to help individuals in crisis to get evaluation services and treatment, and state funding for alternative transportation options for such individuals.
 - Jail per diem funding should be increased to levels that better represent the costs of housing inmates, and be regularly adjusted for inflation. The State should not shift costs to localities by altering the definition of state-responsible prisoner.
 - We support the ability of local governments to adopt policies regarding law enforcement body worn cameras that account for local needs and fiscal realities. The State should provide financial support for localities using such camera systems.
-

Transportation

The Planning District’s member localities recognize that revenues for expanding and maintaining all modes of infrastructure are critical for meeting Virginia’s well-documented transportation challenges and for keeping pace with growing public needs and expectations. In the face of revenues failing to meet projections, we encourage the State to prioritize funding for local and regional transportation needs. Accordingly, we take the following positions:

- As the State continues to implement the “Smart Scale” prioritization and the funds distribution process, there should be state adequate funding, and local authority to generate transportation dollars for important local and regional projects across modes.
 - We support additional authority to establish mechanisms for funding transit in our region.
 - We support the Virginia Department of Transportation utilizing Metropolitan Planning Organizations and regional rural transportation staff to carry out local transportation studies.
 - We oppose attempts to transfer responsibility to counties for construction, maintenance or operation of current or new secondary roads.
 - We support ongoing state and local efforts to coordinate land use and transportation planning, and urge state and local officials to be mindful of various local and regional plans when conducting corridor or transportation planning within a locality or region.
-

Water Quality

The Planning District’s member localities support the goal of improved water quality, but as we face ongoing costs for remedies, we believe major and reliable forms of financial and technical assistance from the federal and state governments is necessary if comprehensive improvement strategies are to be effective. Accordingly, we support the following:

- Aggressive state investment in meeting required milestones for reducing Chesapeake Bay pollution to acceptable levels.
- Dollars being targeted for permitted dischargers to upgrade treatment plants and for any retrofitting of developed areas and to aid farmers with best management practices through the cost share program.

- Increased and ongoing investment in the Stormwater Local Assistance Fund to assist localities with much-needed stormwater projects and in response to any new regulatory requirements.
- We also request that any stormwater requirements be balanced, flexible and not require waiver of stormwater charges, and that adequate funding and training be available for the State and local governments to meet ongoing costs associated with local stormwater programs.

**CHARLOTTESVILLE CITY COUNCIL
STATEMENT OF LEGISLATIVE POSITIONS
FOR THE 2021 REGULAR GENERAL ASSEMBLY SESSION**

Endorsement of TJP, VML Priority Statements

As a member of the TJP, Virginia First Cities and of the Virginia Municipal League, we are supportive of the 2021 Legislative Positions presented by those organizations. On a few issues, the City's interests may differ, and those issues are included within our position statements following below.

Children's Education, Services and Programs

Positions:

1. We endorse state funding provided to support implementation by local school divisions of extended school day/ extended school year programs, and encourage continuation of these dollars.
2. We would support changing the education funding formula ("Local Composite Index") to take poverty within each locality's jurisdiction into account.
3. We support the state authorizing local school divisions to construct housing for teachers on school-board-owned, or on local-government-owned property.
4. We support expansion of preschool and after-school programs for children with working parents and provide subsidies for low-income families and state grant money to businesses that institute childcare or other family support programs within the workplace. For 2021 we believe that funding and programs need to take the difficulties of the COVID pandemic into account, in providing support for the most vulnerable households.
5. Except as otherwise stated above, we support the 2021 positions of the Virginia Education Association (VEA).

Affordable Housing; Regulation of Development;

Local Authority over Local Real Estate

Positions:

1. We support moratoriums on evictions for the duration of the COVID Emergency, and encourage the state to provide funding for DHCD's Virginia Rent and Mortgage Relief Program and/or other COVID-related mortgage and rental assistance programs.
2. We encourage the State to consider enactment of legislation authorizing inclusionary zoning ordinances. In localities where there is an affordable housing crisis, market forces are not delivering new affordable units, and the over-complexity of the density bonus provisions within Virginia Code § 15.2-2305 (the provisions of which do not appear to have been reviewed since 2008 for economic feasibility) make that statute difficult to interpret and apply.
3. We encourage the General Assembly to establish a comprehensive state Affordable Housing Program that delegates authority to all Virginia municipalities the more general authorization within Virginia Code § 15.2-2304.
4. We support any legislative action that would allow localities greater flexibility in (i) the range of methods that may be applied to implement local affordable housing programs, and (ii) in the use of public funding for the promotion and establishment of affordable housing.

5. We support establishment of a statewide rental assistance voucher program, calibrated to fit regional housing market, funded through the state Housing Trust Fund and/or Communities of Opportunity Tax Credit and Vibrant Community Initiative administered by VHDA. We also ask you to support legislation that would enhance procedural guarantees and rights of tenants within eviction proceedings.

6. The state should enhance funding for affordable homeownership grants and loans, through the Virginia Housing Development Authority, and for public universities, provide funding for housing assistance for university employees who earn less than 60% AMI.

7. We support state funding and incentives to support localities' acquisition, preservation and maintenance of open space.

8. We oppose any legislative action that would limit our local authority to regulate the nature and intensity of specific uses of land, in relation to their location(s) within our city; we oppose any legislation that would single out specific land uses for special treatment throughout the Commonwealth without regard to the impact of such land uses in particular locations.

Request:

Confederate Monuments--Sponsor or support legislation that would remove reference to "Civil War (1861-1865)" from Va. Code §15.2-1812.

Rationale: These monuments are symbols of social and political divisions that run deep within individual communities, and each locality should have the authority to determine, through its own local political process, whether such monuments or memorials should be removed from local-government-owned property. However, if the reference to the Civil War (1861-1865) is not removed, then the procedural restrictions of Va. Code §15.2-1812 should be repealed, as to Civil War monuments and memorials.

Environment

Water Quality/ Stormwater Management Positions:

1. The state should maintain at least the FY21 \$50M Stormwater Local Assistance Fund (SLAF) appropriation that provides matching grants to localities for stormwater management projects and best management practices.

2. We support adequate state funding and training, as well as an expansion of allowable stormwater management "best practices," that would enable the State and local governments to meet total maximum daily load (TMDL) nutrient and sediment reduction requirements, and ongoing costs associated with local stormwater management programs that became effective in 2014.

3. We continue to oppose any legislation that would require a locality to waive stormwater utility fees, or to exempt railroad companies or other entities from the requirement to pay local Stormwater utility fees--all landowners should be required to share in the cost of stormwater utility programs.

Chesapeake Bay Preservation Act Positions

The City of Charlottesville does not oppose expansion of the CBPA beyond its current tidal river boundaries. In this regard, our position differs from TJPD's.

Clean Energy Positions:

Background: The City of Charlottesville is committed to reducing its community-wide greenhouse gas (GHG) emissions associated with energy use. This has been formalized in the recent adoption of updated GHG

Commented [A1]: Quite a number of legislators are concerned about the fact that relaxing the prohibition on removing Confederate statues also would apply to War Memorials (such as WWI and WWII, Vietnam, etc.) Removing "Civil War" from the statute altogether might help with the tension.

(Keep in mind: the General Assembly hasn't entirely left decision making to the locality, it has prescribed some procedural requirements, and has ordered VDHR to prepare regulations that would tell localities how to do "contextualization")

Commented [A2]: There is at least one bill pending in the Special Session that would do this.

Commented [A3]: K.Riddervold: NOTE: During the 2020 Regular Session this past winter the legislature approved \$50 Million in bonds for the Stormwater Local Assistance Fund (SLAF). The Governor accepted this appropriation and did not reduce it due to COVID-19 impacts, so that \$50 million is intact for VAMSA Member projects.

Commented [A4]: From Virginia First Cities call (attributed to Sena M)
--Support energy efficiency programs and policies that assist low and-moderate income citizens who shoulder a disproportionate utility cost burden. (Charlottesville); **incorporated in the EE section**
--Support policies that help municipalities reduce their carbon footprint and promote sustainability. (Charlottesville); **incorporated in this background section**

reduction goals for 45% reduction by 2035 and carbon neutrality by 2050. Increasing the availability of financial resources, including grant programs and incentives, to a broader range of community members is one key to our success. We oppose any legislation to repeal or weaken any policies that promote carbon-free power generation, including the Clean Energy and Community Flood Preparedness Act and the Virginia Clean Economy Act. We continue to encourage our representatives to endorse policies, legislation, funding, and data sharing proposals that reduce greenhouse gas emissions as well as support energy efficiency, and renewable energy use and job creation. Accordingly, we support the following positions:

Solar:

1. Distributed solar support through incentives such as tax credits, rebates, and/or low-interest loans, and financing aimed at a broader population (including those that currently lack access to cost-effective financing tools); and ensure these incentives reach members of low-income communities and people of color
2. Solar-plus-storage support for buildings that can serve as resilience hubs for communities, especially those in low-income areas, during storm events and other widespread grid outages

Commented [A5]: K. Riddervold: this is from VCN

Commented [A6]: K. Riddervold: this is from VCN

Renewable Power:

Reenactment of the provisions of HB 868 (2020), along with companion legislation in the Senate, which authorizes individual retail customers of electricity to purchase 100 percent renewable electricity from any licensed competitive supplier of electric energy, regardless of whether the incumbent utility offers a 100 percent renewable electricity tariff

Commented [A7]: K. Riddervold: this is Addressed in the VCEA

Commented [A8]: K. Riddervold: this is Contained in the VCEA

Commented [A9]: K. Riddervold: HB 868 was passed in 2020 but requires reenactment in 2021 to become effective. HB 868 ensured that all customers in Virginia can purchase 100% renewable energy from any company licensed to sell retail electric energy. The bill eliminated a limitation in current law that blocks this kind of competition if the State Corporation Commission has approved an incumbent electric utility's 100% renewable energy tariff (also known as a "green tariff").

Commented [A10]: K. Riddervold: this is Contained in the VCEA

Energy Efficiency:

1. Energy efficiency programs and policies that assist low- and moderate-income citizens in order to address disproportionate utility cost burdens
2. Prompt development of a DHCD-administered program to deploy RGGI-related revenue dedicated to support low-income energy efficiency programs and request the consideration of all types of low-income housing stock and strategies to address traditional barriers to delivering energy efficiency in this housing stock

Commented [A11]: K. Riddervold: this is from VCN

Commented [A12]: Some of these could be moved down to the Transportation section

Commented [A13]: K. Riddervold: less costly than retrofitting.

Commented [A14]: K. Riddervold: VA is one of 12 participating states + DC

Buildings:

1. Locality authority to require commercial building energy benchmarking
2. An energy data sharing standard to support the development and targeting of energy improvement programs
3. Building codes that meet or exceed the latest national and international standards
4. Locality authority to require greater energy efficiency within their jurisdictions

Vehicles and Transportation:

1. A clean car standard under Section 177 of the Federal Clean Air Act
2. Accelerated adoption of electric vehicles through state incentives, enabling tax benefit powers for localities, authorizing localities to incentivize the installation of EV charging facilities at residential and commercial locations, and amending statewide building codes to ensure residential, office, and retail development have "EV ready" wiring
3. State funding to support localities in their efforts to electrify their fleets
4. Participation in the Transportation and Climate Initiative to build on the RGGI program model of establishing a funding source to support emission reduction in the transportation sector

5. Increases in **passenger rail** connecting communities across the Commonwealth, and
6. Proposals for state cost-share funding for public transit and school buses to include a zero emission bus (ZEB) comparison **analysis**.

Landfill Diversion Positions:

Background: As the City is working to further strategies for reduction, reuse, and recycling in an effort align waste management programs with sustainability related goals and commitments, we support:

1. **Reenactment of** the provisions of **HB 533** (2020) to ban use of expanded polystyrene food containers by vendors of prepared food, and
2. Local authority to prohibit yard waste and brush from municipal solid waste (landfill) collection.

Transportation

Positions:

We urge legislators to increase state funding as follows:

1. For the expansion and maintenance of all modes of our transportation infrastructure
2. For important local and regional Smart Scale projects, including those that promote walking and cycling as viable modes of transportation for commuting (not just recreation) and as a key strategy related to GHG reduction goals. We also support the establishment of a “Smart Scale-type” prioritization for rail and transit projects
3. For lane-mileage rates for funding of local street maintenance (primary/urban funds),
4. For public transit and transit planning, to leverage local investments in public transit, and
5. For infrastructure that accommodates walking, cycling as well as automobile travel.

We request that the manner in which transportation funding is provided allows localities to have flexibility to apply transportation funding in a manner that they deem most beneficial to their own communities. Localities should have the right to determine whether allocations of state funding should be spent for maintenance of existing streets or for new construction. We also support the state applying equal weight to projects that enhance bicycle and pedestrian mobility as well as public transit systems in determining Smart Scale funding priorities.

Criminal Justice Reform

Positions:

1. The State should increase funding to the Virginia Juvenile Community Crime Control Act (VJCCCA) program, which has demonstrated effectiveness in substantially reducing the number of juvenile justice commitments over the past decade.
2. The State should end mandatory minimum sentencing.
3. The State should revisit Virginia’s policies on parole and decriminalize offenses that do not threaten public safety. Additional funding should be provided to support diversion programs (such as rehabilitative and educational programs) as alternatives to prison for first time offenses, especially for women.
4. The State should repeal all laws that automatically exclude individuals with criminal convictions from public benefits, housing, driver’s licenses, civic participation (voting), and educational and employment opportunities.

Commented [A15]: K. Riddervold: this is an idea from our office/peers (PW/Environmental Division) and has not yet been discussed with CAT or others

Commented [A16]: K. Riddervold: this bill has been passed by the General Assembly and signed by the Governor but must be reenacted in 2021 before it can go into effect.

5. We encourage the state to legalize marijuana safely and responsibly.

6. We encourage legislation that would allow restricted driver licenses to be issued for as long as a court deems appropriate, and to allow courts to issue restricted licenses when necessary to facilitate the employment, or continued employment of an individual who is otherwise subject to revocation of his or her driver license.

Public Safety and Local Firearms Regulation in Public Places

Positions:

Civilian Review Board legislation

We are pleased that, within its 2020 Special Session, the General Assembly enacted HB 5055 and SB 5035 to provide robust authority for police civilian review boards. We encourage legislators to continue to support legislation that will make the work of these review boards efficient, for example: discretionary FOIA exemptions to protect the privacy of complainants and witnesses.

Management of Local Buildings and Land:

Localities should have full authority to regulate the use of, and to provide adequate security for local-government-owned buildings and property. We ask you to support legislation that would repeal the provisions of Va. Code 15.2-915 that allow local government employees to store, at a local government workplace, possession of firearms and ammunition within a private motor vehicle. Further, we support any legislation that would authorize localities to include restrictions on the possession and carrying of firearms, as conditions within a permit authorizing the temporary use of public property, during the period of such use.

Reform of State Firearms Regulations: We support the General Assembly's efforts to ~~undertake~~ ~~undertaking~~ a comprehensive reform of Virginia's gun control legislation. We support implementation of the Report and Policy Recommendations of the Safe Virginia Initiative (2019), including raising the minimum age required to purchase a firearm to 21 and requiring universal background checks and closing known loopholes in the background check process. We ask our legislators to continue to advocate for and to support responsible firearms legislation.

Local policing:

The state should provide funding for the following: 1) community policing initiatives, including housing assistance payments for local police officers who live within the communities they serve; 2) recruitment of women and minorities into professional policing careers; and 3) police in urban jurisdictions, to support training in uniform, DCJS-approved best practices for crowd management at civil disturbances.

Civil disturbances and riots:

We encourage the General Assembly to provide funding for a new program within the Department of State Police, to provide 1) monitoring of internet and social media to detect potential threats to public safety; 2) a mechanism for threat assessment; and 3) information sharing and resources to localities faced with events which present a substantial risk of widespread violence.

Photo-speed-monitoring:

We encourage the General Assembly to authorize local law enforcement agencies within urban areas to utilize photo-speed-monitoring devices on residential streets. Such devices have been in use within DC and Maryland for years, and state police are now authorized to use them. These devices would enhance safety within urban jurisdictions.

Public Service Corporations

Positions:

1. We oppose any legislative action that would further expand the ability of telecommunications companies or other entities to install new aboveground poles or other support structures in City rights-of-way, on terms or conditions mandated by state law.
2. We support doubling the scope of Dominion Virginia Power's Pilot Program for Undergrounding Utility lines and the utility entering into cost share agreements with local governments for undergrounding lines or "open ditch" policies allowing the burial of power lines either within or adjacent to a public Right of Way (ROW). Dominion also should be allowed to impose a surcharge on affected customers, if undergrounding is requested by a locality, to coincide with local projects removing and replacing natural gas, water and sewer lines within a public ROW.

Procurement

Positions:

1. We oppose legislative action that would restrict our ability to make local procurement decisions that are best for the citizens we serve. Any erosion of local authority to implement the policies of the Virginia Public Procurement Act, through means tailored at the local level to assure acquisition of the best goods and services at the most competitive rates, is contrary to fiscal responsibility objectives.
2. We support legislation that would authorize use of preferences by public bodies in awarding contracts to persons, firms, or corporations having principal places of business in the locality in which the procuring public body is located ("local preference").
3. We support allowing localities the ability to procure goods and service by competitive negotiation (instead of using the lowest-responsible-bid process), in situations where job creation and tax base expansion would be part of a "best value" analysis of competitive proposals.
4. We believe the state should review the SWAM certification program, to ensure greater participation by businesses within each locality, and to make it easier for localities to hire local, small women- and minority-owned businesses within local procurement processes.

Budget, Revenues and Taxation

Background:

We believe the process for evaluating local fiscal impacts of proposed legislation should be improved. Actions that would impose additional administrative burdens on local governments without sufficient financial resources or administrative flexibility will jeopardize the quality of services delivered at the local level, and will ultimately jeopardize the potential success of state programs and initiatives.

Positions:

1. We oppose any shift of the cost(s) of state programs to localities.
2. We oppose any legislative or budgetary action that would remove or reduce any existing sources of state and local funding (e.g., HB599 funding for law enforcement; diversion of fines, fees and forfeitures relating to violations of local ordinances; etc.).
3. We oppose across-the-board state cuts to education funding.

4. We support expanded funding for programs such as tuition remission at community colleges, and childcare and transportation assistance that support workers seeking to upgrade their skills or change careers due to layoffs or other job losses.

Taxation:

1. The state should direct a study of the effectiveness of state income tax and fee structures in terms of progressivity and capacity to meet growing public needs. The study should include the effectiveness of local real estate taxation, and should give consideration to enabling legislation for localities to enact more progressive local real estate taxes.

2. The state also should expand funding to support programs (such as tuition remission at community colleges, and childcare and transportation assistance) that support workers seeking to upgrade their skills or change careers due to layoffs or other job losses.

3. We oppose any state legislation that would single out any internet-based businesses and services for special treatment for purposes of local taxation, licensing and regulation. We request our legislators to protect our local ability to regulate businesses on a level playing field, whether they are traditional, electronic, internet-based, virtual, or otherwise. Creating a level playing field for completion among businesses offering goods and services is the best way to ensure safety, reliability, and fair access to goods and services for consumers. The state should not carve out exceptions to business licensing, or local taxes, for special interest groups; in doing so, state legislators would harm traditional local businesses and deprive local governments of stable and reliable sources of revenue.

4. We support a study of existing real estate tax enabling legislation, to develop a program that would authorize localities experiencing affordable housing crises the ability to enact progressive tax schemes. We also ask you to support any and all legislation that would enable more robust tax credits or exemptions for affordable housing, as well as authority to exempt land owned by a land trust from local taxation if that land contains a single- or two-family dwelling subject to a recorded lease that requires it to be occupied as affordable housing for a period of 40 years or more.

Prosperity, Health, and Well-Being

Minimum Wage

We encourage the Commonwealth to raise the minimum wage to \$15 per hour. As part of raising the minimum wage, we encourage the State to provide funding for childcare assistance if federal income-eligibility thresholds are exceeded due to a household member making \$15 per hour.

Health Care

We support budgetary and legislative initiatives that will increase access to health care for all Virginia residents and that will reduce the cost of health care—including reduction of insurance premiums.

No Gender Based Discrimination

The Commonwealth should enact legislation that makes it unlawful for companies, and state and government entities, to maintain pay scale distinctions by outmoded gender roles.

Health Food Access

The State should provide financial incentives for the establishment of grocery stores in “food desert” areas.

Salaries for Members of Local Governing Bodies

Request: Sponsor or support legislation to amend Virginia Code §15.2-1414.6 to remove the limitation on annual salaries for city councils. *Rationale:* City councils in Virginia should be permitted to establish the annual salaries for councilors at the local level; each locality's needs are unique and maximum compensation should be a local decision, based on the will of the electorate and the financial resources of a locality.

Commented [A17]: Delegate Hudson is planning to re-introduce this legislation for consideration in the 2021 Regular Session

**CITY OF CHARLOTTESVILLE, VIRGINIA.
CITY COUNCIL AGENDA.**



Agenda Date: December 7, 2020.

Action Required: Report.

Presenter: Chris Cullinan, Director of Finance.
John Aldridge, CPA, Partner, Brown Edwards and Company

Staff Contacts: Chris Cullinan, Director of Finance.
Glen Pack, Comptroller.
Gail Hassmer, Chief Accountant.

Title: Audit Report for Fiscal Year 2020 by Brown Edwards and Company.

Background:

The Code of Virginia requires that localities have all their accounts and records audited annually as of June 30 by an independent certified public accountant in accordance with the specifications furnished by the Auditor of Public Accounts (APA).

Discussion:

State Code requires the City's auditor to report to the governing body at a public session. John Aldridge, CPA from Brown Edwards and Company will be presenting their report to City Council.

Community Engagement:

The Comprehensive Annual Finance Report (CAFR) is available on the City's website under the Finance Department. Hard copies are available upon request.

Budgetary Impact:

N/A.

Alignment with Council Vision Areas and Strategic Plan:

This report on the audit of fiscal year 2020 aligns with Goal 4 of the Strategic Plan, to be a well-managed and successful organization.

Recommendation:

N/A.

Alternatives:

N/A.

Attachments:

1. Auditor's opinion letter.
2. Auditor's management letter.
3. Auditor's letter to those charged with governance.



INDEPENDENT AUDITOR'S REPORT

To the Honorable Members of the City Council
City of Charlottesville, Virginia

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City of Charlottesville, Virginia (the "City") as of and for the year ended June 30, 2020 and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the *Specifications for Audits of Counties, Cities, and Towns*, and the *Specifications for Audits of Authorities, Boards, and Commissions* issued by the Auditor of Public Accounts of the Commonwealth of Virginia. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

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Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City, as of June 30, 2020, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and the required supplementary information as listed in the table of contents be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements. The introductory, supplementary information as listed in the table of contents, and statistical section, are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The supplementary section is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the supplementary information as listed in the table of contents is fairly stated in all material respects in relation to the basic financial statements as a whole.

The introductory and statistical sections have not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on them.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated November 25, 2020 on our consideration of the City's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the City's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control over financial reporting and compliance.

Brown, Edwards & Company, S. L. P.

CERTIFIED PUBLIC ACCOUNTANTS

Roanoke, Virginia
November 25, 2020



**INDEPENDENT AUDITOR’S REPORT ON INTERNAL CONTROL
OVER FINANCIAL REPORTING AND ON COMPLIANCE AND
OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL
STATEMENTS PERFORMED IN ACCORDANCE WITH
GOVERNMENT AUDITING STANDARDS**

To the Honorable Members of
the City Council
City of Charlottesville, Virginia

We have audited, in accordance with the auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the *Specifications for Audits of Counties, Cities, and Towns*, and the *Specifications for Audits of Authorities, Boards, and Commissions*, issued by the Auditor of Public Accounts of the Commonwealth of Virginia, the financial statements, the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City of Charlottesville, Virginia (the “City”), as of and for the year ended June 30, 2020 and the related notes to the financial statements which collectively comprise the City’s basic financial statements, and have issued our report thereon dated, November 25, 2020.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City’s internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City’s internal control. Accordingly, we do not express an opinion on the effectiveness of the City’s internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity’s financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies may exist that were not identified. **Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.**

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Compliance and Other Matters

As part of obtaining reasonable assurance about whether the City's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed instances of noncompliance that are required to be reported under *Government Auditing Standards* which are described in the in the accompanying schedule of findings and responses as Items 2019-002, 2018-001, 2018-002, and 2018-003.

City of Charlottesville's Response to Findings

The City's responses to the findings identified in our audit are described in the accompanying schedule of findings and responses. The City's responses were not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on them.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Brown, Edwards & Company, L.L.P.

CERTIFIED PUBLIC ACCOUNTANTS

Roanoke, Virginia
November 25,
2020



INDEPENDENT AUDITOR'S REPORT ON COMMENTS AND SUGGESTIONS

To the Honorable Members of the City Council and School Board
Charlottesville, Virginia

In planning and performing our audit of the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City of Charlottesville, Virginia and Charlottesville City Public Schools as of and for the year ended June 30, 2020, in accordance with auditing standards generally accepted in the United States of America, we considered its internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in circumstances for the purpose of expressing our opinion on the financial statements and to comply with any other applicable standards, such as *Government Auditing Standards* and the regulations set forth in the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we do not express an opinion on the effectiveness of the entity's internal control.

Our consideration of internal control was for the limited purpose described in the first paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and, therefore, material weaknesses or significant deficiencies may exist that were not identified. In addition, because of inherent limitations in internal control, including the possibility of management override of controls, misstatements due to error or fraud may occur and not be detected by such controls.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

If material weaknesses or significant deficiencies were identified during our procedures they are appropriately designated as such in this report. Additional information on material weaknesses or significant deficiencies and compliance and other matters is included in the ***Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards*** which should be read in conjunction with this report.

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Additionally, during our audit, we may have become aware of certain other matters that provide opportunities for improving your financial reporting system and/or operating efficiency. Such comments and suggestions regarding these matters, if any, are also included in the attached report, but are not designated as a material weakness or significant deficiency. Since our audit is not designed to include a detail review of all systems and procedures, these comments should not be considered as being all-inclusive of areas where improvements might be achieved. We also have included information on accounting and other matters that we believe is important enough to merit consideration by management and those charged with governance. It is our hope that our suggestions will be taken in the constructive light in which they are offered.

We have already discussed these comments and suggestions with management, and we will be pleased to discuss them in further detail at your convenience, to perform any additional study of these matters, or to assist you in implementing the recommendations. A review of the status of our prior year comments and suggestions is included on page 5.

This communication is intended solely for the information and use of the City Council, the School Board, management, and state and federal regulatory agencies and is not intended to be, and should not be, used by anyone other than those specified parties.

Brown, Edwards & Company, L.L.P.

CERTIFIED PUBLIC ACCOUNTANTS

Roanoke, Virginia
November 25, 202

PRIOR YEAR COMMENTS AND SUGGESTIONS JUNE 30, 2020

AUDITOR ADJUSTMENTS

As part of our audit, we proposed multiple adjustments related to the improper accrual or recording of investments, capital assets, accounts payable and accrued interest on long term debt. Certain of these adjustments were related to estimates or determinations made by management that did not involve the proper accounting treatment or did not reflect actual results. We suggest management implement procedures such as periodic comparison of estimates with actual results, especially at year end, to ensure accurate financial reporting. Accounting procedures should be formulated to ensure all asset and liability accounts are either recorded in the general ledger or clearly compiled in subsidiary ledgers for entity wide balances that are not recorded on the fund level general ledger. All activities should be evaluated beyond transactional processing to focus on the financial reporting implications of those activities. Additionally, all adjustments that were made as a result of our current year audit should be reviewed during the next year as a reminder of matters needing accounting attention in preparing for the 2020 audit.

Current Year Status: *Condition still present in the current year. There was a material adjustment made for accrued liabilities. Adjustments made as a result of the current year audit should be reviewed during the next year as a reminder when preparing for the 2021 audit.*

TIMELY GRANT REIMBURSEMENT REQUESTS

During our testing surrounding accounts receivable, we noted that reimbursement requests were not filed timely for VDOT grants. We recommend that reimbursement requests be completed more timely, on a monthly or quarterly basis.

Current Year Status: *Condition still present in the current year.*

CONSTRUCTION IN PROCESS

During our testing, we noted that the City places all projects in service at the end of the year for proprietary funds in order to begin depreciation. The risk is that the City is not beginning depreciation when the assets are placed in service. We recommend that a more thorough process be considered to track specific projects and begin depreciation when assets are placed in service.

Current Year Status: *Condition still present in the current year.*



REQUIRED COMMUNICATION WITH THOSE CHARGED WITH GOVERNANCE

Honorable Members of City Council and School Board City
of Charlottesville, Virginia

We have audited the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City of Charlottesville, Virginia, collectively hereafter referred to as the City, for the year ended June 30, 2020. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, *Government Auditing Standards* and the Uniform Guidance, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated November 25, 2020. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Matters

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the City are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during 2020. We noted no transactions entered into by the City during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the financial statements were:

- The useful lives of capital assets are based on management's knowledge and judgment, which is based on history. Management also estimates the in-service date of construction in progress (CIP) is the last day of the fiscal year regardless of actual project completion.
- The other post-employment benefits (OPEB) liabilities are based on third-party actuarial calculations and assumptions that utilize census data provided by management.
- The allowance for uncollectible accounts receivable and unbilled accounts receivable is based on management's knowledge of the nature of the receivable and historical experience.
- The self-insurance liability is based on information from an external third party consultant and subsequent claims information provided by the insurance carrier.
- The net pension liabilities are based on actuarial studies provided by actuaries engaged by the City and Virginia Retirement System.

Your Success is Our Focus

Qualitative Aspects of Accounting Practices (Continued)

We evaluated the key factors and assumptions used to develop these estimates in determining that they are reasonable in relation to the financial statements taken as a whole.

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The most sensitive disclosures affecting the financial statements include those related to:

- Capital assets, long-term debt, commitments and contingencies, pensions, other post-employment liabilities, and the impacts of COVID-19.

The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. The following audit adjustments were proposed and were recorded by the City, which indicate matters that had a significant effect on the City's financial reporting process. All amounts are rounded to the nearest thousand.

Corrected Misstatements:

- The City did not reverse prior year accrued liabilities in four proprietary funds, resulting in the following audit adjustment to correct the error:
 - Decrease to accrued liabilities of approximately \$5,000 in the Golf fund with a corresponding decrease to expense.
 - Decrease to accrued liabilities of approximately \$206,000, a decrease to capital assets of approximately \$223,000 and an increase to expense of approximately \$17,000 in the Water fund.
 - Increase to accrued liabilities of approximately \$17,000 in the Wastewater fund with a corresponding increase to expense.
 - Decrease to accrued liabilities of approximately \$179,000 in the Stormwater fund and a corresponding decrease to capital assets.
- Decrease to current liabilities of approximately \$610,000 in the Gas fund with a corresponding decrease to expense to remove a duplicated invoice.
- Increase to Sewer capital assets of approximately \$415,000 with a corresponding decrease in Sewer expense, a decrease of approximately \$415,000 to Stormwater capital assets, with a corresponding increase in Stormwater expense.

Management has determined that the effects of the following misstatements are immaterial to the financial statements taken as a whole.

Uncorrected Misstatements

- June sales tax from the Commonwealth was received and recorded in August. The total amount received during the City and Schools' availability period of approximately \$905,000 for the City and \$200,000 for the schools should be recorded as revenue. It is management's policy not to report these items on the fund statements since they have an immaterial impact on fund balance or change in fund balance. For entity wide presentation, the full balance would impact change in operations and net position; however, that amount is deemed immaterial.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representation

We have requested certain representations from management that are included in the management representation letter dated November 25, 2020.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the City's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management while serving as the City's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our being hired to serve as the City's auditor.

Other Matters

We applied certain limited procedures to the management's discussion and analysis and the required supplementary information (RSI) as listed in the table of contents that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

We were engaged to report on the combining and individual fund statements of the non-major and internal service funds, certain budget to actual statements, and the fund financial statements of the discretely presented component units, and the schedule of expenditures of federal awards which accompany the financial statements but are not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

We were not engaged to report on the introductory and statistical sections, which accompany the financial statements but are not RSI. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on it.

Cybersecurity Risk Management

In today's environment of increasingly frequent cyber-attacks, ensuring the adequacy of cybersecurity is a critical aspect of board oversight. In addition to significant business disruption, substantial response cost, negative publicity, and reputational harm, cybersecurity breaches can result in litigation, and leaders may face potential liability if they failed to implement adequate steps to protect the organization.

Evidence suggests there may be a gap between the magnitude of exposure presented by cyber-risks and steps many corporate boards have taken to address these risks. Organizational leaders should be asking themselves what they can, and should, be doing to effectively oversee cyber-risk management.

Restriction on Use

This information is intended solely for the information and use of the City Council, the School Board, and management of the City of Charlottesville and is not intended to be, and should not be, used by anyone other than these specified parties.

Brown, Edwards & Company, L.L.P.

CERTIFIED PUBLIC ACCOUNTANTS

Roanoke, Virginia
November 25, 2020