



**CITY COUNCIL AGENDA
December 6, 2021**

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

5:30 PM Closed session as provided by Sections 2.2-3711 and 2.2-3712 of the Virginia Code (Legal consultation; personnel; boards and commissions)

Virtual/electronic meeting. Meeting begins and ends in open session.

6:30 PM Regular Meeting

Register at www.charlottesville.gov/zoom. Virtual/electronic meeting in accordance with a local ordinance amended and re-enacted October 4, 2021, to ensure continuity of government and prevent the spread of disease during a declared State of Emergency. Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call (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 (and Update from Blue Ridge Health Department)

RECOGNITIONS/PROCLAMATIONS

CONSENT AGENDA*

1. Minutes: October 18 work session, closed meeting and regular meeting; November 1 regular meeting, November 5 special meeting, November 30 emergency/special meeting
2. Resolution: Appropriating Department of Conservation and Recreation Recreational Trail Grant funds for Construction of Meadow Creek Bridges - \$222,511.21 (2nd reading)
3. Resolution: Appropriating reimbursement received in connection with the Charlottesville Circuit Court renovation and addition project - \$6,643.00 (2nd reading)
4. Resolution: Appropriating funds for Edward Byrne Memorial Justice Assistance Grant - \$23,284 (2nd reading)
5. Resolution: Appropriating contribution from Charlottesville City Schools to the School Small Cap funded program for School Security Projects - \$250,000 (2nd reading)
6. Resolution: Appropriating funds for Virginia Juvenile Community Crime Control Act Grant (VJCCCA) - \$452,704 (2nd reading)
7. Resolution: Appropriating American Rescue Plan (ARP) Funds from the Commonwealth for Utility Bill Assistance - \$359,879.30 (2nd reading)
8. Resolution: Appropriating BAMA Works funds for Skate Park lighting - \$100,000 (2nd reading)

9. Ordinance: Amending and reordaining Charlottesville City Code Chapter 14 (Licenses), Section 14-24 (Tax Incentives for Technology Businesses) to extend the eligibility period for five years to December 31, 2026 (2nd reading)
10. Ordinance: Amending the Charlottesville Albemarle Convention and Visitors Bureau Agreement (2nd reading)
11. Resolution: Appropriating funds from Progressive and National General Insurance companies for a loss associated with City of Charlottesville Traffic assets - \$17,448.47 (1st of 2 readings)
12. Resolution: Appropriating funds for Virginia Department of Transportation (VDOT) Bicycle and Pedestrian Safety Program for bicycle and pedestrian improvements at Preston Avenue and Harris Street - \$245,725 (1st of 2 readings)
13. Resolution: Appropriating funds for the Virginia Community Flood Preparedness Grant – Stormwater Management Model of Moores Creek Watershed - \$307,000 (1st of 2 readings)
14. Resolution: Appropriating 2020 Local Emergency Management Performance Grant (LEMPG) - \$7,500 (1st of 2 readings)
15. Resolution: Transferring funds from the Facilities Repair Fund to the Capital Improvement Program Fund - \$90,000.00 (1 reading)
16. Resolution: Approving participation in the Virginia Opioid Litigation Settlement
 - a. Resolution: Approving participation in the proposed settlement of opioid-related claims against McKesson, Cardinal Health, Amerisourcebergen, Janssen, and their related corporate entities (1 reading)
 - b. Resolution: Approving participation in the Virginia Opioid Abatement Fund and approving the City's execution of the Virginia settlement Allocation Memorandum of Understanding (1 reading)

CITY MANAGER RESPONSE TO COMMUNITY MATTERS and to COUNCILORS

COMMUNITY MATTERS Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration available for first 8 spaces; speakers announced by Noon on meeting day (9:00 a.m. sign-up deadline). Additional public comment at end of meeting. Public comment will be conducted through electronic participation while City Hall is closed to the public. Participants can register in advance at www.charlottesville.gov/zoom.

ACTION ITEMS

17. Ordinance: Amending the Police Civilian Review Board Ordinance (tentative)
18. Ordinance: Approving the rezoning of land at 0 Nassau Street from R-2U (Two-Family Residential, University) to R-3 (Multifamily Residential) subject to preferred development conditions (1st of 2 readings)
19. Resolution*: Approving a request to waive the Critical Slope requirements of City Code Section 34-1120(b) to allow construction of a duplex at 0 Coleman Court (City Tax Map 49, parcels 112 and 112.2) (1 reading)
20. Action Item: Approval of 2022 Council Legislative Positions
 - a. Report: Thomas Jefferson Planning District Commission (TJPDC) Proposed Legislative Positions (2022) – David Blount
 - b. Report: City Council Proposed Legislative Positions (2022) – Lisa Robertson

21. Action Item: Approving the disposition of statues: Robert E. Lee, Thomas J. "Stonewall" Jackson, and Sacajawea-Lewis-Clark "Their First View of the Pacific" (1 reading)

GENERAL BUSINESS

22. Discussion: Preliminary discussion about Collective Bargaining

OTHER BUSINESS

MATTERS BY THE PUBLIC

*Action Needed

CHARLOTTESVILLE CITY COUNCIL MEETING
October 18, 2021
Virtual/electronic meeting via Zoom

4:00 PM WORK SESSION

The Charlottesville City Council met in an electronic meeting on Monday, October 18, 2021, in accordance with a local ordinance amended and re-enacted on October 4, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency.

Mayor Walker called the meeting to order at 4:02 p.m. and Clerk of Council Kyna Thomas called the roll, noting all members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook.

REPORTS

1. Sidewalks on Stribling Avenue

Deputy City Manager Sam Sanders provided a brief overview of the presentation.

James Freas, Director of Neighborhood Development Services, shared background on the project and advised that in order to move forward with rezoning, the sidewalks issue would need to be resolved.

Jack Dawson, City Engineer provided a detailed presentation, advising that the cost analysis exercise for this meeting is an expedited "over/under" exercise rather than an estimate. He also listed other factors of the analysis:

- This is not an existing priority project, so background information is minimal.
- Includes 20% contingency
- Projects of this type are not insignificant undertakings nor are they "cookie-cutter" in design typology or execution.
- The revised layout is preliminary; the estimate should not be considered final.

Mr. Dawson shared visual concepts prepared by the consultant firm, The Timmons Group, and photos to support the concepts. Some considerations for designing streetscapes in developed corridors are:

- Right-of-Way takes
- Driveway tie in costs/temporary easements
- Drainage requirements
- SWM (solid waste management) impacts
- Utility Relocation
- Roadway improvements

Other non-priced impacts:

- Existing Parking Reductions
- Tree canopy removal

The existing corridor analysis acknowledged the following physical constraints:

- Utility poles
- Grading challenges
- Trees
- Driveway/parking conflicts

The cost summary totaled \$2,873,262 (\$2,394,385 plus 20% contingency).

Mr. Sanders explained the decision that would need to be made by Council, given existing Capital Improvement Plan priorities and a funding gap for this project.

Staff answered questions from Council related to project scope, a funding proposal, pedestrian and vehicular traffic, and infrastructure.

Council discussed capital improvement priorities and generally agreed that this project did not currently rise to priority level.

2. Budget Development

Krisy Hammill, Senior Budget and Management Analyst, provided an overview of the budget development schedule and process noting that the City Manager Budget proposal is scheduled to be presented at the March 7, 2022 City Council meeting. She asked that Council submit priority item requests for consideration. She introduced Brian Ray, Systems Analyst, who presented a new budget transparency tool on the City Website.

Mr. Ray demonstrated the Budget Explorer dashboard and reviewed the steps explained in the User Guide.

PUBLIC COMMENT

Mayor Walker opened the floor for public comment.

- Jason Halbert, Co-President and Vice President of the Fry's Spring Neighborhood Association, advised that although some neighbors oppose the Stribling Avenue project, the Association agrees that the area is in need of capital improvement, although not as a city priority at this time.
- Peter Krebs commended both presentations and added that the Stribling project is less of a priority than the Comprehensive Plan at the moment.

CLOSED MEETING MOTION

On motion by Councilor Hill, seconded by Councilor Snook, Council voted 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none) to convene in closed session as authorized by

Virginia Code Sections 2.2-3711 and 2.2- 3712, specifically:

- Section 2.2-3711(A)(1), (A)(7) and (A)(8), for: discussion of prospective candidates for employment as interim city manager; discussion and consideration of the relationships among city councilors, and among city councilors and the city attorney's office; update regarding pending litigation (Charlottesville circuit court civil case no. CL21-116 and a personnel matter appealed pursuant to Sec. 13.5 of the Grievance Procedures), and consultation with legal counsel regarding resignation of the city manager and administrative and operational matters within the city manager's office and police department.

The work session adjourned at 5:14 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CHARLOTTESVILLE CITY COUNCIL MEETING
October 18, 2021
Virtual/electronic meeting via ZOOM

5:30 PM CLOSED MEETING

The Charlottesville City Council met in an electronic meeting on Monday, October 18, 2021, in accordance with a local ordinance amended and re-enacted on October 4, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency. Mayor Walker called the meeting to order at 5:15 p.m., and Clerk of Council Kyna Thomas called the roll, noting all members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook.

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

- Section 2.2-3711(A)(1), (A)(7) and (A)(8), for: discussion of prospective candidates for employment as interim city manager; discussion and consideration of the relationships among city councilors, and among city councilors and the city attorney's office; update regarding pending litigation (Charlottesville circuit court civil case no. CL21-116 and a personnel matter appealed pursuant to Sec. 13.5 of the Grievance Procedures), and consultation with legal counsel regarding resignation of the city manager and administrative and operational matters within the city manager's office and police department.

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 6:43 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

6:30 PM REGULAR MEETING

The Charlottesville City Council met in an electronic meeting on Monday, October 18, 2021, in accordance with a local ordinance amended and re-enacted on October 4, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency. Mayor Walker called the meeting to order at 6:44 p.m., and City Council observed a moment of silence.

Clerk of Council Kyna Thomas called the roll, noting all members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook.

AGENDA APPROVAL

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

ANNOUNCEMENTS

Vice Mayor Magill congratulated city staff for winning three environmental awards for sustainability.

RECOGNITIONS/PROCLAMATIONS

Mayor Walker recognized city staff for achieving recognition in the following three areas:

- In July, the City was announced a winner of the 2020-2021 Better Business Challenge (hosted by the local nonprofit, C3). This year's competition included 75 area businesses, nonprofits, and schools who took actions to reduce their environmental impacts.
- In August, Charlottesville was approved as a DEQ Virginia Environmental Excellence Program (VEEP) Sustainability Partner for the 9th consecutive year. The VEEP Sustainability Partners track is designed to encourage organizations across Virginia to make environmental sustainability part of their culture through leadership, innovation, and continual improvement. Organizations must demonstrate this commitment through measurable and verifiable conservation efforts, leading to direct and indirect improvements in energy usage, water usage, waste generation, and other environmental benefits.
- In September, the City of Charlottesville was selected as a 2021 EPA WaterSense Program Sustained Excellence award winner. This is the 4th time the City has achieved this award level and the 7th year of receiving awards through this program. WaterSense partners contribute to the program's success by enhancing the market for water-efficient products, practices, and services.

CONSENT AGENDA*

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

1. MINUTES: September 7 closed and regular meetings; September 15 joint School Reconfiguration meeting; September 21 Council quorum at the Planning Commission Work Session
2. RESOLUTION: Appropriating funds for the Charlottesville Victim Witness Assistance Grant - \$257,024 (2nd reading)

**RESOLUTION APPROPRIATING FUNDS for
Charlottesville Victim Witness Assistance Program Grant - \$257,024**

WHEREAS, The City of Charlottesville, through the Commonwealth Attorney’s Office, has received an increase in the Victim Witness Program Grant from the Virginia Department of Criminal Justice Services in the amount of \$224,024; and

WHEREAS, the City is providing a supplement in the amount of \$33,000, the source of which is the Commonwealth’s Attorney’s operating budget;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$224,024 is hereby appropriated in the following manner:

Revenues

\$ 56,006	Fund: 209	Cost Center: 1414001000	G/L Account: 430110
\$168,018	Fund: 209	Cost Center: 1414001000	G/L Account: 430120
\$ 33,000	Fund: 209	Cost Center: 1414001000	G/L Account: 498010

Expenditures

\$244,241	Fund: 209	Cost Center: 1414001000	G/L Account: 519999
\$ 12,783	Fund: 209	Cost Center: 1414001000	G/L Account: 599999

Transfer

\$ 33,000	Fund: 105	Cost Center: 1401001000	G/L Account: 561209
-----------	-----------	-------------------------	---------------------

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$224,024 from the Virginia Department of Criminal Justice Services.

3. RESOLUTION: Appropriating funding award for the Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T) - \$112,708 (2nd reading)

**RESOLUTION APPROPRIATING FUNDING FOR
Supplemental Nutrition Assistance Program Education & Training (SNAP E&T)
Program Administration and Purchase of Services - \$112,708**

WHEREAS, the Charlottesville Department of Social Services has received \$112,708 in the Fiscal Year 2022 budget from the Virginia Department of Social Services to be used for Supplemental Nutrition Assistance Program Education & Training (SNAP E&T).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$112,708 is hereby appropriated in the following manner:

Revenue – \$112,708

Fund: 212	Cost Center: 9900000000	G/L Account: 430080	\$112,708
-----------	-------------------------	---------------------	-----------

Expenditures - \$112,708

Fund: 212	Cost Center: 3301009000	G/L Account: 510010	\$ 49,511
Fund: 212	Cost Center: 3301009000	G/L Account: 511010	\$ 3,787
Fund: 212	Cost Center: 3301009000	G/L Account: 511020	\$ 14,678
Fund: 212	Cost Center: 3301009000	G/L Account: 511030	\$ 359
Fund: 212	Cost Center: 3301009000	G/L Account: 511040	\$ 9,072
Fund: 212	Cost Center: 3301009000	G/L Account: 510161	\$ 276
Fund: 212	Cost Center: 3301009000	G/L Account: 510130	\$ 2,475
Fund: 212	Cost Center: 3301009000	G/L Account: 525251	\$ 486
Fund: 212	Cost Center: 3301009000	G/L Account: 530030	\$ 264
Fund: 212	Cost Center: 3301009000	G/L Account: 530320	\$ 3,202
Fund: 212	Cost Center: 3301009000	G/L Account: 530216	\$ 298
Fund: 212	Cost Center: 3301009000	G/L Account: 520010	\$ 800
Fund: 212	Cost Center: 3301009000	G/L Account: 530100	\$ 300
Fund: 212	Cost Center: 3301009000	G/L Account: 530020	\$ 100
Fund: 212	Cost Center: 3301009000	G/L Account: 530010	\$ 1,000
Fund: 212	Cost Center: 3301009000	G/L Account: 530210	\$ 300
Fund: 212	Cost Center: 3301009000	G/L Account: 520690	\$ 100
Fund: 212	Cost Center: 3301009000	G/L Account: 520030	\$ 200
Fund: 212	Cost Center: 3301009000	G/L Account: 520900	\$ 300
Fund: 212	Cost Center: 3301009000	G/L Account: 520990	\$ 200
Fund: 212	Cost Center: 3333002000	G/L Account: 540060	\$ 25,000

4. RESOLUTION: Appropriating General Assembly One-time Bonus Funding-for the City Sheriff's Office - \$35,525.00 (carried)
5. RESOLUTION: Appropriating Fiscal Year 2022 Fire Programs Aid to Locality Funding (Firefund) - \$175,965.00 (carried)

Mayor Walker opened the floor for comment on the Consent Agenda. There were no speakers.

Councilor Hill moved to approve the Consent Agenda, seconded by Vice Mayor Magill.

A friendly amendment was accepted from Councilor Snook regarding corrections for the resolution in Item 4, related to the number of deputies included. Mayor Walker commented about equitable pay for the Sheriff's office and making employee compensation in general a priority. Council by the following vote APPROVED the Consent Agenda: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

Mayor Walker offered Sheriff James Brown a moment to speak about Item #4 and he provided clarifying information about pay.

CITY MANAGER RESPONSE TO COMMUNITY MATTERS and to COUNCILORS

There was no update.

COMMUNITY MATTERS

1. Lauri Shirck, UVA parent, spoke about community safety related to gunfire in the city, and comments made at the last City Council meeting.
2. Marcy Garcia, UVA parent, spoke about public safety related to gunfire near UVA grounds, and asked that University and Charlottesville police work collaboratively.
3. Jean Hiatt, city resident, spoke about litter on side streets near the Downtown Mall. Regarding Rose Hill, she asked that the speed limit be reduced to 25 miles per hour and a 4-way stop be added near Burley Middle School. She shared a concern about the size of a building under construction at Rose Hill and Amherst.
4. Katrina Turner, city resident, spoke in response to comments from UVA parents about community safety. She read an email statement from Bellamy Brown, Chair of the Police Civilian Review Board (PCRB) to Councilor Hill regarding the process for hiring the Executive Director for the PCRB.
5. Robin Hoffman, city resident, spoke in support of the work done by staff at the Charlottesville Community Media Center.
6. Jeffrey Fogel, city resident, spoke in response to comments from UVA parents regarding community safety, advising of the reduction in crime over time in the city, and the need to evaluate today's needs versus the needs of years ago.
7. Gloria Beard, city resident, asked about the previous Registrar Melissa Morton. She expressed that the current people in place in the Registrar's Office have been disrespectful to people of color.
8. Justin Reid, city resident, spoke about concerns for community safety and stated that he does not want UVA parents determining the safety of the city. He expressed concern that police have not reached out to neighborhood associations.
9. Vizona Howard, city resident and native of Charlottesville, expressed concern that attention would be given to safety issues because of concerns expressed by UVA parents rather than concerns expressed by black and brown residents for years. She expressed disappointment in councilors for lack of support for the mayor.

10. Genevieve Keller, city resident, shared a personal story regarding a pleasant encounter with a police officer.

Councilor Hill provided a response to comments from Ms. Turner regarding the hiring of the PCRB Executive Director and comments from the PCRB Chair. She also responded to comments about city safety and expressed support for the concerns of parents and residents.

Mayor Walker addressed Ms. Beard's comment and advised that the Electoral Board makes decisions about the General Registrar. She expressed concern about safety discussions being centered around UVA students and the need to take into consideration the viewpoints of native residents.

ACTION ITEMS

6. PUBLIC HEARING/RESOLUTION: Amending the FY 2021-2022 Substantial Action Plan and appropriating HOME-ARP (American Rescue Plan) funding (carried)

Erin Atak, Grants Coordinator, provided a detailed report to introduce the request.

Mayor Walker opened the public hearing. There were no speakers.

Mayor Walker closed the public hearing.

Council agreed to move the item to the November 1 Consent Agenda for the second reading.

7. RESOLUTION: Appropriating American Rescue Plan funds - \$1,192,836 (carried)

Chris Cullinan, Director of Finance, introduced the resolution and provided information regarding available funds, funding requests, and American Rescue Plan (ARP) guidelines.

Mayor Walker suggested that funds be used to provide a bonus for employees. Mr. Cullinan mentioned premium pay guidelines of the ARP, linking job duties as related to risk of Covid. He explained that the final ARP rules had not yet been determined.

Councilors made comments and asked questions about Covid testing, the ambassador program, and the Pathways re-entry program, intended uses for reconfigured office space, future projects, and the treatment of vacation time for employees who have not been able to take time off. Mr. Cullinan and Deputy City Manager Ashley Marshall provided responses.

Council agreed to move the item to the November 1 Consent Agenda for the second reading.

GENERAL BUSINESS

8. REPORT: Rivanna Authorities quarterly report (written report only)

Councilor Snook addressed a question received from Dede Smith by email regarding the route of the central water pipe project. Based on information that Councilor Snook received from Rivanna Authorities personnel, between 2023 and 2027 the Rivanna Water and Sewer Authority is projecting that they will do a replacement of central water pipe that runs from the observatory water treatment plant through Charlottesville along a route which may include: Stadium Road, JPA Extended, Cleveland Avenue, Cherry Avenue, Elliott Avenue, 6th Street, 10th or 11th Street, and East High Street at the intersection with Long Street. The design engineering consultant is completing detailed surveys of existing surface conditions and underground utilities to try to assess any conflicts and finalize the route. They expect to finalize the route within 12-18 months and begin construction in 2024. To complete the full five miles of replacement would take 2-3 years.

OTHER BUSINESS

There were no additional items for consideration.

MATTERS BY THE PUBLIC

Mayor Walker opened the floor for public comment.

- Gregory Weaver, city resident, commented about consequences of climate change denialism, and provided information about density and emissions.
- Kathryn Laughon spoke in response to comments from UVA mothers, advising that increased police presence would not make her feel safer. She spoke in support of a proposal from the Jefferson School African American Heritage Center regarding disposition of the removed Lee statue.
- Ang Conn, city resident, asked about City Council response to the City Manager's communication with the Police Benevolent Association. She asked about Councilor Payne's views on continued police reform within the Charlottesville Police Department.
 - Councilor Payne provided a response.
- Katrina Turner, city resident, commented on City Manager Chip Boyles's reasoning for resignation and councilors who expressed support.
- Robin Hoffman, city resident, encouraged people to get vaccinated for Covid-19.

The meeting adjourned 8:29 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CHARLOTTESVILLE CITY COUNCIL MEETING
November 1, 2021
Virtual/electronic Meeting via ZOOM

6:30 PM REGULAR MEETING

The Charlottesville City Council met in an electronic meeting on Monday, November 1, 2021, in accordance with a local ordinance approved and re-enacted October 4, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus pandemic. Mayor Walker called the meeting to order at 6:31 p.m. and City Council observed a moment of silence. Clerk of Council Kyna Thomas called the roll, noting all members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook.

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

ANNOUNCEMENTS (and Update from Blue Ridge Health Department)

Dr. Denise Bonds provided an update on Coronavirus and stated that the numbers of new cases has dramatically decreased. She shared data about vaccination rates for partial and full vaccinations, and by race and ethnicity. Dr. Bonds shared information about newly available booster doses, qualifications, and locations, as well as information about the limited supply of doses for the 5-11 year-old vaccine launch and roll-out.

RECOGNITIONS/PROCLAMATIONS

Mayor Walker presented the following proclamations:

Nurse Practitioners Week, November 7-13, 2021

Darla Topley, Nurse Practitioner, accepted the proclamation.

Rotary Club of Charlottesville 100th Anniversary

Stan Gilbert, Rotary Club of Charlottesville President, accepted the proclamation. He also acknowledged Dr. Denise Bonds as the Rotary Club's Citizen of the Year for 2020.

CONSENT AGENDA*

1. MINUTES: September 20 work session
2. RESOLUTION: Appropriating General Assembly One-time Bonus Funding-for the City Sheriff's Office \$35,525.00 (2nd reading)

RESOLUTION TO APPROPRIATE

General Assembly One-Time Bonus Funding-for the City Sheriff's Office
\$35,525.00

WHEREAS, the City of Charlottesville will receive a total of \$22,607.00 from the State Compensation Board (SCB) as reimbursement for the General Assembly approved the allocation of Federal American Rescue Plan Act (ARPA) funding to the State Compensation

Board to provide a \$3,000.00 one-time bonus in FY22 for Compensation Board-funded sworn Sheriffs, sheriffs' deputies and regional jail officers;

WHEREAS, the Charlottesville Sheriff's Office has a total of eleven (11) sworn positions that meet the qualifications for the one-time \$3,000.00 bonus. Seven (7) are funded with Compensation Board funds and four (4) are fully funded by the City; who also qualify for the \$3,000.00 bonus, \$12,918.00 in City funds will be used to cover the four otherwise approved deputies to be fair and equitable for sworn members of the Sheriff's Office. We are requesting an additional \$12,918.00 to cover these positions.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$22,607.00 will be reimbursed by the Compensation board and \$12,918.00 in City funds will hereby be appropriated as follows:

Revenues - \$35,525.00

\$22,607.00	Fund: 105	Cost Center: 1501001000	G/L Account: 430030
\$12,918.00	Fund: 105	Cost Center: 1501001000	G/L Account: 498010

Expenditures - \$35,525.00

\$35,525.00 Fund: 105 Cost Center: 1501001000 G/L Account: 510150

3. RESOLUTION: Appropriating Fiscal Year 2022 Fire Programs Aid to Locality Funding (Firefund) - \$175,965.00 (2nd reading)

**RESOLUTION APPROPRIATING FUNDS for
Fiscal Year 2022 Fire Programs Aid to Locality Funding (Firefund)
\$175,965.00**

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 \$175,965.00 be appropriated in the following manner:

Revenues - \$175,965

\$175,965	Fund: 209	I/O: 1900010	G/L Account: 430110
-----------	-----------	--------------	---------------------

Expenditures - \$175,965

\$175,965	Fund: 209	I/O: 1900010	G/L Account: 599999
-----------	-----------	--------------	---------------------

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$175,965.00 from the Virginia Department of Fire Programs.

4. RESOLUTION: Amending the FY 2021-2022 Substantial Action Plan and appropriating HOME-ARP (American Rescue Plan) funding (2nd reading)

RESOLUTION
Amending the FY2021-2022 Substantial Action Plan and Appropriating HOME-
American Rescue Plan Funding

BE IT RESOLVED, that the Charlottesville City Council hereby approves the FY2021-2022 Substantial Action Plan Amendment for the 2018-2022 Consolidated Plan as presented on the October 18, 2021 City Council Meeting. All HOME-ARP funding of \$2,452,270 shall be included into the City of Charlottesville Annual 2021-2022 Action Plan.

5. RESOLUTION: Appropriating American Rescue Plan funds - \$1,192,836 (2nd reading)

RESOLUTION APPROPRIATING FUNDING FOR
American Rescue Plan for Eligible Local Activities
\$1,192,836

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$1,192,836 from American Rescue Plan funding is hereby designated to be available for expenditure for costs associated with following eligible purposes and amounts:

Information Technology Department.	\$175,904.
Upfit of Market Street Parking Garage Space.	\$400,000.
Department of Social Services – Emergency Shelter.	\$15,000.
COVID testing for City Employees.	\$500,000.
Human Services Support for Community Resource Hotline and Housing Navigation.	\$80,751.
Communications Department – Zoom Renewal.	\$1,181.
Treasurer’s Office – Continuation of Ambassador Program.	\$20,000.
TOTAL.	\$1,192,836.

Revenues - \$1,192,836

Fund: 207 Cost Center: 9900000000 G/L Account: 430120

Expenditures - \$1,192,836

Fund: 207	I/O: 1900437	G/L Account: 599999	\$177,085
Fund: 207	I/O: 1900438	G/L Account: 599999	\$400,000
Fund: 207	I/O: 1900439	G/L Account: 599999	\$15,000
Fund: 207	I/O: 1900440	G/L Account: 599999	\$500,000
Fund: 207	I/O: 1900441	G/L Account: 599999	\$80,751
Fund: 207	I/O: 1900442	G/L Account: 599999	\$20,000

6. RESOLUTION: Appropriating funds for the Virginia Department of Education Special Nutrition Program Child and Adult Care Food Program - \$50,000 (carried)
7. RESOLUTION: Appropriating funds for Safe Routes to School Program (SRTS) Non-Infrastructure Grants - \$39,000 (carried)
8. RESOLUTION: Establishing interim hearing procedures for the Police Civilian Review Board

**RESOLUTION
APPROVING HEARING PROCEDURES FOR THE
CHARLOTTESVILLE POLICE CIVILIAN REVIEW BOARD**

BE IT RESOLVED by the Council of the City of Charlottesville THAT pursuant to Virginia Code Section 9.1-601(D) the following procedures are approved for the performance of the duties of the Charlottesville Police Civilian Review Board under the provisions of City Code §2-452(c) and §2-461:

1. Hearings and Meetings.

- a. The PCRB may, from time to time, hold meetings for such purposes as it deems advisable and consistent with the authority granted to it by ordinance of the City of Charlottesville ("the City"). Meetings shall be conducted in accordance with Robert's Rules of Order or such other procedures as the PCRB may adopt. Any PCRB-adopted procedures shall control.
- b. The PCRB may, from time to time, upon receipt of information relating to a Complaint, as defined herein, conduct a Hearing related to that Complaint, as authorized within Chapter 2, Article XVI of the City Code and these Procedures. The PCRB may receive information relating to a Complaint from any person or entity provided the information is submitted to the PCRB in writing and the person making the submission provides their name, address, and telephone number.
- c. For the purpose of these procedures:
 - i. A "Complaint" shall mean a complaint from a civilian regarding the conduct of law-enforcement officers and civilian employees of a law-enforcement agency serving under the authority of the City ("Civilian Complaint"); or
 - ii. "Information relating to a Complaint" shall mean (i) incidents, including the use of force by a law-enforcement officer, death or serious injury to any person held in custody, serious abuse of authority or misconduct, allegedly discriminatory stops, and other incidents regarding the conduct of law-enforcement officers or civilian employees of a law-enforcement agency serving under the authority of the City ("Police Conduct Complaint"); or

- iii. information related to an investigation conducted internally by law-enforcement agencies serving under the authority of the City, including internal investigations of the conduct or behavior of law-enforcement officers and of civilian employees of such law-enforcement agencies, and taking issue with the findings, accuracy, completeness, and impartiality of such investigations and the sufficiency of any discipline resulting from such investigations (“Internal Affairs Review”).
- d. Any Complaint shall set out with particularity any claim of misconduct by a law enforcement officer and/or a civilian employee under the authority of the City and shall set forth facts or information sufficient for the PCRB to identify any law, policy, or procedure the misconduct may or is alleged to have violated.
- e. Upon receiving a Complaint or information relating to a Complaint, the PCRB shall determine whether (i) any applicable ordinance of the City permits or requires the PCRB to conduct a Hearing and (ii) whether, in the exercise of its discretion, it determines a Hearing is appropriate.
- f. The PCRB shall conduct Hearings in accordance with the procedures set forth herein which may be modified from time to time as circumstances concerning a particular Complaint may require, provided that (i) any such modifications are within the authority of the PCRB under City policy or ordinance; and (ii) no such modification shall operate to deprive any party to a Hearing of substantial justice.
- g. The parties to a Hearing shall include:
 - i. Any person or entity who alleges they were the subject of or a direct witness to police officer/employee misconduct set forth in the Complaint that is the subject of the Hearing;
 - ii. The Charlottesville Chief of Police ("the Chief of Police") or designated representative(s) of the Chief of Police appearing on behalf of the City Police Department; and
 - iii. The police officers/employees who are the subject of the Complaint.
- h. Hearing examiner. Hearings that are convened to address complaint review requests under Section 2-461 of the Board’s enabling ordinance will be presided over by Hearing Examiners with professional experience in mediation, labor, civil rights law, police oversight, or other relevant area of jurisprudence. The City Manager will establish a list of hearing examiners who shall have qualifications and shall perform their duties in accordance with state standards for administrative hearing officers, consistent with the provisions of Va. Code 2.2-4024 through 2.2- 4024.2.

2. Advisors/Representatives.

- a. Right to advisor/representative of choice. Throughout the Hearing process, all parties may consult with and be represented by legal counsel or another individual advisor/representative of their choosing.
- b. Role of advisor/representative in meetings. The parties may be accompanied by their respective advisors at any meeting or proceeding related to the Hearing which right shall not include the right to be present during investigative interviews or be privy to other investigative efforts of PCRB related to the Complaint. While the advisors may provide support and advice to the parties at any meeting and/or proceeding, unless the advisor is also an attorney licensed by the Virginia State Bar, the nature of their participation in the proceedings on behalf of a party shall be determined by the Board. No advisor or representative may in any manner disrupt such meetings and/or proceedings. Virginia licensed attorneys shall conduct themselves in any meeting or hearing proceeding held under these Procedures in accordance with the Rules of Professional Conduct of the Supreme Court of Virginia.

3. Investigation.

- a. Upon receipt of a Complaint, the PCRB shall compile or cause to be compiled a Written Record related to the Complaint. The Written Record shall include:
 - (i) Material from the City Police Department which the PCRB shall request by notifying the Chief of Police of the Complaint. Within 10 (ten) business days of receipt of a request from the PCRB, the Chief of Police shall cause to be delivered to the PCRB:
 - (A) a complete copy of any internal affairs investigation file regarding the conduct or matter that is the subject of the Complaint. The file shall be redacted to preserve the confidentiality of any information related to a juvenile pursuant to Virginia Code Section 16.1-301, as amended, and to protect other information required by law to be confidential;
 - (B) the complete complaint history including any final disciplinary action taken against any officer or civilian employee who is the subject of the Complaint; and
 - (C) any material or evidence utilized or collected by the Police Department during its internal affairs investigation related to the Complaint unless the Chief of Police, upon concurrence of the Charlottesville Commonwealth's Attorney, determines that the material or evidence is the subject of an active criminal investigation, or the Chief of Police, upon concurrence of the City Attorney notifies the PCRB that the material or evidence is at issue in a pending civil action. In either such case, proceedings of the PCRB shall be suspended until notice of the conclusion of the criminal investigation or civil action or other basis to resume PCRB proceedings,
 - (ii) any additional information provided by a party to the PCRB that the party

believes to be relevant to a Complaint at any time prior to the commencement of the Hearing.

- b. Investigative material from the City Police Department and information provided by a party to the PCRB shall be presumptively confidential and may not be disclosed by the PCRB except upon a certification by vote of the PCRB that it is germane to a Hearing, serves the public interest to be disclosed in a Hearing, or, in the interest of fairness and due process, must be made available to the parties to the Hearing.

Upon the PCRB's receipt of a Virginia Freedom of Information Act ("FOIA") request for investigative information or records from the Charlottesville Police Department, or for personnel information or records of a police officer, the PCRB shall refer the request to the City's FOIA Officer (foia@charlottesville.gov) and the Chief of Police shall have the duty to respond to that request and the right to determine whether any discretionary exemption(s) will be asserted in accordance with applicable law.

4. Policies Governing Hearings.

- a. Presumption of Lawful Conduct. The Hearing and related investigation are neutral fact-gathering processes. All accused parties are presumed, until findings are made to the contrary, to have acted lawfully and in accordance with applicable policies and procedures. That presumption may be overcome only by a PCRB finding that there is sufficient evidence, by a preponderance of the evidence, that the party acted unlawfully or in violation of applicable policies or procedures.
- b. Participation by the Parties and Witnesses. In the absence of a lawfully issued subpoena, no party or witness is required to participate in a Hearing but the PCRB may infer from a party's or a witness's voluntary absence from a Hearing, despite notice and a request to appear, that their truthful participation would have been adverse to the interests of such voluntarily absent party or witness. The application and/or weight of any such inference shall be determined by a standard of objective reasonableness under the circumstances.
- c. Prior or Subsequent Conduct. Prior or subsequent conduct of a party may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. The determination of relevance of such conduct will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of unlawful conduct or conduct that violates applicable policies or procedures.
- d. Relevance. The PCRB may determine in any Hearing the relevance of any proffered evidence and to include or exclude certain types of evidence from the Hearing or from consideration by the PCRB.
- e. Rules of Evidence. Virginia's Rules of Evidence, contained in Part II of the Rules of the Supreme Court of Virginia and in the Code of Virginia and in applicable case opinions are not binding in Hearings but may be the basis for arguments in support of the

admission or exclusion of evidence which the PCRB may consider in determining, in its discretion, whether to admit evidence.

- f. Expert Consultation(s). The PCRB may consult disinterested medical, forensic, technological, or other experts, as defined by applicable law, when expertise on a topic is needed in order to achieve a fuller understanding of the issues presented by the Complaint.
- g. Virginia Freedom of Information Act. As a body empowered by the City Council to perform the functions set forth in Chapter 2, Article XVI of the City Code, the PCRB is subject to the requirements of FOIA , both as to access to PCRB records and as to requirements for open, public meetings. The PCRB shall exercise any discretion available to it under applicable FOIA provisions in the interest of transparency as dictated by the balance of public and private interests specific to any particular Complaint.

5. Conduct of Hearings.

- a. Information Provided to Decision Maker. Prior to the Hearing, the PCRB shall review the Written Record.
- b. Purpose of the Hearing. The Hearing is an opportunity for the parties to address the PCRB about issues relevant to the Complaint.
- c. Order of Hearing.
 - i. The PCRB shall hear any motions or requests of the parties regarding the conduct of the Hearing at the commencement of the Hearing and may rule on them or defer ruling upon them as the PCRB determines to be appropriate.
 - ii. Each party may make an opening statement at the commencement of the Hearing subject to reasonable time limitations that the PCRB may impose.
 - iii. The PCRB and the parties may call witnesses or seek to introduce documentary or other evidence not already part of the Written Record. The PCRB shall determine the order in which parties shall present evidence.
 - iv. The parties may submit written questions to the PCRB to pose to witnesses, whether in the nature of "cross examination" or "direct examination" and the PCRB members may pose questions to any witnesses. The PCRB may permit examination, including cross examination, of witnesses by party representatives who are attorneys licensed by the Virginia State Bar. The PCRB shall determine whether any question is inappropriate for submission to a witness or rule on the propriety of questions allowed to be posed directly to witnesses.
 - v. At the conclusion of the presentation of evidence, the parties may make closing arguments to the PCRB within any reasonable time limitation the PCRB may impose.

- d. Notice of Hearing. The PCRB shall provide written notice to the parties of no less than 14 days of the date, time, and location of the Hearing. The hearing may be continued by the PCRB from time to time until completed.
- e. Location of Hearing. A Hearing may be conducted with all parties physically present in the same geographic location or, at the discretion of the PCRB, any or all parties, witnesses, or other participants may appear at the Hearing virtually, with technology enabling participants simultaneously to see and hear each other. Members of the PCRB must be physically present in the same geographic location, except as may otherwise be authorized by FOIA or other provisions of state law.
- f. Pre-Hearing Conference. The PCRB may convene a Pre-Hearing Conference during which preliminary matters related to the Hearing are discussed and/or resolved. The parties will be provided advance written notice of the date, time, and location of the pre-hearing conference.
- g. Recording of Hearing. The PCRB shall make arrangements to create either an audio or audiovisual recording of the Hearing, or a transcript of the Hearing prepared by a court reporter present at the Hearing.
- h. Determination by the PCRB. After the Hearing, the PCRB will objectively evaluate all relevant evidence, both from the Written Record and presented during the Hearing, and make a written finding within the time and in the form provided by the enabling Ordinance, for each allegation of misconduct in the Complaint:
 - i. Whether there was a preponderance of evidence that the misconduct alleged in the Complaint occurred;
 - ii. Whether the PCRB concurs with any finding by the Charlottesville Police Department concerning the misconduct;
 - iii. Whether the PCRB finds that the Charlottesville Police Department's investigation, if any, of the Complaint is incomplete or unsatisfactory and, if so, in what regard;
 - iv. With respect to any Civilian Complaint or Police Conduct Complaint, to the extent permitted by City Ordinance, whether the PCRB wishes to consult with the Chief of Police and/or the supervisors of a police officer/employee whose conduct is a subject of the complaint, to make disciplinary recommendations, applying the Police Department Disciplinary Matrix, in cases that involve serious breaches of Police Department policies and professional standards, and other determinations as may be provided by City ordinance, any of which to be implemented by the City official/employee with ultimate supervisory authority over officers and employees of the Police Department.

6. Informal Resolution.

At any time after receiving a Complaint and before issuance of the written findings required at

the conclusion of a Hearing, the PCRB and any party may propose an informal resolution of the Complaint which may be adopted if all parties and the PCRB agree to such a resolution.

Mayor Walker opened the floor for comment on the Consent Agenda:

- Larycia Hawkins shared concern about Item #8.

Mayor Walker asked for a separate vote on Item #8.

Councilor Hill asked Councilor Snook to summarize Item #8 for clarity. He advised that the interim procedures will allow the Police Civilian Review Board to address the one case that has been filed for a hearing.

On motion by Councilor Snook, seconded by Councilor Hill, Council by the following vote APPROVED the Consent Agenda, removing Item #8 for a separate vote: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: None).

On motion by Councilor Snook, seconded by Councilor Hill, Council by the following vote APPROVED Item #8 on the Consent Agenda: 4-1 (Ayes: Hill, Magill, Payne, Snook; Noes: Walker).

CITY MANAGER RESPONSE TO COMMUNITY MATTERS and to COUNCILORS

Deputy City Manager Samuel Sanders provided an update on the following items:

1. Side street maintenance near the Downtown Mall is a function of the Parks and Recreation Department. They have been short-staffed and have requested additional equipment to do a better job.
2. Regarding a requested 4-way stop on Rose Hill Drive. Traffic Engineer advised there is a traffic study underway for Walker Upper Elementary School which may help with information for the area near Burley Middle School. He advised that there is a traffic calming petition process.

COMMUNITY MATTERS

1. Myra Anderson spoke about the need for an official mental health response committee, as mandated in Marcus Alert legislation and recommended by the Marcus Alert Workgroup two weeks prior.
2. John Hossack, city resident, spoke about the need to address affordable housing and suggested eliminating the Medium Intensity Residential zoning model in the Future Land Use Map (FLUM).
3. William Emory spoke about 22 houses on the South side of Chesapeake Street, advising that most were built by blue-collar workers and that Medium Intensity Residential zoning would be detrimental to stable housing in this area.
4. Tyler Magill, city resident, expressed concern about a local demonstration by The Lincoln Project during a Virginia Gubernatorial campaign, and suggested that the City

- demand funds from The Lincoln Project to be put toward equity initiatives.
5. Kimber Hawkey, city resident, asked that Council place the Comprehensive Plan's FLUM update on hold.
 6. Michael Grinnell, member of the Charlottesville Sister Cities Commission, requested support for the Board's operating budget request.
 7. Ben Heller, city resident, offered suggestions regarding the FLUM.
 8. Adrienne Ward, member of the Charlottesville Sister Cities Commission, requested support for the Board's operating budget request.
 9. Tanesha Hudson suggested that the city implement a prohibited personnel policy. She spoke about Black pain and Black leadership pain in the City of Charlottesville.
 10. Andrew Shelton expressed concern about a demonstration by The Lincoln Project during a Virginia Gubernatorial campaign and asked that Council issue an official statement renouncing the event.
 11. Martha Smythe, city resident, spoke in opposition to up-zoning.
 12. James Groves, city resident, spoke about the need to eliminate natural gas consumption.
 13. Sally Duncan shared concerns about a demonstration by The Lincoln Project surrounding a Virginia Gubernatorial campaign and asked that Council demand an apology and compensation from The Lincoln Project for the exploitative event.
 14. John Ertl, city resident and representative of the Amalgamated Transit Union, requested approval to serve as representative to transit workers and spoke of the urgency to adopt a collective bargaining ordinance.
 15. Roy van Doorn, representative of the Charlottesville Albemarle Convention and Visitors Bureau (CACVB), spoke of the proposal to reorganize the board makeup. He added that independent restaurants in the hospitality industry remain in dire straits and asked that undesignated ARPA funds be used to help. He asked for changes to the terms Mayor and Vice Mayor.
 16. Amalia Garcia-Pretelt, city resident and local law student, shared concerns about increased patrols by university police and a distrust of Chief Longo. She asked that the city review its agreement with University Police Department and consider rescinding its jurisdiction.

Councilor Snook commented about the mental health workgroup and potentially adding a related item to the city's legislative agenda. He responded to comments about The Lincoln Project publicity stunt and stated that these activities are not welcome.

Councilor Hill agreed that a response from Council was needed to address The Lincoln Project publicity stunt.

Mayor Walker responded to comments about the FLUM, the CACVB, the structure of local government, increased police patrols, and about the pain and suffering of residents beyond the Lincoln Project incident and August 2017.

The meeting recessed at 8:18 p.m. and reconvened at 8:34 p.m.

ACTION ITEMS

9. PUBLIC HEARING/ORDINANCE: Closing, vacating and discontinuing a portion (0.038 acre) of the public street right-of-way for Seminole Court (carried)

City Attorney Lisa Robertson summarized the request and the process for handling a right-of-way vacation request.

Mayor Walker opened the public hearing. There were no speakers.
Mayor Walker closed the public hearing.

Councilor Snook asked whether the City would be giving up anything of value with this transaction. Ms. Robertson advised that the amount of property is minimal.

Mayor Walker asked how the developer would use the land. Ms. Robertson did not know, and again advised of the small size.

Council agreed to move the item forward to the November 15 Consent Agenda for the second reading.

10. RESOLUTION: Food Equity Initiative annual report and resolution of support

Misty Graves, Interim Director for Human Services introduced the Cultivate Charlottesville group. The presenters were Richard Morris and Jeanette Abi-Nader.

Mayor Walker acknowledged the need to consider all the requests that come in through the Vibrant Community funding process.

Ms. Abi-Nader explained the program as a city government support program.

Councilor Snook expressed concern about the resolution presented and a desire for a more structured budgeting process.

Mayor Walker suggested an overall review of the city's contractual obligations.

Ms. Graves shared that the directive to do this work came from City Council and she clarified that the resolution is requesting to keep the funding in the General Fund as a line item for the next three years.

Councilor Payne expressed an interest in exploring suggestions during the budget process, and any overlaps with the Climate Action Plan.

On motion by Vice Mayor Magill, seconded by Councilor Payne, Council by the following vote APPROVED the resolution: 3-2 (Ayes: Hill, Magill, Payne; Noes: Snook, Walker).

RESOLUTION
EXPRESSING CITY COUNCIL SUPPORT FOR THE FOOD EQUITY INITIATIVES
BUDGET REQUEST FOR FISCAL YEARS 2022-23, 2023-24 AND 2024-25

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE THAT the Food Equity Initiative, which has been funded by City Council for each of the past three fiscal years, has served the Charlottesville community well and remains an important initiative. Therefore, this Council hereby expresses its support of continued funding in the amount of \$155,000 per year for the next three fiscal years, and Council hereby directs that the amount of \$155,000 be included within the City Manager's Proposed FY23 general fund budget.

Mayor Walker made comments about looking at the budget through a neutral lens and a fair process without emotion attached.

GENERAL BUSINESS

There were no items of general business.

OTHER BUSINESS

There were no other business items for consideration.

MATTERS BY THE PUBLIC

- Rosia Parker, city resident, expressed the need for Council to support Cultivate Cville.
- Joy Johnson, city resident, spoke about fairness and equity in the budgeting process, as related to outside agencies, specifically related to housing.
- Tanesha Hudson spoke about Black leaders who have left employment with the city, and about specific councilor support for the termination of Police Chief RaShall Brackney.
- Larycia Hawkins spoke in support of the "Swords into Plowshares" proposal from the Jefferson School African American Heritage Center.

Councilor Snook asked about a timeline for disposition of the statues.

Deputy City Manager Ashley Marshall advised that the applications have been published and Council would need to decide. Council expressed the desire to review the item at a meeting prior to calendar year-end.

The meeting adjourned at 10:19 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

**CHARLOTTESVILLE CITY COUNCIL
SPECIAL MEETING
November 5, 2021
Virtual/electronic meeting via ZOOM**

3:00 PM SPECIAL MEETING

The Charlottesville City Council met electronically on Friday, November 5, 2021, at 3:00 p.m. in accordance with a local ordinance amended and re-enacted on October 4, 2021 to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency. The purpose of the special meeting was to announce and ratify the appointment of Marc Woolley as Interim City Manager, and to announce the proposed process for the City Manager search to begin in April 2022.

Mayor Walker called the meeting to order and Clerk of Council Kyna Thomas called the roll, noting all members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook.

Welcome and Introduction of the Interim City Manager

Mayor Walker welcomed Marc Woolley, members of the media and other meeting attendees. She thanked the public for their patience throughout the process of filling the City Manager position and expressed that she is hopeful that the next process will be more in line with the vision that members of the public have expressed that they desire.

Statement from the Interim City Manager

Mayor Walker turned the meeting over to Mr. Woolley, who made remarks thanking City Council for the opportunity and about the work that he will take on regarding the City Budget and the Comprehensive Plan.

Q&A Session

Mayor Walker introduced the Question and Answer section of the meeting, with opportunities for questions and remarks in the following order: Councilors, Media, Citizens/public. Names of those who spoke are listed below, and Mr. Woolley provided responses.

Councilors

- Lloyd Snook
- Heather Hill
- Michael Payne

Media (Members of the media were allowed the opportunity to ask two questions.)

- Jessie Higgins, Charlottesville Tomorrow

- Sean Tubbs, Cville Community Engagement
- Ginny Bixby, The Daily Progress
- Isabel Cleary, NBC29
- Sarah Robinson, CBS19
- Ben Hitchcock, Cville Weekly
- Rahul Sharma, The Cav Daily

Citizens

- Tanesha Hudson
- Joy Johnson
- Dr. Hezedean Smith, Charlottesville Fire Chief
- Lyndele von Schill
- Myra Anderson

Councilors made closing remarks.

Mayor Walker made remarks about the City Manager hiring process and creating a culture that encourages open communication and fosters success, while protecting citizens from being displaced.

Action Item

- 1. Approving the appointment of Interim City Manager and Ratifying/Approving the employment contract (1 reading)**

On motion by Councilor Hill, seconded by Councilor Payne, Council by the following vote APPROVED the resolution appointing Interim City Manager Marc Woolley with a start date of December 1, 2021: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker. Noes: none).

RESOLUTION

WHEREAS the Charlottesville City Council desires to elect and appoint Marc Woolley to serve as Interim Charlottesville City Manager, pursuant to the Charlottesville City Charter (1946) as amended; and

WHEREAS Mr. Woolley has agreed to accept election and appointment as City Manager, upon certain terms and conditions set forth in writing and accepted by Mr. Woolley on October 30, 2021 ("Offer");

NOW THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the Offer of employment given by City Council and

accepted by Marc Woolley is hereby ratified and approved, and City Council hereby appoints, elects and employs Mr. Woolley as Interim City Manager upon the terms and conditions set forth in the Offer. Mr. Woolley will take steps necessary to qualify for office in accordance with the City Charter.

The meeting adjourned at 4:19 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CHARLOTTESVILLE CITY COUNCIL
November 30, 2021
Virtual/electronic meeting via ZOOM

12:30 PM EMERGENCY/SPECIAL MEETING

The Charlottesville City Council met electronically on Tuesday, November 30, 2021, in accordance with a local ordinance amended and re-enacted on October 4, 2021 to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency. The purpose of the special meeting was to meet in closed session to discuss Marc Woolley's withdrawal from the appointed position of Interim City Manager, and to announce the proposed process for filling the vacancy.

Mayor Walker called the meeting to order at 12:32 p.m. and Clerk of Council Kyna Thomas called the roll, noting all members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook.

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

- Section **2.2-3711(A)(1)**, for the purpose of discussion of the withdrawal of the appointed Interim City Manager and discussion, consideration or interviews of prospective candidates for appointment or employment by City Council.

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.

Mayor Walker announced that on November 21, Mr. Woolley reached out to her, withdrawing from the appointed Interim City Manager position, and that for logistical reasons a meeting was not convened sooner to discuss.

Councilor Hill announced that Council intends to pursue a contract with a search firm for filling the City Manager position on an interim basis, while the search for a permanent City Manager is expected to begin in Spring 2022. In the meantime, Deputy City Managers Samuel Sanders and Ashley Marshall will continue to serve in their roles as well as in an enhanced duty capacity to share City Manager responsibilities.

Mayor Walker opened the floor for public comment. There were no speakers.

The meeting adjourned at 3:55 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	November 15, 2021
Action Required:	Appropriation
Presenter:	Chris Gensic, Parks and Recreation
Staff Contacts:	Chris Gensic, Parks and Recreation Krisy Hammill, Budget and Management Analyst
Title:	Department of Conservation and Recreation Recreational Trail Grant for Construction of Meadow Creek Bridges - \$222,511.21

Background:

The City of Charlottesville, through Parks and Recreation, has received an additional funding allotment from the Virginia Department of Conservation and Recreation (DCR) in the amount of \$178,008.97 to assist with efforts to construct a bicycle and pedestrian bridge over Meadow Creek. In order to accept the additional funding, The City will need to add additional 20% match this project in the amount of \$44,502.24 from the Trail CIP Fund for a total additional appropriation of \$222,511.21.

Discussion:

The City of Charlottesville has completed a bicycle, pedestrian and trail master plan that includes a bike/pedestrian commuter trail along Meadow Creek between Greenbrier Park and Meadow Creek Gardens. The portion near Brandywine Drive and the Senior Center requires construction of two bridges. The City applied for and was awarded funding from DCR to assist with design and construction of one of the bridges. The design work is now nearly complete and ready for construction. DCR has extra funding in the same grant year that the original grant was awarded out of and has offered it to Charlottesville. The current bridge and trail construction cost estimate is \$350,000, which requires additional funding. Acceptance of the additional funding from DCR will provide the needed funding and require the City to only fund 20% of the cost rather than 100%.

Alignment with City Council's Vision and Strategic Plan:

Construction of this trail bridge will further council goals of being a Connected City and a Green City by providing a critical bicycle and pedestrian trail portion of the developing greenway system, which will reduce dependence on automotive travel and associated pollution. Additionally, this project supports Strategic Plan Goal 2: Be a safe, equitable, thriving and beautiful community.

Community Engagement:

The bicycle, pedestrian and trail master plan and the Meadow Creek Valley Park Master Plan were developed with multiple public meetings and were both approved by City Council.

Budgetary Impact:

There is no impact on the General Fund. The required local match of \$44,502.24 will come previously appropriated funds in the City's Capital Projects Fund (PR-001 – Trails Lump Sum).

Recommendation:

Staff recommends appropriation of grant funds.

Alternatives:

The project could be postponed or funded with 100% local funds.

Attachments:

Resolution of Appropriation
Grant award letter from Virginia Department of Conservation and Recreation

RESOLUTION APPROPRIATING
Department of Conservation and Recreation Recreational Trails Grant for Construction of
Trail bridges over Meadow Creek - \$222,511.21

WHEREAS, the City of Charlottesville, through Parks and Recreation, has been awarded an additional \$178,008.97 from the Virginia Department of Conservation and Recreation to construct a bicycle and pedestrian bridge along Meadow Creek; and

WHEREAS, the City will fund the required local match to this grant in the amount of \$44,502.24 using previously appropriated fund in the Trails CIP fund (PR-001) account.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$222,511.21 is hereby appropriated in the following manner:

Revenue

\$178,008.97 Fund: 426 WBS: P-00905 G/L Account: 430120

Transfer From

\$44,502.24 Fund: 426 WBS: PR-001 G/L Account: 599999

Expenditure

\$222,511.21 Fund: 426 WBS: P-00905 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$178,008.97 from the Virginia Department of Conservation and Recreation.

Molly Joseph Ward
Secretary of Natural Resources

Clyde E. Cristman
Director



Rochelle Altholz
Deputy Director of
Administration and Finance

David C. Dowling
Deputy Director of
Soil and Water Conservation
and Dam Safety

Thomas L. Smith
Deputy Director of Operations

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

Recreational Trails Program
Federal Highway Administration - CFDA 20.219
Project Agreement (Amended)

Recipient: City of Charlottesville

Project Title: Meadow Creek Trail Bridge

State Project Number: NRT-15FY(001)-VRT-302

Project Period: 02/12/2018 to 12/31/2021 12/31/2023 (\$51,697.78 of unexpended RTP funding as of 10/1/21 must be expended by 12/31/21)

Project Scope: Construction of a bridge over Meadow Creek to connect trail segments. Project costs include costs associated with the trail approaches and bridge construction and installation.

\$397,511.21

Total Project Cost: ~~\$175,000.00~~ (minimum amount to claim authorized RTP funding assistance)

Authorized RTP Funding Amount: ~~\$140,000.00~~ **\$318,008.97** (\$51,697.78 of unexpended RTP funding as of 10/1/21 must be expended by 12/31/21)

Upon signature of both parties below, the **Virginia Department of Conservation and Recreation (DCR)** and the **City of Charlottesville** hereinafter referred to as the "Recipient" mutually agree to perform this agreement in accordance with the Recreational Trails Program as codified at 23 U.S.C. 206, the provisions and conditions of the FHWA Interim Guidance dated April 1, 1999, as amended, and Title 2, 23 and 49 CFR.

In accepting this agreement, as evidenced by the signature below, the Recipient agrees to comply, adhere and abide with the following conditions of this agreement:

Project Execution:

1. All applicable state, federal and local laws, regulations and ordinances including but not limited to compliance with the Virginia Erosion & Sediment Control and Virginia Stormwater Management Laws & Regulations. The Recipient agrees to contact both the appropriate state and/or federal agency and DCR if any unexpected environmental or other concerns are encountered during project construction.
2. Submission of Quarterly Progress Reports on status of grant implementation. First report due no later than **06/30/2018**. All correspondence pertaining to this project must reference State Project Number **NRT-15FY(001)-VRT-302**.

600 East Main Street, 24th Floor | Richmond, Virginia 23219 | 804-786-6124

*State Parks • Soil and Water Conservation • Outdoor Recreation Planning
Natural Heritage • Dam Safety and Floodplain Management • Land Conservation*

3. The recipient agrees to comply with the Virginia Seed Law to ensure no noxious weed seeds are introduced into the project area.
4. The project period shall begin with the date of approval and shall terminate at the end of the stated or amended project period unless the project is completed or terminated sooner; in which event, the project shall end on the date of completion or termination.
5. The Recipient will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities, pursuant to 40 CFR, Part 15.20 and that it will notify DCR of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be utilized in the project is under consideration for listing by the EPA.
6. The Recipient will comply with the terms of Title II and Title III, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), 94 Stat. 1894 (1970), and the applicable regulations and procedures implementing such Act for all real property acquisitions and where applicable shall assure that the Act has been complied with for property to be developed with assistance under the project agreement.
7. The Recipient will comply with the provisions of: Executive Order 11988, relating to evaluation of flood hazards; Executive Order 11288, relating to the prevention, control, and abatement of water pollution, and Executive Order 11990 relating to the protection of wetlands.
8. The Recipient will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires the purchase of flood insurance in communities where such insurance is available, as a condition for the receipt of any federal financial assistance for construction or acquisition purposes, for use in any area that has been identified as an area having special flood hazards by the Flood Insurance Administration of the Federal Emergency Management Agency. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
9. The Recipient shall secure completion of the work in accordance with approved plans (construction, erosion and sediment control, stormwater management, etc.) and specifications and shall secure compliance with all applicable Federal, State, and local laws and regulations.
10. The Recipient will take necessary actions to ensure compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archaeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in

or eligible for inclusion in the National Register of Historic Places that are subject to effects (see CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

11. The Recipient will comply with Executive Order 12432, "Minority Business Enterprise Development and the DBE Policy and Procedure as outlined in the attached DBE Policy. DCR and the Federal Highway Administration are committed to the objectives of this policy and encourage all Recipients of its grants and cooperative agreements to take affirmative steps to ensure such fairness. The Recipient must provide documentation to support compliance with the DBE policy before any reimbursement can be authorized.
12. The Recipient must adhere to 23 U. S.C. 206; 2 CFR 200; the Commonwealth of Virginia's construction procurement requirements; the Buy America Act; Presidential Executive Order: Buy American and Hire American and the federal requirements outlined in form FHWA 1273. If contradictions occur the Recipient must communicate them to DCR for consultation with FHWA for instructions on how to proceed.
13. The Recipient understands that the Buy America Act (23 U.S.C. 313; 23 CFR 635.410) applies to all iron and steel products permanently incorporated into Federal-aid funded projects regardless of how they were procured or if the costs will not be requested for Federal reimbursement. The entire project as defined in the NEPA document is required to comply with Buy America. The Recipient has the following options for complying with Buy America:
 - Option 1: FHWA would accept any obvious branding on the beams (i.e. Heat number) that demonstrate they were manufactured in the USA and date back to the original casting.
 - Option 2: The city could use the "Minimal Use" clause; FHWA's regulations permit a minimal use of foreign steel and iron in the amount of \$2,500 or one-tenth of one percent, whichever is greater, to be used in a Federal-aid project. For a \$175,000.00 project the beams cost could not exceed \$2,500 (which is greater than 1/10th of 1% of \$175,000= \$175) and no additional foreign steel could be used on the project.
 - Option 3: The city could track down the Material Certificates for the beams that demonstrates they were manufactured in the US.
 - Option 4: Under 23 CFR 635.410 (c)(1)(i), the city could be granted a waiver of Buy America requirements. This waiver may be granted on a project-by-project basis if:
 - The application of Buy America provisions would be inconsistent with the public interest.

14. Bid documentation must contain notice that partial funding for the project is being provided by the Recreational Trails Program of the Federal Highway Administration administered in Virginia by DCR and must be undertaken in accordance with the Recreational Trails Program guidance of the FHWA and the with 2, 23 and 49 CFR.
15. Invitation for Bids must physically incorporate form FHWA 1273 and the Buy America Act provisions. Invitation for Bids must outline the documentation requirements needed by the Recipient for obtaining reimbursement through the Recreational Trails Program including a provision for retaining all documents associated with the project for up to 3 years after completion of the job.
16. Plans and bid documentation must be administratively reviewed by DCR prior to the start of work on the project. Administrative review is defined as a review of bidding documents, construction plans, specifications and/or contractual documents to determine consistency with the approved Recreational Trail Program project agreement. DCR's administrative review and permission to proceed shall not be considered a professional architectural, engineering or legal review, or an endorsement of design practices and standards.
17. Contracts must be awarded to the lowest responsive and responsible bidder. Project work shall not be awarded to any vendor which is debarred or suspended or is otherwise excluded for or ineligible for participation in Federal assistance programs under Executive Order 12549, "Debarment and Suspension." All vendors and contractors providing supplies, materials, goods, equipment, services, etc. for the project must be licensed in Virginia as required.
18. Federal procurement laws prohibit negotiation with the lowest bidder. If only one bid response is received then the project must be re-bid.
19. All contracts must include form FHWA-1273 and the Buy America Act.
20. Recipients are responsible for ensuring that all contracts are in compliance with federal and state laws concerning the solicitation of supplies, equipment and services.
21. In the event the project covered by the project agreement cannot be completed in accordance with the plans and specifications for the project, the Recipient shall contact DCR to discuss changes in scope of work that will bring the project to a point of recreational usefulness agreed upon by the Recipient, DCR and FHWA, or his designee.
22. Copies of all permits (land disturber, stormwater management, erosion and sediment control, Virginia Department of Transportation right of way permit for ingress/egress, use of ATVS across public road right of way, water quality, local building, etc.) issued for the project must be submitted to DCR for the grant file. Failure to submit these documents can result in the inability to receive any reimbursement on the project.

23. The Recipient agrees that DCR's waiver or failure to enforce or require performance of any term or conditions of this project agreement or DCR's waiver of any particular breach of this project agreement by the Recipient extends to that instance only. Such a waiver or failure to enforce is not and shall not be a waiver of any of the terms or condition of this project agreement or a waiver of any other breaches of the project agreement by the Recipient and does not bar DCR from asserting any and all rights and/or remedies it has or might have against the Recipient under this project agreement or by law.
24. The Recipient understands that the Recreational Trails Program is a federally funded program subject to actions by Congress and regulatory changes which may impact the execution of this project by the Recipient. DCR will work with the Recipient in adjusting to any changes that occur during the life of this project.

Record Retention:

1. Financial records, supporting documents, statistical records, and all other records pertinent to this grant shall be retained in accordance with 49 CFR for a period of three years; except the records shall be retained beyond the three-year period if audit findings have not been resolved. The retention period starts from the date of the final expenditure report for the project.
2. DCR retains the right to disallow costs and recover funds from the Recipient on the basis of later audit or other review within the record retention period.
3. The Federal Highway Administration, Comptroller of the United States of America, DCR or any of their authorized representatives shall have access to any books, documents, papers, and records of the recipient which are pertinent to this Recreational Trails Program grant project for the purpose of making audit, examination, excerpts and transcripts.

Project Termination:

1. DCR may terminate the project in whole, or in part, at any time before the date of completion, whenever it is determined that the Recipient has failed to comply with the conditions of the project agreement. DCR will promptly notify the Recipient in writing of the determination and the reasons for the termination, together with the effective date.
2. Termination by the Recipient either for cause or for convenience requires that the project in question be brought to a state of recreational usefulness agreed upon by DCR, the Recipient and the FHWA.

Reimbursement Documentation:

1. All funding associated with the Recreational Trails Program is federal funding made possible from the Federal Highway Administration. Reimbursements are paid on an 80% matching reimbursement basis not to exceed the actual out of pocket expense or the approved total grant award amount provided adequate documentation is submitted by the Recipient to justify expenditures incurred and paid.

2. The Recipient understands that no Commonwealth of Virginia funding is associated with this project and no Commonwealth of Virginia funding will be made available for this project under any circumstances.
3. Each reimbursement request must include:
 - a) Receipts, delivery tickets and packing slips for materials and supplies purchased. This is required for all projects including contractor performed work.
 - b) Invoices/Schedule of Values (SOV) itemizing charges. All invoices/SOV should reference the RTP project. Invoices/Schedule of Values must be detailed with an explanation for how the purchases relate to the RTP authorized work. Invoices/Schedule of Values with expenses for materials and supplies without corresponding delivery tickets, packing slips, etc. will not be honored and will be ineligible for reimbursement. When invoices contain other purchases not related to the RTP project, the purchases applying to the RTP project must be clearly identified.
 - c) All invoice/SOV expenditures must have an explanation for how the material, supply or service relates to the RTP authorized work.
 - d) Time cards signed by both the employee and supervisor are required. Time cards are needed for contract labor performed work, force account performed work and volunteer performed work. A description indicating how the work performed by the employee ties to the RTP authorized work is needed. "Trail work" is not acceptable. Unsigned timecards by either the employee or supervisor are ineligible for seeking reimbursement. Incomplete timecards are ineligible for seeking reimbursement. Unsigned and/or incomplete volunteer time cards and/or logs are ineligible for seeking reimbursement.
 - e) All expenditures must have an accompanying proof of payment in the form of image of cleared check (front and back of check), credit card receipt, payroll ledger or pay stub copies, etc. Internal source documents are not sufficient to prove an outlay of funds.
 - f) Holiday, Annual, Sick leave and Overtime may not be charged to the RTP project.
 - g) Work logs indicating daily tasks completed for the RTP project. Daily work logs are needed for force account, volunteer and contract built projects.
 - h) Equipment records must clearly identify machinery, date, time, name of operator, rate of the equipment and description how the equipment was used in accordance with the authorized RTP scope of work. If discrepancies exist between the hours on the operator's time sheets and the equipment records explanations are required to determine eligibility for reimbursement purposes.
 - i) Buy America documentation to support iron or steel products used in the RTP project.
 - j) Documentation describing a summary of the procurement on the RTP project including the

Recipient's effort to including DBEs in the project. This documentation includes but is not limited to the final Invitation For Bid, Project Manual, bid spreadsheet showing lowest, responsive and responsible bidder and executed contract.

4. The Recipient understands that both DCR and the FHWA verify reimbursement requests before FHWA authorizes payment. DCR verifies first, then the FHWA. Due to the volume of information required the Recipient may be requested to submit 2 paper copies (one for DCR files and one for FHWA files) to help expedite processing. Electronic reimbursement request sent via email is acceptable when feasible.
5. The Recipient understands that RTP program requires documentation to justify all expenditures associated with the project before reimbursement can be authorized. The Recipient understands that each project is situation specific and additional information to what is listed in this grant agreement may be requested to receive reimbursement. The Recipient understands that failure to provide suitable documentation for authorization from the FHWA for payment can result in the inability to be reimbursed for work performed, either in whole or in part.
6. The Recipient understands that if any ambiguity exists in determining how an expense relates to the RTP authorized work it may not be honored in which case no reimbursement will be made to the Recipient.
7. Request for reimbursement must be submitted no less than once per year during the grant life on completed work that has been incurred and paid for by the Recipient for the project.

Special Conditions

1. Projects utilizing other federal funds in addition to the Recreational Trails Program funding must demonstrate adherence to the 95% rule which states that the total federal dollars on a project cannot exceed 95%. **Each reimbursement request must adhere to this rule.** Other federal funding added to the project after RTP approval will not be allowed as a match for the RTP project and expenditures associated with the other federal funding will be ineligible for reimbursement. Federal funds from other sources added after RTP approval could result in rescission of the RTP award when the programs rules and regulations would prohibit the multiple federal funding sources.
2. The Recipient understands that the project is to be undertaken in accordance with the recommendations from the Virginia Department of Game and Inland Fisheries by minimizing the amount of vegetation and tree clearing. If tree removal becomes necessary adherence to DGIF's standard tree removal – T&E bat guidance is to be followed. This involves coordination with USFWS and reviewing DGIF online bat tools:
<http://www.dgif.virginia.gov/environmental-programs/>;
<http://www.dgif.virginia.gov/wildlife/bats/northern-long-eared-bat-application/> ; and
<http://www.dgif.virginia.gov/wildlife/bats/little-brown-bat-tri-colored-bat-winter-habitat-roosts-application/>.

3. Twenty percent (20%) of the grant award amount is held in retainage until the work described in the scope of work is completed and satisfactorily inspected by DCR.
4. The Facility Life assigned to this project is 20 years beginning with the date of final reimbursement.

Project Extensions

Extensions of the grant expiration date will only be considered when there are documented circumstances beyond the control of the Recipient (severe weather events, etc.). Extensions are not a right and may be denied on the constraints of the grant program guidelines, source of funding, insufficient progress or poor project administration. Requests for extensions must be submitted in writing no less than 90 days prior to project expiration.

In witness whereof, the parties hereto have executed this agreement as of the date entered below.

**Commonwealth of Virginia
Department of Conservation and Recreation**


Amended 10/6/21 (indicated in red)

By: 
Danette Poole
Planning and Recreation Resources
Division Director

 e-signature
10/13/2021
Kristal McKelvey
Recreation Grants Manager

Date: 2/12/18

City of Charlottesville

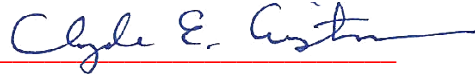
 10/14/21
Kelly McClary
Planning and Recreation Resources Division Director

By: 
Signature

BRIAN DALY
Printed Name

 10/14/21
Rauslyn Smith
DCR Finance Grant Fund Manager

DIRECTOR, PARKS & RECREATION, CITY OF CHARLOTTESVILLE, VIRGINIA
Title

 10/15/2021
Clyde Cristman
Department of Conservation and Recreation Director

Date: APRIL 18, 2018

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	November 15, 2021
Action Required:	Approve Appropriation of Compensation
Presenter:	Krisy Hammill, Senior Budget & Management Analyst, Budget and Performance Management
Staff Contacts:	Scott Hendrix, Sr. Project Manager, Facilities Development Kristel Riddervold, Division Manager, Facilities Development
Title:	Appropriation of Design Professional’s Compensation for the Circuit Court Renovation & Addition Project– \$6,643.00

Background: The City of Charlottesville Facilities Development Division has been overseeing a project to renovate and add onto the Charlottesville Circuit Courthouse. During the course of the project, one of the design professionals under contract to the City observed a deficiency in its design which requires re-work by the contractor. The design professional has agreed to compensate the City \$6,643.00 for its loss related to the deficiency. Those funds, \$6,643.00 have been received and need to be appropriated back into the project account (P-00918).

Discussion: Appropriation of these funds is necessary to replenish the Project Account (P-00918) for related expenses.

Alignment with Council Vision Areas and Strategic Plan: This request supports City Council’s “Smart, Citizen-Focused Government “vision. It contributes to Goal 4 of the Strategic Plan, to be a well-managed and successful organization.

Community Engagement: N/A

Budgetary Impact: Funds are being being expensed from the Projects Account (P-00918) as this work is being performed and the compensation is intended to replenish the project account for the portion of those expenses related to the deficiency.

Recommendation: Staff recommends approval and appropriation of the reimbursement funds.

Alternatives: If compensated funds are not appropriated, the Projects Account (P-00918) may reflect a deficient balance at project close out.

Attachments: Resolution

RESOLUTION
APPROPRIATING \$6,643.00 REIMBURSEMENT
RECEIVED IN CONNECTION WITH THE CHARLOTTESVILLE CIRCUIT
COURT RENOVATION AND ADDITION PROJECT

WHEREAS, the City of Charlottesville has received a reimbursement payment from FPW Architects, a professional design professional consultant rendering services to the City for the Charlottesville Circuit Court Renovation and Addition Project (“Project”); and

WHEREAS, the reimbursement payment, in the amount of \$6,643.00, is requested to be returned to the account from which the expenses for the Project are being paid;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville THAT the amount of \$6,643.00 is hereby appropriated for Project expenditures, as follows:

Revenues - \$6,643.00

Fund: 426 WBS Element: P-00918 G/L Account: 451999

Expenditures - \$6,643.00

Fund: 426 WBS Element: P-00918 G/L Account: 599999

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	November 15, 2021
Actions Required:	Appropriation of Funding
Presenter:	Holly Bittle, Budget Analyst, Charlottesville Police Department
Staff Contacts:	Major Latroy Durette, Charlottesville Police Department Holly Bittle, Budget Analyst, Charlottesville Police Department
Title:	Edward Byrne Memorial Justice Assistance Grant (JAG) - \$23,284

Background:

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance' (BJA) Edward Byrne Memorial Justice Assistance Grant (JAG) Program furthers the Department's mission by assisting state, local, and tribal law enforcement efforts to prevent or reduce crime and violence. The DOJ is committed to advancing work that promotes civil rights, increases access to justice, supports crime victims, protects the public from crime and evolving threats, and builds trust between law enforcement and the community.

Discussion:

The national discourse over the summer of 2020 emphasized the need to increase positive community engagement opportunities. The Charlottesville Police Department (CPD) requested funding to expand its ability to have more officers certified to patrol the city on bicycle which increases positive interactions between CPD officers, City residents and visitors. In addition, in Charlottesville's urban environment officers patrolling on bicycles can move more quickly through dense neighborhoods and crowds than officers in patrol cars.

These grant funds will allow CPD to train three officers to become International Police Mountain Bike Association (IPMBA) certified instructors, increasing the ability of CPD and other local area agencies to access this valuable training; increase the number of patrol vehicles that can transport bicycles; and outfit newly certified bicycle patrol officers with required equipment. Notification of award approval was received on October 13, 2021 for reimbursement up to \$23,284.

Alignment with City Council's Vision and Strategic Plan:

This project supports Goal 2 of the Strategic Plan, to be a Healthy and Safe City.

Community Engagement:

The increased the availability of certified bicycle patrol officers will allow for more participation by officers in community engagement activities like Safe Routes to School and at large scale events, such as the July 10, 2021 Confederate Statue removal.

Budgetary Impact:

This has no impact on the General Fund. No local match is required and the funds will be expensed and reimbursed to a Grants Fund.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

If grants funds are not appropriated, the Police Department will be unable to send three officers to become IPMBA certified instructors, and unable to increase the number of certified bicycle patrol officers and number of patrol vehicles able to carry bicycles while on patrol.

Attachments:

- Resolution Appropriating Funding
- U.S. Department of Justice, Office of Justice Programs' Edward Byrne Justice Assistance Grant Program FY 2021 Local Solicitation's "Certifications and Assurances by the Chief Executive of the Applicant Government"

**RESOLUTION APPROPRIATING FUNDS FOR
Edward Byrne Memorial Justice Assistance Grant (JAG) Grant # 15PBJA-21-GG-01920-
JAGX
\$23,284**

WHEREAS, the Office for Civil Rights, Office of Justice Programs, Department of Justice Edward Byrne Memorial Justice Assistance Grant Program Fiscal Year 2021 Local Formula awarded a grant to the Police Department, through the City of Charlottesville, to train three officers to become International Police Mountain Bike Association (IPMBA) certified instructors, to outfit additional patrol vehicles to transport bicycles, and outfit newly certified bicycle patrol officers with required equipment;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that a total of \$23,284.00 be appropriated in the following manner:

Revenues – \$23,284.00

\$23,284.00	Fund: 211	Internal Order: 1900444	G/L Account: 431110
-------------	-----------	-------------------------	---------------------

Expenditures – \$23,284.00

\$4,452.00	Fund: 211	Internal Order: 1900444	G/L Account: 510060
\$345.00	Fund: 211	Internal Order: 1900444	G/L Account: 511010
\$9,658.00	Fund: 211	Internal Order: 1900444	G/L Account: 525266
\$2,265.00	Fund: 211	Internal Order: 1900444	G/L Account: 530102
\$2,864.00	Fund: 211	Internal Order: 1900444	G/L Account: 530103
\$1,000.00	Fund: 211	Internal Order: 1900444	G/L Account: 530105
\$2,700.00	Fund: 211	Internal Order: 1900444	G/L Account: 530140

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the reimbursement of funds or goods as supplied from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Justice Edward Byrne Memorial Justice Assistance Grant Program.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	November 15, 2021
Action Required:	Appropriation of Funding
Presenter:	Krisy Hammill, Senior Budget and Management Analyst
Staff Contacts:	Mike Goddard, Senior Project Manager Department of Public Works - Facilities Development Division
Title:	Appropriation of additional \$250,000 contribution from Charlottesville City Schools to the School Small Cap Funded Program (SC-003) for School Security Projects

Background:

The City of Charlottesville has received an additional contribution from Charlottesville City Schools to the Schools Small Cap Funded Program in the amount of \$250,000 to support School Security Projects.

Discussion:

Once appropriated, the funds will be expensed from the Schools Small Cap Program in Fund 426. Charlottesville City Schools may be reimbursed from the state grant program for related equipment but projects must be initiated in the summer and grant awards are not known until late fall. If grant funds are awarded, the additional \$250,000 contribution from Charlottesville City Schools to the Schools Small Cap Program satisfy the local match requirements and subsequent system maintenance/replacement.

Alignment with City Council's Vision and Strategic Plan:

This request supports City Council's "A Center for Lifelong Learning" vision. It contributes to Goal 2 of the Strategic Plan, to be a safe, equitable, thriving and beautiful community, and objective 2.1, to reduce adverse impact from sudden injury and illness and the effects of chronic disease.

Community Engagement:

N/A

Budgetary Impact:

This has no impact on the General Fund.

Recommendation:

Staff recommends approval and appropriation of the additional funds.

Alternatives:

If funds are not appropriated, the related School Security projects may not move forward in a timely manner which would hinder the Schools' eligibility to receive the potential reimbursement from the state.

Attachments:

Resolution

RESOLUTION
APPROPRIATING \$250,000 CONTRIBUTION FROM CHARLOTTESVILLE CITY
SCHOOLS TO THE SCHOOL SMALL CAP FUNDED PROGRAM FOR SCHOOL
SECURITY PROJECTS

WHEREAS, the City of Charlottesville has received \$250,000 from Charlottesville City Schools to support school security projects;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville that the amount of \$250,000 is hereby appropriated for Project expenditures, as follows:

Revenues - \$250,000

Fund: 426

WBS Element: SC-003

G/L Account: 498900

Expenditures - \$250,000

Fund: 426

WBS Element: SC-003

G/L Account: 599999

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	November 15, 2021
Action Required:	Appropriation
Presenter:	Hunter Smith, Human Services Department
Staff Contacts:	Hunter Smith, Human Services Department Misty Graves, Human Services Department
Title:	Virginia Juvenile Community Crime Control Act Grant (VJCCCA) - \$452,704

Background:

In July 2010, the City of Charlottesville became the fiscal agent for the Virginia Juvenile Community Crime Control Act (VJCCCA) funds for both Charlottesville and Albemarle County. This funding stream was established by the 1995 Virginia General Assembly to create balanced, community-based systems of sanctions, programs and services for juvenile offenders. These funds are used to support the Community Attention programs. In Fiscal Year 2022, \$292,058 in VJCCCA funds will be received from the Virginia Department of Juvenile Justice with a required local maintenance of effort of \$52,231 from Albemarle County, and \$108,415 from the City for a total of \$452,704. The grant period is from July 1, 2021 through June 30, 2022.

Discussion:

The VJCCCA grant funds the delinquency prevention and youth development services provided by Community Attention for Charlottesville/Albemarle youth involved in the juvenile justice system. These services include the following programs: the Teens GIVE service learning program that provides community service opportunities during both the school year and the summer; the Community Supervision Program that provides pro-social skills training like anger management, individual and group counseling services and case management services for youth on electronic monitoring; the Community Attention Youth Internship Program (CAYIP) which provides paid internship opportunities; the Family Based Intervention Program which provides evidence-based, and family centered intervention programs.

Alignment with City Council's Vision and Strategic Plan:

The VJCCCA grant aligns with the City of Charlottesville's Strategic Plan - Goal 2: A Healthy and Safe City Objective 2.3: Improve community health and safety outcomes by connecting residents with effective resources.

Community Attention’s VJCCCA funded programs provide community based services that prevent delinquency and promote the healthy development of youth. Expected outcomes include decreased delinquent behavior during and after program participation.

Community Engagement:

The VJCCCA funded programs engage local youth involved in the juvenile justice system and their families by providing delinquency prevention and youth development programs. The programs also engage and coordinate with other local agencies and organizations in the provision of services to the youth.

Budgetary Impact:

The funds will be expensed and reimbursed to the VJCCCA Fund. The required General Fund City contribution has already been appropriated as part of the Fiscal Year 2022 Council Adopted Budget so no new funds are required to cover the match.

Recommendation:

Staff recommends approval and appropriation of funds.

Alternatives:

If the VJCCCA funds are not appropriated, Community Attention would have to serve fewer youth and eliminate programs and staff.

Attachments:

Appropriation Resolution

**RESOLUTION APPROPRIATING FUNDS for
Virginia Juvenile Community Crime Control Act Grant (VJCCCA)
\$452,704**

WHEREAS, the City of Charlottesville has been awarded \$292,058 from the Virginia Department of Juvenile Justice; and

WHEREAS, this grant requires local maintenance of effort funds in the amount of \$52,231 from Albemarle County and \$108,415 from the City; and

WHEREAS, the grant award covers the period from July 1, 2021 through June 30, 2022.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$452,704 is hereby appropriated in the following manner:

Revenue – \$452,704

\$292,058	Fund: 220	Cost Center: 3523001000	G/L Account: 430080
\$52,231	Fund: 220	Cost Center: 3523001000	G/L Account: 432030
\$108,415	Fund: 220	Cost Center: 3523001000	G/L Account: 498010

Expenditures - \$452,704

\$ 53,075	Fund: 220	Cost Center: 3523001000	G/L Account: 519999
\$399,629	Fund: 220	Cost Center: 3523001000	G/L Account: 530010

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$292,058 from Virginia Department of Juvenile Justice, and \$52,231 from Albemarle County.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	December 6, 2021
Action Required:	Appropriation (2 nd of 2 Readings)
Presenter:	Chris Cullinan, Director of Finance
Staff Contacts:	Chris Cullinan, Director of Finance Richard Palumbo, Utility Billing Manager
Title:	American Rescue Plan (ARP) Funds from the Commonwealth for Utility Bill Assistance - \$359,879.30

Background:

The Commonwealth of Virginia received \$4.3 billion of American Rescue Plan Funds. During the Special Legislative Session in August 2021, \$120 million was dedicated toward residential utility bills that are more than 60 days overdue. The City of Charlottesville has received notice of the award of \$359,879.30 in funds to assist residential customers with arrearages greater than 60 days for the time period between March 12, 2020 and August 31, 2021.

Discussion:

The award letter provides guidance that utilities have to follow in dispersing the funds. First, the assistance is limited to residential customers. The funds must be distributed on a proportionate basis and are not intended to cover 100% of the arrearages. The City has approximately \$550,000 in residential arrearages, thus the utility assistance funds will cover approximately 65% of overdue balances.

Unlike the utility bill assistance funds received from the CARES Act, customers do not need to take any actions or provide information to receive relief funds from ARP. This will allow Utility Billing Office staff to begin distributing the funds as soon as they are received.

Once the utility assistance funds are distributed, Utility Billing Office staff will work with customers on establishing affordable, sustainable repayment plans to cover any remaining overdue balances.

Alignment with City Council's Vision and Strategic Plan:

This funding supports and contributes to Goal 5 of the Strategic Plan, a well-managed and responsive organization; Objective 2.3, improve community health and safety outcomes by connecting residents with effective resources and Objective 3.2, to provide reliable and high quality infrastructure.

Community Engagement:

As noted above, these funds do not require customers to take any actions to receive the funds. Funds will be distributed to eligible residential accounts on a proportionate basis.

Budgetary Impact:

This has no impact on the General Fund or the Utilities Enterprise Funds. These funds will be appropriated to and expended from a designated fund. The funds will be distributed as credits towards a customer's utility bill.

Recommendation:

Staff recommends approval and appropriation of ARP funding in the amount of \$359,879.30 to be used to assist municipal utility customers experiencing economic hardship due to the COVID-19 pandemic.

Alternatives:

There is no alternative. Funds must be used for utility bill arrearage assistance or returned to the Commonwealth of Virginia Department of Accounts.

Attachments:

Appropriation Resolution

**RESOLUTION APPROPRIATING
American Rescue Plan (ARP) Funds from the Commonwealth for
Utility Bill Assistance \$359,879.30**

WHEREAS, the City of Charlottesville has received award approval for \$359,879.30 from the American Rescue Plan from the Commonwealth of Virginia Department Housing and Development to use to assist utility customer bill arrearages of over 60 days owed between March 12, 2020 and August 31, 2021;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$359,879.30 is hereby appropriated in the following manner:

Revenue-\$359,879.30

Fund 207 I/O: 1900446 G/L Account: 430127

Expenditures - \$359,879.30

Fund 207 I/O: 1900446 G/L Account: 599999

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	November 15, 2021
Action Required:	Appropriation of Funds
Presenter:	Riaan Anthony, Parks and Recreation Management Specialist II
Staff Contacts:	Riaan Anthony, Parks and Recreation Management Specialist II Vic Garber, Interim Director, Parks and Recreation
Title:	BAMA Matching Skate Park Lighting Donations - \$100,000

Background:

Following an aggressive community engagement process for a new lit skate park, the conceptual design for the East Side of McIntire Park was approved by City Council in 2015. At that time, available funds for the skate park were less than the lowest competitive bid. Following lengthy negotiations, skate park lighting was removed from project construction, and the park was built. The Charlottesville Skate Park opened to the public in March 2018 and is heavily used by skateboarders, bikes, and scooters from the city, county, and region.

Discussion:

Lighting the skate park is an important investment for the safety of our patrons. It will allow residents and visitors to maximize daily use of the skate park, after work and school, especially during the fall, winter, and spring months. The cost for skate park lighting is approximately \$285,000. \$109,315 has been raised so far through several fundraising events conducted by skate park advocates and staff members. These funds are presently in a CIP account specifically for skate park lighting (P-01034). BAMA Works pledged to match the first \$100,000 funds received to help complete the skate park lighting. With all the donations and fundraising, the department has exceeded the \$100,000 match and with the additional \$100,000 awards we will be \$46,685 from our goal. Future donations will be added to this CIP account until we reach the amount needed to install the lights.

Alignment with Council Vision Areas and Strategic Plan:

This project aligns with City Council’s “Green City” vision and contributes to Goal 2 of the Strategic Plan: Be a safe, equitable, thriving, and beautiful community, and objective 2.5, to provide natural and historic resources stewardship.; 5.2. Build collaborative partnerships; 5.3. Promote community engagement.

Community Engagement:

Extensive community engagement took place as part of the fundraiser for lights.

Budgetary Impact:

There is no budgetary impact at this time. Once the estimated amount necessary to complete the project has been received and the project begins, additional funding may be needed to complete the skate park lighting installation. At which time additional appropriations/resolutions for funding may come to Council for consideration.

Recommendation:

Staff recommends the appropriation of these funds.

Alternatives:

N/A

Attachments:

Appropriation Resolution

**RESOLUTION APPROPRIATING funding for
Skate Park Lighting - \$100,000**

WHEREAS, the City of Charlottesville, through the through Parks and Recreation, has received match donations of 100,000 from BAMA Works to offset costs for Skate Park lighting.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, receive \$100,000 match funds from BAMA Works is hereby appropriated in the following manner:

Revenue

\$100,000	Fund: 426	WBS-P1034	G/L Account: 451020
-----------	-----------	-----------	---------------------

Expenditures

\$100,000	Fund: 426	WBS-P1034	G/L Account: 599999
-----------	-----------	-----------	---------------------

BE IT FURTHER RESOLVED by the Council of Charlottesville, that any future donations for Skate Park Lighting shall be added to increase the budget of this appropriation. This appropriation shall not be deemed to expire at the end of the fiscal year, but is hereby appropriated in the ensuing fiscal year unless altered by further action of this Council. Should the full amount necessary to install the Skate Park Lighting not be fully secured, then the donations received for the project will be returned to those individuals or organizations who made the donations, in the amount of the original donation.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date: November, 15 2021

Action Required: Approval of Ordinance reauthorizing the Technology Zone

Presenter: Chris Engel, Director of Economic Development

Staff Contacts: Chris Engel, Director of Economic Development
Todd Divers, Commissioner of Revenue
Jason Ness, Business Development Manager

Title: Ordinance reauthorizing the Technology Zone

Background & Discussion: The Charlottesville technology zone ordinance allows qualifying businesses a reduction in their Business Professional and Occupational License or BPOL tax. The reduction is based on the amount of annual gross receipts and is set to a sliding scale. Charlottesville was the first Virginia City to offer the incentive and has done so since first enabled in 2001. Its purpose is to help early stage businesses survive their initial years and scale their growth while creating local job opportunities. In the past 5 years over 270 businesses have benefited from the technology zone. City Council has reauthorized this ordinance in 2006, 2011, and 2016. The current ordinance expires December 31, 2021 unless reauthorized.

Community Engagement: The Commissioner of Revenue's Office notifies all eligible businesses regarding the technology zone. Economic Development staff have engaged with business owners to discuss the positive impacts of the technology zone credit.

Alignment with City Council's Vision and Priority Areas: This agenda item aligns with Council's vision for Economic Sustainability. It also addresses one of the goals in the City's Strategic Plan that were recently adopted by Council: Goal 3: Have a Strong, Diversified Economy.

Budgetary Impact: This program impacts the general fund. Over the past ten years the credits have resulted in an average reduction of \$120,000 in revenue to the Business Professional and Occupational License. Total BPOL revenue generally ranges from \$7.2 - \$8.6 million annually.

Recommendation: An amended ordinance reauthorizing the technology zone for another five years is included herein. Staff recommends approval.

Attachments: Proposed ordinance.

**AN ORDINANCE AMENDING AND RE-ORDAINING CHAPTER 14 (LICENSES),
SECTION 14-24 (TAX INCENTIVES FOR TECHNOLOGY BUSINESSES) TO EXTEND
ELIGIBILITY PERIOD FOR FIVE YEARS TO DECEMBER 31, ~~2021~~ 2026**

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Section 14-24 of Chapter 14 of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained, as follows:

Sec. 14-24. Tax incentives for technology businesses.

(a) A "qualified technology business" is a business which meets each of the following criteria:

(1) The business must constitute a "technology business," as that term is defined within City Code Chapter 2, Article XIV;

(2) The business must not be operating under a certificate of public convenience issued by the Virginia State Corporation Commission;

(3) The business must not be engaged in the provision of a "utility service" as that term is defined within section 30-221 of the City Code;

(4) The business must certify that it expects to be engaged in a technology business throughout the tax year for which a reduction is sought (or, for new technology businesses which had not commenced doing business as of January 1 of the tax year for which application is made, for the balance of the tax year); and

(5) The business must have submitted an application for qualification to the commissioner of revenue, on or before March 1st of the tax year for which a reduction of taxes is sought under this section. A separate application shall be required for each tax year. A business seeking to obtain a reduction of taxes under this section shall have the burden of demonstrating, to the satisfaction of the commissioner, that it meets the definition of a technology business and that it meets all applicable criteria for a reduction.

(b) The following incentives, in the form of reduction of taxes owed, shall be available to qualified technology businesses:

(1) For a qualified technology business whose gross receipts from a technology business subject to licensure are fifty thousand dollars (\$50,000.00) or less, any license fee which would otherwise be required by this chapter shall be reduced by one hundred (100) percent for no more than seven (7) tax years.

(2) A qualified technology business whose gross receipts from a technology business subject to licensure are more than \$100,000 shall receive a fifty (50) percent reduction of any taxes owed pursuant to this chapter for no more than seven (7) tax years.

Where a qualified technology business' license tax is determined pursuant to section 14-13(c) of this chapter, the commissioner shall determine the appropriate reduction based on the actual tax owed by the business for a tax year, as may be corrected by the commissioner.

(c) Except as otherwise specifically provided, nothing set forth within this section shall affect a technology business's status or classification for tax purposes, its obligation to report gross receipts and to file tax returns, or to pay any license issuance fees or local taxes under this chapter. Nothing contained in this section shall relieve any technology business from its obligation to comply with the requirements of section 14-11, or any other section, of this chapter.

(d) The tax incentives provided by this section shall be available to qualified technology businesses through the tax year ending on December 31, ~~2024~~ 2026. A qualified technology business shall receive the applicable tax reduction for no more than seven (7) tax years.

CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA



Agenda Date:	November 15, 2021
Action Required:	Approval of Ordinance
Presenter:	Chris Engel, Director of Economic Development and CACVB Board member Councilor Hill, City Councilor and CACVB Board member Mayor Walker, Mayor and CACVB Board member
Staff Contacts:	Chris Engel, Director of Economic Development and CACVB Board member Lisa Robertson, City Attorney
Title:	Second Amendment to Charlottesville-Albemarle Convention and Visitors' Bureau Operating Agreement

Background:

The City of Charlottesville and the County of Albemarle have jointly funded and undertaken the operation of a convention and visitors' bureau for many years and, mostly recently, pursuant to the agreement approved by the parties and effective as of July 1, 2018.

Discussion:

Following consistent feedback from the hospitality community that the board lacked sufficient representation from the hospitality industry and a CACVB board task force analysis, the current board membership unanimously recommends that additional changes to the composition of the board would be beneficial. These changes are indicated in the highlighted version of the agreement herein.

In summary, as proposed, the voting members of the CACVB board would total 15 members and include two elected officials, two local government staff, a representative from the University of Virginia, a representative of the Thomas Jefferson Foundation, a representative from the Chamber of Commerce, two accommodations representatives, two representatives from the local tourism industry, two representatives from the local food and beverage industry, a representative from the arts community and a representative from the recreation community. The Executive Director of the organization would remain a non-voting member of the board.

The County Board of Supervisors is also considering approval of this amendment to the agreement.

Community Engagement:

Members of the public as well as state and local organizations associated with tourism and hospitality have provided significant input on this matter. The CACVB board itself, which in part represents the community, has discussed at length and is fully supportive of the recommended changes.

Budgetary Impact:

There is no impact to the City budget as a result of this amendment.

Recommendation:

Approval of the ordinance.

Alternatives:

No recommendation.

Attachments:

Draft of Amended Agreement
Ordinance

SECOND AMENDED AGREEMENT TO OPERATE A JOINT CONVENTION AND VISITORS' BUREAU

THIS AGREEMENT is entered into this 2nd day of October, 2019, by and between the County of Albemarle, Virginia (the "County") and the City of Charlottesville, Virginia (the "City"). This agreement may be referred to as the "CACVB Agreement" and "this Agreement." The County and the City may be referred to collectively as the "Parties."

RECITALS

- R-1** The County and the City are each enabled by Virginia Code § 15.2-940 to "expend funds from the locally derived revenues of the locality for the purpose of promoting the resources and advantages of the locality"; and
- R-2** The County is enabled by Virginia Code § 58.1-3819 to expend Transient Occupancy Taxes collected by it (amounts in excess of two percent of the total five percent authorized to be collected) solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with tourism industry organizations, including representatives of lodging properties located in Albemarle County, attract travelers to the County, increase occupancy at lodging properties, and generate tourism revenues within the County; and
- R-3** The County and the City are each enabled by Virginia Code § 15.2-1300 to jointly exercise the authority granted to them pursuant to Virginia Code § 15.2-940, and they desire to enter into an agreement with one another to continue to jointly fund and operate the local convention and visitors' bureau; and
- R-4** The County and the City desire to promote the resources and advantages of the County and the City, and to do so through the Charlottesville-Albemarle Convention and Visitors' Bureau as provided in this Agreement.
- R-5** The County and the City value the importance of diversity, equity, inclusion, and fostering a welcoming place of belonging through the Charlottesville Albemarle Convention and Visitors' Bureau.

STATEMENT OF AGREEMENT

The County and the City agree to the following:

1. Convention and Visitors' Bureau Established and Authorized.

The Charlottesville-Albemarle Convention and Visitors Bureau (the "CACVB") is re-established and re-authorized.

2. Purpose of the CACVB.

The purpose of the CACVB is to promote the resources and advantages of the County, the City, and the region pursuant to the terms and conditions of this Agreement, including marketing of tourism, as well as marketing of initiatives that: attract travelers to the City and County, increase lodging at properties located within the City and County, and generate tourism revenues within the City and County.

3. Organization of the CACVB.

The CACVB shall be organized to have an Executive Board, an Executive Director, and staff serving the CACVB.

A. Executive Board. An Executive Board is hereby established, and its composition and powers and duties are as follows:

- 1. Composition.** The Executive Board shall be composed of the following fifteen voting members:

- a. One member of the County Board of Supervisors.
 - b. One member of the Charlottesville City Council.
 - c. One accommodations representative appointed by the County Board of Supervisors as provided in Section 3(A)(2)(b).
 - d. One accommodations representative appointed by the Charlottesville City Council as provided in Section 3(A)(2)(b).
 - e. The County Director of Economic Development or designee.
 - f. The City Director of Economic Development or designee.
 - g. The Executive Vice President and Chief Executive Officer of the University of Virginia or designee.
 - h. One tourism industry organization representative appointed by the County Board of Supervisors as provided in Section 3(A)(2)(b).
 - i. One tourism industry organization representative appointed by the Charlottesville City Council as provided in Section 3(A)(2)(b).
 - j. One food or beverage representative appointed by the County Board of Supervisors as provided in Section 3(A)(2)(b).
 - k. One food or beverage representative appointed by the Charlottesville City Council as provided in Section 3(A)(2)(b).
 - l. One representative of the arts community jointly appointed by designated members of the County Board of Supervisors and the Charlottesville City Council as provided in Section 3(A)(2)(c).
 - m. One representative of the recreation community jointly appointed by designated members of the County Board of Supervisors and the Charlottesville City Council as provided in Section 3(A)(2)(c).
 - n. The President or Chief Executive Officer of the Charlottesville Regional Chamber of Commerce or designee.
 - o. The President or Chief Executive Officer of the Thomas Jefferson Foundation or designee.
2. **Appointments to the Executive Board.** Appointments to the Executive Board shall be made as follows:
- a. **Appointment of Members of the County Board of Supervisors and the Charlottesville City Council; Alternates.** The members of the County Board of Supervisors and the Charlottesville City Council who serve on the Executive Board shall be appointed by their respective governing bodies for terms determined by the respective governing bodies. The County Board of Supervisors and the Charlottesville City Council may appoint alternates to attend any meeting(s) that the regular appointees cannot attend. An alternate attending a meeting in place of the regular member may vote on behalf of the Board or Council at any such meeting.
 - b. **Appointment of Representatives of Accommodations, Food or Beverage and Tourism Industry Organizations; Term.** The representatives of Accommodations, Food or Beverage and Tourism Industry Organizations identified in Sections 3(A)(1) shall be appointed by a majority vote of the members of the County Board of Supervisors or the Charlottesville City Council, respectively, present and voting. Each appointment shall be for a two-year term **beginning January 1**; no person serving under this appointment may be appointed to more than four consecutive two-year terms, exclusive of time served in the unexpired term of another.
 - c. **Appointment of Representatives of the Arts and Recreation Communities; Term.** The

arts and recreation community representatives identified in Sections 3(A)(1) shall be appointed by agreement of the member of the County Board of Supervisors and the Charlottesville City Council appointed to the Executive Board. Each appointment shall be for a two-year term **beginning January 1**; no person serving under this appointment may be appointed to more than four consecutive two-year terms, exclusive of time served in the unexpired term of another.

3. **Powers and Duties of the Executive Board.** The Executive Board shall:

- a. **Adopt a Strategic Plan.** Adopt a strategic plan for the CACVB that is consistent with the purposes of the CACVB.
 - b. **Adopt By-Laws.** Adopt by-laws, which shall include procedures and rules for electing a chair, a vice-chair, the conduct of its meetings, and regulating the business of the Executive Board.
 - c. **Adopt Policies and Plans.** Adopt any policies or plans consistent with the purposes of the CACVB and that may provide direction to the CACVB.
 - d. **Marketing Strategies, Performance Measures, and Indicators.** Approve general marketing strategies and programs and establish performance measures and indicators.
 - e. **Hold Meetings: Quorum: Voting.** Hold a regular meeting at least once every two months. Each meeting shall be conducted in compliance with the Virginia Freedom of Information Act (Virginia Code § 2.2-3700 *et seq.*). Eight voting members of the Executive Board physically present at the meeting constitute a quorum. The Executive Board shall act only by a majority vote of those voting members present and voting at a lawfully held meeting.
 - f. **Adopt a Budget.** Adopt a budget for the CACVB's operations and activities each fiscal year.
 - g. **Contracts.** Acting through its Executive Director, arrange or contract for (in the name of the CACVB) the furnishing by any person or company, public or private, of goods, services, privileges, works or facilities for and in connection with the scope of Section 2 of this Agreement and the administrative operations of the CACVB and its offices. The contracts may include any contracts for consulting services related to tourism marketing and to promoting the County, the City, and the region.
 - h. **Appoint the Executive Director: Performance: Termination.** Appoint the Executive Director, who shall serve at the pleasure of the Executive Board and evaluate the Executive Director's performance each year.
 - i. **Offices.** Provide regular staffed visitor services at one location within the City of Charlottesville and one location within the County of Albemarle. Additional locations may be approved by the Executive Board. The Executive Board shall approve the location and terms and conditions for purchasing or leasing any CACVB office(s), and may, by recorded vote or resolution, authorize the Executive Director to execute any required instrument pertaining thereto.
 - j. **Official Seal.** Establish and maintain an official seal, which may be altered at will, and to use it, or a facsimile of it, by impressing or affixing it, or in any other manner reproducing it.
4. **Attendance.** Members of the Executive Board or their designees are expected to attend all regular meetings of the Executive Board. The Executive Board may request the County Board of Supervisors or the Charlottesville City Council, as the case may be, to replace any Executive Board Member appointed by that body, or the designated member thereof, to replace any Member who is absent, or whose designee is absent, from more than three regular meetings during a calendar year.

B. **Executive Director.** The position of Executive Director is hereby established. The powers and

duties of the Executive Director are as follows:

1. **Promotion.** Promote the resources and advantages of the County, the City, and the region pursuant to the terms and conditions of this Agreement, the Strategic Plan, and other policies and plans adopted by the Executive Board within the scope of Section 2 of this Agreement, subject to the following:
 - a. **Services Provided Until Executive Board Directs Otherwise.** Beginning July 1, 2018, and until the Executive Board directs otherwise, the Executive Director and the persons hired to provide services for the CACVB shall provide the services identified in **Attachment A,** incorporated by reference herein.
 - b. **Services Identified by the Executive Board to be Provided.** When the Executive Board identifies different or additional services to be provided by the CACVB, the Executive Director and the persons hired to provide services for the CACVB shall provide those services. The different or additional services may include, but are not limited to, expanding destination packages focusing on the arts, wineries, breweries, and distilleries; promoting heritage and cultural tourism and including this area's African American heritage; promoting agritourism; promoting outdoor recreational tourism for activities such as hiking, bicycling, kayaking, and canoeing; and developing and promoting events and activities related to the arts, local resources, and local businesses.
 2. **Budgeting.** Recommend an annual budget to the Executive Board.
 3. **Contracting.** Execute contracts on behalf of the CACVB; perform the duties of purchasing officer on behalf of the Executive Board, subject to compliance with Albemarle County procurement ordinances and procedures. The Executive Director shall procure all goods and services in compliance with the County's procurement laws and procedures or may delegate procurement responsibilities to the County's purchasing agent. As an exception to the County's procurement laws and procedures, the Executive Director or the County's purchasing agent, if delegated procurement responsibilities under this section, may contract for or purchase alcoholic beverages for tourism-related promotional and appreciation events and familiarization tours with the advance written approval of (i) the Executive Board or (ii) the County Executive or (iii) the County Director of Finance/Chief Financial Officer.
 4. **Reports.** The Executive Director shall provide to the Executive Board any reports required by this Agreement or requested by the Executive Board.
 5. **Distribute the Budget and Provide a Balance Sheet.** The Executive Director shall provide the CACVB's adopted annual budget to the County and the City and a balance sheet showing the CACVB's revenues and expenditures for the prior fiscal year and the fund balance, if any, from the prior fiscal year. The budget and the balance sheet shall be provided by December 31 each year.
 6. **Employees.** The Executive Director shall recruit, hire, and manage persons to be employed to perform services for the CACVB, subject to Section 8 of this Agreement.
4. **Funding the CACVB.**

The CACVB shall be funded as follows:

- A. **Funding Cycle.** The County and the City agree to fund the activities and responsibilities of the CACVB during each Fiscal Year (July 1 through June 30 of each calendar year) in which this Agreement remains in effect, beginning with the Parties' Fiscal Year 2019.
- B. **Funding Levels.** Subject to Subsection 4(F), the County and the City shall provide funding for the CACVB in each Fiscal Year in an amount equal to 30 percent of its Transient Occupancy Tax revenues collected by it in the most recent Fiscal Year ("Actuals"). This specified percentage and obligation is based on, and specifically limited to, a Transient Occupancy Tax of five percent in each locality. If either the County or the City enacts a Transient Occupancy Tax greater than five percent,

that Party's funding obligation under the formula in this subsection is not changed by the increase in

the tax rate for the Transient Occupancy Tax.

- C. **Payments to the Fiscal Agent.** Annual funding provided pursuant to Subsection 4(B) shall be delivered by the Party that is not the Fiscal Agent to the Party that is the Fiscal Agent in equal quarterly payments, payable on July 1, October 1, January 1, and April 1 each year, due upon receipt of an invoice from the Fiscal Agent.
- D. **Budget.** The budget prepared and recommended by the Executive Director shall be presented to the Executive Board, and the recommended budget shall use the Actuals provided by the County and the City and referenced in Subsection 4(B), and any other revenue sources. Following receipt of a recommended budget from the Executive Director, the Executive Board shall take action to approve an annual budget, no later than May 1 each calendar year.
- E. **Fund Balance.** The CACVB may retain a year-end fund balance not to exceed 25% of the CACVB's annual operating budget, calculated as an average of the past five years' operating budgets. The Executive Board will, after each fiscal year audit, return to each Party its share of the fund balance in excess of that 25%. The return of excess funds to each Party will be prorated using the allocation formula. The Executive Board may vote to request alternative uses for the excess fund balance, subject to the approval of the Parties.
- F. **Documenting Costs.** All costs incurred and expenditures made by the CACVB in the performance of its obligations under this Agreement shall be supported by payrolls, time records, invoices, purchase orders, contracts, or vouchers, and other documentation satisfactory to the County and the City, evidencing in proper detail the nature and propriety of the costs. Records shall be maintained in accordance with Virginia law. Upon request by either the County or the City, the Executive Director shall allow City or County officials to inspect the documentation and records pertaining in whole or in part to this Agreement, or the Executive Director may, if acceptable to the requesting party, provide reports summarizing information within CACVB's records.
- G. **Appropriations.** Notwithstanding any other provisions of this Agreement, the County's and the City's obligation to fund the CACVB is expressly contingent upon the availability of public funds derived from Transient Occupancy Tax revenues and the annual appropriations of those funds thereof by the Parties. The City's appropriations of funds for the promotion and advertisement of the City are and shall be further subject to the provisions of Section 21 of the City's Charter.

5. Permitted and Prohibited Uses of Funds, Goods, and Services by the CACVB.

The CACVB shall expend revenues and use its funds, goods, and services only as follows:

- A. **Purposes for Which Tax Revenues May Be Spent.** Revenues appropriated by the County and the City to the CACVB shall be expended only for the purposes for which their respective Transient Occupancy Tax revenues may be spent, as may be governed by state enabling legislation, the City's charter, and local ordinances.
- B. **Prohibited Use of Funds, Goods, and Services for Political Purposes.** The CACVB shall not expend its funds, use its materials or property, or provide services, either directly or indirectly, for any partisan political activity, to further the election of, or to defeat, any candidate for public office.

6. Duration of this Agreement; Termination.

This Agreement shall be effective as of October 2, 2019, and remain in effect until it is terminated by the Parties, or either of them, as follows:

- A. **Termination by One Party.** Either the County or the City may terminate this Agreement by giving at least six months' written notice to the other Party.
- B. **Termination by Mutual Agreement.** The County and the City may mutually agree to terminate this Agreement under any terms and conditions they agree to.

C. **Termination by Non-appropriation.** If either the County or the City fails to appropriate funds in the amount required to support its obligations under this Agreement for a subsequent fiscal year, then this Agreement shall automatically terminate at the end of the then-current fiscal year.

7. **Performance.**

The performance of the CACVB shall be measured as follows:

- A. **Until New Performance Measures and Performance Indicators are Adopted.** From July 1, 2018, until the Executive Board adopts new performance measures and performance indicators, the CACVB shall:
 - 1. **Return on Investment.** Meet a return-on-investment ratio of 7:1 annually that is based on seven dollars of total direct visitor expenditures for every one dollar of funding provided to the CACVB by the County and the City pursuant to the formula in Attachment A.
 - 2. **Performance Measures.** Measure performance using the specific measures in Attachment A.
 - 3. **Performance Indicators.** Track the performance indicators identified in Attachment A.
- B. **Adopted Performance Measures and Performance Indicators.** When the Executive Board adopts a new required return on investment, new performance measures, and new requirements to track performance indicators, the CACVB shall meet and perform those new measures and requirements.
- C. **Audits.** The County and the City may, at their option, request an independent audit of the CACVB's books and records. The cost of the audit shall be shared equally by the County and the City.

8. **Fiscal Agent Designation; Services.**

The County and the City will provide the following fiscal services for the CACVB:

- A. **Fiscal Agent.** The County shall serve as Fiscal Agent for the CACVB. The Fiscal Agent shall be entitled to a fee of two percent of the Actuals referenced in Section 4(B) as compensation for acting as Fiscal Agent. This fee may be deducted from the Fiscal Agent's funding contribution pursuant to Section 4 each year.
- B. **Insurance.** The County will provide liability insurance coverage to the CACVB.
- C. **Legal Services.** The County Attorney shall provide legal services to the CACVB, provided that representation does not create a conflict of interest under any rules of professional responsibility or other ethical rules of conduct. In the event any such conflict arises, the County Attorney shall so advise the Executive Board, so that the Executive Board may make necessary arrangements to obtain legal services.
- D. **Other Services.** The County shall act as the CACVB's accounting and disbursing office; provide personnel administration services; maintain personnel and payroll records; provide information technology services; provide procurement services and maintain purchasing accounts and monthly statements; and contract for annual audits. Personnel administration shall include the matters referenced in paragraph E, following below.
- E. **Personnel Administration.** The employment of the Executive Director and any other persons hired to perform services for the CACVB are subject to the following:
 - 1. **County Employees.** Any Executive Director or other person hired on or after July 1, 2018 to perform services for the CACVB shall be hired as an employee within the County's personnel and payroll systems.

a.

2. **Duty Owed to Both the County and the City.** The Executive Director and any other persons hired to perform services for the CACVB owe a duty of good faith and trust to the CACVB itself as well as to both the County and the City as the localities which provide public funding for the CACVB.

9. **Disposition of Property Upon Termination or Partial Termination.**

Upon the expiration or earlier termination of this Agreement, all personal property of the CACVB shall be and remain the joint property of the County and the City for disposition, and the proceeds of disposition shall be pro-rated between the County and the City in accordance with the ratio of the amounts provided by each of them to the CACVB: (i) as capital contributions since 1979; and (ii) as contributions of operating funds during the 10 years preceding the date of termination, as compared with the aggregated contributions of the County and the City during that same 10-year period.

10. **Liability.**

Any liability for damages to third parties arising out of or in connection with the operations and activities of the CACVB and any persons employed to provide services for the CACVB shall be shared jointly by the County and the City, to the extent that any liability is not covered by funding within the CACVB's budget or liability insurance proceeds, and only to the extent that the County and the City may be held liable for damages under the laws of the Commonwealth of Virginia.

11. **Miscellaneous.**

- A. **Ownership of Materials; Copyright; Use.** Any materials, in any format, produced in whole or in part pursuant to this Agreement are subject to the following:

1. **Ownership.** The materials are jointly owned by the County and the City.

2. **Copyright.** The materials are copyrightable only by the County and the City. Neither the CACVB, the Executive Board, nor any of its members, the Executive Director, any CACVB employee, nor any other person or entity, within the United States or elsewhere, may copyright any materials, in any format, produced in whole or in part pursuant to this Agreement.

3. **Use.** The County and the City shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, any reports, data or other materials prepared by or for the CACVB pursuant to this Agreement.

- B. **Amendments.** This Agreement may be amended in writing as mutually agreed by the County and the City.

- C. **Assignment.** The CACVB shall not assign any interest in this Agreement and shall not transfer any interest in this Agreement, whether by assignment or novation, without the prior written consent of the County and the City.

- D. **Severability.** If any part of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, that determination shall not affect the validity or enforceability of any other part of this Agreement.

- E. **Entire Agreement.** This Agreement contains the entire agreement of the County and the City and supersedes any and all other prior or contemporaneous agreements or understandings, whether verbal or written, with respect to the matters that are the subject of this Agreement.

- F. **Applicable Law.** This Agreement shall be governed by and construed and enforced in accordance

with the laws of the Commonwealth of Virginia.

- G. **Approval Required.** This Agreement shall not become effective or binding upon the County and the City until it is approved by ordinances of the Charlottesville City Council and the Albemarle County Board of Supervisors.

IN WITNESS WHEREOF, and as authorized by duly adopted ordinances of the Albemarle County Board of Supervisors and the Charlottesville City Council, the County and the City each hereby execute this Agreement as of the date first above written, by and through their respective authorized agents or officials:

Attachment A

A. Services

The CACVB shall perform the following services for the benefit of the County and the City in a satisfactory and proper manner, as they determine:

1. **Meeting Booking and Sales.** The CACVB shall respond to inquiries, provide information to the public, and as part of its convention marketing efforts, shall aggressively promote the bookings and sales of sites within the City and the County for regional, national, and international conventions, trade shows, and corporate meetings.
2. **Convention Services.** The CACVB shall provide customary convention services to those clients who have booked their convention or meeting through the CACVB. All other conventions or meetings will be serviced on an availability basis. The particular services to be provided depend upon the agreement between the CACVB and the meeting planner at the time of booking and other requests, which may be made in the course of servicing the convention or meeting. Customary convention services may include but are not limited to the following:
 - a. Assistance in promoting attendance.
 - b. Visitors guides and appropriate literature.
 - c. Shuttle bus coordination.
 - d. Attraction and itinerary scheduling.
 - e. Dining and restaurant scheduling.
 - f. Bonded registration.
 - g. Tourism information tables.
3. **Tourism.** The CACVB shall promote tourism within the County and the City. Strategies may include but are not limited to: visitor information services; attendance at industry and travel / trade, consumer, planner, hotel and attraction conferences and meetings; and responses to phone inquiries, advertising, public relations, promotions, and packaging. The CACVB will oversee the operation and maintenance of at least one visitor center within the City and at least one visitor center in the County.
4. **Reports.** The CACVB shall advise the County and the City advised of its activities and accomplishments, and shall deliver the following reports:
 - a. The CACVB shall provide to the Parties an annual marketing/ operational plan ("Marketing Plan") submitted annually on or before December 31 each year, which includes at a minimum: situation analysis, measurable expected outcomes, data driven rationale for strategies, and budget reflecting strategies.
 - b. The CACVB shall provide to the Parties quarterly reports of the following: (i) program performance, including a comparison of the CACVB's performance during the quarter with the performance goals set forth in sections B, C and D; and (ii) tracking report of the performance measures listed in section C; and (iii) an expenditures report, accounting for dollars spent for marketing, promotion, publicity, and advertisement, shown by category. The quarterly performance reports shall be submitted to the Parties within 30 days after the end of each quarter that this Agreement is in effect.
 - c. On or before September 1 each year, the CACVB shall provide to the Parties an annual report of the outcome of the contract performance measures for the previous year. The Parties will review the annual

report no later than October 1 and determine compliance with the return on investment. The Parties will provide these findings to the CACVB.

- d. When requested by either or both Parties, the CACVB shall provide statements, records, reports, data, and any other information, pertaining to matters covered by this Agreement.

B. Calculating "Direct Visitor Expenditures"

The term "direct visitor expenditures" shall refer to the following sum:

Group Room Revenue

[(Group Room Nights Booked) x (ADR)]*

plus

*[(# of delegates/visitors) x (# days spent in City/ County) x (ADE**)]*

\$ _____

Leisure Inquiries (consumer and trade)

[(room nights generated) x (ADR)]*

plus

*(# of visitors) x (# days spent in City/County) x (ADE**)]*

\$ _____

Direct Visitor Expenditures

\$ _____

Off Season Adjustment

Add 20% to direct expenditures in off-season (off-season shall be November, December, January and February of each year).

\$ _____

Total Direct Visitor Expenditures

\$ _____

*ADR = Average Daily Rate (calculated annually by CACVB based on research)

**ADE= Average Daily Expenditure (excluding room rate) (calculated annually by CACVB, based on research, excluding room rate)

C. Performance Measures

Performance Measures shall be utilized to indicate the performance of the CACVB. These measures will be used to calculate the total economic expenditure for inclusion in the formula set forth within paragraph A, above:

Performance Measures	Tracking Mechanisms	Target
1. ROI (total direct expenditures ÷ \$ invested)	ROI Formula	7:1
2. Room nights booked for meeting groups	CACVB tracking, Through Sales Department Software programs	Determined by CACVB via marketing plan Supported by research/rationale
3. Group tour definite bookings	CACVB tracking	Determined by CACVB via marketing plan
4. Leisure inquiries converted (consumer and trade)	Conversion Analysis	
5. Destination awareness (trade and consumer)	Contract with outside resource	Supported by research/rationale
6. Coop Resources Raised (in kind, marketing, alliances)	CACVB tracking	Equal to 25% of total marketing budget
7. Media Coverage (scope, demographics, reach)	Clipping Service	Determined by CACVB
8. Overhead expenditures*	CACVB budget	Reduce by 5% annually toward goal of <30% of total budget

**calculations include Finance and Administration divisions plus support costs for the Executive division*

D. Performance Indicators

CACVB will track certain performance indicators to monitor the performance of the local tourism industry, using the method described below.

Performance Indicators	Tracking Mechanisms
1. Economic Impact of Tourism (Annual basis)	Visitor Profile and VTC Statistics
2. Transient Occupancy Tax Collections	City and County Records
3. Occupancy	Smith Travel Research Reports
4. ADR	Smith Travel Research Reports
5. Length of Stay (Annual basis)	Visitor Profile
6. Per-Person expenditure (Annual basis)	Visitor Profile
7. Attraction Attendance	Compilation from Industry Records

CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA



Agenda Date:	December 6, 2021
Action Required:	Appropriation
Presenter:	Mike Harlow, Traffic Supervisor
Staff Contacts:	Krisy Hammill, Senior Budget and Performance Analyst Mike Harlow, Traffic Supervisor
Title:	City Traffic Assets Insurance Reimbursement – \$17,448.47

Background:

The following City Traffic assets sustained damage from external accidents, which has impacted their proper function, and require repair/replacement after evaluation from the Public Works Traffic Division:

- **Streetlight** – Located at approximately 1321 West Main Street, incident occurred on June 7th 2020 – Progressive Insurance
- **Traffic Control Box** – Located at the corner of Wertland St and 10th St NW, incident occurred on July, 4th 2020 – National General
- **Pedestrian Signal** – Located on Shamrock Rd., incident occurred on May 12th, 2021 – Progressive Insurance

Discussion:

Risk Management has secured payment in the total amount of \$17,448.47, itemized amounts below:

Asset	Claim Number	Amount	Date Received
Streetlight	20267	\$2,856	8/30/2021
Traffic Control Box	21007	\$11,908.69	9/7/2021
Pedestrian Signal	21180	\$2,683.78	9/16/2021

The insurance monies will be utilized to recover repair/replacement costs for these assets.

Alignment with Council Vision Areas and Strategic Plan:

The reimbursement of the insurance monies for the asset loss associated with the aforementioned City Traffic assets 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 3.2 – Provide reliable and high quality infrastructure.

Community Engagement:

N/A

Budgetary Impact:

There is no impact to the General Fund, as these are reimbursed funds from an insurance carrier for a loss.

Recommendation:

Staff recommends approval and appropriation of insurance monies.

Alternatives:

If the insurance reimbursement is not appropriated, the Public Works Department will not be able to recover this funding to repair/replace the cited Traffic assets.

Attachments:

Appropriation Resolution

**RESOLUTION APPROPRIATING FUNDS for
City Traffic Assets Insurance Reimbursement
\$17,448.47**

WHEREAS, Progressive and National General Insurance companies are reimbursing the City of Charlottesville for a loss associated with City of Charlottesville Traffic assets;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a total of \$17,448.47 be appropriated in the following manner:

Revenues

\$17,448.47 Fund: 105 Cost Center: 2471001000 G/L Account: 451110

Expenditures

\$17,448.47 Fund: 105 Cost Center: 2471001000 G/L Account: 541040

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of funds from Progressive and National General Insurance companies.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	December 6, 2021
Action Required:	Appropriation of Grant Funds
Presenter:	Amanda Poncy, Bicycle and Pedestrian Coordinator, Public Works
Staff Contacts:	Amanda Poncy, Bicycle and Pedestrian Coordinator, Public Works Tony Edwards, Development Services Manager, Public Works
Title:	VDOT BPSP Grant for bicycle and pedestrian improvements Preston Avenue and Harris Street \$245,725

Background:

On September 6, 2016, City Council approved a Resolution of Support to apply for Pedestrian Safety Improvements Funding under the Virginia Department of Transportation (VDOT) Bicycle and Pedestrian Safety Program (BPSP). The purpose of the BPSP is to evaluate proposals addressing non-motorized crashes and risks in Virginia. Proposals target the reduction in the number and severity, or the risk of and exposure to crashes. The intent of the BPSP is to promote proposals that address a known safety or accommodation issue, are smaller in scale, and can be completed quickly.

In June 2017, the City received notice that a number of intersection projects that were submitted received funding in FY22/23. The intersection of Preston Avenue and Harris Street is one of the intersections that was identified for pedestrian crossing improvements. New pedestrian curb ramps, median refuges, and revised pedestrian crossings will reduce pedestrian crossings widths, increase visibility of pedestrians, reduce pedestrian time within the roadway, and minimize out of distance pedestrian travel. VDOT has granted the city \$245,725 for these improvements.

Discussion:

The projects that were submitted for BPSP funding in 2016 were identified based on the results of the Timmons Group ADA Pedestrian Signal study and the Streets that Work Plan recommendations. Each intersection will be reconstructed with ADA compliant curb ramps, pedestrian pushbuttons, and crosswalk and bicycle pavement marking improvements.

In June 2017, staff was notified that the following intersections were awarded for FY20-23:

- a. Monticello/Ridge (also SIA) - \$209,500
- b. Monticello/2nd Street (also SIA) - \$338,230
- c. Cherry/Ridge - \$265,230
- d. Preston/Harris - \$245,725**
- e. Grady/10th - \$291,000

The City of Charlottesville selected the intersection of Preston Avenue at Harris Street as a candidate for pedestrian improvements. Citizen issues were combined with City planner's knowledge to identify the intersection as a candidate that would provide benefit to the community. The intersection has been in its current geometric configuration since the 1990's (20+ years). The pedestrian crossings from north to south across Preston Avenue are long (near 100 feet in length) and although they do pass through a median area, there is no pedestrian curb ramp access or surface to leave the roadway. Foliage and bridge structures within the median introduce sight distance issues that reduce the ability for vehicles to see pedestrians. High speeds on Preston Avenue increase severity of potential crashes. Commercial land uses occupies the 4 corners of the intersection.

The pedestrian crossing across Preston Avenue is long and does not provide any safe haven for the pedestrian/bicyclists. Due to the commercial nature of the eastbound approach and the multiple commercial entrances near the intersection, sight distance is reduced for drivers approaching the intersection and introduces additional risk for the pedestrians/bicyclists during turning maneuvers.

As such, two pedestrian accidents have occurred at the intersection during the review period. Both involved vehicles making a right turn on red maneuver and striking a pedestrian/bicyclist that was crossing the roadway and had the right-of-way.

The project involves the installation of new pedestrian curb ramps on all 4 corners of the intersection in order to meet ADA compliance and align properly with pedestrian crosswalks. The existing pavement markings for pedestrians within the intersection will need to be removed/replaced. New pavement markings for relocated pedestrian crosswalks and stop bars are included. The project also involves installing pedestrian curb ramps and sidewalk within the median of Preston Avenue to provide a safe haven for crossing pedestrians/bicycles. The median sidewalk will increase visibility of pedestrians, reduce pedestrian crossing widths, and minimize out of distance pedestrian travel.

Alignment with City Council's Vision and Strategic Plan:

This initiative supports Council's Vision to be a "Connected Community" ("the City of Charlottesville is part of a comprehensive, regional transportation system that enables citizens of all ages and incomes to easily navigate our community") and "America's Healthiest City" ("we have a community-wide commitment to personal fitness and wellness, and all residents enjoy our outstanding recreational facilities, walking trails, and safe routes to schools").

In addition, the project contributes to Goals 1 and 3 of the Strategic Plan, to be an inclusive, self-sufficient community and a healthy and safe city.

The initiative further implements recommendations within the ADA Transition Plan (2013), Comprehensive Plan (2013), Bicycle and Pedestrian Master Plan (2015), Streets that Work Plan (2016) and supports the City's Healthy Eating Active Living (HEAL) Resolution.

Community Engagement:

The BPS projects draw heavily from the recommendations included in the Streets that Work Plan, which had extensive community outreach. A full account of the public engagement process is available at www.charlottesville.org/streetsthatwork under the Streets That Work Community

Process tab. Community members will continue to be engaged throughout the design and construction process.

Budgetary Impact:

No additional City funding needs to be appropriated as the BPSP funding does not require a local match.

Recommendation:

Staff recommends approval and appropriation of VDOT grant.

Alternatives:

If grant funds are not appropriated, the project will not be implemented.

Attachments:

Appropriation Resolution

RESOLUTION APPROPRIATING FUNDS for
Virginia Department of Transportation (VDOT) Bicycle and
Pedestrian Safety Program (BPSP)
Preston Ave/Harris Street \$245,725

WHEREAS, the Bicycle and Pedestrian Safety Program (BPSP), provides Federal funding for intersection improvements that target the reduction in the number and severity, or the risk of and exposure to crashes, and has awarded the City of Charlottesville \$245,725 for such improvements;

WHEREAS, the BPSP program is a 100% reimbursement program requiring the City to meet all federal guidelines to qualify,

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

Revenues

\$245,725	Fund: 426	WBS: P-01069	G/L Account: 430120
-----------	-----------	--------------	---------------------

Expenses

\$245,725	Fund: 426	WBS: P-01069	G/L Account: 519999
-----------	-----------	--------------	---------------------

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	December 6, 2021
Action Required:	Appropriation
Presenter:	Andrea Henry, Water Resources Protection Program Administrator
Staff Contacts:	Jack Dawson, Department of Public Works Kristel Riddervold, Department of Public Works Krisy Hammill, Office of Budget and Performance Management
Title:	Virginia Community Flood Preparedness Grant – Stormwater Management Model of Moores Creek Watershed - \$307,000

Background:

The City of Charlottesville is one of the first 19 localities to be awarded a grant through the Virginia Community Flood Preparedness Fund (CFPF). The Governor and General Assembly established the fund in 2020 to assist communities in building resilience to the impacts of climate change, including floods.

The Community Flood Preparedness Fund is allocated 45 percent of the revenue Virginia generates through the Regional Greenhouse Gas Initiative. An estimated \$75 million per year will be available through the matching grant program.

In October 2021, the City of Charlottesville received a Letter of Award for a CFPF grant totaling \$153,500 from the Virginia Department of Conservation and Recreation for a two-dimensional (2D) stormwater management model of Moores Creek watershed. The funds are intended to support the model buildout, a report documenting methodology and results, and training and software for City staff. This is the first in an intended series of 3 grants that will fund model development in the portions of all 3 major watersheds (Rivanna River, Meadow Creek, and Moores Creek) within Charlottesville city limits. The current grant award includes:

CFPF Grant #21-01-18: Flood Protection and Prevention Study - \$153,500

City matching funds are required for the grant of at least 50% of the total study cost, totaling \$153,500, and have been identified from two funding sources. The identified funding was established in the Gas Fund prior to the adoption of the Stormwater Utility Fund (SUF) in order to support environmental-related program development and implementation efforts, including demonstration projects and grant match requirements. The accounts to be used are:

631 - 2000095: \$136,153.00
426 – P-00653: \$17,347.00

Discussion:

In 2008, the City of Charlottesville, in partnership with the Army Corp of Engineers (USACE), hired URS to develop a comprehensive stormwater model representing the majority of the City's stormwater management inventory. The existing model represents the input data and best methodology available in 2008. The purpose of this grant application is to update the portion of the existing model located in the Moores Creek watershed so it can be used as initially intended. Additionally, a 2D rendering will expand the model beyond its originally identified applications.

The primary function of the model is to analyze the watershed by using configurations to quantify flooding associated with both existing and future watershed conditions. Potential drainage improvement projects can be geospatially mapped in relation to areas vulnerable to flooding, so City staff can make assessments about the value of individual projects. The advantage of this approach is that the entire drainage system can be evaluated on a consistent, system-wide basis.

Consistent and transparent methods of analysis when determining how and where to spend taxpayer money are essential for prioritizing improvement projects in an equitable manner. Although additional consideration factors, including other master plan objectives, location-specific funding opportunities, a history of underinvestment, etc., can also be incorporated into a system of project selection, the foundation of project prioritization should be the quantification of potential adverse impacts to community members from flooding events. An objective analysis using industry standard methodology applied over the entire City is a key element to achieving this goal.

The model will also have the ability to identify future areas of vulnerability due to climate change-influenced storm events. A series of climate-informed design storms will be input into the model to begin the development of a sensitivity analysis. This analysis will determine the future conveyance and treatment needs of City drainage infrastructure and is an important component of the City's climate resiliency strategy.

Alignment with City Council's Vision and Strategic Plan:

The development of a stormwater management model directly supports several strategic initiatives in the 2013 City of Charlottesville Comprehensive Plan (Environment):

- 4.3: Assess infrastructure and prioritize solutions for the repair, upgrade, and improvement of the City's stormwater infrastructure, utilizing green infrastructure when advisable.
- 4.4: Identify and track stormwater hazards such as flooding and drainage problems that may threaten people and property and identify or establish funding to remedy or prevent safety hazards.

Additionally, the model will be an important tool in determining the best improvement strategies to apply to specific drainage problems, so that benefits can be seen across the watershed. This supports the following strategic initiatives in the 2013 City of Charlottesville Comprehensive Plan (Environment):

- 3.6: Reduce loss of open waterways and habitats by daylighting pipes streams when possible and discouraging additional underground piping of city streams.
- 4.6: Examine feasibility of sustainable municipal stormwater management facilities such as

rain gardens to facilitate higher floor to area ratios (FAR) on urban lots, particularly in or adjacent to target zones such as entrance corridors.

Community Engagement:

The need for a comprehensive stormwater management plan was identified in the 2012 Water Resources Protection Program (WRPP) Advisory Committee Report. The proposed stormwater management model will be the most comprehensive approach to date in the development of a City-wide master plan. Additionally, the model will incorporate community-driven information in the form of drainage issue reporting. The 2D component of the model will be an important tool in future community outreach efforts because it can map areas that will be vulnerable to flooding. These visuals will be important for community flood awareness and the City's flood mitigation programs.

Budgetary Impact:

Grant funds will be appropriated and expended from a grants fund account. The \$153,500 financial match for these grant awards will be allocated from previously appropriated funding in the Gas fund and the City's CIP fund.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

Council may decline the grant.

Attachments:

- DCR Letter of Award
- DCR Grant Agreement
- VRA ACH Authorization for Grant Disbursements

**RESOLUTION APPROPRIATION FUNDS FOR
Virginia Community Flood Preparedness Grants — Stormwater Management Model of
Moores Creek Watershed
\$307,000**

WHEREAS, the City of Charlottesville has been awarded \$153,500 from the Virginia Department of Conservation and Recreation for the development of a two-dimensional stormwater management model; and

WHEREAS, as a match of local funds in the amount of \$153,500 is required and will be funded using previously appropriated funds;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a total of \$307,000 be appropriated in the following manner:

Revenues - \$307,000

\$153,500	Fund: 209	I/O: 1900433	G/L Account: 430110
\$153,500	Fund: 209	I/O: 1900433	G/L Account: 498010

Expenditures - \$307,000

\$307,000	Fund: 209	I/O: 1900433	G/L Account: 599999
-----------	-----------	--------------	---------------------

Transfers:

\$136,153	Fund: 631	I/O: 2000095	G/L Account: 561209
\$ 17,347	Fund: 426	WBS Element: P-00673	G/L Account: 561209

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$153.500 from the Virginia Department of Conservation and Recreation.

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



Agenda Date:	December 6, 2021
Action Required:	Appropriation
Presenter:	Maribel Street, Emergency Management Coordinator
Staff Contacts:	Symia Tabron, Accountant
Title:	Local Emergency Management Performance Grant (LEMPG) - \$7,500

Background:

The Virginia Department of Emergency Management has allocated \$7,500 in 2020 Emergency Management Performance Management Grant (LEMPG) funding from the Federal Emergency Management Agency to the City of Charlottesville. The locality share is \$7,500, for a total project of \$15,000.

Discussion:

The City of Charlottesville is the grant administrator for this grant, which will be passed to the Office of Emergency Management at the Charlottesville-UVA-Albemarle County Emergency Communications Center. The grant award period is July 1, 2020 to June 30, 2021. The objective of the LEMPG is to support local efforts to develop and maintain a Comprehensive Emergency Management Program. The 2020 LEMPG funds will be used by the Office of Emergency Management to enhance local capabilities in the areas of planning, training and exercises, and capabilities building for emergency personnel and the whole community.

Alignment with City Council's Vision and Strategic Plan:

This emergency management program supports City Council's America's Healthiest City vision, specifically, "Our emergency response system is among the nation's best," as well as Goal 2 of the Strategic Plan, specifically sub-elements 2.1 (Provide an effective and equitable public safety system) and 2.4 (Ensure families and individuals are safe and stable). Maintaining our response and recovery capability is an on-going process that requires regular planning discussions and well as training and exercising with community response partners. Citizen preparedness, including awareness of local hazards and actions they can take to survive and recover from an emergency is a critical part of the local response system.

Community Engagement:

The LEMPG engages the community through public outreach efforts led by the Office of Emergency Management. Increasing citizen awareness of hazards and promoting steps individuals can take to prepare for, respond to, and recover from emergency situations is a critical priority for the Office of Emergency Management. Community outreach efforts include presenting on preparedness to community groups and designing and implementing targeted messaging through various media. This funding allows the Assistant Emergency Manager to dedicate additional time in support of this mission.

Budgetary Impact:

This has no impact on the General Fund. The funds will be expended and reimbursed to a Grants fund. The locality match of \$7,500 will be covered with an in-kind match from the Office of Emergency Management budget.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

If grants funds are not appropriated, the Office of Emergency Management will not be able to completely fund the full-time salary for the Assistant Emergency Management Coordinator. A reduction in time for this position will negatively impact the quantity and quality of public outreach on emergency preparedness to community members.

Attachments:

Appropriation Resolution

**RESOLUTION APPROPRIATING FUNDS for
2020 Local Emergency Management Performance Grant (LEMPG)
\$7,500**

WHEREAS, the City of Charlottesville has received funds from the Virginia Department of Emergency Management in the amount of \$7,500 in federal pass through funds and \$7,500 in local in-kind match, provided by the Charlottesville-UVA-Albemarle Emergency Communications Center Office of Emergency Management; and

WHEREAS, the funds will be used to support programs provided by the Office of Emergency Management; and

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

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$7,500 is hereby appropriated in the following manner:

Revenue – \$7,500

\$7,500 Fund: 209 I/O: 1900434 G/L: 430120 State/Fed pass thru

Expenditures - \$7,500

\$7,500 Fund: 209 I/O: 1900434 G/L: 599999 Salaries

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$7,500 from the Virginia Department of Emergency Management, and the matching in-kind funds from the Charlottesville-UVA-Albemarle Emergency Communications Center Office of Emergency Management.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	December 6, 2021
Action Required:	Approve Resolution
Presenter:	Kristel Riddervold, Environmental Sustainability and Facilities Development Divisions Manager
Staff Contacts:	Scott Hendrix, Senior Project Manager, Facilities Development Division
Title:	Funds Transfer from Facilities Repair Fund (FR-001) to the Capital Improvement Lump Sum Funded Program (CP-019) to support City Yard Warehouse Restroom Project

Background:

In 2019, a need was identified to increase the capacity of the single female bathroom in the City Yard Warehouse building to address capacity and equity issues. The Facilities Development Division allocated \$150,000.00 in the Government Large Cap Lump Sum Fund (FY2019) address those issues. Design work was initiated in the Spring 2019 and then this project was then placed on hold due to COVID-19.

The project was restarted in Summer 2021. During the subsequent design phase it became apparent that in order to meet all of the design and ADA requirements the existing male bathroom would also need to be modified and upgraded.

The project will now involve expanding the existing female bathroom to increase capacity and provide an ADA compliant toilet stall, as well as renovating the existing male bathroom to update fixtures and provide an ADA compliant toilet stall. The design work is now complete and the Facilities Development Division would like to move on to the next phase of procuring bids.

Discussion:

There was \$150,000.00 allocated to this project in Government Lump Sum FY2019. At that time the aim of the project was only to address the issues with the Female bathroom, the Male bathroom was not part of this original scope. In the subsequent design phase it became apparent that in order for this project to be viable the scope and budget of the project would have to be increased.

In order to meet the expected revised budget needs of this project we are requesting that \$90,000.00 be transferred from the City Small Cap-Lump Sum Projects fund (FY2022) into the Government Large Cap Lump Sum Fund, so that it can be combined with the initial \$150,000.00. This would be in keeping with City Finance procedure to fund all capital projects from a single funding source.

Alignment with Council Vision Areas and Strategic Plan:

This project contributes to Goal 5 of the Strategic Plan, A Well-Managed and Responsive Organization, and Objective 5.1, to integrate effective business practices and strong fiscal policies.

Community Engagement:

N/A

Budgetary Impact:

This has no impact on the General Fund. The funds will be expensed from the City's Capital Improvement Fund.

Recommendation:

Staff recommends approval of the resolution to combine previously appropriated funding.

Alternatives:

If the funding is not combined, the project will not be able to proceed.

Attachments:

Resolution

**RESOLUTION APPROPRIATING FUNDS as a
Transfer from the Facilities Repair Fund to the
Capital Improvement Program Fund
\$90,000.00**

WHEREAS, the City of Charlottesville is merging the funding in order to renovate two restrooms located in the City Warehouse;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following is hereby transferred from previously appropriated funds in the following manner:

Transfer From

\$90,000.00 Fund: 107 WBS: P-01059 G/L Account: 599999

Transfer To

\$90,000.00 Fund: 426 WBS: P-00992 G/L Account: 599999

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	December 6, 2021
Action Required:	Adoption of Resolutions* (each (1) reading/ no public hearing) *Two separate motions are preferred, one for each resolution
Presenter:	Lisa Robertson, City Attorney
Staff Contacts:	Javier Gomez-Jacome, Deputy City Attorney
Title:	Resolutions to approve the City’s participation in the national Opioid Settlement and the Virginia Opioid Abatement Fund

Background:

In an effort to address the opioid crisis across the country multiple municipalities nationwide have been engaged in litigation against a variety of opioid manufacturers, namely McKesson, Cardinal Health, AmerisourceBergen, and Janssen as well as their related corporate entities.

These entities reached a settlement that allows for states and municipalities who opt into the settlement agreements to receive funds, which could total up to USD \$26 billion nationwide, depending on how many states and municipalities participate. Although the City did not participate in the litigation, it is still eligible to receive monies from the settlement.

Under the settlement, the amount of money in total that Virginia, and thus the City, receives is dependent on the number of municipalities that participate.

In addition, the Commonwealth of Virginia has entered into a Memorandum of Understanding (“MOU”) with regard to the settlement that will create the Virginia Opioid Abatement Fund, which will distribute a portion of the funds received to state-wide programs, and which also allocates a certain percentage of funds to individual participating municipalities. Any funds received by the City are required to be directed towards opioid remediation.

The City Manager’s office and City Attorney’s Office believe that it is beneficial for the City to opt into the settlement and the State MOU, as that will provide additional funding for current or future opioid remediation programs.

The terms and conditions of the Virginia MOU and the Virginia Abatement Fund may be accessed online, at: <https://nationalopioidsettlement.com/wp-content/uploads/2021/10/VA-Opioid-Abatement-Fund-and-Settlement-Allocation-MOU1.pdf>. Other documents relating to the national settlement may be viewed at: <https://nationalopioidsettlement.com/>.

Discussion:

Opting into the settlement agreement provides additional funds for opioid remediation programs in the community and would allow those programs to receive additional funding or, depending on

the final amount received, to fully fund those programs and allow the source of funds currently supporting opioid remediation programs to be reinvested into other community programs.

Pros

The City has not undertaken any effort or expense to engage in litigation against opioid manufacturers. Accordingly, any monies received from the settlement are a net gain to the City's balance sheet and will allow the City an additional source of funds to support programs that benefit the community.

Cons

To the extent that there is a drawback, it is that the exact amount that the City will receive is currently undefined. The amount paid to the states, and thus their municipalities, is dependent on how many decide to opt in. Because the deadline for doing so is Jan 2, 2022, with payments expected to begin in April, 2022 at the earliest, budgeting the funds obtained in the first year could prove difficult. (The proposed City budget will be delivered to Council in March 2022, and a final budget must be adopted by Council in April 2022). Opting into the settlement also waives the City's claims against all of the opioid manufacturers named in the settlement agreements and their related entities but as the City has not demonstrated an interest pursuing these claims previously, Staff believes that receiving funds without having to expend any is the preferential approach.

Budgetary Impact:

Net positive. As the City has not expended any funds in pursuing this litigation, all settlement monies received would be a net gain for the City.

Alignment with Council Vision Areas and Strategic Plan: Yes.

City Manager Recommendation: The City Manager recommends approval of the attached Resolutions.

Attachments:

- Resolution to approve the City's participation in the proposed national settlement
- Resolution to approve the City's participation in the Virginia Opioid Abatement and Settlement Allocation

RESOLUTION
APPROVING PARTICIPATION BY THE CITY OF CHARLOTTESVILLE IN THE
PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST MCKESSON,
CARDINAL HEALTH, AMERISOURCEBERGEN, JANSSEN, AND THEIR
RELATED CORPORATE ENTITIES

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities and counties by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and

WHEREAS, the Commonwealth of Virginia and its cities and counties have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Virginia; and

WHEREAS, settlement proposals have been negotiated that will cause McKesson, Cardinal Health, AmerisourceBergen, and Janssen to pay up to \$26 billion nationwide to resolve opioid-related claims against them.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville that the City’s participation in the proposed settlement of opioid-related claims against McKesson, Cardinal Health, AmerisourceBergen, Janssen, and their related corporate entities (“settling entities”) is approved, and this Council hereby authorizes and directs the City Attorney to execute, on behalf of the City of Charlottesville and this Council, any and all documents necessary to effectuate the City’s participation in the settlements, including any required release of claims against the settling entities.

I, Kyna Thomas, do hereby certify that the foregoing writing is a true, correct copy of a resolution duly adopted by the City Council of the City of Charlottesville, Virginia, by a vote of ___ to ___, as recorded below, at a regular meeting held on December 06, 2021.

 Clerk of Council, City of Charlottesville

	<u>Aye</u>	<u>No</u>
Mayor Walker	_____	_____
Vice Mayor Magill	_____	_____
Councilor Hill	_____	_____
Councilor Payne	_____	_____
Councilor Snook	_____	_____

RESOLUTION
APPROVING PARTICIPATION BY THE CITY OF CHARLOTTESVILLE IN THE
VIRGINIA OPIOID ABATEMENT FUND AND APPROVING THE CITY’S
EXECUTION OF THE VIRGINIA SETTLEMENT ALLOCATION MEMORANDUM
OF UNDERSTANDING

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities and counties by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and

WHEREAS, the Commonwealth of Virginia and its cities and counties have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Virginia; and

WHEREAS, in order to advance their common interests, Virginia local governments and the Commonwealth of Virginia, through counsel, have extensively negotiated the terms of a memorandum of understanding relating to the allocation and use of litigation recoveries relating to the opioid epidemic (“Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding” or “MOU”) and the Council’s approval of the MOU will allow the City to participate in and receive proceeds from the opioid settlements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville that the City’s participation in the Commonwealth of Virginia’s Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding is approved, and the City Manager is hereby authorized to execute the MOU on behalf of the City. The City Manager and City Attorney are each hereby authorized by this Council to execute, on behalf of the City of Charlottesville and this Council, any other or additional documents that may be necessary to effectuate the City’s participation in the MOU.

I, Kyna Thomas, do hereby certify that the foregoing writing is a true, correct copy of a resolution duly adopted by the City Council of the City of Charlottesville, Virginia, by a vote of ___ to ___, as recorded below, at a regular meeting held on December 06, 2021.

 Clerk of Council, City of Charlottesville

	<u>Aye</u>	<u>No</u>
Mayor Walker	_____	_____
Vice Mayor Magill	_____	_____
Councilor Hill	_____	_____
Councilor Payne	_____	_____
Councilor Snook	_____	_____

SIGNIFICANT CHANGES BETWEEN DRAFT PCOB ORDINANCE OF AUGUST 12, 2021 AND DRAFT OF DECEMBER 3, 2021

The PCRB met and approved a draft ordinance in August. Following that, an informal working group continued to review and refine the language. The group consisted of Councilors Lloyd Snook and Michael Payne, PCRB members Bill Mendez and Jeff Fracher, Deputy City Manager Ashley Reynolds Marshall, and PCRB Executive Director Hansel Aguilar, and copies of these intermediate drafts were circulated to a larger circle that included, at various points, PCRB Chair Bellamy Brown, PCRB Counsel Cynthia Hudson, and the other Councilors. We continued to tweak the language, and the PCRB looked at the draft again in November. Since that time we have continued to get feedback and have continued to make edits, up through December 3. In re-working this ordinance, we referred to many different ordinances as models. This draft owes a great deal to the Arlington, Virginia ordinance, passed in July, 2021.

This memo is intended to highlight changes since the draft was approved in August. We continue to work on a separate memo on procedures; those procedures would be passed by City Council in a resolution but would not be printed in the Charlottesville Code. We anticipate presenting that memo on procedures to Council, perhaps in January. This draft has not yet been vetted by City Attorney Lisa Robertson.

OVERVIEW OF STRUCTURAL ISSUES

The National Association for Civilian Oversight of Law Enforcement (NACOLE) categorizes civilian oversight boards into three major categories:

1. An **investigative** model, where the Board investigates all complaints;
2. A **review-focused** model; or
3. An **auditor/monitor-focused** model.

INVESTIGATIVE MODEL

Key Characteristics:

1. Routinely conducts independent investigations of complaints against police officers
2. May replace or duplicate the police internal affairs process
3. Staffed by non-police, “civilian” investigators

Potential Key Strengths:

1. May reduce bias in investigations into citizen complaints
2. Full-time civilian investigators may have highly specialized training
3. Civilian-led investigations may increase community trust in the investigations process

Potential Key Weaknesses:

1. Most expensive and organizationally complex form of civilian oversight (one study found that the average cost was around \$1 million a year)
2. Civilian investigators may face strong resistance from police personnel
3. Disillusionment among the public may develop over time when community expectations for change are not met

REVIEW-FOCUSED MODEL

Key Characteristics:

1. Often focuses on reviewing the quality of completed police internal affairs investigations
2. May make recommendations to police executives regarding findings or request that further investigation be conducted
3. Commonly headed by a review board composed of citizen volunteers
4. May hold public meetings to collect community input and facilitate police-community communication

Potential Key Strengths:

1. Ensures that the community has the ability to provide input into the complaint investigation process
2. Community review of complaint investigations may increase public trust in the process
3. Generally the least expensive form of oversight since it typically relies on the work of volunteers (the same study found an average annual cost of about \$200,000)

Potential Key Weaknesses:

1. May have limited authority and few organizational resources
2. Review board volunteers may have significantly less expertise in police issues and limited time to perform their work
3. May be less independent than other forms of oversight

AUDITOR/MONITOR-FOCUSED MODEL

Key Characteristics:

1. Often focuses on examining broad patterns in complaint investigations, including patterns in the quality of investigations, including patterns in the quality of investigations, findings and discipline
2. Some auditors/monitors may actively participate in or monitor open internal investigations
3. Often seek to promote broad organizational change by conducting systematic reviews of police policies, practices or training and make recommendations for improvement

Potential Key Strengths:

1. Often have more robust police reporting practices than other types of oversight
2. Generally less expensive than full investigative agencies, but more expensive than review-focused agencies
3. May be more effective at promoting long-term, systemic change in police departments

Potential Key Weaknesses:

1. Auditor/monitor focus on examining broad patterns rather than individual cases may be treated with skepticism by some local rights activists
2. Significant expertise is required to conduct systematic policy evaluations. The hiring of staff without relevant experience may cause tensions between the oversight agency and police officers
3. Most auditor/monitors can only make recommendations and cannot compel law enforcement agencies to make systemic changes

The December 3 draft proposes a hybrid model – the Board will have the power to review investigations and to consider civilian complaints and to do its own investigations if necessary, including a robust subpoena power; the Board will have the power to make recommendations to City management; and the Board will have the power to focus on broad patterns of police conduct.

This draft is different from the version of the ordinance approved by the PCRБ in August in the following ways:

December
section

- §2-450 No change
- §2-451 Tweaked.
- §2-452 Subsections (a) and (b) were added, and the term “serious abuse of authority or misconduct” is now defined in subsection (d). Subsection (f) is new.
- §2-453 This was reorganized. There are three substantive differences. First, the non-voting member (former law enforcement officer) need not be a resident of Charlottesville. Second, Council would now be able to appoint a City employee who was not involved in law enforcement. Third, the provision in §2-453(d) permitting someone to continue to serve after the end of their term until Council appoints a replacement has been eliminated. Provisions about conflicts of interest (e) and the need for confidentiality (f) have been added.
- §2-454 The Board is required to meet quarterly rather than monthly. Language about complying with FOIA, a quorum requirement, minutes, and Rules was added.
- §2-455 Subsection (d) was rewritten, and (e) was added.
- §2-456 Tweaked.
- §2-457 Significantly rewritten. Overall, the new version tries to be more clear about the
§2-458 two different kinds of investigations – citizen Complaints (§2-457(a)) and
§2-459 Board-initiated investigations of Incidents (§2-457(b)). The procedures are intended to be essentially parallel structures. A Complaint, brought by a Complainant, gets investigated by either the Department with the oversight of the Executive Director or by the Board, led by the Executive Director. The default would be an investigation by the Department with the oversight of the Executive Director. The result of that investigation would be an Investigative Report that would identify any “serious abuse of authority or misconduct.” The Executive Director would also report to the Board on whether they felt that the investigation was satisfactory. The Complainant or the Board could then request a hearing on the Complaint as presented in the Investigative Report.

If the Board on its own initiative seeks to investigate a matter that had not been the subject of a Complaint, that is referred to as an “Incident.” The investigation of that Incident by the Board would lead to making a Preliminary Investigative Report, which then would serve as the basis for the decision whether to have a formal hearing on the Incident.

- §2-458(f) In the newer version, there is a detailed procedure for subpoenas.
- §2-460 In the newer version, provides for the promulgation of procedures (formerly in §2-459). §2-460(b) allows for informal resolution if all parties agree.
- §2-461 In the newer version, the Disciplinary Recommendations section (formerly §2-460) is contingent on the City Attorney certifying that state law permits confidential personnel files to remain confidential, and that state law permits closed sessions for consideration of both evidence and deliberation of disciplinary matters. Once we get clarity on this issue – either from a clear court precedent or from a legislative change – the City Attorney can certify it and the Board can then get into disciplinary hearings and recommendations, without the necessity of further action by Council.
- §2-462 Tweaked the former §2-461.
- §2-463 Tweaked the former §2-462.
- §2-464 Tweaked the former §2-465.
- §2-465 Tweaked the former §2-467.
- §2-466 Tweaked the former §2-468. The one significant change is that a police “ride-along” shall be required once a year.
- §2-467 Tweaked the former §2-469.
- §2-468 Tweaked the former §2-470.

ARTICLE XVI. – POLICE CIVILIAN OVERSIGHT BOARD

AN ORDINANCE TO AMEND AND REENACT THE PROVISIONS OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED, CHAPTER 2 (ADMINISTRATION)

WHEREAS, the Charlottesville City Council previously enacted an ordinance establishing a Charlottesville Police Civilian Review Board and codified the ordinance within Chapter 2, Article XVI of the Code of the City of Charlottesville (1990), as amended; and

WHEREAS, on October 28, 2020 the Virginia General Assembly enacted House Bill 5055, which expressly authorizes the governing body of a locality to establish a law enforcement civilian oversight body; and

WHEREAS, City Council hereby finds that it is in the public’s best interests to amend Chapter 2, Article XVI of the City Code to dissolve the City’s Police Civilian Review Board and to establish a Police Civilian Oversight Board in conformity with Virginia Code § 9.1-601 and to empower the Police Civilian Oversight Board with certain additional oversight authority and duties enabled by the statute;

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Article XVI within Chapter 2 of the Code of the City of Charlottesville (1990) is amended and reenacted, as follows:

ARTICLE XVI-POLICE CIVILIAN OVERSIGHT BOARD

Sec. 2-450 -Title

This article shall be known as the Charlottesville Police Civilian Oversight Board Ordinance.

Sec. 2-451 - Police Civilian Oversight Board Established

Pursuant to Virginia Code §9.1-601, there is hereby established a Charlottesville Police Civilian Oversight Board, which shall be referred to as “the Board,” with powers granted as provided within this ordinance. The Board is a public body appointed by the City Council of Charlottesville to advise and to perform functions delegated by the City Council. It shall not be able to bring suit or to be sued in its own name, except to the extent needed to request and defend subpoenas as authorized by this ordinance.

Sec. 2-452.-Powers and Duties of the Police Civilian Oversight Board.

(a) **Purpose.** The purpose of the Board is to increase and maintain trust between and among the Charlottesville Police Department, which shall be referred to as “the Department,” the City Council, the City Manager, and the public. The Board shall provide

- (1) timely, fair and objective review and evaluation of City policing policies, practices and procedures, and of their implementation;

- 40 (2) timely, fair and objective review of investigations by the involving the Department;
- 41
- 42 (3) timely, fair and objective investigations of serious incidents of police misconduct;
- 43
- 44 (4) meaningful assessments and corrective recommendations intended to maintain and
- 45 promote non-discriminatory policing; and
- 46
- 47 (5) recommendations for actions and reforms to ensure the protection of all communities,
- 48 including recommendations for strategies to implement the identified reforms.
- 49

50 (b) **Objectivity.** It is of fundamental importance that members of the Board shall be fair and objective in
51 the conduct of their duties, and that they be perceived as fair and objective in the conduct of their
52 duties.

53

54 (c) **Powers and Duties.** The Board shall have the following powers and duties:

- 55
- 56 (1) To receive, investigate, and issue findings on complaints from civilians regarding the
- 57 conduct of law enforcement officers and civilian employees of the Department;
- 58
- 59 (2) To investigate and issue findings on incidents, including the use of force by a law
- 60 enforcement officer, death or serious injury to any individual held in custody, serious
- 61 abuse of authority or misconduct as defined in this section, allegedly discriminatory
- 62 stops, and other incidents regarding the conduct of law enforcement officers and civilian
- 63 employees of the Department;
- 64
- 65 (3) At the conclusion of any investigation conducted pursuant to paragraphs (1) and (2),
- 66 above, and consistent with the Board’s findings in the investigation, to recommend to
- 67 the Chief of Police disciplinary action in cases that involve serious breaches of
- 68 departmental and professional standards, as defined within Board Operating Procedures
- 69 adopted pursuant to Sec. 2-460;
- 70
- 71 (4) To investigate policies, practices, and procedures of the Department and to make
- 72 recommendations regarding changes to such policies, practices and procedures, as set
- 73 forth within Sec. 2-462 of this article;
- 74
- 75 (5) To review investigations conducted internally by the Department, as set forth in Sec. 2-
- 76 458 of this article, and to issue findings regarding the accuracy, completeness, and
- 77 impartiality of the investigations and the sufficiency of any discipline resulting from such
- 78 investigations;
- 79

- 80 (6) To request reports of the annual expenditures of the Department, and to make
81 recommendations to the City Council concerning future appropriations;
82
- 83 (7) To make public reports on the activities of the Board, including investigations, hearings,
84 findings, recommendations, determinations and oversight activities;
85
- 86 (8) To hold hearings and, if, after making a good faith effort to obtain the voluntary
87 attendance of witnesses and the production of books, papers, and other evidence
88 necessary to perform its duties, the Board is unable to obtain such attendance or
89 production, to apply to the Circuit Court for the City of Charlottesville for a subpoena
90 compelling the attendance of such witness or the production of such books, papers and
91 other evidence; and
92
- 93 (9) To undertake other duties, as reasonably necessary, for the Board to effectuate its
94 lawful purpose as provided for in this article, to effectively oversee the Department.
95

96 (d) **Definition of “serious abuse of authority or misconduct.”** “Serious abuse of authority or
97 misconduct” shall include the following:
98

- 99 (1) Verbal or other conduct regarding an individual or group that maligns or shows hostility
100 for the individual or group because of race, color, religion, gender, national origin, age,
101 disability, sexual orientation, or gender identity and expression;
102
- 103 (2) Harassment or discrimination based on race, color, sexual orientation, gender, religion,
104 national origin, marital status, age, familial status, immigration status or disability;
105
- 106 (3) Acting in a rude, careless, angry, retaliatory or threatening manner not necessary for
107 self-defense;
108
- 109 (4) Reckless endangerment of a citizen, detainee, or person in custody;
110
- 111 (5) Violation of laws or ordinances;
112
- 113 (6) Criminal or other misconduct occurring on or off the job which is related to job
114 performance or is of such a nature that to continue the employee in the assigned
115 position or in any City employment capacity would constitute negligence in regard to the
116 City’s duties to the public or to other City employees;
117
- 118 (7) In any matter within the jurisdiction of any officer, department or agency of the City: (a)
119 the knowing falsification, concealment or cover-up of a material fact, and/or (b) the
120 knowing making of any false, fictitious or fraudulent statement or representation,

121 and/or the making or using of any writing or document knowing the same to contain a
122 false, fictitious or fraudulent statement or entry;

123
124 (8) Sexual conduct, including consensual sexual conduct, on the job; and

125
126 (9) Other serious violations of Charlottesville or Department policies or procedures,
127 including the Department Code of Conduct.

128
129 (e) **Access to Department Information.** The Board is authorized to receive, and shall be provided full
130 access to, all Department reports, files and records pertinent to Board investigations of complaints and
131 incidents or to its review of Department Internal Affairs investigations, as authorized in this ordinance.
132 All records, documents and materials in the possession of the Department or the City that are
133 determined by the Board to be necessary and requested by the Board to carry out its authorized powers
134 and responsibilities shall be provided to the Board subject to Board procedures adopted, with Council
135 approval, for the protection of confidential information as defined in such procedures.

136
137 (f) **Department information to which the Board may not have access.** The Executive Director and the
138 Board shall not have access to

139
140 (1) juvenile records;

141
142 (2) records that may reveal the identity or personally identifiable information of a
143 confidential informant;

144
145 (3) investigative files for an active civil or criminal investigation by the Commonwealth
146 Attorney, the Virginia Attorney General, or the United States Department of Justice;

147
148 (4) files related to an active EEOC claim, Human Rights investigation, or civil claim involving
149 a Department employee;

150
151 (5) any information that the Police Department is not legally authorized to share.

152
153 (g) **Disputes over access.** If the Executive Director and the Board seek access to information the
154 disclosure of which the Department believes would compromise ongoing investigations, disclosure may
155 be withheld until such time as the need for maintaining confidentiality is no longer present, or until the
156 City Manager has determined that the matter will not be compromised by the release of the
157 information. If the Board believes that the City Manager is unreasonably withholding such information,
158 the Board may consider whether to seek a subpoena requiring the production of such information
159 pursuant to §2-458(f).

160

161 (h) **Procedures must be adopted before the Board begins to operate.** The Board shall not exercise the
162 powers and duties set forth within paragraphs (c)(1)-(9) until City Council approves Operating
163 Procedures, after consultation with the Board, pursuant to § 2-460 of this Article.
164

165 **Sec. 2-453 - Board Membership Appointment, and Terms.**
166

167 (a) **Appointment Process.** The City Council shall appoint the members of the Board. The Council shall
168 announce a public application process with applications available online and by hardcopy in English and
169 Spanish for individuals interested in serving on the Board. Council will seek to appoint fair-minded and
170 objective members with a demonstrated commitment to community service who have training and
171 experience with topics relevant to the business of the Board, including law, police practices, human
172 resources practices and procedures, trauma-informed mental health issues, and the sociology of
173 historically over-policed communities.
174

175 (b) **Board composition.** The Board shall reflect the demographic diversity of the City of Charlottesville.
176 The Board shall be composed of seven voting members and one non-voting member appointed by the
177 City Council. The members shall be removable by the City Council for cause as specified in the Board
178 Code of Ethics, violating the duty of confidentiality, failing to participate in required training, or other
179 good cause.
180

181 (1) Council shall appoint at least three members who are residents of public housing or who
182 come from historically disadvantaged communities that have traditionally experienced
183 disparate policing.
184

185 (2) Council may appoint one member who represents an organization that seeks racial or
186 social justice on behalf of historically disadvantaged communities.
187

188 (3) The non-voting member of the Board shall be an individual with policing expertise or
189 experience. The non-voting member may be a retired law enforcement officer who prior
190 to his or her retirement was employed in a locality similar to the City of Charlottesville.
191

192 (4) The seven voting members of the Board shall be residents of the City of Charlottesville,
193 except that if Council has appointed someone who represents an organization that seeks
194 racial or social justice on behalf of historically disadvantaged communities, that person
195 shall either be a resident of the City of Charlottesville or the organization they represent
196 shall perform advocacy on behalf of City of Charlottesville residents.
197

198 (5) The non-voting member of the Board with prior law enforcement experience need not
199 be a resident of the City of Charlottesville.
200

201 (6) No Board member shall be a current candidate for public office, a former member of the
202 Department, an immediate family member of a current Department employee, or a
203 current employee of a law enforcement agency, the Fire Department, the Emergency
204 Communications Center, or the Sheriff’s Office. In appointing a Board member who is
205 employed by the City of Charlottesville, Council will seek to avoid potential conflicts of
206 interest.

207
208 (c) **Terms.** Each Board member shall be appointed for a term of three years. As the Board is being
209 constituted, Council may extend the initial term for a particular Board member for an additional period
210 of time to provide for staggering the re-appointment dates.

211
212 (d) **Vacancies.** If a Board member’s service ends before the conclusion of that member’s term or any
213 extended term, the City Council shall appoint an individual to complete the remainder of the term.

214
215 (e) **Conflicts of Interest.** No Board member may participate in the consideration of a Complaint of
216 someone who is a family member, or someone with whom the Board member has a financial interest.
217 No Board member shall participate under circumstances in which the objectivity of the Board member
218 could reasonably be questioned.

219
220 (f) **Confidentiality.** Except as included in the Board reports, each member shall maintain the
221 confidentiality of all confidential or privileged information, including but not limited to:

222 (1) Materials from Police internal investigative files;

223 (2) Disciplinary actions, memos and reports;

224 (3) Statements of any police officer or civilian employee who was required by the
225 Department to give a statement;

226 (4) Criminal investigative files; or

227 (5) Any other information that the Board has deemed confidential.

228 (g) **Records to remain Department records.** All original records provided to the Board by the
229 Department shall remain official Department records.

230 **Sec. 2-454 – Meetings.**

231

232 (a) **Number of meetings.** The Board shall hold public meetings at least once per calendar
233 quarter. Additional meetings may be called by the Chair or any two Board members.

234 (b) **FOIA.** The Board shall comply with all requirements of the Virginia Freedom of Information
235 Act pertaining to disclosure of public records and the conduct of public meetings, including the
236 requirement that all meetings shall be open to the public except under circumstances when the
237 topic is authorized by the law to be discussed in a closed meeting.

238
239 (c) **Quorum.** The Board may take any action by motion or resolution upon an affirmative
240 majority vote provided a quorum of at least five (5) out of seven (7) voting members is present.

241
242 (d) **Minutes.** The Board shall keep minutes of its meetings, which shall include:

- 243
244 (1) the date, time, and location of the meeting;
245
246 (2) the members present and absent;
247
248 (3) a summary of the discussion on matters proposed, deliberated, or decided; and
249
250 (4) a record of any votes taken.

251 (e) **Rules and Procedures.** Meetings of the Board shall be conducted in accordance with
252 Robert's Rules of Order or such other procedures as the Board may adopt. Hearings of the
253 Board shall be conducted in accordance with the Board Operating Procedures.

254 **Sec. 2-455 - Executive Director**

255 (a) **Appointment.** The City Manager shall appoint an Executive Director with the approval of a
256 majority vote of the City Council.

257 (b) **Interview Process.** As a part of the Executive Director appointment process, the City
258 Manager shall convene an interview panel that includes two members of the Board. If those two
259 members recommend a candidate for appointment as Executive Director, the City Manager shall
260 provide a written justification to the Board if a different candidate is appointed.

261 (c) **Duties.** The Executive Director shall support the Board in the implementation and exercise
262 of all of its functions authorized under this ordinance and to undertake or ensure the
263 performance of specific oversight tasks assigned by the Board, including the oversight of
264 investigations conducted by the Department. If authorized by the City Manager or their
265 designee, the Executive Director may engage the services of such investigators as may be
266 necessary to perform the Executive Director's duties to conduct or to oversee investigations.

267 (d) **Supervision.** The City Manager shall supervise the work of the Executive Director, and may
268 delegate that responsibility to a Deputy City Manager. The City Manager’s annual evaluation of
269 the Executive Director’s performance shall consider a written performance review submitted by
270 the Board to the City Manager. The Board may request that the City Manager meet with the
271 Board’s Chair to discuss the Executive Director’s performance.

272 (e) **Vacancy.** If there is a vacancy in the position of Executive Director, the City Manager or their
273 designee may designate some other City employee who is not an employee of the Department
274 to act as Executive Director until a new Executive Director is hired.

275 **Sec. 2-456 - Board Legal Counsel.**

276 The Board may retain independent legal counsel to represent the Board in all cases, hearings,
277 controversies, or matters involving the interests of the Board. Such independent legal counsel
278 shall be chosen from a list of attorneys recommended by the City Attorney. The Board’s Chair is
279 authorized to execute a contract in the name of the Board for legal services if the contract has
280 first been approved by the Board and endorsed by the City’s Finance Director to verify that
281 funding is available and has been appropriated to support performance of the payment
282 obligations of the Board under such contract. The Board’s legal counsel shall be paid only from
283 funds that have been appropriated to the Board’s budget by City Council. The Board and the
284 Executive Director are encouraged to consult the Office of the City Attorney for legal advice
285 except in cases, hearings, investigations, controversies that are before the Board, or in any other
286 matter in which the Board’s and the Department’s interests may conflict.

287 **Sec. 2-457 – Matters that the Board May Investigate.**

288 (a) **Investigate Complaints.** The Board and the Department shall jointly develop and administer
289 a process for receiving and investigating complaints from members of the public
290 (“Complainants”) regarding the misconduct of law enforcement employees of the Department
291 and referring complaints to the Department for investigation. Complaints should be able to be
292 received online, in writing, or orally. The Complainant should be able to choose whether the
293 Complaint will be investigated by the Board only or by the Department with the oversight of the
294 Executive Director. Regardless of how a Complaint is received, it shall be promptly provided to
295 the Department and to the Executive Director. The Executive Director, in consultation with the
296 Board, may decline to investigate a Complaint.

297 (b) **Investigate Incidents.** If the Board becomes aware of an Incident, including the use of force
298 by a law enforcement officer, death or serious injury to any individual held in custody, serious
299 abuse of authority or misconduct as defined in this Article, an allegedly discriminatory stop, or
300 another incident regarding the conduct of an employee of the Department, even if no Complaint
301 has been filed, the Board may initiate its own investigation of the Incident, by notice from the

302 Board Chair to the City Manager and the Chief of Police, who shall ensure the Department's
303 cooperation with the investigation.

304 **Sec. 2-458 - Investigations of both Complaints and Incidents.**

305 (a) **Compliance.** Any investigation shall comply with all federal, state, and local laws.

306 (b) **Garrity.** The Board may not compel a statement from any Department employee.

307 (c) **Exclusions.** The Board shall not consider complaints, incidents, claims or issues involving the
308 following:

309 (1) Any incident that occurred more than one year before the filing of the
310 Complaint (unless the Board determines that there is good cause to extend the
311 filing deadline);

312 (2) A matter that was the subject of an investigation where more than seventy-five
313 (75) days has elapsed since the Department sent notice to the Complainant
314 informing the Complainant that the Department's Internal Affairs investigation
315 is complete (unless the Board determines that there is good cause to extend the
316 filing deadline);

317 (3) Matters that are the subject of a pending criminal proceeding in any trial court,
318 a pending or anticipated civil proceeding in any trial court (as evidenced by a
319 Notice of Claim or a filed complaint), or any pending City of Charlottesville
320 grievance proceeding;

321 (4) Any financial management related issue;

322 (5) Any complaint, incident, claim or issue where the Complainant requests that the
323 Board not have access to their files;

324 (6) Any complaint, incident, claim or issue that has previously been the subject of
325 an investigation by the Board, unless substantial new information has come to
326 the attention of the Board;

327 (7) An allegation of misconduct only by employees of law enforcement agencies
328 other than the Department. Such complaints should be referred to the
329 appropriate law enforcement agency;

330 (8) An allegation of conduct that does not violate the Charlottesville Police Policies
331 and Guidelines, Disciplinary Orders, or Code of Conduct; or

332 (9) Any other claim outside the scope of the Board's authority.

333 (d) **Exceptions to time limits.** The Board may review investigations beyond the time limits
334 specified in subsections (c)(1) and (c)(2) if:

335 (1) The board determines that there is good reason for doing so, or

336 (2) As part of an audit taking place under Section 2-462(b).

337 (e) **Suspension of Investigations.** If a Complaint asserts criminal conduct by an employee of the
338 Department, or if at any point in an investigation of a Complaint or Incident the Board becomes
339 aware that an employee may have committed a criminal offense, the Board shall:

340 (1) Suspend the investigation and notify the Chief of Police and Commonwealth's
341 Attorney of the alleged conduct, ensuring that no statements obtained from the
342 Police Department employee(s) whose actions are the subject of the matter are
343 shared with criminal investigators or any prosecuting authority except in
344 accordance with applicable law; and

345 (2) Evaluate, in consultation with Board legal counsel, the City Attorney, and the
346 Commonwealth's Attorney, whether competing public interests and civil rights
347 involved permit the resumption of continued, parallel investigation by the
348 Board.

349 (f) **Subpoenas.**

350 (1) If the Board determines that there is evidence (including witnesses) not within
351 the control of the Department that the Board is unable to obtain voluntarily, the
352 Board by two-thirds vote may direct the Executive Director, on behalf of the
353 Board, to apply to the Charlottesville Circuit Court for a subpoena compelling
354 the attendance of such witness or the production of such books, papers, and
355 other evidence, and the Court, on finding that the witness or evidence is
356 material to the discharge of the Board's duties, may issue the requested
357 subpoena.

358 (2) If the Executive Director is denied access to material witnesses, records, books,
359 papers, or other evidence within the control of the Department that the
360 Executive Director deems necessary to perform their duties and the duties of

361 the Board, the Executive Director may request the City Manager to require the
362 Department to produce the requested witnesses and documents. The City
363 Manager, or their designee, shall not unreasonably deny such a request, but
364 may place conditions on the production of the requested witnesses and
365 documents as necessary to preserve confidentiality for the reasons set forth in
366 this ordinance. The City Manager, or their designee, shall issue a decision on the
367 Executive Director's request within 5 business days from the date of that
368 request.

369 (3) If the City Manager, or their designee, denies the Executive Director's request
370 made pursuant to subparagraph (2) above, the Board by two-thirds vote may
371 direct the Executive Director, on behalf of the Board, to apply to the
372 Charlottesville Circuit Court for a subpoena compelling the attendance of such
373 witnesses or the production of such books, papers, and other evidence. The
374 Court, on finding that the witness or evidence is material to the discharge of the
375 Board's duties, shall cause the subpoena to be issued with such conditions as
376 the Court may deem necessary to protect the Department's concerns about the
377 need for confidentiality. The Board shall give the Department reasonable notice
378 of its intent to subpoena such witness or records, and shall give the City
379 Attorney a copy of the request for subpoena. The Board shall not unreasonably
380 withhold its agreement to limitations on the scope of the subpoena requested
381 by the City Manager or their designee that may be necessary to protect
382 confidential information. The parties may request that any hearing to be held in
383 the Circuit Court on the request for a subpoena be conducted in a closed
384 courtroom, to the extent permitted by state law. Upon request, the court file
385 for any such subpoena request shall be kept under seal to the extent permitted
386 by state law.

387 (4) If a subpoena is granted, the Board shall digitally record any interviews or
388 depositions conducted pursuant to the subpoena, and shall make copies of any
389 documents obtained by subpoena. The Board shall provide the Department
390 with copies of any such interview/deposition recordings and documents. The
391 Board shall delegate its authority to subpoena and question witnesses to the
392 Executive Director, who shall conduct any interviews, depositions, or
393 questioning of witnesses in a non-public forum that adequately protects the
394 privacy of the individual being subpoenaed, the confidentiality or sensitivity of
395 information shared or sought, and the integrity of any pending or concurrent
396 investigation.

397 (5) In deciding whether, and under what conditions, the Circuit Court will issue any
398 subpoena, the Court shall refer to procedures and caselaw decided under Rule
399 3A:12 of the Rules of the Supreme Court of Virginia.

400 (g) **Conduct of Investigations Pursuant to §2-457(a).**

401 (1) Unless the Complainant asks that the Complaint be investigated by the Board
402 without the involvement of the Department, the Complaint shall be investigated
403 by the Department with the oversight of the Executive Director, as set forth in
404 paragraph (2), below. When the investigation is concluded, the Department
405 shall make an Investigative Report, with a copy to the Board and to the
406 Complainant, summarizing their findings on the question of whether there was
407 any employee misconduct. The Executive Director shall also report to the Board
408 and to the Complainant on the question of whether the Department’s findings
409 were supported by the information available to the Department, and on the
410 question of whether the investigation done by the Department was adequate to
411 support those findings.

412 (2) The Executive Director may oversee all investigations of Complaints of employee
413 misconduct conducted by the Department, and shall have access to records and
414 witnesses to the same extent as the Department. Such oversight may include
415 reviewing the investigative plan of the Department, reviewing with the
416 Department any records within the Department’s digital evidence management
417 system, reviewing with the Department any pertinent law enforcement records
418 within the Department’s Records Management System, observing any and all
419 real-time interviews of witnesses with the Department, reviewing all recorded
420 interviews which the Executive Director chooses not to attend in real time,
421 providing feedback during the interview to be relayed to Department staff
422 conducting the interview, providing feedback to Department staff in
423 determining next steps in the investigative process, and reviewing facts gained
424 from investigation with Department staff. For active investigations, the
425 Executive Director shall be limited in their participation to the same extent the
426 Department is limited in its participation in such investigations. The Executive
427 Director may oversee the Department’s administrative investigation of
428 employee misconduct- after the close of the active investigation in the same
429 manner as all other investigations of employee conduct handled by the
430 Department as described in this section. When overseeing Department
431 investigations, the Executive Director shall not disclose confidential information.

432 (3) If the Complainant asks that the Complaint be investigated by the Department,
433 the Complaint will be investigated by the Department with oversight from the

434 Executive Director. When the Department’s investigation is concluded, the
435 Department will provide the Complainant with an Investigative Report of its
436 findings and the resolution of the Complaint, and will provide the Board a
437 summary of the Department’s resolution of the Complaint.

438 (4) If the Complainant asks that the Complaint be investigated only by the Board,
439 the Executive Director shall initiate an investigation on behalf of the Board. The
440 Executive Director will provide the Chief of Police with enough identifying
441 information to allow the Department to give the Executive Director access to
442 any police reports, names and contact information of any witnesses, videos,
443 audio tapes, or other physical evidence relevant to the Complaint. When the
444 Board’s investigation is concluded, the Executive Director will provide the Board,
445 the Complainant and the Department with an Investigative Report that includes
446 a summary of the circumstances of the incident(s) of alleged misconduct, the
447 evidence related to whether there was any misconduct, and any suggested
448 findings related to each allegation.

449 (5) Any investigation will be completed, and any Investigative Report will be
450 submitted, within sixty (60) days from the date the Complaint is filed. The Board
451 may extend the 60-day period upon request of the Police Chief or the Executive
452 Director to protect an ongoing investigation or prosecution, or for other good
453 cause, with notice to the Complainant and the City Manager.

454 (h) **Conduct of Investigations Pursuant to §2-457(b).** If the Board is investigating an Incident
455 under the authority of §2-457(b), the Board may request information from the Department, may
456 seek subpoenas as authorized above, and may conduct such an investigation as is necessary to
457 permit the Board to prepare a Preliminary Investigative Report, making findings about whether
458 there was any employee misconduct in the Incident under investigation. The Preliminary
459 Investigative Report shall be provided to the Department and to any employees identified as
460 having committed employee misconduct.

461 **Sec. 2- 459 – Matters on which the Board may Conduct Hearings**

462 (a) **Review Request.** Within 10 business days of the issuance of any Investigative Report, the
463 Complainant or the Board may file a Review Request with the Executive Director, asking that a
464 hearing be held on the allegations in the Complaint. A Review Request shall be deemed filed
465 when it is received by the Executive Director. In any Review Request reviewing a matter where
466 the Complainant has not previously authorized Board involvement in the investigation, the
467 Complainant must grant permission for the Board to have access to the Internal Affairs files and
468 evidence if they wish to pursue a Review Request.

469 (b) **Hearing to be scheduled.** The Board shall schedule a prompt hearing on the Review Request.
470 The hearing will be conducted pursuant to the Operating Procedures issued pursuant to §2-
471 460(a).

472 (c) **Report on findings on Review Request.** Within 30 days of the hearing pursuant to a Review
473 Request, the Board shall report publicly and to the City Manager, the Police Chief and the
474 Complainant that it has made one of the following findings with respect to each allegation or
475 issue under review:

476 (1) That the Board finds that the investigation of the Complaint was satisfactory,
477 and the Board concurs with the findings of the investigation;

478 (2) That the Board finds that the investigation of the Complaint was satisfactory,
479 but the Board does not concur with the findings of the investigation, in which
480 case the Board may make recommendations to the City Manager concerning
481 disposition of the Review Request; or

482 (3) That the Board finds that the investigation is incomplete or otherwise
483 unsatisfactory and provides a detailed written explanation of the basis for such
484 finding.

485 (d) **Investigations in Support of Review Requests.** The Board may initiate an independent
486 investigation of any matter that was the subject of a Review Request proceeding where the
487 Board determined the Department investigation was incomplete or unsatisfactory under
488 paragraph (c)(3), above. After the additional independent investigation, the Board shall report
489 publicly that it has made one of the following findings with respect to each allegation or issue
490 under review:

491 (1) That the Board now finds that the investigation of the Complaint was
492 satisfactory, and the Board concurs with the findings of the Investigative Report;

493 (2) That the Board now finds that the investigation of the Complaint was
494 satisfactory, but the Board does not concur with the findings of the Investigative
495 Report, in which case the Board may make recommendations to the City
496 Manager concerning disposition of the Complaint; or

497 (3) That despite the Board's best efforts, the evidence is insufficient to allow the
498 Board to determine whether the findings of the Investigative Report are correct.

499 (e) **Preliminary Investigative Report.** After receiving a Preliminary Investigative Report as
500 provided in §2-458(h), the Board may hold a hearing on the allegations in the Preliminary

501 Investigative Report. The Board shall report its findings within thirty (30) days of the hearing.
502 The Board shall report publicly and to the City Manager and the Police Chief that it has made
503 one of the following findings with respect to the Incident under review:

- 504 (1) That the Board finds that a Department employee committed misconduct;
- 505 (2) That the Board finds that no Department employee committed misconduct; or
- 506 (3) That despite the Board’s best efforts, the evidence is insufficient to allow the
507 Board to determine whether any Department employee committed misconduct.

508 **Sec. 2- 460. – Hearing Procedures**

509 (a) **Hearing Procedures.** The Board shall conduct all hearings following the procedures set forth
510 in a separate document, approved by City Council, entitled “Police Civilian Oversight Board
511 Operating Procedures,” which is incorporated herein by reference. Those procedures may be
512 modified from time to time by City Council, in consultation with the Board. Parties to the
513 hearing shall have no right to a particular set of procedures. The hearing shall be conducted by
514 a Hearing Examiner, who may make reasonable amendments to the procedures as
515 circumstances concerning a particular Complaint may require, provided that (i) any such
516 modifications are within the authority of the Board under City policy or ordinance; and (ii) no
517 such modification deprives any party to a hearing of substantial justice.

518 (b) **Informal Resolution.** At any time after receiving a Complaint and before issuance of the
519 written findings required at the conclusion of a hearing, the Board and any party may propose
520 an informal resolution of the Complaint which may be adopted if all parties and the Board agree
521 to such a resolution.

522 **Sec. 2-461. - Disciplinary Recommendations**

523 (a) **Prerequisite to the Board making disciplinary recommendations.** If the City Attorney
524 certifies to the Board that the Virginia General Assembly authorizes Police Civilian Oversight
525 Boards to receive information in confidence to make an informed personnel discipline
526 recommendation, including accessing confidential personnel information without thereby
527 making those files public records, and that Police Civilian Oversight Boards may deliberate in
528 closed session in making a discipline recommendation, the following procedures may be used, as
529 appropriate:

- 530 (1) Upon making a finding that an employee has engaged in a serious breach of
531 departmental and professional standards, the Board shall meet to discuss
532 appropriate recommendations for disciplinary action. The Board shall consult

533 with the employee’s direct supervisor or commander, complainants and
534 witnesses when discussing the appropriate disciplinary action to be
535 recommended. Prior to commencement of any such disciplinary deliberations,
536 the subject employee shall be given notice of the proceedings and of the range
537 of disciplinary actions under consideration, and the employee shall be offered
538 an opportunity to be heard. If permitted by FOIA, some or all of the disciplinary
539 hearing may be held in closed session. No employee, and no other City
540 employee, shall be compelled to provide statements to the Board during its
541 deliberations. Disciplinary action to be considered for recommendation by the
542 Board shall include those specified within any applicable disciplinary matrix
543 utilized by the Department. After considering these sources of information, the
544 Board may make a disciplinary recommendation to the Department.

545 (2) If the Board makes a disciplinary recommendation to the Department, and the
546 Department declines to implement the Board’s disciplinary recommendations,
547 the Chief of Police shall, within thirty (30) days of the Board’s recommendation,
548 provide a written explanation of their reason for declining to implement the
549 Board’s recommendation. This explanation shall be made available to the
550 Board, the City Council, the City Manager, and the public.

551 (b) **No effect on grievance rights.** Nothing in this ordinance shall affect in any way any right of
552 any employee to file a grievance requesting a hearing before the City’s Personnel Appeals Board;
553 nor shall any finding by the Board or recommendation of the Board be admitted in any
554 personnel appeal or grievance hearing.

555 **Sec. 2- 462. - Board Review of Law Enforcement Policies, Practices and**
556 **Procedures**
557

558 (a) **Authority to make policy recommendations.** The Board may review and make
559 recommendations regarding policies, practices, and procedures of the Department, including
560 written policies, procedures and standing orders. The Board shall present in writing its findings
561 and recommendations with supporting rationale to City Council, the City Manager and Chief of
562 Police. If the Department declines to implement any changes recommended by the Board, the
563 Chief of Police shall explain in writing, which shall be made available for public inspection, why
564 the Department declines to implement the Board’s recommendation, unless the Board instead
565 withdraws the recommendation based on the rationale provided. The Board's withdrawal of
566 any such recommendation shall be made available for public inspection.
567

568 (b) **Executive Director’s authority to conduct audits.** The Board may direct the Executive
569 Director on its behalf to conduct retrospective examinations and audits of patterns in Internal
570 Affairs investigations, arrest and detention, and other public-police interactions. The Board may

571 request information from the Department, may seek subpoenas as authorized above, and may
572 conduct such an investigation as is necessary to permit the Board to perform the audit.

573

574 **Sec. 2- 463. - Request Annual Reports of Police Expenditures**

575

576 During the City Manager’s preparation of a proposed City budget, the Budget Office shall
577 provide the Board with annual expenditure estimates and future year projections for the
578 Department, itemized to the same level of detail as provided to the City Manager. The
579 estimates shall be presented to the Board at the same time they are presented to the City
580 Manager. The Board may review the estimates and may make budgetary recommendations to
581 the City Manager and/or to the City Council during the annual budget process.

582

583 **Sec. 2-464. - Legislative Recommendations and Annual Report.**

584

585 (a) **Legislative recommendations.** The Board may make recommendations to City Council of
586 any proposed changes in state law, for the Council’s consideration to include in its annual
587 legislative program to present to the General Assembly. These recommendations shall be
588 presented to the City Attorney’s Office by August 15 of each year.

589

590 (b) **Annual Report.** On or before April 15 of each calendar year, the Board shall provide the City
591 Council with an annual report of activities conducted during the preceding calendar year. The
592 report shall detail the Board’s activities in the prior calendar year, with sections related to the
593 appointment of committees and their actions; the establishment of any community advisory
594 panels; an overview of complaints received during the calendar year including the number of
595 complaints, the complaints’ findings, and the number of complaints deferred due to pending
596 proceedings; the number and outcome of any independent investigations; an overview of
597 proposed policy recommendations and amendments to Department policies and whether the
598 recommendations and amendments were implemented by the Department; the number, type,
599 and attendance at community listening sessions; recommendations of the Board about policing
600 within the City; and any other information necessary to provide an overview of the Board’s
601 activities.

602

603 **Section 2-465. - Community Engagement and Community Relations**

604

605 (a) **Community Outreach.** The Board and the Executive Director shall engage in community
606 outreach to seek the assistance and input of community members. At least twice a year, the
607 Board shall host public community listening sessions to discuss policing matters of pressing
608 public concern, including the impacts of local policing on historically disadvantaged communities
609 that currently experience or traditionally have experienced disparate policing.

610

611 (b) **Community meetings.** The Board may also host or participate in public police-community
612 relations meetings, in which Board members, supported by the Executive Director, Department
613 officials, designated by the Chief of Police, and community members discuss policing matters of
614 pressing public concern, including questions about transparency, availability, legitimacy, mutual
615 respect and trust, equitable treatment, social and racial justice, equal rights, and community
616 safety and order.

617
618 (c) **Include in reports.** The Board shall report on its community outreach and engagement
619 activities, public input, and any recommendations for community-policing initiatives or for
620 improved police-community relations at least annually as part of the annual report provided for
621 in Section 2-464(b).

622

623 **Section 2-466. - Training**

624

625 (a) **NACOLE training.** At least once every two years, and within 90 days of any new Board
626 appointments, the City, assisted by the Executive Director, shall provide Board members with at
627 least eight hours of training, presented by the National Association for Civilian Oversight of Law
628 Enforcement or a comparable professional organization. The training shall be consistent with the
629 Board’s mission, this ordinance, and the Operating Procedures.

630

631 (b) **City or CPD training.** At least once every two years, and within six months of any new Board
632 appointments, the City, assisted by the Executive Director and the Chief of Police or their
633 designees, shall provide Board members with training or information:

634

635 (1) Describing the legal and ethical obligations of members of a public board,
636 including the need to comply with FOIA and other statutes and ordinances
637 governing their service;

638

639 (2) Explaining Police Department procedures, policies, and regulations;

640

641 (3) Describing the substance of Police Department personnel record-keeping;

642

643 (4) Describing such other City policies, procedures and systems relevant to the
644 duties of the Board; and

645

646 (5) Explaining the Code of Ethics for the Board.

647

648 (c) **Ride-alongs.** Within six months of appointment, and at least once a year thereafter,
649 members shall participate in a ride-along session with the Department.

650

651 (d) **Additional training.** As needed, the City shall provide Board members with additional
652 relevant training by subject matter experts on subjects that may include mental health, trauma-
653 informed policing, civil rights and constitutional law, race and racism, community outreach,
654 mediation, investigation, and policing practices.
655

656 **Section 2-467. – Commendations for Exceptional Community Service**

657

658 (a) **Soliciting public comment.** The Board may solicit comments from the public concerning
659 incidents of exceptional performance by employees of the Department.
660

661

662 (b) **Exemplary employees.** The Board may consult with the Chief of Police regarding individual
663 employees who have made outstanding contributions exemplary of equitable, just, and
664 professional policing.

665

666 (c) **Recognition of outstanding contributions.** The Board may issue public citations recognizing
667 individuals deemed to have made such contributions.

668

669 **Section 2-468. – Mediation**

670

671 The Board may propose procedures for the use of mediation or other alternative dispute
672 resolution techniques to resolve complaints against employees of the Department. Such
673 procedures shall not affect the ability of Complainants to pursue remedies under other sections
of this ordinance.

Draft Police Oversight Ordinance for Consideration by the Charlottesville City Council

1 **ARTICLE XVI. – POLICE CIVILIAN OVERSIGHT BOARD**

2 **AN ORDINANCE TO AMEND AND REENACT THE PROVISIONS OF THE CODE OF THE CITY OF**
3 **CHARLOTTESVILLE (1990), AS AMENDED, CHAPTER 2 (ADMINISTRATION)**
4

5 WHEREAS, the Charlottesville City Council previously enacted an ordinance establishing a Charlottesville
6 Police Civilian Oversight Board and codified the ordinance within Chapter 2, Article XVI of the Code of
7 the City of Charlottesville (1990), as amended; and

8 WHEREAS, on October 28, 2020 the Virginia General Assembly enacted House Bill 5055, the provisions
9 of which become effective July 1, 2021, and this legislation expressly authorizes the governing body of a
10 locality to establish a law enforcement civilian oversight body; and

11
12 WHEREAS, City Council hereby finds that it is in the public’s best interests to amend Chapter 2, Article
13 XVI of the City Code to name the City’s Police Civilian Oversight Board in conformity with Virginia Code §
14 9.1-601 and to empower the City’s Police Civilian Oversight Board with certain additional oversight
15 authority and duties enabled by the statute.

16
17 NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Article
18 XVI within Chapter 2 of the Code of the City of Charlottesville (1990) is amended and reenacted, as
19 follows:
20

21 **ARTICLE XVI-POLICE CIVILIAN OVERSIGHT BOARD**

22
23 **Sec. 2-450.-Title**
24

25 This article shall be known as the Charlottesville Police Civilian Oversight Board Ordinance.

26 **Sec. 2-451.-Police Civilian Oversight Board Established; Immunities.**
27

28 There is hereby established a Charlottesville Police Civilian Oversight Board which shall be referred to as
29 the Police Civilian Oversight Board, or “the Board”, within this article. The Board shall have the authority
30 and duties of a law-enforcement civilian oversight body, as expressly authorized by state law and as
31 provided within this ordinance. The Police Civilian Oversight Board shall enjoy the protection of
32 sovereign immunity to the extent allowed and provided by Virginia statutory and common law.

33 **Sec. 2-452.-Powers and Duties of the Police Civilian Oversight Board.**
34

- 35 (a) The Police Civilian Oversight Board shall have the following powers and duties:
36 (1.) To receive, investigate, and issue findings on complaints from civilians regarding the conduct of
37 law enforcement officers and civilian employees of the Charlottesville Police Department;

Draft Police Oversight Ordinance for Consideration by the Charlottesville City Council

38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78

(2.) To investigate and issue findings on incidents, including the use of force by a law enforcement officer, death or serious injury to any individual held in custody, serious abuse of authority or misconduct, allegedly discriminatory stops, and other incidents regarding the conduct of law enforcement officers and civilian employees of the Charlottesville Police Department;

(3.) At the conclusion of any investigation conducted pursuant to subdivisions (1) and (2), above, and consistent with the Board’s findings in the investigation: to recommend to the Chief of Police disciplinary action in cases that involve serious breaches of departmental and professional standards, as defined within Board Operating Procedures adopted pursuant to Sec. 2-466;

(4.) To investigate policies, practices, and procedures of the Police Department and to make recommendations regarding changes to such policies, practices and procedures, as set forth within Sec. 2-461 of this article;

(5.) To review investigations conducted internally by the Police Department, as set forth in Sec. 2-458 of this article, including internal investigations of civilians employed by the Police Department, and to issue findings regarding the accuracy, completeness, and impartiality of the investigations and the sufficiency of any discipline resulting from such investigations;

(6.) To request reports of the annual expenditures of the Police Department, and to make budgetary recommendations to the City Council concerning future appropriations;

(7.) To make public reports on the activities of the Police Civilian Oversight Board, including investigations, hearings, findings, recommendations, determinations and oversight activities;

(8.) To hold hearings and, if, after making a good faith effort to obtain voluntarily the attendance of witnesses and the production of books, papers, and other evidence necessary to perform its duties, the Board is unable to obtain such attendance or production, to apply to the Circuit Court for the City of Charlottesville for a subpoena compelling the attendance of such witness or the production of such books, papers and other evidence, and the court may, upon good cause shown, cause the subpoena to be issued. Any person so subpoenaed may apply to the Charlottesville Circuit Court to quash it; and

(9.) To undertake other duties, as reasonably necessary, for the Police Civilian Oversight Board to effectuate its lawful purpose as provided for in this article, in order to effectively oversee the Police Department.

(b) The Board is authorized to receive and shall be provided full access to all Police Department reports, files and records related to Board investigations of complaints and incidents, or its review of Police Department internal affairs investigations, as authorized in this ordinance. All records, documents and

Draft Police Oversight Ordinance for Consideration by the Charlottesville City Council

79 materials in the possession of the Police Department or the City that are determined by the Board to be
80 necessary and requested by the Board to carry out its authorized powers and responsibilities shall be
81 provided to the Board subject to Board procedures adopted, with Council approval, for the protection of
82 confidential information as defined in such procedures.

83 (c) The Police Civilian Oversight Board shall not exercise the powers and duties set forth within
84 paragraphs (a)(1)-(9), or any of said paragraphs, until (i) City Council approves Operating Procedures,
85 based upon recommendations of the Board, for performance of such powers and duties pursuant to sec.
86 2-466 of this article, and (ii) sufficient public funds have been appropriated by City Council within the
87 Board's annual budget for all staff, independent investigators/auditors, independent legal counsel and
88 other resources as are necessary for the Board to effectively carry out such duties and powers.

89 **Sec. 2-453.- Police Civilian Oversight Board Membership Appointment, and Terms.**

90

91 (a) Board composition. The Police Civilian Oversight Board shall reflect the demographic diversity of the
92 City of Charlottesville. The Police Civilian Oversight Board shall be composed of seven voting
93 members and one non-voting member appointed by the City Council. The members shall be
94 removable by the City Council for cause as specified in Operating Procedures adopted pursuant to
95 section 2-466.

96 (1) The seven voting members of the Police Civilian Oversight Board shall be residents of the City of
97 Charlottesville except that the member who represents an organization that seeks racial or social
98 justice on behalf of historically disadvantaged communities shall either be a resident of the City of
99 Charlottesville or the organization they represent shall perform advocacy on behalf of City of
100 Charlottesville residents.

101 (2) The seven voting members shall include: at least three members who come from historically
102 disadvantaged communities that have traditionally experienced disparate policing or who are
103 residents of public housing, and at least one other member who represents an organization that
104 seeks racial or social justice on behalf of historically disadvantaged communities.

105 (3) The non-voting member of the Police Civilian Oversight Board shall be an individual with policing
106 expertise or experience. The non-voting member may be a retired law enforcement officer, who
107 prior to his or her retirement was employed in a locality similar to the City of Charlottesville.

108 (4) No Police Civilian Oversight Board member shall be a current City of Charlottesville employee, a
109 current candidate for public office, a former member of the Charlottesville Police Department, an
110 immediate family member of a current Charlottesville Police Department employee, or a current
111 employee of a law enforcement agency.

112 (b) Appointment Process. The City Council shall appoint the members of the Police Civilian Oversight
113 Board. The Council shall announce a public application process with applications available online and by
114 hardcopy in English and Spanish for individuals interested in serving on the Police Civilian Oversight
115 Board.

Draft Police Oversight Ordinance for Consideration by the Charlottesville City Council

116 (c) Terms. Each member of the Police Civilian Oversight Board shall be appointed for a term of three
117 years, which term for any particular Board member may be extended for an additional period of time, in
118 the determination of the City Council, to provide for staggering as deemed appropriate and necessary.

119 (d) Vacancies. If a Police Civilian Oversight Board member's service on the Board ends before the
120 conclusion of the Board member's term or any extended term, the City Council shall appoint an
121 individual to complete the remainder of the term. A Board member whose term has expired may
122 continue to serve until his or her successor is appointed by City Council.

123 **Sec. 2-454. – Public Meetings.**

124

125 The Charlottesville Police Civilian Oversight Board shall hold public meetings at least once per calendar
126 month. Special meetings may be called by the Chair of the Board or any two Board members, in
127 accordance with the requirements of applicable law.

128 **Sec. 2-455.-Police Civilian Oversight Board Executive Director**

129

130 (a) The City Manager shall appoint a Police Civilian Oversight Board Executive Director with the approval
131 of a majority vote of the City Council.

132 (b) As a part of any Police Civilian Oversight Board Executive Director appointment process, the City
133 Manager shall convene an interview panel that includes two members of the Police Civilian Oversight
134 Board. If the two members of the Police Civilian Oversight Board serving on an interview panel
135 recommend a candidate for appointment as Executive Director, the City Manager shall provide a written
136 justification to the Board if a different candidate is appointed.

137 (c) The duties of the Executive Director shall be to support the Board in the implementation and exercise
138 of all of its functions authorized under this ordinance and to undertake or ensure the performance of
139 specific oversight tasks assigned by the Board. Accordingly, the Executive Director shall be responsible,
140 at the direction of the City Manager, for engaging the services of such investigators and auditors in
141 accordance with City Code Sec. 2-156 as the needs of the Board in the execution of its authority under
142 this ordinance require.

143 (d) The City Manager shall be responsible for day-to-day supervision of the Executive Director. The City
144 Manager will conduct an annual evaluation of the Executive Director's performance, which shall include
145 consideration of a written performance review submitted by the Police Civilian Oversight Board to the
146 City Manager. The Police Civilian Oversight Board may at any time, by a majority vote, request a
147 conference between the Board's Chair and the City Manager to discuss the Executive Director's
148 performance and may at any time, by two-thirds majority vote, recommend to the City Manager that
149 the employment of the Executive Director be terminated. The City Manager shall provide the Police
150 Civilian Oversight Board a written justification for rejecting a recommendation of the Board that the
151 Executive Director's employment should be terminated.

152 **Sec. 2-456.-Police Civilian Oversight Board Legal Counsel.**
153

154 The Police Civilian Oversight Board may retain independent legal counsel to represent the Board in all
155 cases, hearings, controversies, or matters involving the interests of the Board, and the Board's Chair
156 shall have authority to execute a contract in the name of the Board for legal services if the contract has
157 first been approved by the Board and endorsed by the City's Finance Director to verify that funding is
158 available and has been appropriated to support performance of the payment obligations of the Board
159 under such contract. The Board's legal counsel shall be paid only from funds that have been
160 appropriated to the Board's budget by City Council. The Board and the Board's Executive Director may
161 consult the Office of the City Attorney for legal advice concerning legal questions except in cases,
162 hearings, investigations, controversies that are before the Board, and/or any other matter in which the
163 Board's and Police Department's interests may conflict.

164 **Sec. 2-457. – Receipt and Investigation of Complaints – Authority and Complaint**
165 **Intake**
166

167 (a) Authorization. The Police Civilian Oversight Board is authorized to develop and administer a process
168 for receiving community complaints regarding the conduct of Police Department officers and civilian
169 employees; for referring complaints to the Charlottesville Police Department for investigation or to the
170 City Manager to initiate the Board's independent investigation process, as authorized herein; and for
171 issuing findings regarding such complaints. The process will be set forth in the Board's Operating
172 Procedures as approved by the City Council. The Board process shall be in addition to and separate and
173 distinct from any existing procedures by which the Police Department receives community complaints in
174 accordance with Virginia Code § 9.1-600.

175 (b) Complaint Intake. Complaints filed with the Board may be submitted in person, by mail or electronic
176 delivery to the Executive Director using a complaint form developed by the Board in cooperation with
177 the Police Department such that the forms shall be the same in all material respects. The Board shall
178 also develop procedures for intake of complaints made by other means, including orally. A complaint
179 shall be considered to have been received upon delivery to the Executive Director by any of the means
180 provided here or in approved Board procedures. The Board will forward all complaints to the Police
181 Department within 24 hours of receipt, and the Police Department shall forward to the Board all
182 complaints received pursuant to its complaint receipt procedures referenced in subsection (1) within 24
183 hours of receipt.

184 (c) Public Information. Information about the process for filing a complaint with the Board, complaint
185 forms, and general information about the Board and its purpose and authority shall be made available
186 online, at the office of the Executive Director, and at other locations deemed reasonable and effective
187 for making such information widely available.

188

189 **Sec. 2- 458. – Review of Police Department Internal Investigations**

190 (a.) Scope of Board Review Authority. Except as otherwise provided in Sec. 2-459 for Board
191 investigation of complaints, the Police Department shall continue to investigate complaints submitted to
192 the Police Department or to the Board, subject to such Board review and oversight responsibility
193 authorized by this ordinance. The Board may elect to review any or all completed Police Department
194 internal affairs investigations to ensure their thoroughness, completeness, accuracy, objectivity,
195 impartiality and the sufficiency of any discipline resulting from such investigations, in accordance with
196 review selection criteria set forth in Board procedures approved by City Council. In the instance where a
197 complainant files a request to the Board’s Executive Director seeking the Board’s review of the
198 Department’s findings (“Review Request”), the Board shall review the investigation which is the subject
199 of the request. A Review Request shall be deemed filed when it is received by the Executive Director.

200 (b) The Board shall not review:

201 (1) Any Review Request related to an incident that occurred before the date of Council’s
202 adoption of this Article, except for those received by the Board or under Internal Affairs
203 investigation on the date as of which the Article is adopted;

204 (2) A Review Request that is filed more than one (1) year after the date of the incident that is
205 the subject of the complaint;

206 (3) A Review Request filed more than seventy-five (75) days after the date of the Police
207 Department notice sent to the complainant that informs the complainant of the completion of
208 the Department’s internal affairs investigation (unless the Board determines that there is good
209 cause to extend the filing deadline); or

210
211 (4) A Review Request concerning matters that are the subject of a pending criminal proceeding
212 in any trial court, a pending or anticipated civil proceeding in any trial court (as evidenced by a
213 Notice of Claim or a filed complaint), or any pending City of Charlottesville grievance
214 proceeding.

215
216 (c.) The Board may review investigations beyond the time limits specified in subsections (2) and (3)
217 above if:

218
219 (1) the board concludes by majority vote that there is good reason for doing so, or
220 (2) as part of an audit taking place under Section 2-461(b).

221
222 (d) Hearings in Support of Review Requests

223
224 The Police Civilian Oversight Board shall conduct a hearing on all Review Requests that it finds to be in
225 conformance with the criteria established in Section 2-459(a), following procedures set forth in Board
226 Operating Procedures, as approved by the City Council.

227

Draft Police Oversight Ordinance for Consideration by the Charlottesville City Council

228 (d) Findings

229

230 The Police Civilian Oversight Board shall report its findings within thirty (30) days of the hearing of the
231 Review Request. The Board shall report publicly and to the City Manager and Police Chief, that it has
232 determined, by a preponderance of the evidence and by a majority vote of Board members, one of the
233 following findings with respect to each allegation or issue under review:

234

235 (1) The Police Civilian Oversight Board concurs with some or all of the findings of the Police
236 Department investigation; or

237

238 (2) The Police Civilian Oversight Board finds that the Police Department investigation's findings
239 are not supported by the information reasonably available to the Police Department and makes
240 further recommendations to the City Manager concerning disposition of the Review Request; or

241

242 (3) The Police Civilian Oversight Board finds that the Police Department's investigation is
243 incomplete or otherwise unsatisfactory and provides a detailed written explanation of the basis
244 for such finding.

245

246 (e) Investigations in Support of Review Requests. The Board may initiate an independent investigation,
247 in accordance with procedures set forth in Sec. 2-459, of any matter that was the subject of a Board
248 Review Request proceeding where the Board determined the Police Department investigation was
249 incomplete or unsatisfactory.

250

251 **Sec. 2- 459. - Independent Civilian Oversight Board Investigation**

252

253 (a.) The Civilian Oversight Board may initiate investigations under any of the following
254 circumstances:

255

256 (1) When the Board determines that a civilian complaint filed with the Board or an incident as
257 defined in Section 2-452(A)(2), whether or not the incident is the subject of a complaint, merits
258 such an investigation;

259 (2) When a Police Department Internal Affairs investigation of a civilian complaint is not completed
260 in 75 days and, after consultation with the Chief of Police, a majority of the Board determines an
261 investigation is necessary; or

262 (3) If, after completion of a Review Request, the Police Civilian Oversight Board advises the City
263 Manager that a Police Department investigation is incomplete or unsatisfactory and the majority
264 of the Board determines an investigation is warranted in the public interest.

265

266 (b.) Any investigation under this section shall be initiated by notice from the Board Chair to the City
267 Manager, with concurrent notice to the Chief of Police who shall ensure the Police Department's

Draft Police Oversight Ordinance for Consideration by the Charlottesville City Council

268 cooperation with the investigation in general, and in compliance with the specific requirements of this
269 ordinance and applicable Board Operating Procedures. Any such investigation shall comply with existing
270 federal, state, and local laws. Board members, the Board's Executive Director, and the Board's legal
271 counsel shall not have any authority to compel a statement from any Charlottesville Police Department
272 employee. When an independent investigation is initiated pursuant to this Sec. 2-459, a qualified
273 investigator independent of the Police Department shall be engaged in accordance with the provisions
274 of City Code Sec. 2-156. Required investigatory qualifications and elements of the scope of work for
275 independent investigations shall be as set forth within Board Operating Procedures.

276
277 (c.) At the conclusion of the investigation, the investigator shall forward the report of investigation
278 and investigative file to the Board. The Board shall hold at least one public hearing, pursuant to
279 approved hearing procedures, on the investigation. At the conclusion of the hearing(s) the Board shall
280 make findings as to each allegation stating whether the allegation is founded, unfounded or sustained,
281 as each such finding is defined in Board Operating Procedures approved by the City Council. In addition,
282 the Board may take one of the following actions:

283
284 (1) If the investigation was based on a complaint, dismiss the complaint in whole or in part
285 where, from the investigation file and report, it determines that the complaint or any allegation
286 in the complaint is unfounded or the actions justified;

287
288 (2) If the Board finds that any allegation was founded and establishes a serious breach of
289 departmental and professional standards, as defined by City Council within Board Operating
290 Procedures adopted pursuant to Sec. 2-466, recommend disciplinary action be taken by the
291 Chief of Police as described in Section 2-460. If the Chief of Police declines to implement the
292 discipline recommended by the Board, the Chief shall, within 30 days of notice of the Board's
293 recommendation, set forth in writing to the City Council, city manager and the public its
294 rationale for declining to implement the recommendation of the Board;

295
296 (3) Refer the complaint to the Commonwealth's Attorney for the City of Charlottesville if it
297 determines that the investigation establishes a criminal offense was or may have been
298 committed and is not already the subject of criminal investigation;

299 **Sec. 2-460. - Disciplinary Recommendations**

300
301 (a.) Upon receipt of the investigator's report related to a complaint or incident involving a serious
302 breach of departmental and professional standards, as shall be defined within the Board
303 Operating Procedures, the Board shall meet to discuss appropriate recommendations for
304 disciplinary action. The Board shall consult with the officer's direct supervisor or commander.
305 Disciplinary action to be considered for recommendation by the Board shall include those
306 specified within any applicable disciplinary matrix utilized by the Police Department. The Board
307 may also consult complainants and witnesses when discussing the appropriate disciplinary
308 action to be imposed. Prior to commencement of any such disciplinary deliberations, the

Draft Police Oversight Ordinance for Consideration by the Charlottesville City Council

309 subject officer or employee shall be given notice of the proceedings and of the range of
310 disciplinary actions under consideration, and the officer or employee shall be offered an
311 opportunity to be heard. The officer may be represented by legal counsel during any discussions
312 or deliberations of the Board. No officer or Police Department employee, and no other City
313 employee, shall be compelled to provide statements to the Board during its deliberations.
314

315 (b.) Any law enforcement officer or other Police Department employee against whom disciplinary
316 action is imposed by the Chief of Police on recommendation of the Board shall have a right to
317 file a grievance requesting a hearing before the City's Personnel Appeals Board, provided that
318 the matter is a qualifying grievance under the City's grievance procedures.

319 **Sec. 2- 461. - Board Review of Law Enforcement Policies, Practices and Procedures**

320

321 (a) The Charlottesville Civilian Oversight Board is authorized to review and make recommendations
322 regarding policies, practices, and procedures of the Charlottesville Police Department, including, without
323 limitation, written policies, procedures and standing orders. The Board shall present in writing its
324 findings and recommendations with supporting rationale to City Council, the city manager and Chief of
325 Police within 30 days of the date of Board approval of the recommendations. If the Police Department
326 declines to implement any changes recommended by the Board, the Chief of Police shall create a
327 written record, which shall be made available for public inspection, of its rationale for declining to
328 implement the Board's recommendation, unless the Board instead withdraws the recommendation
329 based on the rationale provided. The Board's withdrawal of any such recommendation shall be made
330 available for public inspection.

331 (b) The Board may require its Executive Director to conduct retrospective examination and audits of
332 patterns in the Internal Affairs investigations, arrest and detention, and other public-police interactions.
333 The scope of such examinations, and the manner in which the examinations may be conducted, shall be
334 set forth within the Operating Procedures.

335 **Sec. 2- 462. - Request Annual Reports of Police Expenditures**

336

337 Not more than once per year, during the City Manager's preparation of a proposed budget for the City,
338 the Budget Office shall provide the Civilian Oversight Board with annual expenditure estimates and
339 future year projections for the Police Department, itemized to the same level of detail as provided to
340 the City Manager . The estimates shall be presented to the Board at the same time they are presented
341 to the City Manager. The Civilian Oversight Board will review the estimates and is authorized to make
342 budgetary recommendations to the City Manager and/or to the City Council during the annual budget
343 process.

344

345 **Sec. 2- 463. Authority to Hold Hearings and Issue Subpoenas**

346

347 (a) The Charlottesville Police Civilian Oversight Board is authorized to hold hearings in connection with
348 any of its authorized activities, including, without limitation:

349

350 (1.) Complaint review;

351 (2.) The conduct of independent investigations of complaints or incidents of misconduct;

352 (3.) Other matters which the Board determines to require the gathering of facts, public testimony,
353 or other information to facilitate adequate police oversight.

354

355 (b) A hearing may be called at the request of any two members of the Civilian Oversight Board. Hearings
356 may be public or closed if confidential information is to be discussed, subject to applicable provisions of
357 law.

358

359 (c) Hearings shall be conducted in accordance with Board Operating Procedures to be developed by the
360 Board and approved by the City Council.

361 **Sec. 2- 464. - Suspension of Complaint Investigations**

362

363 (a.) Suspension of Investigations. If, on its face, a complaint asserts criminal conduct by a police
364 officer or civilian employee of the Police Department or at any point in an investigation of a complaint or
365 incident the Board or an independent investigator becomes aware of a possible criminal act or offense,
366 the Board and investigator shall:

367

368 (1.) Suspend the investigation and notify the Chief of Police and Commonwealth's Attorney of the
369 alleged conduct, ensuring that no statements obtained from the Police Department employee(s)
370 whose actions are the subject of the matter are shared with criminal investigators or any
371 prosecuting authority except in accordance with applicable law; and

372 (2.) Evaluate, in consultation with Board legal counsel and the City Attorney, whether competing
373 public interests and civil rights involved permit the resumption of continued, parallel
374 investigation by the Board.

375 **Sec. 2-465. - Police Civilian Oversight Board Recommendations and Annual Report.**

376

377 (a) The Police Civilian Oversight Board shall provide the City Council a list of recommendations, if the
378 Board determines any recommendations are necessary, for the Council's consideration to include in its
379 annual legislative program to present to the General Assembly. These recommendations shall be
380 presented to the City Attorney's Office by August 15 of each year.

Draft Police Oversight Ordinance for Consideration by the Charlottesville City Council

381 (b) On or before April 15 of each calendar year, the Police Civilian Oversight Board shall provide the City
382 Council with an annual report of activities conducted during the preceding calendar year. The report
383 shall detail the Police Civilian Oversight Board's calendar year activities with sections related to the
384 appointment of committees and their actions; the establishment of any community advisory panels; an
385 overview of complaints received during the calendar year including the number of complaints, the
386 complaints' findings, and the number of complaints deferred due to pending proceedings; the number
387 and outcome of any independent investigations; an overview of proposed policy recommendations and
388 amendments to Charlottesville Police Department policies and whether the recommendations and
389 amendments were implemented by the Charlottesville Police Department; the number, type, and
390 attendance at community listening sessions; recommendations the Police Civilian Oversight Board
391 about policing within the City; and any other information that the Police Civilian Oversight Board deems
392 necessary to provide a complete overview of the Board's activities.

393 **Sec. 2-466. - Police Civilian Oversight Board Operating Procedures**

394

395 The Police Civilian Oversight Board shall propose for City Council review and approval Operating
396 Procedures and amendments to approved Operating Procedures for the performance of each of the
397 powers and duties of the Board authorized in sec. 2-452(a)(1)-(9) of this article. Upon an affirmative vote
398 of a majority of Board members having the right to vote, the proposed Operating Procedures or
399 amendments to Operating Procedures shall be submitted to City Council for consideration for approval.
400 Any proposed Operating Procedures and amendment(s) thereto shall be presented by a Police Civilian
401 Oversight Board member in writing to the Board at a regular Board meeting.

402 **Section 2-467. - Community Engagement and Community Relations**

403

- 404 (a) The Board, supported by the Executive Director, shall engage in community outreach and to enlist
405 the assistance and input of community members. At least quarterly, the Board shall host public
406 community listening sessions to discuss policing matters of pressing public concern, including the
407 impacts of local policing on historically disadvantaged communities that currently experience or
408 traditionally experienced disparate policing.
- 409
- 410 (b) The Board may also host or participate in public police-community relations meetings, in which
411 Board members, supported by the Executive Director, mediate discussions between CPD officials,
412 designated by the Chief of Police, and community members about policing matters of pressing
413 public concern, including questions about transparency, availability, legitimacy, mutual respect and
414 trust, equitable treatment, social and racial justice, equal rights, and community safety and order.
- 415
- 416 (c) The Board shall report on its community outreach and engagement activities, public input, and any
417 recommendations for community-policing initiatives or for improved police-community relations at
418 least annually as part of the annual report provided for in Section 2-465.

419 **Section 2-468. - Training**

420

421 (a) At least once every two years, and within 90 days of Board appointments, the City,
422 assisted by Executive Director, shall provide new Board members with training of at least eight
423 hours, presented by the National Association for Criminal Oversight of Law Enforcement or a
424 comparable professional organization. The training shall be consistent with the Board’s mission, this
425 enabling ordinance, and the Operating Procedures.

426

427 (b) At least once every two years, and within six months of new Board appointments, the City, assisted
428 by the Executive Director, the Chief of Police/designees, and such other city personnel as may be
429 appropriate shall provide new Board members with training or information:

430

- 431 1. describing the legal and ethical obligations of members of a public board;
- 432 2. explaining Police Department procedures, policies, and regulations;
- 433 3. describing the substance of Police Department personnel recordkeeping; and
- 434 4. describing such other City policies, procedures and systems material to the duties of the Board

435

436 As needed, the City shall provide Board members with additional training, including police "ride-alongs",
437 relevant training by subject matter experts on mental health, trauma-informed policing, civil rights and
438 constitutional law, race and racism, community outreach, mediation, investigation, and policing
439 practices.

440 **Section 2-469. – Commendations for Exceptional Community Service**

441

442 (a) The Board shall establish procedures for soliciting comments from the public concerning incidents of
443 exceptional performance by employees of the Charlottesville Police Department.

444 (b) The Board may consult with the Chief of Police regarding individual employees who have made
445 outstanding contributions exemplary of equitable, just, and professional policing.

446 (c) The Board may issue public citations recognizing individuals deemed to have made such
447 contributions.

448 **Section 2-470. Mediation**

449

450 The Board may propose procedures for the use of mediation or other alternative dispute resolution
451 techniques to resolve complaints against employees of the Charlottesville Police Department. Such
452 procedures shall not affect the ability of complainants to pursue remedies under other sections of this
453 ordinance.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	December 6, 2021
Action Requested:	Consideration of a Rezoning Application
Presenter:	Matt Alfele, AICP, City Planner
Staff Contacts:	Matt Alfele, AICP, City Planner
Title:	0 Nassau Street. – ZM21-00002

Background:

Justin Shimp (Shimp Engineering, P.C.) and Nicole Scro representing the owner, Franklin Street Land Trust III, has submitted a Rezoning Application pursuant to City Code Sec. 34-41 seeking a zoning map amendment to change the zoning district classification of Tax Map and Parcels 610079600, 610079700, and a portion of 610079000 (Subject Properties). The application proposes to change the zoning classification of the Subject Properties from the existing R-2 (Residential Two-Family) to R-3 (Residential Multifamily) with proffers and a development plan. The proposed development plan indicates 2 multifamily buildings with 5 units in each building for a total of 10 units on the Subject Properties. The proposed density will be 19.4 dwelling units per acre (DUA). The Subject Property is approximately 0.51 acres with frontage on Nassau Street. The Comprehensive Land Use Map for this area calls for Low Density Residential. See Attachment A for proffered conditions

Discussion:

The Planning Commission held a virtual joint Public Hearing with City Council on November 9, 2021 on this matter. Floodplain impacts, accessibility of the playground to the community, and size of the units were all discussion points from the Planning Commission and City Council. The Commission wanted to ensure the proposed development would meet all floodplain requirements and wanted clarification on who could use the playground and greenhouse.

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:

On September 9, 2021 the applicant held a community meeting on Zoom from 6:30pm to 7pm. No members of the public attended the meeting. The meeting was recorded and is available to the public through the developer.

On November 9, 2021 the Planning Commission held a virtual joint Public Hearing with City Council. two (2) members of the public spoke and expressed the following:

- The City should not allow development within the floodplain and should do more to protect the trees.
- The City needs more housing and this development would benefit the City.

Any emails received by staff regarding this project have been forwarded to Planning Commission and City Council.

Budgetary Impact:

This has no impact on the General Fund.

Recommendations:

The Planning Commission took the following action:

Rezoning Application (ZM21-00002)

Ms. Russell moved to recommend approval of this application to rezone the Subject Properties from R-2, to R-3, on the basis that the proposal would service the interests of the general public and good zoning practice.

Mr. Mitchell seconded the motion

Ms. Dowell, Yes

Mr. Lahendro, Yes

Mr. Solla-Yates, Yes

Mr. Stolzenberg, Yes

Mr. Habbab, Yes

Mr. Mitchell, Yes

Ms. Russell, Yes

The motion passed 7 - 0 to recommend approval of the rezoning application to City Council.

Alternatives:

City Council has several alternatives:

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

Attachments:

- A. Signed Proffer Statement
- B. Rezoning Ordinance
- C. Link to the Public Hearing materials.

<https://charlottesvilleva.civicclerk.com/Web/Player.aspx?id=1286&key=-1&mod=-1&mk=-1&nov=0>

(Materials start on page 5)

Original Proffers X
Amendment

PROFFER STATEMENT

Rezoning: 0 Nassau Street
Tax Map Parcels: 610079000 (portion of), 610079700, and 610079600

Owner: Franklin Street Land Trust III, Justin M. Shimp, Trustee
912 East High Street
Charlottesville, VA 22902

Date of Proffer Signature: November 10, 2021
Subject properties to be rezoned from R-2 to R-3

Franklin Street Land Trust III is the owner (the “Owner”) of Tax Map Parcels 610079000, 610079700, and 610079600 (collectively, the “Property”), located in the City of Charlottesville, Virginia. The Property is the subject of rezoning application ZM21-00002 to allow for the development of a project known as “0 Nassau Street” (the “Project”).

Pursuant to Division 4 of the City of Charlottesville Zoning Ordinance (Chapter 34 of the City of Charlottesville Code), the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to the requested zoning district, R-3. These conditions are proffered as part of the requested rezoning and the Owner acknowledges that the conditions are reasonable. Each signatory below signing on behalf of the Owner covenant and warrant that it is authorized signatory of the Owner for this Proffer Statement.

1. **DESIGN:** The design, height, density, and other substantive characteristics of the Project shall remain essentially the same, in all material aspects, as described within the application materials submitted to the City on July 16, 2021, including, but not limited to, the Conceptual Site Plan, dated July 10, 2021, prepared by Shimp Engineering, P.C. Except that the characteristics of the Project may subsequently be modified to comply with City zoning regulations not modified by this application, any other material change of the Project as represented within the application materials shall require a modification of this rezoning application.
2. **HEIGHT OF BUILDINGS AND STRUCTURES:** any buildings and structures located on the Property shall not exceed thirty-five (35) feet in height. (Height is to be measured in accordance with City Code Section 34-1110 in effect as of the date this ordinance, which specifies that height, when applied to a building or structure, shall refer to the

vertical distance measured perpendicularly from grade to the highest point on such building or structure.)

3. LAND USES

- a. **Permitted Uses**: the Property may be used only for the following. Any uses other than those listed below shall be prohibited:
 - i. Residential and related uses.
 1. By-right: single-family detached, single-family attached, townhome, two-family, accessory buildings, structures and uses; multifamily dwellings; residential treatment facility (1-8 residents); 1-21 dwelling units per acre (DUA).
 2. With a provision use permit: home occupations.
 - ii. Other uses.
 1. By-right: utilities;
 2. By special use permit: utility facilities.

The undersigned Owner hereby proffers that the use and development of the Property shall be in conformance with the proffers and conditions herein above. This document shall supersede all other agreements, proffers, or conditions that may be found to be in conflict. The Owner agrees that all proffers shall be binding to the Property, which means the proffers shall be transferred to all future property successors of the land.

[Signature Page Immediately Follows]

WITNESS the following duly authorized signatures and seals:

OWNER:

Franklin Street Land Trust III

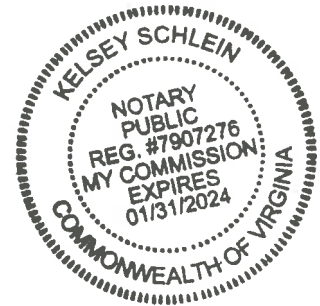
By: 
Justin M. Shimp, Trustee

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Charlottesville, to wit:

The foregoing instrument was acknowledged before me this 10th day of November, 2021
by Justin M. Shimp, Trustee of Franklin Street Land Trust III, on its behalf.

My Commission expires: 01/31/2024


Notary Public



**AN ORDINANCE
APPROVING A REZONING OF LAND FRONTING ON NASSAU STREET
FROM R-2U (TWO-FAMILY RESIDENTIAL, UNIVERSITY)
TO R-3 (MULTIFAMILY RESIDENTIAL) SUBJECT TO PROFFERED DEVELOPMENT
CONDITIONS**

WHEREAS, in order to facilitate a specific development project, Franklin Street Land Trust III (“Landowner”), by its representative, Justin Shimp, has submitted rezoning application ZM21-00002, proposing a change in the zoning classification (“Rezoning”) of certain land fronting on Nassau Street, identified within the City’s 2021 real estate tax assessment records by Real Estate Parcel Identification Nos. 610079600, 610079700, and a portion of 610079000, each currently addressed as 0 Nassau Street (collectively, the “Subject Property”), from “R-2U” to “R-3”, with said rezoning to be subject to several development conditions proffered by Landowner; and

WHEREAS, the purpose of the Rezoning is to allow a specific development project identified within the application materials for ZM21-00002, which materials describe a plan to establish multifamily residential dwellings within the Subject Property (the “Project”); and

WHEREAS, a joint public hearing on the proposed Rezoning was conducted by the Planning Commission and City Council on November 9, 2021, following notice to the public and to adjacent property owners, as required by law, and following the joint public hearing, the Planning Commission voted on November 9, 2021 to recommend that City Council should approve the Rezoning; and

WHEREAS, this City Council has considered the details of the specific Project represented within the Landowner’s application materials for ZM21-00002; and has reviewed the NDS Staff Report, public comments, the Planning Commission’s recommendation, and the Comprehensive Plan; and

WHEREAS, this Council 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. Rezoning all of the land identified within the City’s 2021 real estate assessment records by Real Estate Parcel Identification Numbers 610079600, 610079700, and a portion of 610079000 (“Subject Property”), containing, in the aggregate approximately 0.51 acres (approximately 22,215 square feet), from R-2 (Two Family Residential) to R-3 (Multifamily Residential), subject to proffered development conditions (“Proffers”) which were tendered by the Landowner in accordance with law and are hereby accepted by this City Council as set out below within this ordinance.

Approved Proffers

The use and development of the Subject Property shall be subject to and in accordance with the following development conditions voluntarily proffered by the Landowner, which conditions shall constitute zoning regulations which apply to the Subject Property in addition to the regulations otherwise provided within the City's zoning ordinance:

1. **DESIGN:** The design, height, density, and other substantive characteristics of the Project shall remain essentially the same, in all material aspects, as described within the application materials for ZM21-00002 submitted to the City on July 16, 2021, including, but not limited to, the Conceptual Site Plan, dated July 10, 2021, prepared by Shimp Engineering, P.C. Nothing within this condition shall preclude a subsequent modification of characteristics of the Project when necessary to comply with City zoning regulations other than those set out within these proffered conditions; however, any other material change of the Project as represented within the application materials shall require an amendment of this Ordinance.

2. **HEIGHT OF BUILDINGS AND STRUCTURES:** Any buildings or structures located on the Subject Property shall not exceed thirty-five (35) feet in height. Height is to be measured in accordance with City Code Section 34-1110 in effect as of the date of this Ordinance, which specifies that height, when applied to a building or structure, shall refer to the vertical distance measured perpendicularly from grade to the highest point on such building or structure.

3. **Permitted Uses:** The Subject Property may be used only for the uses listed below; any uses other than those listed below shall be prohibited:

a. Residential and related uses.

1. By-right: residential dwellings, at a density of one (1) to twenty-one (21) dwelling units per acre within area of the Subject Property, specifically: single-family detached dwellings, single-family attached dwellings, townhouses, two-family dwellings, multifamily dwellings, or residential treatment facilities (1-8 residents),
2. By right: accessory buildings, structures and uses, and
3. With a provisional use permit: home occupations.

b. Other Uses

1. By-right: utility lines;
2. By special use permit: utility facilities.

BE IT FURTHER ORDAINED THAT the City's Zoning Administrator shall update the Zoning District Map referenced in City Code §34-1, to reflect this rezoning of the Subject Property subject to the proffered development conditions.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	December 6, 2021
Action Required:	Consideration of an application for a Critical Slope Waiver
Presenter:	Dannan O’Connell, City Planner, Neighborhood Development Services
Staff Contacts:	Dannan O’Connell, City Planner, Neighborhood Development Services
Title:	P21-0106 – 0 Coleman Street, request for a Critical Slope Waiver

Background:

Daniel Hyer of Line and Grade Engineering, acting as agent for Greater Charlottesville Habitat for Humanity, owners of Map 49, Parcels 112 and 112.2 (“Subject Property”) has requested a Critical Slope Waiver for the Subject Property to permit construction of one residential duplex development with 2 single-family attached residential units and associated access and utility improvements. The Subject Property is currently zoned R-2, Two-Family Residential.

Existing critical slope areas located on this Property include 0.52 acres or 60.6% of the project site. The applicable definition of “critical slope” is as follows:

Any slope whose grade is 25% or greater, and (a) a portion of the slope has a horizontal run of greater than 20 feet, and its total area is 6,000 SF or greater, and (b) a portion of the slope is within 200 feet of a waterway. See Section 34-1120(b)(2).

Discussion:

The Planning Commission considered this application at their meeting on November 9, 2021. Their discussion centered on:

- The consolidation of the site from six parcels to two via a boundary line adjustment approved on October 29, 2021. The applicants chose to reduce the number of parcels on-site to better accommodate a smaller number of new housing units, and to avoid more extensive engineering work and the extension of a public road.
- Why more housing units were not proposed on the Subject Property. City staff clarified that the parcels are difficult to develop given the lack of frontage and extensive critical slopes, and that the developers reduced their proposal down to a single duplex across two lots to better suit the conditions of the site and avoid further disturbance.

Alignment with City Council’s Vision and Strategic Plan:

The City Council Vision of *Quality Housing Opportunities for All* states that “Our neighborhoods retain a core historic fabric while offering housing that is affordable and attainable for people of all income levels, racial backgrounds, life stages, and abilities. Our neighborhoods feature a variety of housing types, including higher density, pedestrian and transit-oriented housing at employment and cultural centers. We have revitalized public housing neighborhoods that include a mixture of income and housing types with enhanced community

amenities. Our housing stock is connected with recreation facilities, parks, trails, and services.”

The applicant proposes two new residential units to be constructed in partnership with low-income families to further their goal of building affordable mixed-income communities.

Community Engagement:

In line with Section 34-1120(b)(6)(b), property owners and occupants within 500-feet of the subject property, as well as neighborhood association leaders, were notified of the Planning Commission’s meeting. No members of the public spoke on the application.

One (1) community member provided comments to City staff over the phone. Noted concerns include the narrow frontage of the lots on Coleman Street and the ability to provide safe vehicular and pedestrian access through the area.

Budgetary Impact:

No direct budgetary impact is anticipated as a direct result of this Critical Slope Waiver.

Recommendation:

Staff recommends the application be approved with conditions. The Planning Commission voted 7-0 to recommend the application be approved with conditions as proposed by staff.

Alternatives:

City Council has several alternatives:

- (1) by motion, approve the requested Critical Slope Waiver as recommended by the Planning Commission with the following suggested motion;

“I move the adoption of the Resolution included in our agenda materials, granting this Critical Slope Waiver within P21-0106, based on a finding that due to unusual physical conditions, or the existing development of the property, compliance with the City’s critical slopes regulations would prohibit or unreasonably restrict the use or development of the property, per Section 34-1120(b)(6)(d)(ii).”

- (2) by motion, request changes to the attached resolution, and then approve the Critical Slope Waiver;

- (3) by motion, take action to deny the Critical Slope Waiver;

Or

- (4) by motion, defer action on the Critical Slope Waiver.

Attachment:

A. Proposed Resolution

B. The staff report and supporting documentation presented to the Planning Commission can be found starting at page 42 at the following link:

<https://civicclerk.blob.core.windows.net/stream/CHARLOTTESVILLEVA/ad9a4a0b-1035-41bf-8368-5a4ae75a5304.pdf?sv=2015-12-11&sr=b&sig=P2caY5pt1Q2C74OH2aosKlfVNpDcO4wgZuPY%2Fmaq8pc%3D&st=2021-11-10T15%3A23%3A36Z&se=2022-11-10T15%3A28%3A36Z&sp=r&rsc=no-cache&rsct=application%2Fpdf>

**RESOLUTION APPROVING THE REQUEST TO WAIVE
THE CRITICAL SLOPE REQUIREMENTS
OF CITY CODE SECTION 34-1120(b) TO ALLOW CONSTRUCTION OF A DUPLEX
AT 0 COLEMAN COURT (CITY TAX MAP 49, PARCELS 112 AND 112.2)**

WHEREAS Greater Charlottesville Habitat for Humanity (“Landowner”) is the record owner of certain land identified on City Real Estate Tax Map 49 as Parcels 112 and 112.2, together currently addressed as “0 Coleman Court” (the “Property”), and the Landowner is requesting a Waiver of the Critical Slopes requirements of City Code Sec. 34-1120(b)(6)(b) in connection with Landowner’s plan to construct a duplex on the Property; and

WHEREAS existing Critical Slopes located on the Property include 0.52 acres, or approximately 60.6 percent of the area of the parcels; and

WHEREAS the Planning Commission considered and recommended approval of this application at their November 9, 2021 meeting, subject to conditions set forth within the staff report prepared for that meeting;

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, hereby approves a Waiver of the Critical Slopes requirements for the Property, to allow construction of a duplex by the Landowner, subject to the following conditions:

- (1) the limits of disturbance shall be staked in the field by a Professional Surveyor as a preliminary step, prior to installation of perimeter controls,
- (2) “Super Silt Fence” (chain linked backing) shall be installed along the entire limits of disturbance, where there is not existing or proposed impervious surfaces, and
- (3) The limits of disturbance (“LOD”) for the construction site, as established within the erosion and sediment control (E&S) plan for the construction, shall be expanded to provide for typical construction methods, or notes shall be provided within the E&S Plan describing limitations on modern construction equipment that will ensure that access will be within designated areas identified within the E&S plan for the construction (as depicted within the Landowner’s current plans, construction access from the front of the Property (the edge of the public right of way) to the rear boundary of the Property is provided only by 3 feet, between the limits of disturbance (LOD) and the building on the north side of the Property and 4.5 feet (with a 20% grade) on the south side of the Property, and there is a minimal 4.5 feet of area in the rear of the Property).

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	December 6, 2021
Action Required:	Approval of Legislative Position Statements for 2022 GA Session (Motion/Vote--one reading)
Presenter(s):	Council Legislative Committee (Councilors Snook and Magill)
Contacts:	City Attorney Lisa Robertson; Deputy City Attorney Robinson Hubbard; City Environmental Sustainability and Facilities Development Manager Kristel Riddervold
Title:	Council Legislative Positions (2022)

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 point that out within Council's position statements.

This year, it has been suggested that this lengthy list of position statements is unlikely to assist our local legislators as they navigate the politics of the 2022 General Assembly and Governor's Administration. For example, it has been suggested that asking legislators to invest political capital on supporting new affordable housing initiatives, new programs, etc., would not be as efficient as identifying five or six priority issues that Council would like them to strongly advocate. Within the City's Draft 2022 Position Statements, we have

highlighted using a blue font six initiatives/ issues that we believe may be Council's top priorities for the 2022 GA Session. Please let us know whether, as a matter of format, you would like us to carve out this smaller list of prioritized positions within a revised document (eliminating all of the other position statements), or, alternatively, whether you would like us to re-work the lengthier list of position statements [attached] to more prominently identify the shorter list of priorities upon which you'd like the legislators to focus.

The City's Position Statement has been assembled with input from Council's Legislative Committee (Councilors Magill and Snook), with consideration having been given to information and recommendations received from other organizations of which the City is a member, recommendations of the City's Human Rights Commission pursuant to City Code §2-433(4) (previously transmitted to you via email on 9/20/2021), and recommendations of the City's Environmental Sustainability Manager.

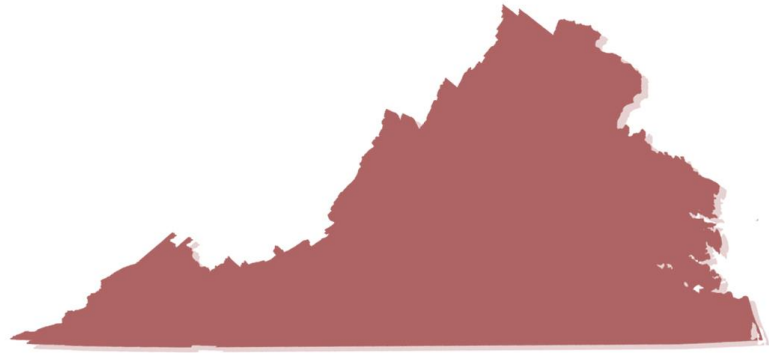
Budgetary Impact: none at this time.

Alignment with Council Vision Areas and Strategic Plan: yes.

Community Engagement: n/a

Attachments:

- TJPDC 2022 Legislative Program
- City 2022 Legislative Program



Thomas Jefferson Planning District
2022 LEGISLATIVE PROGRAM

DRAFT

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

October 2021

Jesse Rutherford, Chair
Christine Jacobs, Executive Director
David Blount, Director of Legislative Services

TOP LEGISLATIVE PRIORITIES

Support for Recovering Communities

PRIORITY: The Planning District’s member localities support continued action at the federal, state and local levels to protect local communities and to ensure their viability during ongoing recovery from the global pandemic.

The COVID-19 pandemic has Virginia communities facing ongoing challenges to their post-COVID local economies and the restoration and strengthening of them. While impacts on state and local revenue streams were minimal in many cases, some sectors and the revenue they produce were hit especially hard, as we saw service-sector purchases greatly curtailed, while federal stimulus dollars helped stimulate purchases of goods.

We believe retention of current businesses remains vital. Small businesses, which have accounted for two-thirds of net new jobs since the Great Recession, continue to need support systems that link them to critical resources. We need local flexibility to work with local businesses and to promote economic development as our localities come out of this pandemic.

We support the use of federal relief funds provided to the State through the American Rescue Plan Act (ARPA), and federal infrastructure funding that may be provided in the future, to invest in the likes of broadband, wastewater and stormwater improvements, school capital needs, reimbursement for workers’ compensation claims filed under the new presumption for COVID-19, and replenishment of the Unemployment Trust Fund. We encourage the State to coordinate with local governments in deployment of relief funds so that each federal dollar can be maximized for the benefit of Virginia residents.

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 unfunded mandates on or shift costs to localities, and to enhance local revenue options.

As the State develops revenue and spending priorities for the next biennium, we encourage support for K-12 education, health and public 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 dollars better align with what school divisions are actually providing in schools. This could include recognizing additional

instructional and non-instructional positions, to include school bus drivers; increasing state-funded staffing ratios; and providing funding for mental health positions/services in schools.

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's member 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 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 further stressed the need for broadband for homes and businesses, and to address K-12 education and telemedicine access without delay. Cooperative efforts among private broadband, internet and wireless companies, and electric cooperatives, to ensure access to service at an affordable cost are key. 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:

- While we appreciate state actions that have substantially increased funding for the Virginia Telecommunication Initiative (VATI), we support state and federal efforts to offset further funding requirements and to address concerns such as easement usage associated with deployment.
- 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.

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.
- 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. We also support allowing all localities the option of levying a one-cent sales tax to be used for construction or renovation of school facilities.
- 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.

Environmental and Water Quality

The Planning District's member localities believe that environmental and water 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 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 also support aggressive state investment in meeting required milestones for reducing Chesapeake Bay pollution to acceptable levels.
- We support state investment targeted to permitted dischargers to upgrade treatment plants, to aid farmers with best management practices, and to retrofit developed areas.
- We support continued investment in the Stormwater Local Assistance Fund to assist localities with much-needed stormwater projects and in response to any new regulatory requirements. Any such requirements should be balanced, flexible and not require waiver of stormwater charges, and training should be available for local governments to meet ongoing costs associated with local stormwater programs.
- 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.
- We support maintaining local authority to address impacts and choices associated with utility-scale installation of solar, wind and energy storage facilities. 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:

- State policies should protect local governments' ability to regulate businesses, to include collection and auditing of taxes, licensing and regulation, whether they are traditional, electronic, internet-based, virtual or otherwise, while encouraging a level playing field for competing services in the marketplace.
- 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 also support use of a notarized waiver to allow volunteer workers to state they are willing to provide volunteer services and waive any associated compensation.
- 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 and any extra required elections due to Census delays and redistricting.
- We support expanding the allowable use of electronic meetings outside of emergency declarations, with flexibility for public bodies to determine how to accommodate public comment and participation. Any changes to FOIA should 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.
- We support the use of 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 that helps divert people from needing

a state hospital level of care, as well as having services such as outpatient and permanent supportive housing available. We also support measures to address census pressures at state hospitals that will enable them to receive admissions of individuals subject to temporary detention orders without delays; such delays have been burdensome for law enforcement agencies making these transports.

- 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 authority and 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 all 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, to include supporting realistic levels of staffing to enable constitutional offices to meet their responsibilities and limit the need for localities to provide additional locally-funded positions. The Compensation Board should not increase the local share of funding for Constitutional offices or divert money away from them, and localities should be afforded flexibility in the state use of state funds for compensation for these offices.
 - We urge state funding of the HB 599 law enforcement program in accordance with *Code of Virginia* provisions.
 - We support adequate and necessary funding for mental health and substance abuse services at juvenile and adult detention facilities and jails.
 - We encourage needed funding for successful implementation 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 falling short of 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.

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

A. Endorsement of TJPD and VML Priority Statements

As a member of the **TJPD, Virginia First Cities** and of the **Virginia Municipal League**, we are supportive of the 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.

B. Children's Education, Services and Programs

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 local-government-owned property.
4. We support expansion of preschool and after-school programs for children with working parents, the provision of subsidies for low-income families, and the allocation of state grant money to businesses that institute childcare or other family support programs within the workplace.
5. We support allowing all localities the option of enacting a one-cent sales tax increase to provide local revenue for the construction or renovation of public-school facilities. Currently, only a few localities have been designated as "qualifying localities" under the provisions of Va. Code §§58.1-602, 58.1-605.1, and 58.1-606.1 to raise revenue in this manner, yet the need for this additional revenue source extends beyond those few localities that have it.

C. Affordable Housing; Regulation of Development

Local Authority over Local Real Estate

1. We encourage the State to consider enactment of legislation authorizing mandatory affordable housing set-asides for large developments.
2. 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) the use of public funding for the promotion and establishment of affordable housing.
3. We support establishment of a statewide rental assistance voucher program, calibrated to fit regional housing markets, and funded through the state Housing Trust Fund and/or Communities of Opportunity Tax Credit and Vibrant Community Initiative administered by Virginia Housing.
4. The state should enhance funding for affordable homeownership grants and loans, through Virginia Housing. The state should provide funding for housing assistance to employees of state universities earning less than 60% AMI.

5. 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.

6. We call for state legislation that will require AirBnB, VRBO, and similar short-term rental platforms to disclose information about short term rentals to local government officials, sufficient to allow local officials information necessary to verify that local taxes are being paid and local zoning ordinances are being complied with.

D. Environment

We encourage our representatives to endorse policies, legislation, and funding to address sustainability efforts, including those that reduce greenhouse gas emissions from responsible sectors (i.e., buildings, transportation, and waste), through support for energy efficiency implementation, renewable energy expansion, equity integration, and job creation. Supporting positions include authorizing local governments to establish requirements for building performance and reporting, removing caps on renewable energy programs, and incentivizing public and private fleet electrification.

Water Quality/ Stormwater Management Positions:

Background: The City of Charlottesville is committed to a Water Resources Protection Program that prioritizes compliance, flooding and draining improvements, water quality, and stewardship.

1. The state should maintain at least the FY22 \$50M Stormwater Local Assistance Fund (SLAF) appropriation that provides matching grants to localities for stormwater management projects and best management practices.

2. 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 position.

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 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, renewable energy use, equity, and job creation. Accordingly, we support the following positions:

Energy Efficiency:

1. Energy efficiency programs and policies that assist low- and moderate-income citizens in order to address disproportionate utility cost burdens.

Renewable Energy:

1. Distribute 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. Remove barriers for localities seeking to participate in net and virtual net metering through the state's existing municipal net metering pilot program allowing for eligibility of facilities installed and operated pursuant to power purchase agreements (PPAs) and raising or removing system size limits that are inconsistent with state's net metering provisions.
3. Expand the availability of the shared solar programs by increasing program caps, bounding scale of customer minimum bills, ensuring the equity component is maintained, and ensuring public entities can realize savings from shared solar.
4. 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.

Buildings:

1. Public benchmarking, disclosure, energy performance standard
2. Locality authority to require commercial building energy benchmarking.
3. An energy data sharing standard to support the development and targeting of energy improvement programs.
4. State to adopt residential and commercial building codes that meet or exceed the latest national and international standards.
5. Locality authority to require greater energy efficiency (stretch codes) within their jurisdictions.

Vehicles and Transportation:

1. 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.
2. Funding of the EV rebate program that was established in 2021.
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 RGG.I program model of establishing a funding source to support emission reduction in the transportation sector.
5. 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 to align waste management programs with sustainability-related goals and commitments, we support:

1. Movement toward a framework extended producer responsibility (EPR) approach to address difficult-to-handle products and packaging in the Commonwealth. This would establish legislative or regulatory criteria for the inclusion of specific products and/or packaging in the Commonwealth's EPR program. A framework EPR approach would better keep pace with the evolving products and packaging in the marketplace in Virginia, reduce waste, support a recovery and circular economy, and distribute the burden of disposal and recycling on those responsible for the manufacture, distribution and use of these products.
2. Local authority to prohibit yard waste and brush from municipal solid waste (landfill) collection.

E. Transportation

We urge legislators to increase state funding:

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 bicycling 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 infrastructure that accommodate walking and bicycling, as well as automobile travel,
5. for passenger rail projects connecting communities across the Commonwealth, including funding for improvements to Charlottesville Union Station.

We request that localities receive the flexibility needed to apply transportation funding in a manner that they deem most beneficial to their own communities. Localities should determine whether allocations of state funding are spent on new construction or for the maintenance of existing roads. 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.

F. Criminal Justice Reform

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.
5. 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.
6. We encourage legislation designed to assist individuals released from incarceration acquire employment, educational programming, mental health counseling, and reliable housing. We support funding for organizations seeking to assist those recently released from incarceration and understand that providing support for these individuals will reduce recidivism and homelessness, lower reincarceration costs, and create better outcomes for families and communities throughout the Commonwealth.

G. Policing; Public Safety

1. Civilian Review Board legislation:

We encourage the General Assembly to amend Section 2.2-3711 of the Virginia Freedom of Information Act, to expressly allow police civilian review boards (“PCRB”) the authority to convene within closed meetings, to protect the privacy of complainants and to deliberate on police officer personnel and disciplinary matters.

2. 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; 3) continued training and implementation of uniform, DCJS-approved, best practices for crowd management at civil disturbances, especially for urban police departments; and 4) implementation of 21st century policing strategies in all aspects of management and operations of urban police departments.

3. Photo-speed-monitoring:

We encourage the General Assembly to authorize local law enforcement agencies within urban areas to utilize photo-speed-monitoring devices in residential areas. 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.

4. Marcus Alert Calls:

We encourage the General Assembly to allocate appropriate funds to develop and promote the Marcus Alert Plan, allowing for mental health professionals to respond to emergency calls based on behavioral health crises, with the eventual goal of providing mobile crises services and stabilization services state-wide. This plan promotes public safety and decriminalizes mental health crises, while reducing arrests and stigmas surrounding mental health, by prioritizing de-escalation and non-lethal force.

H. Local Firearms Regulation

We support the General Assembly’s efforts to undertake 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, requiring universal background checks, and closing known loopholes in the background check process.

I. Public Service Corporations

1. We oppose any legislative action that would further expand the ability of telecommunications companies or other entities to install new above-ground 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.

J. Procurement

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-owned and minority-owned businesses within local procurement processes.

K. Budget, Revenues and Taxation

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.

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 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.

5. 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 consider enabling legislation for localities to enact more progressive local real estate taxes.

6. 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.

7. 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 ask 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 competition among businesses offering goods and services is the best way to ensure safety, reliability, and fair access to goods and services for consumers. By carving out exceptions to business licensing or local taxes for special interest groups, state legislators would harm traditional local businesses and deprive local governments of stable and reliable sources of revenue.

8. Please support legislation to amend Virginia Code §15.2-1414.6 to remove the limitation on annual salaries for city councils. 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.

9. We support legislation to abolish the grocery tax, but only in a manner which is revenue-neutral to localities, and which more properly places the taxation burden on those who can afford to pay.

L. Prosperity, Health, and Well-Being

1. 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.

2. 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.

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

M. Diversity, Equity, and Civil Rights

1. We support legislative action that creates a Right to Counsel for tenants in eviction proceedings, by ensuring that all tenants who receive public assistance, or have incomes at or below 200% of the federal poverty level, have access to public attorneys at no cost. Such legislation would create a statewide right to counsel or would authorize localities to fund programs intended to provide counsel to low-income litigants in eviction matters. Adopting such legislation would reduce homelessness, protect tenants' rights, and combat systemic inequalities in housing.

2. We support legislation designed to abolish the designation of R-1 or “single-use” zoning areas throughout the Commonwealth. R-1 zoning inhibits the efficient use of urban land, encourages “urban sprawl,” and further exacerbates housing inequality. Policies encouraging “inclusionary zoning” would allow for more affordable housing and create more diverse communities.

3. We encourage the General Assembly to adopt changes in housing law that will promote and advance tenants' rights, including “just cause” evictions, and policies that can make housing more affordable for low and middle-income residents.

4. We support a comprehensive review of Medicaid in the Commonwealth, including conducting a class and comparison study, with the focus on eliminating inefficiency in the administration of care. We understand that the anticipated \$654 million surplus in Medicaid funding is due largely to a lack of service providers or overall denial of service. We believe that a comprehensive review of state policy, including a reassessment of the Medicaid reimbursement rate, would lead to expanded health coverage for our most vulnerable citizens.



PLACEHOLDER

December 6, 2021

Disposition of Statues

Information regarding the three statues removed within the City of Charlottesville on July 10, 2021, may be accessed at the links below. City Council will discuss options for disposition.

FOIA Page: <https://www.charlottesville.gov/1466/Downloads>

Shared Drive: https://charlottesville-my.sharepoint.com/:f:/g/personal/foia_charlottesville_gov/Es6u1DJCQJNGk9kFhiy-MEIBJ_Yvi413kEe7lj72oegkzQ?e=Scdb1n