



City Council Meeting Agenda
September 8, 2026
City Hall Council Chamber
605 E. Main St.
Charlottesville, VA 22902

Juandiego R. Wade, Mayor
Natalie Oschrin, Vice Mayor
Jen Fleisher
Michael K. Payne
J. Lloyd Snook, III
Kyna Thomas, Clerk

4:00 PM Opening Session

- I. Call to Order/Roll Call**
- II. Agenda Approval**
- III. Reports**

- 1. Report: Annual Affordable Housing Report

5:30 PM Closed Meeting (Interviews for the CRHA Board and Planning Commission)

6:30 PM Business Session

- IV. Moment of Silence**
- V. Announcements**
- VI. Recognitions/Proclamations**

- VII. Community Matters** Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration available for first 8 spaces at <https://www.charlottesville.gov/692/Request-to-Speak>; speakers announced by Noon on meeting day (9:00 a.m. sign-up deadline). Additional public comment at end of meeting. Comments on Public Hearing items are heard during the public hearing only.

- VIII. Consent Agenda*** The consent agenda consists of routine, non-controversial items whereby all items are passed with a single motion and vote. Individuals speaking during Community Matters may address items on the Consent Agenda.

- 2. Minutes: May 18 and June 1 regular meetings, August 12 joint Council-School Board work session
- 3. Resolution: Resolution to Appropriate funds for the Virginia Behavioral Health Docket Grant - \$78,150.00 (2nd reading)
- 4. Resolution: Resolution to Appropriate Virginia State Police FY 27 HEAT Equipment Reimbursement Funding - \$10,000 (2nd reading)
- 5. Resolution: Resolution Appropriating \$750,000 received from the Jefferson Scholars Foundation for the Vacation of Clarke Court (2nd reading)
- 6. Resolution: Resolution to Allocate \$2,000,000 School Operations Contingency Funds and Amend the FY 2027 Charlottesville City Schools Budget and the City's Pupil Transportation Budget (2nd reading)
- 7. Resolution: Resolution adopting the 2026 Regional Solid Waste Management Plan for the Thomas Jefferson Solid Waste Management Unit
- 8. Action Item: Resolution to Appropriate \$450,707 in Dockless Mobility Revenue for Bicycle Programming (1 of 2 readings)

9. Resolution: FY 2027 Budget Amendments and Appropriation of \$300,252 of Additional General Fund Revenue (1 of 2 readings)
10. Resolution: Resolution to Appropriate Virginia Juvenile Community Crime Control Act Grant (VJCCCA) \$452,704 (1 of 2 readings)

IX. City Manager Report

- Report: City Manager Report
- Presentation: An Update from the Office of Economic Development: Launching the Cville Talent Network

X. Action Items

11. Public Hearing/Res.: Public Hearing and Resolution for the Draft Program Year 2025-26 ("PY25") Consolidated Annual Performance and Evaluation Report ("CAPER") (1 of 2 readings)
12. Public Hearing/Res.: Public Hearing for a Proposed CDBG-Funded Activity, the 2026 BEACON Kitchen Accessibility Enhancements Project, a Substantial Amendment to the Program Year 2026-27 Annual Action Plan, in the Amount of \$55,000 (1 of 2 readings)
13. Public Hearing/Res.: Public Hearing for a Proposed CDBG-Funded Activity, the 2026 IX Arts Foundation Accessibility Enhancements Planning Grant, a Substantial Amendment to the Program Year 2026-27 Annual Action Plan in the Approximate Amount of \$25,000.00 (1 of 2 readings)
14. Ordinance: Ordinance amending City Code Chapter 2, Article XVI. - Police Civilian Oversight Board (1 of 2 readings)
15. Ordinance: Ordinance Creating MCImetro Franchise Agreement
16. Resolution: Resolution Authorizing a Two-Year Lease Agreement for Carver Recreation Center

XI. General Business

XII. Community Matters (2)

XIII. Adjournment

MEETING GUIDELINES

- This is an in-person meeting with an option for the public to participate electronically by registering in advance for the Zoom webinar at www.charlottesville.gov/zoom. The meeting may also be viewed on the City's streaming platforms and local government Channel 10. Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call (434) 987-1267 or submit a request via email to ada@charlottesville.gov. The City of Charlottesville requests that you provide 48 hours' notice so that proper arrangements may be made.
- The presiding officer shall ensure that individuals address their comments to City Council at appropriate times, in accordance with the meeting agenda and Council's Rules of Procedure.
- No person who is not a member of the city council shall orally address it until leave to do so has been granted by the city council or until invited to do so by the mayor. (City Code sec.2-71)
- Remarks and actions that disrupt the progress of the Council meeting, and remarks from persons other than councilors, the City Manager, the City Attorney, or a presenter for an Agenda Item are not permitted.
- The presiding officer shall call an individual to order, including a councilor, when that individual goes afoul of these rules. The following are examples of remarks and behavior that are not permitted:
 - i. Interrupting a speaker who is addressing Council at the speaker's microphone, or interrupting a speaker who has otherwise been invited to address Council during Community Matters or a Public Hearing
 - ii. Interrupting a councilor who is speaking
 - iii. Shouting, and talking (either individually or in concert with others) in a manner that prevents a speaker or a Councilor from being heard or that otherwise hinders the progress of the meeting
 - iv. Blocking paths for emergency exit from the meeting room; engaging in any conduct that prevents a member of the audience from seeing or hearing councilors during a meeting; standing on chairs or tables within the Council meeting room
 - v. Threats or incitement of violence toward councilors, City staff or members of the public
 - vi. Engaging in conduct that is a criminal offense under the City Code or the Virginia Code
 - vii. Campaigning for elected office
 - viii. Promotion of private business ventures
 - ix. Using profanity or vulgarity
 - x. Personal attacks against Councilors, City staff or members of the public
 - xi. Behavior which tends to intimidate others
- During a City Council meeting the presiding officer shall have control of the Council Chambers and the connecting halls and corridors within City Hall, and any other venue where a Council meeting is being held. In case of any conduct described above, the presiding officer may take measures deemed appropriate, including but not limited to suspending the meeting until order is restored, ordering areas to be cleared by the Sergeant at Arms, or requiring any individual to exit the meeting room and adjacent premises (connecting halls and corridors.)

Policy Briefing Summary

City Council



Regarding:	Annual Affordable Housing Report
Staff Contact(s):	Madelyn Metzler, Housing Compliance Coordinator, James Freas, Deputy City Manager
Presenter:	Madelyn Metzler, Housing Compliance Coordinator
Date of Proposed Action:	September 8, 2026

Issue

The City of Charlottesville's Neighborhood Development Services (NDS) Department will present the 2026 Affordable Housing Report, which provides an update on City-led investments and outcomes related to implementation of the Affordable Housing Plan during fiscal year 2026 (FY26). The report includes a summary of funding allocations, affordable housing production and preservation activity, and FY26 Housing Division accomplishments.

Background / Rule

In 2021, City Council adopted the City's first Affordable Housing Plan (AHP), establishing a 10-year, \$100 million local funding commitment and setting targets to expand affordable housing, preserve existing units, and stabilize households at risk of displacement. The AHP calls for ongoing updates to City Council and the public to track progress toward funding goals, income-level targeting guidelines, and housing production benchmarks. The 2026 Affordable Housing Report serves as the next annual checkpoint following the FY22–25 update presented in 2025.

Analysis

The 2026 Affordable Housing Report provides:

- A summary of cumulative FY22–26 housing investments across Direct Housing Investments, Tax Relief Programs, and Administrative Capacity.
- An update on the Supported Affordable Unit (SAU) pipeline, including new unit production, preservation actions, and progress toward AHP affordability targets.
- A review of income-level targeting performance, noting that investments supporting households earning $\leq 30\%$ AMI remain below the AHP's 50% benchmark.
- FY26 Housing Division accomplishments.

Financial Impact

There is no budget action associated with this report.

Recommendation

This is an informational report. No formal action is required.

Recommended Motion (if Applicable)

Attachments

1. 2026 Affordable Housing Report

Charlottesville



FY 2026 Affordable Housing Report

Neighborhood Development Services - Housing Division

September 8, 2026

What This Report Covers



How Charlottesville invests affordable housing dollars



What these investments are producing



Progress toward housing goals



Who benefits from these investments



FY26 highlights



What's coming next

Affordable Housing Plan Funding Framework

A 10-Year, \$100 Million Commitment



\$70 million

Direct Housing Investments



\$20 million

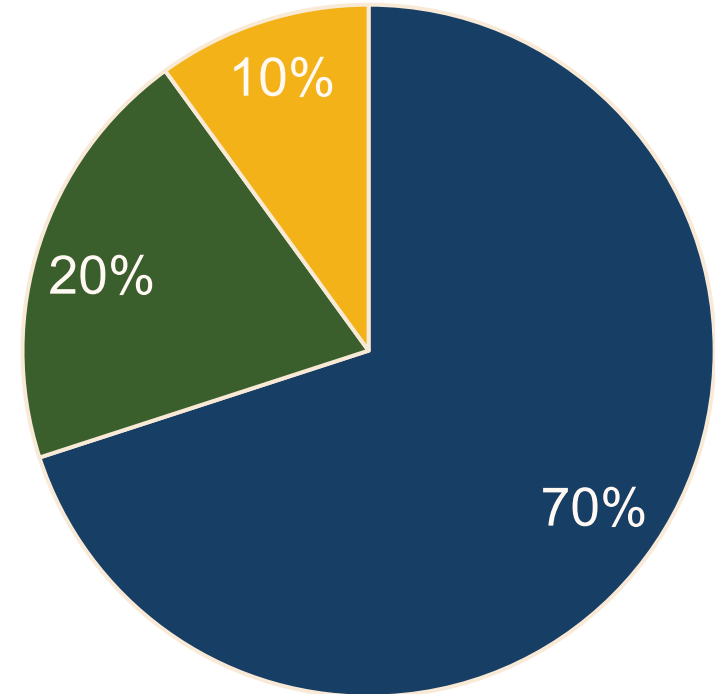
Tax Relief & Stability Programs



\$10 million

Administrative Capacity

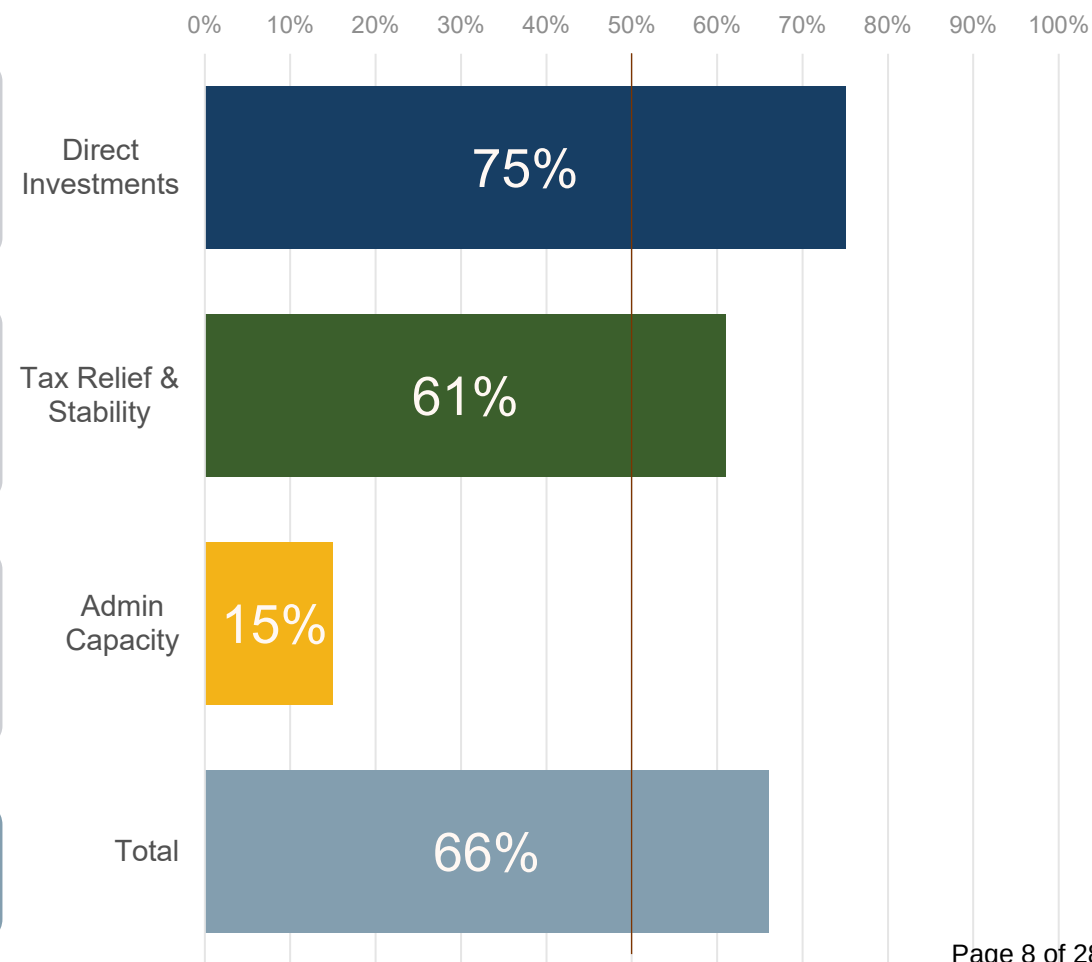
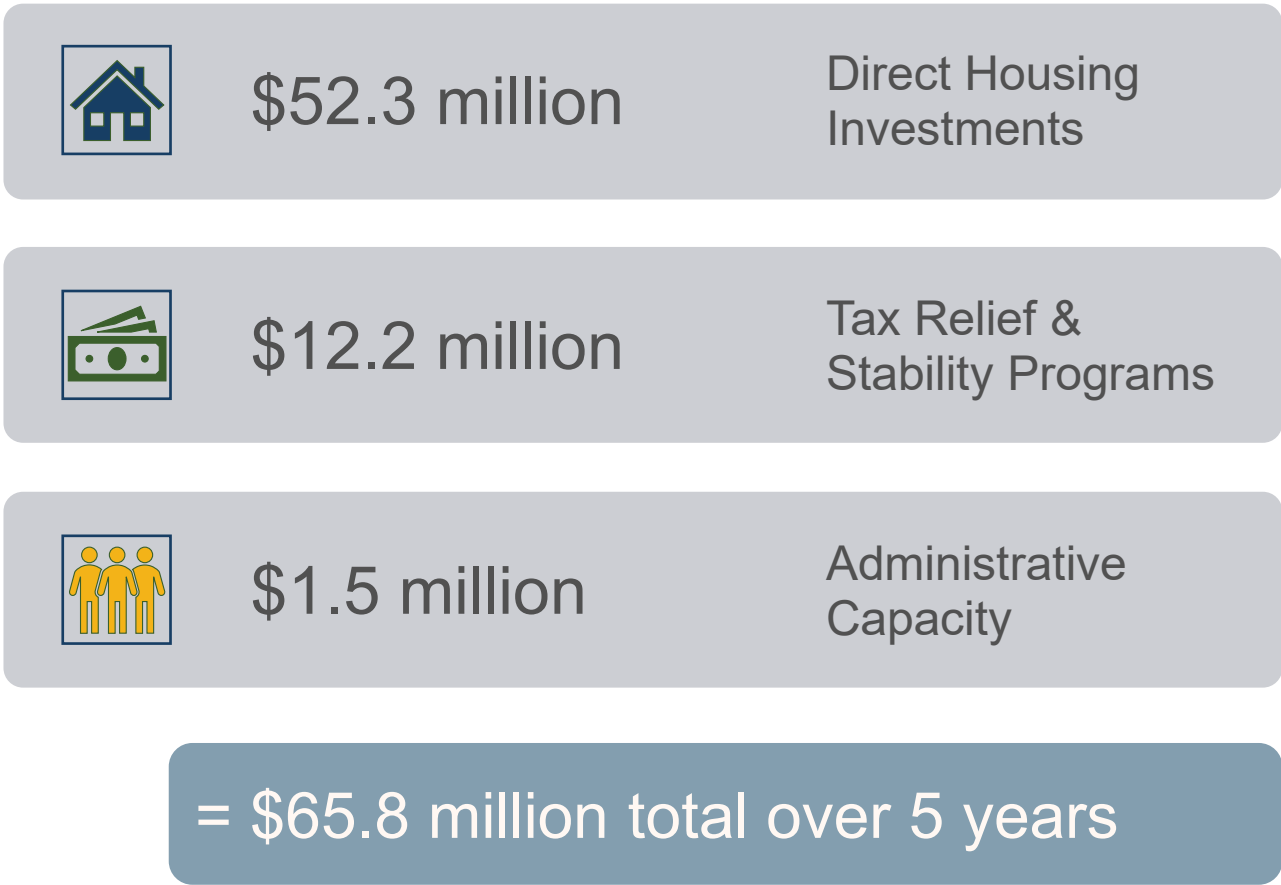
= \$100 million total over 10 years



- Direct Investments
- Relief & Stability Programs
- Admin Capacity

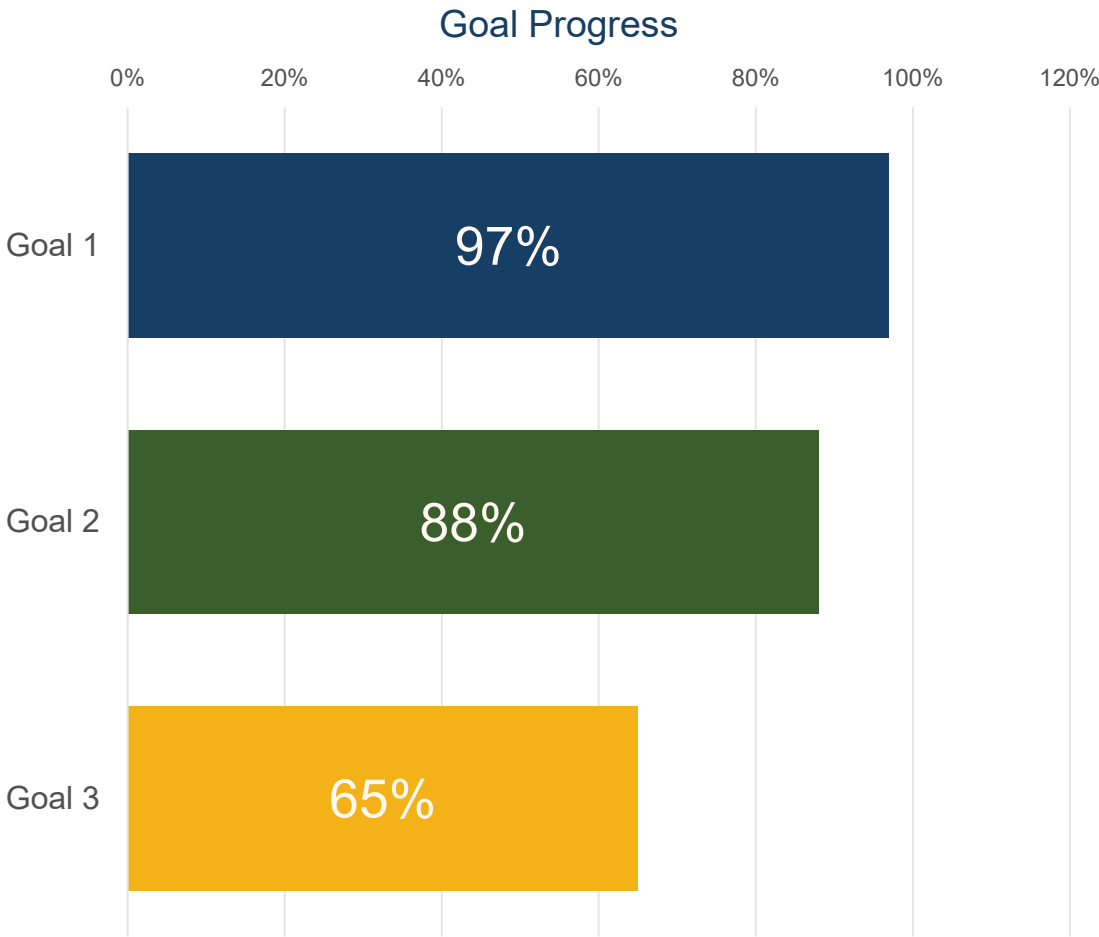
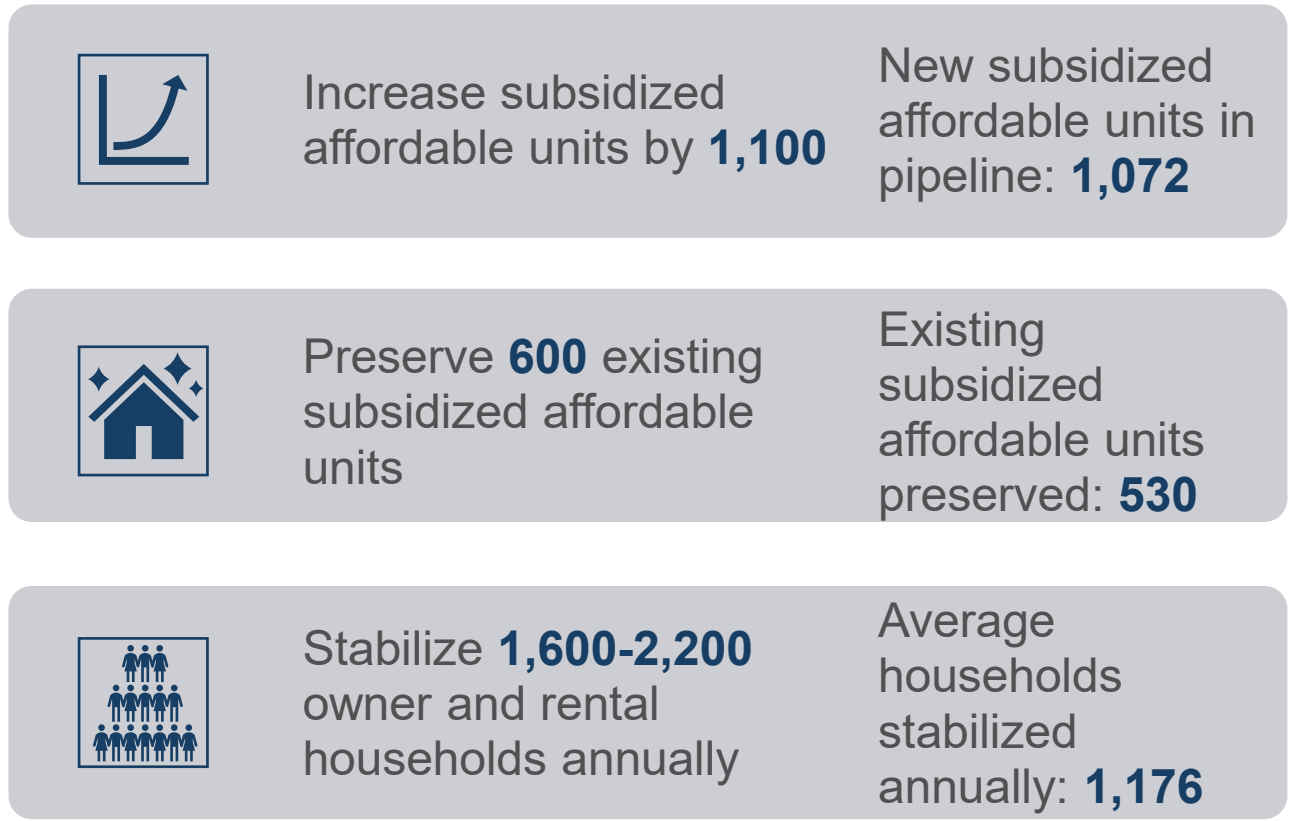
Five-Year Investment Progress

- \$65.8 million total, 66% of the 10-year goal
- Ahead on direct housing investments and tax relief & stability programs
- Behind on administrative capacity



What Our Investments Are Producing

Strong progress toward housing goals



Project Highlights

- CRHA Redevelopment

- 190 units complete (Crescent Halls, South First Street Phase 1, part of South First Street Phase 2)
- 137 units under construction (South First Street Phase 2, Sixth Street Phase 1)
- 138 units planned (Westhaven)

- Kindlewood Redevelopment

- 106 units complete (Phase 1)
- 104 units under construction (Phase 2)
- 175 units planned (Phases 3 & 4)

- Nonprofit & Partner Production

- 80 units under construction (Vista 29)
- 207 units planned (501 Cherry Avenue, 1025 Park Street/MACAA, 1200 Park Street/Park Street Christian Church)

South First
Street Phase 2

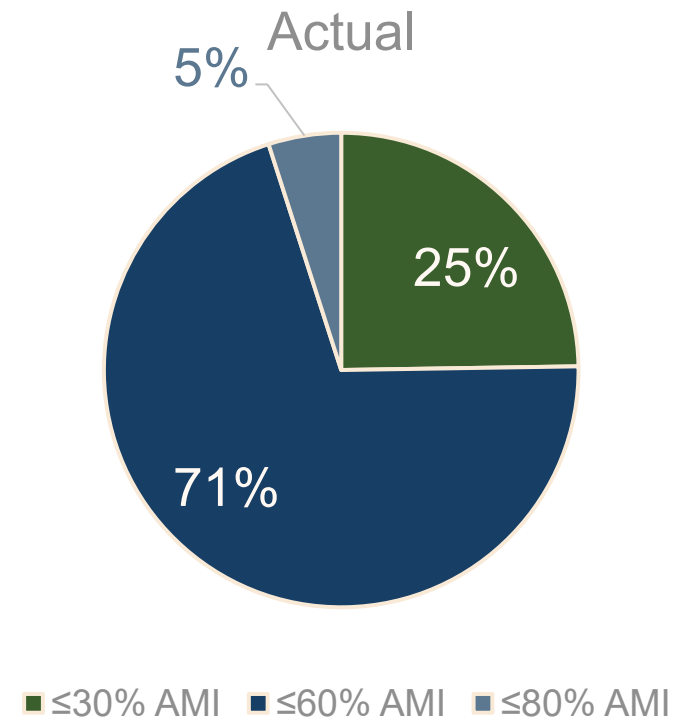
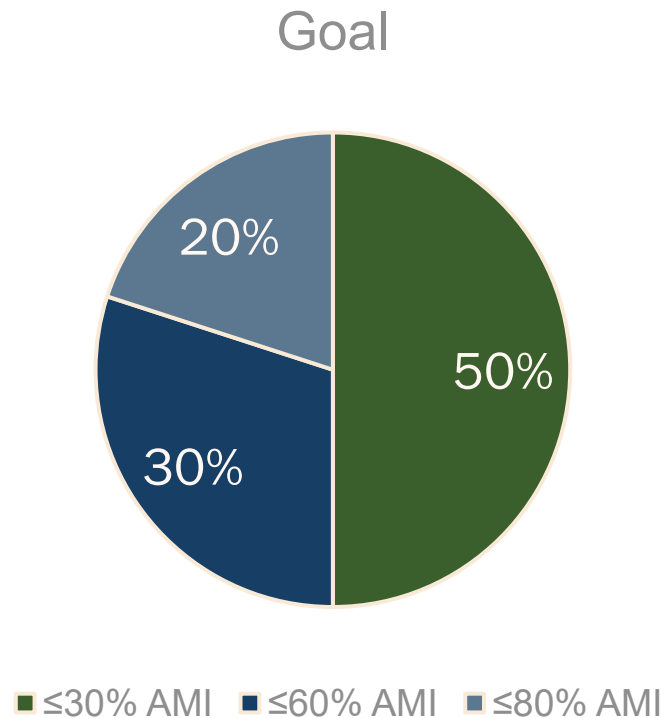


Kindlewood
Phase 2

AMI Targeting: Are We Meeting Our Equity Goal?

Gap persists in AMI targeting

- AHP Goal:
 - **50%** of funds serving households $\leq 30\%$ of AMI
 - **30%** of funds serving households $\leq 60\%$ of AMI
 - **20%** of funds serving households $\leq 80\%$ of AMI
- FY22-26 Performance:
 - **25%** to $\leq 30\%$ of AMI
 - **71%** to $\leq 60\%$ AMI
 - **5%** to $\leq 80\%$ AMI



Housing Division FY2026 Accomplishments



Operations & Transition

- Transitioned Housing functions to NDS
- Housing Staffing Study completed



Major Studies Completed

- Tax Abatement Study
- In-Lieu Fee Study
- CSRAP Program Evaluation



Grant Impact

- \$1.29M in CAHF & HOPS grants
- 32 units preserved
- 18 units produced
- 2,800+ residents supported

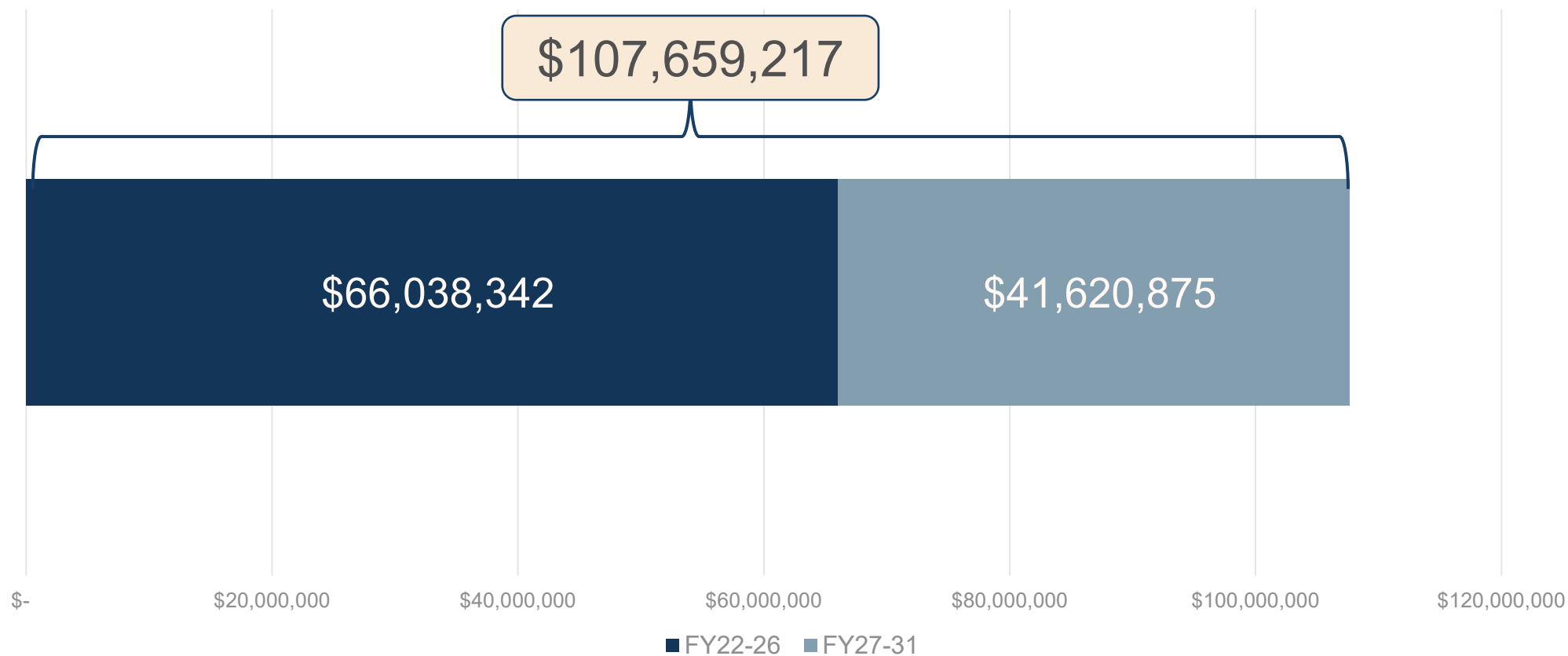


Loan Impact

- \$7.62M in loan agreements
- 86 units (MACAA/1025 Park St)
- 71 units (501 Cherry Ave)

Looking Forward: FY27–31 Planned Investments

- \$107.7M Total Investment by FY31
- \$66M invested (FY22–26)
- \$41.6M planned (FY27–31)



Looking Forward: Housing Division



Strengthen focus on $\leq 30\%$ AMI targeting



Build administrative capacity



Align CIP with affordability equity goals



Support Tax Abatement implementation



Expand and maintain transparency tools
(dashboard & public reporting)



Charlottesville



CHARLOTTESVILLE CITY COUNCIL MEETING MINUTES
May 18, 2026 at 4:00 PM
Council Chamber

The Charlottesville City Council met on Monday, May 18, 2026. Mayor Juandiego Wade called the meeting to order, and Clerk of Council Kyna Thomas called the roll, noting all councilors present: Mayor Juandiego Wade, Vice Mayor Natalie Oschrein and Councilors Jen Fleisher, Michael Payne, and Lloyd Snook.

On motion by Payne, seconded by Fleisher, Council unanimously adopted the meeting agenda.

REPORTS

1. REPORT: PCOB Proposed Ordinance Revisions

City Manager Samuel Sanders, Jr., introduced the item and referenced challenges faced by the Police Civilian Oversight Board (PCOB), leading the group to work on revisions to the existing ordinance to strengthen the Board's functionality.

Chairperson Jeffrey Fracher acknowledged members of the PCOB in attendance and stated that the proposed revisions to City Code Article XVI transition the PCOB from a model focused on independent investigations to a "Monitor, Audit, and Review" model that strengthens oversight by aligning the Board's authority with what it can legally and operationally deliver.

James Walker, Interim Executive Director of the PCOB, guided Council through recommended ordinance revisions and assured that the ordinance was still in legal review. Staff recommended that Council receive the presentation, engage in dialogue with PCOB members regarding the proposed direction, and provide feedback to inform subsequent refinement of the draft ordinance prior to any future formal action.

Council engaged in discussion with Mr. Walker and Mr. Fracher to ask clarifying questions, to highlight conditions that led to prior versions of the PCOB ordinance, and to express gratitude for the efforts put forth to strengthen the effectiveness of the PCOB and to engage the public.

2. REPORT: Home Stay/Short-Term Rentals Report

Missy Creasy, Deputy Director of Neighborhood Development Services, presented the Home Stay/Short-Term Rentals Report. City Staff conducted a comprehensive study of its Home Stay/Short-Term Rental ("STR") regulations to evaluate how these uses impact housing availability, neighborhood qualities, and community safety. This effort included a review of existing policies, public input, and best practices from other communities. The goal was to determine what changes, if any, should be made to better align Home Stay/STR regulations with City priorities, including maintaining and increasing housing supply.

City Staff recommended maintaining the current Home Stay/STR Ordinance at this time, without amendments, while continuing to strengthen monitoring of Home Stay/STR compliance, permitting requirements, and education about Homestay requirements. City Staff will also continue monitoring impacts of the recent Virginia State Code provisions requiring allowance for renter Home Stays throughout Virginia.

CLOSED MEETING

On motion by Oschrein, seconded by Payne, Council voted 5-0 (Ayes: Fleisher, Oschrein, Payne, Snook, Wade; Noes: none) to meet in closed session pursuant to Virginia Code Section 2.2-3711(A)(1)

for discussion and consideration of prospective candidates to be appointed to the following boards and/or committees: Board of Architectural Review; Board of Zoning Appeals; Charlottesville Affordable Housing Fund Committee; Charlottesville Redevelopment and Housing Authority Board; Community Development Block Grant & HOME Task Force; Community Policy and Management Team; Historic Resources Committee; Housing Advisory Committee; JABA Board for Aging; JABA Board of Directors; Jefferson-Madison Regional Library Board; Local Board of Building Code Appeals; Minority Business Commission; Piedmont Virginia Community College Board; Region Ten Community Services Board; Retirement Commission; Sister Cities Commission; Social Services Advisory Board; Thomas Jefferson Water Resources Protection Foundation; Towing Advisory Board; Tree Commission; Vendor Appeals Board; YMCA Board; and Youth Council.

On motion by Oschrein, seconded by Snook, Council certified by the following vote: 5-0 (Ayes: Fleisher, Oschrein, Payne, Snook, Wade; 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.

BUSINESS SESSION

City Council began the business meeting by observing a moment of silence.

ANNOUNCEMENTS

Mayor Wade announced the May 30th unveiling of Mel's Walk on West Main Street between 7th and 8th Streets NW, honoring community pillar Mel Walker who passed away in 2024.

Vice Mayor Oschrein announced Bike Month activities.

Councilor Fleisher announced the Bike Virginia competition with online tracking of bike rides, and stated that Charlottesville was currently in second place.

On motion by Oschrein, seconded by Snook, Council voted 5-0 in favor of the following appointments to boards and commissions:

- Board of Architectural Review: Jen Trompetter
- Community Policy and Management Team: Marquez Mitchell
- Historic Resources Committee: William Bergen, Lucy Pola, Jonathan Rice, Richard Guy Wilson
- JABA Advisory Council on Aging: Catherine Zuver
- Jefferson-Madison Regional Library Board: Jennell Lynch
- Piedmont Virginia Community College Board: Brian Pinkston
- Region Ten Community Services Board: David Oppen, Emily Warren
- Retirement Commission: Casey Parker
- Sister Cities Commission: John Mason, Stella Mattioli, Elizabeth Smiley
- Thomas Jefferson Water Resources Protection Foundation: Aaron Mills
- Tree Commission: Roger Gettig

RECOGNITIONS/PROCLAMATIONS

• PROCLAMATION: Public Works Week, May 17-23

Mayor Wade presented the Public Works Week proclamation to Steven Hicks, Director of Public

Works, who accepted with remarks on behalf of staff.

- **PROCLAMATION: Dementia Awareness Month**

Vice Mayor Oschrein presented the proclamation to George Worthington, Dementia Services Director, Division for Aging Services. He introduced city residents Norman and Sue Dill, who live with dementia.

COMMUNITY MATTERS

Mayor Wade opened the floor for comments from the public and the following individuals spoke:

1. Laura Sirgany, city resident, spoke about City policies on encampments, and the need to engage the unhoused community members.
2. Laura Josey, city resident, spoke in opposition to the City's recent decision to pause the Stribling Sidewalk Improvement Project, citing dangerous conditions for pedestrians.
3. Alicia Lenahan, Albemarle County resident, spoke about principled and ethical leadership that benefits all community members, specifically describing student housing projects as redlining and the half-mile radius student housing boundary around UVA grounds.
4. W.N. Martin, city resident, expressed thanks to Public Works staff, and he spoke about mismanaged construction projects near Stribling Avenue, expressing concerns about pausing the Stribling Avenue Sidewalk Project.
5. Don Gathers, city resident, voiced concerns about Council decisions in favor of housing developers.
6. Jason Halbert, city resident, spoke about Stribling Avenue improvements that were completed within the last few years and expressed concerns about pausing the Stribling Avenue Sidewalk Project.
7. Carlisle Wade, city resident, spoke in support of Stribling Avenue improvements and expressed concerns about pausing the Stribling Avenue Sidewalk Project.
8. Amanda Nelson, city resident, shared her family experience of living on Stribling Avenue for years and the dangers to pedestrians and bikers with pausing the Stribling Avenue Sidewalk Project.
9. Simlan Means spoke about City policies on encampments, and the need to engage the unhoused community members to help them.
10. Sadhbh O'Flynn, Community Climate Collaborative (C3), spoke about progress from a Utility Decarbonization Study. On a personal note, she thanked Council for passing a ceasefire resolution years ago.
11. William Abrahamson, city resident, spoke about Stribling Avenue improvements and asked Council to follow through with the Stribling Avenue Sidewalk Project.
12. Stuart Gardner, city resident, spoke about quality of life and in support of Stribling Avenue improvements. He asked Council to follow through with the Stribling Avenue Sidewalk Project. He suggested that no subdivisions be built without the infrastructure such as sidewalks to support them.

Mr. Sanders asked Steven Hicks, Public Works Director, to speak about the Stribling Avenue project status. Mr. Hicks stated that there have been issues with right-of-way acquisition and purchasing temporary and permanent easements. He also shared that work is needed to mitigate rainwater runoff from the construction site.

CONSENT AGENDA

Clerk of Council Kyna Thomas read the following Consent Agenda items into the record, and on motion by Payne, seconded by Oschrein, Council by a vote of 5-0 adopted the Consent Agenda:

(Ayes: Fleisher, Oschrin, Payne, Snook, Wade; Noes: none).

3. MINUTES: February 17 regular meeting; March 2 regular meeting
4. RESOLUTION to appropriate \$389,975 from the Virginia Department of Housing and Community Development, Housing Opportunities for Persons with AIDS/HIV grant 26-HOPWA-303 (2nd reading)

RESOLUTION APPROPRIATING FUNDS
Housing Opportunities for Persons with AIDS/HIV (HOPWA) Grant
\$389,975

WHEREAS, The City of Charlottesville, through the Office of Budget and Grants Management, has received the H.O.P.W.A. Grant from the Virginia Department of Housing and Community Development in the amount of \$389,975;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$389,312 is hereby appropriated in the following manner:

Revenues

\$389,975 Fund: 209 IO: 1900668 G/L: 430120 Federal Pass-Thru State

Expenditures

\$389,975 Fund: 209 IO: 1900668 G/L: 530550 Contracted Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$389,975 in funds from the Virginia Department of Housing and Community Development.

5. RESOLUTION to appropriate \$98,484 from the Virginia Department of Housing and Community Development, Virginia Homeless Solutions Program Grant 26-VHSP FED RRH- 37 (2nd reading)

RESOLUTION APPROPRIATING FUNDS
Virginia Homeless Solutions Program Federal Rapid Re-housing (VHSP Fed RRH) Grant
\$98,484

WHEREAS, The City of Charlottesville, through the Office of Budget and Grants Management, has received the VHSP Fed RRH Grant from the Virginia Department of Housing and Community Development in the amount of \$98,484;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$98,484 is hereby appropriated in the following manner:

Revenues

\$98,484 Fund: 209 IO: 1900669 G/L: 430120 Federal Pass-Thru State

Expenditures

\$98,484 Fund: 209 IO: 1900669 G/L: 530550 Contracted Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$98,484 in funds from the Virginia Department of Housing and Community

6. Reallocation of \$200,000 in Capital Improvement Plan (CIP) funds for the Downtown Mall Crossing Project (2nd reading)

**RESOLUTION to Authorize Reallocation of \$200,000 Previously Appropriated
CIP Funding to Downtown Mall Crossing Project**

WHEREAS, the City of Charlottesville has previously allocated CIP funding for Flood Damage Repairs and for the renovation of the City Hall Lobby and both projects have been completed with remaining unspent project balances; and

WHEREAS, the Downtown Mall Crossing project budget may have a budget gap due to various circumstances;

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

Transfer From:

\$100,000	Fund: 426	Internal Order: 1000025	G/L Account: 599999
\$100,000	Fund: 426	Internal Order: 1000036	G/L Account: 599999

Transfer To:

\$200,000	Fund: 426	Funded Program: P-01138	G/L Account: 599999
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BE IT FURTHER RESOLVED by the Council of the City of Charlottesville that any unspent funds remaining at the conclusion of the Downtown Mall Crossing project will be returned to the CIP Contingency account.

7. Proposed One-Year Annual Action Plan & Associated Funding Recommendations for HUD-funded Activities for Program Year (PY) 2026-2027, a Major Amendment, approximately \$1,205,469.64 (2nd reading)
 - a. RESOLUTION to Approve the City of Charlottesville-Thomas Jefferson Area HOME Consortium One-Year Annual Action Plan for PY 2026-2027 (2nd reading)

RESOLUTION

**To Approve the City of Charlottesville-Thomas Jefferson Area HOME Consortium One-Year
Annual Action Plan for the 2026-2027 Program Year**

WHEREAS the City of Charlottesville engages as a ‘participating jurisdiction’ (“PJ”) in the CDBG & HOME programs administered by the U.S. Department of Housing & Urban Development (“HUD”) and in that role is the periodic recipient of federal funds to support eligible community development, affordable housing and planning activities as identified by HUD’s Office of Community Planning & Development (“CPD”); and

WHEREAS the City of Charlottesville is a contributing member of the Thomas Jefferson HOME Consortium (“TJHC”) in partnership with the Thomas Jefferson Planning District Commission (“TJPD”) and the counties of Albemarle, Fluvanna, Greene, Louisa and Nelson, and through the Consortium shares in the benefits of participation in HUD’s HOME program; and

WHEREAS as such, the city is required by HUD to develop on an annual basis a One -Year Annual Action Plan (“AAP”) to inform the work of the city’s CDBG and HOME programs, a plan which is required to be presented to the public with opportunities for public comment, of which consideration by City Council is an important element.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlottesville, Virginia, hereby approves the Charlottesville-Thomas Jefferson HOME Consortium One-Year Annual Action Plan and its submittal to HUD for final review, as presented at a public hearing before the Charlottesville Planning Commission on April 14, 2026, and at two public hearings before Charlottesville City Council on May 4 and May 18, 2026.

- b. RESOLUTION to Appropriate Community Development Block Grant Funds anticipated from the U.S. Department of Housing and Urban Development for PY 2026-2027, approximately \$464,924.00 (2nd reading)

RESOLUTION

Appropriation of Community Development Block Grant (“CDBG”) Funds Anticipated from the U.S. Department of Housing and Urban Development for the 2026-2027 Program Year, in the Approximate Amount of \$464,924.00

WHEREAS the City of Charlottesville ("City") has been advised by the U.S. Department of Housing and Urban Development (“HUD”) that it is eligible to receive an anticipated CDBG allocation for the 2026-27 program year in the approximate amount of \$464,924.00; and

WHEREAS City Council has received recommendations for the expenditure of funds from the city’s CDBG/HOME Taskforce, as reviewed and approved by the City’s Planning Commission at a public hearing on April 14, 2026, in accordance with the City’s established Citizen Participation Plan; now

THEREFORE BE IT RESOLVED by the City Council of Charlottesville, Virginia, that upon receipt of CDBG funds anticipated from the U.S. Department of Housing and Urban Development, said funds are hereby appropriated to the following individual expenditure accounts in the Community Development Block Grant Fund in accordance with the respective purposes set forth; provided, however, that the City Manager is hereby authorized to transfer funds between and among such individual accounts as circumstances may require, to the extent permitted by applicable federal grant regulations, as set forth below:

Economic Development Activities

<i>Fund</i>	<i>SAP Order #</i>	<i>Funding Recommendation</i>	<i>Award</i>
218	1900659	CIC Entrepreneur Programs & Supports	\$23,994.75
218	1900660	BGF Cville Builds: Construction & Renovation for Nonprofits & Small Businesses	\$35,486.24

Subtotal: \$59,480.99

Public Facilities & Infrastructure Enhancements Activities

<i>Fund</i>	<i>SAP Order #</i>	<i>Funding Recommendation</i>	<i>Award</i>
218	1900661	Arc of the Piedmont Shamrock Group Home	\$20,408.76
218	1900662	The Haven Day Shelter Infrastructure	\$34,442.53

Subtotal: \$54,851.29

Affordable Housing Activities

Fund	SAP Order #	Funding Recommendation	Award
218	1900663	AHIP Charlottesville Critical Home Rehabs	\$93,934.16
218	1900664	LEAP Healthy, Safe & Energy Efficient	\$93,934.16

Subtotal: \$187,868.32

Public Services Activities

Fund	SAP Order #	Funding Recommendation	Revised Award
218	1900665	The Haven Coordinated Entry	\$26,092.82
218	1900666	LVCA Beg. Workforce Literacy	\$14,421.82
218	1900667	PHA Eviction Diversion & Housing Stabilization	\$29,223.96

Subtotal: \$69,738.60

Programmatic Funds

Fund	SAP Cost Center	Funding Recommendation	Revised Appropriation
218	3914001000	CDBG Planning & Admin	\$92,984.80

Subtotal: \$92,984.80

Total 2026-27 Funding Recommendations: \$464,924.00

BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt by the City from HUD of not less than the full amount of anticipated CDBG funds detailed above for the 2026-27 program year, and all subrecipient awards are also conditioned upon receipt of these funds.

BE IT FURTHER RESOLVED that in the event that funds received from HUD differ from the amounts referenced above, all appropriated amounts may be administratively increased/reduced at the same prorated percentage of change to actual funding received. No subrecipient's grant may subsequently be increased above the amount(s) listed above without further consideration by Council.

BE IT FURTHER RESOLVED that any unspent funds available after the approved activity is completed and closed out with HUD will hereby be returned to the unallocated lump sum account within Fund 218, to be reallocated to suitable new activities by Council at a later date.

FINALLY, BE IT FURTHER RESOLVED that the funding awards appropriated within this resolution will be provided as grants to private non-profit, charitable organizations ("subrecipients") and shall be utilized by said subrecipients solely for the purpose(s) stated within their approved Scope of Work agreements. The City Manager is hereby authorized to enter into funding agreements with the subrecipients named herein as deemed advisable to ensure that all grant funds are expended for their intended purposes and in accordance with applicable federal and state laws and regulations. To this end, the City Manager, the Director of Finance, and public officers to whom any responsibility is delegated by the City Manager pursuant to City Code Section 2-147, are authorized to establish administrative procedures and to provide guidance and assistance in the subrecipients' execution of these approved activities.

- c. RESOLUTION to Approve Award(s) of HOME Investment Partnership Program Funds anticipated from the U.S. Department of Housing and Urban Development for PY 2026-2027, approximately \$92,568.21 (2nd reading)

RESOLUTION

To Approve Award(s) of HOME Investment Partnership Program (“HOME”) Funds Anticipated from the U.S. Department of Housing and Urban Development for the 2026-2027 Program Year, in the Approximate Amount of \$92,568.21

WHEREAS the City of Charlottesville ("City") has been advised by the U.S. Department of Housing and Urban Development (“HUD”) that the region served by the Thomas Jefferson HOME Consortium (“TJHC”) is eligible to receive an anticipated HOME allocation for the 2026-27 program year, in the approximate amount of \$740,545.64, of which the City anticipates receipt of approximately \$92,568.21 to support local affordable housing initiatives; and

WHEREAS City Council has received recommendations for the expenditure of funds from the city’s CDBG/HOME Taskforce, as reviewed and approved by the City’s Planning Commission at a public hearing on April 14, 2026, in accordance with the City’s established Citizen Participation Plan; and

WHEREAS the City of Charlottesville will continue certify with HUD certain local affordable housing activities funded through the Charlottesville Affordable Housing Fund (“CAHF”) to meet HUD’s 25% local match requirement for the use of HOME funds, as detailed in the Cooperation Agreement established between the City & the Thomas Jefferson Planning District Commission (“TJPDC”); now

BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia, that upon receipt of HOME funds anticipated from the U.S. Department of Housing and Urban Development, that the following HOME-funded affordable housing activities are approved:

<i>Fund</i>	<i>Subrecipient</i>	<i>Funded Activity</i>	<i>Revised Award</i>
210	Building Goodness Foundation	BGF C'ville Builds: Local Repair & Renovation for Homeowners	\$37,727.45
210	Pending	Unallocated	\$54,840.76

Total Recommended HOME Recommendations: \$92,568.21

BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt by the City from HUD of not less than the full amount of anticipated HOME funds detailed above for the 2026-27 program year, and all subrecipient awards are also conditioned upon receipt of these funds.

BE IT FURTHER RESOLVED that in the event that funds received from HUD differ from the amounts referenced above, all awarded amounts may be administratively increased/reduced at the same prorated percentage of change to actual funding received. No subrecipient’s grant may subsequently be increased above the amount(s) listed above without further consideration by Council.

FINALLY, BE IT FURTHER RESOLVED that any funding awards appropriated within this resolution will be provided as grants to private non-profit, charitable organizations (“subrecipients”) and shall be utilized by the subrecipient solely for the purpose(s) stated within their approved Scope of Work agreement, as approved by TJPDC staff in accordance with the Cooperation Agreement. The City Manager is hereby authorized to enter into a funding agreement with subrecipients named herein as deemed advisable to ensure that all grant funds are expended for their intended purposes and in accordance with applicable federal and state laws and regulations. To this end, the City Manager, the Director of Finance, and public officers to whom any responsibility is delegated by the City Manager pursuant to City Code Section 2-147, are authorized to establish administrative procedures and to provide guidance and assistance in the subrecipients’ execution of these approved activities.

8. RESOLUTION Initiating Amendment to Chapter 9 (Community Facilities & Services) of the City's Comprehensive Plan

**RESOLUTION
INITIATING AMENDMENT TO CITY'S COMPREHENSIVE PLAN TO UPDATE
CHAPTER 9 (COMMUNITY FACILITIES & SERVICES)**

WHEREAS, Virginia Code §15.2-2223 requires that each locality have a Comprehensive Plan ("CP") that includes, *inter alia*, the general or approximate location, character, and extent of public facilities, and the designation of a system of community service facilities; and

WHEREAS, Chapter 9 of the City of Charlottesville, Virginia's ("City"), CP, and associated Appendix documents, are intended to guide City decisions concerning planning and investment in public infrastructure, public utilities, community facilities, and public services, and were last adopted in 2021; and

WHEREAS, Chapter 9 of the City's CP needs to be amended to reflect changes within the City from 2021 to the present; and

WHEREAS, Chapter 9 of the City's CP should also be amended to reflect new and updated City and partner agency public utility and facility planning, maps, and projects; and

WHEREAS, Virginia Code § 15.2-2229 authorizes City Council to initiate CP amendments by majority vote and to refer the same to the Planning Commission ("PC") for review/recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Charlottesville, Virginia ("City Council"), as authorized by Virginia Code § 15.2-2229, that City Council hereby initiates an amendment to Chapter 9 (Community Facilities & Services) of the City's CP, and refers the same to the City's PC for review/recommendation.

9. RESOLUTION Considering a Special Exception Permit Request for 408 Harris Road

**RESOLUTION
APPROVING A REQUEST FOR A SPECIAL EXCEPTION PERMIT ("SEP") FOR
PROPERTY LOCATED AT 408 HARRIS ROAD**

WHEREAS, Neighborhood Investments LLC ("Landowner") is the current owner of a lot identified on 2025 City Tax Map 21A as Parcel 104 (City Parcel Identification No. 21A104000), having an area of approximately 0.203 acres (8,857 square feet); ("Subject Property"); and

WHEREAS, Landowner wishes to develop residential units with reduced amenity space areas on the Subject Property ("Project"); and

WHEREAS, the Project is described in more detail within Landowner's application materials submitted in connection with Application PL-26-0030 ("Application"), as required by City Development Code § 34-5.2.15.B.2 (collectively, "Application Materials"); and

WHEREAS, the City of Charlottesville Planning Commission ("PC") made a recommendation of approval at its April 14, 2026, Public Meeting, per City Development Code § 34-5.2.15.C.2.

NOW THEREFORE, BE IT HEREBY RESOLVED, by the Council of the City of Charlottesville, Virginia (“City Council”), upon consideration of the PC's recommendation and the City Staff Report discussing the Application, as well as the factors set forth within City Development Code § 34-5.2.15.D, that it finds and determines that granting the proposed SEP would serve the public necessity, convenience, general welfare, or good zoning practice; and

BE IT FURTHER RESOLVED, by City Council, pursuant to City Development Code Section § 34-5.2.15, a SEP is hereby approved and granted to authorize the Project and permit reduced amenity space areas consistent with the Application Materials for the Subject Property.

10. RESOLUTION Approving the Public Works 2025-2026 Pollocks Branch Trail Bridge Activity, a Minor Amendment to the City’s Annual Action Plan, in the Amount of \$55,527.91 in Community Development Block Grant (“CDBG”) Funds (Previously Approved by Council)

RESOLUTION

Approving the Public Works 2025-2026 Pollocks Branch Trail Bridge Project, a Minor Amendment to the City’s Annual Action Plan, in the Amount of \$55,527.91 in Community Development Block Grant Funds (Previously Approved by Council)

WHEREAS the City of Charlottesville engages as a ‘participating jurisdiction’ (“PJ”) in the Community Development Block Grant (“CDBG”) program offered by the U.S. Department of Housing and Urban Development (“HUD”) and in that role is the periodic recipient of federal funds to support eligible community development, affordable housing and planning activities as identified by HUD’s Office of Community Planning & Development (“CPD”); and

WHEREAS City Council previously approved at a public hearing on February 3, 2025, an award of \$55,527.91 in Community Development Block Grant (“CDBG”) funds to support the development and construction of a pedestrian trail bridge over the Pollocks Branch of the Rivanna River as a way of enhancing the connectivity of the South First Street residential community to adjacent neighborhoods and the beauty of the Rivanna watershed (#R-25-010); and

WHEREAS the pre-design and Requests for Proposals stages of this project have taken longer than anticipated but are now on track and under the management of the city’s Department of Public Works; and

WHEREAS City staff have determined that approval of additional time for this project is reasonable and that granting such additional time is likely to bring important benefits to income-qualified City residents,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlottesville, Virginia, hereby approves the proposed intergovernmental Memorandum of Understanding (“MOU”) as presented here today with a new period of performance from July 1, 2025, through December 31, 2026, with all other provisions and requirements of the original MOU to remain in effect as written.

BE IT FURTHER RESOLVED that the City Manager, the Director of Finance, and public officers to whom any responsibility is delegated by the City Manager pursuant to City Code Section 2-147, are authorized to establish administrative procedures and provide for guidance and assistance in the subrecipients’ execution of the funded activity.

11. **ORDINANCE:** Repeal of Obsolete Provisions in Chapter 3, Amusements, of the Charlottesville City Code

ORDINANCE REPEALING SECTIONS 3-1 AND 3-2 OF CHAPTER 3, AMUSEMENTS, OF THE CODE OF THE CITY OF CHARLOTTESVILLE, AND RESERVING CHAPTER 3 FOR FUTURE USE

CITY MANAGER REPORT

Mr. Sanders provided an update on the status of homelessness in the city and related efforts since the most recent Council work session.

- **Youth Council Annual Presentation**

Juanika Howard, Youth Opportunities Coordinator, introduced the Youth Council, who made a presentation summarizing their work throughout the year and recommendations to City Council. The Youth Council provided an update on its priorities and recommendations for the coming year, focusing on increasing membership and sustainability, strengthening leadership and access to information, expanding school and community partnerships, and increasing youth engagement beyond regular meetings. Recommendations included improving the member application and renewal process, involving adult facilitators in member selection, addressing attendance and engagement, and establishing stipends to reduce participation barriers and encourage greater diversity. Members also recommended stronger partnerships with middle and high schools, including history, government, AVID, ESL, public speaking, and credit recovery programs.

The Youth Council recommended expanding educational and leadership opportunities through workshops on youth rights, civic advocacy, local government participation, voter registration and voting rights, and life skills related to the transition from high school to college, trades, employment, and other opportunities. Members proposed increasing meetings from monthly to twice monthly, holding at least one meeting each month at Charlottesville High School, and offering student listening sessions and open-mic opportunities to gather feedback. Emphasis was placed on centering student voices, supporting diversity and equity, and creating opportunities for youth-led initiatives and impact.

Members also discussed increasing the Youth Council's visibility through participation in community events, school activities, athletic events, lunch periods, and after-school meetings, supported by identifiable Youth Council materials. Current issues affecting youth included the presence of ICE nationally and locally, the recent Virginia special election, and challenges associated with transitioning into adulthood in the current national climate. In response to Council's question about how it could support the Youth Council, Charlsie Stratton, Deputy Director of the Department of Human Services, identified the application and appointment process and development of a youth stipend program as key areas for Council assistance.

- **Quarterly Financial Report**

Krisy Hammill, Director of Budget and Grants Management, presented the City's 3rd Quarter financial report.

ACTION ITEMS

12. RESOLUTION Authorizing the City Manager to Execute a Power Purchase Agreement and Associated Site Access Agreement for Charlottesville Middle School

Kristel Riddervold, Director of the Office of Sustainability, presented a request to authorize by resolution

the City Manager to execute a Solar Power Purchase Agreement (PPA) and associated Site Access Agreement for Charlottesville Middle School. A presentation focused on PPAs was delivered to City Council on February 2, 2026.

In 2019, the City of Charlottesville committed to updated greenhouse gas emissions reduction goals of 45% by 2030 and carbon neutrality by 2050. In 2023, Charlottesville adopted the first community Climate Action Plan (CAP) to guide progress towards the goals. The CAP identifies the installation of solar energy production systems on suitable municipal properties as a key implementation strategy to generate clean energy, reduce electricity bills, and reduce greenhouse gases. It also identifies PPAs as a mechanism to expedite this strategy.

Two municipal buildings, Charlottesville High School (CHS) and Charlottesville Middle School (CMS), have been identified as ideal candidates for solar systems - they are the two largest facilities in the portfolio with recently completed new roofs. As such, they can host systems that would be several times larger than the next largest solar system at CATEC. The potential solar system sizes for these two CCS facilities come with substantial installation costs that have been deemed infeasible to pursue with local capital funding at this time.

An alternate strategy, the Power Purchase Agreement (PPA), has been determined to be an appropriate mechanism to deliver clean energy to these schools via on-site solar power generation. A PPA enables a customer (“the Purchaser”) to receive predictable and often lower-cost electricity, while also enabling the owner/financer of the system to take advantage of tax credits and receive income from the sale of electricity. The PPA model involves a long-term contract and site access arrangement on the property of a host customer. The developer retains ownership and operational responsibility of the solar array and the host customer purchases the system's electric output at a negotiated rate and for a predetermined period.

Under proposed 25-year terms for each of the two schools, a third-party developer (the “Seller”) will manage the financing, installation, operation, and maintenance of the solar arrays. This allows the Purchaser to secure clean energy at a fixed, predictable rate, projected to yield over \$3.6 million in total avoided costs over the life of each of the two agreements, while reducing the City’s greenhouse gas (GHG) emissions.

On March 31, 2026, the School Board of Charlottesville City Schools approved a Solar Power Purchase Agreement and the associated access agreement for Charlottesville High School. As owner of Charlottesville High School, the School Board was established as the appropriate Purchaser in the agreement. The City of Charlottesville is the owner of the Charlottesville Middle School and is thus established as the Purchaser in the PPA for that school. City Council approval is sought to allow the City to execute the PPA and access agreement.

On motion by Payne, seconded by Oschrein, Council by a vote of 5-0 (Ayes: Fleisher, Oschrein, Payne, Snook, Wade; Noes: none) approved the following resolution:

**RESOLUTION AUTHORIZING EXECUTION OF A SOLAR POWER PURCHASE
AGREEMENT FOR CHARLOTTESVILLE MIDDLE SCHOOL**

WHEREAS, the Council of the City of Charlottesville is committed to the Global Covenant of Mayors for Climate and Energy, whose mission is to support and mobilize local governments in taking ambitious, measurable climate and energy action; and

WHEREAS, in 2019, the City Council adopted community-wide greenhouse gas emissions reduction goals of 45% by 2030 from 2011 levels and carbon neutrality by 2050; and

WHEREAS, in 2023, the City Council adopted a community Climate Action Plan to guide actions toward reaching the adopted emissions reduction goals; and

WHEREAS, the Climate Action Plan identifies the installation of solar energy production systems on suitable municipal properties as a key implementation strategy to generate clean energy, reduce electricity bills, and reduce greenhouse gases; and

WHEREAS, the Climate Action Plan also specifically identifies Power Purchase Agreements as a mechanism to expedite this strategy at scale; and

WHEREAS, a Solar Power Purchase Agreement has been developed, defining the terms and conditions by which the Seller shall (a) design, install, own, and finance the System, (b) manage, operate, maintain, decommission, and remove the System, (c) provide, deliver, and sell output produced by the System to Purchaser, and (d) provide the other services, as more particularly described therein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a Solar Power Purchase Agreement and the associated Site Access Agreement for Charlottesville Middle School are approved and that the City Manager is authorized to execute both documents, including all incorporated exhibits and subsidiary agreements.

13. RESOLUTION for Approval of Refund of Business Tangible Personal Property Tax and Business License Tax, totaling \$33,863.14

Commissioner of the Revenue Todd Divers presented the request, and on motion by Snook, seconded by Payne, Council voted 5-0 (Ayes: Fleisher, Oschrin, Payne, Snook, Wade; Noes: none) to approve the following resolution:

RESOLUTION AUTHORIZING A REFUND OF \$33,863.14 TO A TAXPAYING ENTITY OR BUSINESS, FOR BUSINESS LICENSE TAX AND BUSINESS TANGIBLE PERSONAL PROPERTY TAX PAID IN ERROR FOR 2023, 2024, AND 2025

WHEREAS, the Commissioner of the Revenue for the City of Charlottesville, Virginia (“COR”), has determined that a taxpaying entity or business paid 2023, 2024, and 2025 Business License Tax and Business Tangible Personal Property Tax to the City of Charlottesville, Virginia (“City”), in error; and

WHEREAS, that taxpaying entity or business has requested a refund of the amount paid in error; and

WHEREAS, the COR has certified that a refund of taxes paid is due in the amount of \$33,863.14; and

WHEREAS, City Code Sec. 30-6(b) requires City Council approval for any tax refund exceeding \$10,000.00.

NOW THEREFORE, BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that it hereby approves and adopts this Resolution authorizing the City Treasurer to issue a refund of \$33,863.14, plus a yet-to-be-determined amount of interest, payable to that taxpaying entity or business.

14. RESOLUTION Approving 2026 Homeowner Assistance Grant Program ("Program")

Commissioner of the Revenue Todd Divers presented the request and explained how people can apply for the program.

On motion by Payne, seconded by Fleisher, Council voted 5-0 (Ayes: Fleisher, Oschrein, Payne, Snook, Wade; Noes: none) to approve the following resolution:

RESOLUTION APPROPRIATING A GRANT OF PUBLIC FUNDS FOR HOUSING ASSISTANCE TO LOW-AND MODERATE-INCOME HOMEOWNERS WITHIN THE CITY OF CHARLOTTESVILLE, VIRGINIA

WHEREAS, pursuant to the provisions of Virginia Code § 63.2-314, the Council of the City of Charlottesville, Virginia ("City Council"), may offer public grants to its local Director of Social Services ("Director"), serving in their capacity as the "Local Board" under the provisions of Virginia Code § 63.2-304; and

WHEREAS, City Council desires to offer a grant of public funds during Fiscal Year 2027, to aid low- and moderate-income homeowners within the City who are affected by the rising costs of homeownership (which include mortgage payments, fees and taxes, insurance, utilities, maintenance, and repairs); and

WHEREAS, the average assessment of a single-family residential property within the City has risen by approximately 4.10% over the past year, and with rising inflation, transportation costs, and utility costs, many individuals, who have income significantly lower than the Charlottesville area median income, will experience significant financial stress and may need financial assistance to remain in their homes; and

WHEREAS, City Council hereby finds and determines that it is both necessary and desirable, to promote the general welfare of the City, and to promote the safety, health, comfort, and convenience of City inhabitants, to support the affordability of continuing homeownership by low- and moderate-income individuals; and

WHEREAS, public funding is available and has been appropriated within the City Budget for the proposed public grant, in the amounts set forth within this Resolution.

NOW, THEREFORE BE IT RESOLVED, by City Council that, effective July 1, 2026, and for calendar year 2026, a grant of public funds is hereby made to the Director, in their capacity as the "Local Board" of social services pursuant to Virginia Code § 63.2-304, to be used to provide housing assistance to City homeowners in need of such, as follows:

Expenditure

\$630,000 Fund: 105 Cost Center: 3343019000 G/L Account: 540065; and

BE IT FURTHER RESOLVED, that the Director is solely responsible for administration of this assistance fund, pursuant to the provisions of Virginia Code §§ 63.2-304 and 63.2-314, provided that the Director may enter into written agreements with the City Commissioner of Revenue, City Treasurer, and City Manager, as may be necessary to administer the fund; and

BE IT FINALLY RESOLVED, that it is the desire of City Council that this grant of public funds, hereafter to be referred to as the "Charlottesville Homeownership Assistance Program" ("CHAP"),

shall be provided to City homeowners in need of assistance due to rising costs of homeownership, in accordance with the following parameters:

2025 CHAP (Public Grant for Homeownership Assistance)				
Household		\$52,000	\$58,500	\$65,000

(1) Grantee must be a human being, own a home within the City, and must reside within the home. As of January 1, 2026, and as of the date an application is submitted, the Applicant must occupy that real estate as his/her sole residence and must intend to occupy that real estate throughout the remainder of calendar year 2026. An Applicant who is residing in a hospital, nursing home, convalescent home, or other facility for physical or mental care, shall be deemed to meet this condition, so long as the real estate is not being used by or leased to another for consideration. "Ownership" may be any of the following: (i) individually, or in conjunction with a spouse holding life rights; (ii) individually, or in conjunction with a spouse holding the power of revocation in a revocable *inter vivos* trust of which the home is an asset; or (iii) alone or in conjunction with a spouse who possesses a life estate, or an estate for joint lives, or a continuing right of use or support under the terms of an irrevocable trust of which the property is an asset.

(2) Most recent assessed value of the Grantee's home cannot exceed \$550,000 (this is the average assessed value in 2026 of taxable residential parcels, rounded to the nearest \$5,000).

(3) Grantee, Grantee's spouse, or any other owner residing in the home, cannot own any other interest in real estate, either within the City, or at any other location. This includes any real estate interest owned: (i) as an individual; (ii) as the beneficiary of a trust; (iii) as a member of an LLC; or (iv) by virtue of any other interest in a legal entity.

(4) Grantee must demonstrate evidence of Household Income within the limits established for calendar year 2026, as set forth above within this Resolution. "Household Income" means: (i) the adjusted gross income, as shown on the federal income tax return as of December 31 of the calendar year immediately preceding the taxable year; or (ii) for Applicants for whom no federal tax return is required to be filed, the income for the calendar year immediately preceding the taxable year of the Applicant and of any other relatives who reside in the Applicant's home, and any other person(s) who: (i) owns any interest in the home; and (ii) resides in the Applicant's home. The Director shall establish the Household Income of Applicants for whom no federal tax return is required through documentation satisfactory for audit purposes.

(5) This public grant shall be used only to assist individuals who are not receiving the real estate tax exemption or deferral provided under Chapter 30, Article IV, of the Charlottesville City Code (Real Estate Tax Relief for the Elderly and Disabled Persons) during 2026.

(6) Not more than one (1) grant shall be provided to any one (1) address.

15. RESOLUTION to Endorse the Location for the Swords Into Plowshares Project

Deputy City Manager James Freas presented the request, and Dr. Andrea Douglas, Executive Director of the Jefferson School African American Heritage Center (JSAAHC), answered questions from City Council.

The Swords Into Plowshares project, led by the JSAAHC, included three different proposals for new sculptures making use of the materials remaining after the deconstruction of the Robert E. Lee statue, to be placed in various City parkspaces. City Council was asked to endorse the use of City parkspace for this purpose in advance of the completion of the artist selection and final design process, after which City Council would make a decision as to whether to formally accept the resulting artwork into the City's public art collection. This endorsement does not bind the City Council to accepting the final art piece, but allows the design process to proceed with the understanding that the City is willing to consider incorporating sculptures into the parks endorsed by this resolution. Council approved by a vote of 5-0 (Ayes: Fleisher, Oschrein, Payne, Snook, Wade; Noes: none) the following resolution:

RESOLUTION To Endorse Locating the Swords Into Plowshares Project in City of Charlottesville Parkspace

WHEREAS in December, 2021 the Charlottesville City Council conveyed the Robert E. Lee statue to the Jefferson School African American Heritage Center in support of their Swords Into Plowshares proposal; and

WHEREAS the Swords into Plowshares proposal called for the statue to be melted down and then recast into a new memorial that would be shaped into a new memorial; and

WHEREAS the Jefferson School African American Heritage Center is considering three different artist/designer teams, which have presented three different visions of what a new memorial could be, and those proposals involve the potential for the use of multiple parks; and

WHEREAS the Charlottesville City Council will make a decision to accept or not the final art piece at the end of the Swords Into Plowshares community engagement and design process into the City's public art collection and any decision or guidance offered now is non-binding on that future decision;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, to tentatively endorse the use of the following listed parks for the purposes of locating aspects of the Swords Into Plowshares memorial:

1. Market Street Park;
2. Court Square Park
3. Booker T Washington

Be it further resolved that this resolution does not bind the City to accept any piece of art into the City's collection or to permit the use of City property for the purposes of displaying art submitted for consideration by Swords Into Plowshares, the Jefferson School African American Heritage Center, or any other organization or individual.

COMMUNITY MATTERS (2)

Mayor Wade opened the floor for comments from the public.

- Robin Hoffman, city resident, spoke about seeing the increasing number of tents along the Rivanna Trail and smelling smoke from her home. She expressed concern about fire danger and a recent fire involving a tent along the Rivanna Trail. She asked that Council set boundaries for open burning.

On motion by Snook, seconded by Payne, by acclamation Council adjourned the meeting at 8:57 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

DRAFT



CHARLOTTESVILLE CITY COUNCIL MEETING MINUTES
June 1, 2026 at 4:00 PM
Council Chamber

The Charlottesville City Council met on Monday, June 1, 2026. Mayor Juandiego Wade called the meeting to order and Deputy Clerk of Council Maxicelia Robinson called the roll, noting all councilors present: Mayor Juandiego Wade, Vice Mayor Natalie Oschrein and Councilors Jen Fleisher, Michael Payne, and Lloyd Snook.

On motion by Payne, seconded by Snook, Council unanimously adopted the meeting agenda.

REPORTS

1. REPORT: Investing in Community

City Manager Sam Sanders introduced the presentation, which provided City Council with an overview of the City's community investment grant programs, compliance efforts, and the Vibrant Community Fund (VCF). Taylor Harvey Ryan, Grants Program Manager, reviewed the various grant programs, including Intergovernmental Contractual Agreements, Fundamental Organizations, VCF, the Charlottesville Affordable Housing Fund, Housing Operations Program Support, CDBG, HOME, and the Small Business Energy Efficiency Incentive Grant Program. She also outlined updates to grant administration, including the implementation of Neighborly Software, revised application timelines, and a new compliance framework involving grant agreements, quarterly reporting, outcome monitoring, site visits, and technical assistance.

Reggie Allen, Human Services Planner, provided an update on the VCF and proposed changes to its monitoring and site visit process. He explained that the previous \$75,000 funding threshold would be removed in favor of a more targeted, risk-based approach considering program performance, compliance history, organizational changes, and the needs of new or emerging organizations. Staff also highlighted efforts to improve the VCF process through diverse community reviewer recruitment, applicant support, technical assistance, and ongoing evaluation, with the goal of creating a more equitable and strategic grant administration process.

Staff discussed challenges facing VCF, particularly the significant gap between funding requests and available resources and the difficulties associated with partial awards. Potential improvements included narrowing funding priorities, restructuring arts and cultural event funding, encouraging collaborative applications, and placing greater emphasis on measurable community outcomes. City Manager Sanders discussed a potential future structure in which arts organizations would be evaluated through a dedicated arts-focused process and community events through a separate community enrichment process, allowing VCF to focus more directly on programs, safety-net services, and strategic community priorities. Staff emphasized that significant changes would not be implemented until FY29 and that nonprofit partners will receive advance communication about major program changes.

Council expressed interest in exploring a more strategic and outcomes-focused approach to VCF while maintaining access for diverse and emerging organizations and recognizing the essential services provided by fundamental organizations. Council discussed potential models, including multi-year grants tied to specific outcomes, collective impact initiatives with shared goals and performance measures, a smaller innovation fund for emerging organizations, and incentives for collaboration or leveraging outside funding. Councilor Jen Fleisher also suggested considering the City's broader investment in organizations, including facility or space rental assistance, when evaluating funding requests. Staff will continue evaluating short-term improvements and potential long-term restructuring options and return to Council

for further discussion. City Manager Sanders indicated that staff will provide existing partners with advance notice of potential restructuring and changes to the various programs.

2. REPORT: Participatory Budgeting

City Manager Sam Sanders introduced a discussion on the potential implementation of a participatory budgeting (PB) process in Charlottesville. He explained that PB could increase resident engagement, strengthen trust in local government, and give residents a direct role in identifying projects for City funding. Staff also reviewed the City's FY19 PB pilot, during which Council allocated \$100,000 for the process, although the pilot was ultimately not implemented.

Staff explained that PB would allow residents to submit ideas, assist in developing project proposals, and vote on projects to receive funding. A community and staff steering committee would oversee the process. Potential projects could include capital improvements and community enhancement initiatives, such as neighborhood improvements, beautification, playgrounds, lighting, and other quality-of-life projects that could be completed within approximately 8 to 12 months.

Staff outlined a potential process beginning with community education and idea collection, followed by proposal development, voting, and project implementation. The earliest potential implementation would be FY28, depending on funding decisions, program design, and whether the City administers the process internally or contracts with an outside facilitator. Council discussed PB as a potential tool for reaching residents who may not traditionally participate in City processes and emphasized the importance of transparency, outreach, and ensuring projects reflect community priorities.

Councilor Michael Payne suggested starting with a demonstration project, noting that an initial allocation of approximately \$100,000 could provide an opportunity to test and refine the process while investing in community engagement. Council reached consensus to continue exploring a participatory budgeting cycle. Staff will develop implementation options addressing potential funding levels, program structure, community engagement strategies, and associated costs.

CLOSED MEETING

On motion by Oschrein, seconded by Payne, Council voted 5-0 (Ayes: Fleisher, Oschrein, Payne, Snook, Wade; Noes: none) to meet in closed session pursuant to Virginia Code Section 2.2-3711(A)(1) for discussion and consideration of prospective candidates for the Charlottesville Redevelopment and Housing Authority Board.

On motion by Oschrein, seconded by Snook, Council certified by the following vote: 5-0 (Ayes: Fleisher, Oschrein, Payne, Snook, Wade; 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.

BUSINESS SESSION

City Council began the business meeting by observing a moment of silence.

ANNOUNCEMENTS

Councilor Payne announced that Charlottesville is accepting applications for vacancies on City boards and commissions. Anyone interested in learning more or applying for any of the available positions can

visit boards@charlottesville.gov. The deadline to apply is August 1, except for the Charlottesville Redevelopment and Housing Authority Board, which has an application deadline of June 1.

RECOGNITIONS/PROCLAMATIONS

Vice Mayor Oschrein recognized Charlottesville for winning Bike Month competitions. The City of Charlottesville won the competition for the locality with the most logged bike rides, hosted by the Virginia Department of Rail and Public Transportation (DRPT), beating Richmond, Roanoke, and Virginia Beach. Charlottesville also won the 2026 Bike Month Business Challenge in the company-to-company category.

Mayor Wade and Councilor Snook announced that they attended the dedication of Mel's Way, in memory of Melvin Eugene Walker, the owner and chef of Mel's Diner, a soul food restaurant located on West Main Street for nearly 40 years. Mayor Wade and Councilor Snook presented a proclamation honoring Mr. Walker's contributions to the Charlottesville community during the dedication ceremony.

Council members acknowledged the passing of Charlottesville resident Dr. Florence Bryant at the age of 104 and recognized her achievements and contributions to the Charlottesville community. Her funeral service will be held on Wednesday, June 3, 2026. Vice Mayor Oschrein also announced that the Eddie Harris Sr. Park bench dedication ceremony will be held on Friday, July 31, at 10:00 a.m. at Washington Park. Eddie Harris was a community advocate, mentor, and founder of *Vinegar Hill* magazine.

COMMUNITY MATTERS

Mayor Wade opened the floor for comments from the public and the following individuals spoke:

1. Laura Sirgany advocated for local government to take greater action to provide additional support and resources to individuals experiencing homelessness at the Rivanna homeless encampment.
2. Jan Webb, a representative of the Love Thy Neighbor Coalition (LTN), a local interfaith coalition formed in response to concerns about immigration enforcement practices, shared a statement endorsed by LTN condemning harmful immigration practices. She petitioned City Council to help protect immigrants and ensure their fair treatment regarding immigration enforcement.
3. Alicia Lenahan expressed her opposition to City Council's votes approving UVA luxury student housing and raised concerns about the potential impact of the developments on residents in the historic neighborhoods where the developments will be located.
4. Speaker did not provide their name. They expressed concerns that over-policing practices in the City of Charlottesville have contributed to an increase in the number of individuals experiencing homelessness who occupy homeless encampments within the City.
5. Sadhbh O'Flynn, a representative of the local organization Community Climate Collaborative (C3), petitioned City Council to decline a one-year contract for the purchase of carbon offsets from British Petroleum (BP), citing concerns about the types of projects toward which BP has allocated City funds during the past year. She proceeded to identify several projects that City funds helped support.
6. Letricia Giles, Executive Director of the Public Housing Association of Residents (PHAR), expressed concerns regarding housing density in Charlottesville, fairness, and who is being asked to bear the burden of growth in the City.

7. Josh asked the City to provide resources, including bathrooms, water, dumpsters, and fire extinguishers, at the Rivanna homeless encampments for individuals residing there.
8. Emily Kingsley shared her thoughts regarding the treatment of individuals experiencing homelessness throughout the City. She encouraged the City to take a greater role in supporting individuals residing at the encampment.
9. Joshua Ballou spoke about his personal experiences with homelessness in Charlottesville.
10. Maria spoke about her recent experience assisting a local refugee family in avoiding eviction from their home. She stated that local organizations were unable to assist the family, requiring her to seek donations from community members to prevent the eviction. She asked City Council to support additional affordable housing in the City.

CONSENT AGENDA

Deputy Clerk of Council Maxicelia Robinson read the following Consent Agenda items into the record, and on motion by Oschrin, seconded by Payne, Council by a vote of 5-0 adopted the Consent Agenda: (Ayes: Fleisher, Oschrin, Payne, Snook, Wade; Noes: none).

3. Ordinance repealing Sections 3-1 and 3-2 of Chapter 3, Amusements, of the Code of the City of Charlottesville, and Reserving Chapter 3 for future use (2nd reading)

ORDINANCE REPEALING SECTIONS 3-1 AND 3-2 OF CHAPTER 3, AMUSEMENTS, OF THE CODE OF THE CITY OF CHARLOTTESVILLE, AND RESERVING CHAPTER 3 FOR FUTURE USE

WHEREAS the City Council has directed and supported an ongoing review of the Code of the City of Charlottesville to identify provisions that are obsolete, unnecessary, outdated, or inconsistent with current City operations; and

WHEREAS Chapter 3 of the City Code, titled “Amusements,” contains two operative provisions: Section 3-1, regarding minors employed in or frequenting poolrooms or billiard saloons, and Section 3-2, regarding deposits required for carnivals and similar exhibitions; and

WHEREAS these provisions are antiquated and are no longer necessary for the City’s current regulatory, public safety, business licensing, or event permitting operations; and

WHEREAS the City retains other legal and administrative tools to address business licensing, public safety, special events, use of public property, and related matters; and

WHEREAS City Council finds that repealing these obsolete provisions will simplify the City Code and better align it with current City operations, while reserving Chapter 3 for potential future use;

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

1. Sections 3-1 and 3-2 of Chapter 3 of the Code of the City of Charlottesville, Virginia, 1990, as amended, are hereby repealed, and Chapter 3 is reserved as follows:

Chapter 3

AMUSEMENTS

Secs. 3-1—3-25. Reserved.

Article II. Reserved.

2. all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

3. this ordinance shall be effective upon adoption.

4. Resolution to Authorize Donation of Easements in City-owned land to the Virginia Department of Transportation for the Route 250 and Route 20 Intersection and Corridor Improvements Project

**RESOLUTION AUTHORIZING DONATION OF EASEMENTS TO THE VIRGINIA
DEPARTMENT OF TRANSPORTATION**

WHEREAS the Virginia Department of Transportation (“VDOT”) will be constructing and maintaining the proposed Route 250 and Route 20 Intersection and Corridor Improvements Project along Free Bridge Lane along Rivanna River in Albemarle County, Virginia, identified as Project No. 0250-002-030, RW-201, UPC No. 123044 (“Project”), to include installation of drainage structures, which will necessitate the acquisition of certain easements for construction of the Project improvements; and

WHEREAS the donation of land owned by the City of Charlottesville, Virginia (“City”), to another public entity (VDOT) for a transportation project, per Virginia Code § 15.2-1800(B)(ii), is exempt from the usual legally required Public Hearing before the proposed land donation; and

WHEREAS VDOT has requested the City donate the easements identified on the Project’s preliminary plans submitted to the City, specifically being Permanent Easements and Temporary Construction Easements for drainage improvements and related improvements, which will be effective until the completion of the Project; and

WHEREAS City Staff has determined that the donation of the requested easements is in the best interests of the City and its citizens.

NOW THEREFORE BE IT RESOLVED that the Council of the City of Charlottesville, Virginia, hereby approves VDOT’s request to donate the necessary easements, subject to submission of final plans for the Project by VDOT; and

BE IT FURTHER RESOLVED THAT the City Manager is hereby authorized and instructed to execute on behalf of the City the instrument donating the requested easements, when such instrument is prepared and presented by VDOT, subject to the same being approved as to form by the City Attorney, or his designee; and

BE IT ALSO RESOLVED THAT this Resolution shall take effect immediately; and

BE IT FINALLY RESOLVED THAT a copy of this Resolution be filed with the papers of this Meeting.

5. Resolution to Authorize Donation of City Right-of-Way to the Virginia Department of Transportation for the Construction of a Roundabout at Route 631 and John Warner Parkway

**RESOLUTION AUTHORIZING DONATION OF EASEMENTS TO THE VIRGINIA
DEPARTMENT OF TRANSPORTATION**

WHEREAS the Virginia Department of Transportation (“VDOT”) will be constructing and maintaining the proposed Rouse 250 and Route 20 Intersection and Corridor Improvements Project along Free Bridge Lane along Rivanna River in Albemarle County, Virginia, identified as Project No. 0250-002-030, RW-201, UPC No. 123044 (“Project”), to include installation of drainage structures, which will necessitate the acquisition of certain easements for construction of the Project improvements; and

WHEREAS the donation of land owned by the City of Charlottesville, Virginia (“City”), to another public entity (VDOT) for a transportation project, per Virginia Code § 15.2-1800(B)(ii), is exempt from the usual legally required Public Hearing before the proposed land donation; and

WHEREAS VDOT has requested the City donate the easements identified on the Project’s preliminary plans submitted to the City, specifically being Permanent Easements and Temporary Construction Easements for drainage improvements and related improvements, which will be effective until the completion of the Project; and

WHEREAS City Staff has determined that the donation of the requested easements is in the best interests of the City and its citizens.

NOW THEREFORE BE IT RESOLVED that the Council of the City of Charlottesville, Virginia, hereby approves VDOT’s request to donate the necessary easements, subject to submission of final plans for the Project by VDOT; and

BE IT FURTHER RESOLVED THAT the City Manager is hereby authorized and instructed to execute on behalf of the City the instrument donating the requested easements, when such instrument is prepared and presented by VDOT, subject to the same being approved as to form by the City Attorney, or his designee; and

BE IT ALSO RESOLVED THAT this Resolution shall take effect immediately; and

BE IT FINALLY RESOLVED THAT a copy of this Resolution be filed with the papers of this Meeting.

6. Resolution to Appropriate \$356,805 in Additional Funds to the Streets and Sidewalks Division Operating Budget (layover)

7. Resolution to Authorize Reallocation of \$6,300 of Previously Appropriated Funding to Social and Environmental Entrepreneurs (SEE) for FY 2027

RESOLUTION

**To Authorize Reallocation of \$6,300 of Previously Appropriated Funding to Social and
Environmental Entrepreneurs (SEE) for FY 2027**

WHEREAS, the City of Charlottesville the previously allocated Vibrant Community Funding awarded to SEE was not the correct amount based on the scoring matrix; and

WHEREAS, the FY 2027 budget already appropriated \$5,191 in unallocated VCF funds and \$1,109 in unallocated Citywide Reserve funds;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville that previously appropriated funding is hereby reallocated in the following manner to correct the mistake:

Transfer From:

\$5,191	Fund: 105	Cost Center: 9743056000	G/L Account: 540100
\$1,109	Fund: 105	Cost Center: 1631001000	G/L Account: 599999

Transfer To:

\$6,300	Fund: 105	Cost Center: 97430456000	G/L Account: 540100
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8. Resolution to appropriate Virginia Department of Criminal Justice Services Victims of Crime Act Grant Award FY26 - \$123,600 (layover)

9. Resolution to appropriate the Virginia Department of Social Services Family Assistance Management (FAM) grant in the amount of \$20,000 (layover)

CITY MANAGER REPORT

CY25 Human Rights Annual Report

Todd Niemeier, Director of the Office of Human Rights, presented the CY25 Human Rights Annual Report. Heather Robertson Gaston, Chair of the Human Rights Commission (HRC), explained that the Commission selects a focus area each year. The 2025 focus was housing access and stability across protected classes and economic status; the current focus has broadened to economic stability across protected classes because housing assistance alone does not address income and wealth inequality. The Commission is expanding outreach to stakeholders and service providers to better understand community needs and identify potential City-level solutions. Staff noted that mental health and the lack of mental health supports were among the most frequently identified concerns during recent stakeholder outreach. The Commission also expressed interest in strengthening communication with City Council regarding community needs and recommendations.

Mr. Niemeier provided an update on federal barriers affecting the City's human rights work. The City's application for participation in a federal Fair Housing Assistance Program was denied because the City's ordinance includes protections for gender identity and sexual orientation. Federal officials also indicated a preference for working with state-level agencies rather than localities. The City has not pursued a Fair Employment Practices Agency work-share arrangement while it evaluates federal trends and whether participation would be in the City's best interest. Mr. Niemeier noted that the City has the infrastructure to perform the work but is not currently being given the opportunity through the federal programs.

Development Services Update

Deputy City Manager James Freas provided an update on delays in building inspections and plan review, citing high permit activity, several large projects, the loss of two building inspectors, and extended employee leave. The City previously created a residential plan review position but has been unable to fill it and recently increased its pay. The City also secured two on-call companies for inspection and plan review services, although certification remains pending, and one additional plan reviewer was expected to begin work that week. Mr. Freas emphasized that inspections and plan review are essential to public

safety and economic development. Following a meeting with approximately 60–80 members of the building community, the City plans to expand third-party inspections, continue monitoring activity, and consider additional resources during the upcoming budget process. Councilor Payne supported third-party inspections and encouraged a flexible, solutions-oriented approach to code enforcement while maintaining legal and safety requirements.

Homeless Services Update

City Manager Sam Sanders provided an update on homeless services and emphasized the importance of coordination. The Community Foundation is working with the Continuum of Care to develop an operations plan for Holiday Drive and coordinate with City staff. The City remains focused on encampment protocols, staffing, internal coordination, and leadership alignment while working to provide services to individuals experiencing homelessness. City Manager Sanders reiterated that individuals located closest to the river cannot remain there and that the City is working toward a managed process because the current situation is not sustainable long term. He also planned to meet with Holiday Drive business owners and People and Congregations Engaged in Ministry (PACEM) regarding the potential opening of an overnight shelter at Holiday Drive and PACEM's budget needs.

Councilor Snook asked about providing portable toilets at the Rivanna River encampment. City Manager Sanders explained that the City has been unable to place and service a portable toilet because adjacent property owners have not permitted access to the site. The Rivanna River Company has expressed willingness to support portable toilets, and the City is exploring that option. Mr. Sanders noted, however, that other requests for resources must be considered in light of the City's position that the river encampment cannot remain in place and that providing resources that facilitate continued occupancy would not align with the City's current approach.

ACTION ITEMS

10. Public Hearing and Ordinance to Amend and Reordain City Code Chapter 31 (Utilities) to Establish New Utility Rates and Service Fees for City Gas, Water, and Sanitary Sewer (layover)

Jason McIlwhee, Deputy Director of Utilities, and Chris Cullinan, Director of Finance, presented the FY27 Utility Rate Report, highlighting utility infrastructure, reliability, water quality, energy-efficiency programs, and proposed rate changes. Staff noted that the proposed rates would increase the average customer's monthly utility costs by approximately \$9.54, including a \$5 combined monthly service-charge increase for typical water and wastewater customers, while natural gas rates are expected to decrease slightly due to lower gas prices and approximately \$600,000 in rate-case credits. Staff also discussed utility assistance programs and ongoing infrastructure improvements. Council discussed the approximately \$300,000 allocated for carbon offsets, with staff recommending continuation of the BP program for one year while local alternatives are studied.

Mayor Wade opened the public hearing.

1. Sadhbh O'Flynn of the Community Climate Collaborative urged Council to reconsider the City's use of carbon offsets. She raised concerns about the quality and impact of some previously purchased offsets and encouraged Council to allocate for offsets toward local initiatives such as residential weatherization and local energy efficiency partners.

Mayor Wade closed the public hearing.

Council discussed pausing the City's participation in the BP carbon-offset program and potentially redirecting the funds to local organizations supporting carbon reduction. City Attorney Maddux will consult with Utilities Department and advise Council whether the proposed utility rate can be lowered and

adopted at the next Council meeting or requires additional approval.

11. Public Hearing and Ordinance to Amend and Reordain Chapter 31 (Utilities) of the Code of the City of Charlottesville, 1990, as Amended, to Establish a Connection Fee for New Gas Service (layover)

Jason McIlwhee, Deputy Director of Utilities, proposed increasing the residential natural gas connection fee from \$340 to \$1,950, effective January 1, 2027, for installations up to 150 feet. The change reflects the actual cost of providing the service, including labor and other costs identified through a consultant's review. Customers would continue to pay the full installation cost for connections exceeding 150 feet. Council expressed support for adjusting the fee to better reflect the City's actual costs.

Mayor Wade opened the public hearing.

1. Sadhbh O'Flynn of the Community Climate Collaborative welcomed the proposed increase in the gas connection fee, noting the change as a way to better communicate the actual costs of connecting to fossil fuel infrastructure.

Mayor Wade closed the public hearing.

Council agreed to carry the ordinance to the June 15 meeting for a second reading and vote.

12. Resolution to Appropriate \$2,076,696.00 in additional funding from the Virginia Office of Children's Services to support at-risk children and families (layover)

Leon Henry, Director of Social Services, requested an additional \$2,076,696 in Children's Services Act (CSA) funding to address increased costs associated with foster care, prevention services, and special education programs. The request includes \$423,546 from the City and \$133,147 from the school system, with the remainder from federal/state funds. Mr. Henry noted that the number of children in foster care has increased from 48 to approximately 105 over the past three years, while substantiated referrals also rose significantly. Increased needs related to mental health, substance use, domestic violence, housing instability, and poverty have increased demand for services, including kinship support, counseling, transportation, housing assistance, and other resources intended to prevent children from entering foster care. He also highlighted anticipated impacts from changes to SNAP and Medicaid eligibility and emphasized that CSA funding decisions are made collaboratively with schools, community partners, and Family Assessment and Planning Team (FAPT) teams to stabilize families and meet children's needs.

Council agreed to carry the resolution to the June 15 meeting for a second reading and vote.

13. Resolution to Return \$1,848,424 to the General Fund and Appropriate an Additional Transfer of \$423,546 to the Children Services Act Fund (layover)

Chris Cullinan, Director of Finance, explained that the resolution would true up the financial relationship between the General Fund and the Children's Services Act (CSA) Fund. Funds transferred to the CSA Fund in FY25 exceeded actual costs, leaving a balance that would be returned to the General Fund. The resolution would also appropriate \$423,546 to the CSA Fund to cover current-year needs, with the remaining \$1,848,424 returned to the General Fund.

Council agreed to carry the resolution to the June 15 meeting for a second reading and vote.

14. Resolution Appropriating funding from the Federal Transit Administration and the Virginia Department of Rail and Public Transportation supporting multiple Charlottesville Area Transit capital projects - \$16,846,224 (layover)

Garland Williams, Director of Charlottesville Area Transit (CAT), presented a \$16.85 million appropriation in federal and state transit funding for FY25 and FY26, which will support battery-electric buses, diesel buses, charging infrastructure, and upgrades to CAT's automatic vehicle locator system. Due to the loss of federal funding for zero-emission buses and significant cost increases, CAT has pivoted toward purchasing diesel buses while continuing to expand its battery-electric fleet and evaluate future alternatives. Council discussed the potential role of hybrid buses, with staff noting that newer hybrids have received positive feedback but cost only about \$100,000 less than battery-electric buses. The first battery-electric buses are expected to arrive soon, with additional buses and diesel buses anticipated in 2027–2028.

Council agreed to carry the resolution to the June 15 meeting for a second reading and vote.

COMMUNITY MATTERS (2)

Mayor Wade opened the floor for comments from the public. With no speakers coming forward, Mayor Wade closed Community Matters (2).

Vice Mayor Oschrein acknowledged that June is Pride Month.

ADJOURNMENT

On motion by Snook, seconded by Oschrein, Council by unanimous consent adjourned the meeting at 9:24 p.m.

BY Order of City Council

BY Maxicelia Robinson, Deputy Clerk of Council



**CHARLOTTESVILLE CITY COUNCIL
SPECIAL MEETING MINUTES
City Council / School Board Joint Work Session
August 12, 2026, at 5:00 p.m.
CitySpace, 100 Fifth St NE, Charlottesville, VA**

The Charlottesville City Council and Charlottesville City School Board convened for a joint work session to discuss school funding, the FY 2026–2027 budget, and school facilities.

CALL TO ORDER

The Charlottesville City Council special meeting was called to order at 5:00 p.m., with all members present: Mayor Juandiego Wade, Vice Mayor Natalie Oschrein, and Councilors Jen Fleisher, Michael Payne and Lloyd Snook.

The Charlottesville City School Board special meeting was called to order following City Council action on a business item.

A quorum of both governing bodies was present and each body approved of the meeting agenda.

ACTION ITEM

- 1. RESOLUTION to Appropriate \$234,000 to the Citywide Reserve and for the approval to use an amount not to exceed \$206,993.23 for the Repayment of Local Match Funds to the Department of Justice for the Charlottesville/Albemarle Family Drug Court**

Taylor Harvey-Ryan, Grants Manager for the City of Charlottesville, summarized the request, and on motion by Oschrein, seconded by Fleisher, Council voted 5-0 to approve the following resolution:

RESOLUTION

To Appropriate \$234,000 to the Citywide Reserve and Grant the City Manager Approval to Use an Amount Not to exceed \$206,993.23 for the Repayment of Local Match Funds to the Department of Justice for the Charlottesville/ Albemarle Family Drug Court

WHEREAS, the City of Charlottesville plans to reclaim \$234,000 previously allocated to the Blue Ridge Coalition for Homelessness (BRACH) for Permanent Supportive Housing Supports that were not expended as they secured funding from the U.S. Department of Housing and Urban Development (HUD) in FY2026; and

WHEREAS, the City of Charlottesville served as the fiscal agent for the Charlottesville/ Albemarle Family Drug Court Program and received a grant from the Department of Justice in the amount of \$827,973.00 for which there was a required match of 25%: and

WHEREAS, the City of Charlottesville has received notice from the Department of Justice of a required repayment of the 25% match for the Charlottesville/ Albemarle Family Drug Court totaling \$206,993.23;

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

1. Funds in the amount of \$234,000 be appropriated to the Citywide Reserve account and allocated as follows:

Revenue:

\$ 234,000 Fund: 105 WBS: 1631001000 G/L Account: 451050

Expense:

\$ 234,000 Fund: 105 WBS: 9783004000 G/L Account: 599999

2. The City Manager is authorized to pay an amount not to exceed \$260,993.23 for the Repayment of Local Match Funds to the Department of Justice in connection with a previously awarded grant for the Charlottesville/Albemarle Family Drug Court Program.

JOINT MEETING**FY 2026–2027 School Budget**

The School Division provided an update on the FY 2026–2027 budget following adoption of the final State budget. Charlottesville City Schools received approximately \$318,847 in additional State revenue, primarily resulting from updated state sales tax and lottery proceeds projections.

The discussion focused on the City's \$2 million school operating contingency and the provision to share additional state revenue between the City and School Division. School Board members expressed concerns about the process used to establish the contingency line item and emphasized the importance of communication and collaboration between the two governing bodies.

City staff explained that the contingency was established because the City adopted its budget before the final State budget was available. Staff emphasized that the contingency was not created because of concerns regarding the School Division's financial management.

Both bodies agreed on the importance of improving communication during future budget cycles.

2. School Funding Formula

Council and School Board members discussed the City's existing school funding formula, including the 40% formula based on new property-tax revenue. Members expressed concerns that the current formula does not provide sufficient predictability or necessarily reflect the School Division's actual needs. Participants discussed the growing costs associated with enrollment, employee compensation, student needs, facility maintenance, and educational programming.

There was general agreement that the funding formula should be reviewed and potentially revised through a collaborative process involving City and School Division staff and elected officials. A December 2026 joint discussion was proposed to begin this work and to provide an earlier opportunity to discuss the next budget cycle.

3. FY 2026–2027 Expenditures

The School Division presented several proposed budget adjustments, including:

- Converting six part-time bus-driver positions to full-time positions to address transportation staffing needs;
- Conducting a pupil transportation study;

- Providing an additional 2% salary increase for administrative staff, bringing the total increase to 5%; and
- Appropriating funds associated with collective bargaining agreements.

The proposed adjustments would result in a net increase of approximately \$159,423 to the School Division's budget. Council was expected to consider the associated appropriation at a subsequent meeting.

4. School Facilities and Capital Needs

The School Division presented an overview of the age and condition of City school facilities. The average age of the City's school buildings is approximately 63–64 years, with several facilities requiring significant modernization.

Charlottesville High School, Greenbrier Elementary School, and Jackson-Via Elementary School were identified as current facility priorities. Staff and school personnel described numerous facility challenges, including:

- Aging infrastructure and plumbing;
- Restroom and ventilation concerns;
- Inadequate instructional and cafeteria space;
- Water intrusion and maintenance issues;
- Limited athletic and multipurpose space; and
- Facilities that do not adequately support current instructional practices and career-connected learning.

The discussion emphasized that facility conditions affect both the physical learning environment and the School Division's ability to expand educational and career pathways for students.

5. School Facilities Referendum

Council and School Board members discussed the proposed 1% sales-tax referendum and the importance of community education and engagement.

Participants emphasized the need for clear, consistent information regarding the purpose and potential benefits of the referendum. Three principal themes emerged:

1. Safe and secure schools;
2. Modern learning environments; and
3. Facilities that help students become life-ready graduates.

Members discussed opportunities for community meetings, surveys, neighborhood outreach, media engagement, and other forms of public participation.

The bodies also discussed the distinction between educating the public about the need for the referendum and determining which specific projects would ultimately be funded.

Follow-up Items

The following areas were identified for continued work:

- Develop a joint process or committee to examine and potentially revise the City's school funding formula.
- Prepare for a December 2026 discussion concerning the school funding formula and the upcoming budget cycle.
- Provide historical information regarding the performance of the existing funding formula, including comparisons between projected and actual funding.
- Continue planning for a pupil transportation study.
- Complete the administrator compensation study, anticipated in October or November 2026.
- Continue coordinated public education and engagement regarding the 1% sales-tax referendum.
- Develop consistent City Council and School Board talking points regarding school facility needs and the referendum.
- Continue evaluating and prioritizing school facility capital needs, recognizing the funding limitations associated with the Early Learning Center and other major projects.

ADJOURNMENT

There being no further business, City Council adjourned first at 7:38 p.m., followed by the School Board, which also adjourned at 7:38 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

Policy Briefing Summary

City Council



Regarding:	Resolution to Appropriate funds for the Virginia Behavioral Health Docket Grant - \$78,150.00 (2nd reading)
Staff Contact(s):	Taylor Harvey-Ryan, Grants Program Manager
Presenter:	Spenser Kennedy, OAR
Date of Proposed Action:	September 8, 2026

Issue

The City has received a grant in the amount of \$78,150 from the Supreme Court of Virginia Behavioral Health Docket Grant to support the Albemarle/Charlottesville Therapeutic Docket program.

Background / Rule

The City of Charlottesville, on behalf of the Albemarle-Charlottesville Therapeutic Docket program, has received a Supreme Court of Virginia Behavioral Health Docket Grant for \$78,150.00 for operations of the therapeutic docket program, which is operated by Offender Aid and Restoration (OAR). The City of Charlottesville serves as fiscal agent for the Supreme Court of Virginia Behavioral Health Docket Grant.

Analysis

In its seventh year of operation, the Albemarle-Charlottesville Therapeutic Docket program is a supervised 9 to 12 month treatment program that serves as an alternative to incarceration for offenders. The Therapeutic Docket is a specialized docket within the existing structure of the court system given the responsibility to handle cases involving adult misdemeanor offenders who suffer from serious mental illness. The program uses the power of the court to assist offenders to achieve wellness and recovery through a combined system of intensive supervision, medication management, mental health treatment, and regular court appearances.

The total program budget is \$357,660.00 and includes three funding sources:

Supreme Court of VA - \$78,150.00

City of Charlottesville: \$139,755.00, which has already been appropriated

Albemarle County: \$139,755.00, which has already been appropriated

Financial Impact

No additional City funding is required as the City's match for this grant, \$139,755.00, was appropriated as part of the FY 2027 Council Approved Budget as part of the City's contribution to Offender Aid and Restoration.

Recommendation

Staff recommends the appropriation of the grant funds.

Recommended Motion (if Applicable)

I move to approve the resolution to appropriate the funding for Virginia Behaviorla Health Docket Grant from the Supreme Court of Virginia Behavioral Health Docket Grant.

Attachments

1. FY27 Appropriation Therapeutic Docket Resolution

APPROPRIATION
Albemarle-Charlottesville Therapeutic Docket Grant Award
\$78,150.00

WHEREAS, the Supreme Court of Virginia awarded the Supreme Court of Virginia Recovery Court Docket Grant in the amount of \$78,150.00 for the Charlottesville/Albemarle Recovery Court in order to fund salaries, benefits, and operating expenses; and

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

WHEREAS, the City of Charlottesville and Albemarle County both have dedicated local matches to this grant, totaling \$279,510.00; and

WHEREAS, the grant award covers the period July 1, 2026 through June 30, 2027.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, which the sum of \$78,150.00, received as a grant from the Supreme Court of Virginia, is hereby appropriated in the following manner:

Revenues

\$78,150.00 Fund: 209 Internal Order: 1900717 G/L Account: 430110

Expenditures

\$78,150.00 Fund: 209 Internal Order: 1900717 G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$78,150.00 from the Supreme Court of Virginia.

Policy Briefing Summary

City Council



Regarding:	Resolution to Appropriate Virginia State Police FY 27 HEAT Equipment Reimbursement Funding - \$10,000 (2nd reading)
Staff Contact(s):	Holly Bittle, Management Analyst III, Taylor Harvey-Ryan, Grants Program Manager
Presenter:	Michael Kochis, Police Chief
Date of Proposed Action:	September 8, 2026

Issue

The Virginia Department of State Police's Help Eliminate Auto Theft ("HEAT") Program reimburses Virginia law enforcement agencies for equipment, training, software, or recurring costs to combat the theft of vehicles and vehicle parts in their respective jurisdictions. The Charlottesville Police Department ("CPD") was awarded \$10,000.00 for FY 2027 through the HEAT program to reimburse the City of Charlottesville for its annual subscription fees for the BERLA system, the purchase of a SyncLair software license, and funds for new user training and continuing education for the BERLA system.

The BERLA system combined with the SyncLair software in addition to other interventions, is expected to continue to help CPD to reduce the number of vehicle thefts in calendar years 2026 and 2027.

Background / Rule

The Charlottesville Police Department (CPD) is a current subscriber to BERLA Toolkit software, which gives CPD the ability to perform forensic downloads from stolen vehicle computer systems to collect detailed evidence to more effectively prosecute stolen vehicle cases. The addition of the SyncLair software will allow detectives to upload BERLA downloads and cell phone records to map where vehicles have traveled after being stolen. This will provide more insight into who is stealing vehicles and where they take them.

In an effort to reduce regional vehicle thefts, CPD has been able to give access to its BERLA system to other Virginia Law Enforcement agencies to help neighboring jurisdictions investigate their local vehicle theft cases.

Over the past three years, CPD has seen an overall decrease in motor vehicle thefts. Years 2023, 2024, and 2025 saw vehicle theft numbers of 172, 125, and 142 respectively. This grant is expected to help CPD continue to see the number of vehicle thefts stabilize or decrease after seeing a slight increase last year.

Analysis

Appropriation of these funds is expected to help CPD continue to reduce the number of vehicle thefts by providing funding for its annual subscription fees for the BERLA system, the purchase of SyncLair software, and funds for new user training and continuing education for the BERLA system outside of its annual FY 2027 appropriated General Fund operating budget.

Financial Impact

This will not impact the General Fund. No matching funds are required.

Recommendation

Staff recommends approval and appropriation of this funding.

Recommended Motion (if Applicable)**Attachments**

1. Resolution - FY 27 HEAT Grant Appropriation



#R-__-__

RESOLUTION APPROPRIATING FUNDS FOR FY 2027 HELP ELIMINATE AUTO THEFT (HEAT) EQUIPMENT REIMBURSEMENT PROGRAM \$10,000.00

WHEREAS, the City of Charlottesville, through the Police Department, has received a grant from the Virginia Department of State Police's Help Eliminate Auto Theft (HEAT) Program in the amount of \$10,000.00 to be used for sending investigators and/or officers who investigate auto theft-related crimes to training for the BERLA Toolkit, to pay the FY 2027 annual fees for the BERLA Toolkit, and to purchase a SyncLair software license.

WHEREAS, the grant award covers the period of July 1, 2026, through May 31, 2027

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville that a total of \$10,000.00 be appropriated in the following manner

Revenues \$10,000.00

Fund: 209 IO:1900697 CC3101005000 \$10,000.00 GL:430110 State Grant

Expenditures \$10,000.00

Fund: 209 IO:1900697 CC3101005000 \$10,000.00 GL:530260 Software Lic/Maint.; and

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of the \$10,000.00 from the Virginia Department of State Police.

Approved by Council
August 17, 2026

Kyna Thomas, MMC
Clerk of Council

	<u>Aye</u>	<u>No</u>
Oschrin	___	___
Payne	___	___
Fleisher	___	___
Snook	___	___
Wade	___	___

Policy Briefing Summary

City Council



Regarding:	Resolution Appropriating \$750,000 received from the Jefferson Scholars Foundation for the Vacation of Clarke Court (2nd reading)
Staff Contact(s):	John Maddux, City Attorney, Krisy Hammill, Director of Budget
Presenter:	Krisy Hammill, Director of Budget
Date of Proposed Action:	September 8, 2026

Issue

The City of Charlottesville, Virginia ("City"), has received \$750,000 from the Jefferson Scholars Foundation ("Foundation") for the vacation of Clarke Court. Said funds now need to be appropriated.

Background / Rule

Funds received for the vacation of Clarke Court have been received and will be appropriated to the City's CIP Contingency Fund, where they will remain available until City Council appropriates them for another purpose.

Analysis

On December 15, 2025, City Council adopted an Ordinance closing, vacating, discontinuing the public road, and selling the public road known as Clarke Court in the City (City Real Estate Tax Map 17). One (1) of the conditions of the action was a payment of \$750,000 by the Foundation to the City. The attached Resolution seeks to acknowledge the receipt of the payment and to appropriate the funds to the City's CIP Contingency Fund.

Financial Impact

\$750,000 will be appropriated to the City's CIP Contingency Fund. Said funds will remain in the City's Contingency Fund until City Council appropriates them to be used for a specific purpose.

Recommendation

City Staff recommends City Council adopt the attached Resolution.

Recommended Motion (if Applicable)

"I make a Motion to adopt the attached Resolution appropriating \$750,000 received from the Foundation for the closing, vacation, discontinuation of public use, and sale of Clarke Court to the City's CIP Contingency Fund."

Attachments

1. CIP Contingency Appropriation - \$750,000 Clarke Courtjvhedits



RESOLUTION #R-__-__

RESOLUTION TO APPROPRIATE \$750,000 RECEIVED FROM THE JEFFERSON SCHOLARS FOUNDATION FOR THE VACATION OF CLARKE COURT TO THE CAPITAL IMPROVEMENT PROGRAM CONTINGENCY FUND

WHEREAS, the Council of the City of Charlottesville, Virginia (“City Council”), adopted an Ordinance on December 15, 2025, authorizing the City Attorney to enter into negotiations with the Jefferson Scholars Foundation (“Foundation”) for the closing, vacating, discontinuing the public use, and sale of a City of Charlottesville, Virginia (“City”), road known as Clarke Court; and

WHEREAS, Foundation has paid the City \$750,000 for said action.

NOW, THEREFORE, BE IT RESOLVED by City Council that the sum of \$750,000 is hereby appropriated to the City’s CIP Contingency Fund, where it will remain available for City Council to appropriate for a specific purpose in the future.

Revenue: \$750,000

Fund: 426 WBS Element: CP-080 GL Code: 451240

Expenditure: \$750,000

Fund: 426 WBS Element: CP-080 GL Code: 599999

Date Adopted: _____

Certified: _____
 Clerk of Council

Policy Briefing Summary

City Council



Regarding:	Resolution to Allocate \$2,000,000 School Operations Contingency Funds and Amend the FY 2027 Charlottesville City Schools Budget and the City's Pupil Transportation Budget (2nd reading)
Staff Contact(s):	Renne Hoover, Finance Director. Charlottesville City Schools, Krisy Hammill, Director of Budget
Presenter:	Royal Gurley, Superintendent, Charlottesville City Schools
Date of Proposed Action:	September 8, 2026

Issue

As part of the fiscal year 2027 budget, City Council allocated \$2,000,000 to the School Operations Contingency account, subject to the finalization of the state budget and funding allocation for Charlottesville City Schools (CCS). Additional action by the Council is required to authorize the release of these funds and to amend the CCS budget for the fiscal year.

Background / Rule

Under Section 22.1-93 of the Code of Virginia, City Council must review and approve the annual budget for CCS. The CCS budget includes federal, state and local funding. In April, when the City adopted its FY 2027 budget, the state budget was not yet final and as a result, the City's FY 2027 budget resolution included language the following language:

"City Council further establishes a School Operations Contingency in the amount of \$2,000,000, which represents funds associated with potential variances between estimated and actual state funding to the Charlottesville City School Division. Such contingency funds shall remain under the control of the City and shall not be transferred to the School Division except by subsequent appropriation by City Council.

In determining any subsequent appropriation from such contingency, City Council intends to retain up to fifty percent (50%) of any state funding received by the School Division in excess of the amount assumed in the FY-2027 School Board budget."

The Virginia General Assembly formally adopted the state budget on June 22, 2026 and Governor Spanberger signed it into law on June 29, 2026. On July 2, 2026, Virginia Department of Education released and confirmed that CCS would be receiving an additional \$318,847 in state funding for a total of \$25,238,388.

Analysis

CCS Budget Amendments

Following the joint School Board and City Council meeting on August 12, 2026, CCS requests a budget amendment of \$1,840,576—reflecting the full contingency minus the City's 50% share of additional state revenue (\$2,000,000 - \$159,424). In March, CCS sought \$81,595,593 in local funds, up \$2,569,071 from FY 26. With revisions, the local funding increase is now \$2,409,647 (\$2,569,071 less \$159,424), totaling \$81,436,169.

CCS is asking the Council to both release the contingency and adjust the Special Revenue Fund Budgets. The request includes shifting \$822,558 from the General Fund to the Special Revenue funds

to cover salary increases that resulted from collective bargaining agreements.

Pupil Transportation Budget Amendments

In addition to amending the CCS, there is also a request to allocate additional funds to the City's Pupil Transportation budget to convert 6 - 30 hour driver positions to 40-hour positions and to add 4 bus aide positions. The total needed for these changes would be an amount not to exceed \$302,652 (up to \$143,228 from CCS for the aides and \$159,424 from the contingency). The actual costs will vary depending on the benefit selections made by each of the employees. Thus, the request is a "not to exceed amount". CCS will fund the bus aides using existing budget and requests that the City use its share of the state allocation to increase the Pupil Transportation budget to cover the cost of the driver conversion and the cost of staffing model for pupil transportation system.

Financial Impact

The proposed CCS budget amendment will increase funding by \$1,840,576, reflecting the release of contingency funds minus the City's portion of new state revenue. Local funding adjustments result in a revised CCS allocation of \$81,436,169 for FY 27, a net increase of \$2,409,647 over the previous year.

Additionally, \$302,652 is requested for the City's Pupil Transportation budget to convert driver positions and add bus aides, with actual costs dependent on employee benefit choices. CCS will use both increased state funds and existing balances for bus aide costs, while the City's portion of state funding is designated for driver conversion and a transportation system optimization study.

Recommendation

Staff recommends approval of the resolution.

Recommended Motion (if Applicable)

Attachments

1. CCS Contingency Request PPT - August 12, 2026 Work Session
2. Resolution to Release \$2M Schools Operating Contingency

Charlottesville City Schools FY 2026–27 Budget Amendment

Additional State Revenue Allocation, Technical Adjustments, and
Use of Remaining School Operations Contingency

Joint School Board & City Council Meeting
Wednesday, August 12, 2026



State Budget Adoption & Revenue



State Legislative Timeline

Adoption Date: The General Assembly formally adopted the State Budget on **June 22, 2026**.

Executive Approval: Signed into law by Governor Spanberger on **June 29, 2026**.

Virginia Department Of Education: Released the official Calculation Tool on **July 2, 2026**, confirming final state allocations.



Additional State Funding: +\$318,847

State revenues increased from the Governor's Proposed Budget to the Adopted Budget due to updated revenue projections for Sales Tax and Lottery Proceeds.



Budget Alignment & City Contingency

\$2.0M

School Operations Contingency

Requires Appropriation by City Council

Reconciling City vs. School Division Budgets

City Adopted Budget: \$ 127,377,481

Schools Adopted Budget: \$ 129,377,481

Budget Variance: **\$2,000,00**

0

City Council set aside funds in a School Operations Contingency account pending future Council approval. This contingency was established due to the lack of an approved state budget.

The City also added language that City Council intends to retain up to 50% of state funding received by the School Division in excess of the School's FY 2027 Budget.



City's Appropriation Calculation

Calculation Line Item	Description	Amount (\$)
School's Request from City	Presented to City Council on March 2, 2026	\$2,569,071
City Contingency Base	Base amount set aside in City's Operations Contingency	\$2,000,000
50% State Revenue Offset	50% retention applied to \$318,847 additional State revenue	-\$159,424
Net Contingency Released to Schools (Based on Approval of City Council)	Contingency base (\$2,000,000) less 50% state offset (\$159,424)	\$1,840,576
Total Adjusted City Appropriation	School ask (\$2,569,071) less 50% state offset (\$159,424)	\$2,409,647
Net Expendable Capacity for Schools	State gain (\$318,847) less City reduction (\$159,424)	\$159,423



Pupil Transportation Services

Additional Expenditures Identified After Budget Adoption

4 Bus Aides for the Preschool Buses

\$143,228

- Additional bus aides are needed on preschool routes to provide appropriate student supervision and oversight, consistent with the support provided on elementary school buses.
- Funding Source: The additional expenditure will be absorbed within existing Medicaid and Preschool program budgets.

Convert 6 Bus Drivers from 30-hour to 40-hour Pupil Transportation Study

\$159,424

- Conversion requested by Transit to help with retention & recruitment
- Pupil Transportation Study needed to evaluate needs & current model
- Funding Source: City's School Operations Contingency Account



Expenditure Allocation Recommendation

Administrative Compensation – Additional 2% Salary Increase



- Increase administrative staff salaries by an additional 2%, bringing the total FY 2026-27 salary increase to 5%.
- Additional 2% increase would be retroactive to July 1, 2026.

Funding	Amount
School's share of additional state revenue	\$ 159,423
Cost of additional 2% administrative increase	\$ 172,710
Vacancy savings from reconfiguration of positions after budget adoption	\$ 12,747
Net Funding Impact	\$ 0.00

- Aligns administrative compensation with the state-approved 4% increase for SOQ positions and the 5.5% increased for licensed personnel.
- Provides an equitable investment in administrative compensation.
- Supports the Division's commitment to recruiting, retaining, and recognizing high-quality leadership.



Technical Adjustments

\$822,558

GENERAL FUND TRANSFER TO
Special Revenue Funds

Special Revenue Budget Alignment

To finalize the Special Revenue Fund Budgets and account for salary increases resulting from collective bargaining agreements, an additional **\$822,558** will be transferred from the General Fund to Special Revenue Funds.

Impacted Special Revenue Programs:

 CATEC

 School Nutrition

 Preschool Programs

 Grant Funds



FY 2026–2027 Budget Amendment Summary

Revenue Source	Adopted FY 2026 – 2027 Budget	Change to General Fund	Change to Special Revenue Fund	General Fund	Special Revenue Funds	Amended FY 2026 – 2027 Budget
City Appropriation	\$ 81,595,593	\$ (981,982)	\$ 822,558	\$ 73,432,954	\$ 8,003,215	\$ 81,436,169
Fund Balance	10,655,333	-	-	10,655,333	-	10,655,333
Local	5,229,027	-	-	466,000	4,763,027	5,229,027
State	24,919,541	318,847	-	21,530,257	3,708,131	25,238,388
Federal	6,977,987	-	-	12,000	6,965,987	6,977,987
Total Revenues	\$ 129,377,481	\$ (663,135)	\$ 822,558	\$ 106,096,544	\$ 3,440,360	\$ 129,536,904



CCS FY 2026–27 Appropriation Request To City Council

Release FY 2026–27 School Operations Contingency Funds

Approve the release of
\$1,840,576
from the City's School Operations Contingency to
Charlottesville City Schools

Supports funding of the Collective Bargaining Agreements for Licensed and Support Professionals.

Transfer Remaining City's School Operations Contingency to Schools Transportation

\$159,424

Support the conversion of 6 Part-Time (30 hour) Bus Driver positions to Full-Time (40 hour) positions to improve recruitment, retention, and transportation service reliability.



Next Steps



1. City Council

- **August 17, 2026 - City Council Meeting:** Take action on the School's appropriation to support timely implementation of the FY 2026-27 budget.



2. School Board

- **September 3, 2026 - School Board Meeting:** Take action to approve the FY 2026-27 Budget Amendment, including an additional 2% salary increase for administrative staff, retroactive to July 1, 2026.





RESOLUTION #R-__-__

Resolution to Allocate \$2,000,000 School Operations Contingency Funds and Amend the FY 2027 Charlottesville City Schools (CCS) Budget and the City's Pupil Transportation Budget

WHEREAS the City Council of the City of Charlottesville, VA adopted a total budget for Charlottesville City Schools ("CCS") on April 9, 2026 in the amount of \$127,377,481 as part of Ordinance #0-26-44 Approving a Budget and Annual Appropriation Of Funding For The City Of Charlottesville For The Fiscal Year Ending June 30, 2027 ("the City's Annual Budget"); and

WHEREAS, the City's Annual Budget also included a local contribution to CCS in the amount of \$81,595,593 of which \$2,000,000 was set aside as a contingency pending a final budget from the State of Virginia; and

WHEREAS, the final State of Virginia budget included an additional \$318,847 for CCS above the amount anticipated in the FY-2027 CCS budget; and

WHEREAS, the City's Annual Budget states that, in determining any subsequent appropriation from the \$2,000,000 contingency, the City should retain up to fifty percent (50%) of any state funding received by CCS in excess of the amount assumed in the FY-2027 CCS budget; and

WHEREAS, CCS has requested that the City release the contingency funds to CCS excepting \$159,424 reflective of the City's 50% share of excess funding from the State of Virginia; and

WHEREAS, CCS has further requested that the City's share of the excess funding, \$159,424, along with an additional \$143,228 from CCS be appropriated to the City's Pupil Transportation budget to pay for four additional bus aides, the conversion of part-time bus drivers to full-time, and the commission of a study of staffing models for the pupil transportation system.

THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, that \$1,840,576 of the \$2,000,000 previously appropriated as a contingency for school operations be appropriated to CCS and \$318,847 in additional state funds shall be appropriated to amend the total amount appropriated for FY-2027 SCHOOL OPERATIONS to \$129,536,904, which monies are to be expended in accordance with law for purposes authorized and approved by the Charlottesville City School Board; and

BE IT ALSO RESOLVED by the Council of the City of Charlottesville, that the remaining \$159,424 from the contingency balance and an additional \$143,228 to be received from CCS hereby be appropriated to the City's Pupil Transportation budget for the purpose of hiring 4 school bus aides, conversion of six 30-hour bus driver positions to 40-hour positions, and for the commission of a study of staffing models for the pupil transportation system as follows:

Transfer From:

\$159,424 Fund: 105 Cost Center: 1911002000 GL Code: 540110

Transfer To:



\$159,424 Fund: 105 Cost Center: 2491001000 GL Code: 599999

Revenue:

\$143,228 Fund: 105 Cost Center: 1911002000 GL Code: 432085

Expenditure:

\$143,228 Fund: 105 Cost Center: 2491001000 GL Code: 519999

Date Adopted:

Certified: _____
Clerk of Council

Policy Briefing Summary

City Council



Regarding:	Resolution adopting the 2026 Regional Solid Waste Management Plan for the Thomas Jefferson Solid Waste Management Unit
Staff Contact(s):	Kristel Riddervold, Director of the Office of Sustainability, Steven Hicks, Director of Public Works, Victoria Kanellopoulos, City Planner
Presenter:	Kristel Riddervold, Director of the Office of Sustainability
Date of Proposed Action:	September 8, 2026

Issue

City staff and staff from the Thomas Jefferson Planning District Commission (TJPDC) presented City Council with the draft 2026-2031 TJPDC Regional Solid Waste Management Plan ('SWMP') at Council's meeting on August 17, 2026. The presentation covered the legal requirements, the process (including community engagement), and the regional implementation plan including City of Charlottesville elements. Staff requests City Council's adoption of a Resolution to approve the updated TJPDC Solid Waste Management Plan.

Background / Rule

The Thomas Jefferson Solid Waste Planning Unit Regional Solid Waste Management Plan establishes the region's principal framework for managing solid waste, recycling, reuse, and related materials management activities through 2046. The Thomas Jefferson Solid Waste Planning Unit (TJSWPU) includes Albemarle County, Fluvanna County, Greene County, the City of Charlottesville, and the incorporated Towns of Scottsville and Stanardsville. The Thomas Jefferson Planning District Commission coordinates the plan on behalf of the member localities.

Per State Code, the Solid Waste Management Plan must be updated every 5 years and has a 20-year planning horizon. The current Plan was adopted on March 3, 2022. The TJPDC convened a Technical Advisory Committee to develop implementation plans for each locality. The TJPDC also facilitated the community engagement requirement, including the 30-day public comment period (August 1-30, 2026). The process is now concluding with adoption of the plan by each locality and the TJPDC, with the relevant schedule for the City outlined below:

- August 17: Charlottesville Presentation
- September 3: TJPDC Public Hearing & Presentation
- September 8: Charlottesville Adoption (Consent Agenda)
- October 1: TJPDC Adoption
- Before October 24: Final Submission to DEQ

Analysis

Per State Code 9VAC-130-120 & 9VAC-130-125, each SWMP must include objectives for the 20-year planning horizon, discuss plan implementation and tracking, provide facility names, capacity, and lifespan, provide a strategy for funding and resources with descriptions of each, include a public education and information strategy, consider public-private partnerships and private sector participation, and maintain at least a 25% recycling rate.

The updated implementation framework for the City continues various strategies from the current

SWMP and incorporates community feedback and the 2021 Comprehensive Plan. Updated strategies address recycling data collection and public education, enhanced reporting metrics, implementing the City's recently adopted High-Performance Building Standards, engagement with multifamily housing residents and managers to expand recycling, and increasing diversion of yard waste and food scraps.

Financial Impact

There is no budget impact associated with this report.

Recommendation

Staff recommends City Council adopt the attached resolution to approve the 2026-2031 Thomas Jefferson Solid Waste Management Plan for the Thomas Jefferson Solid Waste Planning Unit.

Recommended Motion (if Applicable)

"I make a Motion to adopt the attached Resolution approving the 2026-2031 Thomas Jefferson Solid Waste Management Plan for the Thomas Jefferson Solid Waste Planning Unit ."

Attachments

1. Attachment 1 - Regional Solid Waste Management Plan link
2. Attachment 2 - RESOLUTION Solid Waste Management Plan for TJSWPU

Attachment 1
Link to Regional Solid Waste Management Plan

Access to the final Regional Solid Waste Management Plan as well as information about the Thomas Jefferson Solid Waste Planning Unit and this project is available at the following website: <https://tjpd.org/our-work/solid-waste/>

RESOLUTION #R-__ -__
**RESOLUTION ADOPTING THE 2026-2031 REGIONAL SOLID WASTE
MANAGEMENT PLAN FOR THE THOMAS JEFFERSON
SOLID WASTE PLANNING UNIT**

WHEREAS, Virginia Administrative Code § 9VAC-130-120 and § 9VAC-130-125 requires each solid waste planning unit to have a solid waste management plan and to update the plan every five years; and

WHEREAS, Virginia Administrative Code § 9VAC-130-120 and § 9VAC-130-125 requires each solid waste management plan to include objectives for the 20-year planning horizon, discuss plan implementation and tracking, provide facility names, capacity, and lifespan, provide a strategy for funding and resources with descriptions of each, include a public education and information strategy, consider public-private partnerships and private sector participation, and maintain at least a 25% recycling rate; and

WHEREAS, the Thomas Jefferson Planning District Commission ('TJPDC') coordinates the Thomas Jefferson Solid Waste Planning Unit ('TJSWPU') which includes the localities of Albemarle County, Fluvanna County, Greene County, the City of Charlottesville, and the incorporated Towns of Scottsville and Stanardsville; and

WHEREAS, the previous TJSWPU Solid Waste Management Plan was submitted for approval to the Virginia Department of Environmental Quality in December 2021; and

WHEREAS, the City of Charlottesville participated in the TJPDC's Technical Advisory Committee to develop implementation plans for each TJSWPU locality and to update the TJPDC Solid Waste Management Plan for 2026-2031; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that Council adopts the 2026-2031 TJPDC Solid Waste Management Plan.

Date Adopted:

Certified: _____

Policy Briefing Summary

City Council



Regarding:	Resolution to Appropriate \$450,707 in Dockless Mobility Revenue for Bicycle Programming (1 of 2 readings)
Staff Contact(s):	Ben Chambers, Transportation Planning Manager, Thomas Robert Safranek
Presenter:	Ben Chambers, Transportation Planning Manager, Thomas Robert Safranek
Date of Proposed Action:	September 8, 2026

Issue

Revenues from the Dockless Mobility Permit Program have been held aside for use for bicycle infrastructure and programming. However, these funds were never appropriated to a specific account. Revenues collected to-date from the Dockless Mobility Permit Program total \$410,707. Spending on bicycle infrastructure and programming has previously been funded in the Capital Improvement Plan through the Bicycle Infrastructure account. This account receives bonded revenues, which should be spent on infrastructure and assets only. To provide funding for bicycle programs, like Bike Month programming and promotion, updates to BikeCville.com, helmet giveaways for CCS students, and supporting a regional bike and pedestrian counter system, staff is recommending the creation of a new account, Bicycle Programming. Revenues from the Dockless Mobility Permit Program would be assigned to this account going forward. From the \$410,706.80 in existing revenues, a portion (\$184,909) would be assigned to the Bicycle Infrastructure account to cover expenses incurred since the beginning of the Dockless Mobility Permit Program, in 2019. The remaining revenues (\$225,798) would be assigned to the new Bicycle Programming account.

Background / Rule

Since 2019, the Dockless Mobility Permit Program has created \$410,707. Prior to 2023, the City's permit regulations required additional per-vehicle fees and higher per-ride fees, earning an average of \$58,000 per year. With changes to the permit regulations adopted in 2023, revenues have lowered to \$41,327 in 2024 and \$42,128 in 2025. Assuming consistent demand and continued service from the current provider, Veo, staff would anticipate the City would continue to see revenues from this program consistent with more recent years. Staff estimates \$40,000 will be collected for FY 2027.

While the Dockless Mobility Permit pilot did identify the revenues from the program as being dedicated to bicycle infrastructure and programming, these revenues were never specifically appropriated to any budget for bicycle infrastructure. The Dockless Mobility Permit Revenues were also not appropriated to the general fund. Bicycle infrastructure and programs have, since the initial hiring of a bicycle and pedestrian coordinator in 2012, been funded using the Bicycle Infrastructure CIP account. However, the revenues from this account are bonded, which means they should be used for infrastructure and assets, and not programming needs.

Analysis

Rather than review all past purchase orders to determine which past expenses should be funded with bonded revenues and which should be funded with the Dockless Mobility Permit Program revenues, staff summarized all expenses for the Bicycle Infrastructure account and recommends that the full amount of these expenses (\$184,909) be appropriated from the Dockless Mobility Permit Program revenues to the balance of the Bicycle Infrastructure CIP account. These expenses include \$59,909 in purchases through the account, as well as re-appropriations of \$75,000 in 2025 and \$50,000 in 2026 of

funds to the E-bike Voucher Program account. Future uses of this account would be restricted to bicycle infrastructure, including implementation of protected bicycle facilities, long-term and short-term bicycle parking, and expansion of the city's school bike fleet. The remaining \$225,798 would be appropriated into the new Bicycle Programming CIP account. These funds would be used for programming associated with events like Bike Month and e-bike demonstrations, community resources like helmet giveaways for City students and updates to BikeCville.com, and supporting the development of a regional bicycle and pedestrian counter system. Revenues from the Dockless Mobility Permit Program would continue to support this new account and no additional funding requests would be anticipated outside that revenue source.

Financial Impact

This action seeks to appropriate \$450,707 in dockless mobility permit revenue collected in prior years and \$40,000 anticipated to be collected in FY 2027. \$265,798 will be appropriated to a new Bicycle Programming account and \$184,909 will be appropriated to Bicycle Infrastructure account. The funds will be used to support bicycle programming and ensure that the City is following best practices in the use of bonded revenues. No impacts to the City's general fund or capital budget revenues are anticipated from this action.

Recommendation

Staff recommends the creation of the Bicycle Programming CIP account, the appropriation of existing Dockless Mobility Permit Program revenues to the Bicycle Infrastructure account and this new Bicycle Programming account, and the continued future appropriation of Dockless Mobility Permit Program revenues to the new Bicycle Programming account.

Recommended Motion (if Applicable)

Attachments

1. Resolution to Appropriate \$450,707 in Dockless Mobility Revenue



RESOLUTION #R-__ - __

Resolution to Appropriate \$450,707 in Dockless Mobility Revenue for Bicycle Programming

WHEREAS, the City of Charlottesville created a Dockless Mobility Permit Program in 2019 and has collected \$410,706.80 in revenue since inception; and

WHEREAS, these revenues have not previously been appropriated although the original pilot permit program identified these revenues as being dedicated to bicycle infrastructure and programming;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville that \$410,707 in previously collected revenue will be appropriated from the fund balance of the Capital Projects fund and \$40,000 in revenue anticipated to be collected during FY 2027 is hereby appropriated in the following manner:

Revenue:

\$40,000	Fund: 426	WBS Element: P-01141	G/L Account: 422150
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Expenditure:

\$265,798	Fund: 426	Funded Program: P-01141	G/L Account: 599999
\$184,909	Fund: 426	Funded Program: CP-083	G/L Account: 599999

BE IT FURTHER RESOLVED by the Council of the City of Charlottesville that all future revenues generated by this program shall be appropriated to the Bicycle Programming account unless further action is taken by City Council.

Date Adopted:

Certified:

Clerk of Council

Policy Briefing Summary

City Council



Regarding:	FY 2027 Budget Amendments and Appropriation of \$300,252 of Additional General Fund Revenue (1 of 2 readings)
Staff Contact(s):	Krisy Hammill, Director of Budget
Presenter:	Krisy Hammill, Director of Budget
Date of Proposed Action:	September 8, 2026

Issue

Since the adoption of the FY 2027 budget, the City has received \$300,252 in unanticipated revenue that needs to be appropriated, and funds previously appropriated for the City's Grand Illumination celebration need to be moved from the City's Communication and Public Engagement department to Parks and Recreation.

Background / Rule

Ordinance #0-26-44 sets the City of Charlottesville's budget and spending plan for the fiscal year ending June 30, 2027. The ordinance outlines both revenue and expenses to promote transparency and accountability. If the City receives any extra revenue during the year that was not part of the original ordinance, Council approval is required before it can be spent. Similarly, any changes to departmental budget totals must be appropriated by Council.

Analysis

Appropriation of Additional Revenue

As part of the FY 2026 closeout, Jaunt has remitted \$225,252 to the City as its share of excess funds. Furthermore, City Council recently adopted resolution #R-26-116, approving an agreement for legal services between the City of Charlottesville and the Charlottesville-Albemarle Airport Authority, which includes a \$75,000 fee for those services. These two items together contribute \$300,252 in revenue that was not reflected in the annual budget ordinance. Staff recommends these funds be appropriated to the Citywide Reserve account within the General Fund, making these resources available to the City Manager for addressing unforeseen needs during the fiscal year.

Budget Amendments

The FY 2027 Communications and Public Engagement budget included an appropriation of \$25,000 for expenses associated with the Grand Illumination event, which is hosted annually by the City. Management responsibility for this event has since transitioned to Parks and Recreation, and staff is requesting that the corresponding budget allocation be transferred to reflect this change.

Financial Impact

We aim to keep \$500,000 in the Citywide Reserve account. The FY 2027 proposed budget included \$417,771 for replenishment, but after Council changes, the reserve was reduced to \$187,032, with no carryover expected from FY 2026. Adding these funds will bring the unallocated reserve balance to \$487,284. Moving the \$25,000 Grand Illumination budget between departments has no financial impact.

Recommendation

Staff recommends approval of the resolution.

Recommended Motion (if Applicable)

Attachments

1. Resolution to Allocate \$300,252 to the Citywide Reserve



RESOLUTION #R-__ - __
FY 2027 Budget Amendments and Appropriation of \$300,252 of Additional General Fund Revenue

WHEREAS, the City of Charlottesville, VA will receive a total of \$300,252 from Jaunt (\$225,252) and the Charlottesville-Albemarle Airport Authority (\$75,000) that was not previously appropriated as part of the FY 2027 budget; and

WHEREAS, the FY 2027 adopted budget included \$25,000 for the Grand Illumination event which was appropriated to the Communications and Public Engagement department that will now be reallocated to the Parks and Recreation budget;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that funds in the amount of \$300,252 be appropriated to the Citywide Reserve account and \$25,000 be re-allocated as follows:

Revenue:

\$ 225,252	Fund: 105	WBS: 9723001000	G/L Account: 451050
\$ 75,000	Fund: 105	WBS: 1701001000	G/L Account: 434820

Expense:

\$ 300,252	Fund: 105	WBS: 1631001000	G/L Account: 599999
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Budget Reallocation From:

\$25,000	Fund: 105	WBS: 1601003000	G/L Account: 599999
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Budget Reallocation To:

\$25,000	Fund: 105	WBS: 3681004000	G/L Account: 599999
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Date Adopted:

Certified: _____
Clerk of Council

Policy Briefing Summary

City Council



Regarding:	Resolution to Appropriate Virginia Juvenile Community Crime Control Act Grant (VJCCCA) \$452,704 (1 of 2 readings)
Staff Contact(s):	Misty Graves, Director of Human Services, Reginald Allen, Human Services Planner
Presenter:	
Date of Proposed Action:	September 8, 2026

Issue

Resolution to appropriate funds

Background / Rule

In July 2010, the City of Charlottesville became the fiscal agent for the Virginia Juvenile Community Crime Control Act (V.J.C.C.C.A.) 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 2027, \$292,058 in V.J.C.C.C.A. 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, 2026, through June 30, 2027.

Analysis

The VJCCCA grant funds the delinquency prevention and youth development services provided by The Department of Human Services 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 Support Services, which provides pro-social skills training like anger management, individual and group support services and services for youth on electronic monitoring; the Community Attention Youth Internship Program (C.A.Y.I.P.) which provides paid internship opportunities; the Check and Connect Program provides evidence-based, school engagement programs.

Financial Impact

The VJCCCA grant aligns with the City of Charlottesville's goal of improving 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.

Recommendation

Staff recommends approval and recommendations of funds.

Recommended Motion (if Applicable)

Staff recommends a motion to adopt the resolutions as written.

Attachments

1. Resolution to appropriate VJCCCA funds

RESOLUTION
TO APPROPRIATE \$452,704 IN GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF
JUVENILE JUSTICE AND LOCAL FUNDS PURSUANT TO THE VIRGINIA JUVENILE
COMMUNITY CRIME CONTROL ACT

WHEREAS, the City of Charlottesville has been awarded \$292,058 from the Virginia Department of Juvenile Justice for uses consistent with the VJCCCA; 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, 2026, through June 30, 2027.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville 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

\$103,704	Fund: 220	Cost Center: 3523001000	G/L Account: 519999
\$343,000	Fund: 220	Cost Center: 3523001000	G/L Account: 599991

Be it further resolved that this appropriation is subject to the receipt of \$292,058 from the Virginia Department of Juvenile Justice and \$52,231 from Albemarle County. All funds hereby appropriated shall be accounted for and expended in accordance with requirements of the VJCCCA grant program.



City Manager's Report

City Departments

9-8-2026

City Manager – Sam Sanders (he/him)

- August 18:
 - Met with members from the Chapel Hill Chamber to coordinate their visit to the Charlottesville area and Richmond on September 27-29. City Hall will host the regional group of 80 members for a discussion on homelessness, sustainability, and community innovation.
- August 21:
 - Participated in the quarterly Thrive! Awards in recognition of staff who are modeling the City's values: Commitment, Integrity, Respect, Innovation, and Collaboration.
 - The City hosted the quarterly Town Gown meeting of City, County, and University representatives. This meeting was focused on a discussion about regional transportation and the opportunities that lie within a regional capture of all transit data to increase federal outlays to promote consistent and increased usage of public transportation.
- August 25:
 - Attended the Rivanna Water & Sewer Authority Board meeting
 - Executive Director Bill Mawyer highlighted the following in his report:
 - August was National Water Quality Awareness Month. In a time when communities around the world are struggling with water sources, our region is not in the same situation since the adoption and investment in our Community Water Supply Plan.
 - Our recent drought conditions have shifted away from the concern of a Drought Warning and we are almost out of the concern zone for any additional conservation measures being required. However, we still ask the public to maintain water conservation measures as a regular practice.
 - The Authority sold \$260M in revenue bonds to continue the planned capital investments that ensure a strong water system exists.
 - Multiple projects are continuing on schedule including the installation of the Central Water Line. The Cherry Avenue section was completed as planned shortly before schools started.
 - The Board approved the North Rivanna Waterline Replacement Project (\$1,597,000) for design, permitting, bidding, and construction admin services.
 - This project:
 - Responds to increases in water demand in this area.
 - Anticipates significant growth (AstraZeneca and North Fork).

- Includes three betterment projects which are infrastructure projects completed in partnership with external developers doing the construction.
 - The Board also received presentations on reservoirs, drought, and operational strategies and laboratory facilities and resources
- September 1:
 - Met with Christin Jacobs with TJPDC to discuss opportunities to align funding priorities to support a regional response to homelessness using currently allocated opportunities to engage all regional parties in the discussion.

Utilities – Director Jason McIlwee (he/him)

- Gas Safety Scratch-n-Sniff Flyer:
 - The Department of Utilities takes its responsibility to inform and educate the community about natural gas safety procedures seriously. We want everyone to be aware of how to detect a gas leak, understand the actions to take if a leak is suspected, and to always follow proper safe digging practices with Virginia 811. As part of our comprehensive Public Gas Safety Awareness Plan, our annual scratch-n-sniff Pipeline Gas Safety & You flyer will be sent in the upcoming billing cycle to all customers who receive a paper utility bill. For customers who have signed up to receive paperless billing, an electronic version of the flyer will be included in our September e-newsletter, with the option for those customers to contact Utilities to receive a scratch-n-sniff card to smell the rotten egg-like odor associated with natural gas. By working together, we can make the Charlottesville community a safer place to call home. For more information on gas safety, please visit www.charlottesville.gov/gassafety.

Human Services – Director Misty Graves (she/her)

- Community Attention Foster Families (CAFF) continues to encourage people who are interested in fostering a child to attend their informational sessions. In addition, community members may see CAFF's information on the back of CAT buses driving around the City! The next informational sessions are scheduled for:
 - Tuesday September 8 at 6:15PM
 - Tuesday October 13 at 6:15PM
 - Your first step to becoming a foster parent is to register at <https://us02web.zoom.us/meeting/register/fJtzj1W8Sk-EI0lu2d2Z4w#/registration> for one of CAFF's Information Sessions.
- The Department of Human Services Youth Opportunity Coordinator will expand the Book Club to include 5th grade participants at Summit Elementary School.

The program is looking for new volunteers to read to children during the school day. For more information on how to be a Book Club volunteer, email Juanika Howard at howardj@charlottesville.gov.

- The Community Based Services division will kick off the fall season of the Community Attention Youth Internship Program (CAYIP) on September 14. Interns will be able to earn \$15.00 an hour for 10 hours a week over eight weeks.
- Learn more about CAYIP at their website:
<https://www.charlottesville.gov/256/Community-Attention-Youth-Internship>.

Parks & Recreation – Director Riaan Anthony (he/him)

- Fall program registration is happening now! Customers can view and register for programs online: [Home Page 3.1 Splash Page \(New UI\) - Parks and Recreation](#).
- Many thanks to all Parks and Recreation staff and contracted workers who performed a significant amount of debris cleanup after damage caused by severe thunderstorms throughout July.
- The Cville Bricks building competition saw strong community participation, with almost 300 public votes. Creative LEGO builds were displayed throughout the Downtown Mall.
- In total, over 1,500 children participated in our general summer camp, adaptive camps, ultimate adventure camp, and youth programs this summer.
- The City Swim Team had 164 swimmers participate in the JSL Championship two-day meet held at the Brooks Family YMCA. The Team finished 8th overall, which puts us squarely in Tier 2 for the 2027 summer season.
- Beginning September 11, Smith Aquatic Center will expand Friday hours to close at 8:00 PM.

Public Works – Director Steven Hicks (he/him)

- Storm Debris Pickup Blitz – Greenbrier and Locust Grove:
 - Public Works completed a seven-day storm debris pickup blitz in designated portions of the Greenbrier and Locust Grove neighborhoods following the recent storm. The targeted effort ran from August 17 through August 23 and provided additional collection support to help residents clear storm-related vegetative debris and accelerate neighborhood cleanup.
- Barracks Road/Emmet Street – UPC 111796:
 - The Barracks Road/Emmet Street project has been advertised for construction bids, marking another significant milestone toward construction. The project has an estimated construction cost of approximately \$6.1 million and will deliver the planned bicycle, pedestrian,

and vehicular improvements at the intersection. The project also includes a shared-use path extending uphill from the intersection and a six-foot-wide sidewalk with a variable-width buffer designed to preserve the existing hillside and minimize the need for retaining walls.

- Dairy Road Bridge – UPC 118295:
 - The Dairy Road Bridge replacement project has been advertised for construction bids. The project has an estimated construction cost of approximately \$11 million and is funded through VDOT's State of Good Repair program. The project will replace the existing two-lane bridge and represents a significant investment in maintaining the City's transportation infrastructure and long-term bridge reliability.
- Sidewalk Connector Project:
 - Construction of the Blenheim Avenue and Montrose Avenue sidewalk connector project is nearing completion. Remaining work includes final improvements and associated asphalt repairs, with completion anticipated by mid-September. The project expands the City's pedestrian network and improves neighborhood connectivity and accessibility.
- Street Paving Program:
 - As part of the City's street acceptance program, paving of Huntley Avenue from Stribling Avenue to Sunset Road has been completed. Public Works continues to advance the summer paving program, with the following streets scheduled for upcoming work. Tentative construction dates will be provided in the next report:
 - Paoli Street – 10th Street NW to 9th Street NW
 - Brunswick Road – JPA Circle to Sunset Avenue
 - Troost Court – McElroy Drive to the dead end
 - Park Road – JPA Circle to JPA
 - Sonoma Street – Monticello Road to end
 - 8th Street NE – Market Street to High Street
 - 10th Street NW – Grady Avenue to Wertland Avenue

Information Technology – Director Steve Hawkes (he/him)

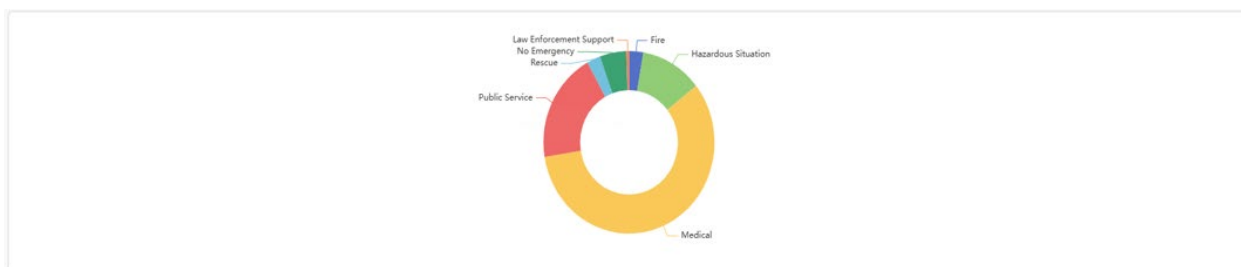
- The Information Technology Department is pleased to share several accomplishments and updates from July and August.
- Helpdesk & Support Services:
 - The IT team closed 410 Helpdesk support tickets in July and 387 so far in August, with 96% of customer survey responses rating service as "very good" or "outstanding." The Helpdesk team also deployed seven new PCs to employees in July and four in August as part of our ongoing device refresh program.
- Citywide Initiatives:
 - AI User Group:

- The City's AI User Group met in August with the Microsoft AI Team for a Microsoft M365 Copilot + Agents - Art of the Possible Town Hall Showcase.
- Teams/WebEx Telephony Project:
 - The final phase of the IT Department's project to migrate from Cisco desk phones to Microsoft Teams/WebEx for telephony is underway. So far 11 of 44 departments/divisions have been migrated to the new platform. Benefits of the project include a more modern communications infrastructure, cost savings, and better user experience.
- Applications & Systems Enhancements:
 - The Applications team completed a number of projects during June and July, including:
 - Setting up FEMA training, which involved creating a template for tracking employee training and uploading certificates.
 - Customized MyHR for Facilities Maintenance users
 - Soft-launched the new GIS Viewer:
<https://www.charlottesville.gov/gisviewer>.
 - Data-mapped DSS Kinship data for import into the DSS Umbrella system.
- Professional Development:
 - The City's IT Director was a speaker at the SAPinsider webinar: Modernizing for Citizens: Two Distinct SAP Journeys from Bernalillo County and the City of Charlottesville.

Charlottesville Fire Department (CFD) – Chief Michael Thomas (he/him)

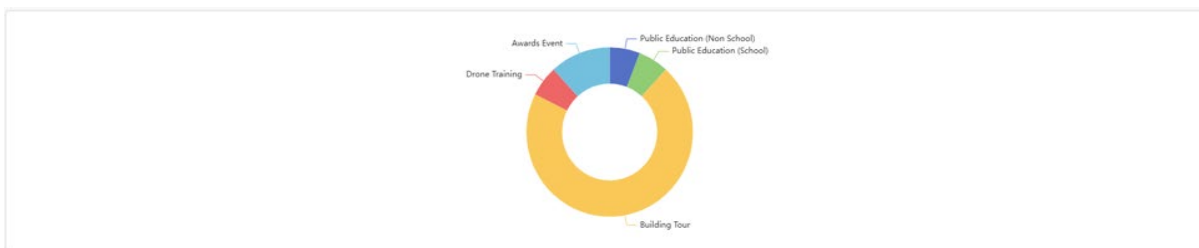
- Five new firefighters began their duty assignments on August 1.
- Deputy Chief Scott Carpenter's final day with the Charlottesville Fire Department was August 31 after 26 years of dedicated service to the Charlottesville community.

Key Operations Metrics:



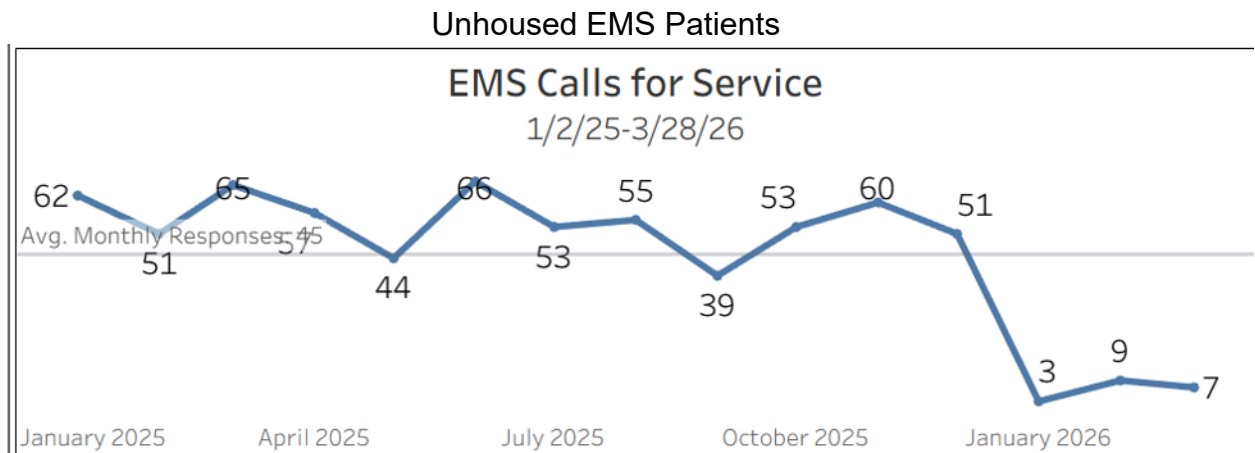
Primary Incident Group / Primary Incident Type	Count	Percent of Total
> Fire	21	2.69%
> Hazardous Situation	91	11.67%
> Medical	453	58.08%
> Public Service	152	19.49%
> Rescue	20	2.56%
> No Emergency	39	5.00%
> Law Enforcement Support	4	0.51%

Events in the Last 30 Days:



Event Types	Event Count	Percent of Total
Public Education (Non School)	1	5.88%
Public Education (School)	1	5.88%
Building Tour	12	70.59%
Drone Training	1	5.88%
Awards Event	2	11.76%

- CFD conducted several building tours as well as two public education events, including National Night Out at Booker T. Washington Park. CFD also held a graduation ceremony for its 2026 recruit class on July 31.



- Our records show that since January 2026, CFD & CARS have responded to far fewer unhoused patients. With the significant drop in these numbers coinciding with the new records management system, there will need to be some investigation into these findings. A ticket has been submitted to First Due.

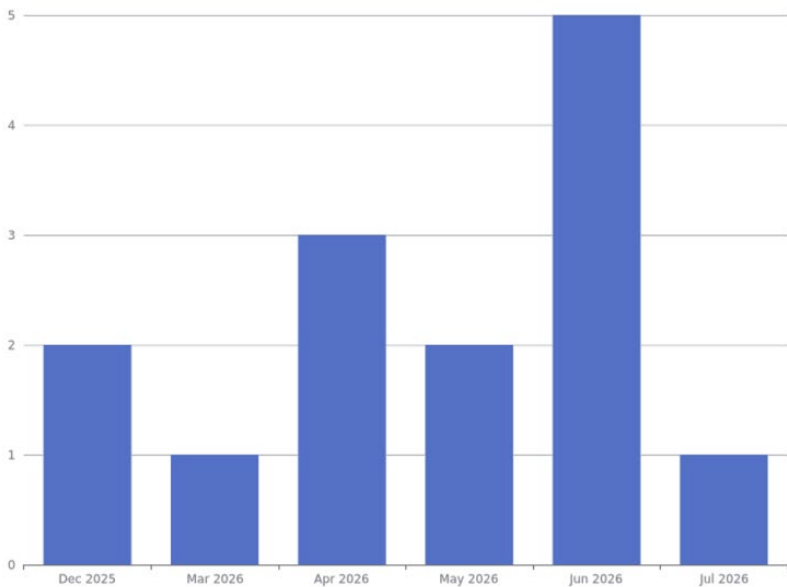
Opioid Overdoses



City of Charlottesville Fire Department
Address: 2420 Fontaine Avenue Extension, Charlottesville, VA, USA
Charlottesville, VA, 22903



Opiate Infographic



CREATED AT	OVERDOSE INCIDENTS
Dec 2025	2
Mar 2026	1
Apr 2026	3
May 2026	2
Jun 2026	5
Jul 2026	1
Total	14

- Opioid overdoses in the City increased in the summer of 2026 but have not reached the levels of historical trends. CFD and CARS have run below an average of less than three overdoses monthly in 2025, a decrease from 2024’s average of six overdoses monthly. July saw CFD and CARS responding to fewer opiate overdoses.

Cville Talent Network





CVILLE

TALENT NETWORK

CONNECTING TALENT.
BUILDING OPPORTUNITY.
STRENGTHENING **CVILLE**.



OUR MISSION

To drive economic vitality by connecting talent to opportunity and helping businesses build and sustain a skilled, resilient workforce.



OUR VISION

A thriving Charlottesville where every resident has access to meaningful career opportunities and every business has the talent it needs to grow—powered by a connected, inclusive, and resilient workforce ecosystem.



OUR CORE VALUES



ADAPTABILITY & INNOVATION

Workforce needs are constantly evolving. We stay responsive, embrace new strategies, and implement forward-thinking solutions to meet the demands of today and tomorrow.



NO WRONG DOOR

Every interaction is an entry point. We meet individuals and businesses where they are, assess their needs, and connect them to the right resources—without complexity or confusion.



PARTNERSHIP-DRIVEN

Strong outcomes require strong collaboration. We align with education providers, workforce organizations, and employers to deliver coordinated, community-wide solutions.



EMPLOYER-CENTERED SOLUTIONS

We listen to and respond to the evolving needs of businesses—helping them attract, develop, and retain the talent necessary to succeed.



EMPOWERMENT THROUGH GUIDANCE

We don't just refer—we support. Through personalized guidance and light-touch case management, we empower jobseekers and businesses to navigate their next steps with confidence.



ACCOUNTABILITY & IMPACT

We measure what matters. By tracking outcomes and continuously improving, we ensure our efforts lead to meaningful results for individuals, businesses, and the community.



**ONE NETWORK.
MANY PATHWAYS.**



**STRONGER TOGETHER.
GREATER IMPACT.**



**BUILDING CVILLE'S
WORKFORCE FUTURE.**

FOCUSING OUR RESOURCES. STRENGTHENING OUR COMMUNITY.

The Office of Economic Development prioritizes the ALICE population, while our partners support those with the greatest needs.

CVILLE TALENT NETWORK SERVES ALL



- ✓ Job coaching & support
- ✓ Skills development & training
- ✓ Job search & connections
- ✓ Hiring events & outreach
- ✓ Career navigation
- ✓ Post employment support

**OPEN TO EVERYONE
IN OUR COMMUNITY.**

ALICE
ASSET LIMITED,
INCOME CONSTRAINED,
EMPLOYED

Working hard but
struggling to
afford the basics.



**OED
FOCUS**
Championing
services for the
ALICE population.

**HARDEST
TO SERVE**

Individuals and
families facing
significant barriers to
employment and
stability.



SPECIALIZED PARTNERS FOCUS ON HARDEST TO SERVE



- ✓ Intensive case management
- ✓ Wraparound services
- ✓ Housing & basic needs support
- ✓ Behavioral health & substance use services
- ✓ Transportation assistance
- ✓ Long-term stability support

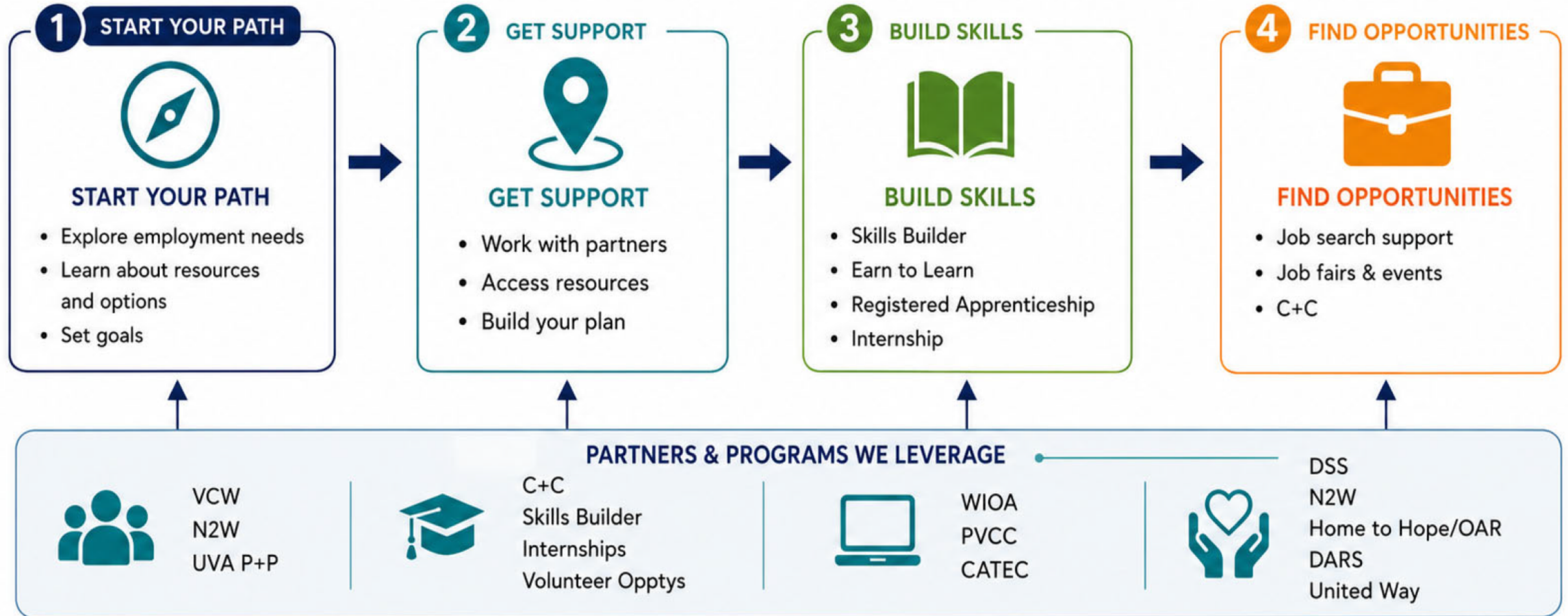
**FOCUSED SUPPORT FOR THOSE
WHO NEED IT MOST.**



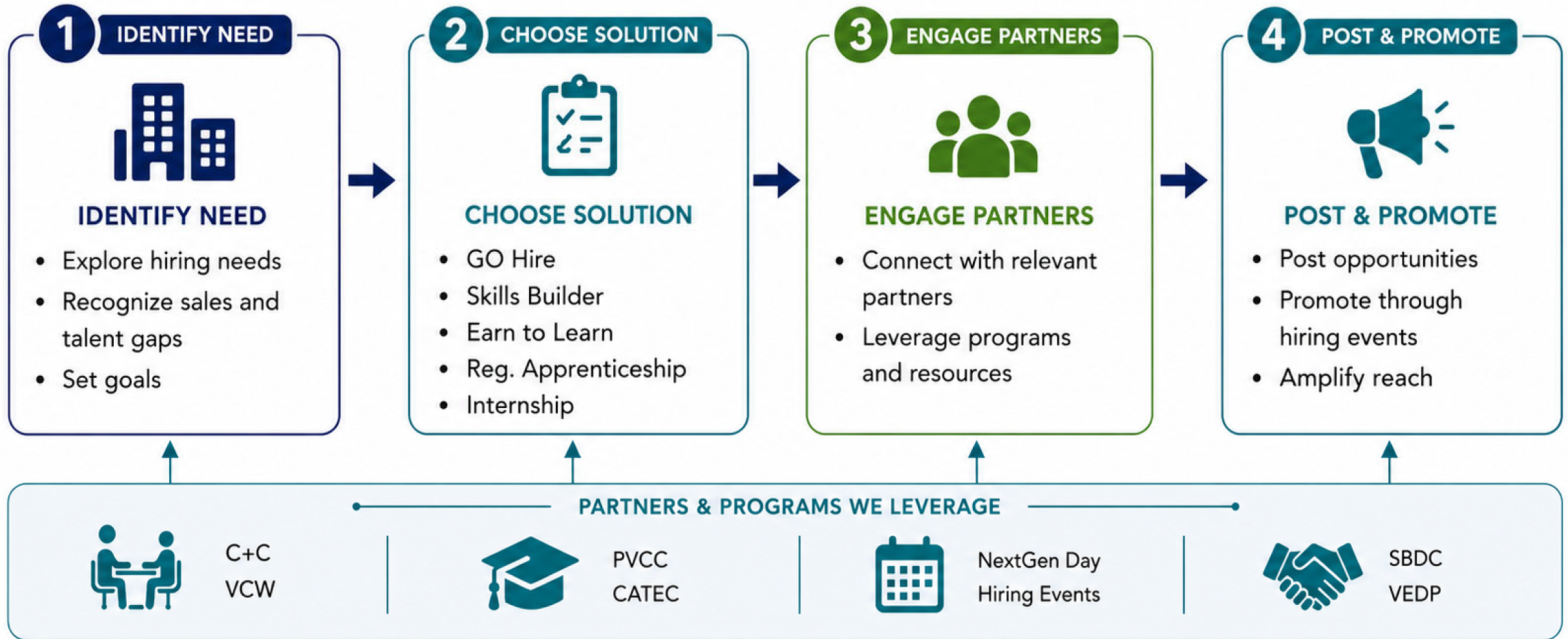
WORKING TOGETHER FOR A STRONGER CVILLE

Coordinated services. Targeted support. Better outcomes for everyone.

Jobseeker Pathway



Business Owner Pathway





HOW WILL IT BE IMPLEMENTED?

Two Roles. One Mission.



WF DEV PROGRAM MANAGER



Recruit Employers & Training Providers



Event Planning – NextGen, Future of Talent, C+C



GO Hire



Workforce Data



TALENT NETWORK COORDINATOR



Info & Referral



Case Management



Registration & Enrollment



Tracking & Reporting



Outreach



OUR MISSION:

To drive economic vitality by connecting talent to opportunity and helping businesses build and sustain a skilled, resilient workforce.

Summary

Cville Talent Network: **Build. Connect. Thrive.**

– Building sustainable talent connections for a thriving future.

- Eliminate duplication of services
- No wrong door approach – Navigator
- Focus on underemployed
- Future facing
- Proactive – not reactive



Cville Talent Network



Policy Briefing Summary

City Council



Regarding:	Public Hearing and Resolution for the Draft Program Year 2025-26 ("PY25") Consolidated Annual Performance and Evaluation Report ("CAPER") (1 of 2 readings)
Staff Contact(s):	Anthony Warn, Grants Analyst, Taylor Harvey-Ryan, Grants Program Manager
Presenter:	Anthony Warn, Grants Analyst
Date of Proposed Action:	September 8, 2026

Issue

The City of Charlottesville ("City") is an active 'participating jurisdiction' ("PJ") in the Community Development Block Grant ("CDBG") program administered by the U.S. Department of Housing and Urban Development ("HUD"). The City is also a contributing member of the Thomas Jefferson HOME Consortium ("TJHC") in partnership with the counties of Albemarle, Fluvanna, Greene, Louisa and Nelson, and through the Consortium shares in the benefits of participation in HUD's HOME Investments Partnership Program ("HOME") program.

Background / Rule

HUD guidance requires PJs to review and report on an annual basis progress made in the preceding program year in carrying out their strategic and annual action plans. This Consolidated Annual Performance and Evaluation Report ("CAPER") is a required element for continued participation in HUD-funded programs like CDBG & HOME. Each year, city staff and staff from the Thomas Jefferson Planning District Commission ("TJPD") collaborate to prepare the CAPER.

Analysis

During Program Year 2025-26 ("PY25"), the City awarded CDBG funds to eight (8) Charlottesville-based nonprofits in support of: two (2) economic development activities; one (1) accessibility-focused public facilities & infrastructure activity; one (1) affordable housing activity, and; three (3) public services activities. Similarly, through its participation in the HOME Consortium, the City awarded HOME funds to one (1) local nonprofit in support of income-eligible city residents and continues to work with another on refining their proposal for an affordable home rehabilitation activity. Due to the nature of the applications received for HOME funding, a small pool of HOME funds remains available to support suitable eligible activities.

The draft PY25 CAPER will be available online for a 15-day public comment period at <https://tjpd.org/our-work/thomas-jefferson-regional-home-consortium/> from September 1 through September 16, 2026, or by contacting Laurie Jean Talun, LJTalun@tjpd.org (434-422-4080), and/or Anthony Warn, warna@charlottesville.gov (434-906-2582).

Financial Impact

Approval of the CAPER does not involve the appropriation of funds from the city's General Fund. As such, no adverse impacts to the City's budget are anticipated. Rather, approval of the CAPER is an important step in ensuring the City's continued ability to participate in the CDBG and HOME programs and, by extension, the ability of our Consortium partners to participate in the HOME program as well.

Recommendation

Based on the demonstrated benefits to the Charlottesville community and to the communities served by the HOME Consortium, staff recommends that Council approve the PY25 CAPER as presented before Council.

Staff further recommends that Council establish its priorities to guide the work of the CDBG/HOME Taskforce in preparing funding recommendations for Program Year 2027-28 CDBG and HOME activities.

Recommended Motion (if Applicable)

I move that Council approve the RESOLUTION now before us to approve the Program Year 2025-26 Consolidated Annual Performance and Evaluation Report (“CAPER”).

and

I move that Council approve the RESOLUTION now before us to establish certain priorities to guide the work of the CDBG/HOME Taskforce in preparing funding recommendations for Program Year 2027-28 CDBG and HOME activities.

Attachments

1. PY25 CAPER Resolution to Approve
2. PY25 CAPER Charlottesville-TJPDC Draft
3. CDBG & HOME Proposed Council Priorities 2027-28



RESOLUTION R#-__-__

Resolution to Approve the Program Year 2025-26 ("PY25") Consolidated Annual Performance and Evaluation Report ("CAPER") for the Community Development Block Grants and HOME Investment Partnerships Programs

WHEREAS the City of Charlottesville ("City") is an active 'participating jurisdiction' ("PJ") in the Community Development Block Grant ("CDBG") program administered by the U.S. Department of Housing and Urban Development ("HUD"); and

WHEREAS the City is a contributing member of the Thomas Jefferson HOME Consortium ("TJHC") in partnership with the counties of Albemarle, Fluvanna, Greene, Louisa and Nelson, and through the Consortium shares in the benefits of participation in HUD's HOME Investment Partnerships Program ("HOME"); and

WHEREAS City Council approved a 5-Year Consolidated Plan covering program years 2023-2027 at a public hearing held on May 1, 2023 (#R-23-065) and the associated 1-Year Annual Action Plan ("AAP") for PY25 at a public hearing on May 5, 2025 (#R-25-038); and

WHEREAS HUD requires all localities receiving HUD funds to report on their annual accomplishments for the prior program year through the CAPER;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Charlottesville, Virginia, hereby approves the city's PY25 CAPER report, as presented here before us.

Date Adopted:

Certified: _____
Clerk of Council



Thomas
Jefferson
Planning District Commission

Program Year 2025 CAPER
Consolidated Annual Performance Evaluation Report

for the

City of Charlottesville

and the

**Thomas Jefferson
HOME Consortium**



Adopted by the Thomas
Jefferson Planning District
Commission:

Adopted by Charlottesville
City Council:

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

The HOME program's goals are to assist first-time homebuyers, preserve existing housing stock by rehabilitating owner-occupied homes, and develop new housing units for home ownership or rental. HOME Consortium activities are carried out through nonprofit housing foundations in the region: the Albemarle Home Improvement Program (AHIP), the Fluvanna/Louisa Housing Foundation (F/LHF), the Nelson County Community Development Foundation (NCCDF), and Skyline CAP (serving Greene County). HOME funds are often combined with other funding, extending the reach and effectiveness of the program.

The current Consolidated Plan, which is a five-year plan that consolidates CDBG and HOME Consortium activities, began in 2023. The following charts show progress made based on the initial goals set at that time.

The HOME Consortium has completed a large number of homeowner rehabilitations, and is in the process of purchasing and developing several rental units. Due to the cost of construction labor and materials, the total amount of funding is being used strategically to have the greatest impact possible, within a challenging housing and construction economy.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

DRAFT FOR PUBLIC COMMENT

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Energy efficiency and environmental stewardship	Affordable Housing Non-Housing Community Development		Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	500	6	1.20%			
Enhance and improve access to transportation	Non-Housing Community Development		Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	500	65	13.00%			
Ensure housing access for low income residents	Affordable Housing		Direct Financial Assistance to Homebuyers	Households Assisted	22	0	0.00%	2	0	0.00%
Ensure housing access for low income residents	Affordable Housing		Tenant-based rental assistance / Rapid Rehousing	Households Assisted	24	13	54.17%	6	0	0.00%
Expand the affordable housing stock	Affordable Housing		Rental units constructed	Household Housing Unit	37	1	2.70%	10	0	0.00%

DRAFT FOR PUBLIC COMMENT

Expand the affordable housing stock	Affordable Housing		Homeowner Housing Added	Household Housing Unit	10	6	60.00%	2	1	50.00%
Expand the affordable housing stock	Affordable Housing		Homeowner Housing Rehabilitated	Household Housing Unit	0	19		0	19	
Foster small and local business development	Non-Housing Community Development		Businesses assisted	Businesses Assisted	40	117	292.50%			
Increase access to jobs that pay a living wage	Non-Housing Community Development		Jobs created/retained	Jobs	50	65	130.00%			
Preserve existing supply of affordable housing	Affordable Housing		Rental units rehabilitated	Household Housing Unit	1	1	100.00%	0	1	
Preserve existing supply of affordable housing	Affordable Housing		Homeowner Housing Rehabilitated	Household Housing Unit	116	41	35.34%	24	16	66.67%
Strengthen living environment & expand opps	Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	0	0		1	153	15,300.00%

DRAFT FOR PUBLIC COMMENT

Strengthen living environment & expand opps	Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$	Tenant-based rental assistance / Rapid Rehousing	Households Assisted	0	0		4	0	0.00%
Strengthen living environment & expand opps	Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$	Jobs created/retained	Jobs	0	0		13	0	0.00%
Strengthen living environment & expand opps	Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$	Businesses assisted	Businesses Assisted	0	0		8	7	87.50%
Strengthen living environment & expand opps	Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$	Housing for Homeless added	Household Housing Unit	0	0		10	0	0.00%
Strengthen living environment & expand opps	Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$	Other	Other	0	0				

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Support homeless and transition to independence	Affordable Housing Homeless		Homelessness Prevention	Persons Assisted	6	258	4,300.00%			
Support investments that aid fair housing choice	Non-Homeless Special Needs Non-Housing Community Development		Public service activities for Low/Moderate Income Housing Benefit	Households Assisted	5	0	0.00%			
Support the expansion of mental health services	Non-Homeless Special Needs		Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	50	0	0.00%			
Support the provision of supportive housing	Affordable Housing Non-Homeless Special Needs		Other	Other	1	0	0.00%			

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction’s use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

As in previous years, Charlottesville continues to carefully direct investments of its limited CDBG and HOME funds to address pressing needs within our community. For example, investments of our limited CDBG funds were successful in leveraging more than \$300,000 in non-federal funds, an amount equal to more than 64.53% of our total PY25 CDBG allocation.

The lack of affordable housing options, both homeownership and rental, continues to be a significant challenge for our region, as it is in most metropolitan areas across the country. Specifically, the presence of substandard housing continues to be a pressing need within our community, which we have attempted to address through, among other efforts: support for the work of the Albemarle Housing Improvement Partnership (AHIP) to provide emergency and critical rehabs for income-eligible homeowners; support for energy-efficiency upgrades for income-eligible homeowners through the Local Energy Alliance Program (LEAP) to prepare their homes for free solar panels from Dominion Energy.

In addition, we have continued to try to enlist new partners in this work and are very excited to announce that we been able to award both CDBG and HOME homeowner rehabilitation funds to a new partner, the Building Goodness Foundation (“BGF”) for the 2026-27 program year.

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted).

91.520(a)

	CDBG	HOME
White	106	13
Black or African American	161	19
Asian	3	0
American Indian or American Native	2	0
Native Hawaiian or Other Pacific Islander	1	0
Total	273	32
Hispanic	60	0
Not Hispanic	213	32

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

With HOME funds, the HOME Consortium served a large number of individuals and households; over half of the beneficiaries identify as Black or African American.

According to Census data, approximately 11% of the population of the Charlottesville Metropolitan Statistical Area is at or below the federal poverty level. Of these, approximately: 7.5% identify as White/Not Hispanic; 26.4% identify as Black/African American; 26.7 identify as Asian; 17.5% identify as Latino/Hispanic; with the rest identifying as Other/Multiracial. In the TJPDC, non-white/other race households have low-incomes at a 22% higher rate than white households. About one third (37%) of households led by someone who identifies as white have incomes equal to or less than 80% area median income. In contrast, over half (59%) of households led by someone who identifies themselves as included in another racial group have incomes equal to or less than 80% AML.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	public - federal	445,452	171,317
HOME	public - federal	4,316,160	1,359,140

Table 3 - Resources Made Available

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
10th and Page			
Albemarle County	14	14	
City of Charlottesville	14	14	
Fifeville			
Fluvanna County	14	14	
Greene County	30	30	Greene County was the CHDO recipient this year
Louisa County	14	14	
Nelson County	14	14	
Ridge			

Table 4 – Identify the geographic distribution and location of investments

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

The city also continues to work closely with its partners to utilize sources of non-federal funds that can be leveraged to support its HUD-funded activities. For example, the city awarded \$50,000 in CDBG funding to support long hoped for accessibility enhancements at the site of one of Charlottesville's oldest youth-serving nonprofits, funds which the subrecipient used to help secure private philanthropic donations well in excess of the funds awarded, resulting a greater than 1:1 leveraged match ratio. Similarly, CDBG-funded activities in PY25 leveraged more than \$580,000 in non-federal funds (or \$1.25 leveraged for each \$1 of CDBG funds utilized).

Fiscal Year Summary – HOME Match	
1. Excess match from prior Federal fiscal year	10,094,576
2. Match contributed during current Federal fiscal year	684,003
3. Total match available for current Federal fiscal year (Line 1 plus Line 2)	10,778,578
4. Match liability for current Federal fiscal year	339,785
5. Excess match carried over to next Federal fiscal year (Line 3 minus Line 4)	10,438,793

Table 5 – Fiscal Year Summary - HOME Match Report

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Match Contribution for the Federal Fiscal Year								
Project No. or Other ID	Date of Contribution	Cash (non-Federal sources)	Foregone Taxes, Fees, Charges	Appraised Land/Real Property	Required Infrastructure	Site Preparation, Construction Materials, Donated labor	Bond Financing	Total Match
AHIP Repair	05/04/2026	166,800	0	0	0	0	0	166,800
Habitat Core 2026	05/04/2026	286,027	0	0	0	0	0	286,027
PHA 1025 Park	05/04/2026	231,176	0	0	0	0	0	231,176

Table 6 – Match Contribution for the Federal Fiscal Year

HOME MBE/WBE report

Program Income – Enter the program amounts for the reporting period				
Balance on hand at begin-ning of reporting period \$	Amount received during reporting period \$	Total amount expended during reporting period \$	Amount expended for TBRA \$	Balance on hand at end of reporting period \$
113,119	39,948	20,249	0	212,510

Table 7 – Program Income

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Minority Business Enterprises and Women Business Enterprises – Indicate the number and dollar value of contracts for HOME projects completed during the reporting period						
	Total	Minority Business Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Contracts						
Dollar Amount	214,282	0	0	39,475	8,600	166,207
Number	19	0	0	2	1	16
Sub-Contracts						
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0
	Total	Women Business Enterprises	Male			
Contracts						
Dollar Amount	217,380	20,000	197,380			
Number	20	1	19			
Sub-Contracts						
Number	0	0	0			
Dollar Amount	0	0	0			

Table 8 - Minority Business and Women Business Enterprises

Minority Owners of Rental Property – Indicate the number of HOME assisted rental property owners and the total amount of HOME funds in these rental properties assisted						
	Total	Minority Property Owners				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0

Table 9 – Minority Owners of Rental Property

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Relocation and Real Property Acquisition – Indicate the number of persons displaced, the cost of relocation payments, the number of parcels acquired, and the cost of acquisition						
Parcels Acquired		0		0		
Businesses Displaced		0		0		
Nonprofit Organizations Displaced		0		0		
Households Temporarily Relocated, not Displaced		0		0		
Households Displaced	Total	Minority Property Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	0	0	0	0	0
Cost	0	0	0	0	0	0

Table 10 – Relocation and Real Property Acquisition

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	0	0
Number of Non-Homeless households to be provided affordable housing units	43	20
Number of Special-Needs households to be provided affordable housing units	0	0
Total	43	20

Table 11 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	6	0
Number of households supported through The Production of New Units	11	1
Number of households supported through Rehab of Existing Units	24	19
Number of households supported through Acquisition of Existing Units	2	0
Total	43	20

Table 12 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

During this program year, the HOME Consortium continued the development of rental units, which will be completed in the coming program year. During the program year, 16 low-income households received rehabilitation of their homes, and one household purchased a unit. Due to the current cost of construction and other aspects of producing homes, this is a reasonable number of completed activities, based on the total amount of funding available.

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To complete the CDBG efforts in the Consolidated Plan, through its close partnership with TJPDC, the City continues to seek out additional opportunities to blend funding from multiple sources to deliver benefits to our community.

Discuss how these outcomes will impact future annual action plans.

We anticipate a higher rate of completed rental units in the coming year, as the result of advancements made this year in the production of the planned rental units.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	0	6
Low-income	3	8
Moderate-income	0	3
Total	3	17

Table 13 – Number of Households Served

Narrative Information

HOME funding is intended to assist households at various low levels of income. By assisting primarily low income and extremely low income households, funding in our region met needs for crucial home repairs, and produced one additional unit available at an affordable rent.

The challenges we have experienced related to affordable housing have informed our work in many years, notably by leading us to a renewed effort to try to help subrecipients connect to additional funding sources that can extend their impact. For example, the city is working to support subrecipients in their applications to related city programs, like the Charlottesville Affordable Housing Fund (CAHF) or funding opportunities available throughout city departments, like Economic Development of Human Services.

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The Blue Ridge Area Coalition for the Homeless (BRACH) Continuum of Care maintains a coordinated system of care so that homelessness in our region is rare, brief, and nonrecurring when possible. BRACH connects individuals and families experiencing homelessness to permanent housing without preconditions and barriers to entry, such as sobriety, treatment, or service participation requirements.

A Community Case Review convenes 2 times a month to provide a problem-solving body to area providers working with individuals and families experiencing homelessness. The Community Case Review consists of a convener appointed by BRACH and staffed by representatives from anchor agencies, including PACEM, The Haven, Region Ten, On Our Own, and area Departments of Social Services. Each meeting, the Community Case Review works through the community's By-Name List of everyone known to be experiencing homelessness in the area and documents action steps aimed at quickly resolving homelessness for each person reviewed. There is now additionally a Community Case Review for chronic cases, and a separate Community Case Review for veteran cases for veterans of the military.

Particularly complex cases are referred to the Community Case Review for solution-focused discussion designed to resolve homelessness quickly and effectively. A coordinated assessment process is used to determine eligibility for available services, collect required data, and develop case plans for individuals and families experiencing homelessness. Coordinated assessment is available every day at The Haven. Households can call the Haven's Homeless Information Line (HIL) to schedule a homeless intake appointment.

BRACH homelessness service providers collect required data elements and enter data into HMIS on a weekly basis to ensure close to real-time community level data and on-time reporting to local, state and federal stakeholders.

BRACH is pairing HOME-ARP funding with capacity building funding from the City, to hire a staff member who will continue to enhance outreach beyond the urban center of the region, and also partner with SupportWorks Housing at Vista 29, to help prepare beneficiaries to live in permanent supportive housing.

BRACH, Region Ten PATH Program, and On Our Own provide street outreach to individuals and families experiencing homelessness, with a focus on those who do not have shelter, to provide them with information and access to services. Region Ten conducts in-reach with Western State Hospital to assist

with transitions and community reintegration – clients can come to Region Ten for support. Region Ten PATH program conducts in-reach at The Haven, Mohr Center and SupportWorks Housing to engage guests in mental health treatment and care.

SupportWorks Housing provides supportive housing in the region, addressing the long-term needs of chronically homeless households and individuals. The Vista 29 project, which used HOME-ARP funds, among many other sources, has transformed a hotel into Permanent Supportive Housing, and construction is near completion.

Addressing the emergency shelter and transitional housing needs of homeless persons

Community leaders are working together to provide a year-round, overnight shelter, in partnership with multiple nonprofits and the City of Charlottesville. The City of Charlottesville continued to seek out novel ways to use HUD funding to support programs serving the area's unhoused population, such as through continued support for the Coordination of Community Service Providers work being done by a Charlottesville-based nonprofit, The Haven at First & Market.

The City of Charlottesville purchased for \$6.2MM an approximately 27,000 square foot building on 3.8 acres of land, commonly referred to as 2000 Holiday Drive, on which to develop a year-round, low-barrier overnight shelter and source of wraparound services for persons experiencing homelessness. The city also helped coordinate over the past year the work of a team of nonprofit community organizations dedicated to supporting the unhoused, including BRACH, The Haven, and PACEM, and Central Arizona Shelter Services (CASS), an experienced shelter management provider, to develop a coordinated plan to transform the property into a usable site. The City also worked closely during the program year with state legislators to secure a special appropriation of \$7MM from the Virginia General Assembly in FY27[AW3.1] to support the expansion of services for the unhoused, including \$3MM to the Salvation Army to help them expand the capacity of their high-barrier shelter and additional funds to support the rehabilitation of the 2000 Holiday Drive facility and to move work forward on preparing to provide services at the location.

The City of Charlottesville purchased a building and land to develop a year-round, low-barrier overnight shelter for people experiencing homelessness. The past year has involved a great deal of stakeholder effort to develop plans to develop the property into a usable site. Key leaders involved include City of Charlottesville staff, BRACH, The Haven, and PACEM. The City was awarded state level funding to rehabilitate the building and move forward with preparing to provide services on location.

PACEM provides a seasonal, low-barrier emergency shelter to individuals from late October to mid-April using host church sites for shelter and meals. PACEM provides coordinated assessment services to those individuals and families that seek shelter but have not completed a coordinated assessment through Coordinate Entry.

ACPS McKinney-Vento Connection (formerly Families in Crisis) provides emergency hotel/motel

vouchers to families experiencing homelessness and complete a coordinated assessment packet, and assists McKinney-Vento Coordinators in the region with addressing the needs of families identified by schools as at risk of homelessness.

Salvation Army provides high-barrier emergency shelter services year-round for individuals and families experiencing homelessness that can maintain sobriety and are looking for work or are working. Salvation Army is currently developing additional beds. The City has coordinated with Salvation Army staff to expand capacity, including coordination with the Virginia legislature to secure \$3 million, paired with \$3 million invested from the City's budget.

The Shelter for Help in Emergency (SHE) provides emergency shelter services year-round for women and children fleeing domestic violence, referred by other emergency shelters and emergency room staff.

Monticello Area Community Action Agency (MACAA) Hope House provides transitional housing and supportive services with a preference for households with children where one adult is working.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

Existing rental assistance resources include Pathways through the United Way, the Network2Work Emergency Fund, The Haven, PHA eviction reduction programs, HOPWA through the Blue Ridge Health Department, the Charlottesville Supplemental Rental Assistance Program (CSRAP) through the City of Charlottesville and CRHA, the Albemarle County Emergency Relief Program (ACERP) through Albemarle County, and Housing Choice Vouchers in various counties. The Haven served 152 individuals representing 94 households during this period, using the Laura DeLapp fund.

Prevention staff at The Haven, PACEM, and McKinney Vento services in schools, coordinate activities in communication with area emergency assistance providers including Alliance for Interfaith Ministries (AIM), Pathways Fund, Love, Inc., departments of social services, and area churches whenever possible. Monthly case management is provided to develop and implement a housing stability plan.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

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The Haven provides housing navigation services through the Rapid Rehousing program to assist individuals and families experiencing homelessness to identify available low-income housing resources and negotiate leases. Rapid Rehousing Case Managers serve as a housing navigator to develop relationships with area landlords and provides education on available rental subsidy programs to housing organizations. The Haven provides rapid re-housing services to quickly connect individuals and families experiencing literal homelessness to permanent housing. Rental arrearages and utility bills may be paid if they represent an actual barrier to permanent housing. Rental subsidies may be provided to ensure housing stability. Ongoing eligibility is determined every 90 days. Monthly case management is provided to develop and implement a housing stability plan.

Region Ten operates a HUD-funded permanent supportive housing program for about 33 chronically homeless individuals. Community Case Review prioritizes the most vulnerable individuals with the longest histories of homelessness for this program when there are openings. SupportWorks Housing's The Crossings provides 30 units of permanent supportive housing for chronically homeless individuals in partnership with the Albemarle County Department of Housing and the Charlottesville Redevelopment and Housing Authority (CRHA). The Continuum of Care now includes 153 Permanent Supportive Housing beds, including 25 units that service Veterans, and 38 that are run by Region Ten and funded through HUD.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

The Charlottesville Redevelopment and Housing Authority (CRHA) prioritizes individuals with greatest need in our community, 40% of new admissions to public housing each year are considered “extremely low-income families.” The PHA has three self-sufficiency programs (ROSS, FSS, and Jobs Plus) that provide opportunities for residents to gain economic independence and encourage healthy living. The CRHA is also in the process of redeveloping two sites (South First Street, Phase II and Sixth Street, Phase I). The PHA anticipates developing 40-65 affordable new units with a mix of 1-5 bedroom units.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

The CRHA continues to involve residents in long-term planning, self-determined programs, and site modernization via Resident Planners and the Public Housing Association of Residents (PHAR). The PHA has a housing counselor on staff that has been working with FSS participants on opportunities for homeownership. The CRHA has received down-payment assistance funds that will help these individuals in their homebuying process.

Actions taken to provide assistance to troubled PHAs

CRHA is the only PHA in the region and is not troubled.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

During the 2025-26 program year, the City of Charlottesville and its partners continued their shared work of addressing forthrightly and proactively our shared history and the resulting barriers to affordable housing through, in part, its commitment to preserve and expand affordable housing opportunities for our neighbors who need them most. For example, City Council continues its commitment of no less than \$10MM per year to support a wide range of affordable housing activities, from the construction of new units, the preservation and rehabilitation of existing units (including Kindewood, CRHA, LEAP, and Building Goodness units), to supporting a range of eviction prevention and downpayment assistance/counseling services. The city also continues to support the growth of a community land trust that can work in conjunction with our nonprofit partners as well as a targeted tax abatement strategy to further support the development of affordable housing opportunities.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

One of the biggest steps taken by the city in recent years to remove obstacles to the development of affordable housing is the development of a new, more inclusive zoning code. While great challenges in this work remain, the new zoning code, with its removal of requirements for single-family residences in all neighborhoods and features that allow developers the ability to develop additional units in certain circumstances if they also deliver a certain number of affordable units (or pay a fee in lieu), offers great promise in addressing the areas housing shortage. Additionally, the city and TJPDC continue to coordinate closely to design and implement HUD-funded programs that address the needs of the largest number of underserved individuals possible, including activities that have the potential of leveraging non-federal funds.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

The city continues to work with its partners, including AHIP, LEAP, the Piedmont Housing Alliance, Habitat for Humanity, and the Building Goodness Foundation (“BGF”), to identify and remove lead-based paint hazards wherever they may be encountered. The HOME Consortium completes reduction of lead-based paint hazards through partnerships with AHIP in Albemarle County, NCCDF in Nelson County, and Fluvanna-Louisa Housing Foundation.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

Charlottesville continues to provide significant financial resources to help reduce the number of poverty-level families in the City, including by providing CDBG funds to support of financial literacy

programs provided by one of the region's most active affordable housing developers and adult/workforce literacy tutoring for adults experiencing literacy issues. Similarly, the city continues its commitment to assist families at risk of eviction or other adverse actions through a commitment of local funds in excess of \$130,000 to the Charlottesville Supplemental Rental Assistance Program ("CSRAP") in FY26 and additional commitments of grant funds through other programs (e.g., CDBG, HOME, VCF, etc.).

Fluvanna-Louisa Housing Foundation, Nelson County Community Development Foundation, and Skyline Community Action Partnership, along with AHIP, provide extensive services related to housing for low-income households. As a result of their services, families facing poverty experience greater housing safety and stability.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

The City and TJPDC continue to emphasize the development and refinement of tightly integrated systems to support our shared strategic goals. Charlottesville, TJPDC and the members of the Thomas Jefferson HOME Consortium (TJHC) work closely together to promote regional cooperation and the creative use of funds to maximize the impact of our many programs.

The city also continues to offer unused city office space to area nonprofits, such as the Blue Ridge Area Coalition for the Homeless (BRACH), at below-market rates as a way of supporting their work. This helps integrate these entities into the other work the city is doing while at the same time allowing them to develop a great portion of their scarce resources on their core missions.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

The Regional Housing Partnership meets quarterly, and engages over 22 organizations who represent public, private, citizen, and for-profit sectors of those working to provide affordable housing in the TJPDC region.

The city and TJPDC work closely together to support social service and housing agencies that are involved in serving special needs populations, including the Jefferson Area Board for Aging (JABA), the Arc of the Piedmont for people with developmental disabilities, Region Ten Community Services Board for people with mental illness and substance abuse and the Independence Resource Center. The Jefferson Area Board for Aging (JABA) assists elderly persons with long-term health care needs and serves the TJPDC region. JABA partners with senior housing providers in Charlottesville (Timberlake Place, Woods Edge, and Park View Apartments) and in Nelson County (Ryan School Apartments). Regular JABA health screenings and services are provided by JABA nurses at Park View at South Pantops, Ryan School Apartments and Woods Edge Apartments.

The City continues its work to implement and refine its new inclusive Zoning Ordinance and on an update to its citywide Comprehensive Plan Update, coordinating with partners from the Charlottesville

City School Board, Albemarle County, the University of Virginia, a range of nonprofit organizations, Neighborhood Leaders Group, the Charlottesville Redevelopment and Housing Authority (“CRHA”), the Blue Ridge Area Homelessness Consortium (“BRACH”), among many others..

The Region Ten Community Services Board provides comprehensive diagnosis, treatment and training for persons with Serious Mental Illness and chemical dependence for persons within the Planning District. Region Ten administers Continuum of Care (CoC) Permanent Supportive Housing projects, using a scattered site model. Region Ten also serves people with housing in apartments or Single Room Occupancy (SRO) units with funding through the Virginia Department of Behavioral Health and Developmental Services (DBHDS). Region Ten administers about 220 Housing Choice Vouchers. Region Ten provides case management services.

For people with disabilities, housing foundations in the Counties and projects funded through the Charlottesville Affordable Housing Fund (CAHF) in the City include necessary accessibility features as part of the scope of work for rehabilitation and emergency repair projects.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

One of the greatest insights from the regional Community Needs Assessment conducted during the development of the current FY 2022-2027 Consolidated Plan is the several lack of affordable rental units, both in the city and across the larger metropolitan area served by the Thomas Jefferson HOME Consortium members. This condition is greatly exacerbated by the significant rise of home prices during the course of the COVID pandemic that has driven the median purchase price within the city up on average 3.5% year-over-year, up from approximately \$360,000 in June of 2020 to a little over \$456,000 in June of 2023 according to Redfin calculations of home sales data from MLS and/or public records.

Based on these insights, the city has reemphasized its efforts to preserve and expand the current stock of affordable rental units. For example, the city is in the final stages of approval for funding agreements that will direct our portion of the recent HOME-ARP award to supporting critical rehabilitations necessary to preserve and maintain 7 or more residential rental units as affordable to households at or below 60% of the local Area Median Income (AMI).

Land use and zoning policies have historically been discriminatory in Charlottesville, a practice that has severely limited residential development and the overall supply of housing, especially for residents at the lower end of the income spectrum. These policies are further compounded by community resistance to change the land use policies that reinforce and prioritize preserving existing single-family neighborhoods over the development of new affordable housing that would provide and expand housing options in the community. As mentioned above, the city continues working to implement and refine its new Zoning Ordinance that will emphasize new inclusionary policies and other provisions designed to eliminate long-standing barriers to affordable housing.

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TJPDC has developed the PATH, which connects riders with accessible rides throughout the region, allowing access to transportation particularly for those who are most greatly disadvantaged. This allows those who live in more challenging locations for transportation, due to housing costs, to be more connected to the places they need to be.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The HOME Consortium maintains annual monitoring plans. This year included desk reports from rental providers, as well as a site visit to Habitat for Humanity of Greater Charlottesville (Habitat), to review their files, procedures, and the housing units they have developed for low-income homebuyers. Habitat was found to have excellent files and records, and have completed countless impactful projects in their region.

TJPDC carries out HOME desk reviews throughout the year, with oversight from the Finance Director and Executive Director. On-site visits are not required for subrecipients with no staffing changes, with no significant change in the type of projects carried out, and who have no outstanding findings from previous monitoring visits or financial audits. No sub-recipient will go more than three years without an on-site monitoring visit.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

(Will be completed after public comment is complete.)

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

The City of Charlottesville continues its commitment to internalizing the growing understanding of the depth and breadth of needs within our community referenced in previous CAPER reports, including the broader regional nature of many of the challenges we face and the consequent importance of fostering strong regional partnerships through, for example, the Thomas Jefferson Planning District Commission, the Thomas Jefferson HOME Consortium ("TJHC"), regional economic partnerships, among many others. The high cost of housing and, consequently, the limited affordable options for many people who work in the city but who cannot afford to own or rent here, continues to be a significant challenge for our community, as it does for so many communities across the country. We are also increasingly seeking out opportunities to strengthen our local childcare/early learning ecosystem.

The city and its many housing-focused partners continue seeking to enhance our understanding of community needs and, more importantly, the steps needed to address them in a productive manner that brings results for those in our community who need them the most. One significant outgrowth of this developing awareness can be seen in City Council's commitment to commit at least \$10 million per year to support affordable housing initiatives, a commitment that is being delivered upon but which would be challenging even for city's much larger than Charlottesville. (As noted elsewhere in this CAPER, the City of Charlottesville continued in its annual commitment of more than \$10MM to support a variety of affordable housing initiatives in 2025.) Similarly, the city continues to work to refine its new inclusive zoning code that removes single-family zoning requirements from all residential neighborhoods and that increases the by-right development options available to homeowners seeking to expand residential density and affordable housing options.

The 2025-26 program year planning process reinforces our understanding of how the level of need within our community exceeds the limited funds available. Consequently, continued emphasis will be placed on seeking out opportunities to develop activities that can further leverage the city's investment of scarce CDBG funds.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

CR-50 - HOME 24 CFR 91.520(d)

Include the results of on-site inspections of affordable rental housing assisted under the program to determine compliance with housing codes and other applicable regulations

Please list those projects that should have been inspected on-site this program year based upon the schedule in 24 CFR §92.504(d). Indicate which of these were inspected and a summary of issues that were detected during the inspection. For those that were not inspected, please indicate the reason and how you will remedy the situation.

HOME-assisted rental units are owned and managed by sub-recipients of the Charlottesville HOME Consortium. Sub-recipients share a role in the implementation of the HOME program, including inspection of rental units. For units with tenants using Housing Choice Vouchers, which constitute the majority of rental units, Charlottesville HOME Consortium Sub-recipients have reciprocal agreements to perform inspections on units owned and managed by another subrecipient. For HOME-assisted units with no rental assistance, the sub-recipient performs inspections at least annually to identify any maintenance issues, and to replace smoke detectors and filters. Inspections may be done more frequently, if there is a concern about the tenant. Some subrecipients, such as AHIP, have inspectors on staff. Others hire inspectors to identify the outcomes of contractors' work. All rental units are inspected annually.

TJPDC conducts site visits, including visits to affordable housing units, with subrecipients. This year, TJPDC visited properties developed by Habitat for Humanity of Greater Charlottesville, Nelson County Community Foundation, and Fluvanna-Louisa Housing Foundation. The sites were maintained in good condition. No issues were detected.

Provide an assessment of the jurisdiction's affirmative marketing actions for HOME units. 24 CFR 91.520(e) and 24 CFR 92.351(a)

All HOME projects are carried out by HOME Consortium subrecipients. These organizations have developed extensive networks with agencies and organizations in their localities to create a steady stream of referrals for HOME programs. Public outreach is carried out through a variety of means. The HOME Consortium maintains its Affirmative Marketing Policy, which applies to all projects that involve 5 or more units.

Refer to IDIS reports to describe the amount and use of program income for projects, including the number of projects and owner and tenant characteristics

Program Income information is collected quarterly from subrecipients. Not all subrecipients collect Program Income, because some primarily provide grants or conduct home repairs. Only the City of Charlottesville transfers PI back to TJPDC for use with their specific subrecipients. The HOME Consortium permits county-based non-profits to utilize Program Income for purposes of advancing

affordable housing, and reports all receipts and expenditures to HUD through IDIS.

**Describe other actions taken to foster and maintain affordable housing. 24 CFR 91.220(k)
(STATES ONLY: Including the coordination of LIHTC with the development of affordable
housing). 24 CFR 91.320(j)**

Subrecipient organizations maintain continual contact with their local community members, assessing the needs for affordable housing units, homeowner rehabilitation for low-income households, and other needs. The Program Manager at TJPDC attends regular meetings, listening to the needs and opportunities expressed by service providers, community members, locality staff, and leaders in housing and homelessness efforts. TJPDC participates in the USDA Housing Preservation Grant, allowing subrecipients to increase their rates of rehabilitating low-income housing. TJPDC also has distributed funding from the Virginia Department of Environmental Quality to improve homeowner septic systems. The City of Charlottesville provides extensive funding to affordable housing efforts, as evidenced in section 15 of this report, regarding Match funds. Through the RHP, TJPDC hosts summits every two years to increase the connection between private, public, and for-profit organizations that are focused on housing needs.



RESOLUTION R#-__-__

Resolution to Establish Council Priorities for the Program Year 2027-28 Community Development Block Grant & HOME Investment Partnerships Programs

WHEREAS the City of Charlottesville ("City") is an active 'participating jurisdiction' ("PJ") in the Community Development Block Grant ("CDBG") program administered by the U.S. Department of Housing and Urban Development ("HUD"); and

WHEREAS the City is a contributing member of the Thomas Jefferson HOME Consortium ("TJHC") in partnership with the counties of Albemarle, Fluvanna, Greene, Louisa and Nelson, and through the Consortium shares in the benefits of participation in HUD's HOME program; and

WHEREAS in accordance with the city's Citizen Participation Plan ("CPP"), the volunteer members of the CDBG/HOME Taskforce will be called on to review requests for funding for potential CDBG- and/or HOME-funded activities and to make subsequent funding recommendations to Council for Program Year 2027-28;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Charlottesville, Virginia, that the Program Year 2027-28 CDBG & HOME programs shall prioritize to the degree possible:

- A continued emphasis on expanding access to affordable housing opportunities, including but not limited to low-income housing redevelopment, downpayment assistance, homeowner rehabilitations and/or energy-efficiency upgrades for income-eligible homeowners
- Workforce development, including but not limited to efforts to bolster Section 3 training opportunities and/or other economic development activities
- Microenterprise assistance, including through financial literacy, business education, mentoring, networking, and microloan supports
- Access to quality and affordable childcare
- Improvements to public infrastructure designed to eliminate or reduce barriers to access to public amenities for mobility-impaired residents
- Any other guidelines or directions Council may wish to give in determining how CDBG and HOME funds should be spent

For Program Year 2027-28, the CDBG Admin & Planning budget shall be set at 20% of the City's CDBG Allocation from HUD.

Date Adopted:

Certified: _____
Clerk of Council

Policy Briefing Summary

City Council



Regarding:	Public Hearing for a Proposed CDBG-Funded Activity, the 2026 BEACON Kitchen Accessibility Enhancements Project, a Substantial Amendment to the Program Year 2026-27 Annual Action Plan, in the Amount of \$55,000 (1 of 2 readings)
Staff Contact(s):	Anthony Warn, Grants Analyst, Taylor Harvey-Ryan, Grants Program Manager
Presenter:	Anthony Warn, Grants Analyst
Date of Proposed Action:	September 8, 2026

Issue

The BEACON Commercial Kitchen is a very successful initiative of the New Hill Development Corporation ("NHDC"), such that the space they have built is now being used by the beneficiaries of the city's previous investment of CDBG funds on, at times, a 24-hour basis. The final stage of BEACON's ambitious plans for this space focus on renovating a severely dilapidated store front at the front of the building to house a space in which BEACON clients can showcase their products and provide them for resale by BEACON staff. Fundraising for this stage of the work is challenging in the current economic environment. A new investment of CDBG funds will provide important financial support for several accessibility-related features, including a new accessibility ramp and accessible restrooms, among other proposed enhancements.

Background / Rule

The City of Charlottesville is an active 'participating jurisdiction' ("PJ") in the Community Development Block Grant ("CDBG") program offered by the U.S. Department of Housing and Urban Development ("HUD") and, as such, is the periodic recipient of federal funds to support eligible community development, affordable housing and planning activities. HUD regulations permit PJs to award CDBG funds to support certain activities designed to support economic development and/or to improve public facilities and infrastructure, such as by removing barriers to access, objectives which would both be supported by the proposal under consideration.

Analysis

This proposed new activity builds on this previous investment by supporting accessibility enhancements to the last remaining portion of the original building, a space designed to provide the BEACON team new opportunities to support the economic development and education of their members.

The NHDC & BEACON teams have demonstrated admirable success with this project to date. The next stage of BEACON's buildout focuses on creating a new space in which their clients can showcase their goods for sale. This will provide their clients with a new opportunity to increase their sales. This space will also be used by the BEACON team as a teaching space in which to train clients in the financial/management aspects of maintaining a viable commercial food industry enterprise.

Financial Impact

There is no adverse financial impact to this proposed action, as the funds to be used are non-local funds allocated to the City by HUD to support community development and planning activities, and, as such, do not draw from the city's General Fund. Rather, use of these funds as recommended here will

serve to address important community needs while at the same time supporting the city's continued eligibility to participate in HUD programs through the timely expenditure of CDBG funds.

Recommendation

Based on the anticipated benefits for Charlottesville community of the proposed activity presented here today, staff recommends that Council approve the proposal as well as the associated appropriation of funds within the CDBG Fund needed to implement the proposed activity and related enhancements.

Recommended Motion (if Applicable)

I move that Council approve the RESOLUTION to approve the BEACON Kitchen Accessibility Enhancements project and to award up to \$55,000 in CDBG funds to implement the proposal presented here before us today.

Attachments

1. BEACON PY26 Council Resolution to Approve



RESOLUTION R#-__-__

Resolution to Approve the 2026 BEACON Kitchen Accessibility Enhancements Project and to Appropriate Associated CDBG Funds, a Substantial Amendment to the City's 2026-27 Annual Action Plan in the Amount of \$55,000

WHEREAS the City of Charlottesville is an active 'participating jurisdiction' ("PJ") in the Community Development Block Grant ("CDBG") program offered by the U.S. Department of Housing and Urban Development ("HUD"); and

WHEREAS activities that foster economic development within entitlement communities are a core priority for HUD and constitute a major category of eligible activities for CDBG programs; and

WHEREAS City Council has previously approved the appropriation of certain sums of federal grant receipts in support of eligible CDBG activities within the CDBG Fund; and

WHEREAS the City now has the opportunity to reprogram some of these funds in support of a new economic development and public facilities & infrastructure project to be undertaken by the New Hill Development Corporation in support of the BEACON Commercial Kitchen that is designed to support the economic development of the local community with specific benefits for low- and moderate-income city residents seeking to obtain or enhance employment opportunities within the food and beverage industry;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the proposed CDBG-funded activity presented here today is approved and that the Office of Budget & Grants Management is hereby authorized to begin work to implement said activity.

BE IT FURTHER RESOLVED that, in support of this program, appropriations made to the following expenditure account(s) in the CDBG Fund be amended by the respective amounts shown below and that the balance accumulated in the Fund as a result of these adjustments be hereby appropriated to the receiving account(s) indicated below, as follows:

<i>Fund</i>	<i>SAP Expenditure Account(s)</i>	<i>Proposed Reduction(s)</i>
218	3914001000	-\$55,000.00

<i>Fund</i>	<i>SAP Revenue Account(s)</i>	<i>SAP Account</i>	<i>Proposed Addition(s)</i>
218	1900737	FY27 BEACON Accessibility PY26	\$55,000.00

To this end, the City Manager, the Director of Finance, and public officers to whom any responsibility is delegated by the City Manager pursuant to City Code Section 2-147 are

authorized to establish administrative procedures and provide guidance and assistance in the execution of the funded activity.

BE IT FURTHER RESOLVED that any unspent funds available after the approved activity is completed and closed out with HUD will hereby be returned to the unallocated lump sum account within Fund 218 to be reallocated to suitable new activities by Council at a later date.

FINALLY, BE IT FURTHER RESOLVED that the funding award appropriated within this resolution will be provided as a grant to a private non-profit, charitable organization ('Subrecipient') and shall be utilized by the subrecipient solely for the purpose(s) stated within their approved Scope of Work. The City Manager is hereby authorized to enter into a funding agreement with the subrecipient named herein as deemed advisable to ensure that the grants are expended for their intended purposes and in accordance with applicable federal and state laws and regulations.

Date Adopted:

Certified:

Clerk of Council

Policy Briefing Summary

City Council



Regarding:	Public Hearing for a Proposed CDBG-Funded Activity, the 2026 IX Arts Foundation Accessibility Enhancements Planning Grant, a Substantial Amendment to the Program Year 2026-27 Annual Action Plan in the Approximate Amount of \$25,000.00 (1 of 2 readings)
Staff Contact(s):	Anthony Warn, Grants Analyst, Taylor Harvey-Ryan, Grants Program Manager
Presenter:	Anthony Warn, Grants Analyst
Date of Proposed Action:	September 8, 2026

Issue

The IX Arts Foundation (IAF) is the primary steward of outdoor space located just south of the city's historic Downtown Mall and adjacent to two newly redeveloped publicly supported housing developments, Kindlewood and Crescent Halls. IAF manages this space as the host site for multiple popular community activities, including a popular weekly Farmer's Market, community concerts and events, and a public playspace, among others. While the space IAF manages is heavily utilized for these activities, it is not generally considered to be accessible, and several notable barriers exist that make accessing this space by mobility-impaired visitors challenging.

Background / Rule

The City of Charlottesville is an active 'participating jurisdiction' ("PJ") in the Community Development Block Grant ("CDBG") program offered by the U.S. Department of Housing and Urban Development ("HUD") and, as such, is the periodic recipient of federal funds to support eligible community development, affordable housing and planning activities. HUD regulations permit PJs to award CDBG funds to support certain activities designed to support economic development and/or to improve public facilities and infrastructure, such as by removing barriers to access, objectives which would both be supported by the proposal under consideration.

Analysis

CDBG-funded planning grants are a tool commonly used by PJs in HUD programs, including the Virginia Department of Housing and Community Development ("DHCD"). With support from DHCD staff and building on recent examples of CDBG-funded subrecipients like ReadyKids to use their awards to leverage additional funds from non-city sources, the proposed planning grant has been designed to support the development of a comprehensive plan for the financing and development of accessibility-related enhancements to the IX Arts Park.

This investment of CDBG funds is designed to build the capacity of IAF staff to develop a comprehensive development plan, in part by funding their work with landscape designers with experience in accessible design. In addition, if approved, program staff would continue to work with DHCD staff to plan the implementation of the planning grant, as they have significant experience in this area and have offered their continued support.

Financial Impact

There is no adverse financial impact to this proposed action, as the funds to be used are non-local funds allocated to the City by HUD to support community development and planning activities, and, as such, do not draw from the city's General Fund. Rather, use of these funds as recommended here will

serve to address important community needs while at the same time supporting the city's continued eligibility to participate in HUD programs.

Recommendation

Based on the anticipated benefits for Charlottesville community of the proposed activity presented here today, staff recommends that Council approve the proposal as well as the associated appropriation of funds within the CDBG Fund needed to implement the proposed program and related enhancements.

Recommended Motion (if Applicable)

I move that Council approve the RESOLUTION approving the proposed CDBG-funded planning grant to the IX Arts Foundation and to appropriate up to \$25,000 in CDBG funds to implement the proposal presented here before us today.

Attachments

1. CDBG PY26 IX Arts Council Resolution to Approve
2. IX Arts Foundation 2026 CDBG Accessibility & Infrastructure WEB



RESOLUTION R#-__-__

Resolution to Approve the 2026 IX Arts Foundation Accessibility Enhancements Planning Grant and to Appropriate Associated CDBG Funds, a Substantial Amendment to the City's 2026-27 Annual Action Plan, in the Amount of \$55,000

WHEREAS the City of Charlottesville is an active 'participating jurisdiction' ("PJ") in the Community Development Block Grant ("CDBG") program offered by the U.S. Department of Housing and Urban Development ("HUD"); and

WHEREAS activities that foster economic development within entitlement communities are a core priority for HUD and constitute a major category of eligible activities for CDBG programs; and

WHEREAS the City now has the opportunity to reprogram some of these funds in support of a new economic development and public facilities & infrastructure planning activity to be undertaken by the IX Arts Foundation in support of much-needed accessibility enhancements to a highly utilized public space within the city limits;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the proposed CDBG-funded activity presented here today is approved and that the Office of Budget & Grants Management ("BGM") is hereby authorized to begin work to implement said activity.

BE IT FURTHER RESOLVED that, in support of this CDBG-funded activity, appropriations made to the following expenditure account(s) in the CDBG Fund be amended by the respective amounts shown below and that the balance accumulated in the Fund as a result of these adjustments be hereby appropriated to the receiving account(s) indicated below:

<i>Fund</i>	<i>SAP Expenditure Account(s)</i>	<i>Proposed Reduction(s)</i>
218	3914001000	-\$25,000

<i>Fund</i>	<i>SAP Revenue Account(s)</i>	<i>SAP Account</i>	<i>Proposed Addition(s)</i>
218	1900738	FY27 IX Arts PY26	\$25,000

To this end, the City Manager, the Director of Finance, and public officers to whom any responsibility is delegated by the City Manager pursuant to City Code Section 2-147 are authorized to establish administrative procedures and provide guidance and assistance in the execution of the funded activity.

BE IT FURTHER RESOLVED that any unspent funds available after the approved activity is completed and closed out with HUD will hereby be returned to the unallocated lump sum account within Fund 218 to be reallocated to suitable new activities by Council at a later date.

FINALLY, BE IT FURTHER RESOLVED that the funding award appropriated within this resolution will be provided as a grant to a private non-profit, charitable organization ("Subrecipient") and shall be utilized by the subrecipient solely for the purpose(s) stated within their approved Scope of Work. The City Manager is hereby authorized to enter into a funding agreement with the subrecipient named herein as deemed advisable to ensure that the grants are expended for their intended purposes and in accordance with applicable federal and state laws and regulations.

Date Adopted:

Certified: _____
Clerk of Council



IX Arts Park Foundation Accessibility & Infrastructure

A Proposal for a New CDBG-Funded Planning Grant

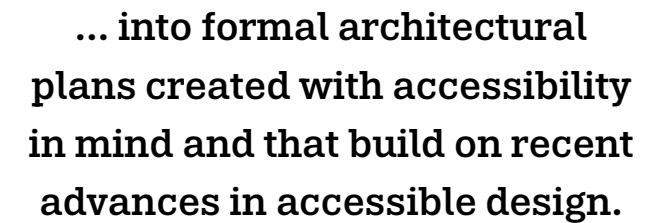
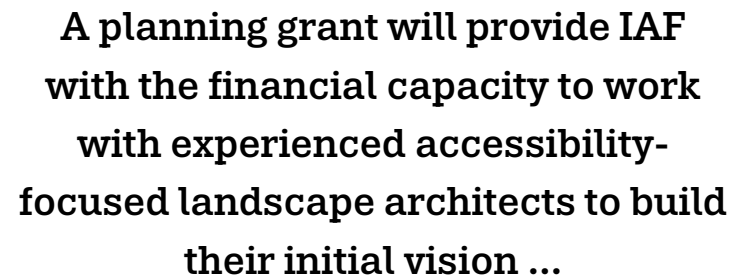
A Public Hearing before the City of Charlottesville City Council
May 4, 2026

Office of Budget & Grants Management
City of Charlottesville

<https://www.charlottesville.gov/678/CDBG-HOME-Programs>

Anthony Warn, Grants Analyst
warna@charlottesville.gov

Virginia DHCD



Benefits of a Planning Grant

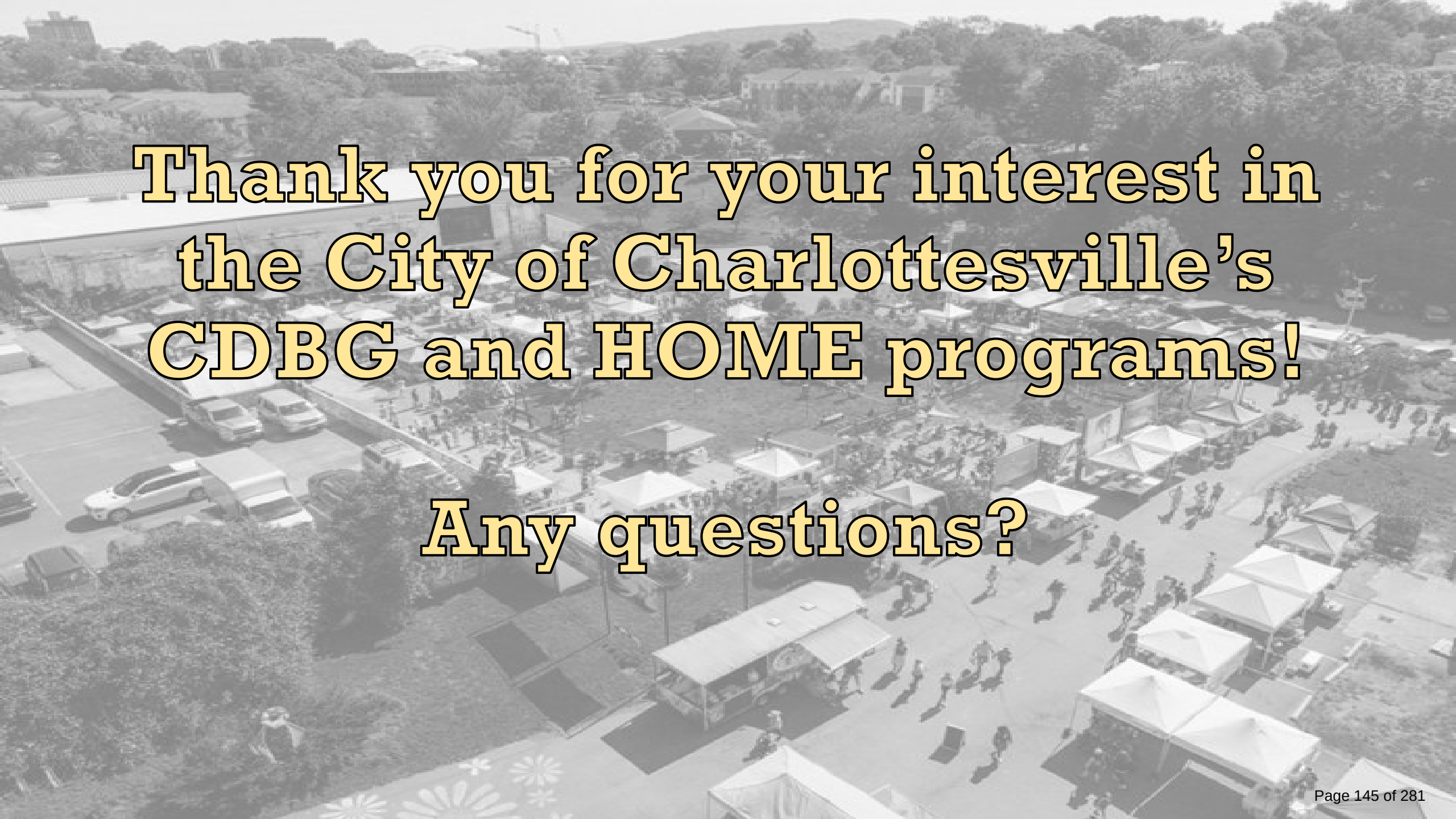


Through the support made possible by this award, IAF staff will be able to plan for the removal of much-used but inaccessible features, like the performance stage, and their replacement by new features designed with accessibility in mind.



IAF staff will also be able to plan for the replacement of the existing ad hoc playspace with a new playspace which is designed from the beginning for accessibility, much like was done recently through CDBG funding.



An aerial, grayscale photograph of a city neighborhood. The scene shows a mix of residential buildings, including houses with gabled roofs and larger structures. There are numerous trees scattered throughout the area, particularly in the foreground and along the edges. A parking lot with several cars is visible on the left side. The overall atmosphere is that of a quiet, established community.

**Thank you for your interest in
the City of Charlottesville's
CDBG and HOME programs!**

Any questions?

Policy Briefing Summary

City Council



Regarding:	Ordinance amending City Code Chapter 2, Article XVI. - Police Civilian Oversight Board (1 of 2 readings)
Staff Contact(s):	James Walker, PCOB Executive Director
Presenter:	James Walker, PCOB Executive Director
Date of Proposed Action:	September 8, 2026

Issue

The proposed revisions to City Code Chapter 2, Article XVI transition the Charlottesville Police Civilian Oversight Board ("PCOB") from a model focused on independent investigations to a "Monitor, Audit, and Review" model that strengthens oversight by aligning the Board's authority with what it can legally and operationally deliver. Council received a high-level overview of the proposed direction and a matrix of proposed changes at the joint work session held May 18, 2026. Legal review by the City Attorney's Office and by the Board's independent counsel has since been completed. Presented for Council's consideration is the complete revision: a clean copy of the proposed ordinance, a redline against the last Council-approved version, and the matrix of revisions presented on May 18, 2026. The revisions resulting from legal review are documented in the presentation accompanying this item. Staff requests that Council consider the proposed revisions for adoption following two readings.

Background / Rule

The PCOB was established pursuant to Virginia Code § 9.1-601 and is governed by Chapter 2, Article XVI of the City Code. The Article was last substantively amended in 2021; the most recent Council-approved revision took effect in November 2025 and serves as the baseline for the redline presented with this item. As currently written, the ordinance authorizes the Board to receive and investigate complaints, investigate incidents, hold hearings, recommend discipline in individual cases, and compel testimony through subpoena. Since the Office of Police Civilian Oversight ("the Office") became formalized, implementation has revealed structural tensions between several of these authorities and the legal framework governing police administrative investigations, including the Law-Enforcement Officers Procedural Guarantee Act (Virginia Code § 9.1-500 et seq.), the protections established in *Garrity v. New Jersey*, 385 U.S. 493 (1967), the Charlottesville Police Department ("CPD") Collective Bargaining Agreement, and the Chief of Police's exclusive disciplinary authority. These tensions have limited the Board's practical capacity to fulfill its existing primary oversight expectation of conducting independent investigations. The revision now before Council is the product of work undertaken by the Board and the Office beginning in late 2025:

- November 2025: Last Council-approved revision to Chapter 2, Article XVI takes effect.
- Late 2025 – April 2026: The Board and Office review implementation barriers and draft the proposed transition to a Monitor, Audit, and Review model.
- May 18, 2026: Joint work session with City Council; Council receives the overview presentation and the matrix of proposed changes.
- May – August 2026: Section-by-section legal review conducted by the City Attorney's Office and by the Board's independent counsel.
- September 8, 2026: Complete ordinance text, redline, and the May 18 revision matrix presented to Council for first reading; the legal review revisions are documented in the presentation.

Analysis

The proposed ordinance revision restates the Board's purpose as supporting community well-being and safety by advancing the quality of policing in the City of Charlottesville through civilian-led transparency and accountability under a "Monitor, Audit, and Review" model of oversight. This transition preserves every function the Board currently performs effectively while removing authorities that cannot be implemented within existing legal and operational constraints. Rather than narrowing oversight, the revision solidifies it by expanding underdeveloped authorities into fully articulated functions with clear procedures and public reporting obligations. Three directional shifts frame the proposed revisions.

1. *From independent investigation to monitored investigation with substantive review:* The revised ordinance replaces the Board's independent investigation authority with a receive-and-refer process under which CPD conducts the administrative investigation with concurrent monitoring by the Office. The Board retains and strengthens its authority to review completed investigations for accuracy, completeness, and impartiality, and to issue findings that may include non-concurrence, identification of investigative deficiencies, or recommendations for systemic change. The Director's monitoring authority is newly codified in detail, including observation of internal affairs interviews, review of investigative plans and evidence, and post-interview feedback.
2. *From hearings on individual complaints to hearings on policy, practice, and systemic concerns:* The revised ordinance refocuses Board hearings on examining department policies, practices, procedures, audit findings, and patterns of concern, rather than adjudicating individual complaints. This aligns hearing practice with the Board's capacity as a volunteer body and produces systemic accountability outputs that apply across the department.
3. *From case-specific disciplinary recommendations to disciplinary policy review:* The Board's authority to recommend discipline in individual cases is replaced with authority to render opinions on the appropriateness of discipline imposed by the Chief of Police and to recommend changes to the department's disciplinary matrix. This reorientation addresses practical barriers, including compressed disciplinary timelines, the exclusion of Board recommendations from grievance proceedings under Sec. 29.8(G) of the CPD Collective Bargaining Agreement, and confidentiality constraints on individual personnel matters. The revision allows the Board to produce recommendations with broader and more durable impact.

Legal review, May – August 2026

Following the May 18 work session, the full revision underwent legal review by the City Attorney's Office and by the independent counsel retained by the Board earlier in 2026. Both reviews responded to a single section-by-section set of questions extending through the entire ordinance revision, and each returned clear recommendations with stated reasoning. Where the two reviews diverged, the position of the City Attorney's Office took precedence; the independent counsel's recommendation was taken into consideration to shape the final language. The Board voted at its May 2026 meeting to adopt these revisions, and any modifications required by the legal review. The vast majority of revisions made as a result of legal review were for clarification, specificity, and alignment with state code, the City Code, and the CPD Collective Bargaining Agreement. These revisions did not substantively change or alter any of the proposed powers, duties, or activities of the Board and Office as presented in the matrix of changes at the May 18, 2026 work session. The revisions were limited enough in number and scope to be presented in full; they are logged section by section in the presentation accompanying this item, and appear in the redline.

Financial Impact

The proposed ordinance revisions carry no financial impact. No new appropriation is required, and the revisions are implementable within the existing budget of the Office of Police Civilian Oversight.

Recommendation

Staff recommends that Council receive the presentation, consider the proposed revisions to Chapter 2, Article XVI on first reading, and adopt the revised Article following the second reading. The Director is available to respond to Council's questions at tonight's meeting and in the period between readings.

Recommended Motion (if Applicable)

Attachments

1. 9-8-26 Presentation to Council - PCOB Proposed Ordinance Revisions
2. 9-8-26 Preamble - PCOB Proposed Ordinance Revisions
3. 9-8-26 Clean Version - PCOB Proposed Ordinance Revisions
4. 9-8-26 Redline Version - PCOB Proposed Ordinance Revisions
5. 5-18-26 Changelog Prior to Legal Review - PCOB Proposed Ordinance Revisions



POLICE CIVILIAN OVERSIGHT BOARD

Eyes, Ears, and Voice of the Community



**CITY OF CHARLOTTESVILLE
CITY COUNCIL**

Police Civilian Oversight Board

Proposed revisions to Chapter 2, Article XVI of the
City Code

FIRST READING

September 8, 2026

PRESENTED BY

James Walker, Director

ACTION ITEM

Tonight's Request

Council is asked to consider the proposed revisions to Chapter 2, Article XVI, Police Civilian Oversight Board for adoption following two readings.

Materials Before Council

01 Clean copy of the proposed ordinance

The full text as proposed for adoption

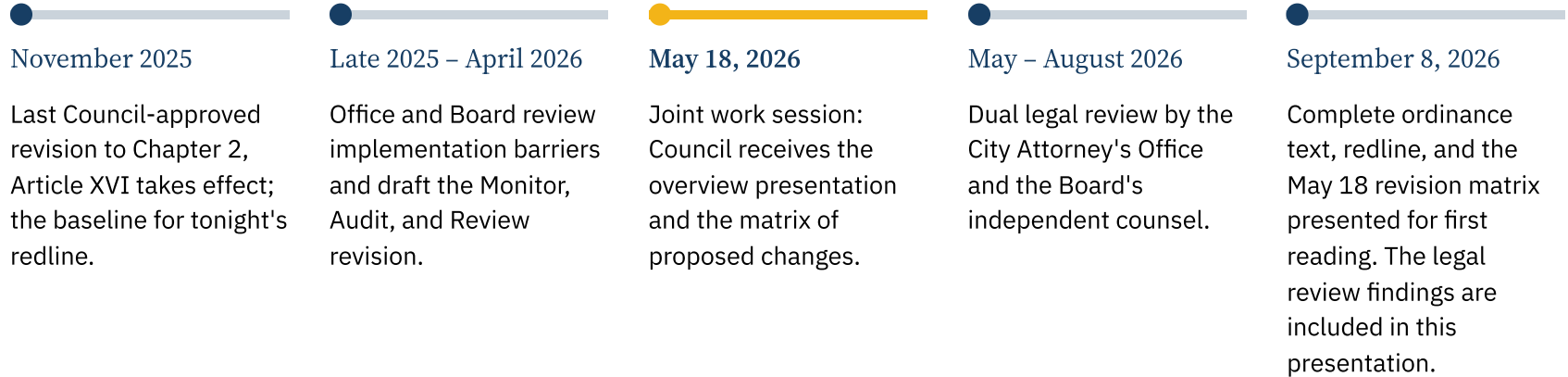
02 Redline version

Every change since the November 2025 Council-approved revision

03 Matrix of revisions

The section-by-section change log presented May 18, 2026

Revision Timeline



The Monitor, Audit, and Review Model

Monitor

Real-time observation of internal affairs investigations, interviews, briefings, training, data systems, and budget; codified in detail rather than left to practice.

Audit

A formal process with published audit plans, department cooperation standards, structured findings, and public audit reports.

Review

Substantive review of completed investigations for accuracy, completeness, and impartiality, with findings that include non-concurrence.

The Board's purpose statement is restated around these functions: advancing the quality of policing through civilian-led transparency and accountability.

WHAT CHANGES IN PRACTICE

Three Directional Shifts

CURRENT ORDINANCE

Independent investigation by the Board and Office

Hearings that adjudicate individual complaints

Disciplinary recommendations in individual cases

PROPOSED REVISION

Receive and refer, with concurrent monitoring and substantive review of the completed investigation

Hearings on policy, practice, audit findings, and patterns of concern

Opinions on discipline imposed and recommendations to the disciplinary matrix

Legal Review: Scope and Method

City Attorney's Office

Review of the full revision for legal sufficiency, consistency with state code, and the City's position as employer.

Board's Independent Counsel

Retained earlier in 2026; review of the same revision from the perspective of the Board's oversight authority.

METHOD

Both reviews responded to a single section-by-section set of questions extending through the full ordinance revision, and each returned clear recommendations with stated reasoning.

Legal Review: Reconciling the Two Reviews

- 01 Both reviews answered the same questions, section by section, across the whole revision.
 - 02 Where the reviews aligned, the recommendation was adopted into the text.
 - 03 Where they diverged, the City Attorney's Office position took precedence, and independent counsel's reasoning was used to shape the final language.
-

Legal Review: Nature of the Changes

The oversight model presented on May 18 is unchanged. What the Board can reach was expanded, and how it must act was tightened.

Expanded Reach

Jurisdictional exclusions cut from seven to three; the misconduct standard broadened.

Legal Soundness

Subpoena, conflict-of-interest, and training provisions rewritten to operate correctly under state law.

Alignment

Language conformed to the Code of Virginia, the City Code, and the Collective Bargaining Agreement.

What Changed Substantively

SEC. 2-459(C)

Jurisdictional Exclusions

Seven exclusions reduced to three. The one-year lookback, the civil-proceeding bar, the complainant opt-out, and the policy-violation test are gone.

SEC. 2-453(E)

Records Management

New: all Board and office records are public records under the Virginia Public Records Act, retained on Library of Virginia schedules.

SEC. 2-451

Misconduct Standard

The nine-item list becomes one standard: significant violations of city policy, general orders, and SOPs. Protected classes tracked to the Virginia Human Rights Act.

SEC. 2-455(D)

Term Limit

Eight consecutive years, stated explicitly. Unexpired terms do not count; prior service is credited; no entitlement to reappointment.

SEC. 2-458

Records Access

FOIA exemptions the department may invoke against the Board cut from thirteen to seven; unilateral withholding now runs through the city manager.

SEC. 2-456(C)

Meeting Trigger

Quorum stays at four, but three or more members discussing Board business now constitutes a meeting requiring notice.

Changes by Section: 2-451 – 2-455

SEC. 2-451

Definitions

Single misconduct standard replaces the nine-item list; protected classes expanded to immigration and military status and to perceived characteristics.

Immediate family member defined by Code of Virginia § 2.2-4368.

SEC. 2-454

Powers and Duties

Purpose statement expanded with community-voice and dignity language.

Reviewable incidents narrowed to the three statutory categories.

SEC. 2-453

Office Established

New records management subsection: Virginia Public Records Act coverage, Library of Virginia retention, Chief remains custodian of department originals.

SEC. 2-455

Membership, Appointment, Terms

Eight-year term limit stated; terms restaggered.

Conflict-of-interest self-deeming replaced with general compliance as applicable.

Changes by Section: 2-456 – 2-469

SEC. 2-456

Meetings

Quorum for voting clarified as distinct from the three-member threshold that triggers a public meeting.

SEC. 2-458

Records Access

Exemption list narrowed; the department’s unilateral withholding clause replaced by the city manager’s dispute process.

SEC. 2-459

Jurisdiction

Exclusions reduced from seven to three; the one-year lookback and its good-cause process removed.

SEC. 2-460

Subpoenas

Rewritten so the provision governs the Board’s request to the court rather than directing the court.

SEC. 2-462

Department Monitoring

Director’s activity access made expressly non-exhaustive; interview feedback limited to process observations.

SEC. 2-464 · 2-466 · 2-469

Review, Reports, Training

Deference broadened to operational and tactical decisions; hearings framed within the monitoring structure; training consolidated to six months and every two years.

IN SUMMARY

Twelve sections were touched after legal review. The full text of each change appears in the redline.

Adoption

Staff recommends that Council consider the proposed revisions to Chapter 2, Article XVI for adoption following two readings.

The Police Civilian Oversight Board voted to adopt these revisions, and any modifications required by the legal review, at its May meeting.

Discussion

The Director is available to answer any Council questions.

ORDINANCE #O-26-_____

**AN ORDINANCE TO AMEND AND REENACT CHAPTER 2, ARTICLE XVI OF THE
CODE OF THE CITY OF CHARLOTTESVILLE TO TRANSITION THE POLICE
CIVILIAN OVERSIGHT BOARD AND THE OFFICE OF POLICE CIVILIAN
OVERSIGHT TO A MONITOR, AUDIT, AND REVIEW MODEL OF OVERSIGHT
AND TO MAKE OTHER CHANGES FOR CLARIFICATION AND CONSISTENCY**

WHEREAS, Chapter 2, Article XVI of the Charlottesville City Code, adopted pursuant to Code of Virginia § 9.1-601, establishes the Charlottesville Police Civilian Oversight Board and the Office of Police Civilian Oversight, and was last amended and reenacted in its entirety by Ordinance No. O-25-142, adopted November 17, 2025; and

WHEREAS, Chapter 2, Article XVI as presently written authorizes the Board to investigate complaints and incidents, to hold hearings on individual complaints, to recommend discipline in individual cases, and to compel statements from Department employees by subpoena, and implementation has revealed conflicts between these authorities and the law governing administrative investigations of law enforcement officers, including the Law-Enforcement Officers Procedural Guarantee Act (Code of Virginia §§ 9.1-500 et seq.), Garrity v. New Jersey, 385 U.S. 493 (1967), the Charlottesville Police Department collective bargaining agreement, and the exclusive disciplinary authority of the Chief of Police; and

WHEREAS, certain amendments to Chapter 2, Article XVI are necessary to align the Board's authority with the oversight it can lawfully and effectively perform, to fully articulate oversight functions the Article leaves undeveloped, to consolidate into the City Code the standard operating procedure and memorandum of understanding governing access to Department information, to align the Article with federal and state law, and to make minor changes for clarification and consistency; and

WHEREAS, these amendments replace independent investigation by the Board with referral of complaints to the Department, monitored by the Office and subject to substantive Board review; refocus hearings on policy, practice, and systemic concerns rather than individual complaints; replace case-specific disciplinary recommendations with review of the disciplinary matrix and its application; add provisions governing intake, monitoring, audits, reviews, and public reporting; expand the Board's access to Department records and activities; narrow the exclusions from the Board's jurisdiction; and revise Board membership, terms, and training; and

WHEREAS, the amendments were presented to the City Council at a joint work session held May 18, 2026, and reviewed between May and August 2026 by the City Attorney's Office and by independent counsel retained by the Board; and

WHEREAS, in a public meeting and by recorded vote on May 14, 2026, the Police Civilian Oversight Board recommended adoption of these amendments and of any modifications resulting from the legal review then pending;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Chapter 2, Article XVI of the Code of the City of Charlottesville is hereby amended and reenacted in its entirety as follows:

ARTICLE XVI. POLICE CIVILIAN OVERSIGHT BOARD¹

Sec. 2-450. Title.

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

(Ord. No. O-26-XXX, 09-21-26)

Sec. 2-451. Definitions.

- (a) *Authorized purpose.* Those powers and duties delineated in Sec. 2-454. The term *lawful purpose* used in Sec. 2-454(b)(8) specifically refers to Code of Virginia § 9.1-601.
- (b) *Closure letter.* For purposes of this article, a "closure letter" shall mean the written notification issued by the department at the conclusion of an internal affairs investigation that communicates the findings and determinations of the investigation to the complainant and, when applicable, to the director.
- (c) *Complainant.* For purposes of this article, a "complainant" shall mean any civilian who submits a complaint to the office or the department. A complainant need not be the individual directly affected by the alleged conduct.
- (d) *Complaint.* For purposes of this article, a "complaint" shall mean an allegation submitted by any civilian to the office or the department that a law enforcement officer or civilian employee of the department has engaged in misconduct. A complaint may be submitted in any form, either orally or in writing.
- (e) *Hearing.* For purposes of this article, a "hearing" shall be any public session conducted by the board to review the facts, issues, and implications of a department policy, practice, procedure, pattern, trend, audit report, systemic concern, or other matter within the board's authority. Hearings may also examine patterns in the findings, determinations, and disciplinary actions resulting from administrative investigations conducted by the department.
- (f) *Immediate family member.* For purposes of this article, "immediate family member" shall have the same meaning as that provided by Code of Virginia § 2.2-4368.
- (g) *In writing.* For purposes of this article, electronic mail (e-mail) shall constitute communication in writing.
- (h) *Personal information.* For purposes of this article, "personal information" shall have the same meaning as that provided by Code of Virginia § 2.2-3801.
- (i) *Records.* For purposes of this article, "records" shall be construed to broadly include writings, files, photographs, audio and visual recordings, and any other data, information, and evidence within the possession of the department requested by the director for an authorized purpose of the board, subject to limitations in this article.
- (j) *References.* For purposes of this article, the following references shall be used:
 - (1) *The board.* The established and authorized Charlottesville Police Civilian Oversight Board shall be referred to as "the board."
 - (2) *The chief.* The City of Charlottesville Chief of Police shall be referred to as "the chief."
 - (3) *The commander.* The Charlottesville Police Department's Commander of Internal Affairs shall be referred to as "the commander."
 - (4) *The department.* The Charlottesville Police Department shall be referred to as "the department."

¹Ord. No. O-25-142, adopted Nov. 17, 2025, amended Art. XVI in its entirety to read as herein set out. Former Art. XVI, §§ 2-450—2-468, pertained to similar subject matter, and derived from Ord. No. O-21-183, §§ 1, 2, adopted Dec. 20, 2021; Ord. No. O-22-164, §§ 1, 2, adopted Dec. 19, 2022; and Ord. No. O-24-155, adopted Nov. 18, 2024.

- (5) *The director.* The appointed Director of the Office of Police Civilian Oversight under the division of the City Manager's Office shall be referred to as "the director."
- (6) *The office.* The established and authorized Office of Police Civilian Oversight shall be referred to as "the office" for purposes of this article.
- (k) *Securely retained.* A physical or electronic storage format, location, or device to which access is restricted by physical or logical access controls and limited to the director and to staff of the office authorized by the director. Department records in the custody of the office shall not be accessed by any other person except in the presence of the director or authorized staff. Such records shall be maintained in accordance with the Virginia Public Records Act, Code of Virginia § 42.1-76 et seq., the records retention and disposition schedules issued by the Library of Virginia, and other applicable standards under state and federal law.
- (l) *Serious abuse of authority or misconduct.* For purposes of this article, "serious abuse of authority or misconduct" shall be defined as significant violations of city policies or procedures, including the department's general orders and any associated standard operating procedures. This includes, but is not limited to, harassment or discrimination against, or verbal or other conduct that maligns or shows hostility toward, an individual or group because of that individual's or group's actual or perceived: race; color; religion; national origin or ethnicity; immigration status; sex; sexual orientation; gender identity or expression; marital status; familial status; age; disability; or military or veteran status; or any other characteristic protected under the Virginia Human Rights Act (Code of Virginia § 2.2-3900 et seq.).

(Ord. No. O-26-XXX, 09-21-26)

Sec. 2-452. Police civilian oversight board established.

Pursuant to Code of Virginia § 9.1-601, there is hereby established a Charlottesville Police Civilian Oversight Board, with powers granted as provided in this article. The board is a body established and appointed by the city council of Charlottesville pursuant to Code of Virginia § 9.1-601(B) to perform functions authorized by the city council in accordance with Code of Virginia § 9.1-601(C). 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 in this article.

(Ord. No. O-26-XXX, 09-21-26)

Sec. 2-453. Office of police civilian oversight established.

- (a) *Office established.* There is hereby established an Office of Police Civilian Oversight, which is a division of the City Manager's Office, and shall have the powers granted as provided in this article to facilitate and support the authorized purpose of the board. The office shall have the authority to carry out its duties and responsibilities under this article with respect to all law enforcement activities and all sworn and civilian personnel operating under the authority of the department.
- (b) *Director.* There shall be a full-time director of the office. The director shall be responsible for and report to the board on the day-to-day operational activities of the board and the office. The director shall report to the city manager, and the city manager shall delegate to the director the authority to employ such additional staff as funded by the city council for the board to effectively fulfill its obligations under this article, and any such additional staff shall report to the director.
 - (1) *Appointment.* The city manager shall appoint a director with the approval of a majority vote of the city council.
 - (2) *Interview process.* As a part of the appointment process, the city manager shall convene an interview panel that includes two (2) members of the board. If those two (2) members recommend a candidate for appointment as director, the city manager shall provide a written justification to the board if a different candidate is appointed.
- (c) *Duties of the city manager.* The city manager shall have the following duties:
 - (1) *Operating procedures.* The city council authorizes the city manager to establish operating procedures for the performance of duties by the board and the office. Those procedures may be amended from time to time by the city council or by the city manager. The city council or the city manager, as applicable, shall consult with the board and the director before establishing or amending any such procedures.

- (2) *Supervision.* The city manager or a designee shall supervise the work of the director. The city manager's annual evaluation of the director's performance shall consider a written performance review submitted by the board to the city manager. The board may request that the city manager meet with the board's chair to discuss the director's performance.
- (3) *Vacancy.* If there is a vacancy in the position of director, the city manager may designate some other city employee who is not an employee of the department to act as director until a new director is appointed.
- (d) *Duties of the director.* The director shall have the following duties:
 - (1) *Duties.* The director shall support the board in the implementation and exercise of its oversight functions and undertake or ensure the performance of specific tasks assigned by majority vote of the board, pursuant to the powers and duties of the board authorized in this article. The director shall be responsible for management of all administrative and fiscal needs of the board and the office as authorized by the city manager.
 - (2) *Director's authority to conduct audits.* The director may conduct retrospective examinations and audits as provided in Sec. 2-463 of this article, including patterns in internal affairs investigations, arrests and detentions, department expenditures, and other public-police interactions pursuant to the authorized purpose of the board. The board may request the director to conduct additional audits by majority vote. The director shall provide a summary report of any audit conducted to the board and the city manager upon completion.
 - (3) *Director's authority to engage in oversight activities on behalf of the board.* The director may engage in additional oversight activities as provided in Sec. 2-462 which support and inform the functions of the board, consistent with the authorized purpose of the board. This may include, but is not limited to, review of department data systems, attendance at department meetings, review of department policies, practices, and procedures, participation in interviews of candidates for employment with the department, participation in use of force and similar conduct review panels, and other activities which are reasonably related to the board's authorized purpose. The board may request the director to conduct additional oversight activities by majority vote. The director shall report all activities to the board and the city manager in accordance with the limitations in this article.
- (e) *Records management.* All records created or received by the board, the director, or the office in the transaction of public business are public records within the meaning of the Virginia Public Records Act, Code of Virginia § 42.1-76 et seq., without regard to whether such records are exempt from disclosure under the Virginia Freedom of Information Act ("FOIA"). The director shall ensure that such records are retained, maintained, and disposed of in accordance with that Act and the records retention and disposition schedules and electronic records guidelines issued by the Library of Virginia, in coordination with the city's designated records officer under Code of Virginia § 42.1-85. Nothing in this subsection shall alter the chief's status as custodian of original department records.

(Ord. No. O-26-XXX, 09-21-26)

Sec. 2-454. Powers and duties of the police civilian oversight board.

- (a) *Purpose.* The purpose of the board is to support community well-being and safety through civilian-led oversight that brings transparency and accountability to policing in the City of Charlottesville. The board provides the community with a direct voice in public safety and promotes policing that is lawful, fair, and respectful of the rights and dignity of all people. The board fulfills this purpose by monitoring, auditing, and reviewing department conduct, policies, practices, and procedures, and by issuing public reports with recommendations for corrective action and the adoption of best practices in policing.
- (b) *Powers and duties.* The board shall have the following powers and duties:
 - (1) To receive complaints from civilians regarding the conduct of law enforcement officers and civilian employees of the department, and to refer such complaints, at the request of the complainant, to the department for investigation with monitoring by the office on behalf of the board;
 - (2) To review and issue findings on department incidents, including the use of force by a law enforcement officer, death or serious injury to any individual held in custody, and serious abuse of authority or misconduct as defined in this article;

- (3) To review policies, practices, and procedures of the department and to make recommendations regarding changes to such policies, practices, and procedures;
- (4) To review investigations conducted internally by the department and to issue findings regarding the accuracy, completeness, and impartiality of the investigations and the sufficiency of any discipline resulting from such investigations;
- (5) To review reports of the annual expenditures of the department, and to make recommendations to the city council concerning future appropriations;
- (6) To make public reports on the activities of the board, including reviews, hearings, findings, determinations, recommendations, and oversight activities;
- (7) To hold hearings and if, after making a good faith effort to obtain the voluntary attendance of witnesses, with the exception of employees of the department, and the production of books, papers, and other records or evidence necessary to perform its duties, the board is unable to obtain such attendance or production, to apply to the Circuit Court of the City of Charlottesville for a subpoena compelling the attendance of such witness or the production of such books, papers, and other records or evidence; and
- (8) To undertake other duties, as reasonably necessary, for the board to effectuate its lawful purpose as provided in this article, including the delegation of administrative support functions, department monitoring, auditing, and other routine oversight activities to the office established in this article.

(Ord. No. O-26-XXX, 09-21-26)

Sec. 2-455. Board membership, appointment, and terms.

- (a) *Objectivity.* In making appointments under this section, the city council shall seek members who are fair and objective, and who will be perceived as fair and objective, in the conduct of their duties.
- (b) *Appointment process.* The city council shall appoint the members of the board. City council shall announce a public application process with applications available online and by hardcopy for individuals interested in serving on the board. The application window shall remain open for a minimum of thirty (30) calendar days from the date of public announcement. City council shall seek to appoint members with a demonstrated commitment to community service who have training and experience, including lived experience, with topics relevant to the business of the board, including law, police practices, human resources practices and procedures, trauma-informed mental health issues, or the sociology of historically overpoliced communities.
- (c) *Board composition.* The board shall reflect the demographic diversity of the City of Charlottesville. The board shall be composed of seven (7) voting members and one (1) non-voting member. The members shall be removable by the city council for cause, including conduct specified in the board's code of ethics set forth in the board's operating procedures, violating the duty of confidentiality, failing to participate in required training, or other good cause.
 - (1) The seven (7) voting members of the board shall be residents of the City of Charlottesville or Albemarle County. Priority shall be given to city residents. Residents of Albemarle County appointed to membership on the board shall be employed in the City of Charlottesville or shall have significant and demonstrable ties to the city. If, after the defined public application process, the city council determines that there are insufficient eligible applicants who are residents of the City of Charlottesville or Albemarle County to fill a vacancy on the board, the city council may appoint a resident of the Commonwealth of Virginia who is employed in the City of Charlottesville or who has significant and demonstrable ties to the city.
 - (2) The non-voting member of the board shall be an individual with policing expertise or experience. The non-voting member may be a retired law enforcement officer who prior to retirement was employed in a locality similar to the City of Charlottesville.
 - (3) No board member shall be a current candidate for public office, a former member of the department, an immediate family member of a current department employee, or a current employee of a law enforcement agency, the fire department, the emergency communications center, or the sheriff's office. If the city council

considers appointing a board member who is employed by the City of Charlottesville, the city council shall seek to avoid potential conflicts of interests.

- (d) *Terms.* Each board member shall be appointed for a term of two (2) years. Except as otherwise provided in this section, appointments and terms shall be subject to the provisions of chapter 2, article I, § 2-8 of the city code. No person shall serve more than eight (8) consecutive years on the board, and no person shall be appointed or reappointed to a term that, if served to completion, would exceed that limit. Service in the unexpired portion of a term shall not be counted toward this limit. Service in a term under this article as it existed before the effective date of this amendment shall be credited as the number of years in that term. Members serving on the board as of the effective date of this amendment shall continue to serve the remainder of their current term. The composition requirements, term length, and term limit established by this section shall apply to all appointments and reappointments made on or after the effective date of this amendment. Nothing in this section shall entitle any person to reappointment.
- (e) *Conflicts of interests.* A board member shall not participate in any matter before the board under circumstances in which the objectivity of the board member could reasonably be questioned, including, without limitation, the consideration of a complaint of someone who is an immediate family member. All board members shall comply with the requirements of the Virginia State and Local Government Conflict of Interests Act, as applicable.

(Ord. No. O-26-XXX, 09-21-26)

Sec. 2-456. Meetings.

- (a) *Number of meetings.* The board shall hold public meetings at least once per calendar quarter. Additional meetings may be called by the chair or any two (2) board members.
- (b) *FOIA.* The board shall comply with all applicable requirements of the Virginia Freedom of Information Act ("FOIA") pertaining to disclosure of public records and the conduct of its meetings.
- (c) *Quorum.* A quorum of the board for the transaction of business and the taking of any vote shall be four (4) members. However, for purposes of Virginia FOIA, a meeting of the board occurs whenever as many as three (3) members are gathered to discuss or transact the business of the board, and any such gathering shall be noticed and conducted in accordance with that Act.
- (d) *Minutes.* The board shall keep minutes of its meetings, which shall include:
 - (1) The date, time, and location of the meeting;
 - (2) The members present and absent;
 - (3) A summary of the discussion on matters proposed, deliberated, or decided; and
 - (4) A record of any votes taken.
- (e) *Rules and procedures.* Meetings of the board shall be conducted in accordance with Robert's Rules of Order or such other procedures as the board may adopt.

(Ord. No. O-26-XXX, 09-21-26)

Sec. 2-457. Board legal counsel.

The director may retain independent legal counsel to advise and represent the board in connection with its oversight powers and duties, and in any other matters involving the interests of the board. Such independent legal counsel shall be chosen from a list of attorneys recommended by the city attorney. The director is authorized to execute a contract in the name of the board for legal services if the contract has first been approved by the board and endorsed by the city's finance director to verify that funding is available and has been appropriated to support performance of the payment obligations of the board under such contract. The board's legal counsel shall be paid only from funds that have been appropriated to the board's budget by city council. The board and the director are encouraged to consult the office of the city attorney for legal advice, except in matters involving potential conflicts of interests between the board and the department.

Sec. 2-458. Information access and limitations.

- (a) *Access to department information.* Subject to certain narrow limitations described in this article and through administration by the director, the board is authorized to receive, and shall be provided full access to, all department reports, files, and records determined by the board or the director to be necessary to carry out its authorized purpose. All records, documents, and materials in the possession of or provided to the board or the director shall be subject to the protection of confidential and personal information as defined in this article and the board's operating procedures.
- (b) *Records to be routinely provided.* The department shall provide the following records to the director within five (5) calendar days of the receipt or creation of the record by the department:
 - (1) Initial complainant contact letter;
 - (2) Complaint closure letter;
 - (3) Monthly report by the department's Fourth Amendment auditor; and
 - (4) Monthly report by the Office of Internal Affairs.
- (c) *Requests for department records.* The department shall provide all records specifically identified by the director, as well as those related to the subject matter and reasonably necessary to permit the board to review the identified subject matter. The director shall notify the chief or a designee in writing when the following occurs, as applicable, which shall constitute a request for records for purposes of this article:
 - (1) The review of an internal affairs investigation has been scheduled. The director shall provide sufficient information to allow the department to identify the investigation and any related complaints or disciplinary records.
 - (2) The review of a specific department policy, practice, or procedure. The director shall provide sufficient information to allow the department to identify records in its possession relevant to the review.
 - (3) An audit has been initiated by the director or requested by the board. The director shall provide the chief or a designee with a copy of the audit plan, which shall indicate the general nature of the contemplated audit such that the department may identify records relevant to the audit.
- (d) *Delivery of records.* Upon the provision of such written requests for records, the department shall provide the director with the requested records within five (5) calendar days of the director's request or, if applicable, within five (5) calendar days of the city manager's written ruling regarding a dispute about access to records. In either case, the director and the chief or a designee may agree to a different timeline for the delivery of the requested records. In the absence of a director or appointed designee, written requests shall be issued by the chair of the board with a majority vote of its members. The chief or a designee shall appoint an employee of the department to administer records access to the board until such time as a new director or designee is appointed to such role by the city manager.
- (e) *Format of department records.* The board shall be provided department records, administered by the director, in the following formats:
 - (1) *Body-worn and dashboard camera video.* The director shall be provided with independent access privileges to any relevant department systems to view all footage from cameras worn or operated by the department if relevant to the subject of an authorized purpose of the board. The director shall not share the access credentials with any other person, and the director shall not allow any person to view such video footage, other than a member of the board who has signed a confidentiality agreement, which the director shall certify, and in which case the board member may review the video footage only in the presence of the director.
 - (2) *Originals or exact copies.* The director shall be provided with the original version of the requested department records or, if feasible, may be provided copies of such records, at the department's discretion. If copies of the original records are provided to the director, they shall be exact duplicates of the original versions other than minor formatting or cosmetic differences that do not impact the content of the records.

- (3) *Secure retention, return, or destruction.* The original records and any copies thereof provided by the department to the director shall be returned to the chief or a designee as the custodian of the original records within five (5) calendar days of completion of the board review or audit, except that upon agreement in writing by the chief or a designee, copies of department video footage and records provided to the director may be securely retained for up to one (1) year or destroyed. A review or audit shall be deemed complete upon occurrence of the following, as applicable:
- (i) Public release of the final findings, determinations, and recommendations of a review;
 - (ii) Presentation by the director of a final audit report to the board; or
 - (iii) In a case in which (i) or (ii) above does not apply, at such other time as the director notifies the chief or a designee in writing that the authorized purpose for which the records were requested is complete.
- (f) *Department information to which the board shall not have access.* The director and the board shall not have access to:
- (1) Records that may reveal the identity or personal information of a confidential informant;
 - (2) Investigative files related to an active civil or criminal investigation by the Commonwealth's Attorney, the Virginia Attorney General, the Virginia State Police, or the United States Department of Justice;
 - (3) Files related to an active Equal Employment Opportunity Commission claim, Human Rights Commission investigation, or civil claim involving a department employee;
 - (4) Files containing information exempt from mandatory public disclosure or prohibited from public disclosure pursuant to Code of Virginia §§ 2.2-3706(B)(2), (3), (5), (8), (11); 2.2-3706(C); and 2.2-3706.1(E); and
 - (5) Any information that the department is not legally authorized to share.
- (g) *Disputes over access.* If the director and the board seek access to information the disclosure of which the department believes is outside the scope of, or expressly prohibited by the authority granted in this article, and the director and chief cannot resolve this dispute after mutual discussion and consultation, then the city manager shall resolve the dispute consistent with the purposes and provisions of this article. The city manager may conduct an informal hearing at which both the director and chief may be heard, and the city manager shall issue a written ruling within three (3) business days thereafter. If the board believes that the city manager is unreasonably withholding such information, the board may consider whether to seek a subpoena requiring the production of such information as provided in Sec. 2-460 of this article.
- (h) *Confidentiality.* Each member of the board and the director shall maintain the confidentiality of all personal information and confidential or privileged information, including, but not limited to:
- (1) Materials from police internal investigative files;
 - (2) Disciplinary actions, memos, and reports;
 - (3) Statements of any police officer or civilian employee who was required by the department to give a statement;
 - (4) Criminal investigative files; and
 - (5) Any other information that the chief or city attorney's office has deemed confidential.
- This requirement to maintain confidentiality continues indefinitely or until the information no longer meets the definition of confidential or privileged as defined in this article.
- (i) *Protocols to prevent improper dissemination.* The director and the board shall adhere to the following protocols to prevent improper dissemination of confidential records, including records containing personal or privileged information not subject to public release:
- (1) The director and board shall not use or disseminate non-public personal information regarding any person, for any purpose or in any manner, other than as authorized by applicable state and federal law, local ordinances, and the authority to release public records defined in this article.

- (2) The director and board shall take all appropriate measures to maintain the security and confidentiality of all non-public personal information contained within department records to which access has been provided.
- (3) Within any written reports to be presented at a public meeting of the board or released to the public, and during any public comments about matters currently or likely in the future to be the subject of a review or audit by the board or director, the board and director may disclose the following personal information about any person, except as otherwise prohibited by state or federal law:
 - (i) Personal information previously publicly disclosed (by a party or parties other than the board or director); and
 - (ii) Non-public personal information regarding a department officer or employee with the prior written consent of the officer or employee.
- (4) In all other cases, written reports to be presented at a public meeting of the board or released to the public, and public comments about matters currently or likely in the future to be the subject of a review or audit by the board or director, shall refer only to anonymized information regarding any specific department officer or employee, and information that would not permit the particular officer or employee to be personally identified.
- (j) *Records to remain department records.* The chief, as the custodian of original department records, shall be responsible for decisions as to whether copies of such records (or information contained in such records) may be publicly disclosed, subject to the direction and control of the city manager. In the event of a request pursuant to Virginia FOIA for records in the possession of the board or director, the director, as applicable, shall consult with the city attorney's office and claim all relevant exemptions allowed by FOIA to withhold the records or portions thereof from public disclosure, except in cases where public disclosure is authorized in writing by either the chief or the city manager and is otherwise lawful. Nothing in this paragraph shall preclude the city manager from establishing guidelines in the operating procedures regarding public disclosure of certain types of information contained within department records.

(Ord. No. O-26-XXX, 09-21-26)

Sec. 2-459. Exclusions, limitations, and suspension.

- (a) *Compliance.* Any oversight activities shall comply with all federal, state, and local laws, as well as with requirements for the conduct of the board's powers and duties described in this article and in accordance with the board's operating procedures.
- (b) *Compelled statements.* The board may not compel a statement from any department employee.
- (c) *Exclusions.* The board shall not consider complaints, incidents, claims, or issues involving the following:
 - (1) Matters that are the subject of a pending criminal proceeding in any trial court, or any pending City of Charlottesville grievance proceeding;
 - (2) An allegation of misconduct only by employees of law enforcement agencies other than the department. Such complainants shall be referred to the appropriate law enforcement agency; and
 - (3) Any other claim outside the scope of the board's authority expressly set forth in this article.
- (d) *Suspension of oversight activity.* If a complaint asserts criminal conduct by an employee of the department, or if at any point in the performance of oversight powers and duties, the board or director become aware that an employee may have committed a criminal offense, the board and the director shall suspend all oversight activity and notify the chief and Commonwealth's Attorney of the alleged conduct.

(Ord. No. O-26-XXX, 09-21-26)

Sec. 2-460. Subpoenas.

- (a) *Application for subpoenas.* If the board determines that there are records, including witnesses, not within the control of the department that the board is unable to obtain voluntarily, the board by two-thirds ($\frac{2}{3}$) vote may authorize the

director, on behalf of the board, to apply to the Circuit Court of the City of Charlottesville for a subpoena compelling the production of such records, or the attendance of such witnesses to a public hearing held in accordance with Sec. 2-466(f) of this article.

- (b) *Requests for access.* If the director is denied access to material records within the control of the department that the director deems necessary to perform their duties and the duties of the board, the director may request the city manager to require the department to produce the requested records. No request shall include witnesses who are employees, sworn or civilian, of the department, and the board's authorized subpoena power shall not be used to compel attendance of or statements from department employees. The city manager or a designee shall not unreasonably deny such a request, but may place conditions on the production of the requested records as necessary to preserve confidentiality for the reasons set forth in this article. The city manager or a designee shall issue a decision on the director's request within five (5) business days of the date of that request.
- (c) *Scope of subpoenas.* If the city manager or a designee denies the director's request made pursuant to subsection (b) above, the board by two-thirds ($\frac{2}{3}$) vote may authorize the director, on behalf of the board, to apply to the Circuit Court of the City of Charlottesville for a subpoena compelling the production of such records. The board shall give the city manager and the department reasonable notice of its intent to subpoena such records and shall give the city attorney a copy of the request for subpoena. The board shall not unreasonably withhold its agreement to limitations on the scope of the subpoena requested by the city manager that may be necessary to protect confidential information. The parties may request that any hearing to be held in the Circuit Court of the City of Charlottesville on the request for a subpoena be conducted in a closed courtroom, to the extent permitted by state law. The board may request that all or any portion of the court file relating to any such application be placed under seal to the extent permitted by state law.
- (d) *Retention of subpoena records.* If a subpoena is granted which compels the production of records, the board shall provide the department with copies of any such records.
- (e) *Conduct of compelled attendance by witnesses.* If a subpoena is granted which compels the attendance of a witness or witnesses at a public hearing of the board, such attendance shall comply with the board's operating procedures, including a hearing manual adopted thereunder, and the following provisions:
 - (1) In any application for a witness subpoena under this section, the board shall request that the subpoena include a statement that any testimony provided shall be made under oath and that the witness is entitled to representation by an attorney. The board shall, in any event, provide such notice in writing to any witness subpoenaed under this section.
 - (2) Any witness failing to comply with a subpoena issued under this section may be subject to a charge of contempt by the issuing court as provided by law. Any witness so subpoenaed may petition the Circuit Court of the City of Charlottesville to quash the subpoena.
 - (3) In the case of refusal or neglect to comply with a subpoena, the board may petition for its enforcement in the Circuit Court of the City of Charlottesville.

(Ord. No. O-26-XXX, 09-21-26)

Sec. 2-461. Intake and referrals.

All submissions of complaints, review requests, inquiries, recommendations, comments, and compliments shall be received and documented by the office in accordance with the procedures established in the board's operating procedures. The office shall provide a response to all submissions indicating receipt and advising on any next steps. The following actions shall be taken:

- (1) For all complaints related to the alleged misconduct of a department employee, the office shall establish communication with the complainant and collect all relevant information regarding the complaint and ascertain whether the complainant desires to have the department conduct an official investigation with monitoring by the director. If the complainant does not request a department investigation, the complaint shall be documented by the office and the information contained therein shall be available to the director for purposes

of monitoring, auditing, and other oversight activities authorized under this article. Additionally, the director shall:

- (i) Provide updates to the complainant, upon request, regarding whether an administrative investigation has commenced, is pending, or has concluded. Such updates shall not disclose any substantive information about the investigation, including its evidence, witnesses, findings, or determinations, and shall remain subject to the limitations in this article; and
 - (ii) Verify the complainant has received a closure letter from the commander at the conclusion of any investigation.
- (2) For all review requests of an internal affairs investigation previously concluded by the department, the office shall obtain a copy of the case closure letter and collect all relevant information regarding the original complaint, investigation, and reason for the review request.
 - (3) For all complaints received which allege misconduct by a city employee outside the department or an employee of another law enforcement jurisdiction, the director shall provide the complainant with contact information for the agency, office, or entity who may best assist the complainant.
 - (4) For all inquiries, recommendations, and comments related to the conduct, policies, practices, or procedures of the department, the office shall provide as much information as is readily known or obtain such information to provide in response.
 - (5) For all compliments or commendations, the office shall collect all relevant information and provide this information to the board.
 - (6) For any complaint, review request, inquiry, recommendation, comment, or compliment which is outside the scope of the board's authorized power and duties, the office shall provide the contact information for the agency, office, or entity who may best assist the individual.

(Ord. No. O-26-XXX, 09-21-26)

Sec. 2-462. Conduct of department monitoring.

- (a) *Referral of complaints.* If a complainant asks that their complaint be investigated by the department, the complaint shall be investigated by the department with monitoring by the director.
- (b) *Monitoring of investigations and incidents.* The director may actively monitor investigations of complaints and incidents of alleged employee misconduct by the department and shall have access to records and witnesses to the same extent as the department, subject to the limitations or requirements set out in this article. Such monitoring may include:
 - (1) Reviewing the investigative plan of the department;
 - (2) Reviewing any records within the department's digital evidence management system;
 - (3) Reviewing any pertinent law enforcement records within the department's records management system;
 - (4) Observing any real-time interviews of witnesses by the department;
 - (5) Reviewing any recorded interviews; and
 - (6) Reviewing facts gained from investigation.

For active criminal investigations, the director shall be limited in participation to the same extent the department is limited in its participation in such investigations. The director may monitor the department's administrative investigation of alleged employee misconduct after the close of the active criminal investigation in the same manner as all other investigations of employee conduct handled by the department as described in this article. When monitoring department investigations, during the pendency of the investigations the director shall not disclose information about the investigation to any person other than as authorized in writing by the chief or the city manager.

- (c) *Observation of internal affairs interviews.* The director shall be authorized to observe real-time interviews conducted by the department as part of an administrative investigation in accordance with the board's operating procedures and the following provisions:
- (1) The commander shall notify the director, in writing, of all external complaints filed against or about department personnel immediately after receiving each such complaint, or by the next business day.
 - (2) The commander shall notify the director, in writing, of the date, time, and location of all scheduled interviews associated with the complaint. Unless exigent circumstances exist, the director shall be provided at least twenty-four (24) hours of advance notice of the interview. If, due to exigent circumstances, the director is provided with less than twenty-four (24) hours of advance notice, the commander shall include a description of such circumstances.
 - (3) If the director chooses to observe an interview, the director shall notify the commander in writing as soon as practically possible before the interview.
 - (4) The director shall be permitted to monitor the interview from a separate room, if possible, or from within the same room where the interview occurs. The director shall be able to clearly see and hear the interview as it occurs. The director shall not interfere with or interrupt the department's interview process.
 - (5) The director shall, at the conclusion of any observed interview, be afforded the ability to provide verbal feedback to the commander, and the assigned investigator if not the commander, regarding the impartiality and sufficiency of the interview conducted. Any feedback provided by the director shall be shared with the board if the investigation is reviewed by the board after the conclusion of the investigation. Nothing in this subsection shall require the Office of Internal Affairs to implement feedback provided by the director during the investigation. Any such feedback is limited to process-related observations and is not evidence or a recommendation on the merits of the complaint.
- (d) *General oversight of department operations.* In addition to the monitoring of investigations and incidents, the director may engage in ongoing monitoring and oversight activities to support and inform the functions of the board consistent with this article. The board may request the director to conduct additional monitoring or oversight activities by majority vote. The director shall report all activities conducted under this section to the board and the city manager in accordance with the information access and limitations established in Sec. 2-458 of this article.
- (1) *Director access.* The director may participate in or observe department activities, including but not limited to the following:
 - (i) Department staff meetings, command staff meetings, briefings, and roll calls;
 - (ii) Use of force review panels and similar internal conduct review processes;
 - (iii) Interviews of candidates for sworn and civilian employment with the department;
 - (iv) Department training sessions, including in-service and specialized training;
 - (v) Review of department data systems, reports, and performance metrics;
 - (vi) Review of current or proposed department policies, practices, procedures, and directives; and
 - (vii) Other activities reasonably necessary for the board to effectuate its authorized purpose under this article. The enumeration in this subsection is illustrative and not exhaustive, and shall not be construed to limit the director's access to other department activities. Access to activities under this subsection shall be limited only as provided in subsection (d)(3) or Sec. 2-458 of this article.
 - (2) *Notice.* The department shall provide the director with reasonable advance notice of the activities listed in subsection (d)(1)(i) through (vii), including the date, time, and location, sufficient to allow the director the opportunity to attend. The chief or a designee and the director may establish a standing schedule or notification protocol to satisfy this requirement.
 - (3) *Limitations on participation.* The director's participation under this section shall be in an observational and advisory capacity and shall not include authority to direct, countermand, or delay department operations or personnel decisions. The department may temporarily limit the director's access to a specific activity if the chief

or a designee determines in writing that the director's presence would compromise an active criminal investigation, officer safety during a tactical operation, or a legally protected proceeding. Any such limitation shall be narrowly tailored and shall expire when the stated justification no longer applies.

- (4) *Disputes.* If the director is denied access to any activity under this section and the director and the chief are unable to resolve the matter through mutual consultation, the dispute shall be resolved in accordance with the procedures established in Sec. 2-458(g) of this article.

(Ord. No. O-26-XXX, 09-21-26)

Sec. 2-463. Conduct of department audits.

- (a) *Purpose and scope.* The director may conduct retrospective audits of department patterns, practices, procedures, data, and outcomes to provide relevant information to the board to effectuate its authorized purpose and to identify systemic changes that may improve police services to the community. Audit topics may include, but are not limited to, patterns in internal affairs investigations, use of force incidents, arrests and detentions, searches and seizures, department expenditures, implementation of policies and training directives, deployment of systems and technologies, and other public-police interactions. Audits shall not be used to adjudicate individual complaints or to make findings of misconduct against individual employees, but the director may refer information discovered during an audit to the department or the city manager if it suggests conduct warranting separate review. Audits shall be conducted in accordance with the board's operating procedures, which shall include an audit manual adopted thereunder.
- (b) *Initiation.* An audit may be initiated by the director or by majority vote of the board. If initiated by board vote, the request shall identify the general subject matter and purpose. The director shall commence the audit within ten (10) business days or provide the board a written explanation if the audit is not feasible within the limitations of available resources, in which case the board and director shall confer to resolve scheduling or scope.
- (c) *Audit plan.* Prior to any collection of data or requests for department records for the purpose of an audit, the director shall prepare a written audit plan and provide a copy to the chief or a designee and to the board. The plan shall include:
 - (1) The subject matter, scope, and time period to be examined;
 - (2) The categories of records, data, or other information anticipated to be necessary;
 - (3) The anticipated methodology for analysis; and
 - (4) An estimated timeline for completion.
- (d) *Department cooperation.* Upon receipt of the audit plan, the department shall provide records and data in accordance with this article within five (5) calendar days, designate a liaison to coordinate with the director for the duration of the audit, and make a good faith effort to respond to reasonable requests for additional records or clarification.
- (e) *Audit report.* Upon completion, the director shall prepare a written report and provide it to the board, the chief, and the city manager. The board shall review the report and may adopt, modify, or supplement the director's recommendations before issuing findings and recommendations pursuant to this article. The report shall include:
 - (1) A description of the scope, methodology, and time period examined;
 - (2) A summary of findings, including identified patterns, trends, or areas of concern;
 - (3) Recommendations, if any, for changes to department policies, practices, procedures, training, or resource allocation; and
 - (4) Any relevant response or information provided by the department during the audit.

Sec. 2-464. Conduct of board reviews.

- (a) *Purpose.* The board may conduct reviews of information provided by the department, the director, and other sources to fulfill its oversight functions authorized under this article. The board's reviews are intended to provide a civilian-led perspective on department conduct and operations, grounded in objective evidence, and to serve as the basis for the findings, determinations, and recommendations issued pursuant to Sec. 2-466 of this article.
- (b) *Matters subject to review.* The board may conduct reviews of any of the following:
 - (1) Internal affairs investigations, including the department's case file, investigative methodology, and resulting findings and disciplinary determinations;
 - (2) Department incidents, including use of force incidents, deaths or serious injuries of persons in custody, and other incidents identified in Sec. 2-454(b)(2) of this article;
 - (3) Audit reports prepared by the director pursuant to Sec. 2-463 of this article;
 - (4) Department policies, practices, procedures, and directives, whether existing or proposed;
 - (5) Department data, performance metrics, trends, and patterns identified through monitoring activities conducted pursuant to Sec. 2-462 of this article; or
 - (6) Any other matter within the scope of the board's authorized purpose regarding the conduct or operations of the department and department employees.
- (c) *Information provided to the board.* The director shall prepare and present to the board materials necessary to conduct a review, which may include written summaries, relevant records provided by the department subject to the limitations of Sec. 2-458 and Sec. 2-459, data analyses, research, and any other information obtained through the oversight activities authorized under this article. The director shall present information in a manner that protects personal information and maintains the confidentiality requirements established in Sec. 2-458 of this article.
- (d) *Evaluation and deliberation.* In evaluating matters under review, the board shall consider the totality of information available and shall base its findings, determinations, and recommendations on objective evidence. The board may consider any of the following in its deliberations:
 - (1) Records, data, and reports provided by the department through the director;
 - (2) The director's analysis, observations, and recommendations, including information obtained through monitoring and audit activities;
 - (3) Applicable department policies, general orders, training standards, and the disciplinary matrix;
 - (4) Applicable federal, state, and local law, including constitutional standards governing law enforcement conduct;
 - (5) Published research, professional standards, and best practices in law enforcement, including guidance from professional organizations such as the National Association for Civilian Oversight of Law Enforcement;
 - (6) Testimony or written statements from subject matter experts, community members, or other persons with relevant knowledge, received during a public meeting or hearing conducted pursuant to this article;
 - (7) Comparative practices of other law enforcement agencies; and
 - (8) Any other information the board determines to be relevant and reliable.

- (e) *Standard of review.* The board shall evaluate the matters before it based on the reasonableness of the department's actions, decisions, and policies in light of the totality of the circumstances and the information available. The board's role is to provide an informed civilian assessment, not to substitute its judgment for the operational or tactical decisions of sworn personnel. Where the board disagrees with the department's findings, determinations, or actions, the board shall articulate specific reasoning supported by the evidence and information considered.
- (f) *Department participation.* The board may request that the chief or a designee appear before the board during a review to present information, provide context, or respond to questions regarding the matter under review. Any such participation by department personnel shall be voluntary and shall not constitute a compelled statement for purposes of this article or applicable law. The board may also request written responses from the department on specific questions arising during the course of a review.
- (g) *Public participation.* The board may receive public comment relevant to a matter under review during any public meeting in accordance with the board's operating procedures. The board may establish reasonable time limits and guidelines for public comment. Public comment received by the board may be considered as part of the board's deliberations but shall not be the sole basis for any finding, determination, or recommendation.
- (h) *Procedures.* Reviews shall be conducted in accordance with the board's operating procedures, including a review manual adopted thereunder, which shall address scheduling and notice of reviews, the format for presentation of information to the board, procedures for deliberation and voting, and the documentation of the board's reasoning in support of its findings, determinations, and recommendations. All findings, determinations, recommendations, and any resulting resolutions of the board shall only be made by a majority vote of the board with an established quorum. Any portion of a review involving discussion or consideration of criminal investigative files, audit findings, or deliberations regarding police operations related to a specific complaint before the board, where the complaint involves an offense enumerated in Code of Virginia § 2.2-3711(A)(56), shall be conducted in closed session as authorized by that subdivision.

(Ord. No. O-26-XXX, 09-21-26)

Sec. 2-465. Annual review of police budget and expenditures.

During the city manager's preparation of a proposed city budget, the budget office shall provide the director with annual expenditure estimates and future year projections for the department, itemized to the same level of detail as provided to the city manager. The estimates shall be presented to the board by the director. The board may review the estimates and may make budgetary recommendations to the city manager and to the city council during the annual budget process.

(Ord. No. O-26-XXX, 09-21-26)

Sec. 2-466. Findings, determinations, recommendations, and public reporting.

- (a) *Board outcomes.* Upon the completion of a review, audit, or other oversight activity authorized under this article, the board may, by majority vote, issue findings, determinations, recommendations, resolutions, or public reports. Any such outcome shall be issued within thirty (30) calendar days of the board's vote. All outcomes shall be released publicly in accordance with subsection (i) and shall conform to the board's operating procedures.
- (b) *Outcomes related to review of internal affairs investigations.* Upon review of an internal affairs investigation conducted by the department, the board shall issue one of the following findings:
 - (1) The board concurs with the findings and determinations provided in the internal affairs case closure letter;

- (2) The board does not concur with some or all of the findings and determinations provided in the internal affairs case closure letter and shall provide specific reasoning as to why the findings and determinations are not supported by the information reasonably available to the department; or
- (3) The board finds that the investigation is incomplete or otherwise unsatisfactory and shall provide a detailed written explanation of the basis for such finding.

In review of any investigation in which the board issues a finding under subsection (b)(2) or (b)(3), the board may include determinations regarding systemic, policy, or procedural issues with the investigation and may make recommendations to the chief and to the city manager regarding further review, corrective action, or changes to investigative practices. Any resulting determinations or recommendations related to broader policies, practices, or procedures of the department, beyond the scope of the investigative process, shall be made in accordance with Sec. 2-466(d) and (e).

- (c) *Outcomes related to department incidents.* Upon review of an incident involving the department or actions of department employees, the board shall issue one of the following findings:

- (1) The incident does not merit a formal investigation;
- (2) The incident merits a formal investigation conducted by the department's Office of Internal Affairs with monitoring by the director, and the board shall provide specific reasoning for this finding; or
- (3) The board does not have enough relevant details about the incident to make a finding and may request additional information from the department or third parties before pursuing another review of the incident. The board, upon receiving such additional information, may determine no further review is necessary.

In review of any incident in which the board issues a finding under subsection (c)(2), the board may include determinations regarding systemic, policy, or procedural issues with the incident and may make recommendations to the chief and to the city manager regarding further review, corrective action, or changes to investigative practices related to incidents. Any resulting determinations or recommendations related to broader policies, practices, or procedures of the department, beyond the scope of the incident review, shall be made in accordance with Sec. 2-466(d) and (e).

- (d) *Outcomes related to disciplinary policy and application.* Upon making a finding as the result of a review of an internal affairs investigation or incident, the board may issue determinations and recommendations regarding the department's disciplinary policy and its application, in a manner that protects personal information regarding identifiable employees against public disclosure and in accordance with the information access and limitations established in Sec. 2-458 and Sec. 2-459 of this article. Such recommendations may include:

- (1) Proposed amendments to the department's disciplinary matrix or any related policies, practices, or procedures that had a direct impact on the disciplinary outcome under review; or
- (2) A recommendation to the chief regarding the consistent application of disciplinary sanctions as established in department policy.

- (e) *Outcomes related to audits, policies, practices, and procedures.* Upon board review of a completed audit conducted by the director, or a board review of department policies, practices, or procedures, the board may issue determinations, recommendations, or resolutions addressing identified patterns, trends, deficiencies, or opportunities for improvement. Determinations and recommendations may address changes to department policies, practices, procedures, training, resource allocation, equipment, or implementation of systems and technologies.

- (f) *Hearings.* The board may hold public hearings to examine matters within the scope of its authorized purpose in greater depth than is afforded during regular public meetings. A hearing serves as a culminating oversight activity, drawing on the reviews, audits, and monitoring conducted under this article to develop the public record supporting

the findings, determinations, recommendations, and resolutions the board may issue under this section. Hearings shall be subject to the following provisions:

- (1) *Purpose and scope.* A hearing may be convened by majority vote of the board to examine a specific policy, practice, procedure, pattern, trend, audit report, systemic concern, or other matter within the board's authority. A hearing shall not be convened for the purpose of adjudicating an individual complaint or incident of alleged misconduct, or for the purpose of making findings of misconduct against an identified department employee.
- (2) *Participation.* The board may invite or receive participation from any of the following:
 - (i) Department representatives, including the chief or a designee, on a voluntary basis;
 - (ii) Members of the public with relevant knowledge or experience;
 - (iii) Subject matter experts, researchers, or professionals with expertise relevant to the hearing topic;
 - (iv) Representatives of community organizations, advocacy groups, or other public agencies; and
 - (v) Media representatives, for purposes of public transparency.
- (3) *Evidence and testimony.* The board may receive and consider documentary evidence, data, research, written statements, and oral testimony relevant to the hearing topic. The board may exercise its subpoena authority as provided in Sec. 2-460 of this article to compel the production of records or evidence from the department, and to compel the attendance of witnesses or the production of records or evidence from third parties. The board shall not exercise its subpoena authority to compel the attendance of or any statement by an employee of the department but may request voluntary participation by the department in the proceedings.
- (4) *Procedures.* Hearings shall be conducted in accordance with the board's operating procedures, including a hearing manual adopted thereunder, which shall address notice to the public, scheduling, order of proceedings, time allotments for participants, and the format for receiving evidence and testimony. All hearings shall comply with Virginia FOIA and limitations established in Sec. 2-458 and Sec. 2-459 of this article.
- (5) *Hearing outcomes.* At the conclusion of a hearing, the board may issue determinations, recommendations, or resolutions in accordance with subsection (i). The director shall prepare a written summary of the hearing, including testimony received and evidence considered, which shall be included in or appended to the board's published findings.
- (g) *Department response.* Within thirty (30) calendar days of receiving the board's findings, determinations, or recommendations issued under this section, the chief shall provide a written response to the board, the city manager, and the city council, as applicable, indicating acceptance, partial acceptance, or declination of such board outcomes with supporting rationale specific to address the board's stated reasoning and evidence for issuing each finding, determination, or recommendation. The chief's response shall be made available for public inspection.
- (h) *Follow-up.* The director may conduct follow-up monitoring at reasonable intervals to assess the department's implementation of accepted recommendations by the board. The results of any follow-up monitoring shall be reported to the board and included in the office's annual report.
- (i) *Public reporting.* All findings, determinations, recommendations, and resolutions issued by the board under this section shall be provided to the chief and the city manager, and shall be made available for public inspection, subject to applicable confidentiality protections and limitations of this article. When the director and chair of the board determine that an outcome has substantial relevance to matters of public policy, resource allocation, or systemic concern, such outcome shall also be provided to the city council. The director shall maintain a public record of all board outcomes issued under this section, including the department's written responses, and shall make such records accessible on the board's website.

- (j) *Annual report.* Each calendar year, the director shall provide the board, the city manager, and city council with an annual report of activities conducted during the preceding calendar year. The report shall be published and made available for public inspection on or about June 1 of each year for the preceding year and shall include:
- (1) Committees appointed and their actions;
 - (2) An overview of complaints and review requests received, including the number of complaints monitored, the number and content of audits conducted, the number of reviews conducted and any resulting outcomes, and the number of complaints deferred due to pending proceedings;
 - (3) Proposed amendments to department policies, practices, or procedures, and whether the department implemented them;
 - (4) The attendance by members of the board at public community listening sessions, community events, or other events which relate to the work of the board, including a summary of board actions or any public input and recommendations received;
 - (5) Other recommendations of the board regarding policing within the city;
 - (6) Training received by members of the board;
 - (7) Engagement in department collaboration in fulfillment of the board's oversight mandate; and
 - (8) Any other information necessary to provide an overview of board and office activities.

The board and the director may publish additional reports as deemed appropriate to provide transparency into oversight activities of the board and the office, including monthly and quarterly reports.

- (k) *Legislative recommendations.* The board may make recommendations to the city council of any proposed changes in state law, for the council's consideration to include in its annual legislative program to present to the General Assembly.

(Ord. No. O-26-XXX, 09-21-26)

Sec. 2-467. Alternative resolution.

- (a) *Informal resolution.* Upon receiving a complaint or review request, the office may, before referring a complaint to the department or initiating a formal board review, offer the complainant information or referral to appropriate resources, including department programs, other city services, or community resources that may address the complainant's concerns. Any informal resolution shall be documented by the director and reported to the board. Nothing in this section shall prevent or discourage a complainant from filing or pursuing a formal complaint or review at any time, and the office shall inform the complainant of that right when offering informal resolution options.
- (b) *Mediation and alternative dispute resolution.* If the department maintains a mediation or alternative dispute resolution program, the office may inform the complainant of the availability of such program as an option. Participation in any such program shall be voluntary for all parties. A complainant's decision not to participate in mediation or alternative dispute resolution shall not affect the complainant's right to pursue remedies under other sections of this article, including a formal complaint or review request.

(Ord. No. O-26-XXX, 09-21-26)

Sec. 2-468. Community engagement.

The board and the director shall engage in regular community outreach and collaboration to seek the assistance and input of community members and to provide education, awareness, and guidance on policing matters. The board may host public community listening and discussion sessions regarding policing matters of pressing public concern, such as questions about transparency, availability, legitimacy, mutual respect and trust, and community safety and order. The board and the

director may also host or participate in public police-community relations meetings focused on topics such as the impacts of local policing on historically disadvantaged communities that currently experience or traditionally have experienced disparate policing.

(Ord. No. O-26-XXX, 09-21-26)

Sec. 2-469. Board member training.

Each board member shall receive training, provided or facilitated by the director, within six (6) months of the member's appointment and every two (2) years thereafter. The training shall be consistent with the board's purpose, this article, and the board's operating procedures, and shall include, at a minimum:

- (1) *NACOLE training.* At least four (4) hours of training using content from the National Association for Civilian Oversight of Law Enforcement, or a comparable professional organization.
- (2) *City and department training.* At least two (2) hours of training or information:
 - (i) Describing the legal and ethical obligations of members of a public board, including the need to comply with Virginia FOIA and other statutes and ordinances governing their service;
 - (ii) Explaining department policies, practices, and procedures;
 - (iii) Describing the substance of police department personnel record-keeping;
 - (iv) Describing such other city policies, procedures, and systems relevant to the duties of the board; and
 - (v) Explaining the board's operating procedures and code of ethics.
- (3) *Additional training.* As needed, the board may request additional relevant training by subject matter experts on subjects that may include mental health, trauma-informed policing, civil rights and constitutional law, race and racism, community outreach, mediation, investigation, and policing practices. The board may also request opportunities for ride-along experiences with the department and participation in the Community Police Academy. The director shall facilitate or provide this training as is feasible with available funding and other relevant considerations.

(Ord. No. O-26-XXX, 09-21-26)

Sec. 2-470. Commendations for exceptional community service.

- (a) *Purpose.* The board recognizes that effective oversight includes acknowledging excellence in policing. Commendations issued under this section are intended to highlight conduct by department employees that exemplifies the principles of equitable, constitutional, and community-oriented policing.
- (b) *Bases for commendation.* The board may consider commendations for department employees based on any of the following:
 - (1) Conduct reflecting exceptional de-escalation, crisis intervention, or resolution of volatile situations in a manner that preserved the safety and dignity of all persons involved;
 - (2) Demonstrated commitment to community engagement, problem-solving, or relationship-building that has measurably strengthened trust between the department and the communities it serves;
 - (3) Actions taken to identify, report, or correct deficiencies in department policies, practices, or conduct that contributed to improved accountability or public safety outcomes;
 - (4) Performance during a critical incident, including life-saving actions, that demonstrated professionalism and adherence to department policy and training; or
 - (5) Other conduct that the board determines to be exemplary of the principles stated in subsection (a).
- (c) *Sources of information.* The board may identify commendation-worthy conduct through any of the following:

- (1) Written nominations from members of the public, provided that such nominations describe the specific conduct or incident forming the basis for the commendation;
 - (2) Information obtained by the director or the board in the course of performing oversight, audit, or review functions authorized under this article; or
 - (3) Data, reports, or records made available to the board in the ordinary course of the board's work.
- (d) *Review and issuance.* Before issuing a commendation, the board shall verify, to a reasonable extent using information available to the board, that the conduct forming the basis for the commendation is supported by more than a single unsubstantiated assertion. The board may consult with the chief regarding the conduct of individual employees under consideration for recognition in accordance with this section. The board may issue public citations or other forms of recognition, by majority vote, to department employees whose conduct meets the criteria in subsection (b). The board shall notify the chief and the city manager of any commendation prior to its public issuance.

(Ord. No. O-26-XXX, 09-21-26)

Secs. 2-471–2-479. Reserved.

ARTICLE XVI. POLICE CIVILIAN OVERSIGHT BOARD¹

Sec. 2-450. Title.

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

(Ord. No. O-25-142, 11-17-2526-XXX, 09-21-26)

Sec. 2-451. Definitions.

- (a) Authorized purpose. Those powers and duties delineated in Sec. 2-454. The term *lawful purpose* used in Sec. 2-454(b)(8) specifically refers to Code of Virginia § 9.1-601.
- (b) Closure letter. For purposes of this article, a "closure letter" shall mean the written notification issued by the department at the conclusion of an internal affairs investigation that communicates the findings and determinations of the investigation to the complainant and, when applicable, to the director.
- (c) Complainant. For purposes of this article, a "complainant" shall mean any civilian who submits a complaint to the office or the department. A complainant need not be the individual directly affected by the alleged conduct.
- (d) Complaint. For purposes of this article, a "complaint" shall mean an allegation submitted by any civilian to the office or the department that a law enforcement officer or civilian employee of the department has engaged in misconduct. A complaint may be submitted in any form, either orally or in writing.
- (e) Hearing. For purposes of this article, a "hearing" shall be any public session conducted by the board to review the facts, issues, and implications of a department policy, practice, procedure, pattern, trend, audit report, systemic concern, or other matter within the board's authority. Hearings may also examine patterns in the findings, determinations, and disciplinary actions resulting from administrative investigations conducted by the department.
- (f) Immediate family member. For purposes of this article, "immediate family member" shall have the same meaning as that provided by Code of Virginia § 2.2-4368.
- (g) In writing. For purposes of this article, electronic mail (e-mail) shall constitute communication in writing.
- (h) Personal information. For purposes of this article, "personal information" shall have the same meaning as that provided by Code of Virginia § 2.2-3801.
- (i) Records. For purposes of this article, "records" shall be construed to broadly include writings, files, photographs, audio and visual recordings, and any other data, information, and evidence within the possession of the department requested by the director for an authorized purpose of the board, subject to limitations in this article.
- (j) References. For purposes of this article, the following references shall be used:
 - (1) The board. The established and authorized Charlottesville Police Civilian Oversight Board shall be referred to as "the board."
 - (2) The chief. The City of Charlottesville Chief of Police shall be referred to as "the chief."
 - (3) The commander. The Charlottesville Police Department's Commander of Internal Affairs shall be referred to as "the commander."
 - (4) The department. The Charlottesville Police Department shall be referred to as "the department."

¹Ord. No. O-25-142, adopted Nov. 17, 2025, amended Art. XVI in its entirety to read as herein set out. Former Art. XVI, §§ 2-450—2-468, pertained to similar subject matter, and derived from Ord. No. O-21-183, §§ 1, 2, adopted Dec. 20, 2021; Ord. No. O-22-164, §§ 1, 2, adopted Dec. 19, 2022; and Ord. No. O-24-155, adopted Nov. 18, 2024.

(5) The director. The appointed Director of the Office of Police Civilian Oversight under the division of the City Manager's Office shall be referred to as "the director."

(6) The office. The established and authorized Office of Police Civilian Oversight shall be referred to as "the office" for purposes of this article.

(k) Securely retained. A physical or electronic storage format, location, or device to which access is restricted by physical or logical access controls and limited to the director and to staff of the office authorized by the director. Department records in the custody of the office shall not be accessed by any other person except in the presence of the director or authorized staff. Such records shall be maintained in accordance with the Virginia Public Records Act, Code of Virginia § 42.1-76 et seq., the records retention and disposition schedules issued by the Library of Virginia, and other applicable standards under state and federal law.

(l) Serious abuse of authority or misconduct. For purposes of this article, "serious abuse of authority or misconduct" shall be defined as significant violations of city policies or procedures, including the department's general orders and any associated standard operating procedures. This includes, but is not limited to, harassment or discrimination against, or verbal or other conduct that maligns or shows hostility toward, an individual or group because of that individual's or group's actual or perceived: race; color; religion; national origin or ethnicity; immigration status; sex; sexual orientation; gender identity or expression; marital status; familial status; age; disability; or military or veteran status; or any other characteristic protected under the Virginia Human Rights Act (Code of Virginia § 2.2-3900 et seq.).

(Ord. No. O-26-XXX, 09-21-26)

Sec. 2-4512. Police civilian oversight board established.

Pursuant to Code of Virginia § 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 article. The board is a body established and appointed by the city council of Charlottesville pursuant to Code of Virginia § 9.1-601(B) to perform functions authorized by the city council in accordance with Code of Virginia § 9.1-601(C). 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~~ in this article.

(Ord. No. O-25-142, 11-17-2526-XXX, 09-21-26)

Sec. 2-4523. Office of police civilian oversight established.

(a) Office established. There is hereby established an ~~o~~Office of ~~p~~Police ~~c~~Civilian ~~o~~Oversight, ~~which shall be referred to as "the office,"~~ which is a division of the ~~c~~City ~~m~~Manager's ~~o~~Office, and shall have the powers granted as provided within this article to facilitate and support the authorized ~~functions~~purpose of the board. The office shall have the authority to carry out its duties and responsibilities under this article with respect to all law enforcement activities and all sworn and civilian personnel operating under the authority of ~~the Charlottesville Police Department, which shall be referred to as "the department."~~

(b) Director. There shall be a full-time director of the office. The director ~~will~~shall be responsible for and report to the board on the day-to-day operational activities of the board and the office. The director shall report to the city manager, and the city manager shall delegate to the director the authority to employ such additional staff as funded by the city council for the board to effectively fulfill its obligations under this article, and any such additional staff shall report to the director.

(1) Appointment. The city manager shall appoint a director with the approval of a majority vote of the city council.

(2) Interview process. As a part of the ~~director~~ appointment process, the city manager shall convene an interview panel that includes two (2) members of the board. If those two (2) members recommend a candidate for appointment as director, the city manager shall provide a written justification to the board if a different candidate is appointed.

(c) Duties of the city manager. The city manager shall have the following duties:

(1) Operating procedures. The city council authorizes the city manager to establish operating procedures for the

performance of duties by the board and the office, ~~in consultation with the board and the director~~. Those procedures may be amended from time to time by the city council or by the city manager, ~~in consultation with the board and the director~~. The city council or the city manager, as applicable, shall consult with the board and the director before establishing or amending any such procedures.

- (2) *Supervision.* The city manager or a designee shall supervise the work of the director. The city manager's annual evaluation of the director's performance shall consider a written performance review submitted by the board to the city manager. The board may request that the city manager meet with the board's chair to discuss the director's performance.
 - (3) *Vacancy.* If there is a vacancy in the position of director, the city manager may designate some other city employee who is not an employee of the department to act as director until a new director is ~~hired~~ appointed.
- (d) *Duties of the director.* The director shall have the following duties:
- (1) *Duties.* The director shall support the board in the implementation and exercise of its oversight functions and undertake or ensure the performance of specific tasks assigned by majority vote of the board, pursuant to the powers and duties of the board authorized in this article. The director shall be responsible for management of all administrative and fiscal needs of the board and the office as authorized by the city manager.
 - (2) *Director's authority to conduct audits.* The director may conduct retrospective examinations and audits ~~of as provided in Sec. 2-463 of this article, including patterns in internal affairs investigations, arrests and detentions, department expenditures, and other public-police interactions pursuant to the powers and duties of the board authorized in this article~~ purpose of the board. The board may request the director to conduct additional audits by majority vote. The director ~~will~~ shall provide a summary report of any audit conducted to the board and the city manager upon completion.
 - (3) *Director's authority to engage in oversight activities on behalf of the board.* The director may engage in additional oversight activities as provided in Sec. 2-462 which support and inform the functions of the board, consistent with the ~~powers and duties of the board authorized in this article~~ purpose of the board. This may include, but is not limited to, review of department data systems, attendance at department meetings, review of department policies, practices, and procedures, participation in interviews of candidates for employment with the department, participation in use of force and similar conduct review panels, and other activities which are reasonably ~~necessary for the board to effectuate~~ related to the board's its lawful authorized purpose. The board may request the director to conduct additional oversight activities by majority vote. The director shall report all activities to the board and the city manager in accordance with the limitations ~~outlined in section 2-454 of this article~~.
- (e) *Records management.* All records created or received by the board, the director, or the office in the transaction of public business are public records within the meaning of the Virginia Public Records Act, Code of Virginia § 42.1-76 et seq., without regard to whether such records are exempt from disclosure under the Virginia Freedom of Information Act ("FOIA"). The director shall ensure that such records are retained, maintained, and disposed of in accordance with that Act and the records retention and disposition schedules and electronic records guidelines issued by the Library of Virginia, in coordination with the city's designated records officer under Code of Virginia § 42.1-85. Nothing in this subsection shall alter the chief's status as custodian of original department records.
- (Ord. No. ~~O-25-142, 11-17-2526-XXX~~, 09-21-26)

Sec. 2-4534. Powers and duties of the police civilian oversight board.

- (a) *Purpose.* ~~The purpose of the board is to establish and maintain trust between and among the department, the city council, the city manager, and the public.~~ support community well-being and safety through civilian-led oversight that brings transparency and accountability to policing in the City of Charlottesville. The board provides the community with a direct voice in public safety and promotes policing that is lawful, fair, and respectful of the rights and dignity of all people. The board fulfills this purpose by monitoring, auditing, and reviewing department conduct, policies, practices, and procedures, and by issuing public reports with recommendations for corrective action and the adoption of best practices in policing.

(b) *Powers and duties.* The board shall have the following powers and duties:

- (1) To receive, ~~investigate, and issue findings on~~ complaints from civilians regarding the conduct of law enforcement officers and civilian employees of the department, and to refer such complaints, at the request of the complainant, to the department for investigation with monitoring by the office on behalf of the board;
- (2) To ~~investigate~~ review and issue findings on department incidents, including the use of force by a law enforcement officer, death or serious injury to any individual held in custody, and serious abuse of authority or misconduct as defined in this ~~section~~ article, ~~allegedly discriminatory stops, and other incidents regarding the conduct of law enforcement officers and civilian employees of the department;~~
- ~~(3) At the conclusion of any investigation conducted pursuant to paragraphs (1) and (2), above, if the board has found that an employee has committed misconduct, to recommend disciplinary action to the chief of police;~~
- (43) To ~~investigate~~ review policies, practices, and procedures of the department and to make recommendations regarding changes to such policies, practices, and procedures;
- (54) To review investigations conducted internally by the department and to issue findings regarding the accuracy, completeness, and impartiality of the investigations and the sufficiency of any discipline resulting from such investigations;
- (65) To ~~request~~ review reports of the annual expenditures of the department, and to make recommendations to the city council concerning future appropriations;
- (76) To make public reports on the activities of the board, including investigations reviews, hearings, findings, ~~recommendations~~ determinations, ~~determinations~~ recommendations, and oversight activities;
- (87) To hold hearings and, if, after making a good faith effort to obtain the voluntary attendance of witnesses, with the exception of employees of the department, and the production of books, papers, and other records or evidence necessary to perform its duties, the board is unable to obtain such attendance or production, to apply to the Circuit Court ~~for~~ of the City of Charlottesville for a subpoena compelling the attendance of such witness or the production of such books, papers, and other records or evidence; and
- (98) To undertake other duties, as reasonably necessary, for the board to effectuate its lawful purpose as provided ~~for~~ in this article, ~~to effectively oversee the department, including the delegation of administrative support functions, department monitoring, auditing, and other routine oversight activities to the office established in this article.~~

(c) ~~Definition of "serious abuse of authority or misconduct."~~ "Serious abuse of authority or misconduct" shall include the following:

- ~~(1) Verbal or other conduct regarding an individual or group that maligns or shows hostility for the individual or group because of race, color, religion, gender, national origin, age, disability, sexual orientation, or gender identity and expression;~~
- ~~(2) Harassment or discrimination based on race, color, sexual orientation, gender, religion, national origin, marital status, age, familial status, immigration status or disability;~~
- ~~(3) Acting in a rude, careless, angry, retaliatory or threatening manner;~~
- ~~(4) Reckless endangerment of a citizen, detainee, or person in custody;~~
- ~~(5) Violation of laws or ordinances;~~
- ~~(6) Criminal or other misconduct occurring on or off the job which is related to job performance or is of such a nature that to continue the employee in the assigned position or in any city employment capacity would constitute negligence in regard to the city's duties to the public or to other city employees;~~
- ~~(7) In any matter within the jurisdiction of any officer, department or agency of the city:~~
 - a. ~~The knowing falsification, concealment or cover up of a material fact; and/or~~

~~b. The knowing making of any false, fictitious or fraudulent statement or representation, and/or the making or using of any writing or document knowing the same to contain a false, fictitious or fraudulent statement or entry;~~

~~(8) Sexual activity, including consensual sexual activity, on the job; and~~

~~(9) Other serious violations of Charlottesville or department policies or procedures, including the department code of conduct.~~

(Ord. No. O-25-142, 11-17-2526-XXX, 09-21-26)

Sec. 2-455. Board membership, appointment, and terms.

- (a) *Objectivity.* ~~It is of fundamental importance that members of the board be fair and objective in the conduct of their duties, and that they be perceived as fair and objective in the conduct of their duties.~~ In making appointments under this section, the city council shall seek members who are fair and objective, and who will be perceived as fair and objective, in the conduct of their duties.
- (b) *Appointment process.* The city council shall appoint the members of the board. ~~The City council shall announce a public application process with applications available online and by hardcopy in English and Spanish for individuals interested in serving on the board. The application window shall remain open for a minimum of thirty (30) calendar days from the date of public announcement. The City council will seek to appoint fair-minded and objective members with a demonstrated commitment to community service who have training and experience, including lived experience, with topics relevant to the business of the board, including law, police practices, human resources practices and procedures, trauma-informed mental health issues, and/or the sociology of historically overpoliced communities.~~
- (c) *Board composition.* The board shall reflect the demographic diversity of the City of Charlottesville. The board shall be composed of seven (7) voting members and one (1) non-voting member ~~appointed by the city council.~~ The members shall be removable by the city council for cause ~~as, including conduct specified in the board's code of ethics set forth in the board's operating procedures,~~ violating the duty of confidentiality, failing to participate in required training, or other good cause.
- ~~(1) Council shall appoint at least three (3) members who are residents of public housing or who come from historically disadvantaged communities that have traditionally experienced disparate policing.~~
- (1) The seven (7) voting members of the board shall be residents of the City of Charlottesville or Albemarle County. Priority shall be given to city residents. Residents of Albemarle County appointed to membership on the board shall be employed in the City of Charlottesville or shall have significant and demonstrable ties to the city. If, after the defined public application process, the city council determines that there are insufficient eligible applicants who are residents of the City of Charlottesville or Albemarle County to fill a vacancy on the board, the city council may appoint a resident of the Commonwealth of Virginia who is employed in the City of Charlottesville or who has significant and demonstrable ties to the city.
- ~~(2) Council may appoint one (1) member who represents an organization that seeks racial or social justice on behalf of historically disadvantaged communities.~~
- (3) The non-voting member of the board shall be an individual with policing expertise or experience. The non-voting member may be a retired law enforcement officer who prior to his or her retirement was employed in a locality similar to the City of Charlottesville.
- ~~(4) The seven (7) voting members of the board shall be residents of, or shall be employed in, the City of Charlottesville or Albemarle County, with priority given to city residents and those with significant and demonstrable ties to the city.~~
- (5) No board member shall be a current candidate for public office, a former member of the department, an immediate family member of a current department employee, or a current employee of a law enforcement agency, the fire department, the emergency communications center, or the sheriff's office. If the city council

considers appointing a board member who is employed by the City of Charlottesville, the city council will~~shall~~ seek to avoid potential conflicts of interests.

- (d) ~~Terms. Each board member shall be appointed for a term of three (3) years. Appointments and terms shall be subject to the provisions of chapter 2, article I, section 2-8 of the City Code.~~ Each board member shall be appointed for a term of two (2) years. Except as otherwise provided in this section, appointments and terms shall be subject to the provisions of chapter 2, article I, § 2-8 of the city code. No person shall serve more than eight (8) consecutive years on the board, and no person shall be appointed or reappointed to a term that, if served to completion, would exceed that limit. Service in the unexpired portion of a term shall not be counted toward this limit. Service in a term under this article as it existed before the effective date of this amendment shall be credited as the number of years in that term. Members serving on the board as of the effective date of this amendment shall continue to serve the remainder of their current term. The composition requirements, term length, and term limit established by this section shall apply to all appointments and reappointments made on or after the effective date of this amendment. Nothing in this section shall entitle any person to reappointment.
- (e) ~~Conflicts of interests. No~~ A board member may shall not participate in any matter before the board under circumstances in which the objectivity of the board member could reasonably be questioned, including, without limitation, the consideration of a complaint of someone who is an immediate family member. ~~For purposes of the Virginia State and Local Government Conflict of Interests Act, the board shall be deemed a "governmental agency" and each board member shall be an "officer," as those terms are defined in Code of Virginia, § 2-2-3101. All board members shall comply with the requirements of the Virginia State and Local Government Conflict of Interests Act, as applicable.~~

(Ord. No. O-~~25-142, 11-17-2526~~-XXX, 09-21-26)

Sec. 2-456. Meetings.

- (a) *Number of meetings.* The board shall hold public meetings at least once per calendar quarter. Additional meetings may be called by the chair or any two (2) board members.
- (b) *FOIA.* The board shall comply with all applicable requirements of the Virginia Freedom of Information Act ("FOIA") pertaining to disclosure of public records and the conduct of its meetings, ~~including the requirement that all meetings shall be open to the public except under circumstances when the topic is authorized by FOIA to be discussed in a closed meeting.~~
- (c) *Quorum.* ~~A quorum of the board shall be four (4) members.~~ A quorum of the board for the transaction of business and the taking of any vote shall be four (4) members. However, for purposes of Virginia FOIA, a meeting of the board occurs whenever as many as three (3) members are gathered to discuss or transact the business of the board, and any such gathering shall be noticed and conducted in accordance with that Act.
- (d) *Minutes.* The board shall keep minutes of its meetings, which shall include:
- (1) The date, time, and location of the meeting;
 - (2) The members present and absent;
 - (3) A summary of the discussion on matters proposed, deliberated, or decided; and
 - (4) A record of any votes taken.
- (e) *Rules and procedures.* Meetings of the board shall be conducted in accordance with Robert's Rules of Order or such other procedures as the board may adopt.

(Ord. No. O-~~25-142, 11-17-2526~~-XXX, 09-21-26)

Sec. 2-457. Board legal counsel.

The director may retain independent legal counsel to advise and represent the board in ~~all cases, hearings, controversies, or connection with its oversight powers and duties, and in any other~~ matters involving the interests of the board. Such independent legal counsel shall be chosen from a list of attorneys recommended by the city attorney. The

director is authorized to execute a contract in the name of the board for legal services if the contract has first been approved by the board and endorsed by the city's finance director to verify that funding is available and has been appropriated to support performance of the payment obligations of the board under such contract. The board's legal counsel shall be paid only from funds that have been appropriated to the board's budget by city council. The board and the director are encouraged to consult the office of the city attorney for legal advice, except in cases, hearings, investigations, controversies that are before the board, or in any other matter in which the board's and the department's interests may conflict matters involving potential conflicts of interests between the board and the department.

(Ord. No. O-25-142, 11-17-2526-XXX, 09-21-26)

Sec. 2-4548. Information access and limitations.

- (a) Access to department information. ~~The board, administered by the director, the board~~ Subject to certain narrow limitations described in this article and through administration by the director, the board is authorized to receive, and shall be provided full access to, all department reports, files, and records determined by the board or the director to be necessary to carry out its authorized powers and responsibilities purpose. All records, documents, and materials in the possession of or provided to the board or the director shall be subject to board procedures adopted for the protection of confidential and personal information as defined in such procedures this article and the board's operating procedures. ~~The city manager, in consultation with the chief of police and the board, shall establish a standard operating procedure setting forth how this access shall be given by the department to the board, how personal information shall be managed and protected by the board in accordance with the requirements of the Code of Virginia, § 2.2-3800 et seq., and under what circumstances or conditions it may be made available to the parties.~~
- (b) Records to be routinely provided. The department shall provide the following records to the director within five (5) calendar days of the receipt or creation of the record by the department:
- (1) Initial complainant contact letter;
 - (2) Complaint closure letter;
 - (3) Monthly report by the department's Fourth Amendment auditor; and
 - (4) Monthly report by the Office of Internal Affairs.
- (c) Requests for department records. The department shall provide all records specifically identified by the director, as well as those related to the subject matter and reasonably necessary to permit the board to review the identified subject matter. The director shall notify the chief or a designee in writing when the following occurs, as applicable, which shall constitute a request for records for purposes of this article:
- (1) The review of an internal affairs investigation has been scheduled. The director shall provide sufficient information to allow the department to identify the investigation and any related complaints or disciplinary records.
 - (2) The review of a specific department policy, practice, or procedure. The director shall provide sufficient information to allow the department to identify records in its possession relevant to the review.
 - (3) An audit has been initiated by the director or requested by the board. The director shall provide the chief or a designee with a copy of the audit plan, which shall indicate the general nature of the contemplated audit such that the department may identify records relevant to the audit.
- (d) Delivery of records. Upon the provision of such written requests for records, the department shall provide the director with the requested records within five (5) calendar days of the director's request or, if applicable, within five (5) calendar days of the city manager's written ruling regarding a dispute about access to records. In either case, the director and the chief or a designee may agree to a different timeline for the delivery of the requested records. In the absence of a director or appointed designee, written requests shall be issued by the chair of the board with a majority vote of its members. The chief or a designee shall appoint an employee of the department to administer records access to the board until such time as a new director or designee is appointed to such role by the city manager.
- (e) Format of department records. The board shall be provided department records, administered by the director, in the following formats:

- (1) Body-worn and dashboard camera video. The director shall be provided with independent access privileges to any relevant department systems to view all footage from cameras worn or operated by the department if relevant to the subject of an authorized purpose of the board. The director shall not share the access credentials with any other person, and the director shall not allow any person to view such video footage, other than a member of the board who has signed a confidentiality agreement, which the director shall certify, and in which case the board member may review the video footage only in the presence of the director.
 - (2) Originals or exact copies. The director shall be provided with the original version of the requested department records or, if feasible, may be provided copies of such records, at the department's discretion. If copies of the original records are provided to the director, they shall be exact duplicates of the original versions other than minor formatting or cosmetic differences that do not impact the content of the records.
 - (3) Secure retention, return, or destruction. The original records and any copies thereof provided by the department to the director shall be returned to the chief or a designee as the custodian of the original records within five (5) calendar days of completion of the board review or audit, except that upon agreement in writing by the chief or a designee, copies of department video footage and records provided to the director may be securely retained for up to one (1) year or destroyed. A review or audit shall be deemed complete upon occurrence of the following, as applicable:
 - (i) Public release of the final findings, determinations, and recommendations of a review;
 - (ii) Presentation by the director of a final audit report to the board; or
 - (iii) In a case in which (i) or (ii) above does not apply, at such other time as the director notifies the chief or a designee in writing that the authorized purpose for which the records were requested is complete.
- (bf) Department information to which the board ~~may~~ shall not have access. The director and the board shall not have access to:
- ~~(1)~~ Juvenile records;
 - ~~(21)~~ Records that may reveal the identity or personal information, as defined in the Code of Virginia, § 2.2-3801, of a confidential informant;
 - ~~(32)~~ Investigative files ~~for~~ related to an active civil or criminal investigation by the ~~e~~Commonwealth's ~~a~~Attorney, the Virginia Attorney General, the Virginia State Police, or the United States Department of Justice;
 - ~~(43)~~ Files related to an active ~~EEO~~Equal Employment Opportunity Commission claim, ~~h~~Human ~~R~~ights ~~e~~Commission investigation, or civil claim involving a department employee;
 - ~~(54)~~ Files containing information exempt from mandatory public disclosure or prohibited from public disclosure pursuant to the Code of Virginia, §§ 2.2-3706(B)(2), (3), ~~(4)~~, (5), ~~(6)~~, (7), (8), ~~(10)~~, (11); 2.2-3706(C); 2.2-3706.1(C)(1) through (C)(6); 2.2-3706.1(D); and 2.2-3706.1(E); ~~or~~ and
 - ~~(65)~~ Any information that the ~~police~~ department is not legally authorized to share.
- (eg) Disputes over access. If the director and the board seek access to information the disclosure of which the department believes ~~would compromise ongoing investigations, disclosure may be withheld until such time as the need for maintaining confidentiality is no longer present, or until the city manager has determined that the matter will not be compromised by the release of the information. If the board believes that the city manager is unreasonably withholding such information, the board may consider whether to seek a subpoena requiring the production of such information pursuant to section 2-459~~ is outside the scope of, or expressly prohibited by the authority granted in this article, and the director and chief cannot resolve this dispute after mutual discussion and consultation, then the city manager shall resolve the dispute consistent with the purposes and provisions of this article. The city manager may conduct an informal hearing at which both the director and chief may be heard, and the city manager shall issue a written ruling within three (3) business days thereafter. If the board believes that the city manager is unreasonably withholding such information, the board may consider whether to seek a subpoena requiring the production of such information as provided in Sec. 2-460 of this article.

(eh) *Confidentiality.* Each member of the board and the director shall maintain the confidentiality of all personal information and confidential or privileged information, including, but not limited to:

- (1) Materials from police internal investigative files;
- (2) Disciplinary actions, memos, and reports;
- (3) Statements of any police officer or civilian employee who was required by the department to give a statement;
- (4) Criminal investigative files; ~~or~~ and
- (5) Any other information that the chief or city attorney's office has deemed confidential.

This requirement to maintain confidentiality continues indefinitely or until the information no longer meets the definition of confidential or privileged as defined in ~~relevant board procedures~~ this article.

(i) *Protocols to prevent improper dissemination.* The director and the board shall adhere to the following protocols to prevent improper dissemination of confidential records, including records containing personal or privileged information not subject to public release:

- (1) The director and board shall not use or disseminate non-public personal information regarding any person, for any purpose or in any manner, other than as authorized by applicable state and federal law, local ordinances, and the authority to release public records defined in this article.
- (2) The director and board shall take all appropriate measures to maintain the security and confidentiality of all non-public personal information contained within department records to which access has been provided.
- (3) Within any written reports to be presented at a public meeting of the board or released to the public, and during any public comments about matters currently or likely in the future to be the subject of a review or audit by the board or director, the board and director may disclose the following personal information about any person, except as otherwise prohibited by state or federal law:
 - (i) Personal information previously publicly disclosed (by a party or parties other than the board or director); and
 - (ii) Non-public personal information regarding a department officer or employee with the prior written consent of the officer or employee.
- (4) In all other cases, written reports to be presented at a public meeting of the board or released to the public, and public comments about matters currently or likely in the future to be the subject of a review or audit by the board or director, shall refer only to anonymized information regarding any specific department officer or employee, and information that would not permit the particular officer or employee to be personally identified.

(ej) *Records to remain department records.* The chief of police, as the custodian of ~~the original~~ department records, shall be responsible for decisions as to whether copies of such records (or information contained in such records) may be publicly disclosed, subject to the direction and control of the city manager. In the event of a request pursuant to Virginia FOIA for records in the possession of the board or director, the director, as applicable, shall consult with the city attorney's office and claim all relevant exemptions allowed by FOIA to withhold the records or portions thereof from public disclosure, except in cases where public disclosure is authorized in writing by either the chief or the city manager and is otherwise lawful. Nothing in this paragraph shall preclude the city manager from ~~including with the standard operating procedure guidelines for~~ establishing guidelines in the operating procedures regarding public disclosure of certain types of information contained within department records. ~~In the standard operating procedure, the city manager shall issue guidelines for what information may be included in board or office reports or otherwise publicly disclosed.~~

(Ord. No. ~~O-25-142, 11-17-25~~ 26-XXX, 09-21-26)

Sec. 2-4589. ~~Investigation~~ Exclusions, limitations, and suspension.

(a) *Compliance.* Any ~~investigation~~ oversight activities shall comply with all federal, state, and local laws, as well as with requirements for the ~~initiation and conduct of investigation~~ the board's powers and duties described in ~~the~~

~~procedures promulgated by the city council as authorized in this article~~this article and in accordance with the board's operating procedures.

- (b) *Compelled statements.* The board may not compel a statement from any department employee,~~other than by means of its subpoena powers.~~
- (c) *Exclusions.* The board shall not consider complaints, incidents, claims, or issues involving the following:
- ~~(1) Any incident that occurred more than one (1) year before the filing of the complaint, or one (1) year before the board received notice of the incident, except as otherwise authorized by subsection (d) of this section;~~
 - ~~(2) Except as otherwise authorized by subsection (d) of this section, a matter that was the subject of an investigation where more than seventy five (75) days has elapsed since the department sent notice to the complainant informing the complainant that the department's internal affairs investigation is complete (unless the board determines that there is good cause to extend the filing deadline);~~
 - ~~(3) Matters that are the subject of a pending criminal proceeding in any trial court, a pending or anticipated civil proceeding in any trial court (as evidenced by a notice of claim or a filed complaint), or any pending City of Charlottesville grievance proceeding;~~
 - ~~(4) Any financial management related issue;~~
 - ~~(5) Any complaint, incident, claim or issue where the complainant requests that the board not have access to their files;~~
 - ~~(6) Any complaint, incident, claim or issue that has previously been the subject of an investigation by the board, unless substantial new information has come to the attention of the board;~~
 - ~~(7) An allegation of misconduct only by employees of law enforcement agencies other than the department. Such complainants should~~shall ~~be referred to the appropriate law enforcement agency; and~~
 - ~~(8) An allegation of conduct that does not violate the Charlottesville Police Policies and Guidelines, Disciplinary Orders, or Code of Conduct; This does not preclude violations of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service; and~~
 - ~~(9) Any other claim outside the scope of the board's authority expressly set forth within this article.~~
- ~~(d) Exceptions to time limits.~~ With the concurrence of the city manager, the board may review investigations and incidents beyond the time limits specified in subsections (c)(1) and (c)(2) if:
- ~~(1) The board determines that there is good cause for doing so; or~~
 - ~~(2) As part of an audit taking place under subsection~~Sec. 2-45263(d).
- ~~(e) Suspension of investigation~~oversight activity. If a complaint asserts criminal conduct by an employee of the department, or if at any point in an investigation of a complaint or incidentthe performance of oversight powers and duties, the board or director becomes aware that an employee may have committed a criminal offense, the board ~~shall~~and the director shall suspend all oversight activity and notify the chief and Commonwealth's Attorney of the alleged conduct.
- ~~(1) Suspend the investigation and notify the chief of police and commonwealth's attorney of the alleged conduct, ensuring that no statements obtained from the police department employee(s) whose actions are the subject of the matter are shared with criminal investigators or any prosecuting authority except in accordance with applicable law; and~~
 - ~~(2) Evaluate, in consultation with board legal counsel, the city attorney, and the commonwealth's attorney, whether competing public interests and civil rights involved permit the resumption of continued, parallel investigation by the board.~~

(Ord. No. O-25-142, 11-17-2526-XXX, 09-21-26)

Sec. 2-45960. Subpoenas.

- (a) *Application for subpoenas.* If the board determines that there ~~is evidence~~ are records, (including witnesses), not within the control of the department that the board is unable to obtain voluntarily, the board by two-thirds ($\frac{2}{3}$) vote may authorize the director, on behalf of the board, to apply to the Circuit Court of the City of Charlottesville Circuit Court for a subpoena compelling the production of such records, or the attendance of such witnesses to a public hearing held in accordance with Sec. 2-466(f) of this article ~~or the production of such books, papers, and other evidence.~~
- (b) *Requests for access.* If the director is denied access to material ~~witnesses, records, books, papers, and other evidence~~ within the control of the department that the director deems necessary to perform their duties and the duties of the board, the director may request the city manager to require the department to produce the requested ~~witnesses and documents~~ records. ~~No request shall include witnesses who are employees, sworn or civilian, of the department, and the board's authorized subpoena power shall not be used to compel attendance of or statements from department employees.~~ The city manager, or ~~their~~ a designee, shall not unreasonably deny such a request, but may place conditions on the production of the requested ~~witnesses and documents~~ records as necessary to preserve confidentiality for the reasons set forth in this article. The city manager, or ~~their~~ a designee, shall issue a decision on the director's request within five (5) business days ~~from~~ of the date of that request.
- (c) *Scope of subpoenas.* If the city manager, or ~~their~~ a designee, denies the director's request made pursuant to ~~subparagraph~~ section (b) above, the board by two-thirds ($\frac{2}{3}$) vote may authorize the director, on behalf of the board, to apply to the Circuit Court of the City of Charlottesville Circuit Court for a subpoena compelling ~~the attendance of such witnesses or the production of such books, papers, and other evidence~~ records. The board shall give the city manager and the department reasonable notice of its intent to subpoena such ~~witness or~~ witness or records and shall give the city attorney a copy of the request for subpoena. The board shall not unreasonably withhold its agreement to limitations on the scope of the subpoena requested by the city manager that may be necessary to protect confidential information. The parties may request that any hearing to be held in the ~~€Circuit €Court of the City of Charlottesville~~ on the request for a subpoena be conducted in a closed courtroom, to the extent permitted by state law. Upon request, the court file for any such subpoena request shall be kept under seal to the extent permitted by state law. The board may request that all or any portion of the court file relating to any such application be placed under seal to the extent permitted by state law.
- (d) *Retention of subpoena records.* If a subpoena is granted which compels the production of records, the board shall ~~digitally record any interviews or depositions conducted pursuant to the subpoena and shall make copies of any documents obtained by subpoena. The board shall provide the department with copies of any such interview/deposition recordings and documents. The board shall delegate its authority to subpoena and question witnesses to the director, who shall conduct any interviews, depositions, or questioning of witnesses in a non-public forum that adequately protects the privacy of the individual being subpoenaed, the confidentiality or sensitivity of information shared or sought, and the integrity of any pending or concurrent investigation~~ records.
- (e) *Conduct of compelled attendance by witnesses.* If a subpoena is granted which compels the attendance of a witness or witnesses at a public hearing of the board, such attendance shall comply with the board's operating procedures, including a hearing manual adopted thereunder, and the following provisions:
- (1) In any application for a witness subpoena under this section, the board shall request that the subpoena include a statement that any testimony provided shall be made under oath and that the witness is entitled to representation by an attorney. The board shall, in any event, provide such notice in writing to any witness subpoenaed under this section.
 - (2) Any witness failing to comply with a subpoena issued under this section may be subject to a charge of contempt by the issuing court as provided by law. Any witness so subpoenaed may petition the Circuit Court of the City of Charlottesville to quash the subpoena.
 - (3) In the case of refusal or neglect to comply with a subpoena, the board may petition for its enforcement in the Circuit Court of the City of Charlottesville.

(Ord. No. O-25-142, 11-17-2526-XXX, 09-21-26)

Sec. 2-461. Intake and referrals.

All submissions of complaints, review requests, inquiries, recommendations, comments, and compliments shall be received and documented by the office in accordance with the procedures established in the board's operating procedures. The office shall provide a response to all submissions indicating receipt and advising on any next steps. The following actions shall be taken:

- (1) For all complaints related to the alleged misconduct of a department employee, the office shall establish communication with the complainant and collect all relevant information regarding the complaint and ascertain whether the complainant desires to have the department conduct an official investigation with monitoring by the director. If the complainant does not request a department investigation, the complaint shall be documented by the office and the information contained therein shall be available to the director for purposes of monitoring, auditing, and other oversight activities authorized under this article. Additionally, the director shall:
 - (i) Provide updates to the complainant, upon request, regarding whether an administrative investigation has commenced, is pending, or has concluded. Such updates shall not disclose any substantive information about the investigation, including its evidence, witnesses, findings, or determinations, and shall remain subject to the limitations in this article; and
 - (ii) Verify the complainant has received a closure letter from the commander at the conclusion of any investigation.
- (2) For all review requests of an internal affairs investigation previously concluded by the department, the office shall obtain a copy of the case closure letter and collect all relevant information regarding the original complaint, investigation, and reason for the review request.
- (3) For all complaints received which allege misconduct by a city employee outside the department or an employee of another law enforcement jurisdiction, the director shall provide the complainant with contact information for the agency, office, or entity who may best assist the complainant.
- (4) For all inquiries, recommendations, and comments related to the conduct, policies, practices, or procedures of the department, the office shall provide as much information as is readily known or obtain such information to provide in response.
- (5) For all compliments or commendations, the office shall collect all relevant information and provide this information to the board.
- (6) For any complaint, review request, inquiry, recommendation, comment, or compliment which is outside the scope of the board's authorized power and duties, the office shall provide the contact information for the agency, office, or entity who may best assist the individual.

(Ord. No. O-26-XXX, 09-21-26)

Sec. 2-4602. Conduct of investigationsdepartment monitoring.

- ~~(a) Conduct of complaint investigations~~Referral of complaints. ~~If the~~a complainant asks that their complaint be investigated by the department, the complaint ~~will~~shall be investigated by the department with monitoring by the director. ~~When the department's investigation is concluded, the department will provide the complainant with a closure letter of its findings and the resolution of the complaint and will provide the board a summary of the department's resolution of the complaint.~~
- ~~(b) Monitoring of investigations.~~ The director may actively monitor investigations of complaints of employee misconduct conducted by the department and shall have access to records and witnesses to the same extent as the department, subject to the limitations or requirements set out in this article. Such monitoring may include reviewing the investigative plan of the department, reviewing any records within the department's digital evidence management system, reviewing any pertinent law enforcement records within the department's records management system, observing any real-time interviews of witnesses with the department, reviewing any recorded interviews which the director chooses not to attend in real time, providing feedback during the interview to be relayed to department staff

conducting the interview, providing feedback to department staff in determining next steps in the investigative process, and reviewing facts gained from investigation. For active criminal investigations, the director shall be limited in their participation to the same extent the department is limited in its participation in such investigations. The director may monitor the department's administrative investigation of employee misconduct after the close of the active criminal investigation in the same manner as all other investigations of employee conduct handled by the department as described in this section. When monitoring department investigations, during the pendency of the investigations the director shall not disclose information about the investigation to the board, any board member, or any person other than as authorized in writing by the chief of police or the city manager.

- (c) Investigative reports. If the complainant asks that the complaint be investigated only by the board, the director shall initiate an investigation on behalf of the board. The director will provide the chief of police with enough identifying information to allow the department to give the director access to information, records and witnesses as may be relevant to the complaint. When the investigation is concluded, the director will provide the board, the complainant and the department with an investigative report that includes a summary of the circumstances of the incident(s) of alleged misconduct, the evidence related to whether there was any misconduct, and any suggested findings related to each allegation.
- (d) Conduct of incident investigations. If the board is investigating an incident, the board may request information from the department, may seek subpoenas as authorized above, and may conduct an investigation of the incident. When the investigation is concluded, the director will provide the board, the department, and (if a complaint has been filed) the complainant, with an investigative report that includes, at a minimum, a summary of the circumstances of the incident, the evidence related to whether the incident involved any police or employee misconduct, and any suggested findings related to the incident. The director may make recommendations as to whether an allegation, if substantiated, could constitute serious abuse of authority or misconduct as defined in subsection 2-453(c). The investigative report shall also be provided to any employees identified within the investigative report as having committed employee misconduct.
- (e) Duration of investigations. Investigations of complaints and incidents will be completed, and any investigative report will be submitted, within seventy five (75) days from the date the complaint is received, or the board received notice of the incident. The board may extend the seventy five day period upon request of the police chief or the director to protect an ongoing investigation or prosecution, or for other good cause, with notice to the complainant and the city manager.
- (b) Monitoring of investigations and incidents. The director may actively monitor investigations of complaints and incidents of alleged employee misconduct by the department and shall have access to records and witnesses to the same extent as the department, subject to the limitations or requirements set out in this article. Such monitoring may include:
 - (1) Reviewing the investigative plan of the department;
 - (2) Reviewing any records within the department's digital evidence management system;
 - (3) Reviewing any pertinent law enforcement records within the department's records management system;
 - (4) Observing any real-time interviews of witnesses by the department;
 - (5) Reviewing any recorded interviews; and
 - (6) Reviewing facts gained from investigation.

For active criminal investigations, the director shall be limited in participation to the same extent the department is limited in its participation in such investigations. The director may monitor the department's administrative investigation of alleged employee misconduct after the close of the active criminal investigation in the same manner as all other investigations of employee conduct handled by the department as described in this article. When monitoring department investigations, during the pendency of the investigations the director shall not disclose information about the investigation to any person other than as authorized in writing by the chief or the city manager.

- (c) Observation of internal affairs interviews. The director shall be authorized to observe real-time interviews conducted by the department as part of an administrative investigation in accordance with the board's operating procedures and the following provisions:

- (1) The commander shall notify the director, in writing, of all external complaints filed against or about department personnel immediately after receiving each such complaint, or by the next business day.
 - (2) The commander shall notify the director, in writing, of the date, time, and location of all scheduled interviews associated with the complaint. Unless exigent circumstances exist, the director shall be provided at least twenty-four (24) hours of advance notice of the interview. If, due to exigent circumstances, the director is provided with less than twenty-four (24) hours of advance notice, the commander shall include a description of such circumstances.
 - (3) If the director chooses to observe an interview, the director shall notify the commander in writing as soon as practically possible before the interview.
 - (4) The director shall be permitted to monitor the interview from a separate room, if possible, or from within the same room where the interview occurs. The director shall be able to clearly see and hear the interview as it occurs. The director shall not interfere with or interrupt the department's interview process.
 - (5) The director shall, at the conclusion of any observed interview, be afforded the ability to provide verbal feedback to the commander, and the assigned investigator if not the commander, regarding the impartiality and sufficiency of the interview conducted. Any feedback provided by the director shall be shared with the board if the investigation is reviewed by the board after the conclusion of the investigation. Nothing in this subsection shall require the Office of Internal Affairs to implement feedback provided by the director during the investigation. Any such feedback is limited to process-related observations and is not evidence or a recommendation on the merits of the complaint.
- (d) *General oversight of department operations.* In addition to the monitoring of investigations and incidents, the director may engage in ongoing monitoring and oversight activities to support and inform the functions of the board consistent with this article. The board may request the director to conduct additional monitoring or oversight activities by majority vote. The director shall report all activities conducted under this section to the board and the city manager in accordance with the information access and limitations established in Sec. 2-458 of this article.
- (1) *Director access.* The director may participate in or observe department activities, including but not limited to the following:
 - (i) Department staff meetings, command staff meetings, briefings, and roll calls;
 - (ii) Use of force review panels and similar internal conduct review processes;
 - (iii) Interviews of candidates for sworn and civilian employment with the department;
 - (iv) Department training sessions, including in-service and specialized training;
 - (v) Review of department data systems, reports, and performance metrics;
 - (vi) Review of current or proposed department policies, practices, procedures, and directives; and
 - (vii) Other activities reasonably necessary for the board to effectuate its authorized purpose under this article. The enumeration in this subsection is illustrative and not exhaustive, and shall not be construed to limit the director's access to other department activities. Access to activities under this subsection shall be limited only as provided in subsection (d)(3) or Sec. 2-458 of this article.
 - (2) *Notice.* The department shall provide the director with reasonable advance notice of the activities listed in subsection (d)(1)(i) through (vii), including the date, time, and location, sufficient to allow the director the opportunity to attend. The chief or a designee and the director may establish a standing schedule or notification protocol to satisfy this requirement.
 - (3) *Limitations on participation.* The director's participation under this section shall be in an observational and advisory capacity and shall not include authority to direct, countermand, or delay department operations or personnel decisions. The department may temporarily limit the director's access to a specific activity if the chief or a designee determines in writing that the director's presence would compromise an active criminal investigation, officer safety during a tactical operation, or a legally protected proceeding. Any such limitation shall be narrowly tailored and shall expire when the stated justification no longer applies.

- (4) Disputes. If the director is denied access to any activity under this section and the director and the chief are unable to resolve the matter through mutual consultation, the dispute shall be resolved in accordance with the procedures established in Sec. 2-458(g) of this article.

(Ord. No. O-25-142, 11-17-2526-XXX, 09-21-26)

Sec. 2-463. Conduct of department audits.

- (a) Purpose and scope. The director may conduct retrospective audits of department patterns, practices, procedures, data, and outcomes to provide relevant information to the board to effectuate its authorized purpose and to identify systemic changes that may improve police services to the community. Audit topics may include, but are not limited to, patterns in internal affairs investigations, use of force incidents, arrests and detentions, searches and seizures, department expenditures, implementation of policies and training directives, deployment of systems and technologies, and other public-police interactions. Audits shall not be used to adjudicate individual complaints or to make findings of misconduct against individual employees, but the director may refer information discovered during an audit to the department or the city manager if it suggests conduct warranting separate review. Audits shall be conducted in accordance with the board's operating procedures, which shall include an audit manual adopted thereunder.
- (b) Initiation. An audit may be initiated by the director or by majority vote of the board. If initiated by board vote, the request shall identify the general subject matter and purpose. The director shall commence the audit within ten (10) business days or provide the board a written explanation if the audit is not feasible within the limitations of available resources, in which case the board and director shall confer to resolve scheduling or scope.
- (c) Audit plan. Prior to any collection of data or requests for department records for the purpose of an audit, the director shall prepare a written audit plan and provide a copy to the chief or a designee and to the board. The plan shall include:
- (1) The subject matter, scope, and time period to be examined;
 - (2) The categories of records, data, or other information anticipated to be necessary;
 - (3) The anticipated methodology for analysis; and
 - (4) An estimated timeline for completion.
- (d) Department cooperation. Upon receipt of the audit plan, the department shall provide records and data in accordance with this article within five (5) calendar days, designate a liaison to coordinate with the director for the duration of the audit, and make a good faith effort to respond to reasonable requests for additional records or clarification.
- (e) Audit report. Upon completion, the director shall prepare a written report and provide it to the board, the chief, and the city manager. The board shall review the report and may adopt, modify, or supplement the director's recommendations before issuing findings and recommendations pursuant to this article. The report shall include:
- (1) A description of the scope, methodology, and time period examined;
 - (2) A summary of findings, including identified patterns, trends, or areas of concern;
 - (3) Recommendations, if any, for changes to department policies, practices, procedures, training, or resource allocation; and
 - (4) Any relevant response or information provided by the department during the audit.

(Ord. No. O-26-XXX, 09-21-26)

Sec. 2-464. Conduct of board reviews.

- (a) Purpose. The board may conduct reviews of information provided by the department, the director, and other sources to fulfill its oversight functions authorized under this article. The board's reviews are intended to provide a civilian-led perspective on department conduct and operations, grounded in objective evidence, and to serve as the basis for the findings, determinations, and recommendations issued pursuant to Sec. 2-466 of this article.
- (b) Matters subject to review. The board may conduct reviews of any of the following:
- (1) Internal affairs investigations, including the department's case file, investigative methodology, and resulting findings and disciplinary determinations;
 - (2) Department incidents, including use of force incidents, deaths or serious injuries of persons in custody, and other incidents identified in Sec. 2-454(b)(2) of this article;
 - (3) Audit reports prepared by the director pursuant to Sec. 2-463 of this article;
 - (4) Department policies, practices, procedures, and directives, whether existing or proposed;
 - (5) Department data, performance metrics, trends, and patterns identified through monitoring activities conducted pursuant to Sec. 2-462 of this article; or
 - (6) Any other matter within the scope of the board's authorized purpose regarding the conduct or operations of the department and department employees.
- (c) Information provided to the board. The director shall prepare and present to the board materials necessary to conduct a review, which may include written summaries, relevant records provided by the department subject to the limitations of Sec. 2-458 and Sec. 2-459, data analyses, research, and any other information obtained through the oversight activities authorized under this article. The director shall present information in a manner that protects personal information and maintains the confidentiality requirements established in Sec. 2-458 of this article.
- (d) Evaluation and deliberation. In evaluating matters under review, the board shall consider the totality of information available and shall base its findings, determinations, and recommendations on objective evidence. The board may consider any of the following in its deliberations:
- (1) Records, data, and reports provided by the department through the director;
 - (2) The director's analysis, observations, and recommendations, including information obtained through monitoring and audit activities;
 - (3) Applicable department policies, general orders, training standards, and the disciplinary matrix;
 - (4) Applicable federal, state, and local law, including constitutional standards governing law enforcement conduct;
 - (5) Published research, professional standards, and best practices in law enforcement, including guidance from professional organizations such as the National Association for Civilian Oversight of Law Enforcement;
 - (6) Testimony or written statements from subject matter experts, community members, or other persons with relevant knowledge, received during a public meeting or hearing conducted pursuant to this article;
 - (7) Comparative practices of other law enforcement agencies; and
 - (8) Any other information the board determines to be relevant and reliable.
- (e) Standard of review. The board shall evaluate the matters before it based on the reasonableness of the department's actions, decisions, and policies in light of the totality of the circumstances and the information available. The board's role is to provide an informed civilian assessment, not to substitute its judgment for the operational or tactical

decisions of sworn personnel. Where the board disagrees with the department's findings, determinations, or actions, the board shall articulate specific reasoning supported by the evidence and information considered.

- (f) *Department participation.* The board may request that the chief or a designee appear before the board during a review to present information, provide context, or respond to questions regarding the matter under review. Any such participation by department personnel shall be voluntary and shall not constitute a compelled statement for purposes of this article or applicable law. The board may also request written responses from the department on specific questions arising during the course of a review.
- (g) *Public participation.* The board may receive public comment relevant to a matter under review during any public meeting in accordance with the board's operating procedures. The board may establish reasonable time limits and guidelines for public comment. Public comment received by the board may be considered as part of the board's deliberations but shall not be the sole basis for any finding, determination, or recommendation.
- (h) *Procedures.* Reviews shall be conducted in accordance with the board's operating procedures, including a review manual adopted thereunder, which shall address scheduling and notice of reviews, the format for presentation of information to the board, procedures for deliberation and voting, and the documentation of the board's reasoning in support of its findings, determinations, and recommendations. All findings, determinations, recommendations, and any resulting resolutions of the board shall only be made by a majority vote of the board with an established quorum. Any portion of a review involving discussion or consideration of criminal investigative files, audit findings, or deliberations regarding police operations related to a specific complaint before the board, where the complaint involves an offense enumerated in Code of Virginia § 2.2-3711(A)(56), shall be conducted in closed session as authorized by that subdivision.

(Ord. No. O-26-XXX, 09-21-26)

Sec. 2-461. Matters on which the board may conduct hearings.

- (a) *Hearings.* Hearings of the board shall be conducted in accordance with board operating procedures.
 - (1) At the conclusion of an investigation of an incident or a complaint the board may conduct a review hearing whose scope and procedures are described in the board's operating procedures. Review hearings shall be defined as any hearing conducted by the board to review the facts, issues and findings of a closure letter of the department related to an internal affairs investigation, or of an investigative report of the director related to a complaint or incident investigation.
 - (2) The board may conclude that no hearing, or a hearing only on a limited issue, is necessary to support the board's decision related to a particular complaint or incident. If so, the board may issue a report without a hearing.
- (b) *Hearing findings.* Within thirty (30) days of a review hearing of an internal affairs investigation, the board shall report their findings publicly and to the city manager, the police chief, and the complainant with respect to each allegation or issue under review as follows:
 - (1) That the board finds that the investigation of the complaint was satisfactory, and the board concurs with the findings of the investigation;
 - (2) That the board finds that the investigation of the complaint was satisfactory, but the board does not concur with the findings of the investigation, in which case the board may make recommendations to the city manager concerning disposition of the review request; or
 - (3) That the board finds that the investigation is incomplete or otherwise unsatisfactory and provides a detailed written explanation of the basis for such finding.
- (c) *Independent investigation findings.* If the board makes a finding under subsection (b)(3) above, the board may conduct an independent investigation of the matter that is the subject of the complaint. The board shall report

publicly and to the city manager, the chief of police and the complainant that the board has made one (1) of the following findings:

- (1) ~~That the board now finds that, despite the defects in the original internal affairs investigation, the board's own investigation has produced no material evidence to dispute the original findings of the internal affairs department;~~
 - (2) ~~The board's independent investigation has produced substantive new information that causes them to disagree with the findings of the internal affairs investigation. In this case, the board shall make recommendations to the city manager concerning disposition of the complaint; or~~
 - (3) ~~That despite the board's best efforts, the evidence is insufficient to allow the board to determine whether the findings of the internal affairs investigative report are correct.~~
- (d) ~~*Allegation findings.* Within thirty (30) days of a review hearing of a complaint or incident investigation, the board shall report their findings publicly and to the city manager, the police chief, and the complainant with respect to each allegation or issue under review as follows:~~
- (1) ~~That the board finds that the department employee committed misconduct;~~
 - (2) ~~That the board finds that no department employee committed misconduct; or~~
 - (3) ~~That despite the board's best efforts, the evidence is insufficient to allow the board to determine whether any department employee committed misconduct.~~

(Ord. No. O 25 142, 11-17-25)

Sec. 2-464. Board review of law enforcement policies, practices and procedures.

The board may review and make recommendations regarding policies, practices, and procedures of the department, including written policies, procedures and standing orders. The board shall present in writing its findings and recommendations with supporting rationale to the city manager and chief of police. If the department declines to implement any changes recommended by the board, the chief of police shall explain in writing, which shall be made available for public inspection, why the department declines to implement the board's recommendation, unless the board instead withdraws the recommendation based on the rationale provided. The board's withdrawal of any such recommendation shall be made available for public inspection.

(Ord. No. O 25 142, 11-17-25)

Sec. 2-465. Request a Annual reports review of police budget and expenditures.

During the city manager's preparation of a proposed city budget, the budget office shall provide the director with annual expenditure estimates and future year projections for the department, itemized to the same level of detail as provided to the city manager. The estimates shall be presented to the board by the director. The board may review the estimates and may make budgetary recommendations to the city manager ~~or~~ and to the city council during the annual budget process.

(Ord. No. O ~~25 142, 11-17-25~~ 26-XXX, 09-21-26)

Sec. 2-466. Findings, determinations, recommendations, and public reporting.

- (a) *Board outcomes.* Upon the completion of a review, audit, or other oversight activity authorized under this article, the board may, by majority vote, issue findings, determinations, recommendations, resolutions, or public reports. Any such outcome shall be issued within thirty (30) calendar days of the board's vote. All outcomes shall be released publicly in accordance with subsection (i) and shall conform to the board's operating procedures.

(b) Outcomes related to review of internal affairs investigations. Upon review of an internal affairs investigation conducted by the department, the board shall issue one of the following findings:

- (1) The board concurs with the findings and determinations provided in the internal affairs case closure letter;
- (2) The board does not concur with some or all of the findings and determinations provided in the internal affairs case closure letter and shall provide specific reasoning as to why the findings and determinations are not supported by the information reasonably available to the department; or
- (3) The board finds that the investigation is incomplete or otherwise unsatisfactory and shall provide a detailed written explanation of the basis for such finding.

In review of any investigation in which the board issues a finding under subsection (b)(2) or (b)(3), the board may include determinations regarding systemic, policy, or procedural issues with the investigation and may make recommendations to the chief and to the city manager regarding further review, corrective action, or changes to investigative practices. Any resulting determinations or recommendations related to broader policies, practices, or procedures of the department, beyond the scope of the investigative process, shall be made in accordance with Sec. 2-466(d) and (e).

(c) Outcomes related to department incidents. Upon review of an incident involving the department or actions of department employees, the board shall issue one of the following findings:

- (1) The incident does not merit a formal investigation;
- (2) The incident merits a formal investigation conducted by the department's Office of Internal Affairs with monitoring by the director, and the board shall provide specific reasoning for this finding; or
- (3) The board does not have enough relevant details about the incident to make a finding and may request additional information from the department or third parties before pursuing another review of the incident. The board, upon receiving such additional information, may determine no further review is necessary.

In review of any incident in which the board issues a finding under subsection (c)(2), the board may include determinations regarding systemic, policy, or procedural issues with the incident and may make recommendations to the chief and to the city manager regarding further review, corrective action, or changes to investigative practices related to incidents. Any resulting determinations or recommendations related to broader policies, practices, or procedures of the department, beyond the scope of the incident review, shall be made in accordance with Sec. 2-466(d) and (e).

(d) Outcomes related to disciplinary policy and application. Upon making a finding as the result of a review of an internal affairs investigation or incident, the board may issue determinations and recommendations regarding the department's disciplinary policy and its application, in a manner that protects personal information regarding identifiable employees against public disclosure and in accordance with the information access and limitations established in Sec. 2-458 and Sec. 2-459 of this article. Such recommendations may include:

- (1) Proposed amendments to the department's disciplinary matrix or any related policies, practices, or procedures that had a direct impact on the disciplinary outcome under review; or
- (2) A recommendation to the chief regarding the consistent application of disciplinary sanctions as established in department policy.

(e) Outcomes related to audits, policies, practices, and procedures. Upon board review of a completed audit conducted by the director, or a board review of department policies, practices, or procedures, the board may issue determinations, recommendations, or resolutions addressing identified patterns, trends, deficiencies, or opportunities for

improvement. Determinations and recommendations may address changes to department policies, practices, procedures, training, resource allocation, equipment, or implementation of systems and technologies.

- (f) Hearings. The board may hold public hearings to examine matters within the scope of its authorized purpose in greater depth than is afforded during regular public meetings. A hearing serves as a culminating oversight activity, drawing on the reviews, audits, and monitoring conducted under this article to develop the public record supporting the findings, determinations, recommendations, and resolutions the board may issue under this section. Hearings shall be subject to the following provisions:
- (1) Purpose and scope. A hearing may be convened by majority vote of the board to examine a specific policy, practice, procedure, pattern, trend, audit report, systemic concern, or other matter within the board's authority. A hearing shall not be convened for the purpose of adjudicating an individual complaint or incident of alleged misconduct, or for the purpose of making findings of misconduct against an identified department employee.
 - (2) Participation. The board may invite or receive participation from any of the following:
 - (i) Department representatives, including the chief or a designee, on a voluntary basis;
 - (ii) Members of the public with relevant knowledge or experience;
 - (iii) Subject matter experts, researchers, or professionals with expertise relevant to the hearing topic;
 - (iv) Representatives of community organizations, advocacy groups, or other public agencies; and
 - (v) Media representatives, for purposes of public transparency.
 - (3) Evidence and testimony. The board may receive and consider documentary evidence, data, research, written statements, and oral testimony relevant to the hearing topic. The board may exercise its subpoena authority as provided in Sec. 2-460 of this article to compel the production of records or evidence from the department, and to compel the attendance of witnesses or the production of records or evidence from third parties. The board shall not exercise its subpoena authority to compel the attendance of or any statement by an employee of the department but may request voluntary participation by the department in the proceedings.
 - (4) Procedures. Hearings shall be conducted in accordance with the board's operating procedures, including a hearing manual adopted thereunder, which shall address notice to the public, scheduling, order of proceedings, time allotments for participants, and the format for receiving evidence and testimony. All hearings shall comply with Virginia FOIA and limitations established in Sec. 2-458 and Sec. 2-459 of this article.
 - (5) Hearing outcomes. At the conclusion of a hearing, the board may issue determinations, recommendations, or resolutions in accordance with subsection (i). The director shall prepare a written summary of the hearing, including testimony received and evidence considered, which shall be included in or appended to the board's published findings.
- (g) Department response. Within thirty (30) calendar days of receiving the board's findings, determinations, or recommendations issued under this section, the chief shall provide a written response to the board, the city manager, and the city council, as applicable, indicating acceptance, partial acceptance, or declination of such board outcomes with supporting rationale specific to address the board's stated reasoning and evidence for issuing each finding, determination, or recommendation. The chief's response shall be made available for public inspection.
- (h) Follow-up. The director may conduct follow-up monitoring at reasonable intervals to assess the department's implementation of accepted recommendations by the board. The results of any follow-up monitoring shall be reported to the board and included in the office's annual report.
- (i) Public reporting. All findings, determinations, recommendations, and resolutions issued by the board under this section shall be provided to the chief and the city manager, and shall be made available for public inspection, subject

to applicable confidentiality protections and limitations of this article. When the director and chair of the board determine that an outcome has substantial relevance to matters of public policy, resource allocation, or systemic concern, such outcome shall also be provided to the city council. The director shall maintain a public record of all board outcomes issued under this section, including the department's written responses, and shall make such records accessible on the board's website.

(j) *Annual report.* Each calendar year, the director shall provide the board, the city manager, and city council with an annual report of activities conducted during the preceding calendar year. The report shall be published and made available for public inspection on or about June 1 of each year for the preceding year and shall include:

- (1) Committees appointed and their actions;
- (2) An overview of complaints and review requests received, including the number of complaints monitored, the number and content of audits conducted, the number of reviews conducted and any resulting outcomes, and the number of complaints deferred due to pending proceedings;
- (3) Proposed amendments to department policies, practices, or procedures, and whether the department implemented them;
- (4) The attendance by members of the board at public community listening sessions, community events, or other events which relate to the work of the board, including a summary of board actions or any public input and recommendations received;
- (5) Other recommendations of the board regarding policing within the city;
- (6) Training received by members of the board;
- (7) Engagement in department collaboration in fulfillment of the board's oversight mandate; and
- (8) Any other information necessary to provide an overview of board and office activities.

The board and the director may publish additional reports as deemed appropriate to provide transparency into oversight activities of the board and the office, including monthly and quarterly reports.

(k) *Legislative recommendations.* The board may make recommendations to the city council of any proposed changes in state law, for the council's consideration to include in its annual legislative program to present to the General Assembly.

(Ord. No. O-26-XXX, 09-21-26)

Sec. 2-462~~7~~. Alternative resolution.

(a) *Mediation.* The board may propose procedures for the use of mediation or other alternative dispute resolution techniques to resolve complaints against employees of the department. Such procedures shall not affect the ability of complainants to pursue remedies under other sections of this article.

(b) *Informal resolution.* At any time after receiving a complaint and before issuance of the written findings required at the conclusion of a hearing, the board and any party may propose an informal resolution within the scope of the express authority granted to the board within this article, which informal resolution may be adopted if all parties and the board agree to such a resolution. At any time, the parties may agree to refer the matter to mediation or other alternative dispute resolution methods, without prejudice to the right to have a hearing on the review request.

(a) *Informal resolution.* Upon receiving a complaint or review request, the office may, before referring a complaint to the department or initiating a formal board review, offer the complainant information or referral to appropriate resources, including department programs, other city services, or community resources that may address the complainant's concerns. Any informal resolution shall be documented by the director and reported to the board.

Nothing in this section shall prevent or discourage a complainant from filing or pursuing a formal complaint or review at any time, and the office shall inform the complainant of that right when offering informal resolution options.

- (b) Mediation and alternative dispute resolution. If the department maintains a mediation or alternative dispute resolution program, the office may inform the complainant of the availability of such program as an option. Participation in any such program shall be voluntary for all parties. A complainant's decision not to participate in mediation or alternative dispute resolution shall not affect the complainant's right to pursue remedies under other sections of this article, including a formal complaint or review request.

(Ord. No. O-25-142, 11-17-2526-XXX, 09-21-26)

Sec. 2-463. Disciplinary recommendations.

The board shall be authorized to make disciplinary recommendations regarding department employees in a manner that protects personnel information regarding identifiable employees against public disclosure, in accordance with the operating procedures established pursuant to subsection 2-452(c) and the standard operating procedures established pursuant to subsection 2-454(a). Subject to the foregoing provisions, the following process may be used, as appropriate:

- (a) ~~Board recommendations for discipline.~~ Upon making a finding that a department employee has engaged in a serious breach of departmental and professional standards, the board shall meet to discuss appropriate recommendations for disciplinary action. Prior to commencement of any such disciplinary deliberations, the subject employee shall be given notice of the proceedings and of the range of disciplinary actions under consideration for recommendation, and the employee shall be offered an opportunity to be heard. If permitted by FOIA, some or all of the disciplinary hearing may be held in closed session. No department employee, and no other city employee, shall be compelled to provide statements to the board during its deliberations. Disciplinary action to be considered for recommendation by the board shall only include those specified within any applicable disciplinary matrix utilized by the department. After considering these sources of information, the board may make a disciplinary recommendation to the department.
- (b) ~~Decline of discipline recommendations.~~ If the board makes a disciplinary recommendation to the department, and the department declines to implement the board's disciplinary recommendations, the chief of police shall, within thirty (30) days of the board's recommendation, provide a written explanation of the reason for declining to implement the board's recommendation. This explanation shall be made available to the board, the city council, the city manager, and the public.

(Ord. No. O-25-142, 11-17-25)

Sec. 2-4668. Community engagement, legislative recommendations, and reporting.

- (a) ~~Community engagement.~~ The board and the director shall engage in regular community outreach and collaboration to seek the assistance and input of community members and to provide education, awareness, and guidance on policing matters. The board may host public community listening and discussion sessions regarding policing matters of pressing public concern, such as questions about transparency, availability, legitimacy, mutual respect and trust, and community safety and order. The board and the director may also host or participate in public police-community relations meetings focused on topics such as the impacts of local policing on historically disadvantaged communities that currently experience or traditionally have experienced disparate policing.
- (b) ~~Legislative recommendations.~~ The board may make recommendations to city council of any proposed changes in state law, for the council's consideration to include in its annual legislative program to present to the General Assembly. These recommendations shall be presented to the city attorney's office by August 15 of each year.
- (c) ~~Reporting.~~ Each calendar year, the director shall provide the board and city council with an annual report of activities conducted during the preceding calendar year. The report shall detail activities of the board and the office in the prior calendar year, with sections related to the appointment of committees and their actions; the establishment of any community advisory panels; an overview of complaints received during the calendar year including the number of complaints, the complaints' findings, and the number of complaints deferred due to pending proceedings; the number and outcome of any independent investigations; an overview of proposed policy recommendations and amendments to department policies and whether the recommendations and amendments were implemented by the department;

the number, type, and attendance at community listening sessions; a summary of public input and recommendations of the public during those sessions; recommendations of the board about policing within the city; and any other information necessary to provide an overview of board and office activities. The director may provide the board, city council, and the city manager additional reports as deemed appropriate by the director to provide transparency into oversight activities of the board and the office.

(Ord. No. O-25-142, 11-17-2526-XXX, 09-21-26)

Sec. 2-46769. Board member training.

Each board member shall receive training, provided or facilitated by the director, within six (6) months of the member's appointment and every two (2) years thereafter. The training shall be consistent with the board's purpose, this article, and the board's operating procedures, and shall include, at a minimum:

- (a1) *NACOLE training.* At least once every two (2) years, and within six (6) months of any new board appointments, the director shall facilitate or provide board members with at least four (4) hours of training, presented using training content from the National Association for Civilian Oversight of Law Enforcement, or a comparable professional organization. The training shall be consistent with the board's mission, this article, and the board's operating procedures.
- (b2) *City and CPD department training.* At least once every two (2) years, and within six (6) months of any new board appointments, the city, the director, and the chief of police or their respective designees, shall facilitate or provide board members with at least two (2) hours of training or information:
 - (1i) Describing the legal and ethical obligations of members of a public board, including the need to comply with Virginia FOIA and other statutes and ordinances governing their service;
 - (2ii) Explaining police department procedures, policies, practices, and regulations procedures;
 - (3iii) Describing the substance of police department personnel record-keeping;
 - (4iv) Describing such other city policies, procedures, and systems relevant to the duties of the board; and
 - (5v) Explaining the board's operating procedures and code of ethics.
- (e3) *Additional training.* As needed, the board may request additional relevant training by subject matter experts on subjects that may include mental health, trauma-informed policing, civil rights and constitutional law, race and racism, community outreach, mediation, investigation, and policing practices. The board may also request opportunities for ride-along experiences with the department and participation in the Community Police Academy. The director shall facilitate or provide this training as is feasible with available funding and other relevant considerations.

(Ord. No. O-25-142, 11-17-2526-XXX, 09-21-26)

Sec. 2-46870. Commendations for exceptional community service.

- (a) *Soliciting public comment.* The board may solicit comments from the public concerning incidents of exceptional performance by employees of the department.
- (b) *Exemplary employees.* The board may consult with the chief of police regarding individual employees who have made outstanding contributions exemplary of equitable, just, and professional policing.
- (c) *Recognition of outstanding contributions.* The board may issue public citations recognizing individuals deemed to have made such contributions.
- (a) *Purpose.* The board recognizes that effective oversight includes acknowledging excellence in policing. Commendations issued under this section are intended to highlight conduct by department employees that exemplifies the principles of equitable, constitutional, and community-oriented policing.
- (b) *Bases for commendation.* The board may consider commendations for department employees based on any of the following:

- (1) Conduct reflecting exceptional de-escalation, crisis intervention, or resolution of volatile situations in a manner that preserved the safety and dignity of all persons involved;
- (2) Demonstrated commitment to community engagement, problem-solving, or relationship-building that has measurably strengthened trust between the department and the communities it serves;
- (3) Actions taken to identify, report, or correct deficiencies in department policies, practices, or conduct that contributed to improved accountability or public safety outcomes;
- (4) Performance during a critical incident, including life-saving actions, that demonstrated professionalism and adherence to department policy and training; or
- (5) Other conduct that the board determines to be exemplary of the principles stated in subsection (a).
- (c) Sources of information. The board may identify commendation-worthy conduct through any of the following:
 - (1) Written nominations from members of the public, provided that such nominations describe the specific conduct or incident forming the basis for the commendation;
 - (2) Information obtained by the director or the board in the course of performing oversight, audit, or review functions authorized under this article; or
 - (3) Data, reports, or records made available to the board in the ordinary course of the board's work.
- (d) Review and issuance. Before issuing a commendation, the board shall verify, to a reasonable extent using information available to the board, that the conduct forming the basis for the commendation is supported by more than a single unsubstantiated assertion. The board may consult with the chief regarding the conduct of individual employees under consideration for recognition in accordance with this section. The board may issue public citations or other forms of recognition, by majority vote, to department employees whose conduct meets the criteria in subsection (b). The board shall notify the chief and the city manager of any commendation prior to its public issuance.

(Ord. No. O-25-142, 11-17-2526-XXX, 09-21-26)

Secs. 2-46971–2-479. Reserved.

PCOB Ordinance Revision Comparison Table

Updated May 1, 2026

Includes Appendices A–C with Detailed Reasoning on Core Model Revisions

Green rows = New sections or subsections | Pink rows = Struck or relocated sections | Blue rows = High impact sections

Original Section	New Section	New Title	Summary of Change	Reasoning
450	450	Title	No change.	N/A
(New Section)	451	Definitions	Add and consolidate defined terms: (a) authorized purpose, (b) closure letter, (c) complainant, (d) complaint, (e) hearing, (f) in writing, (g) personal information, (h) records, (i) references, (j) securely retained, and (k) serious abuse of authority or misconduct (relocated from former 453(c)).	Added for organization, clarity, and to consolidate definitions throughout the ordinance into a single location. Some definitions brought over from consolidation of the SOP and MOU. Definitions (b), (c), (d), and (j) are new to the ordinance.
451	452	Police civilian oversight board established	Section renumbered. Strike 'the board' and 'within' → 'in'. Strike and replace 'by' → 'in'.	Reference to 'the board' moved to Sec. 2-451. Revision made for internal consistency.
452	453	Office of police civilian oversight established	Section renumbered. No other change.	N/A
452(a)	453(a)	Office established	Strike 'the office' and 'the department'. Capitalize "City Manager's Office". Strike and replace 'functions' → 'purpose'. Strike 'within' → 'in'.	Reference to 'the office' and 'the department' moved to Sec 2-451. Revision made for internal consistency.
452(b)	453(b)	Director	Strike and replace 'will' → 'shall'.	Revision made for internal consistency.
452(b)(1)	453(b)(1)	Director — Appointment	No change.	N/A
452(b)(2)	453(b)(2)	Director — Interview process	Strike 'director'.	Revision made to improve grammar. Struck language implied by subsection (b) title.
452(c)	453(c)	Duties of the city manager	No change.	N/A
452(c)(1)	453(c)(1)	Duties of the city manager — Operating procedures	Strike and replace consultation clause to separate into its own sentence and expand application to both establishment and amendment of procedures, and to apply to both city council and city manager actions.	Revision made to improve clarity and grammar. Ensures the consultation obligation clearly applies to all scenarios.
452(c)(2-3)	453(c)(2-3)	Duties of the city manager — Supervision; Vacancy	No change.	N/A
452(d)	453(d)	Duties of the director	No change.	N/A

Original Section	New Section	New Title	Summary of Change	Reasoning
452(d)(1)	453(d)(1)	Duties of the director — Duties	No change.	N/A
452(d)(2)	453(d)(2)	Duties of the director — Director's authority to conduct audits	Add cross-reference 'as provided in Sec. 2-463 of this article, including'. Strike and replace 'powers and duties of the board ... in this' → '... purpose of the board' and 'will' → 'shall'.	Added cross-reference ties audit authority to new dedicated audit section. Revision made for internal consistency.
452(d)(3)	453(d)(3)	Duties of the director — Director's authority to engage in oversight activities on behalf of the board	Add cross-reference 'as provided in Sec. 2-462'. Strike and replace 'powers and duties of the board ... in this article' → '... purpose of the board' and 'lawful' → 'authorized'. Strike 'outlined ... § 2-454 of'.	Added cross-reference ties oversight authority to new dedicated monitoring section. Revision made for internal consistency. Removal of specific section reference replaced with general article reference.
453	454	Powers and duties of the police civilian oversight board	Section renumbered. No other change.	N/A
453(a)	454(a)	Purpose	Rewrite. Broad trust-based purpose replaced with community focused mission language: transparency, accountability, monitoring, audit, review, with issuance of public reports on recommendations and best practices.	Rewrite based on significant Board member discussion. The existing purpose statement is general, not focused on mission objectives for the Board, and emphasized an ideal outcome rather than actionable implementation of oversight. Moves community focus to the top.
453(b)	454(b)	Powers and duties	No change.	N/A
453(b)(1)	454(b)(1)	Powers and duties (receive complaints)	Strike ', investigate and issue findings on'. Add refer-and-monitor model language.	[See Appendix A for more detailed reasoning] Revision made to remove independent investigation model language and add monitoring model component. Independent investigations are not feasible for a range of reasons, including: (1) no ability to compel officer testimony; (2) resource and staffing constraints; (3) procedures of investigations defined in VA Code, CPD General Orders, and the CPD Collective Bargaining Agreement; (4) lack of a relevant binding outcome making an independent investigation ineffective as an oversight tool.
453(b)(2)	454(b)(2)	Powers and duties (review and issue findings on incidents)	Strike and replace 'investigate' → 'review' and 'section' → 'article'. Add 'department'.	Revision made to remove independent investigation model language and add review model component.
453(b)(3)	— (Struck)	Powers and duties (recommend disciplinary action)	Strike entirely. Replace with new Sec. 2-466(d) outcome-based disciplinary application assessment and policy recommendations.	[See Appendix B for more detailed reasoning] Strike made to remove specific disciplinary recommendations regarding the misconduct of a Department employee, which is not viable for reasons detailed in struck section 2-463 below.

Original Section	New Section	New Title	Summary of Change	Reasoning
453(b)(4)	454(b)(3)	Powers and duties (review policies, practices, procedures)	Subsection renumbered. Strike and replace 'investigate' → 'review'. Add ','.	Revision made to align language to review model component. Added ',' for internal consistency of grammar.
453(b)(5)	454(b)(4)	Powers and duties (review department investigations)	Subsection renumbered. No change.	N/A
453(b)(6)	454(b)(5)	Powers and duties (review annual expenditure reports)	Strike and replace 'request' → 'review'.	Revision made to align language to review model component.
453(b)(7)	454(b)(6)	Powers and duties (make public reports)	Strike and replace 'investigations' → 'reviews'.	Revision made to align language to review model component.
453(b)(8)	454(b)(7)	Powers and duties (hold hearings and subpoena authority)	Add 'with the exception of employees of the department' re: compelled attendance. Add 'records or' in two instances.	[See Appendix C for more detailed reasoning] Addition made to align language to review model component and clarify subpoenas. Using the subpoena power to compel testimony or statements from department employees is not viable for two reasons: (1) inherent conflict between the Board's ability to compel Department employees and the Board's ability to adhere to and provide protections guaranteed to law enforcement personnel under CPD General Orders, the CPD Collective Bargaining Agreement, and VA Code; (2) under a review model, this function would be generally irrelevant as disciplinary action would have already been taken, if any.
453(b)(9)	454(b)(8)	Powers and duties (undertake other duties)	Strike 'for'. Add clause authorizing delegation of admin support, monitoring, auditing to the office.	Revision made to clarify the role of the Office and Director to act on the Board's behalf to conduct monitoring, auditing, and other oversight functions authorized by the Board's powers and duties. Specifies the Office's authority as a support and advise function for the Board.
453(c)	— (Relocated)	Definition of serious abuse of authority or misconduct	Strike entirely. Relocate to new Sec. 2-451(k).	Strike and relocate made to consolidate internal definitions.
455	455	Board membership, appointment, and terms	Add ','.	Addition made for internal consistency of grammar.
455(a)	455(a)	Objectivity	Rewrite. Reframed as appointment directive to council.	Rewrite made to convert non-operative statement of importance into an operative appointment standard, tying objectivity directly to the council's selection duty under this

Original Section	New Section	New Title	Summary of Change	Reasoning
				section. Also aligns to internal consistency of grammar.
455(b)	455(b)	Appointment process	Add 'city' and 'the city'. Add 30-day minimum application window. Strike and revise 'will' → 'shall' and 'and' → 'or'. Strike 'fair-minded and objective'.	Additions and revision made for internal consistency. Added the thirty-day application window as a response to prior inconsistencies. In summer 2025, an application window for PCOB appointments, from the time of public notice to the time of application closure, was less than two weeks. Strike made to fair and objective language as redundant to (a). The 'and' to 'or' revision is intended to clarify an applicant does not need all listed experience.
455(c)	455(c)	Board composition	Strike 'as'. Add language of conduct and board's operating procedures.	Strike made for internal consistency of grammar. Addition made to clarify where the code of ethics resides and shifts removal-for-cause framing from exhaustive ('as specified in') to illustrative ('including conduct specified in'), consistent with the existing catch-all 'other good cause' provision.
455(c)(1)	— (Struck)	Board composition (public housing or disadvantaged community seats)	Strike entirely.	Strike made for legal concern of limiting criteria.
455(c)(2)	— (Struck)	Board composition (racial or social justice seat)	Strike entirely.	Strike made for legal concern of limiting criteria.
455(c)(3)	455(c)(2)	Board composition (non-voting member with policing expertise)	Subsection renumbered. Moved from (3) to (2). No change.	N/A
455(c)(4)	455(c)(1)	Board composition (residency or employment requirement)	Subsection renumbered. Moved to (1). Rewrite: City or Albemarle County resident priority; Albemarle must be employed in or tied to city. Priority first given to city residents. Add exception for VA residents if insufficient eligible applicants after public application process.	Rewrite based on significant Board member discussion. Rewrite made to clarify priority of member appointment. Resolves a concern about priority level but ultimately does not change the impact on eligibility.
455(c)(5)	455(c)(3)	Board composition (disqualifying affiliations)	Moved from (5) to (3). Minor edits: 'council' changed to 'the city council' (2 instances); 'will' changed to 'shall.'	Grammatical and terminology consistency.
455(d)	455(d)	Terms	Revised. 3-year terms → 2-year terms. Transition clause for current members. Prospective application of composition requirements, term length, and term limit.	Term lengths have often been cited by Board members as too long. Decreases length and increases number of terms possible (4). Does not affect current member term.
455(e)	455(e)	Conflicts of interest	No change.	N/A
456	456	Meetings	No change to entire section.	N/A

Original Section	New Section	New Title	Summary of Change	Reasoning
457	457	Board legal counsel	Strike and replace investigation-oriented language ('cases, hearings, controversies') with framing that describes the board's oversight powers and duties. Also simplifies the conflict-of-interest exception.	Revision made to reframe counsel's role around the board's oversight powers and duties, retaining a catchall for other matters involving the board's interests. The closing exception is clarified.
454	458	Information access and limitations	Section renumbered. No other change.	N/A
454(a)	458(a)	Access to department information	Rewrite. Strike SOP mandate and replace with SOP language in ordinance throughout section (see below). Add 'subject to narrow limitations' framing; 'authorized powers and responsibilities' → 'authorized purpose.' Clarify confidentiality provisions found in 'this article' and 'operating procedures.'	Rewrite and revision made to remove language related to the establishment of a Standard Operating Procedure (SOP) governing access to Department information as the language of the SOP has been consolidated into the ordinance itself. Additional revisions made for internal consistency.
(New)	458(b)	Records to be routinely provided	Add from SOP. Department must provide four record types to Director within 5 days: contact letter, closure letter, 4 th Amendment Auditor report, monthly IA report.	Additions made to consolidate existing SOP with the Department into ordinance. Defines how information access is provided, allowing for the agreement to become solidified into city code, rather than an extension of it. Creates a more robust framework to support the monitor, audit, review model of oversight beyond the current Chief of Police and Department culture, which provides broad access as a current practice.
(New)	458(c)	Requests for department records	Add from SOP and new language to support monitor, audit, review model. Formal written notification process for IA reviews, policy reviews, and audits.	
(New)	458(d)	Delivery of records	Add from SOP. Include 5-day delivery; alternative timelines by agreement; vacancy provisions; dept. liaison.	
(New)	458(e)	Format of department records	Add from SOP and new language to support monitor, audit, review model. BWC and dashcam access rules; originals or exact copies; secure retention, return, destruction.	
454(b)	458(f)	Dept. info. to which the board may not have access	Subsection renumbered. Strike (b)(1) juvenile records. Revise capitalization in (f)(2) to 'Commonwealth's Attorney'. Strike in (f)(4): '(1) through (C)(6)'. Strike in (f)(5) 'police'.	Strike to (f)(1) made to align with HB1476 signed by the Governor on April 13, 2026 which now allows oversight boards like the PCOB to obtain access to juvenile records as needed for its authorized purpose. Strike in (f)(4) to align with current VA Code. Revise and strike in (f)(2) and (f)(5) for internal consistency and grammar.
454(c)	458(g)	Disputes over access	Subsection renumbered. Strike 'pursuant to section 2-459'. Add director-chief consultation, city manager informal hearing, 3-day written ruling.	Addition provides process clarity from the SOP to situations in which there is a dispute over access to Department information.
454(d)	458(h)	Confidentiality	Subsection renumbered. Adds 'personal information' to scope. Subpoints unchanged. Closing paragraph strike and revise 'relevant board procedures' → 'this article.'	Add and revision made to clarify FOIA limitation and for internal consistency.

Original Section	New Section	New Title	Summary of Change	Reasoning
(New)	458(i)	Protocols to prevent improper dissemination	Add from SOP. Four-part: unauthorized use prohibition; security measures; limited exceptions (prior disclosure, employee consent); anonymization.	Additions made to consolidate existing SOP with the Department into ordinance.
454(e)	458(j)	Records to remain department records	Subsection renumbered. Strike 'of police'; 'the' → 'department'; 'standard'. Add from SOP the FOIA response provision requiring exemption claims.	Revision made for internal consistency. Additions made to consolidate existing SOP with the Department into ordinance.
458	459	Exclusions, limitations, and suspension	Section renumbered. Strike 'Investigation e'.	Revision made to align to monitor, audit, review model of oversight.
458(a)	459(a)	Compliance	Strike and revise of investigation language and replace with general oversight language. Strike and revise article and operating procedures reference.	Revision made to align to monitor, audit, review model of oversight and for internal consistency.
458(b)	459(b)	Compelled statements	Strike ', other than by means of its subpoena powers'.	[See Appendix C for more detailed reasoning] Strike made to remove the subpoena power specifically for compelling officer testimony, which was an existing contradiction in the hearings section. Officer testimony cannot be compelled for many of the same reasons independent investigations are not feasible. Primarily, however, neither the Board nor Office can extend civil and criminal liability protections guaranteed to officers when giving a compelled statement afforded to them as part of administrative investigations.
458(c)	459(c)	Exclusions	Subsections renumbered. Strike (c)(2) 75-day bar and (c)(6) prior investigation bar. Add potential violations not listed in policy as stated in CPD GO.320.7.	Revision made to align to monitor, audit, review model of oversight. Modified the limitation of violations of policy to adopt CPD language, which could include other violations not listed.
458(d)	459(d)	Exceptions to time limits	Strike reference to (c)(2). Add 'and incidents' after 'investigations.' Revise audit reference from 'subsection 2-452(d)' to 'Sec. 2-463'.	Revision made to address item no longer relevant as original reference language was also struck above. Addition of 'incidents' aligns with review model scope. Audit cross-reference updated to new dedicated section.
458(e)	459(e)	Suspension of oversight activity	Strike 'investigations' → 'powers and duties' or 'oversight activity.' Add 'director.' Strike subpoints (1)–(2) and consolidated into single provision.	Revision made to align to monitor, audit, review model of oversight.
459	460	Subpoenas	Section renumbered. No other change.	N/A
459(a)	460(a)	Application for subpoenas	Add 'to a public hearing held in accordance with Sec. 2-466(f) of this article'. Revise 'other evidence' → 'other records or evidence.'	Revision made to tie subpoena authority for witness attendance to the new hearing framework. 'Records or evidence' aligns terminology throughout the ordinance.

Original Section	New Section	New Title	Summary of Change	Reasoning
459(b)	460(b)	Requests for access	Add language that subpoena power cannot compel Department employee attendance or statements. Strike 'witness' references.	[See Appendix C for more detailed reasoning] Revision made to clarify the subpoena power to eliminate compelling officer testimony detailed above and in the appendix.
459(c)	460(c)	Scope of subpoenas	Strike 'witnesses' references. Revised 'other evidence' → 'other records or evidence.'	Revision made to align subpoena scope to model consistency above; witness compulsion addressed separately in 460(a) and limited to non-department witnesses at public hearings.
459(d)	460(d)	Retention of subpoena records	Rewrite. Strike original provisions for digital recording of interviews and depositions, delegation of subpoena authority to director, and non-public forum requirements. Add streamlined provision: if subpoena compels production of records, the board shall make and share copies with the department.	Revision made to resolve original language tied to independent investigation model and compelled testimony framework. Now aligns with review model where subpoena authority is focused on records production.
(New Section)	460(e)	Conduct of compelled attendance by witnesses	Add three provisions for subpoenaed witness attendance at public hearings: (1) subpoena must include statement that testimony is under oath and witness has right to attorney; (2) failure to comply subjects witness to contempt; witness may petition to quash; (3) board may petition Circuit Court for enforcement.	Addition made to establish procedural safeguards and enforcement mechanisms for the board's subpoena authority over non-department witnesses at public hearings.
(New Section)	461	Intake and referrals	Add comprehensive intake process with six categories: (1) complaint referral with monitoring and complainant updates; (2) review requests of concluded IA investigations; (3) non-department/other jurisdiction referrals; (4) inquiry, recommendation, and comment responses; (5) compliment and commendation routing; (6) out-of-scope referrals.	Addition made to clarify the role of the Office regarding the intake and referral of complaints or other submissions both within and outside of the Board's jurisdiction and authority.
460	462	Conduct of department monitoring	Section renumbered. Strike 'investigations' → 'department monitoring'.	Revision made to align to monitor, audit, review model of oversight.
460(a)	462(a)	Referral of complaints	Retitle. Strike redundant case closure letter sentence. Strike and revise 'will' → 'shall'.	Revision made to align to monitor, audit, review model of oversight. Strike of second sentence due to redundancy with other content in the ordinance. Revision made for internal consistency.
460(b)	462(b)	Monitoring of investigations and incidents	Retitle. Add 'and incidents'. Monitoring items broken into (1)–(6). Strike Director feedback provisions. Strike and revise 'section' → 'article' and 'board, any board member'.	Revision made due to model application consistency and legal conflict of compelling testimony. The role of feedback is altered to a retrospective action addressed later but removed in this context because internal affairs cannot act as an agent of the PCOB or Office during the investigation itself. The ability to provide feedback is retained at a later step in the review process and no longer resides in the monitoring phase. Revision to last line because

Original Section	New Section	New Title	Summary of Change	Reasoning
				it is inconsistent with the authorized role of the Board.
(New)	462(c)	Observation of internal affairs interviews	Add from consolidated MOU. 5-part: IA notification; 24-hr notice; director notice of intent; observation logistics; post-interview feedback (non-binding).	Addition made to consolidate language from the Memorandum of Understanding (MOU) which was an offshoot policy derived from the SOP. This provides a more robust and clearer ordinance and removes the need for secondary and tertiary policies.
460(c)	— (Struck)	Investigative reports	Strike entirely.	Revision made to align to monitor, audit, review model of oversight.
(New)	462(d)	General oversight of department operations	Add director observation of meetings, briefings, UoF panels, hiring, training, data, policies. Add notice requirements, observational/advisory limits, and dispute resolution.	Revision made to clarify aspects of the monitoring role of the PCOB Office and Director, which had already been implied in the ordinance when the Director acts on behalf of the Board, but creates more robust language defining the scope of that authority.
460(d)	— (Struck)	Conduct of incident investigations	Strike entirely.	Revision made to align to monitor, audit, review model of oversight.
460(e)	— (Struck)	Duration of investigations	Strike entirely.	Revision made to align to monitor, audit, review model of oversight.
(New Section)	463	Conduct of department audits	Add (a) purpose/scope; (b) initiation; (c) audit plan; (d) dept. cooperation; (e) audit report with 4 required elements.	Addition made to clarify aspects of the auditing role of the PCOB Office and Director, which had already been implied in the ordinance when the Director acts on behalf of the Board, but create more robust language defining the scope of that authority.
(New Section)	464	Conduct of board reviews	Add (a) purpose; (b) matters subject to review; (c) information provided to the board; (d) evaluation and deliberation; (e) standard of review; (f) department participation; (g) public participation; (h) procedures.	Addition made to clarify the review authority of the Board. The existing ordinance lacked a formal delineation of the board's review authority and how it is conducted at a broad level. With emphasis on a review model, this newly added section is critical to define the scope, authority, and conduct of a board review.
461	— (Struck)	Matters on which the board may conduct hearings	Strike entirely. Hearing authority reconceived in new Sec. 2-466(f).	Strike made to consolidate remaining aspects of hearings to newly created Sec. 2-466. See below for further details to amended content.
464	— (Struck)	Board review of policies, practices, procedures	Strike entirely. Review authority reconceived in new Sec. 2-464. Conduct of board reviews.	Strike made to remove redundant and unnecessary language; replaced under newly created sections detailing the conduct of review and reporting.

Original Section	New Section	New Title	Summary of Change	Reasoning
465	465	Annual review of police budget and expenditures	Revise title only: 'Request annual reports' → 'Annual review of police budget and expenditures.' No content change.	Aligns title to review model language.
(New Section)	466	Findings, determinations, recommendations, and public reporting	Add to replace aspects of old Secs. 2-461 & 2-463. Eleven subsections: (a) outcomes framework; (b) internal affairs outcomes; (c) incident outcomes; (d) disciplinary policy outcomes; (e) audit and policy outcomes; (f) hearings; (g) department response; (h) follow-up monitoring; (i) public reporting; (j) annual report; (k) legislative recommendations.	Addition made to clarify the outcomes and public reporting of the Board and Office. The existing ordinance lacked a formal delineation of the outcomes available to the board and the reporting of such outcomes to various stakeholders. This section is added to consolidate existing language which contains this content and add a more robust framework to it for clarity of the Board's role in making findings, determinations, and recommendations. Also clarifies public reporting authority.
462	467	Alternative resolution	Section renumbered. No other changes.	N/A
462(a)	467(a)	Informal resolution	Rewrite. New early resolution: info, education, referral before formal investigation. Right to formal complaint preserved.	Rewrite made to replace existing content to allow for more realistic options for alternative resolution and moved voluntary mediation to next section.
462(b)	467(b)	Mediation and alternative dispute resolution	Rewrite. Limited to informing complainant of dept. programs. Voluntary. Non-participation protections.	Rewrite made to resolve conflict that mediation cannot be compelled by the Board, but rather an offering of CPD, if available, to which the Board or Director can refer a complainant. The Board can recommend and advocate for such a program but not compel it. Aligns language to this scope of authority.
463	— (Struck)	Disciplinary recommendations	Strike entirely. Replaced by new Sec. 2-466(d).	[See Appendix B for more detailed reasoning] Strike made to resolve existing conflict. Case-specific disciplinary recommendations are not feasible for two reasons: (1) timeline of when a case is closed and when discipline is determined by the Chief is unrealistic for the Board to meet on such short notice (by CPD policy and collective bargaining); and (2) Sec. 29.8(G) of the CPD Collective Bargaining Agreement removes Board recommendations from any appeal or grievance proceeding, limiting the role of Board input, especially in high-profile cases, and creating an appeal incentive. The replacement for this is instead focused on: (1) the application of discipline by the Chief; and (2) the Disciplinary Matrix within CPD General Orders. This has been moved to the newly created public reporting section.

Original Section	New Section	New Title	Summary of Change	Reasoning
466	468	Community engagement	Section renumbered. Title change: Strike 'legislative recommendations and reporting' and strike section (b) 'Legislative recommendations' → 2-466(k); strike (c) 'Reporting' → Sec. 2-466(j).	Revision and strike made to consolidate all reporting to one section, including annual reporting previously in this section and legislative recommendations as a product of the Board to Sec. 2-466.
467	469	Board member training	Section renumbered. No other change.	N/A
467(a)	469(a)	NACOLE training	Strike ','.	Strike made for grammatical accuracy.
467(b)	469(b)	City and department training	Strike and revise title 'City and CPD training' → 'City and department training.' Rewrite subsection (b)(2) 'Explaining police department procedures, policies, and regulations' changed to 'Explaining department policies, practices, and procedures.' Add comma.	Revision made to align terminology: 'CPD' replaced with 'department' for consistency; 'regulations' replaced with 'procedures' to match ordinance terminology throughout. 'Practices' added.
467(c)	469(c)	Additional training	No change.	N/A
468	470	Commendations for exceptional community service	Section renumbered. Rewrite all subsections: (a) purpose; (b) 5 bases for commendation; (c) 3 info sources; (d) verification/issuance procedures.	Rewrite made to clarify what constitutes a commendation and how the Board is to arrive at that conclusion.
469–2-479	471–2-479	Reserved	Renumbered.	N/A

Appendix A: Independent Investigations

Overview

The existing ordinance authorizes the Board to “receive, investigate, and issue findings on complaints” and to “investigate and issue findings on incidents.” The revised ordinance replaces this independent investigation authority with a receive-and-refer model in which complaints are routed to the Charlottesville Police Department (CPD) for internal affairs investigation, with concurrent monitoring by the Office of Police Civilian Oversight. The Board retains the authority to review completed investigations and to issue findings regarding their accuracy, completeness, and impartiality. This appendix sets forth the legal, operational, and structural reasons for this change.

1. Inability to Compel Officer Testimony

The most fundamental barrier to independent investigations is the Board’s inability to compel statements from officers of the Department. Under the current ordinance, Section 2-458(b) (renumbered 2-459(b)) expressly states that the Board may not compel a statement from any department employee. The revised ordinance strengthens this limitation by removing the prior qualifier “other than by means of its subpoena powers,” which created an internal contradiction with the practical and legal constraints on subpoena authority discussed in Appendix C.

Without compelled testimony, any independent investigation conducted by the Board would be structurally incomplete. Officers are under no obligation to participate voluntarily, and the practical likelihood of voluntary cooperation is low given the protections afforded to officers under both the Charlottesville Police Department Collective Bargaining Agreement and the Law-Enforcement Officers Procedural Guarantee Act (Virginia Code §§ 9.1-500 et seq.). An investigation that cannot obtain statements from the officers whose conduct is at issue cannot produce findings sufficient to support disciplinary action or to provide meaningful accountability.

2. Conflict with Existing Investigative Frameworks

Administrative investigations of law enforcement officer conduct are governed by multiple overlapping frameworks that define the scope, process, and protections applicable to such investigations. These include:

Virginia Code §§ 9.1-500 through 9.1-507 (Law-Enforcement Officers Procedural Guarantee Act): This chapter establishes procedural requirements for investigations that could lead to dismissal, demotion, suspension, or transfer for punitive reasons. Section 9.1-501 requires that questioning occur at a reasonable time and place, that the officer be informed of the investigating officer's identity and the nature of the investigation, and prescribes procedures for specimen collection. Section 9.1-502 requires written notice of charges and an opportunity to respond before any adverse action may be imposed. While there is an exception for law-enforcement oversight boards in Section 9.1-507(B), due to the obligations of Article Four of the CPD Collective Bargaining Agreement, independent investigation by the Board would need to comply with these procedural requirements to produce findings actionable for discipline, but the Board lacks the institutional framework to do so and lacks binding disciplinary authority.

Garrity v. New Jersey, 385 U.S. 493 (1967): Under *Garrity*, statements compelled from public employees during administrative investigations cannot be used against them in criminal proceedings. The Department's internal affairs process is structured to provide these protections as part of its administrative investigation framework. The Board has no authority to extend *Garrity* protections, meaning that any statement an officer provides to the Board, even if obtained through subpoena, could lack the evidentiary protections that would otherwise apply in an internal affairs investigation, creating both legal risk for the officer and procedural vulnerability for any resulting disciplinary action.

CPD General Orders and Collective Bargaining Agreement: The CPD's internal affairs procedures, codified in its General Orders, define the investigative process for complaints of officer misconduct. The Collective Bargaining Agreement further defines the procedural rights of officers during investigations and the disciplinary process. An independent investigation by the Board would operate outside both of these frameworks, and its findings would lack standing in any subsequent disciplinary or grievance proceeding.

3. Resource and Structural Constraints

The Board is a volunteer body that meets on a periodic basis. The existing ordinance required investigations to be completed within seventy-five days of receipt of a complaint or notice of an incident. Conducting a thorough administrative investigation within this timeline requires full-time investigative staff, access to forensic and evidentiary resources, and the capacity to schedule and conduct witness interviews on short notice. The Office of Police Civilian Oversight, while providing professional staff support to the Board, is not resourced or structured to serve as an independent investigative agency. Directing limited staff resources toward duplicative investigations that cannot produce binding outcomes diverts those resources from monitoring, auditing, and review functions that can produce systemic improvements.

4. Absence of a Binding Outcome

Even if the Board could overcome the testimony, procedural, and resource barriers described above, the findings of an independent investigation would remain advisory. Virginia Code § 9.1-601(C)(3) authorizes civilian oversight bodies to make "binding disciplinary determinations" only "concordant with any investigation conducted" and "after consultation with such officer's or employee's direct supervisor or commander." While the statute authorizes this possibility, the operational and legal constraints specific to Charlottesville, including the Collective Bargaining Agreement and the exclusive disciplinary authority of the Chief of Police, make binding determinations impracticable in practice. Section 29.8(G) of the Collective Bargaining Agreement excludes Board findings and recommendations from any grievance or dispute proceeding, further severing independent investigation findings from the disciplinary process.

5. The Review Model as a More Effective Alternative

The revised ordinance replaces independent investigations with a structured review model that leverages the Board's institutional strengths: the ability to evaluate completed investigations for thoroughness, accuracy, and impartiality; the authority to conduct audits of patterns in complaints, use of force, and other police-community interactions; and the capacity to issue public findings and recommendations that address systemic issues rather than

individual case outcomes. This model is consistent with the approach taken by several Virginia comparator jurisdictions, including Fairfax County, whose Police Civilian Review Panel reviews completed internal administrative investigations rather than conducting independent ones.

Appendix B: Disciplinary Recommendations

Overview

The existing ordinance, at Section 2-463, authorized the Board to make case-specific disciplinary recommendations regarding individual department employees following a finding of misconduct. The revised ordinance strikes this section and replaces it with a disciplinary policy outcome framework in new Section 2-466(d), which authorizes the Board to issue recommendations regarding the application of discipline by the Chief of Police and the adequacy of the Department's Disciplinary Matrix within its General Orders. This appendix sets forth the reasons for this shift from case-specific to policy-level disciplinary recommendations.

1. Exclusive Disciplinary Authority of the Chief of Police

Under Virginia law and the City of Charlottesville's municipal structure, the Chief of Police holds exclusive authority to impose discipline on department employees. Virginia Code § 15.2-1722 charges the chief of police with maintaining records related to law enforcement activity, and the Chief's disciplinary authority derives from the broader delegation of police management authority under the city's charter and municipal code. The Board's recommendations are, by their nature, advisory. The existing ordinance acknowledged this reality at Section 2-463(b), which required the Chief to provide a written explanation if declining to implement the Board's disciplinary recommendations. However, the advisory nature of these recommendations means that the process of formulating case-specific recommendations consumes significant Board time and resources for outcomes that the Chief may decline to implement without further recourse.

2. Collective Bargaining Agreement Limitations

The CPD operates under a Collective Bargaining Agreement (CBA) with its officers. Section 29.8(G) of the CBA explicitly excludes Board findings and recommendations from any appeal or grievance proceeding. This provision has two significant consequences for case-specific disciplinary recommendations:

First, it eliminates any practical weight the Board's recommendations might carry in the disciplinary process. If an officer grieves a disciplinary action, the Board's recommendation that discipline be imposed cannot be cited, referenced, or relied upon in the grievance proceeding. This creates a structural asymmetry: the Board's recommendation may prompt the Chief to impose discipline, but the recommendation itself is inadmissible in any subsequent challenge to that discipline.

Second, the exclusion creates a perverse incentive in high-profile cases. Where the Board has publicly recommended discipline, an officer may be more likely to grieve the resulting disciplinary action precisely because the Board's recommendation, which may have generated public pressure for discipline, cannot be introduced in the grievance proceeding, potentially weakening the Department's position.

3. Timeline and Operational Infeasibility

Under CPD General Orders and the Collective Bargaining Agreement, the disciplinary process operates on defined timelines following the completion of an internal affairs investigation. The Chief must make a disciplinary determination within a prescribed window from the time the complaint was received and an investigation started. The Board, as a volunteer body that meets periodically, cannot reliably convene, review an investigative file, deliberate, and issue a case-specific recommendation within the operational timelines required by the Department's disciplinary process. The existing ordinance's requirement that the Board provide notice to the subject employee and offer an opportunity to be heard prior to deliberation further extends the timeline.

In practice, this means the Board's recommendation would frequently arrive after the Chief has already made a disciplinary determination, rendering the recommendation moot.

4. Confidentiality Constraints on Public Accountability

Case-specific disciplinary recommendations necessarily involve identifiable employee personnel matters. Virginia Code §§ 2.2-3705.1 and 2.2-3711(A)(1) provide exemptions from public disclosure for personnel records and authorize closed sessions for discussion of specific employees' performance, but there is legal ambiguity as to whether the Board can claim this exemption without having authority over personnel decisions for Department employees. While the existing ordinance required the Board to protect personnel information against public disclosure, this requirement is in tension with the Board's core transparency function. A case-specific disciplinary recommendation that must be discussed in closed session, if allowed by law, and reported in a manner that protects employee identity provides limited public accountability value compared to a policy-level recommendation that can be fully discussed, deliberated, and reported in public.

5. The Policy-Level Alternative

The revised ordinance's approach in new Section 2-466(d) refocuses disciplinary recommendations at the policy level. Rather than recommending specific discipline for individual officers, the Board may evaluate whether discipline imposed by the Chief in a given case was consistent with the Department's Disciplinary Matrix and General Orders, and may issue recommendations regarding the adequacy and consistency of the Disciplinary Matrix itself. This approach offers several advantages:

It applies across the Department rather than to a single case, producing systemic accountability improvements. It can be conducted and reported publicly without the confidentiality constraints that attend individual personnel matters. It does not depend on meeting the compressed timelines of the case-specific disciplinary process. And its recommendations address the standards and policies that govern all future disciplinary decisions, rather than a single past decision that may already be the subject of grievance proceedings from which the Board's input is excluded.

This approach is consistent with the direction taken by comparator jurisdictions. Fairfax County's Police Civilian Review Panel does not make case-specific disciplinary recommendations; it reviews completed investigations and recommends policy changes. Arlington County's ordinance conditions disciplinary recommendations on legislative change empowering the Board to meet in closed session to discuss investigative and personnel records (Arlington County Code § 69-9(c)(vii)), effectively deferring this function pending future enabling authority provided by amended Virginia Code.

Appendix C: Subpoenas

Overview

The existing ordinance grants the Board subpoena authority pursuant to Virginia Code § 9.1-601(D), which authorizes civilian oversight bodies to apply to the circuit court for subpoenas compelling the attendance of witnesses and the production of documents after making a good faith effort to obtain voluntary cooperation. The revised ordinance retains this subpoena authority but narrows its application to exclude the compelled attendance or testimony of employees of the Department. This appendix sets forth the reasons for this limitation.

1. Conflict with Officer Procedural Protections

Using the subpoena power to compel testimony from department employees creates an inherent conflict with the procedural protections guaranteed to law enforcement officers under multiple overlapping legal frameworks:

Law-Enforcement Officers Procedural Guarantee Act (Virginia Code §§ 9.1-500 et seq.): The Act establishes specific procedural requirements for investigations of officer conduct that may lead to adverse employment actions. Section 9.1-501 prescribes the conditions under which an officer may be

questioned, including requirements regarding the time, place, and manner of questioning, and the officer's right to be informed of the investigating officer's identity and the nature of the investigation. Section 9.1-502 requires written notice of charges and an opportunity to respond before any discipline may be imposed. A Board subpoena compelling officer testimony operates outside this procedural framework. Officer statements obtained through Board subpoena, rather than through the Department's internal affairs process, would not carry the procedural protections that the Act requires for statements to be used in disciplinary proceedings.

***Garrity v. New Jersey*, 385 U.S. 493 (1967):** As discussed in Appendix A, the *Garrity* doctrine protects public employees from the use of compelled administrative statements in criminal proceedings. The Department's internal affairs process is structured to provide these protections. The Board lacks the institutional authority to extend *Garrity* protections to officers compelled to testify before it. An officer subpoenaed by the Board faces a dilemma: testimony given under subpoena may not carry *Garrity* protection, potentially exposing the officer to criminal liability based on compelled statements. This creates both a legal risk for the officer and a due process vulnerability that could undermine any subsequent disciplinary or legal proceeding.

CPD Collective Bargaining Agreement: The Collective Bargaining Agreement defines the procedural rights of officers during administrative investigations, including the right to representation, advance notice requirements, and limitations on the scope and manner of questioning. Board subpoenas directed at department employees would operate outside the CBA framework, creating a parallel process that does not afford officers the contractual protections negotiated through collective bargaining, which includes a provision in Article Four guaranteeing adherence to the forementioned Law-Enforcement Officers Procedural Guarantee Act, regardless of the exception for oversight bodies which exists in the Act.

2. Functional Irrelevance Under a Review Model

Under the revised ordinance's review model, the Board's primary function with respect to individual complaints and incidents is to review completed internal affairs investigations for accuracy, completeness, and impartiality. By the time a matter reaches the Board for review, the Department's investigation has concluded and disciplinary action, if any, has been determined by the Chief of Police. In this posture, compelling officer testimony serves limited purpose: the relevant officer statements have already been obtained through the internal affairs process under appropriate procedural protections, and those statements are available to the Board as part of the investigative file, subject to the confidentiality provisions of the ordinance.

The Board's subpoena authority remains available for its intended and effective purpose: compelling the attendance of non-department witnesses and the production of documents from third parties that the Board is unable to obtain voluntarily. This may include testimony or records from community members, businesses, or other entities relevant to the Board's review of systemic policing issues, policy evaluations, or audits. The Board's subpoena authority to obtain Department records in its possession also remains, but is a final and secondary step which can only be engaged after an initial dispute resolution process administered and determined by the Charlottesville City Manager.

3. Existing Internal Contradiction in the Ordinance

The existing ordinance contained an internal inconsistency regarding compelled officer statements. Section 2-458(b) (now renumbered 2-459(b)) stated that the Board "may not compel a statement from any department employee, other than by means of its subpoena powers." Simultaneously, the subpoena provision at Section 2-459 (now 2-460) authorized the Board to seek subpoenas for "the attendance of such witness or the production of such books, papers, and other evidence." Read together, these provisions created ambiguity about whether the Board could, in fact, compel officer testimony through subpoena, despite the express prohibition on compelled statements.

The revised ordinance resolves this contradiction by removing the subpoena qualifier from the compelled statements provision (Section 2-459(b) now states that the Board may not compel a statement from any department employee, without exception) and by adding an express exclusion in the subpoena and hearings provisions clarifying that the subpoena power and compelled attendance authority do not extend to employees of the Department.

4. Comparator Jurisdiction Approaches

The limitation on compelling officer testimony is consistent with the approach taken by comparable Virginia jurisdictions. Fairfax County's Police Civilian Review Panel bylaws expressly provide that the Panel "shall not take testimony or receive evidence" at review meetings (Fairfax County PCR Bylaws, Article VI.F.1.(e)), relying instead on completed investigative files and presentations by department representatives.

A common recognition exists among Virginia civilian oversight bodies that compelling officer testimony raises legal and procedural complications that are best addressed through the existing internal affairs framework, with the civilian oversight body's role focused on monitoring, reviewing, and evaluating the adequacy of that framework and its outcomes.

Policy Briefing Summary

City Council



Regarding:	Ordinance Creating MCImetro Franchise Agreement
Staff Contact(s):	Brennen Duncan, City Engineer
Presenter:	Brennen Duncan, City Engineer
Date of Proposed Action:	September 8, 2026

Issue

MCImetro Access Transmission Services of Virginia, Inc. ("MCImetro"), has requested City Council adopt an Ordinance granting a Franchise Agreement ("FA") with the City of Charlottesville, Virginia ("City"). This is a new FA and is required for MCImetro to perform work on facilities located within the City's Public Right-of-Way ("PROW"). This FA contains the recently updated obstruction language that outlines a more robust enforcement mechanism in line with the Americans with Disabilities Act ("ADA") compliance and pedestrian safety throughout the City.

Background / Rule

To protect the integrity and safety of its streets and PROW, the City establishes FAs with telecommunication providers under Article VII § 9 of the Virginia Constitution. Said FAs grant limited rights to install and maintain facilities within the PROW, while ensuring the City retains authority to regulate the use of public space.

MCImetro proposes to construct a fiber optic communications network within the City's PROW. MCImetro intends to offer one (1) or more of the following services to business and government customers: competitive local exchange voice and data communications services, internet access, private line service, cell site front-haul and back-haul capacity using fiber optic cables, and leasing of conduit and dark fiber to third-parties, as well as future services when they become available. Currently, MCImetro does not intend to offer services to residential customers. MCImetro will not offer residential cable television, video service, or personal wireless service.

Analysis

The MCImetro FA incorporates amended Section 206 provisions, which improve the City's ability to manage and enforce compliance within the City's PROW.

Specifically, the FA :

- Prohibits obstruction of the PROW, unless explicitly authorized in an approved plan;
- Requires removal of any obstruction within forty-five (45) days after City notification;
- Establishes daily penalties (\$500/day) for failure to remove unauthorized facilities after the deadline; and
- Authorizes City to remove the obstruction and recover reasonable costs when the company fails to act.

These provisions directly support the City's ADA Transition Plan and reinforce its legal obligation to maintain accessible pedestrian routes. The strengthened language also provides a clear, enforceable framework to address delayed pole transfers and other obstructions in the PROW.

This action aligns with the City Council's vision of Organizational Excellence by ensuring consistent, accountable management of the PROW through updated franchise standards. The FA strengthens coordination with utility providers, improves operational efficiency, and enhances the City's ability to maintain safe, accessible, and well-managed infrastructure for the community.

Financial Impact

None. This FA does allow the City to recover costs as appropriate for use of the PROW.

Recommendation

City Staff recommends that City Council adopt the attached Ordinance granting a FA to MCImetro consistent with the City's updated FA framework. Ordinance adoption will:

- Maintain continuity of telecommunications services within the City;
- Ensure MCLmetro complies with updated PROW management and enforcement standards; and
- Support the City's broader initiative to eliminate double poles, achieve ADA compliance, and preserve the integrity of public infrastructure.

Recommended Motion (if Applicable)

"I move to approve first reading of the attached Ordinance granting a FA to MCImetro, and to schedule the Ordinance for second reading and possible adoption at City Council's next regularly schedule Meeting."

Attachments

1. MCImetro Draft Franchise Ordinance - 7.23.2026
2. Image - Charlottesville_MCI_Metro_Proposed
3. Proposed work background

FRANCHISE ORDINANCE

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**AN ORDINANCE
GRANTING A FRANCHISE TO MCIMETRO ACCESS TRANSMISSION SERVICES
OF VIRGINIA, INC.,
ITS SUCCESSORS AND ASSIGNS
TO USE THE STREETS AND OTHER PUBLIC PLACES
OF THE CITY OF CHARLOTTESVILLE, VIRGINIA
FOR ITS POLE, WIRES, CONDUITS, CABLES AND FIXTURES,
FOR A PERIOD OF FIVE (5) YEARS**

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that MCImetro Access Transmission Services of Virginia, Inc., a corporation organized under the laws of Delaware, (the “Company”), is hereby granted a franchise for a period of five (5) years from the effective date hereof. This Ordinance authorizes and empowers the Company to erect, maintain and operate certain Facilities as described in this Ordinance on, over, along, in, under and through the Public Rights-of-Way (as defined in this Ordinance) of the City of Charlottesville, Virginia (the “City”) as its business may from time to time require; provided that:

ARTICLE I – GENERAL

SECTION 101 PURPOSE AND SCOPE

To provide for the health, safety and welfare of its citizens and to ensure the integrity of its roads and streets and the appropriate use of the Public Rights-of-Way, the City strives to keep the Public Rights-of-Way under its jurisdiction in a state of good repair and free from unnecessary encumbrances.

Accordingly, the City hereby enacts this Ordinance to grant a telecommunications right-of-way franchise and administration. This Ordinance imposes regulation on the placement and maintenance of Facilities and equipment owned by the Company currently within the City’s Public Rights-of-Way or to be placed therein at some future time. The Ordinance is intended to complement, and not replace, the regulatory roles of local, state, and federal agencies. Under this Ordinance, when excavating and obstructing the Public Rights-of-Way, the Company will bear financial responsibility for its work to the extent provided herein. Finally, this Ordinance provides for recovery of the City’s reasonable out-of-pocket costs related to the Company’s use of the Public Rights-of-Way, subject to the terms and conditions herein.

This Ordinance shall be interpreted so as to benefit the public but does not create any third-party right of action.

SECTION 102 AUTHORITY TO MANAGE THE RIGHT OF WAY

This Ordinance granting a franchise is created to manage and regulate the Company's use of the City's Public Rights-of-Way along City roads pursuant to the authority granted to the City under its Charter, Sections 15.2-2015, 56-460, and 56-462(A) of the Virginia Code, and other applicable state and federal statutory, administrative and common law provisions.

This Ordinance and any right, privilege or obligation of the City or Company hereunder, shall be interpreted consistently with state and federal statutory, administrative and common law, and such statutory, administrative or common law shall govern in the case of conflict. This Ordinance is not intended to limit the regulatory and police powers of the City to adopt and enforce other general ordinances necessary to protect the health, safety, and welfare of the public.

SECTION 103 DEFINITIONS

103.1 CITY means the City of Charlottesville, Virginia, a municipal corporation of the Commonwealth of Virginia, acting through its authorized agents.

103.2 COMPANY means MCImetro Access Transmission Services of Virginia, Inc., including its permitted successors and assigns.

103.3 DIRECTOR means the Director of Public Works for the City of Charlottesville.

103.4 FACILITY means any tangible asset in the Public Rights-of-Way required to provide utility service within the scope of this Ordinance as stated in Section 101, above.

103.5 HOLDOVER PERIOD means the period between the termination or expiration of the franchise and the date provided in Sections 1104 and 1401.

103.6 PATCH means a method of pavement replacement that is temporary in nature.

103.7 PAVEMENT means any type of improved surface that is within the Public Rights-of-Way including but not limited to any improved surface constructed with bricks, pavers, bituminous, concrete, aggregate, or gravel or some combination thereof.

103.8 PUBLIC RIGHTS-OF-WAY or PROW means the area on, below, or above a public roadway, highway, street, cartway, bicycle lane, and public sidewalk in which the City has an interest, including other dedicated rights-of-way for travel purposes and utility easements belonging to the City (to the extent that they provide for third party usage), paved or otherwise. This definition does not include a state highway system regulated pursuant to the direction of the Commonwealth Transportation Board. This definition does not include any City-owned buildings or structures except those integral to a public street or road such as a bridge or viaduct.

ARTICLE II - INSTALLATION

SECTION 201 INITIAL INSTALLATION

After the effective date of this Ordinance, the Company's initial installation of Facilities must be in strict compliance with the approved PROW Plan for the Facilities, a copy of which shall be maintained by the Director within a file within the Department of Public Works. Any additional installation of equipment, lines, cables or other Facilities shall be underground unless it shall be determined by the Director as set forth in Article III that it is not feasible to do so.

SECTION 202 SUBSEQUENT INSTALLATION

202.1 SUBSEQUENT INSTALLATION MADE PURSUANT TO AN APPROVED PROW PLAN:

Additional Facilities installed within the PROW may be placed overhead or underground pursuant to an approved request by the Company made pursuant to Article III, and in accordance with such generally applicable ordinances or regulations governing such installations that have been adopted by the City from time to time.

202.2 GENERAL PREFERENCE FOR UNDERGROUND FACILITIES: As a matter of policy, the City prefers that the installation of any Facility within the PROW occur underground. Notwithstanding this preference, the City recognizes that in some circumstances the placement of Facilities underground may not be appropriate. Any additional installation of lines, cable, equipment or other Facilities shall be underground unless it shall be determined by the Director, pursuant to Article III, that it is not feasible to do so.

202.3 INSTALLATION OF OVERHEAD FACILITIES: Where a subsequent PROW Plan is approved for overhead installation, the Company shall use its existing Facilities, or those of another utility where available. If the PROW Plan calls for overhead installation and existing Facilities cannot accommodate the proposed installation, the Company will clearly indicate in the PROW Plan its intended placement of new Facilities for the Director's review and consideration pursuant to Article III.

202.4 FUTURE ORDINANCES: Nothing herein shall be construed to limit the authority of the city to adopt an ordinance that will restrict the placement of overhead lines for all utilities using the PROW within a defined area of the City.

202.5 CONDITIONS FOR RELOCATING UNDERGROUND: The Company agrees that if, at some future time, the telephone and other utility lines on the posts, poles, and other overhead apparatus upon which the Company has placed some or all of its Facilities in the City's PROWs are relocated underground, the Company will also, at such time, relocate its Facilities on those posts, poles, and other overhead apparatus underground at its expense. Notwithstanding the foregoing, the City shall reimburse Company for any such relocation expense to the extent that such reimbursement is required by and available under Section 56-468.2 of the Code of Virginia, or other applicable law.

SECTION 203 INSPECTION BY THE CITY

The Company shall make the work-site available to the City and to all others as authorized by law for inspection at all reasonable times, during the execution of, and upon completion of, all work conducted pursuant to this Ordinance.

SECTION 204 AUTHORITY OF THE CITY TO ORDER CESSATION OF WORK

At the time of inspection, or any other time as necessary, the City may order the immediate cessation and correction of any work within the Public Rights-of-Way which poses a serious threat to the life, health, safety or wellbeing of the public.

SECTION 205 LOCATION OF FACILITIES

The Company may not place or install any Facilities within the Public Rights-of-Way pursuant to this Ordinance so as to endanger or interfere with public travel or the ordinary use of, or the safety and convenience of persons traveling through, on, or over, the Public Rights-of-Way within the City of Charlottesville.

SECTION 206 OBSTRUCTION OF THE PROW

The Company may not obstruct the PROW except as clearly specified within an approved PROW plan.

206.1 REMOVAL OF OBSTRUCTIONS: Upon notification from the City, or an entity that has an Attachment Agreement, the Company shall remove any of its Facilities installed in the PROW contrary to an approved PROW Plan within forty-five (45) days of receipt of the notification. If the Company has not removed its obstruction(s) from the PROW within forty-five (45) days of receipt of the notification, the City shall assess the Company a fee of five hundred dollars (\$500) per day the Company has failed to remove the Facility installed in the PROW contrary to an approved PROW Plan. The City, in its sole and absolute discretion, may also remove said offending Facility. In such event, the Company shall pay to the City its reasonable removal costs within thirty (30) days after the City issues a bill for the removal, in addition to the five hundred dollars (\$500) per day fee, such billing to be accompanied by an itemized statement of the City's reasonable costs. If payment is not received by the City within the thirty (30) day period, the City may collect the costs in any manner authorized by law. Reasonable costs may include, but are not limited to administrative overhead, mobilization, material, labor, and equipment related to removing the obstruction.

206.2 NO OBSTRUCTION OF WATER: The Company shall not obstruct the natural free and clear

passage of water through gutters, culverts, ditches, tiles, or other waterways.

- 206.3 PARKING, LOADING AND UNLOADING OF VEHICLES SHALL NOT OBSTRUCT THE PROW:** Private vehicles of those doing work for the Company in the PROW must be parked in a manner that conforms to the City's applicable parking regulations. The loading or unloading of trucks must be done in a manner that will not obstruct normal traffic within the PROW or jeopardize the safety of the public who use the PROW.

ARTICLE III - ADMINISTRATION

SECTION 301 ADMINISTRATION OF THE PUBLIC RIGHTS OF WAY

The Director is the principal City official responsible for the administration of this Ordinance granting a franchise to the Company and any of its PROW Plans. The Director may delegate any or all of the duties hereunder to another City employee.

SECTION 302 SUBMISSION OF PROW PLAN

At least thirty (30) days before beginning any installation, removal or relocation of underground or overhead Facilities, the Company shall submit a detailed PROW Plan of the proposed action to the Director for review and approval.

The Director may also require submission of a PROW Plan to coordinate with any upcoming City project. The Director will identify to Company the area, scope, and planned timeline of the project. The Company cannot perform any work in the project area except in compliance with the PROW Plan or with the advance written consent of the Director for one year after actual completion of the City project.

The City will not accept any PROW Plan for work to be done during the Holdover Period.

SECTION 303 GOOD CAUSE EXCEPTION

- 303.1 WAIVER:** The Director, in his or her sole and absolute discretion, is authorized to waive the thirty (30) day requirement in Section 302 for good cause shown.

- 303.2 EMERGENCY WORK:** The Company shall immediately notify the Director of any event regarding its facilities that it considers to be an emergency. The Company will proceed to take whatever actions are necessary to respond to the emergency, or as directed by the Director.

If the City becomes aware of an emergency regarding the Company's facilities, the City will attempt to contact the Company's emergency representative as indicated in Section 1202. In any event, the City shall take whatever action is deemed necessary by the Director to make an appropriate and reasonable response to the emergency. The costs associated with the City's response shall be borne by the entity whose facilities occasioned the emergency.

SECTION 304 DECISION ON PROW PLAN BY THE DIRECTOR

- 304.1 DECISION:** The Director must, within sixty (60) days, either approve the Company's plans for proposed action as described in Section 302 or inform the Company of the reasons for disapproval. The Company must designate a responsible contact person with whom officials of the Department of Public Works can communicate on all matters relating to equipment installation and maintenance.
- 304.2 APPEAL:** Upon written request within thirty (30) days of the Director's decision, the Company may have the denial of a PROW Plan reviewed by the City Manager. The City Manager will schedule its review of the Director's decision within forty-five (45) days of receipt of such a request. A decision by the City Manager will be in writing and supported by written findings establishing the reasonableness of its decision. The decision of the City Manager is final.

SECTION 305 MAPPING DATA

Immediately after each installation or placement of a Facility within the PROW, the Company shall provide to the City such information as the Director may require documenting the location and elevation of the Facility, including but not limited to:

- (a) location and elevation of the mains, cables, conduits, switches, and related equipment and other Facilities owned by the Company located in the PROW, with the location based on (i) offsets from property lines, distances from the centerline of the Public Rights-of-Way, and curb lines; (ii) coordinates derived from the coordinate system being used by the City; or (iii) any other system agreed upon by the Company and the City;
- (b) the outer dimensions of such Facilities; and
- (c) a description and location of above-ground appurtenances.

ARTICLE IV - STANDARDS

SECTION 401 COMPLIANCE WITH ALL LAW AND REGULATIONS; QUALITY OF WORK

Obtaining this franchise shall in no way relieve the Company of its duties to obtain all other necessary permits, licenses, and authority and to pay all fees required by any applicable state or federal rule, law or regulation. The Company shall comply with and fulfill all generally applicable laws and regulations, including ordinances, regulations and requirements of the City, regarding excavations and any other work in or affecting the Public Rights-of-Way. The Company shall perform all work in conformance with all applicable codes and established rules

and regulations, and it is responsible for all work conducted by the Company or another entity or person acting on its behalf pursuant to this Ordinance in the Public Rights-of-Way. The Company shall install only such equipment as meets industry standards and shall perform all work to industry standards of quality and skill.

ARTICLE V – ALTERATIONS TO THE PROW

SECTION 501 RELOCATION OF COMPANY FACILITIES WITHIN THE PUBLIC RIGHTS-OF WAY

Upon written notice from the Director of a planned and authorized improvement or alteration of City sidewalks, streets or other property, or of a proposed relocation of any City-owned utilities that necessitate relocation of some or all of the Facilities owned by the Company and lines to accommodate same, or of the City's intent to close or vacate any Public Right-of-Way, the Company shall relocate at its own expense any such Facilities within one hundred eighty (180) days of receipt of the notice. At Company's request, the City may consent to a longer period, such consent not to be unreasonably or discriminatorily withheld, conditioned or delayed. Notwithstanding the foregoing, the City shall reimburse Company for any such relocation expense to the extent that such reimbursement is required by Section 56-468.2 of the Code of Virginia, or other applicable law. If the City requests relocation on behalf of any third party, the Company will give notice to the City of the cost for the relocation within a reasonable time not to exceed 30 days, and the third party will have the sole responsibility to the Company for the cost of the relocation. Upon receipt of payment, the Company will promptly undertake and diligently pursue to completion any relocation under this Section 501.

SECTION 502 RIGHTS-OF-WAY PATCHING AND RESTORATION

502.1 RESTORATION STANDARD: In accordance with an approved PROW Plan, the Company may disturb or damage the Public Rights-of-Way. The Director has the authority to determine the manner and extent of the restoration of the Public Rights-of-Way, and may do so in written procedures of general application or on a case-by-case basis. In exercising this authority, the Director will consult with any state or federal standards for rights-of-way restoration and shall be further guided by the following considerations:

- (a) the number, size, depth and duration of the excavations, disruptions or damage to the Public Rights-of-Way;
- (b) the volume and speed of traffic carried by the Public Rights-of-Way and the character of the neighborhood surrounding the Public Rights-of-Way;
- (c) the pre-excavation condition of the Public Rights-of-Way and its remaining life expectancy;

- (d) the relative cost of the method of restoration to the Company balanced against the prevention of an accelerated deterioration of the Public Rights-of-Way resulting from the excavation, disturbance or damage to the Public Rights-of-Way; and
- (e) the likelihood that the particular method of restoration would be effective in slowing the depreciation of the Public Rights-of-Way that would otherwise take place.

502.2 TEMPORARY SURFACING: The Company shall perform temporary surfacing patching and restoration including backfill, compaction, and landscaping according to standards determined by, and with the materials determined by, the Director.

502.3 TIMING: After any excavation by the Company pursuant to this Ordinance, the patching and restoration of the Public Rights-of-Way must be completed promptly and in a manner determined by the Director.

502.4 GUARANTEES: The Company guarantees its restoration work and shall maintain it for twenty-four (24) months following its completion. The previous statement notwithstanding, the Company will guarantee and maintain plantings and turf for twelve (12) months. During these maintenance periods, the Company shall, upon notification by the City, correct all restoration work to the extent necessary, using the method determined by the Director. Such work shall be completed after receipt of notice from the Director, within a reasonably prompt period, with consideration given for days during which work cannot be done because of circumstances constituting force majeure. Notwithstanding the foregoing, the Company's guarantees set forth hereunder concerning restoration and maintenance shall not apply to the extent another company, franchisee, licensee, permittee, other entity or person, or the City disturbs or damages the same area, or a portion thereof, of the Public Rights-of-Way.

502.5 DUTY TO CORRECT DEFECTS: The Company shall correct defects in patching or restoration performed by it or its agents. Upon notification from the City, the Company shall correct all restoration work to the extent necessary, using the method determined by the Director. Such work shall be completed after receipt of the notice from the Director within a reasonably prompt period, with consideration given for days during which work cannot be done because of circumstances constituting force majeure.

502.6 FAILURE TO RESTORE: If the Company fails to restore the Public Rights-of-Way in the manner and to the condition required by the Director pursuant to Section 502.5, or fails to satisfactorily and timely complete all restoration required by the Director pursuant to this Article V, the City shall notify the Company in writing of the specific alleged failure or failures and shall allow the Company at least ten (10) days from receipt of the notice to cure the failure or failures, or to respond with a Plan to cure. In the event that the Company fails to cure, or fails to respond to the City's notice as provided above, the City may, at its election, perform the necessary work and the Company shall pay to the City its reasonable costs for such restoration within thirty (30) days of issuance of a bill by the City; such bill will be accompanied by an itemized statement of the City's reasonable

costs. If payment is not received by the City within the thirty (30) day period, the City may collect the costs in any manner authorized by law. Reasonable costs may include, but are not limited to, administrative overhead, mobilization, material, labor, and equipment related to such restoration.

502.7 DAMAGE TO OTHER FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY: The Company shall be responsible for the cost of repairing any Facilities existing within the Public Rights-of-Way that it or the Facilities owned by the Company damage. If the Company damages the City's Facilities within the Public Rights-of-Way, such as, but not limited to, culverts, road surfaces, curbs and gutters, or tile lines, the Company shall correct the damage within a prompt period after receiving written notification from the City. If the Company does not correct the City's damaged Facilities pursuant to the foregoing, the City may make such repairs as necessary and charge all of the reasonable costs of such repairs within thirty (30) days of billing accompanied by an itemized statement of the City's reasonable costs. If payment is not received by the City within such thirty (30) day period, the City Attorney may collect the costs in any manner authorized by law. Reasonable costs may include, but are not limited to, administrative overhead, mobilization, material, labor, and equipment related to such repair.

502.8 DIRECTOR'S STANDARD: All determinations to be made by the Director with respect to the manner and extent of restoration, patching, repairing and similar activities under the franchise granted by this Ordinance, shall be reasonable and shall not be unreasonably conditioned, withheld, or delayed. The Company may request additional time to complete restoration, patching, repair, or other similar work as required under the franchise granted by this Ordinance, and the Director shall not unreasonably withhold, condition, or delay consent to such requests.

ARTICLE VI - LIABILITY

SECTION 601 INDEMNIFICATION AND LIABILITY

601.1 SCOPE OF INDEMNIFICATION: Subject to the following, the Company agrees and binds itself to defend, indemnify, keep and hold the City, City Council members, officials and its employees free and harmless from liability on account of injury or damage to persons, firms or corporations or property growing out of or directly or indirectly resulting from:

- (a) the Company's use of the Public Rights-of-Way pursuant to the franchise granted by this Ordinance;
- (b) the acquisition, erection, installation, maintenance, repair, operation and use of any poles, wires, cables, conduits, lines, manholes, facilities and equipment by the Company, its authorized agents, subagents, employees, contractors or subcontractors; or

- (c) the exercise of any right granted by or under the franchise granted by this Ordinance or the failure, refusal or neglect of the Company to perform any duty imposed upon or assumed by the Company by or under the franchise granted by this Ordinance.

601.2 DUTY TO INDEMNIFY, DEFEND AND HOLD HARMLESS: If a suit arising out of subsection (a), (b), (c) of Section 601.1, claiming such injury, death, or damage shall be brought or threatened against the City, its officers, or employees, either independently or jointly with the Company, the Company will defend, indemnify and hold the City harmless in any such suit, at the cost of the Company, provided that the City promptly provides written notice of the commencement or threatened commencement of the action or proceeding involving a claim in respect of which the City will seek indemnification hereunder. The Company shall be entitled to have sole control over the defense through counsel of its own choosing and over settlement of such claim provided that the Company must obtain the prior written approval of City of any settlement of such claims against the City, which approval shall not be unreasonably withheld or delayed more than thirty (30) days. If, in such a suit, a final judgment is obtained against the City, its officers, or employees, either independently or jointly with the Company, the Company will pay the judgment, including all reasonable attorney's fees and other costs, and will hold the City harmless therefrom.

SECTION 602 WAIVER BY THE CITY

The City waives the applicability of these indemnification provisions with respect to the claim at issue as of the date that the City:

- (a) elects to conduct its own defense against such claim; or
- (b) fails to give notice to the Company within thirty (30) days of any such claim such that the Company's ability to defend against such claim is compromised; or
- (c) denies approval of a complete settlement of such claim for which the Company seeks approval; or
- (d) fails to approve or deny a settlement of such claim within thirty (30) days of the Company seeking approval of such settlement.

SECTION 603 INSURANCE

603.1 The Company shall also maintain in force; (i) commercial general liability insurance with limits of \$2,000,000 per occurrence for bodily injury (including death) and property damage and \$2,000,000 general aggregate including premises-operations, personal and advertising injury, products/completed operations and coverage for explosion, collapse and underground hazards, covering claims or incidents arising out of or resulting from the operations under this Agreement and; (ii) commercial automobile liability insurance in

the amount of \$2,000,000 combined single limit each accident for bodily injury and property damage covering all owned, non-owned and hired vehicles; and (iii) workers compensation insurance in compliance with the statutory requirements of the state(s) of operation and employer's liability with limits of \$1,000,000 for each accident/disease/policy limit.

All required insurance will be issued by an insurance company licensed, authorized or permitted to conduct business in the State of Virginia, or a form of self-insurance;

Upon receipt of notice from its insurer(s), the Company shall provide the City Attorney with thirty (30) days' prior written notice of cancellation of any required coverage:

The commercial general liability and commercial automobile liability policies shall include the City as an additional insured as their interest may appear under this Agreement and the Company shall provide the City Attorney with a certificate of insurance as evidence of such coverage upon execution of this Franchise Ordinance in a form reasonably acceptable to the City Attorney.

603.2 The Company shall require all contractors and subcontractors to obtain and maintain substantially the same insurance as required of the Company with limits commensurate with the work or service to be provided.

SECTION 604 NEGLIGENCE AND INTENTIONAL ACTS

Nothing herein contained shall be construed to render the Company liable for or obligated to indemnify the City, its agents, or employees, for the negligence or intentional acts of the City, its Council members, its agents or employees, or a permittee of the City.

ARTICLE VII – GUARANTEES OF PERFORMANCE

SECTION 701 GENERAL REQUIREMENT OF A PERFORMANCE BOND

Prior to the Effective Date of this Ordinance, the Company has deposited with the City a Performance Bond made payable to the city in the amount of twenty-five thousand dollars (\$25,000). The bond must be written by a corporate surety acceptable to the City and authorized to do business in the Commonwealth of Virginia. The Performance Bond must be maintained at this amount through the term of this Franchise Ordinance. Whenever the City calls upon the Performance Bond, the Company will take whatever steps are necessary to replenish the amount available to be called upon under the Performance Bond within ten (10) days of notice from the City regarding same.

SECTION 702 CHANGED AMOUNT OF THE PERFORMANCE BOND

At any time during the Term, the City may, acting reasonably, require or permit the Company to change the amount of the Performance Bond if the City finds that new risk or other factors exist that reasonably necessitate or justify a change in the amount of the Performance Bond. Such new factors may include, but not be limited to, such matters as:

- (a) material changes in the net worth of the Company;
- (b) changes in the identity of the Company that would require the prior written consent of the City;
- (c) material changes in the amount and location of Facilities owned by the Company;
- (d) the Company's recent record of compliance with the terms and conditions of this Ordinance; and
- (e) material changes in the amount and nature of construction or other activities to be performed by the Company pursuant to this Ordinance.

SECTION 703 PURPOSE OF PERFORMANCE BOND

The Performance Bond shall serve as security for:

- (a) the faithful performance by the Company of all terms, conditions and obligations of this Ordinance;
- (b) any expenditure, damage or loss incurred by the City occasioned by the Company's failure to comply with all rules, regulations, orders, permits and other directives of the City issued pursuant to this Ordinance;
- (c) payment of costs or compensation required by this Ordinance;
- (d) the payment of premiums for the liability insurance required pursuant to this Ordinance;
- (e) the removal of Facilities owned by the Company from the Streets at the termination of the Ordinance, at the election of the City, pursuant to this Ordinance;
- (f) any loss or damage to the Streets or any property of the City during the installation, operation, upgrade, repair or removal of Facilities by the Company;
- (g) the payment of any other amounts that become due to the City pursuant to this Ordinance or law;
- (h) the timely renewal of any corporate surety bond that constitutes the Performance Bond; and

- (i) any other costs, loss or damage incurred by the City as a result of the Company's failure to perform its obligations pursuant to this Ordinance.

SECTION 704 FEES OR PENALTIES FOR VIOLATIONS OF THE ORDINANCE

704.1 FEE OR PENALTY: The Company shall be subject to a fee or a penalty for violation of this Ordinance as provided for in applicable law.

704.2 APPEAL: The Company may, upon written request within thirty (30) days of the City's decision to assess a fee or penalty and for reasons of good cause, ask the City to reconsider its imposition of a fee or penalty pursuant to this Ordinance unless another period is provided for in applicable law. The City Engineer or designee shall schedule a review of such request to be held within forty-five (45) days of receipt of such request from the Company. The City's decision on the Company's appeal shall be in writing and supported by written findings establishing the reasonableness of the City's decision. During the pendency of the appeal before the City or any subsequent appeal thereafter, the Company shall place any such fee or penalty in an interest-bearing escrow account. Nothing herein shall limit the Company's right to challenge such assessment or the City's decision on appeal, in a court of competent jurisdiction.

ARTICLE VIII – REQUIRED PAYMENTS

SECTION 801 COMPENSATION/PROW USE FEE.

The City reserves the right to impose at any time on the Company consistent with Section 253(c) of the Communications Act of 1934, as amended:

- (a) a PROW Use Fee in accordance with Section 56-468.1(G) of the Code of Virginia, and/or
- (b) any other fee or payment that the City may lawfully impose for the occupation and use of the Streets.

The Company shall be obligated to remit the PROW Use Fee and any other lawful fee enacted by the City, so long as the City provides the Company and all other affected certificated providers of local exchange telephone service appropriate notice of the PROW Use Fee as required by Section 56-468.1(G) of the Code of Virginia. If the PROW Use Fee is eliminated, discontinued, preempted or otherwise is declared or becomes invalid, the Company and the City shall negotiate in good faith to determine fair and reasonable compensation to the City for use of the Streets by the Company for Facilities.

SECTION 802 RESERVED

SECTION 803 NO CREDITS OR DEDUCTIONS

The compensation and other payments to be made pursuant to Article VIII: (a) shall not be deemed to be in the nature of a tax, and (b) except as may be otherwise provided by Section 56-468.1 of the Code of Virginia, shall be in addition to any and all taxes or other fees or charges that the Company shall be required to pay to the City or to any state or federal agency or authority, all of which shall be separate and distinct obligations of the Company.

SECTION 804 REMITTANCE OF COMPENSATION/LATE PAYMENTS, INTEREST ON LATE PAYMENTS

(1) If any payment required by this Ordinance is not actually received by the City on or before the applicable date fixed in this Ordinance, or (2), in the event the City adopts an ordinance imposing a PROW Use Fee, if such Fee has been received by the Company from its customers, and has not been actually received by the City on or before the applicable date fixed in this Ordinance or thirty (30) days after receipt of the PROW Use Fee from its customers, whichever is later, then the Company shall pay interest thereon, to the extent permitted by law, from the due date to the date paid at a rate equal to the rate of interest then charged by the City for late payments of real estate taxes.

ARTICLE IX – ENFORCEMENT AND INTERPRETATION

SECTION 901 ENFORCEMENT; RESERVATION OF ALL RIGHTS AND POWERS

The City may enforce the terms of this Ordinance by any lawful means in its sole and absolute discretion, and the selection of a particular method of enforcement shall not preclude the City from using another method in relation to the same enforcement action or another enforcement action. In addition to any methods of enforcement granted by general law, the City reserves the remedy of self-help, including the right to remove, correct, or relocate any unsafe Facility belonging to the Company. In any litigation arising out of the City's enforcement of this Ordinance, the City may recover its reasonable attorney's fees if it prevails in the litigation.

The City reserves the right by ordinance or resolution to establish any reasonable regulations for the convenience, safety, health and protection of its inhabitants under its police powers, consistent with state and federal law. The rights herein granted are subject to the exercise of such police powers as the same now are or may hereafter be conferred upon the City. Without limitation as to the generality of the foregoing the City reserves the full scope of its power to require by ordinance substitution of underground service for overhead service, or the transfer of overhead service from the front to the rear of property whenever reasonable in all areas in the City and with such contributions or at such rates as may be allowed by law.

Notwithstanding anything herein to the contrary, nothing herein shall be construed to extend, limit or otherwise modify the authority of the City preserved under Sections 253 (b) and (c) of the Communications Act of 1934, as amended. Nothing herein shall be construed to limit, modify, abridge or extend the rights of the Company under the Communications Act of 1934, as amended.

SECTION 902 SEVERABILITY

If any portion of this Ordinance is for any reason held to be invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

ARTICLE X - MAINTENANCE

SECTION 1001 MAINTENANCE OBLIGATION

The Company will maintain the poles, wires, cable, conduits, lines, manholes, equipment and other Facilities it owns within the City's PROW in good order and operating condition throughout the term of the franchise granted by this Ordinance. Upon notice from the City, the Company will promptly repair, replace or remove any Facilities not in good order or not in operating condition.

SECTION 1002 TREE TRIMMING

Should the Company install any overhead lines, it shall have the authority to trim trees upon or overhanging the streets, alleys, walkways or Public Rights-of-Way to prevent the branches of such trees from interfering with its lines or other Facilities. However, all such trimmings shall be performed in a safe and orderly manner under the general direction of the Director of Public Works or his or her designee and in compliance with the pruning standards of the National Arborists Association as currently in effect.

ARTICLE XI - TERM

SECTION 1101 INITIAL TERM OF FRANCHISE

The term of the franchise granted by this Ordinance shall be for a period of five (5) years from the effective date of this Ordinance.

SECTION 1102 APPLICATION FOR NEW FRANCHISE

If the Company wishes to maintain its equipment within the City and to continue the operation of the system beyond the term of the franchise granted by this Ordinance, it shall give written notice to the City at least one hundred twenty (120) days before expiration of the franchise granted by this Ordinance, stating that it wishes to apply for a new franchise. Such application shall include a report of the location of the Facilities owned by the Company within the City's PROW, and a statement as to whether the Company has complied with the provisions of this Ordinance.

SECTION 1103 HOLDOVER PERIOD; OPERATION OF FACILITIES OWNED BY THE COMPANY WHILE RENEWAL IS PENDING

Upon a timely request by the Company prior to the expiration of its initial franchise, the Company shall be permitted to continue operations of the Facilities owned by the Company within the City under the terms of the franchise granted by this Ordinance until the City acts upon the Company's request or as otherwise provided in Section 1401 of this Ordinance. Nothing herein shall be construed to grant the Company a perpetual franchise interest.

During the Holdover Period, the Company will abide by all its obligations under this Ordinance as if it remained in effect.

SECTION 1104 MODIFICATION

This Ordinance may be modified by the parties during performance, but no modification shall be valid or enforceable unless in writing and signed by each of the parties hereto.

ARTICLE XII – INFORMATION SHARING

SECTION 1201 NOTICE

All notices, except for in cases of emergencies, required pursuant to the franchise granted by this Ordinance shall be in writing and shall be mailed or delivered to the following address:

To the Company:

MCImetro Access Transmission Services of
Virginia, Inc.
Attn: Franchise Manager
600 Hidden Ridge
Irving, TX 75038

To the City:

City of Charlottesville
Attn: City Manager
605 East Main Street
Charlottesville, VA 22902

Copy To

Verizon Legal Department
Attn Network Legal Team
1300I Street, NW, 5th Floor
Washington DC, 20005

All correspondences shall be by registered mail, certified mail or regular mail with return receipt requested; and shall be deemed delivered when received or refused by the addressee. Each Party may change its address above by like notice.

SECTION 1202 EMERGENCY NOTIFICATION

Notices required pursuant to Section 303.2 shall be made orally and email to the following:

To the Company:	To the City:
Verizon Network Operations Centre 800-624-9675 Associate Director VZB OSP Northeast Adam Rice Cell: (571) 220-8978 Email: adam.rice@verizon.com	Gas Dispatchers (434) 970-3800 (office) Emergency (434)293-9164 (leaks) Steven Hicks Director of Public Works (434) 970-3703 (office) hicks@charlottesville.gov

SECTION 1203 REGISTRATION OF DATA

The Company, including any sub-leasee or assigns, must keep on record with the City the following information:

- (a) Name, address and e-mail address if applicable, and telephone number;
- (b) Name, address and e-mail address if applicable, and telephone number of a local representative available for consultation at all times. This information must include how to contact the local representative in an emergency; and

- (c) A certificate of insurance as required under Article VI, Section 603 of this Franchise Ordinance, and a copy of the insurance policy.

The Company shall update all of the above information with the City within fifteen (15) days following its knowledge of any change.

ARTICLE XIII - TERMINATION

SECTION 1301 TERMINATION OF FRANCHISE

The franchise granted by this Ordinance may be terminated:

- (a) by the Company, at its election and without cause, by written notice to the City at least sixty (60) days prior to the effective date of such termination; or
- (b) by either the Company or the City, after thirty (30) days written notice to the other party of the occurrence or existence of a default of the franchise granted by this Ordinance, if the defaulting party fails to cure or commence good faith efforts to cure, such default within sixty (60) days after delivery of such notice.

Notwithstanding the provisions of this Section, the terms and conditions of the franchise granted by this Ordinance pertaining to indemnification shall survive a termination under this Section.

ARTICLE XIV – DISPOSITION OF FACILITIES UPON TERMINATION

SECTION 1401 REMOVAL OF FACILITIES FROM THE PUBLIC RIGHTS-OF-WAY

The Company shall remove all Facilities owned by the Company from the streets, alleys and public places of the City at the expense of the Company within six (6) months after the termination, abandonment, or expiration of this franchise granted by this Ordinance, or by such reasonable time to be prescribed by the City Council, whichever is later. No such removal will be required while any renewal requests as provided for in Section 1102 and Section 1103, are pending before the City. If such renewal request is denied, the six (6) month period provided above shall commence on the date of denial or expiration, whichever is later. The City reserves the right to waive this requirement, as provided for in Section 1402 herein. The City shall grant the Company access to the Public Rights-of-Way in order to remove its Facilities owned by the Company pursuant to this paragraph.

SECTION 1402 ABANDONMENT OF FACILITIES OWNED BY THE COMPANY IN THE PUBLIC RIGHTS-OF-WAY

The Facilities owned by the Company may be abandoned without removal upon request by the Company and approval by the City. This Section survives the expiration or termination of this franchise granted by this Ordinance.

ARTICLE XV – ASSIGNMENT AND LEASING

SECTION 1501 PRIOR WRITTEN CONSENT FOR ASSIGNMENT

The franchise granted by this Ordinance shall not be assigned or transferred without the express written approval of the City, which shall not be unreasonably or discriminatorily conditioned, withheld or delayed. The City will not approve of a transfer to any entity that is not properly authorized to do business in the Commonwealth of Virginia or not authorized or equipped to carry on the business contemplated by this Ordinance. As a condition of approval of a transfer, the City may require that the transferee accept liability for any known or unknown claims against the Company arising under this Ordinance.

In addition, nothing in this Ordinance shall be construed to require the Company to obtain approval from the City in order to lease any Facilities owned by the Company or any portion thereof in, on, or above the PROW, or grant an indefeasible right of use (“IRU”) in the Facilities owned by the Company, or any portion thereof, to any entity or person. The lease or grant of an IRU in such Facilities owned by the Company, or any portion or combination thereof, shall not be construed as the assignment or transfer of any franchise rights granted under this Ordinance. Any lease or IRU granted by the Company terminates upon the termination of the Franchise or the expiration of any grace period provided under Section 1401.

SECTION 1502 SUCCESSORS AND ASSIGNS

Notwithstanding Section 1501, the Company may assign, transfer, or sublet its rights, without the consent of the City, to any person or entity that controls, is controlled by or is under common control with the Company, any company or entity with which or into which the Company may merge or consolidate, or to any lender of the Company, contingent upon the Company’s providing the City notice of the action prior to enactment. Any successor(s) of the Company shall be entitled to all rights and privileges of this franchise granted by this Ordinance and shall be subject to all the provisions, obligations, stipulations and penalties herein prescribed.

ARTICLE XVI - NONEXCLUSIVITY

SECTION 1601 NONEXCLUSIVE FRANCHISE

Nothing in the franchise granted by this Ordinance shall be construed to mean that this is an exclusive franchise, as the City Council reserves the right to grant additional franchises to other parties.

ARTICLE XVII – WAIVERS GENERALLY

SECTION 1701 ALL WAIVERS IN WRITING AND EXECUTED BY THE PARTIES

Any waiver of the franchise granted by this Ordinance or any of its provisions shall be effective and binding upon the Parties only if it is made in writing and duly signed by the Parties.

SECTION 1702 NO CONSTRUCTIVE WAIVER RECOGNIZED

If either Party fails to enforce any right or remedy available under the franchise granted by this Ordinance, that failure shall not be construed as a waiver of any right or remedy with respect to any breach or failure by the other Party. Nothing herein shall be construed as a waiver of any rights, privileges or obligations of the City or the Company, nor constitute a waiver of any remedies available at equity or at law. No acceptance by the City of any payment by the Company will be considered an accord and satisfaction of disputed claims or debts unless the City provides written agreement that such payment constitutes accord and satisfaction.

ARTICLE XVIII - NONDISCRIMINATION

SECTION 1801 NO DISCRIMINATION

The Company's rights, privileges and obligations under the franchise granted by this Ordinance shall be no less favorable than those granted by the City to and shall not be interpreted by the City in a less favorable manner with respect to any other similarly situated entity or person or user of the City's Public Rights-of-Way.

ARTICLE XIX – INABILITY TO PERFORM

SECTION 1901 FORCE MAJEURE

Neither the Company nor the City shall be liable for any delay or failure in performance of any part of the franchise granted by this Ordinance from any cause beyond its control and without its

fault or negligence including, without limitation, acts of nature, acts of civil or military authority, government regulations, embargoes, epidemics, terrorist acts, riots, insurrections, fires, explosions, earthquakes, nuclear accidents, floods, work stoppages, equipment failure, power blackouts, volcanic action, other major environmental disturbances, or unusually severe weather conditions.

ARTICLE XX

SECTION 2001 EFFECTIVE DATE

This Ordinance shall be effective upon its passage.

Adopted by the Council of the City of Charlottesville on the ____ day of _____, 20 ____.

Clerk of Council

ACCEPTED: The franchise granted by this Ordinance is accepted, and the Company agrees to be bound by its terms and conditions.

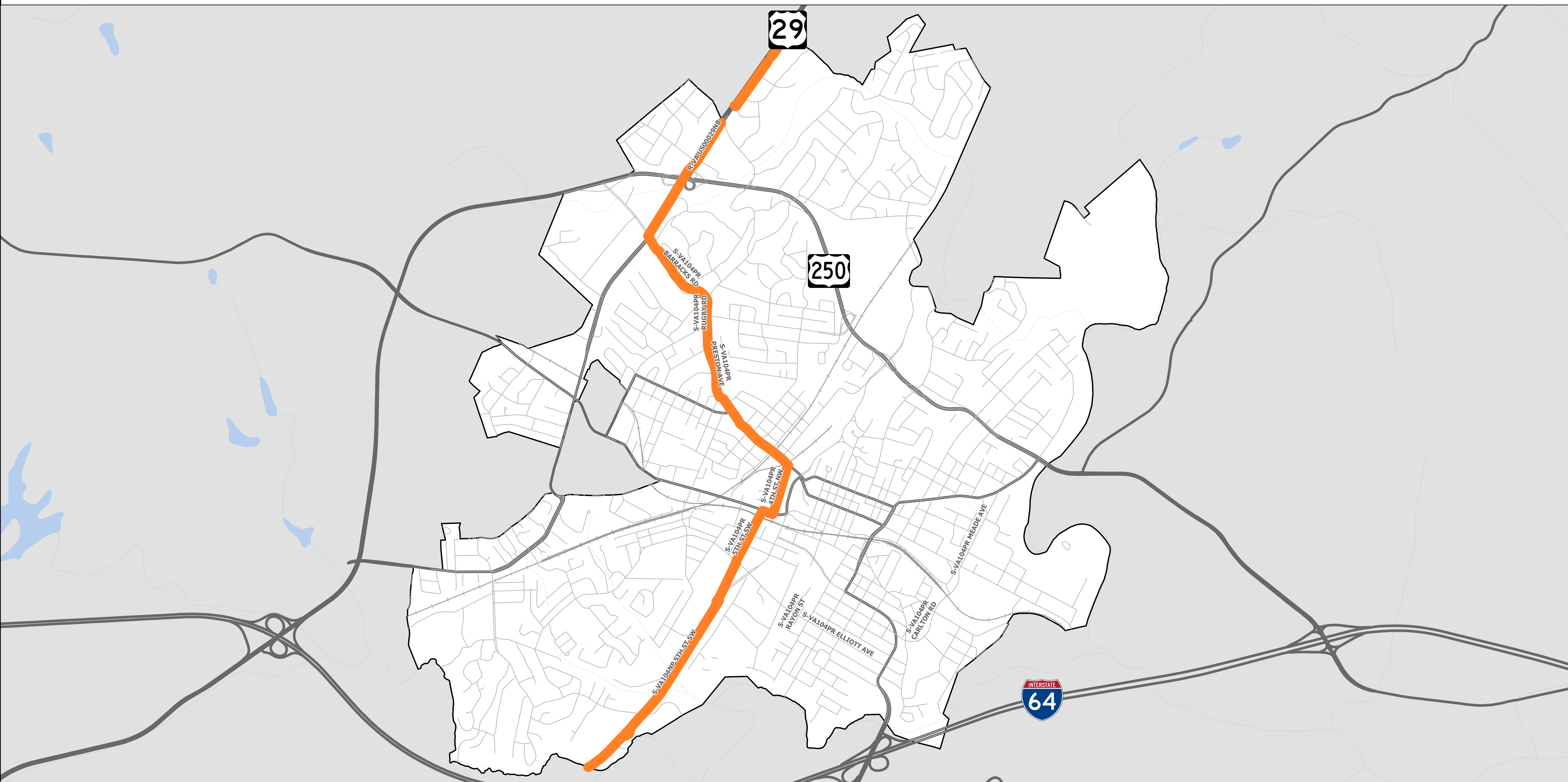
MCIMETRO ACCESS TRANSMISSION
SERVICE OF VIRGINIA

By: _____

Its: _____

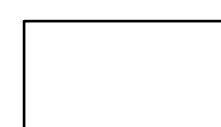
Date _____

**MCImetro Access Transmission Services LLC
Proposed Fiber Routes
City of Charlottesville, VA**



Aerial: 0 Linear Ft.

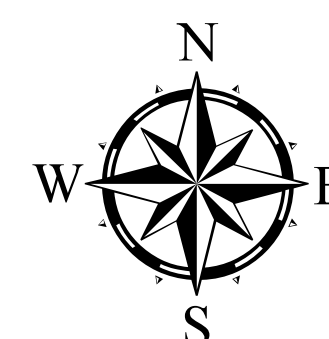
Buried: 26,467 Linear Ft.



Charlottesville



Railroad



Data Source: VZB
Projection: GCS_WGS_1984
Map Created: 6/19/2026
Map Created By: Steven Chun

Verizon Proprietary Information; May contain trade secrets, critical infrastructure or other sensitive business information. Unauthorized use or disclosure is strictly prohibited.

Willard, Deborah D

From: Muchechetere, Gray <gray.muchechetere@verizon.com>
Sent: Thursday, July 30, 2026 3:07 PM
To: Willard, Deborah D
Subject: Re: [E] RE: Requesting a Franchise Agreement between the City of Charlottesville and MCImetro Access Transmission Services of Virginia, Inc.
Attachments: Charlottesville_MCI_Metro_Proposed.pdf

WARNING: This email has originated from **outside of the organization**. Do not click links or open attachments unless you recognize the sender and know the content is safe.



Dear Deborah,

Thank you for the update regarding the target City Council meeting date of September 9, 2026.

In response to your request for a background summary of the proposed work, MCImetro Access Transmission Services of Virginia, Inc. (MCImetro) proposes to construct a fiber optic communications network within the public rights-of-way of the City of Charlottesville. MCImetro intends to offer one or more of the following services to business and government customers: competitive local exchange voice and data communications services, internet access, private line service, cell site front-haul and back-haul capacity using fiber optic cables, and leasing of conduit and dark fiber to third parties as well as future services when they become available. At this time, MCImetro does not intend to offer services to residential customers. MCImetro will not offer residential cable TV video service or personal wireless service.

As shown on the attached map, the route follows the existing MCICS facilities. The construction will be entirely underground, with no aerial components or utility pole utilization.

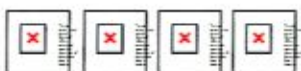
Please let me know if this summary is sufficient or if you require any additional information for the agenda packet.



Gray Muchechetere

ROW (Right-Of-Way) Agent - III
Wireline Franchise & Right of Way

M 636 875 8933
600 Hidden Ridge
Second Floor
Irving, Texas 76038



Policy Briefing Summary

City Council



Regarding:	Resolution Authorizing a Two-Year Lease Agreement for Carver Recreation Center
Staff Contact(s):	Riaan Anthony, Director of Parks & Recreation
Presenter:	Riaan Anthony, Director of Parks & Recreation
Date of Proposed Action:	September 8, 2026

Issue

The current Lease Agreement extension between the City of Charlottesville, Virginia ("City") and the Jefferson School Foundation ("JSF") for the operation of the Carver Recreation Center ("Carver") expired on June 30, 2026.

The City and JSF have been actively negotiating a new two-year Lease Agreement to provide for the continuing operation of the Carver Recreation Center and to establish the terms and conditions for the next lease period. The proposed two-year Agreement will allow both parties to continue their partnership while ensuring operational continuity for the facility and the community.

For City Council's review and consideration, attached are the proposed Amendment to the Carver Lease Agreement and the Resolution authorizing its execution.

Background / Rule

The City, through its Parks and Recreation Department, has maintained a long-standing partnership with JSF, a Virginia nonprofit, nonstock corporation and successor in interest to the Jefferson School Community Partnership, L.L.P., through a fifteen (15)-year Lease Agreement for the operation of Carver located within the historic Jefferson School City Center.

Carver serves as a cornerstone of the Charlottesville community, providing accessible recreation, fitness, wellness, and cultural programs for residents of all ages. In addition to its role as a vital community recreation facility, Carver preserves and honors the historic legacy of the Jefferson School, which served as a center of African American education and community life. Today, Carver continues that legacy by serving as a place of inclusion, connection, learning, and opportunity for the Charlottesville community.

The previous Lease Agreement was extended on an interim basis through June 30, 2026, to provide sufficient time for the City and JSF to negotiate a new long-term lease agreement. Those negotiations have now been completed, and staff is recommending that City Council authorize execution of the new agreement to continue the successful partnership between the City and JSF and ensure the continued operation of Carver Recreation Center.

Analysis

Carver continues to serve as a vital community hub, providing fitness, wellness, recreational, and community programming for residents of all ages. The facility remains an important resource for the

Charlottesville community, supporting the City's commitment to accessible recreation opportunities, health and wellness, and meaningful community engagement.

The previous Lease Agreement expired on June 30, 2026. To ensure continuity of operations and maintain the long-standing partnership between the City and JSF, Parks and Recreation staff recommend execution of a new two-year Lease Agreement extending through June 30, 2028.

The proposed Lease Agreement includes an updated rental rate of \$23.00 per square foot, an increase from the current rate of \$17.74 per square foot.

As part of the new agreement, JSF will assume responsibility for additional facility-related services, including landscaping, cleaning services, and maintenance and repair responsibilities associated with the leased premises. This updated allocation of responsibilities provides greater clarity between the City and JSF and ensures the facility is properly maintained to support continued community use. Under the proposed agreement, the City will continue to remain responsible for the Stormwater fees, Property taxes and Property insurance.

The proposed Lease Agreement establishes a clear division of responsibilities between the City and JSF, promotes responsible fiscal management, and supports the continued operation of Carver Recreation Center as a critical community asset serving Charlottesville residents.

Financial Impact

The increased base rent, together with the City's continuing Additional Rent obligations for stormwater fees, property taxes, and property insurance, will be accounted for within the Parks and Recreation Department's operating budget. No new funds are being requested for the current year, as the increased costs will be covered from the department's existing FY 27 budget.

Recommendation

City Parks and Recreation Staff recommend that City Council adopt the attached Resolution authorizing the execution of the attached Lease Agreement through June 30, 2028, and authorize Parks and Recreation staff to finalize the long-term Lease Agreement with the JSF.

Recommended Motion (if Applicable)

I move adoption of the Resolution authorizing the execution of the attached Lease Agreement through June 30, 2028.

Attachments

1. 2026.08.18 RESOLUTION AUTHORIZING THE EXECUTION OF A NEW LEASE AGREEMENT
- Carver
2. 2026.08.24 CARVER LEASE FINAL



#R-2026-396

**RESOLUTION AUTHORIZING EXECUTION OF A NEW LEASE AGREEMENT
WITH THE JEFFERSON SCHOOL FOUNDATION FOR
THE CARVER RECREATION CENTER**

WHEREAS, the City of Charlottesville, (the “City”) through its Department of Parks and Recreation, has maintained a longstanding lease agreement with the Jefferson School Foundation (“JSF”), a Virginia nonprofit, nonstock corporation and successor in interest to the Jefferson School Community Partnership, L.L.L.P., for the operation of the Carver Recreation Center (“Carver”) located within the Jefferson School City Center; and

WHEREAS, Carver continues to serve as a vital hub for wellness, learning, and social connection, promoting the values of resilience, inclusion, and community well-being; and

WHEREAS, the prior lease agreement was extended on an interim basis to June 30, 2026, to allow City staff sufficient time to negotiate a new long-term lease agreement with JSF; and

WHEREAS, City staff and JSF have negotiated a new lease agreement for a two (2) year term commencing July 1, 2026, and ending June 30, 2028, covering approximately twenty-eight thousand, eight hundred and thirty-one (28,831) square feet of usable and rentable area within the Jefferson School City Center; and

WHEREAS, the new lease agreement establishes a base rent of \$23.00 per square foot for the first year of the term, escalating two percent (2%) to \$23.46 per square foot for the second year of the term, an increase from the prior rate of \$17.74 per square foot; and

WHEREAS, in connection with the increased base rent, JSF, as landlord, will assume responsibility for grounds and landscaping maintenance, custodial and cleaning services, and general maintenance and repair of the leased premises, obligations for which the City was previously responsible under prior lease terms; and

WHEREAS, the City will continue to be responsible, as additional rent, for its proportionate share of the following expenses associated with the property: stormwater fees, real estate/property taxes, and property insurance premiums; and

WHEREAS, funding for the rent and increased rent obligations under the new lease agreement is available within the Parks and Recreation Department's operating budget;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the City Manager, or designee, is hereby authorized to execute a new lease agreement with JSF for Carver for a two (2) year term commencing July 1, 2026, and ending June 30, 2028, at a base rent of \$23.00 per square foot in the first year and \$23.46 per square foot in the second year, substantially in the form presented to Council; and



BE IT FURTHER RESOLVED that City staff are authorized to finalize and execute all necessary documents to effectuate this lease agreement, including any additional rent invoicing and reconciliation provisions consistent with the terms described above.

Approved by Council
September 8, 2026

Kyna Thomas, MMC
Clerk of Council

	<u>Aye</u>	<u>No</u>
Oschrin	—	—
Payne	—	—
Fleisher	—	—
Snook	—	—
Wade	—	—

LEASE AGREEMENT

THIS LEASE AGREEMENT (the "Agreement") made this _____ day of _____, 2026, by and between Jefferson School Foundation, a Virginia nonstock corporation, having an address of 233 4th St. NW, Charlottesville, VA 22903, hereinafter referred to as "**Landlord**" and City of Charlottesville, Virginia, a municipal corporation, having an address of 605 E. Main St., Charlottesville, VA 22902, hereinafter referred to as "**City**" or "**Tenant**" Landlord and Tenant collectively referred to as the "Parties."

WITNESSETH

1. **LEASED PREMISES AND TERM.** Landlord, in consideration of the Rent to be paid as set forth herein and of the covenants, conditions and agreements to be kept and performed by Tenant, hereby leases, lets and demises to the Tenant, and Tenant hereby leases from Landlord, that certain space in the historic building known as Jefferson School (the "Building"), located on that certain parcel of land in the City of Charlottesville, Virginia, containing 3.9 acres, more or less, located at 233 Fourth Street, NW, Charlottesville, VA 22903 (the "Property"), which space is more particularly shown and described on Exhibit A, attached hereto and incorporated herein, consisting of approximately 28,831 square feet of usable and rentable area (the "Premises").

Tenant shall lease the Premises pursuant to the terms of this Agreement and the attached Basic Lease provisions, which are incorporated herein by this reference, for an initial term of two (2) years commencing on July 1, 2026 (the "Commencement Date") and ending at 11:59 pm on June 30, 2028, if not terminated sooner pursuant to the terms of this Agreement. By occupying the Premises, Tenant shall be conclusively deemed to have accepted the same as complying fully with Landlord's covenants and obligations unless Tenant has given Landlord written notice of Landlord's noncompliance prior to Tenant's occupancy of the Premises. During the Term and subject to such rules and regulations as Landlord may promulgate from time to time, Tenant shall be entitled to the non-exclusive use of unreserved parking spaces in the lots on the Property for Tenant's employees and invitees; provided that Landlord reserves the right, from time to time, to assign and reassign to Tenant and other tenants of the Building specific parking spaces, and Tenant agrees to be bound thereby. Parking in the lots on the Property shall be at no cost to Tenant's employees and invitees and shall be accessible 24 hours per day, 7 days per week, subject to reasonable temporary closings for maintenance, repair and snow removal. Upon the termination of this Agreement, possession of the Premises shall be returned to Landlord in broom clean condition free of Tenant's personal property except as provided in Section 8 of this Agreement.

The parties intend to negotiate an extension of this Lease beyond June 30, 2028, but have no obligations or rights hereunder beyond June 30, 2028, absent an amendment hereto. Tenant agrees to notify Landlord at least eighteen (18) months prior to the expiration of the Lease term if it does not intend to negotiate an extension of the Lease term provided herein.

2. **RENT.** Tenant covenants and agrees to pay to Landlord base rent for the Premises in the amounts shown on the attached EXHIBIT "B-1", such amounts hereinafter called "Rent" and

such monthly installments being due and payable on or before the first day of the first full calendar month of the Term and on or before the first day of each and every successive calendar month thereafter during the Term, subject to the adjustments as provided hereinafter. The Rent shall be escalated annually during the term of this Agreement as shown on EXHIBIT "B-1" attached hereto. Rent and all other sums payable by Tenant to Landlord under this Agreement shall be paid to Landlord, without deduction or offset, at the following address, or at such other place as Landlord may hereafter specify in writing: Jefferson School Foundation, 233 4th St. NW, Charlottesville, VA 22903.

All delinquent Rent or other sums due shall bear interest at 5% per annum from the date due until the date such amount is paid. In addition, Tenant shall pay a late payment service charge equal to 5% of the total delinquent amount for each month for which payment of Rent or other sums due are not received by Landlord when due to offset the administrative expense to Landlord of handling such overdue payment. Tenant shall pay a charge equal to \$50.00 per returned check. Notwithstanding the foregoing, no interest, late fee or charge shall exceed the respective percentage or amount permitted by applicable law.

3. **ADDITIONAL RENT.** Tenant further covenants and agrees to pay to Landlord Tenant's proportionate share of the following expenses as additional rent ("Additional Rent"): (a) real estate taxes on the Property, (b) stormwater fees assessed for the Property, and (c) insurance premium for the Building, provided that Tenant will not be responsible for payment of any deductible fee should the Landlord need to utilize the herein stated Insurance policy. Landlord shall invoice Additional Rent to Tenant in increments throughout the year as such expenses become due by Landlord. At Landlord's discretion, Landlord may choose to invoice an estimated amount in advance of the same becoming due by Landlord. In such case, the Landlord shall clearly indicate that such invoice is for an estimated amount and the next invoice shall include an additional charge or credit, as the case may be, to reflect any difference between the estimated invoice and the actual expense incurred. Landlord presently estimates the following Additional Rent for year one of the Lease term: Property Taxes -- \$34,323.56 twice per year; Stormwater Fees --\$796.67 twice per year ; Property Insurance -- \$9,005.58 twice per year. Tenant shall pay to Landlord all invoiced Additional Rent within thirty (30) days of the invoice date.
4. **USE OF PREMISES.** The Premises shall be used as (a) a public recreation center that shall be of a quality, and offer classes and services consistent with other public recreation centers operated by Tenant, (b) such additional uses as may be set forth in EXHIBIT "E" hereto and (c) for no other purposes without the prior written consent of Landlord, which consent may be withheld at Landlord's absolute discretion. Tenant shall obtain, at its sole cost, all permits, licenses, or authorizations of any nature required in connection with the operation of Tenant's business at the Premises. The Premises shall not be used as a residence, hotel, boardinghouse, or to provide any overnight accommodations. Tenant shall not do or permit to be done in or about the Premises, the Building or the Property, nor bring or keep or permit to be brought or kept therein, anything which is prohibited by or will in any way conflict with any law, statute, ordinance or governmental rule or regulation now in force or which may hereinafter be enacted or promulgated, or which is prohibited by any standard form of fire insurance policy or will in any way increase the existing rate of or affect any fire or other insurance

upon the Property or any improvements or personal property located thereon, or cause a cancellation of any insurance policy covering the Property or any improvements or personal property located thereon. Tenant shall not do or permit anything to be done in or about the Property which will in any way obstruct or interfere with the rights of other tenants of the Building, or injure or annoy them or use or allow the Premises to be used for any improper, immoral, unlawful or objectionable purpose, nor shall Tenant cause, maintain, or permit any nuisance in, on, or about the Premises or commit or suffer to be committed any waste in, on or about the Premises. Tenant shall have access to the Building and Premises 24 hours per day, 7 days per week, subject to reasonable temporary closings for maintenance, repair and snow removal. Tenant shall be entitled to the reasonable use of the grounds and other accessible common spaces on the Property, in common with the other occupants and users of the Building and subject to such reasonable rules and regulations as Landlord may from time to time promulgate.

5. **LANDLORD'S SERVICES.** Provided Tenant is not in default hereunder, Landlord agrees to furnish or cause to be furnished to the Premises, pursuant to the provisions in this Agreement and "Exhibit C" provided below and incorporated fully herewith, at Landlord's expense and for no additional cost except as otherwise specifically provided in Section 3, above, the utilities and services described below, subject to the conditions and in accordance with the standards set forth herein:
 - a. From 6:00 a.m. until 10:00 p.m. each day except Holidays (as such term is defined in Section 28 of this Agreement), ventilation and heat or air conditioning at standard temperatures and quantities provided via a central system with individual temperature control for the Premises, with after-hours service available at Tenant's discretion (see also Paragraph 47(A) hereof) as provided in the Building Rules and Regulations attached as EXHIBIT "D-1," incorporated herein by reference, as the same may be amended from time to time, all subject to any governmental requirements or standards relating to, among other things, energy conservation.
 - b. Landlord shall furnish to the Building and the Premises electric current as required by the Building standard office lighting and receptacles. Tenant's use of electric current shall at no time exceed the capacity of any of the electrical conductors and equipment in or otherwise serving the Premises. Tenant shall not install or use or permit the installation or use of any equipment of high electrical consumption including, without limitation, computer labs, stage lighting and commercial kitchen appliances (the "Additional Electrical Equipment") except as otherwise expressly permitted in a written agreement between Landlord and Tenant, which agreement shall describe in reasonable detail the design and installation of any Additional Electrical Equipment and any related meter, and the provision of any additional air conditioning, water, sewer, gas or other services necessary to operate such equipment. For the purposes of this Agreement, a "computer lab" shall be deemed to exist where 15 or more computers are installed within the Premises. The parties acknowledge that Tenant intends to operate printers, fax machines, telephones, postage meters, personal computers and related networking equipment and the like to support its general office operations within the Premises, and that these items shall not constitute Additional Electrical Equipment.

- c. Should an agreement be entered into by the parties regarding any Additional Electrical Equipment, Landlord may require that electrical consumption in the Premises, or in that portion of the Premises affected by such installation, be separately metered as set forth in Section 3, above.
- d. Landlord shall provide the service of one automatic elevator at all times in the Building, subject to reasonable closures for breakdowns, repairs, or maintenance. Landlord shall have no liability for any such closures. At no time shall the Landlord violate ADA regulations.
- e. Subject to the rules and regulations of Landlord and any applicable internet service provider, Tenant shall have the right to use any wireless internet service provided by Landlord to the Building. Tenant hereby acknowledges that the wireless internet service and related computer hardware and software has been installed and is operated and maintained by a third-party provider, not Landlord. Landlord makes no representations or warranties with respect to the wireless internet service. Tenant acknowledges that wireless internet service may be suspended or reduced by reason of repairs, alterations, improvements, accidents, or other causes beyond the reasonable control of Landlord. Tenant may contract at its sole cost and expense directly with the company providing wireless internet service to the Premises for further and additional internet and related services to the Premises.
- f. Landlord shall furnish hot and cold water and sanitary sewer, as applicable, to the common area drinking fountains, showers, janitorial closets and lavatories in the Building, and to any sinks and lavatories provided by Landlord as part of the Premises.
- g. Landlord shall provide standard office trash removal, recycling and janitorial services to the Building and the Premises. Janitorial, recycling, and trash removal services to the Building and Premises shall be provided at least weekly and shall include cleaning of lavatories, showers, floors and air circulation vents, as well as replacement of Building standard lights and toilet room supplies for lavatories. Periodic cleaning of windows, walls and doors shall be provided at such times as Landlord reasonably designates, but in no event no less than twice a year. Tenant shall be solely responsible for cleaning, maintenance and repair of its furniture, fixtures and equipment.
- h. Landlord shall provide all grounds maintenance, including but not limited to mowing, maintenance of all trees and other landscaping features, parking lot maintenance, and snow and ice removal for the Property. Landlord shall ensure that the Premises are accessible by the Tenant and Tenant's invitees at all times, provided that Landlord will be given reasonable time to remove snow or ice as needed.
- i. Landlord shall provide all maintenance services to all fixtures located within, and serving, the Building and Premises, including exterior walls, roof, foundation, and all structural components of the Building, as well as all base Building systems serving the Premises, including, without limitation, the HVAC, electrical, plumbing, and mechanical

systems, except to the extent damage is caused by the negligence or willful misconduct of Tenant.

- j. Landlord shall clean and maintain all common areas located within the Building and Premises.

Landlord shall not be liable for any damage directly or indirectly resulting from, nor shall any Rent herein set forth be abated by reason of (i) installation, use, or interruption of use, of any equipment in connection with the furnishing of any of the above-described services, or (ii) failure to furnish, or delays or interruptions in furnishing, any such services when such failure or delay is caused by accident or any condition beyond the reasonable control of Landlord or by the making of necessary repairs or improvements to the Premises or to the Building. The temporary failure to furnish any such services shall neither be construed as an eviction of Tenant nor relieve Tenant from the duty of observing and performing any of the provisions of this Agreement. If Landlord fails to uphold its Services pursuant to this Section, and Tenant has to engage in these Services on their own and using their own funds, Tenant shall be entitled to invoice the Landlord for the cost of any work completed as a result of Landlord's failure to provide the Services described herewith, provided that the City will be required to provide fourteen (14) days' notice prior to exercising self-help options.

- 6. **TENANT'S SERVICES.** Tenant shall be responsible for the following services and maintenance, at its sole cost and expense, subject to the provisions herewith:
 - a. Tenant shall be responsible for maintaining and cleaning all fixtures it installs into the Premises outside of Landlord's obligations hereof.
 - b. Tenant shall be responsible for cleaning and maintaining all of its own furniture, equipment, and other property installed by Tenant into the Premises.
 - c. Tenant shall be responsible for all repairs required because of Tenant's negligence or misuse, even if such maintenance would regularly be required by Landlord as provided above.
 - d. Tenant shall be responsible for the replacement of gymnasium lights bulbs within the Premises.
- 7. **LEASEHOLD IMPROVEMENTS.** Tenant acknowledges that neither Landlord nor any employee, agent or representative of Landlord has made any express or implied representations or warranties with respect to the physical condition of the Building or the Premises, the fitness or quality thereof or any other matter or thing whatsoever with respect to the Building or the Premises or any portion thereof, and that Tenant is not relying upon any such representation or warranty in entering into this Agreement. Tenant has inspected the Building and the Premises and, as the tenant for the Premises for the last many years, is thoroughly acquainted with their respective condition and agrees to take the same "AS IS."

8. **ALTERATIONS AND IMPROVEMENTS.** Tenant shall make no material alterations, additions, improvements, installations, repairs or decorations (including application of paint or stain) to the Premises without prior written approval of Landlord. Requests for approval shall be submitted to Landlord in writing with reasonable lead time, and shall include a description of the work, copies of any plans or specifications necessary to explain the proposed work, the cost of the work and the name, address and license number of the Class A contractor performing the work, if applicable. Such approval shall not be unreasonably withheld in the case of alterations, additions or improvements to the interior of the Premises provided that Tenant is not otherwise in default under this Agreement and such alterations, additions or improvements (i) are normal and customary for the permitted use of the Premises set forth in paragraph 4 of this Agreement, (ii) do not adversely affect the utility of the Premises for future tenants, (iii) do not alter the exterior of the Building, (iv) are not of a structural nature, and (v) are accompanied by prepayment or bond provisions or waivers by the contractor in form satisfactory to Landlord sufficient to protect the Building from claims or liens of any sort. Tenant shall conduct its work in such a manner as not to interfere materially with the operation of the Building and other tenants and shall, prior to the commencement of the work, submit to Landlord copies of all necessary permits. Tenant covenants that all work shall be done in compliance with all applicable laws. All alterations, additions or improvements, whether temporary or permanent in character, made in or upon the Premises, either by Landlord or Tenant, shall be Landlord's property and at the end of the Term shall remain in or upon the Premises without compensation to Tenant. If, however, Landlord shall request in writing, Tenant will, prior to the expiration or earlier termination of this Agreement, remove any and all alterations, additions and improvements placed or installed by Tenant in the Premises, and will repair any damage caused by such removal. All of Tenant's furniture, movable trade fixtures and equipment not attached to the Building shall be removed by Tenant at the expiration or earlier termination of this Agreement. If not removed prior to the expiration or earlier termination of this Agreement, such furniture, movable trade fixtures and equipment not attached to the Building shall, at the option of Landlord, become the property of Landlord and may be disposed of without further notice to Tenant. Notwithstanding the foregoing, no alteration or improvement shall be made by Tenant to the Premises or Building that jeopardizes the receipt of state or federal historic tax credits or that would require repayment of such credits.
9. **TAXES.** Landlord shall be liable for and shall pay, prior to their becoming delinquent, any and all taxes and assessments levied against the Building and the Premises, subject to the provisions of Section 3 herewith. Landlord is solely responsible for payment of all taxes and ensuring no delinquency occurs. If delinquency does occur, it is the sole responsibility and financial burden of the Landlord to address and resolve the said delinquency. If the Landlord fails to resolve the delinquency and the said delinquency adversely affects the Tenant's use and/or occupancy of the Premises, Landlord shall be liable to the Tenant for any damages or other award as permitted under law. Nothing in this Paragraph is intended to relieve Tenant of its obligations under Paragraph 3, above.
10. **SIGNS AND ADVERTISING.** Without prior written approval of Landlord, Tenant shall not permit the painting or display of any sign, placard, lettering, or advertising material of any kind on or near the exterior of the Premises. Notwithstanding the foregoing, Tenant may, with

Landlord's prior written approval, which shall not be unreasonably withheld, display Tenant's name on or near the entrance of the Premises, in locations visible from the street, from the parking lot, and in interior hallways, in a manner prescribed by the Landlord. Signage shall comply with all applicable local zoning and architectural requirements and with the Secretary of the Interior's Standards for Rehabilitation. At Tenant's request, Landlord shall, at its expense, include Tenant's name in or on all exterior and interior Building directories. Tenant shall promptly reimburse Landlord for the cost of any changes made to such listing at Tenant's request.

11. **RULES AND REGULATIONS; ARCHITECTURAL GUIDELINES.** Tenant shall faithfully observe and comply with the rules and regulations in effect with respect to the Property, a copy of which is attached to this Agreement as EXHIBIT "D-1", and all reasonable modifications of and additions thereto from time to time put into effect by Landlord. Landlord shall not be responsible to Tenant for the nonperformance of any of said rules and regulations by any other tenant or occupant of the Building. Tenant shall also faithfully observe and comply with the architectural guidelines in effect with respect to the Property, a copy of which is attached to this Agreement as EXHIBIT "D-2", and all modifications of and additions thereto from time to time put into effect by Landlord as necessary to comply with the requirements of the historic tax credit program(s) under which the Building was rehabilitated. The architectural guidelines are designed to ensure continued compliance with such requirements; therefore, a failure to comply with the architectural guidelines shall constitute an immediate event of default pursuant to Paragraph 19(m) of this Agreement.
12. **ACCESS TO PREMISES.** Landlord and its authorized agent or agents shall have the right to enter upon the Premises at all reasonable times for the purpose of inspecting the same, preventing waste, making such repairs as Landlord may consider necessary (but without obligation to do so except as expressly provided for herein), and showing the Premises to prospective tenants. If, during the last month of the Term, Tenant shall have removed all or substantially all of Tenant's property therefrom and ceased operation of Tenant's business in the Premises, Landlord may, after five (5) days' written notice, enter and alter, renovate and redecorate the Premises without elimination or abatement of Rent or incurring liability to Tenant for any compensation or offsets of Rent and charges owed and such acts shall have no effect upon this Agreement.
13. **TENANT'S INSURANCE.** Tenant, at its own expense, shall maintain in force during the Term: (a) any combination of commercial general liability insurance, excess liability and/or umbrella liability insurance, which shall include coverage for personal injury, bodily injury (including death) and property damage occurring on, in, or about the Premises with coverage per occurrence or claim of not less than \$2,000,000 in respect to injury or death and \$1,000,000 in respect to any instance of property damage; and (b) workers' compensation insurance coverage for the full statutory liability of Tenant; together with such other insurance against such other perils and in such amounts as Landlord may from time to time reasonably require upon not less than ninety (90) days' prior written notice. Because Landlord's insurance will not cover Tenant's equipment, trade fixtures, inventory, fixtures and

personal property located on or in the Premises, Tenant is strongly encouraged to obtain personal property insurance in an amount equal to the full replacement cost of such property.

All insurance required to be maintained by Tenant shall be on terms and with insurers that are authorized to do business in Virginia and are rated at least "A" in Best's Financial Strength Ratings or equivalent rating and reasonably acceptable to Landlord. Each policy shall be written as primary policy coverage and not contributing with, or in excess of, any coverage carried by Landlord. Landlord and, upon Landlord's request, Landlord's lender, shall be named as additional insured parties in each policy required hereunder except workers' compensation insurance. Landlord hereby waives and releases Tenant, and Tenant hereby waives and releases Landlord, from any and all liabilities, claims and losses for which the released party is or may be held liable to the extent of any insurance proceeds received by the injured party. Each insurance policy obtained pursuant to this Agreement shall contain a waiver by the insurer of any rights of subrogation or indemnity or any other claim to which the insurer might otherwise be entitled and shall also contain an undertaking by the insurer that no material change adverse to Landlord or Tenant will be made, and the policy will not lapse or be cancelled, except after not less than thirty (30) days' prior written notice to Landlord of the intended change, lapse or cancellation. No policy required hereunder shall contain a provision relieving the insurer thereunder of liability for any loss by reason of the existence of other policies of insurance covering the Premises against the peril involved, whether collectible or not. Tenant shall not self-insure for any insurance coverage required to be carried by Tenant under this Agreement. The deductible for any insurance policy required hereunder must not exceed \$10,000. Tenant will have the right to provide the insurance coverage required under this Agreement through a blanket policy, provided such blanket policy expressly affords coverage to the Premises and to Landlord as required by this Agreement. Tenant shall furnish to Landlord prior to the Commencement Date, and whenever requested by Landlord, certificates or other acceptable evidence of the insurance maintained by Tenant and the renewal or continuation in force of such insurance. If Tenant fails to maintain the insurance required by this Agreement, Landlord may, but will not be obligated to, obtain, and pay the premiums for, such insurance, which premiums shall be charged to Tenant as additional Rent.

14. **LANDLORD'S INSURANCE.** Landlord, at its own expense subject to reimbursement under Paragraph 3 above, shall at all times during the term of this Agreement carry a policy of insurance that insures the Building, including the Premises, against loss or damage by fire or other casualty (namely, the perils protected against under a standard "all risk" casualty insurance policy); provided, however, that Landlord shall not be responsible for and shall not be obligated to insure against any loss of or damage to any personal property of Tenant or any trade fixtures installed by or paid for by Tenant in the Premises or any additional improvements that Tenant may construct in the Premises. Such policy shall contain a waiver by the insurer of any rights of subrogation or indemnity or any other claims to which the insurer might otherwise be entitled against Tenant.
15. **CASUALTY.** In the event that the Building is totally destroyed by fire, wind or other casualty, or in the event the Premises or Building is so damaged that rebuilding or repairs cannot be completed within one hundred eighty (180) days after the date of such damage,

either Landlord or Tenant may at its option, by written notice to the other given not more than thirty (30) days after the date of such casualty, terminate this Agreement. In such event, Rent payments shall cease. In the event the Building or the Premises are damaged by casualty covered by Landlord's insurance, but only to such extent that rebuilding or repairs can be completed within one hundred eighty (180) days after the date of such damage, or if the damage should be more serious but neither Landlord or Tenant elects to terminate this Agreement, then Landlord shall, subject to the release to Landlord of any insurance proceeds received or held by Landlord's lender and within thirty (30) days after the date on which such insurance proceeds are released to Landlord, commence rebuilding or repairing the Building and/or the Premises and proceed with reasonable diligence to restore the Building and/or the Premises to substantially the same condition in which they were immediately prior to the occurrence of the casualty, except that Landlord shall not be required to rebuild, repair or replace any part of the furniture, equipment, fixtures, and other improvements placed by Tenant or other tenants within the Building or Premises unless such loss is caused by the negligence or willful misconduct of Landlord or Landlord's employees or agents. If all or any part of the Premises is damaged by fire or casualty and this Agreement is not terminated, Tenant shall promptly and with due diligence repair and restore its leasehold improvements and personal property previously installed by Tenant pursuant to this Agreement. Landlord shall, unless such damage is the result of the negligence or willful misconduct of Tenant, Tenant's employees or invitees, allow Tenant a fair reduction of Rent during the time that the Premises is unfit for occupancy and Tenant does not, in fact, occupy the Premises, provided that this Agreement has not been terminated by either party. In the event any mortgagee, under a deed of trust, security agreement or mortgage on the Building, should require that the insurance proceeds be used to retire the mortgage debt, Landlord shall have no obligation to rebuild or repair the Building and/or the Premises and this Agreement shall terminate upon notice to Tenant. Any insurance which may be carried by Landlord against loss or damage to the Building or to the Premises shall be for the sole benefit of Landlord.

16. **CONDEMNATION.** If the whole or a material portion of the Building shall be taken for any public or quasi-public use under any statute or by right of eminent domain or private purchase in lieu thereof, then at Landlord's sole discretion, the Term and all rights of Tenant under this Agreement shall immediately cease and terminate, and the Rent shall abate as of the date of such termination. Tenant shall be entitled to no part of the award made for such condemnation (or other taking) or the purchase price for any purchase in lieu thereof, except that Tenant may seek a separate award for its leasehold interest. Nevertheless, anything to the contrary notwithstanding, if the Premises is unaffected by such condemnation (or other taking), then at the Tenant's sole and absolute discretion this Agreement shall continue in full force and effect.
17. **INDEMNIFICATION.** Each party shall be responsible for its own acts and omissions to the extent provided by law, without waiving any applicable immunity or limitation of liability. Tenant is responsible for removing or remediating hazardous materials introduced by the Tenant or those operating under its control.
18. **ENVIRONMENTAL MATTERS.** Tenant shall not cause or permit any Hazardous Materials to be generated, used, released, stored, or disposed of in or about the Building or

the Property, provided that Tenant may use and store such reasonable quantities of standard cleaning and other materials as are customary and necessary for Tenant to conduct the permitted use described in paragraph 4 of this Agreement. At the expiration or earlier termination of this Agreement, Tenant shall surrender the Premises to Landlord free of Hazardous Materials generated, used, released, stored, or disposed of therein by Tenant or any employee or invitee of Tenant. "Hazardous Materials" as used herein shall mean (A) asbestos and any asbestos containing material and any substance that is then defined or listed in, or otherwise classified pursuant to, any Environmental Law or any other applicable Law as a "hazardous substance," "hazardous material," "hazardous waste," "infectious waste," "toxic substance," "toxic pollutant," or any other formulation intended to define, list, or classify substances by reason of deleterious properties such as ignitability, corrosivity, reactivity, carcinogenicity, toxicity, reproductive toxicity, or Toxicity Characteristic Leaching Procedure (TCLP) toxicity, (B) any petroleum and drilling fluids, produced waters, and other wastes associated with the exploration, development or production of crude oil, natural gas, or geothermal resources, and (C) any petroleum product, polychlorinated biphenyls, urea formaldehyde, radon gas, radioactive material (including any source, special nuclear, or by-product material), medical waste, chlorofluorocarbon, lead or lead-based product, and any other substance whose presence could be detrimental to the Building or the Property or hazardous to health or the environment. "Environmental Law" as used herein shall mean any present and future law (whether common law, statute, rule, order, regulation or otherwise) and any amendments, permits and other requirements or guidelines of governmental authorities applicable to the Building or the Property and relating to the environment and environmental conditions or to any Hazardous Material (including, without limitation, CERCLA, 42 U.S.C. § 9601 et seq., the Resource Conservation and Recovery Act of 1976, 42 U.S.C. § 6901 et seq., the Hazardous Materials Transportation Act, 49 U.S.C. § 1801 et seq., the Federal Water Pollution Control Act, 33 U.S.C. § 1251 et seq., the Clean Air Act, 33 U.S.C. § 7401 et seq., the Toxic Substances Control Act, 15 U.S.C. § 2601 et seq., the Safe Drinking Water Act, 42 U.S.C. § 300f et seq., the Emergency Planning and Community Right-To-Know Act, 42 U.S.C. § 1101 et seq., the Occupational Safety and Health Act, 29 U.S.C. § 651 et seq., and any so-called "Super Fund" or "Super Lien" law, any law requiring the filing of reports and notices relating to hazardous substances, environmental laws administered by the U.S. Environmental Protection Agency, and any similar state and local laws, all amendments thereto and all regulations, orders, decisions, and decrees now or hereafter promulgated thereunder concerning the environment, industrial hygiene or public health or safety).

Notwithstanding the above, Tenant shall not be responsible for any claim, demand, cost, damage, injury, loss, liability or change based on or arising out of the presence of any Hazardous Materials or conditions on or about the Building or the Property not caused by Tenant, its employees or invitees.

Landlord and Tenant acknowledge that the Building is old and, although it has been restored prior to the commencement of this Agreement, the Building and the Property may contain residual Hazardous Materials from prior uses including, without limitation, lead-based paint and asbestos. Neither party shall have any liability to the other under this Section 18 for such pre-existing Hazardous Materials. Upon any discovery of any such preexisting Hazardous

Materials, Tenant agrees to take reasonable steps to minimize human contact with such materials and immediately notify Landlord so that Landlord may remove, encapsulate or otherwise remedy such Hazardous Materials as appropriate. Tenant also agrees to comply with (and cause its employees, agents, and invitees to comply with) any rules Landlord may promulgate from time to time to minimize risks associated with Hazardous Materials on the Premises.

19. **DEFAULT.** Landlord, at its election, may exercise any one or more of the options referred to below upon the occurrence or at any time after the occurrence of any one or more of the following events, each of which shall be deemed a “default” or “event of default” under this Agreement. Written Notice of such Default shall be provided to Tenant as soon as Landlord is aware of such a default. Tenant shall be given a reasonable opportunity to cure prior to Landlord being able to exercise its options hereof. The Landlord reserves the right to recover any actual damages accrued as a result of a default.

- a. Tenant's failure to pay any installment of Rent or any other sum payable hereunder for a period of ten (10) days after the date on which such payment is due;
- b. Tenant or any guarantor of the Agreement files a petition in bankruptcy pursuant to the Bankruptcy Code or under any similar federal or state law, or is adjudicated a bankrupt or becomes insolvent, or makes any assignment for the benefit of creditors, or commits any act of bankruptcy as defined in any such law, or takes any action in furtherance of any of the foregoing;
- c. A receiver, trustee or liquidator (or similar official) being appointed for Tenant or any guarantor of the Agreement or a substantial portion of Tenant's assets and not discharged within sixty (60) days thereafter, or Tenant or such guarantor consents to or acquiesces in such appointment;
- d. A petition or answer is filed proposing the adjudication of Tenant or any guarantor of the Agreement as bankrupt pursuant to the Bankruptcy Code or any similar federal or state law, and (i) Tenant or such guarantor consents to the filing thereof, or (ii) such petition or answer is not discharged within sixty (60) days after the filing thereof;
- e. Tenant abandons the Premises for a period of thirty (30) consecutive days or more or attempts to mortgage or pledge its interest hereunder;
- f. Tenant's interest under this Agreement is levied on or attached in any proceeding and such process is not vacated or discharged within sixty (60) days after such levy or attachment;
- g. Except in accordance with Paragraph 21 of this Agreement, Tenant's interest under this Agreement being assigned by operation of law or otherwise or Tenant subletting all or any portion of the Premises;

- h. All or substantially all of the goods or chattels of Tenant used in or incident to the operation of Tenant's business in the Premises being seized, sequestered, or impounded by virtue of, or under authority of, any legal proceeding;
- i. Tenant fails to discharge any lien within the time period set forth in paragraph 26 of this Agreement;
- j. Tenant fails to deliver to Landlord any subordination agreement or estoppel certificate required by this Agreement within the time period set forth herein;
- k. Tenant uses or permits the use of the Premises for any purpose other than expressly permitted in this Agreement or by Landlord's written authorization;
- l. The dissolution of Tenant;
- m. Tenant fails to comply with the architectural guidelines attached hereto as "Exhibit D-2" or otherwise modifies the Property or any portion thereof in a manner that causes, or is likely to cause, the recapture of any state or federal historic tax credits issued as a result of the rehabilitation of the Building; or
- n. Tenant materially or repeatedly fails to observe, keep or perform any of the other terms, covenants, agreements or conditions of this Agreement or the Building rules and regulations, which failure does not also constitute any of the foregoing subsection (a) through (m), for a period of thirty (30) days after notice by Landlord; provided, however, that any such failure that poses a safety risk to other tenants or occupants of the Building, or that constitutes any illegal activity, shall constitute an immediate default.

In the event of any of the foregoing events of default, Landlord, at its election, may exercise any one or more of the following options, the exercise of any of which shall not be deemed to preclude the exercise of any others therein listed or otherwise available to Landlord by statute or general law at the same time or in subsequent time or action:

- i. Terminate Tenant's right to possession under this Agreement and reenter and retake possession of the Premises and relet or attempt to relet the Premises on behalf of Tenant at such Rent and under such terms and conditions as Landlord may deem best under the circumstances, in which case Tenant shall remain liable for all Rent and other sums due under the Lease subject to credit for any rent Landlord may obtain by reletting.
- ii. Declare this Agreement to be terminated, and reenter and take possession of the Premises, whereupon all right, title and interest of the Tenant in the Premises, and all obligations of the Tenant, shall terminate.

Should Landlord retake possession of the Premises and terminate Tenant's possessory rights, any claim for future rent shall be subject to mitigation and credit for amounts received through reletting.

20. SUBORDINATION, ATTORNMENT, AND NONDISTURBANCE. In consideration of the execution of this Agreement by Landlord, Tenant accepts this Agreement subject to any deeds of trust, collateral assignments, ground leases, master leases, security interests or mortgages, including all renewals, modifications, consolidations, replacements and extensions thereof (collectively, the “Superior Interests”), which might now or hereafter constitute a lien upon the Property, the Building or the Premises. Tenant further agrees to attorn to and recognize the holder of any Superior Interest who comes into possession of the Property through foreclosure or otherwise, or any purchaser at foreclosure or by deed in lieu thereof (each, a “Successor”), as its landlord for the balance of the Term (as it may be extended) upon the terms, obligations, and conditions set forth in this Agreement; provided, however, that such Successor shall neither disturb Tenant's use, possession or enjoyment of the Premises nor impair Tenant's rights under the Lease so long as Tenant is not in default under this Agreement. = If, in connection with obtaining financing for the Property or refinancing any mortgage encumbering the Property, the prospective lender requests reasonable modifications to this Agreement as a condition precedent to such financing or refinancing, then Tenant shall not unreasonably withhold, delay or condition its consent to such modifications, provided that such modifications do not (i) increase the Rent, (ii) increase the security deposit, (iii) reduce the Term, (iv) affect any termination, extension or expansion options, (v) materially and adversely affect the leasehold interest created by this Agreement, or (vi) materially and adversely affect the manner in which Tenant's operations are conducted at the Premises. The provisions of this Agreement relating to the Superior Interests are for the benefit of, and enforceable by, any Successors and holders of Superior Interests.

21. ESTOPPEL CERTIFICATES. Any Estoppel Certificate served pursuant to the terms of this Agreement shall be served only pursuant to factual matters. The serving party shall allow the receiving party a minimum of fourteen (14) days to respond to the Certificate. The Estoppel Certificate or Response, as applicable, shall be signed by an authorized City Official.

22. ASSIGNMENT AND SUBLETTING. Tenant shall not assign the right of occupancy under this Agreement or any other interest therein, or sublet the Premises, or any portion thereof, without the prior written consent of Landlord, which consent shall not be unreasonably withheld, except that Landlord shall have no obligation to consent to an assignment or subtenancy that would (i) constitute a “disqualified lease” under Section 168(h) of the Internal Revenue Code, or (ii) cause the Premises to be used for purposes inconsistent with Landlord's mission to house educational, social, service, and recreational activities for the community. Tenant agrees to pay, on demand, the reasonable costs incurred by Landlord in connection with any proposed assignment or subtenancy of all or any part of the Premises, including, without limitation, reasonable attorneys' fees, regardless of whether any assignment or sublease is consummated. Notwithstanding anything contained herein to the contrary, Tenant shall have no right of assignment or subletting if it is in default under this Agreement. Notwithstanding any assignment of this Agreement, or the subletting of the Premises or any portion thereof, Tenant shall continue to be liable for the performance of all of the terms, conditions and covenants of this Agreement, including, but not limited to, the payment of Rent. Consent by Landlord to one or more assignments and sublettings shall not

operate as a waiver of Landlord's rights as to any subsequent assignments and sublettings, including Landlord's consent right. In the event Tenant requests Landlord's consent to any assignment or subletting, Landlord shall have the option, which shall be exercised by providing Tenant with written notice thereof, of terminating Tenant's rights and obligations under this Agreement as to the proposed subleased space rather than permitting any assignment or subletting by Tenant. Landlord shall be entitled to assign this Agreement in full or in part, and to mortgage or otherwise encumber its interest in the Property, at any time, subject to the nondisturbance provision of Section 20 of this Agreement. Should Landlord permit any assignment or subletting by Tenant and should the moneys received as a result of such assignment or subletting (when compared to the money still payable by Tenant to Landlord) be greater than what would have been received had Landlord not permitted such assignment or subletting, then the excess shall be payable by Tenant to Landlord, it being the parties' intention that Landlord, and not Tenant, shall be the party to receive any profit from any assignment or subletting. Tenant shall incorporate the covenants, terms and conditions of this Agreement into any permitted sublease including, without limitation, the insurance requirements of Section 13 (except that the sublessee's policies shall name Landlord as an additional insured), and shall promptly deliver an executed copy of such sublease and any amendments thereto to Landlord. The provisions of paragraph 27 shall be deemed amended to add the names and addresses of the assignee or subtenant as additional recipients of notices to Tenant.

23. **QUIET ENJOYMENT.** Provided Tenant has performed all of the terms, covenants, agreements, and conditions of this Agreement, including the payment of Rent and all other sums due hereunder, Tenant shall peaceably and quietly hold and enjoy the Premises against Landlord and all persons claiming by, through or under Landlord, for the term herein described, subject to the provisions and conditions of this Agreement.

24. **INTENTIONALLY OMITTED.**

25. **MECHANICS' LIENS.** Tenant shall not make any alteration to the Premises except as expressly provided in this Agreement. Tenant shall not permit any mechanics' or materialmen's liens to be placed upon the Premises or the Building or any portion thereof caused by or resulting from any work performed, materials furnished, or obligations incurred by or at the request of Tenant. In the case of the filing of any such lien (or memorandum thereof), Tenant shall cause the prompt release of same, whether by payment, bond, or other settlement. Tenant shall be entitled to dispute such mechanic's lien in good faith provided the same is promptly bonded off at Tenant's expense. In the event that Tenant fails to have such lien released within thirty (30) days of filing, then, without limiting Landlord's other rights, Landlord shall have the right, but not the responsibility, at Landlord's sole option, to pay any or all amounts claimed under any mechanics' or materialmen's lien at any time without inquiry as to the validity thereof, and any amounts so paid, including expenses and interest, shall be deemed additional Rent hereunder.

26. **NOTICES.** Any notice or document required or permitted to be delivered hereunder shall be in writing and deemed to be delivered or given when actually received. Delivery shall be by personal delivery, email, by nationally recognized overnight delivery service, or by United

States Mail, postage prepaid, return receipt requested, addressed to the parties hereto at the respective addresses first set forth above, or at such other address as they may hereafter specify by written notice delivered in accordance herewith.

27. **TIME.** Time is of the essence of each and every term of this Agreement. Unless otherwise specified, in computing any period of time described in this Agreement, the day of the act or event after which the designated period of time begins to run is not to be included and the last day of the period so computed is to be included, unless such last day is a Saturday, Sunday or Holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or Holiday. For the purposes of this Agreement, a "Holiday" shall mean any of the following: New Year's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Thanksgiving, the day after Thanksgiving, Christmas Eve and Christmas Day. The final day of any such period shall be deemed to end at 5 p.m., local time.
28. **FORCE MAJEURE.** Whenever a period of time is herein prescribed for action to be taken by a party to this Agreement, such party shall not be liable or responsible for, and there shall be excluded from the computation for any such period of time, any delays due to strikes, riots, acts of God, shortages of labor or materials, war, governmental laws, regulations, or restrictions or any other causes of any kind whatsoever which are beyond the control of such party.
29. **SEVERABILITY.** If any clause or provision of this Agreement is illegal, invalid, or unenforceable under present or future laws effective during the term of this Agreement, then and in that event, it is the intention of the parties hereto that the remainder of this Agreement shall not be affected thereby.
30. **HOLDING OVER.** The failure of Tenant to surrender the Premises on the date provided herein for expiration of this Agreement (or at the time this Agreement may be terminated by Landlord), and the subsequent holding over by Tenant, with or without the consent of Landlord, shall result in the creation of a tenancy at will upon the terms and conditions of this Agreement but at 150% of the Rent payable as of the date provided herein for the expiration of this Agreement, subject to adjustment as provided in Section 3 and including all additional Rent that may accrue during any holdover period. This provision does not give Tenant any right to hold over at the expiration of the term of this Agreement, and shall not be deemed to be a renewal of the term of this Agreement, either by operation of law or otherwise. Tenant shall, at its sole cost and expense, take all actions required to remove any assignee or subtenant of Tenant, or other party claiming rights to the Premises under or through Tenant upon the expiration or earlier termination of the Term.
31. **NO SURRENDER.** Any Request for Surrender or Agreement for Surrender must be documented in writing and signed by both parties to be effective.
32. **RENT A SEPARATE COVENANT.** Tenant shall not for any reason withhold or reduce Tenant's required payments of Rent and other charges provided in this Agreement, it being agreed that the obligations of Landlord under this Agreement are independent of the obligations of Tenant hereunder; provided, both parties shall still be allowed to pursue

changes in Rent payments pursuant to any abatement, offset, withholding, or other remedy allowed by this Agreement or other applicable law.

33. **JOINT AND SEVERAL LIABILITY.** If two or more individuals, corporations, partnerships, or other business associations (or any combinations of two or more thereof) shall sign this Agreement as Tenant, the liability of each such individual, corporation, partnership, or other business association to pay rent and perform all other obligations hereunder shall be deemed to be joint and several. In like manner, if the Tenant named in this Agreement shall be a partnership or other business association, the members of which are, by virtue of statute or general law, subject to personal liability, the liability of each such member shall be joint and several.
34. **ABSENCE OF OPTION.** The submission of this Agreement for examination does not constitute a reservation of or option for the Premises and this Agreement becomes effective only upon execution and delivery thereof by Landlord.
35. **CORPORATE TENANCY.** If Tenant is a corporation, the undersigned officer of Tenant hereby warrants and certifies to Landlord that Tenant is a corporation in good standing and is authorized to do business in the Commonwealth of Virginia. The undersigned officer of Tenant hereby further warrants and certifies to Landlord that he or she as such officer, is authorized and empowered to bind the corporation to the terms of this Agreement by his or her signature thereto.
36. **BROKERAGE COMMISSION.** Each of the parties to this Agreement represents and warrants to the other party that there are no other claims for broker's commission or finders' fees in connection with its execution of this Agreement.
37. **AMENDMENTS.** This Agreement contains the entire agreement between the parties hereto and may not be altered, changed, or amended, except by an instrument in writing signed by both parties hereto. No provision of this Agreement shall be deemed to have been waived by either party unless such waiver be in writing signed by the waiving party and addressed to the other party, nor shall any custom or practice which may grow up between the parties in the administration of the provisions hereof be construed to waive or lessen the right of either party to insist upon the performance by the other party in strict accordance with the terms hereof. The terms, provisions, covenants, and conditions contained in this Agreement shall apply to, inure to the benefit of, and be binding upon the parties hereto, and upon their respective successors in interest and legal representatives, except as otherwise expressly provided herein.
38. **OTHER LEASE PROVISIONS.** See EXHIBIT "E", which is incorporated herein by this reference.
39. **LANDLORD'S RIGHT TO PERFORM TENANT'S DUTIES.** If Tenant fails to timely perform any of its duties under this Agreement, Landlord shall have the right (but not the obligation), after the expiration of any grace period expressly provided in this Agreement, to

perform such duty on behalf of and at the expense of Tenant with prior notice to Tenant, and all sums expended or expenses incurred by Landlord in performing such duty shall be deemed additional Rent under this Agreement and shall be due and payable upon demand by Landlord.

40. **LIMITATION OF LANDLORD'S LIABILITY.** Landlord's Members, Trustees, Directors, and Officers shall not have personal liability merely by reason of their positions.

41. **INTENTIONALLY OMITTED.**

42. **COUNTERPARTS.** This Agreement may be executed in counterparts, each of which is an original and all of which together constitute one and the same instrument. A scanned or electronic signature shall be as effective as an original.

43. **RECORDING.** This Agreement shall not be recorded; however, either party shall have the right to record a memorandum thereof, at such party's expense, at any time during the Term, and the other party agrees to join in the execution thereof if requested.

44. **SMOKE FREE.**

- a. **Purpose of No-Smoking Policy:** The parties desire to mitigate (i) the irritation and known health effects of secondhand smoke; (ii) the increased maintenance, cleaning, and redecorating costs from smoking; (iii) the increased risk of fire from smoking; and (iv) the high costs of fire insurance for a non-smoke-free building.
- b. **Definition of Smoking:** The term "smoking" means inhaling, exhaling, breathing, or carrying any lighted cigar, cigarette, or other tobacco product or similar lighted product, e-cigarette, or vape in any manner or in any form.
- c. **Smoke-Free Complex:** Tenant agrees and acknowledges that the Premises occupied by Tenant and members of Tenant's staff have been designated as a smoke-free working environment. Tenant and members of Tenant's staff shall not smoke anywhere in the Premises rented by Tenant, or the building where the Tenant's Premises is located or in any of the common areas or adjoining grounds of such building or other parts thereof, nor shall Tenant permit any clients, guests, or visitors under the control of Tenant to do so.
- d. **Tenant to Promote No-Smoking Policy and to Alert Landlord of Violations:** Tenant shall inform Tenant's clients, guests, or visitors of the no-smoking policy.
- e. **Landlord Not a Guarantor of Smoke-Free Environment:** Tenant acknowledges that Landlord's adoption of a smoke-free living environment, and the efforts to designate the building as smoke-free, do not make the Landlord or any of its managing agents the guarantor of Tenant's health or of the smoke-free condition of the Tenant's Premises and the common areas. However, Landlord shall take reasonable steps to enforce the smoke-free terms of its leases and to make the complex smoke-free. Landlord is not

required to take steps in response to smoking unless Landlord knows of said smoking or has been given written notice of said smoking.

- f. **Other Tenants are Third-Party Beneficiaries of Tenant's Agreement:** Tenant agrees that the other Tenants of the building are the third-party beneficiaries of the provisions within Section 45. SMOKE FREE. of Tenant's Lease.
- g. **Disclaimer by Landlord:** Tenant acknowledges that Landlord's adoption of a smoke free living environment, and the efforts to designate the rental complex as smoke-free, does not in any way change the standard of care that the Landlord or managing agent would have to a Tenant to render buildings and premises designated as smoke free any safer, more habitable, or improved in terms of air quality standards than any other rental premises. Landlord specifically disclaims any implied or express warranties that the building, common areas, or Tenant's premises will have any higher or improved air quality standards than any other rental property. Landlord cannot and does not warranty or promise that the rental premises or common areas will be free from secondhand smoke. Tenant acknowledges that Landlord's ability to police, monitor, or enforce the agreements of this section is dependent in significant part on voluntary compliance by Tenant and Tenant's clients, guests, or visitors. Tenants with respiratory ailments, allergies, or any other physical or mental condition related to smoke are put on notice that Landlord does not assume any higher duty of care to enforce this Smoke Free section than any other Landlord obligation under the Lease.

45. **WEAPONS POLICY.** Tenant acknowledges and accepts the strict no weapons policy and procedures for the entire property as shown on EXHIBIT "F" attached hereto.

46. **ADDITIONAL TERMS.**

- a. Notwithstanding Section 5(a), above, and Item 9 on Exhibit D-1 attached, provided that Tenant notifies Landlord in advance of an event on the Premises that will require use of the Premises beyond 10:00 pm, Landlord shall ensure HVAC remains active throughout the duration of such event as provided in the notice at no additional cost to Tenant.
- b. Landlord and Tenant shall cooperate with each other for reasonable shared use of space at no charge. Specifically, Landlord shall be allowed use of the Premises or a portion thereof up to twice per year provided such use is coordinated in advance with Tenant and scheduled so as not conflict with any of Tenant's prescheduled events on the Premises. Conversely, Landlord shall allow Tenant to use Jefferson School common areas, including the inner courtyard, lawn, or halls, in connection with Tenant's events provided such use is coordinated in advance with Landlord and scheduled so as not to conflict with any prescheduled use of such areas by Landlord or Landlord's other tenants.
- c. Landlord shall provide to Tenant a seat on the Jefferson School Foundation Joint Task Force to be filled by a member of the City's Parks and Recreation Department or any other City employee as designated by the City Manager.

SIGNATURE PAGE TO LEASE AGREEMENT

IN WITNESS WHEREOF, the undersigned duly authorized officers have executed this Agreement as of the date first written above.

LANDLORD:

JEFFERSON SCHOOL FOUNDATION

By: _____
Kimberly L. Sheffield, Executive Director

TENANT:

CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____
Samuel Sanders, Jr., City Manager

Approved as to form:

John Maddux, City Attorney

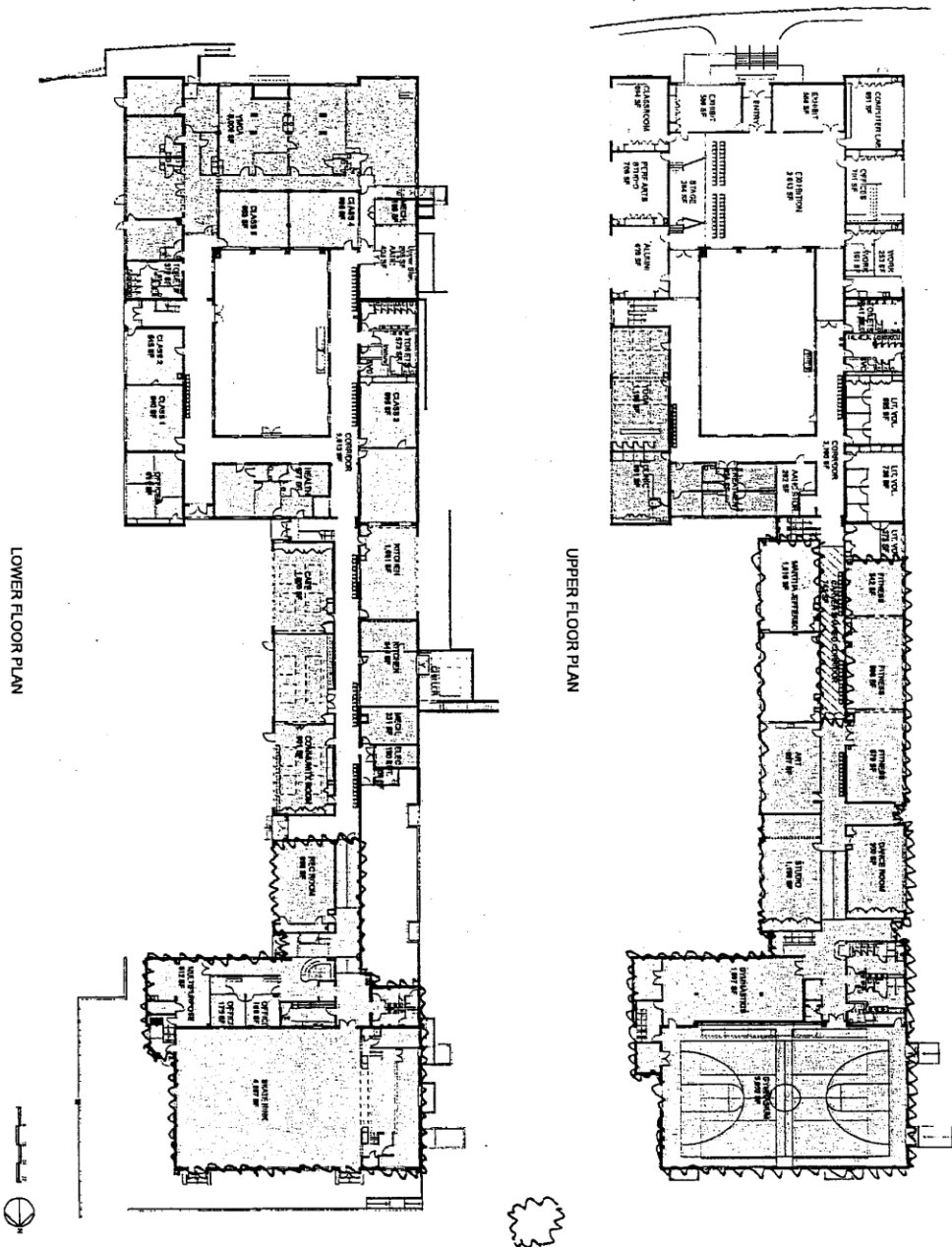
EXHIBIT "A" PREMISES



JEFFERSON SCHOOL CITY CENTER

TENANT PLANS

12/2/10



PREMISES

TENANT	AREA
ADMIN	10,110
CLASSES	26,540
COMMON GROUND	2,510
JOHN	4,420
LIBRARY/VOLUNTARI	1,710
PVCC	1,580
TRUCK	6,070
COMMON - CONSTRUCTION	1,810
COMMON - INSTRUCTION	1,640
COMMON - SERVICE	440
MAINTENANCE	1,810
	71,730

**EXHIBIT “B-1”
RENT SCHEDULE**

	\$/SF	% Escalation	USF	Annual Rent	Monthly Rent
			28,831		
7/1/2026 – 6/30/2027	\$23.00			\$663,113	\$55,259.42
7/1/2027 – 6/30/2028	\$23.46	2%		\$676,375.26	\$56,364.61

EXHIBIT “C”
LANDLORD MAINTENANCE AND CLEANING REQUIREMENTS

All floor-care tasks are limited to routine custodial cleaning. No burnishing, flash coating, floor resurfacing, carpet cleaning, or deep cleaning of hard-surface floors is included.

Ground Floor

Entry Hall, Front Desk/Lobby Area, and Main Corridor

- Additional task - dust windowsills and the top of the yellow tile in the hallway.

Elevator

- Additional task - wipe and sanitize elevator walls.

Work Area - Room 165

- Additional task - dust windowsills.

Classroom/Lounge - Room 163

- Additional task - dust windowsills.

Offices - Rooms 169 and 171

- Additional tasks
 - vacuum carpeted areas.
 - remove smudges and clean glass on sidelights and doors.
 -

Landings and Stair Connection to Skate Rink

- Additional task - dust the windowsills.

Skate Rink and Associated Spaces, Including Stage, Closet, and Storage Areas

- Additional tasks
 - Vacuum the floor along the base of walls.
 - Damp mop floors.

Restrooms - Rooms 164 and 166, Including Tile Entries

- Additional tasks
 - Clean and sanitize tile walls.
 - Clean toilets and sinks

Second Floor

Entry Area at Top of Stairs and Main Corridor - Room 251

- Additional tasks
 - Dust windowsills and the top of the yellow tile in the hallway.
 - Dust fixed seats in the hallway.

Men's and Women's Locker Rooms/Restrooms - Rooms 264 and 266

- Additional tasks
 - Wipe down locker tops.
 - Dust and clean all HVAC supply and return vents.
 - Dust exit signs.
 - Clean and sanitize partitions and walls.
 - Clean and sanitize tile walls.
 - Clean toilets and sinks

Gymnastics Room - Room 261

- Additional tasks: using a hose attachment, vacuum the approximately four-inch exposed border surrounding the vinyl composition tile flooring.

Program Suites

- Additional tasks: provide routine janitorial cleaning within the program suites, including dusting, wiping accessible surfaces, emptying waste receptacles, vacuuming carpeted areas, and damp mopping hard-surface floors, as applicable.
- Bathrooms Within Program Suites
- Additional tasks: Clean and sanitize toilets, sinks, fixtures, mirrors, partitions, walls, and other touchpoints. Replenish restroom supplies when provided on site.

Upstairs Kitchenette Area

- Additional tasks: Clean and sanitize countertops, sinks, cabinet fronts, appliance exteriors, tables, and other accessible surfaces. Empty waste receptacles and damp mop the floor.

Service Standards and General Requirements

- Use cleaning products, tools, and equipment appropriate for each surface and area.
- Follow all manufacturer instructions and applicable safety requirements when using cleaning chemicals and equipment.
- Place wet-floor signs and other caution signage whenever conditions require them.
- Avoid damage to walls, floors, furniture, fixtures, equipment, and personal property.
- Report observed maintenance concerns, safety hazards, damage, leaks, to Jefferson School Foundation/Carver Recreation Center.
- Secure all cleaned areas and return furniture, equipment, and supplies to their proper locations after work is completed.

EXHIBIT "D-1"
BUILDING RULES AND REGULATIONS

Tenant shall at all times comply with the rules and regulations set forth in this Exhibit D-1 and with any additions or modifications adopted from time to time by the Landlord. Tenant shall be given five (5) days' written notice of any such additions or modifications. Each such rule or regulation shall be deemed to be a covenant of this Agreement to be performed and observed by Tenant.

The following Building Rules and Regulations have been adopted by the Landlord for the care, protection, and benefit of the Premises and the Building and for the general comfort and welfare of all tenants.

1. The sidewalks, entrances, passages, halls, elevator and stairways shall not be obstructed by Tenant or used by Tenant for any purpose other than for ingress and egress to and from the Building and the Premises.
2. Restroom facilities, water fountains, and other water apparatus shall not be used for any purpose other than those for which they were constructed.
3. Landlord reserves the right to designate the time when freight, furniture, goods, merchandise, and other deliveries (not including normal office deliveries such as mail, overnight mail and UPS) may be brought into, moved or taken from the Premises or the Building.
4. Tenant shall not put additional locks or latches upon any door without the prior written consent of Landlord. Unless other arrangements are agreed-to by Landlord and Tenant, any and all locks so added on any door shall be compatible with the Building master key and shall remain for the benefit of Landlord upon the expiration or the earlier termination of the Lease.
5. Driveways, entrances, and exits upon, into and from parking areas on the Property shall not be obstructed by Tenant, Tenant's employees, agents, guests, or invitees; provided, however, that Landlord shall not be responsible or liable for failure of any person to observe this rule.
6. No wires of any kind or type (including but not limited to television and radio antennae) shall be attached to the outside of the Building and no wires shall be run or installed in any part of the Building without Landlord's prior written consent.
7. If the Premises is furnished with carpeting, Tenant shall provide a plexiglass or comparable carpet protection mat for each desk chair customarily used by Tenant.
8. Landlord shall furnish a reasonable number of door keys (physical and/or electronic) to the Premises and/or Building which shall be surrendered at the expiration or earlier termination of the Lease. Tenant shall agree not to have duplicate keys made from any

outside source. Additional keys and/or lock changes must be purchased directly from Landlord.

9. Landlord will provide heating, ventilation and air conditioning seven days a week from 6:00 a.m. to 10:00 p.m., except Holidays (as such term is defined in the Agreement). The cost for HVAC use after hours will be \$30.00 per hour with a two-hour minimum set up charge. Cost for this service will be billed to Tenant by Landlord on a monthly basis and will constitute additional Rent under the Agreement.

EXHIBIT “D-2”
ARCHITECTURAL GUIDELINES

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

**EXHIBIT “E”
ADDITIONAL LEASE TERMS**

None.

EXHIBIT “F” NO WEAPONS POLICY

I. Purpose

The purpose of this policy is to promote a safe learning and working environment for all Jefferson School tenants by minimizing the risk of violence by use of a weapon. This policy provides rules and procedures for the possession of weapons in the Building and on the Property.

II. Application

This policy applies to all faculty, staff, students, contractors, and visitors entering the Building and anyone attending events on the Property.

III. Authority

Jefferson School Foundation as the owner of the Property, as private property, has authority to promulgate this policy

IV. Definitions

1. “Police officer” means law-enforcement officials appointed pursuant to Article 3 (§ 15.2-1609 et seq.) of Chapter 16 and Chapter 17 (§ 15.2-1700 et seq.) of Title 15.2, Chapter 17 (§ 23-232 et seq.) of Title 23, Chapter 2 (§ 29.1-200 et seq.) of Title 29.1, or Chapter 1 (§ 52-1 et seq.) of Title 52 of the Code of Virginia or sworn federal law-enforcement officers.
2. The “Property” and the “Building” are as defined in this Agreement.
3. “Weapon” means (i) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) any weapon of like kind, to include but not limited to, tasers.

“Weapon” does not mean knives or razors used for domestic purposes, pen or folding knives with blades less than three inches in length, or knives of like kind carried for use in accordance with the purpose intended by the original seller.

V. Policy

1. Possession or carrying of any weapon by any person, except a police officer, is prohibited on the Property and in the Building. Entry upon the Property in violation of this prohibition is expressly forbidden.
2. Faculty, staff, Tenants, and Tenant's clients and visitors may not possess or carry any weapon anywhere on the Property except as outlined in Section VI of this policy.

VI. Exceptions

1. Current sworn and certified local, state, and federal law enforcement officers with proper identification, may possess or carry a weapon on the Property and in the Building.
2. Faculty, staff, Tenants, and tenant's clients and visitors may secure handguns, rifles, and shotguns in a compartment or container of parked vehicles on the Property. Any individuals who wish to secure a handgun in their vehicle must possess a valid concealed handgun permit. The compartment or container may be a trunk or other storage area. At no time shall a weapon be visible in plain view while inside a vehicle.

VII. Procedures

1. If Landlord or Landlord's agent observes or receives a report of a violation of this policy, security or staff will direct the individual to leave the Property immediately. The individual may secure the weapon inside his or her vehicle in compliance with this policy and return. In the event the individual falls to comply, such individual shall be considered a trespasser and local police will be contacted immediately.
2. In cases involving an immediate threat of violence, Tenants are encouraged to call 911 immediately and immediately thereafter to notify Landlord. Landlord will take appropriate action, to include contacting local police.

VIII. Violation of Policy

1. A violation of this policy by Tenant or Tenant's staff shall constitute a breach of this Agreement.
2. Violators are subject to arrest and may be barred from the Property.