

CERTIFICATIONS

CITY COUNCIL AGENDA
Monday, November 4, 2019



5:30 p.m. **Closed session as provided by Sections 2.2-3711 and 2.2-3712 of the Virginia Code**
Second Floor Conference Room (Personnel)

6:30 p.m. **Regular Meeting - CALL TO ORDER**
Council Chamber

PLEDGE OF ALLEGIANCE
ROLL CALL
ANNOUNCEMENTS
PROCLAMATIONS

1. CONSENT AGENDA* (Items removed from consent agenda will be considered at the end of the regular agenda)

PASSED 5-0 (HILL/WALKER)

- a. MINUTES: September 16, 2019 Special and Regular meetings
- b. APPROPRIATION: Virginia Behavioral Health Docket Grant - \$45,000 (1st of 2 readings)
- c. APPROPRIATION: Parks & Recreation Gift Guide Memorials Account - \$3,260 (2nd reading)
- d. APPROPRIATION: State Criminal Alien Assistance Program - \$14,230.00 (2nd reading)
- e. RESOLUTION: Waiver of CAT Fees for Election Day (1 reading)
- f. ORDINANCE: Releasing a gasline easement - Oakleigh development on Rio Road (2nd reading)
- g. ORDINANCE: Vacating a public utility easement on a property at Emmet Street and Barracks Road (2nd reading)
- h. ORDINANCE: Repealing Chapter 31 Section 31-103 (Buck Mountain) surcharge for water connections (2nd reading)

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

COMMUNITY MATTERS Public comment is provided for up to 16 speakers at the beginning of the meeting (limit 3 minutes per speaker.) Pre-registration is available for up to 8 spaces, and pre-registered speakers are announced by noon the day of the meeting. The number of speakers is unlimited at the end of the meeting.

2. PUBLIC HEARING/ORDINANCE: City Charter amendments (1 reading) **PASSED 5-0 (BELLAMY/HILL)**

3. ORDINANCE*/RESOLUTIONS*: a) Ordinance adding Article XVI (Police Civilian Review Board) Ordinance and By-Laws to Chapter 2 (Administration) of the Code of the City of Charlottesville, 1990, as amended (2nd reading) **PASSED 5-0 (HILL/GALVIN)**

b) Resolution authorizing Police Civilian Review Board Executive Director to prepare a June 2020 report to City Council (1 reading) **PASSED 5-0 (HILL/BELLAMY)**

c) Resolution listing Charlottesville Police Department policies pursuant to Charlottesville City Code Section 2-458 (1 reading) **PASSED 4-1 (HILL/GALVIN; Bellamy against)**

d) Resolution approving Police Civilian Review Board Bylaws (1 reading) **PASSED 4-1 (HILL/GALVIN; Bellamy against)**

4. RESOLUTION*: Planning and Coordination Council (PACC) Dissolution (1 reading) **PASSED 4-1 (BELLAMY/HILL; Galvin against)**

5. REPORT: Tree Commission's annual "State of the Forest" report

6. REPORT: Presentation from New Hill Development Corporation

OTHER BUSINESS November 15 City Council Worksession – Native American panel discussion of Sacajawea, Lewis & Clark statue

MATTERS BY THE PUBLIC

APPROPRIATION
Parks & Recreation Gift Guide Memorials Account
\$3,260

WHEREAS, the Parks and Recreation Department has received two donations in the amount of \$3,260 each for memorial benches and plaques for Katherine E. Magraw and Sallie Dietrich Brown;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a total of \$3,260 be appropriated in the following manner:

Revenues - \$3,260

Fund: 105 Internal Order: 2000153 G/L Account: 451020

Expenditures - \$3,260

Fund: 105 Internal Order: 2000153 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of the donations.

APPROPRIATION
State Criminal Alien Assistance Program (SCAAP) Grant for 2018 reimbursement
\$14,230

WHEREAS, the State Criminal Alien Assistance Program (SCAAP) grant, providing federal payments for correctional officer salary costs incurred for incarcerating certain undocumented criminals has been awarded the City of Charlottesville, on behalf of the Albemarle-Charlottesville Regional Jail, in the amount of \$14,230.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that a total of \$12,522.40 be appropriated and passed through to the Albemarle-Charlottesville Regional Jail and \$1,707.60 be appropriated and passed through to Justice Benefits, Inc.

Revenues

\$14,230	Fund: 211	Internal Order: 1900315	G/L Account: 431110
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Expenses

\$12,522.40	Fund: 211	Internal Order: 1900315	G/L Account: 530550
\$ 1,707.60	Fund: 211	Internal Order: 1900315	G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$14,230 from the U. S. Bureau of Justice Assistance.

**RESOLUTION
TO WAIVE CHARLOTTESVILLE AREA TRANSIT
FARE FEES ON ELECTION DAY**

BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia, that the Charlottesville Area Transit (CAT) bus system shall not impose a fare on riders on November 5, 2019, in observance of Election Day.

**AN ORDINANCE
AUTHORIZING THE RELEASE OF
A NATURAL GAS EASEMENT GRANTED TO THE CITY BY
OAKLEIGH ALBEMARLE, LLC**

WHEREAS, Oakleigh Albemarle, LLC (“Owner”) is the current owner of property located on West Rio Road in the County of Albemarle (Albemarle Tax Map Parcel No. 45-26A); and

WHEREAS, the Owner requested adjustments to the easement location, and the City has been granted a new gas line easement by deed dated August 22, 2019, of record in the Albemarle County Circuit Court Clerk’s Office in Deed Book 5211, Page 719; and

WHEREAS, Oakleigh Albemarle, LLC has requested release of the permanent natural gas easement granted to the City by deed dated April 26, 2017, of record in the Albemarle County Circuit Court Clerk’s Office in Deed Book 4927, page 170; and

WHEREAS, the Director of Utilities has reviewed the request and determined that the City has no objection to releasing the above described 2017 easement; and

WHEREAS, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing was held to give the public an opportunity to comment on the partial release of this easement; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a Deed of Vacation of Easement, in form approved by the City Attorney, to release the above-described natural gas easement recorded in Albemarle County Deed Book 4927, Page 170.

**AN ORDINANCE
AUTHORIZING THE RELEASE OF
A PUBLIC UTILITY EASEMENT
GRANTED TO THE CITY ACROSS PROPERTY
AT EMMET STREET AND BARRACKS ROAD (CVS PROJECT)**

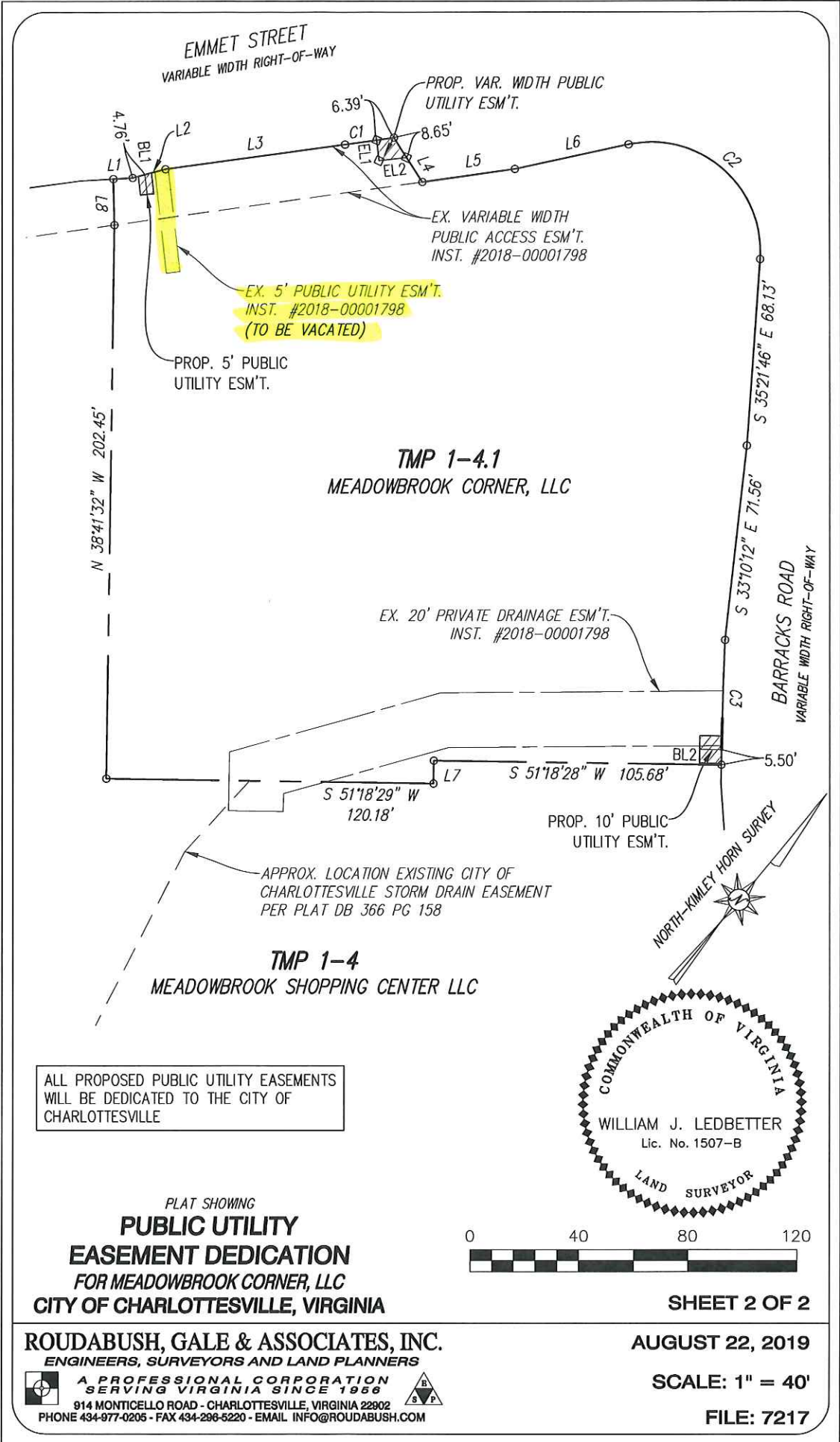
WHEREAS, in 2018 the City acquired a permanent 5' wide public utility easement ("Public Utility Easement") across property currently owned by Meadowbrook Corner, LLC, designated as City Tax Map Parcel 010004100 ("Subject Property"); and

WHEREAS, the plat creating the Public Utility Easement is attached to a Deed of Easement dated May 10, 2018, of record as Instrument #201800001798 in the Charlottesville Circuit Court Clerk's Office; and

WHEREAS, the Directors of Utilities and Neighborhood Development Services have reviewed the request to release, vacate and extinguish the Public Utility Easement, shown as a shaded area on the attached plat dated August 22, 2019, and labeled "Ex. 5' Public Utility Esm't Inst. #2018-00001798 (To Be Vacated)", after determining that the City no longer has a need for the subject easement; and

WHEREAS, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing was held to give the public an opportunity to comment on the release of the above-referenced Public Utility Easement; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a Deed of Vacation of Easement, in form approved by the City Attorney, to release, vacate and extinguish the above-described Public Utility Easement granted to the City.



EMMET STREET
VARIABLE WIDTH RIGHT-OF-WAY

PROP. VAR. WIDTH PUBLIC
UTILITY ESM'T.

EX. VARIABLE WIDTH
PUBLIC ACCESS ESM'T.
INST. #2018-00001798

EX. 5' PUBLIC UTILITY ESM'T.
INST. #2018-00001798
(TO BE VACATED)

PROP. 5' PUBLIC
UTILITY ESM'T.

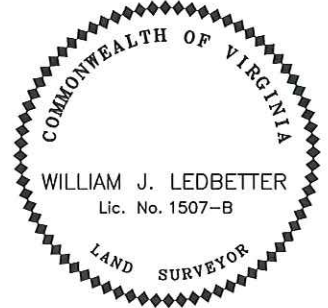
TMP 1-4.1
MEADOWBROOK CORNER, LLC

EX. 20' PRIVATE DRAINAGE ESM'T.
INST. #2018-00001798

APPROX. LOCATION EXISTING CITY OF
CHARLOTTESVILLE STORM DRAIN EASEMENT
PER PLAT DB 366 PG 158

TMP 1-4
MEADOWBROOK SHOPPING CENTER LLC

ALL PROPOSED PUBLIC UTILITY EASEMENTS
WILL BE DEDICATED TO THE CITY OF
CHARLOTTESVILLE



PLAT SHOWING
**PUBLIC UTILITY
EASEMENT DEDICATION**
FOR MEADOWBROOK CORNER, LLC
CITY OF CHARLOTTESVILLE, VIRGINIA



SHEET 2 OF 2

ROUDABUSH, GALE & ASSOCIATES, INC.
ENGINEERS, SURVEYORS AND LAND PLANNERS
A PROFESSIONAL CORPORATION
SERVING VIRGINIA SINCE 1966
914 MONTICELLO ROAD - CHARLOTTESVILLE, VIRGINIA 22902
PHONE 434-977-0205 - FAX 434-296-5220 - EMAIL INFO@ROUDABUSH.COM

AUGUST 22, 2019
SCALE: 1" = 40'
FILE: 7217

**AN ORDINANCE
REPEALING SECTION 31-103
OF CHAPTER 31 (UTILITIES)**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that:

Section 31-103 of Chapter 31 of the Code of the City of Charlottesville (1990) is repealed as follows:

Sec. 31-103. -- Surcharge for water connections.

(a) ~~In addition to every other charge imposed by this chapter, every person making application for a new water service connection shall pay a surcharge based upon the size of the meter required according to the following schedule:~~

Meter Size	Capacity Gal./Min.	Factor	Surcharge
5/8"	20	1	\$200.00
1"	50	2.5	500.00
1½"	100	5	1,000.00
2"	160	8	1,600.00
3"	350	12.5	2,500.00
4"	600	30	6,000.00
6"	1,250	62.6	12,000.00
8"	1,800	90	18,000.00
10"	2,900	145	29,000.00
12"	4,300	215	43,000.00

~~New connections to master metered systems, not requiring the setting of a new meter, shall nevertheless be subject to the surcharge, based on the capacity of the connection, expressed in gallons per minute on the foregoing schedule.~~

(b) ~~The director of finance shall remit all amounts collected under this section to the Rivanna Water and Sewer Authority for debt service on the Buck Mountain Reservoir Project.~~

JOINT RESOLUTION

WHEREAS, the Rivanna Water and Sewer Authority (“Rivanna”) was formed in 1972 by a joint resolution of Albemarle County and the City of Charlottesville for the purpose of maintaining facilities to supply drinking water to both communities under terms set out in the "Four Party Agreement" dated June 12, 1973 among the City, the County, the Albemarle County Service Authority, and Rivanna; and

WHEREAS, pursuant to Section 4.3 of the Four Party Agreement, Rivanna, at the request of the City and the County, purchased certain land in the County of Albemarle for the purpose of building a reservoir on Buck Mountain Creek; and

WHEREAS, the purchase of such land was financed with the issuance of bonds by Rivanna; and

WHEREAS, pursuant to a Joint Resolution adopted by the Albemarle County Board of Supervisors on January 5, 1983, the Charlottesville City Council on January 18, 1983, the Albemarle County Service Authority (the “Service Authority”) on March 17, 1983 and the Rivanna Water and Sewer Authority on January 10, 1983, the City and the Service Authority were directed, beginning July 1, 1983, to collect a surcharge for each new water service connection in the City and in the urban water area of the County, respectively and remit such surcharges to Rivanna for the purpose of paying the debt incurred under the bonds; and

WHEREAS, the Joint Resolution provided that that obligation of the City and the Service Authority to collect the surcharge would terminate upon the retirement of the long-term debt financing incurred by Rivanna for the land acquisition; and

WHEREAS, the bonds issued by Rivanna were subsequently refinanced with bonds issued by Rivanna for other projects; and

WHEREAS, as a result of such refinancings it cannot be determined exactly when such long-term debt financing for the land acquisition has been retired; and

WHEREAS, the parties have agreed that it is no longer necessary to collect such surcharge in order to pay the long-term debt financing under such refinanced bonds;

NOW, THEREFORE, BE IT JOINTLY RESOLVED BY ALBEMARLE COUNTY, THE CITY OF CHARLOTTESVILLE, THE ALBEMARLE COUNTY SERVICE AUTHORITY, AND THE RIVANNA WATER AND SEWER AUTHORITY, as follows:

1. The obligation of the City and the Albemarle County Service Authority under the Joint Resolution to collect the surcharge for each new water service connection in the City and in the urban water area of the County and remit such surcharges to the Rivanna Water and Sewer Authority shall be terminated upon the last to occur of (i) approval of this Joint Resolution by Albemarle County, the City of Charlottesville, the Albemarle County Service Authority and the Rivanna Water and Sewer Authority, and (ii) approval of such termination by the bond trustee.

ATTEST:

ADOPTED BY THE BOARD OF SUPERVISORS
OF THE COUNTY OF ALBEMARLE

Date

Clerk

Chairman

ATTEST:

ADOPTED BY THE COUNCIL OF THE CITY
OF CHARLOTTESVILLE

Date

Clerk

Mayor

ATTEST:

ADOPTED BY THE ALBEMARLE COUNTY
SERVICE AUTHORITY

Date

Secretary

Chairman

ATTEST:

ADOPTED BY THE RIVANNA WATER AND
SEWER AUTHORITY

Date

Secretary

Chairman

119017241_2

**RESOLUTION REQUESTING AMENDMENT
TO THE CHARLOTTESVILLE CITY CHARTER**

WHEREAS, the General Assembly granted the City of Charlottesville a Charter in 1946;
and

WHEREAS, the City of Charlottesville advertised and conducted a public hearing on November 4, 2019, pursuant to Virginia Code Section 15.2-202;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the Council requests the 2020 session of the Virginia General Assembly adopt the amendments to the City of Charlottesville Charter presented to the Council on November 4, 2019; and

BE IT FURTHER RESOLVED by the Council of the City of Charlottesville, Virginia that the City Attorney shall forward a copy of this Resolution, the proposed Charter amendments, a publisher's affidavit demonstrating the public hearing was advertised, and a certified copy of the November 4, 2019 Council meeting minutes to the City's representatives in the General Assembly.

Adopted by City Council on November 4, 2019

**AN ORDINANCE
ADDING ARTICLE XVI-POLICE CIVILIAN REVIEW BOARD
TO CHAPTER 2 (ADMINISTRATION)**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that:

Chapter 2 of the Code of the City of Charlottesville (1990) is amended as follows:

ARTICLE XVI. – POLICE CIVILIAN REVIEW BOARD

Sec. 2-450.-Title

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

Sec. 2-451.-Police Civilian Review Board established; immunities.

There is hereby created a Charlottesville Police Civilian Review Board which shall be referred to as the Police Civilian Review Board for purposes of this article. The Police Civilian Review Board shall enjoy the protection of sovereign immunity to the extent allowed and provided pursuant to Virginia statutory and common law.

Sec. 2-452.-Powers and duties of the Police Civilian Review Board.

The Police Civilian Review Board shall have the following powers and duties:

- (a.) Develop and administer a process for receiving civilian complaints about the Charlottesville Police Department;
- (b.) Review Charlottesville Police Department internal affairs investigations at the request of the civilian complainant;
- (c.) Conduct hearings and make findings concerning Charlottesville Police Department internal affairs investigations initiated by civilians;
- (d.) Organize and conduct community outreach sessions;
- (e.) Provide policy recommendations to the City Council and Charlottesville Police Department

Sec.-2-453.- Police Civilian Review Board membership.

The Police Civilian Review Board shall be composed of seven voting members and one non-voting member appointed by the City Council. The members shall be removable by the City Council.

Adopted by City Council on November 4, 2019

The seven voting members of the Police Civilian Review Board shall be residents of the City of Charlottesville except that the member who represents an organization that seeks racial or social justice on behalf of historically-disadvantaged communities shall either be a resident of the City of Charlottesville or the organization they represent shall perform advocacy on behalf of City of Charlottesville residents.

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

The non-voting member of the Police Civilian Review Board shall consist of an individual with policing expertise or experience.

No Police Civilian Review Board voting member shall be a current City of Charlottesville employee, a current candidate for public office, a former member of the Charlottesville Police Department, an immediate family member of a current Charlottesville Police Department employee, or a current employee of a law enforcement agency.

Sec. 2-454.- Police Civilian Review Board membership appointment, and terms.

(a) *Appointment Process.* The City Council shall appoint the members of the Police Civilian Review Board. The 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 Police Civilian Review Board.

The City Council shall interview candidates for the Police Civilian Review Board in a closed session pursuant to the Virginia Freedom of Information Act.

The Council shall convene in an open session held pursuant to the Virginia Freedom of Information Act and appoint members of the Police Civilian Review Board.

(b) *Terms.* The first Police Civilian Review Board shall consist of three voting members appointed for individual terms of eighteen months and four voting members appointed for individual terms of three years.

All subsequent members of the Police Civilian Review Board shall serve terms of three years.

The non-voting member with policing expertise or experience shall serve a term of three years.

Adopted by City Council on November 4, 2019

Sec. 2-455.- Police Civilian Review Board vacancies.

If a Police Civilian Review Board member's service on the Board ends before the conclusion of the Board member's term, the City Council shall appoint an individual to complete the remainder of the term.

Sec. 2-456.-Police Civilian Review Board executive director.

The City Manager shall appoint a Police Civilian Review Board Executive Director with the approval of a majority vote of the City Council.

Before the Police Civilian Review Board Executive Director is appointed, the City Manager shall convene an interview pane that includes two members of the Police Civilian Review Board. If the two members of the Police Civilian Review Board serving on an interview panel recommend a candidate for appointment as Executive Director, the City Manager shall provide a written justification to the Board if they select a different candidate.

The City Manager shall supervise and evaluate the Police Civilian Review Board Executive Director. The Police Civilian Review Board may, by a majority vote, request a conference between the Board's Chair and the City Manager to discuss the Executive Director's performance. The City Manager shall provide the Police Civilian Review Board a written justification for rejecting its recommendation to terminate the Executive Director.

Sec. 2-457.-Police Civilian Review Board legal counsel.

The Police Civilian Review Board shall be empowered to employ its own legal counsel. The Police Civilian Review Board's Executive Director, the City Attorney, and the Police Civilian Review Board Chair shall work collaboratively to select legal counsel for the Board on an annual basis utilizing best practices for procuring legal services. The Board's legal counsel shall advise the Board on all legal questions the Board may have concerning complaints, reviews of internal affairs investigations, policy recommendations, and community forums. The Board and Executive Director may consult the Office of the City Attorney for legal advice concerning legal questions not related to the four aforementioned topics.

Sec. 2-458.-Police Civilian Review Board policy recommendations.

The Police Civilian Review Board may recommend policies or procedures to the City Council or the Charlottesville Police Department concerning police practices.

If the Police Civilian Review Board adopts a formal position statement on a policy amendment or recommendation of a proposed amendment to Charlottesville Police Department administrative and operational policies, the Charlottesville Police Department shall respond, in writing, to the Police Civilian Review Board and the City Manager within thirty days. The

Adopted by City Council on November 4, 2019

Charlottesville Police Department shall indicate whether it will adopt the recommendation or amendment or take an alternative action. If the Charlottesville Police Department does not adopt the recommendation or amendment, the Department shall provide the Police Civilian Review Board with a written justification for its decision. The Police Civilian Review Board may request reconsideration of the Charlottesville Police Department's decision by providing a written request to the Chief of Police and City Manager.

The Charlottesville Police Department shall provide any proposed amendment to policies or general orders found listed on the November 4, 2019 City Council Resolution, as may be amended from time to time, to the Police Civilian Review Board at least thirty days before its enactment. The Police Civilian Review Board may provide comment upon the proposed policy or general order's impacts, including but not limited to, on historically disadvantaged communities that have traditionally experienced disparate policing.

If the Police Civilian Review Board adopts a formal position statement on a proposed amendment to any proposed amendment to policies or general orders found listed on the November 4, 2019 City Council Resolution, as may be amended from time to time, the Charlottesville Police Department shall respond, in writing, to the Police Civilian Review Board and the City Manager within thirty days. The Charlottesville Police Department shall indicate whether it will adopt the Police Civilian Review Board's position. If the Charlottesville Police Department does not adopt the position, the Department shall provide the Police Civilian Review Board with a written justification for its decision. The Police Civilian Review Board may request reconsideration of the Charlottesville Police Department's decision by providing a written request to the Chief of Police and City Manager.

Upon the determination of the Chief of Police, in consultation with the City Manager and Police Civilian Review Board Executive Director, that it is impractical to present an amendment to a policy listed on the November 4, 2019 City Council Resolution to the Police Civilian Review Board at least thirty days before its enactment, the City Manager may waive the thirty day advanced review requirement. The amendment shall still be presented to the Police Civilian Review Board for review and comment.

Sec. 2-459.-Police Civilian Review Board community engagement and outreach.

The Police Civilian Review Board is authorized to engage in community outreach efforts to discuss and gather information about community relations between the Charlottesville Police Department and the general public.

The Police Civilian Review Board may request the City Council to conduct a joint meeting to discuss issues of concern between the Charlottesville Police Department and the general public.

Sec. 2-460.-Police Civilian Review Board complaint intake.

Adopted by City Council on November 4, 2019

The Police Civilian Review Board is authorized to develop and administer a process for receiving civilian complaints about the Charlottesville Police Department.

(a.) Complaint Intake.

A Complaint shall be in writing and shall be deemed filed when delivered or emailed to the Police Civilian Review Board's Executive Director. A Complaint shall contain:

- (i) identifying information for the person filing the Complaint;
- (ii) a statement describing the reasons for the Complaint;
- (iii) the specific police behavior of concern;
- (iv) a description of the incident in which the behavior occurred; and
- (v) a list of the names, addresses and phone numbers of all witnesses to or persons with knowledge of the incident known by the complainant.

(b.) Complaint Processing.

The Police Civilian Review Board shall immediately forward the Complaint to the Charlottesville Police Department for investigation. The Charlottesville Police Department shall complete its investigation and provide an Investigation Report to the Police Civilian Review Board within seventy-five (75) days. The Executive Director will assist and answer questions a Complainant may have about the Complaint process. The Executive Director will provide an update to the Police Civilian Review Board about open Complaints at each Police Civilian Review Board meeting.

(c.) Complaint Results.

The Charlottesville Police Department shall provide the Police Civilian Review Board and the Complainant a letter with its finding concerning the Complaint. If the Charlottesville Police Department makes a finding of unfounded, exonerated, or not resolved the Complainant may file a Review Request pursuant to Sections 2-450 and 2-451 by the Police Civilian Review Board within seventy-five (75) days of receiving the Charlottesville Police Department finding. Additionally, the Police Civilian Review Board may initiate a Review Request, by a majority vote, if the CPD makes a finding of unfounded, exonerated, or not resolved and the Board receives the written consent of the Complainant to proceed with a Review Request.

(d.) Charlottesville Police Department Complaints.

The Charlottesville Police Department shall forward a copy of any internal affairs complaint filed by a civilian with the Department to the Police Civilian Review Board's Executive Director within two business days of receipt of the complaint. The Charlottesville Police Department's internal affairs process shall permit a complainant to decline to have a copy of their complaint forwarded to the Police Civilian Review Board. If the complainant elects to not have their complaint forwarded to the Police Civilian Review Board, a copy of the complaint shall not be provided to the Police Civilian Review Board.

Adopted by City Council on November 4, 2019

Sec. 2-461.-Police Civilian Review Board internal investigation review.

(a). Scope of Board Review Authority.

The Police Civilian Review Board may review Charlottesville Police Department internal affairs investigations to ensure their thoroughness, completeness, accuracy, objectivity, and impartiality where (1) the Charlottesville Police Department has completed an internal affairs investigation of a CPD officer and the investigation resulted in a finding of unfounded, exonerated, or not resolved; and (2) a Review Request is filed by a civilian with the Police Civilian Review Board's Executive Director. A request shall be deemed filed when it is received by the Executive Director. The Board shall not review:

1. Any Complaint related to an incident that occurred before the date of the Charlottesville City Council's adoption of this Article;
2. A Complaint that is filed more than one (1) year after the date of the incident that is the subject of the Complaint;
3. A Review Request filed more than seventy-five (75) days after the date of the Charlottesville Police Department notice sent to the complainant that informs the complainant of the completion of the Charlottesville Police Department's internal affairs investigation (unless the Police Civilian Review Board determines that there is good cause to extend the filing deadline); or
4. A Review Request concerning matters that are 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 filed complaint), or any City of Charlottesville grievance proceeding (inclusive of a grievance initiated pursuant to the Virginia Law Enforcement Officers Procedural Guarantee Act); or
5. Any portion of an internal affairs investigation which is sustained.

The Police Civilian Review Board may act on a Review Request after the trial court has ruled in any such civil or criminal proceeding, even if the trial court's judgment has been appealed. The Police Civilian Review Board shall not act on any Review Request that is the subject of a grievance proceeding until any and all appeals are resolved.

(b.) Deferral of Pending Proceedings.

If at any point in the review process the Police Civilian Review Board learns that the matters of a Review Request are the subject of 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 filed complaint), or any grievance proceeding, the Police Civilian Review Board shall:

Adopted by City Council on November 4, 2019

1. Suspend its review;
2. Defer the review pending resolution of the criminal, civil or grievance proceeding by the trial court or Personnel Appeals Board panel;
3. Notify the complainant, in writing, of any deferrals; and
4. Track any deferred matter and notify the complainant once the proceedings are closed and the Review Request may proceed.

The Police Civilian Review Board may request assistance of the City Attorney in making its determination that matters of a Review Request are the subject of pending proceedings.

The Police Civilian Review Board may act on a Review Request after the City Attorney determines that the trial court or Personnel Appeals Board has resolved the pending criminal, civil, or grievance matter.

(c.) Access to Materials.

Upon scheduling a Review Request for a hearing before the Police Civilian Review Board, the Board shall notify the Charlottesville Chief of Police. The Charlottesville Police Department shall prepare each Board member a complete copy of the internal affairs file that is the subject of the Review Request. The City Attorney shall review the file and redact any information related to a juvenile pursuant to Virginia Code Section 16.1-301, as amended or as otherwise required to redact by law.

In addition to a complete copy of the internal affairs file, the Charlottesville Police Department shall produce the officer's complete complaint history including any final disciplinary action taken against the officer that is the subject of the Review Request.

Additionally, the Police Civilian Review Board shall have access to any material or evidence utilized by the Charlottesville Police Department during its internal affairs investigation related to the Review Request unless the Chief of Police, upon concurrence of the Charlottesville Commonwealth's Attorney, determines that the material or evidence is the subject of an active criminal investigation.

Police Civilian Review Board members may review the internal affairs file and the aforementioned disciplinary actions upon signing a notice of confidentiality in which the Police Civilian Review Board member agrees that they will not disclose the contents of an internal affairs file or disciplinary action taken against the officer. Failure to adhere to the notice of confidentiality shall result in the Council removing the Board member from the Police Civilian Review Board.

Finally, the Police Civilian Review Board shall have access to raw and aggregated data on the timing, findings, and dispositions of CPD internal affairs investigations.

Adopted by City Council on November 4, 2019

(d.) Review Request Hearing.

The Police Civilian Review Board shall conduct a hearing on all Review Requests that it finds to be in conformance with the criteria established in Section 2-450.

The Police Civilian Review Board may not subpoena witnesses or evidence nor may it take testimony under oath.

The individual filing the Review Request shall state the specific reason(s) for the Review Request. The individual may also present any evidence, including witnesses, supporting their reasons for filing the Review Request. The Police Civilian Review Board may question the individual filing the Review Request and any witnesses that the individual presents.

Upon the completion of the individual filing the Review Request's presentation, a CPD representative familiar with the internal affairs investigation that is being reviewed by the Police Civilian Review Board shall present a statement which summarizes all findings of fact and a review of all evidence collected and received during the investigation. The Police Civilian Review Board may ask the CPD representative questions about the investigation.

(e.) Findings.

At the conclusion of the Review Request, the Police Civilian Review Board shall, within thirty days, determine, by a preponderance of the evidence, and by a majority vote of Police Civilian Review Board members one of the following findings:

1. The Police Civilian Review Board concurs with the findings of the Charlottesville Police Department investigation; or
2. The Police Civilian Review Board advises the City Manager that the Charlottesville Police Department investigation's findings are not supported by the information reasonably available to the Charlottesville Police Department and make further recommendations to the City Manager concerning disposition of the Review Request; or
3. The Police Civilian Review Board advises the City Manager that the Charlottesville Police Department's investigation is incomplete or unsatisfactory and provide the specific reasons for this finding; or
4. After an investigation pursuant to Section 2-462, if the Police Civilian Review Board still finds that an investigation is unsatisfactory or incomplete, it may make a finding to that effect and provide the specific reasons for its finding.

Sec. 2-462.-Investigations.

(a.) Criteria.

If a Complaint investigation initiated pursuant to Section 2-460 is not completed by the Charlottesville Police Department within seventy-five days of Complaint receipt or if, at the

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conclusion of a Review Request, the Police Civilian Review Board advises the City Manager that the Charlottesville Police Department's investigation is incomplete or unsatisfactory and provides the specific reasons for this finding, then the Police Civilian Review Board's Executive Director shall request a conference with the Charlottesville Police Department Chief of Police.

(b.) *Conference.*

The Executive Director and the Chief of Police shall conduct a conference within thirty (30) days of either criteria being met in subsection (a) of this Section. The purpose of the conference will be to discuss the delay of a Complaint's investigation or the Police Civilian Board's specific concerns about a Review Request investigation. The Executive Director and Chief of Police shall attempt to address the Board's concerns.

(c.) *Report to Board.*

The Executive Director shall report back to the Police Civilian Review Board after their conference with the Chief of Police. If the Police Civilian Review Board remains unsatisfied with the Executive Director's report, the Board may vote to request an investigation concerning the Complaint's incomplete investigation or to address the specific reasons the Police Civilian Review Board cited in its referral of a Review Request to the Executive Director.

(d.) *Investigation.*

If the Police Civilian Review Board votes to request an investigation pursuant to subsection (c) of this Section, the Executive Director shall forward the request to the City Manager. The City Manager, in consultation with the Executive Director, shall procure an investigator independent of the Charlottesville Police Department to examine the Police Civilian Review Board's specific concerns about the Review Request or the incomplete investigation of a Complaint. The results of the investigation shall be provided to the City Manager and the Executive Director.

Any investigation initiated by the City Manager shall comply with existing federal, state, and local law and protections including the Virginia Law Enforcement Procedural Guarantee Act as well as the United Supreme Court's decision in *Garrity v. New Jersey*. Notwithstanding this provision, only the Chief of Police may issue a "*Garrity* warning" to compel a statement from a Charlottesville Police Department employee.

E. Investigation Results.

Upon completion of the investigation, the Executive Director shall provide the Police Civilian Review Board with the results of the investigation. If the investigation is the result of an incomplete Complaint investigation, the investigation shall be provided to the Complainant and the Charlottesville Police Department. If the investigation is the result of a Review Request, the Police Civilian Review Board shall reconvene, complete its deliberations, and issue its finding.

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Sec. 2-463.-Police Civilian Review Board recommendations and annual report.

The Police Civilian Review shall provide the City Council a list of recommendations, if the Board determines any recommendations are necessary, for the Council's consideration to include in its annual legislative program present to the General Assembly. These recommendations shall be due to the Council by August 15 of each year.

The Police Civilian Review Board shall provide the City Council with an annual report by December 1 of each year. The report shall detail the Police Civilian Review Board's calendar year activities 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 Charlottesville Police Department policies and whether the recommendations and amendments were implemented by the Charlottesville Police Department; the number, type, and attendance at community listening sessions; recommendations the Police Civilian Review Board wishes to make about policing within the City of Charlottesville; and any other information that the Police Civilian Review Board deems necessary to provide a complete overview of the Board's activities.

Sec. 2-464.-Police Civilian Review Board by-laws.

The City Council shall approve Police Civilian Review Board's initial bylaws that shall govern the procedures, practices, and internal operations of the Police Civilian Review Board. The Police Civilian Review Board may amend its bylaws. Any proposed amendment must be presented by a Police Civilian Review Board member in writing at a regular Board meeting. The Police Civilian Review Board may adopt the amendment at its next regular meeting upon an affirmative vote of four Board members.

**RESOLUTION AUTHORIZING POLICE CIVILIAN REVIEW
BOARD EXECUTIVE DIRECTOR TO PREPARE A JUNE 2020
REPORT TO CITY COUNCIL**

BE IT RESOLVED, by the Council of the City of Charlottesville, Virginia that the Police Civilian Review Board's Executive Director shall issue a report to the Charlottesville City Council in June 2020 or within sixty days of the Executive Director's appointment by City Council if the appointment occurs after April 30, 2020 or earlier as determined by the Executive Director; and

BE IT FURTHER RESOLVED, by the Council of the City of Charlottesville, Virginia that the City Manager, in consultation with the Executive Director, shall recommend a sufficient appropriation to the Council to employ a consultant to assist the Executive Director in composing their report; and

BE IT FURTHER RESOLVED, by the Council of the City of Charlottesville, Virginia that the June 2020 Executive Director's report shall recommend whether the Council should appropriate funds for an Auditor position to serve the Police Civilian Review Board; and

BE IT FURTHER RESOLVED, by the Council of the City of Charlottesville, Virginia that the Executive Director's report shall recommend whether the Auditor should be a full-time or part-time position or if the Executive Director recommends contracting with a firm for audit services; and

BE IT FURTHER RESOLVED, by the Council of the City of Charlottesville, Virginia that the Executive Director's report shall detail which, if any, aspects of the Charlottesville Police Department's operations should be audited; and

BE IT FURTHER RESOLVED, by the Council of the City of Charlottesville, Virginia that the Executive Director's report shall detail which forms and types of Charlottesville Police Department data should be made available for an Auditor position to analyze; and

BE IT FURTHER RESOLVED, by the Council of the City of Charlottesville, Virginia that the Executive Director's report shall recommend whether the Executive Director and the Charlottesville Chief of Police should enter into a formal Memorandum of Understanding; and

BE IT FURTHER RESOLVED, by the Council of the City of Charlottesville, Virginia that the Executive Director's report shall recommend what topics, functions, and information should be included with a Memorandum of Understanding between the Charlottesville Chief of Police and the Executive Director; and

BE IT FURTHER RESOLVED, by the Council of the City of Charlottesville, Virginia that the Council will consider the Executive Director's report and may amend any ordinances, appropriate funds, or enact resolutions to achieve the Executive Director's report's recommendations.

**RESOLUTION LISTING CHARLOTTESVILLE POLICE DEPARTMENT
POLICIES PURSUANT TO CHARLOTTESVILLE CITY CODE SECTION 2-447**

WHEREAS, the Charlottesville City Council adopted an ordinance on November 4, 2019 detailing the authority of the Police Civilian Review Board (CRB); and

WHEREAS, the CRB ordinance states that the Council will provide, by resolution, a list of Charlottesville Police Department (CPD) policies which the CRB may review thirty days in advance of CPD enacting the policies.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the CRB shall be entitled to review the Charlottesville Police Department's Internal Investigations and Citizen Complaints (Manual Number 517.01), Constitutional Procedures (Manual Number 536.02), Biased Based Policing (Manual Number 400.05), Disciplinary Procedures (Manual Number 517.00), and Use of Force (Manual Number 537.00) policies thirty days before CPD may enact any amendment to the policy.

BE IT FURTHER RESOLVED by the Council of the City of Charlottesville, Virginia that the Council may, upon recommendation of the CRB, amend this resolution to include additional CPD policies which may not be amended until the CRB is provided a thirty day period to amend the policy.

CHARLOTTESVILLE POLICE CIVILIAN REVIEW BOARD BYLAWS

Adopted by the Charlottesville City Council on November 4, 2019.

ARTICLE 1. NAME

The name of this organization is the Charlottesville Police Civilian Review Board (hereinafter “Board”).

ARTICLE 2. PURPOSE

The Board aims to provide objective and independent civilian-led oversight of the Charlottesville Police Department (hereinafter “CPD”) in an effort to enhance transparency and trust, to promote fair and effective policing, and to protect the civil and constitutional rights of the people of the City of Charlottesville.

The Board’s functions, as outlined below, shall pursue the following principles and objectives:

- A. Ensuring that police officers act with integrity and treat every person with equal dignity;
- B. Empowering and inspiring self-governance and a culture of mutual respect;
- C. Seeking social and racial justice;
- D. Engaging in community outreach and amplifying the voices of the socially, politically, and economically disenfranchised;
- E. Listening to and building cooperation between all stakeholders to find and develop common ground and public purpose;
- F. Championing just, equitable, and legitimate policing policies and practices; and
- G. Processing complaints, reviewing police practices and internal investigations, issuing findings, writing public reports, and making recommendations.

ARTICLE 3. BOARD MEMBERSHIP AND TERMS OF OFFICE

A. Composition and Qualifications.

1. The Charlottesville City Council shall appoint each member of the Board.
2. The Board shall be composed of seven voting members all of whom reside in the City of Charlottesville. Three of the Board members shall either be residents of public housing at the time of their appointment or come from historically-disadvantaged communities that have traditionally experienced disparate policing. One of the other Board members shall represent an organization, office, or agency that seeks racial or social justice or that otherwise advocates on behalf of historically-disadvantaged communities, particularly communities that have experienced disparate policing.

3. The Board shall also have one non-voting member with law enforcement experience.

B. Terms of Service.

Board Members shall be appointed for three-year terms, except for the inaugural Board (which shall have terms as described below) and may be appointed to no more than two consecutive terms pursuant to Charlottesville City Code Section 2-8.

With respect to the inaugural Board, four Board Members shall be appointed for three year terms and three Board Members shall be appointed to eighteen month terms.

The non-voting member shall serve for a term of three years.

C. Resignations, Removals and Vacancies.

1. Board Members serve at the pleasure of the Charlottesville City Council.

2. The Board may request that the Charlottesville City Council remove a Board member for misfeasance, malfeasance, or excessive absences from Board meetings.

3. Any Board member may resign from the Board at any time by delivering written notice of their resignation to the City Council's Clerk of Council with a copy to the Board Chair. The resignation will be effective upon receipt by the Clerk of Council, unless an effective date of the resignation is specified in the written notice.

4. The Charlottesville City Council may appoint a new Board Member for the unexpired Board Member term resulting from a vacancy that occurs for any reason. In filling a vacancy for the remainder of a term, the Charlottesville City Council will attempt to maintain the composition of the Board consistent with the Article 3, Section (A)(2) of these Bylaws, but it is not required to do so. The Council will endeavor to preserve the composition of the Board consistent with Article 3, Section (A)(2) of these Bylaws by giving a preference to a prospective appointee who represents a group mentioned in these Bylaws to fulfill the aforementioned Board composition provision.

D. Conflicts of Law and Policy.

These Bylaws are not intended to conflict with ordinances or resolutions of the Charlottesville City Council. To the extent there is a conflict between any ordinance or any other resolution or matter passed by the City Council, and these Bylaws, the ordinance or resolution shall govern.

E. Board Immunity.

Board members shall enjoy the protection of sovereign immunity to the extent allowed and provided under Virginia law whether common law or statutory, including, but not limited to, the Virginia State Government Volunteers Act, Virginia Code §§ 2.2-3600, et seq., and the provisions of Virginia Code § 15.2-1405.

ARTICLE 4. CHAIR, VICE CHAIR, OTHER OFFICERS AND COMMITTEES

A. Election of Chairperson and Vice-Chairperson.

At its first meeting, the Board shall elect, by a majority vote, a Chairperson and Vice-Chairperson. The Board shall elect a Chairperson and Vice-Chairperson at its first meeting of every calendar year. No Board Member shall serve more than two consecutive terms as Chairperson.

B. Duties of the Chairperson and Vice-Chairperson.

The Chairperson shall preside over all Board meetings at which they are present. Additionally, the Chairperson shall prepare all Board meeting agendas in consultation with Board professional staff members. The Chairperson shall also draft all Board communications and serve as the Board's media point of contact. Finally, the Chairperson may assign an *ad hoc* task to one or more Board members.

The Vice-Chairperson shall preside over all Board meetings in the absence of the Chairperson and shall perform any other duties delegated to them by the Chairperson. The Vice-Chairperson shall take minutes at all Board public meetings unless the Board votes to allow its Executive Director to take minutes.

C. Committees.

The Chairperson may appoint any necessary committees or subcommittees of Board members to accomplish the Board's objectives.

D. Community Advisory Panels.

The Board may establish community advisory panels as it deems necessary. The Board shall determine the composition of the panels. The purpose of the panels shall be to provide community input on the Board's activities. No more than two Board members shall serve on a community advisory panel, and panels will not be delegated any of the Board's functions nor shall they serve as advisors to the Board.

ARTICLE 5. QUORUM, VOTING, MEETINGS, MINUTES, AND ETHICS

A. Quorum.

At any Board meeting, the presence of four Board members shall constitute a quorum.

B. Voting.

The vote of a majority of Board members present at a meeting with a quorum is necessary for the Board to take an action. All votes of Board members shall be taken during a public meeting, and no vote shall be taken by secret or written ballot or by proxy. All Board members who are present at a meeting, including the Chair, may vote at any meeting.

C. Regular Meetings.

At its first meeting, the Board shall establish a regular meeting schedule for the year. Regular meetings shall be scheduled on a monthly basis, however, the Chairperson may cancel any meeting if there is no business to conduct or in the event of inclement weather. Any meeting cancelled due to inclement weather will be rescheduled by the Chairperson upon consultation with other Board members.

The Board will provide a time for public comment at each of its regular meetings. The Board Chairperson will establish a reasonable time period to receive public comments. The Board Chairperson may establish a specific, uniform time period for each public commenter to address the Board.

D. Special Meetings.

The Chairperson or two Board members may call a special meeting by providing a written request to the Executive Director.

E. Participation by Electronic Communication Means

A Board member may participate in the meeting through electronic communication means if the following conditions are met:

1. A quorum of Board members is physically present at the meeting site;
2. If the Board member is unable to be physically present, the Board member shall notify the Chairperson of their inability to attend the physical meeting;
3. If the Board member's absence is due to a personal matter, the Board member shall identify the specific nature of the personal matter (a Board member may only participate electronically in two Board meetings per calendar year due to a personal matter);

4. The electronically participating member's physical location is recorded in the Board's minutes as well as the specific nature of the personal matter that prohibits the Board member's attendance;

5. The Board's minutes shall reflect if the electronically participating Board member's absence is due to a temporary or permanent disability or medical condition (a Board member may electronically participate in an unlimited number of meetings due to a temporary or permanent disability or medical condition);

6. The electronically participating member's voice can be heard by all Board members at the physical location of the meeting; and

7. By a majority vote of the Board members present at the physical meeting location, the Board approves the Board member's electronic participation in the meeting.

F. Freedom of Information Act Compliance

The Board shall work with members of City staff to ensure compliance with all meeting notice requirements contained in the Freedom of Information Act. All regular Board meetings shall be publicly noticed in two physical locations within Charlottesville City Hall as well as on the City of Charlottesville's calendar available on the internet.

G. Minutes

The Board shall ensure that it records meeting minutes for each Board meeting. The minutes shall contain the date, time, and place of the meeting; the Board members who are absent and present for the meeting; a brief description of the Board's business conducted at the meeting; and a record of all votes taken at the meeting including each Board member's vote on each issue by name, unless the vote is unanimous.

H. Ethics.

The Board shall demonstrate a commitment to integrity and impartiality. A Board member shall not allow a personal interest to compromise these values. The Board shall comply with the Virginia Conflict of Interests Act (COIA). Additionally, even if the COIA does not prohibit a Board member from participating in a Board action, if a Board member does not wish to vote on a matter before the Board, they may abstain from voting.

I. Training.

All Board members shall, within six months of appointment, participate in city-sponsored training offered by the National Association for Criminal Oversight of Law Enforcement (NACOLE) or a comparable organization selected by the Board's Executive Director. The training shall consist of at least eight hours.

Additionally, the Board's Executive Director shall provide a separate training to Board members within six months of a Board member's appointment. The curriculum of this training

shall be developed by the Executive Director in consultation with the City Manager, City Attorney, Chief of Police, and any other City staff member that the Executive Director wishes to consult.

ARTICLE 6. STAFF

A. Executive Director

The City Manager will appoint an Executive Director for the Board upon a majority vote of the Charlottesville City Council. Before recommending a candidate for Executive Director role to the City Council, the City Manager will conduct an interview panel for finalists for the position. Two members of the Board shall serve on the interview panel and provide their advice and recommendations to the City Manager. If the two members of the Board serving on an interview panel recommend a candidate for appointment as Executive Director, the City Manager shall provide a written justification to the Board if they select a different candidate.

The City Manager shall supervise and evaluate the Executive Director. The Executive Director may be terminated by the City Manager. The Board may, by a majority vote, request a conference between the Board Chair and the City Manager to discuss the performance of the Executive Director. The City Manager shall provide the Police Civilian Review Board a written justification for rejecting its recommendation to terminate the Executive Director.

B. Legal Counsel.

The Board's Executive Director, the City Attorney, and the Board Chair shall work collaboratively to select legal counsel for the Board on an annual basis utilizing best practices for procuring legal services. The Board's legal counsel shall advise the Board on all legal questions the Board may have concerning complaints, reviews of internal affairs investigations, policy recommendations, and community forums. The Board and Executive Director may consult the Office of the City Attorney for legal advice concerning legal questions not related to the four aforementioned topics.

ARTICLE 7. BOARD AUTHORITY TO REVIEW INVESTIGATIONS

A. Scope of Board Review Authority.

The Board may review CPD internal affairs investigations to ensure their thoroughness, completeness, accuracy, objectivity, and impartiality where (1) the CPD has completed an internal affairs investigation of a CPD officer and the investigation resulted in a finding of unfounded, exonerated, or not resolved; and (2) a Review Request is filed with the Board's Executive Director. A request shall be deemed filed when it is received by the Board's Executive Director. The Board shall not review:

1. Any Complaint related to an incident that occurred before the date of the Charlottesville City Council's adoption of these by-laws;

2. A Complaint that is filed more than one (1) year after the date of the incident that is the subject of the Complaint;

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

4. A Review Request concerning matters that are 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 filed complaint), or any City of Charlottesville grievance proceeding including an appeal pursuant to the Virginia Law Enforcement Officers Procedural Guarantee Act.

5. Any portion of an internal affairs investigation which is sustained.

The Board may act on a Review Request after the trial court has ruled in any such civil or criminal proceeding, even if the trial court's judgment has been appealed. The Board shall not act on any Review Request that is the subject of a grievance proceeding until any and all appeals are resolved.

B. Deferral of Pending Proceedings.

If at any point in the review process the Board learns that the matters of a Review Request are the subject of 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 filed complaint), or any grievance proceeding, the Board shall:

1. Suspend its review;
2. Defer the review pending resolution of the criminal, civil or grievance proceeding by the trial court or Personnel Appeals Board panel;
3. Notify the complainant, in writing, of any deferrals; and
4. Track any deferred matter and notify the complainant and the once the proceedings are closed and the request for review may proceed.

The Board may request assistance of the City Attorney in making its determination that matters of a Review Request are the subject of pending proceedings.

The Board may act on a Review Request after the City Attorney determines that the trial court or Personnel Appeals Board has resolved the pending criminal, civil, or grievance matter.

ARTICLE 8. BOARD REVIEW PROCEDURES

A. Scheduling a Review Request.

Upon receipt of a Review Request, the Board shall meet to discuss the request and schedule a Review Request for a hearing before the Board. The Board shall determine whether the Review Request is filed within the timelines established within Article 7 of these Bylaws.

B. Access to Internal Affairs File and Other Materials.

Upon scheduling a Review Request for a hearing before the Board, the Board shall notify the Charlottesville Chief of Police. The CPD shall prepare each Board member a complete copy of the internal affairs file that is the subject of the Review Request. The City Attorney shall review the file and redact any information related to a juvenile pursuant to Virginia Code Section 16.1-301, as amended or as otherwise required to redact by law.

In addition to a complete copy of the internal affairs file, the CPD shall produce the officer's complete complaint history including any final disciplinary action taken against the officer that is the subject of the Review Request.

Additionally, the Board shall have access to any material or evidence utilized by the CPD during its internal affairs investigation related to the Review Request unless the Chief of Police, upon concurrence of the Charlottesville Commonwealth's Attorney, determines that the material or evidence is the subject of an active criminal investigation.

Board members may review the internal affairs file and the aforementioned disciplinary actions upon signing a notice of confidentiality in which the Board member agrees that they will not disclose the contents of an internal affairs file or disciplinary action taken against the officer. Failure to adhere to the notice of confidentiality shall result in the Council removing the Board member from the Board.

Finally, the Board shall have access to raw and aggregated data on the timing, findings, and dispositions of CPD internal affairs investigations.

C. Review Request Hearing

The Board shall conduct a hearing on all Review Requests that it finds to be in conformance with the criteria established in Article 7 of these Bylaws.

The Board may not subpoena witnesses or evidence nor may it take testimony under oath.

The individual filing the Review Request shall state the specific reason(s) for the Review Request. The individual may also present any evidence, including witnesses, supporting their reasons for filing the Review Request. The Board may question the individual filing the Review Request and any witnesses that the individual presents.

Upon the completion of the individual filing the Review Request's presentation, a CPD representative familiar with the internal affairs investigation that is being reviewed by the Board shall present a statement which summarizes all findings of fact and a review of all evidence collected and received during the investigation. The Board may ask the CPD representative questions about the investigation.

D. Findings.

At the conclusion of the Review Request, the Board shall, within thirty days, determine, by a preponderance of the evidence, and by a majority vote of Board members one of the following findings:

1. The Board concurs with the findings of the CPD investigation; or
2. The Board advises the City Manager that the CPD investigation's findings are not supported by the information reasonably available to CPD and make further recommendations to the City Manager concerning disposition of the Review Request; or
3. The Board advises the City Manager that the CPD's investigation is incomplete or unsatisfactory and provide the specific reasons for this finding; or
4. After an investigation pursuant to Article 10, if the Board still believes that an investigation is unsatisfactory or incomplete, it may make a finding to that effect and provide the specific reasons for that finding.

The Board shall be advisory and shall not have disciplinary authority.

If the Board determines that the CPD investigation is incomplete or unsatisfactory and provides specific reasons for its findings, it shall suspend its Review Request inquiry and follow the procedure found in Article 10 of these Bylaws.

ARTICLE 9. COMPLAINTS

A. Complaint Intake.

A Complaint shall be in writing and shall be deemed filed when delivered or emailed to the Board's Executive Director. A Complaint shall contain:

- (i) identifying information for the person filing the Complaint;
- (ii) a statement describing the reasons for the Complaint;
- (iii) the specific police behavior of concern;
- (iv) a description of the incident in which the behavior occurred; and
- (v) a list of the names, addresses and phone numbers of all witnesses to or persons with knowledge of the incident known by the complainant.

B. Complaint Processing.

The Board shall immediately forward an Initial Complaint to the CPD for investigation. The CPD shall complete its investigation and provide an Investigation

Report to the Board within seventy-five (75) days. The Board's Executive Director will assist and answer questions a Complainant may have about the Complaint process. The Board's Executive Director will provide an update to the Board about open Complaints at each Board meeting.

C. Complaint Results.

The CPD shall provide the Board and the Complainant a letter with its finding concerning the Complaint. If the CPD makes a finding of unfounded, exonerated, or not resolved the Complainant may file a Review Request by the Board within seventy-five (75) days of receiving the CPD finding. Additionally, the Board may initiate a Review Request, by a majority vote, if the CPD makes a finding of unfounded, exonerated, or not resolved and the Board receives the written consent of the Complainant to proceed with a Review Request.

D. Charlottesville Police Department Complaints.

The Charlottesville Police Department shall forward a copy of any internal affairs complaint filed by a civilian with the Department to the Police Civilian Review Board's Executive Director within two business days of receipt of the complaint. The Charlottesville Police Department's internal affairs process shall permit a complainant to decline to have a copy of their complaint forwarded to the Police Civilian Review Board. If the complainant elects to not have their complaint forwarded to the Police Civilian Review Board, a copy of the complaint shall not be provided to the Police Civilian Review Board.

ARTICLE 10. INVESTIGATIONS

A. Criteria.

If a Complaint investigation is not completed by CPD within seventy-five days of Complaint receipt or if, at the conclusion of a Board Review Request, the Board advises the City Manager that the CPD's investigation is incomplete or unsatisfactory and provides the specific reasons for this finding, then the Board's Executive Director shall request a conference with the CPD Chief of Police.

B. Conference.

The Board's Executive Director and the Chief of Police shall conduct a conference within thirty (30) days of either criteria being met in Article 10, Section A of these Bylaws. The purpose of the conference will be to discuss the delay of a Complaint's investigation or the Board's specific concerns about a Review Request investigation. The Executive Director and Chief of Police shall attempt to address the Board's concerns.

C. Report to Board.

The Executive Director shall report back to the Board after their conference with the Chief of Police. If the Board remains unsatisfied with the Executive Director's report, the Board may vote to request an investigation concerning the Complaint's incomplete investigation or

which shall address the specific reasons the Board cited in its referral of a Review Request to the Executive Director.

D. Investigation.

If the Board votes to request an investigation pursuant to Article 10 Section (C) of these Bylaws, the Executive Director shall forward the request to the City Manager. The City Manager, in consultation with the Executive Director, shall procure an investigator independent of CPD to examine the Board's specific concerns about the Review Request or the incomplete investigation of a Complaint. The results of the investigation shall be provided to the City Manager and the Executive Director.

Any investigation initiated by the City Manager shall comply with existing federal, state, and local law and protections including the Virginia Law Enforcement Procedural Guarantee Act as well as the United Supreme Court's decision in *Garrity v. New Jersey*. Notwithstanding this provision, only the Chief of Police may issue a "Garrity warning" to compel a statement from a CPD employee.

E. Investigation Results.

Upon completion of the investigation, the Executive Director shall provide the Board with the results of the investigation. If the investigation is the result of an incomplete Complaint investigation, the investigation shall be provided to the Complainant and the CPD. If the investigation is the result of a Review Request, the Board shall reconvene, complete its deliberations, and issue its finding.

ARTICLE 11. POLICY REVIEW AND ANNUAL REPORT

A. General Policy Review.

The CPD will provide the Board a list of all amendments that it makes to its administrative and operational policies. At the request of a Board member, the Chairperson shall schedule a review of the policy amendment at the Board's next regularly scheduled meeting. The Board may adopt, by motion or resolution, a formal position statement on the policy amendment. The Board shall provide any official position statement to the Charlottesville Chief of Police for their consideration.

The Board may also make recommendations to the Chief of Police about proposed amendments to any existing CPD administrative and operational policies. Additionally, the Board may recommend proposed policies to the Chief of Police for their consideration.

If the Board adopts a formal position statement on a policy amendment or recommendation of a proposed amendment to CPD administrative and operational policies, the CPD shall respond, in writing, to the Board and the City Manager within thirty days. The CPD shall indicate whether it will adopt the recommendation or amendment or take an alternative action. If the CPD does not adopt the recommendation or amendment, the Department shall provide the Board with a written

justification for its decision. The Board may request reconsideration of the CPD's decision by providing a written request to the Chief of Police and City Manager.

B. November 4, 2019 Resolution Policy Review.

The Chief of Police shall provide the Board with any proposed amendments to any CPD policy contained in the Council's November 4, 2019 Resolution at least thirty (30) days before the amendment will be enacted. The Board may adopt, by motion or resolution, a formal position statement on the policy amendment. The Board shall provide any official position statement to the Charlottesville Chief of Police for their consideration before the amendment is enacted.

If the Board adopts a formal position statement on a proposed amendment to any proposed amendment to policies or general orders found listed on the November 4, 2019 City Council Resolution, as may be amended from time to time, the CPD shall respond, in writing, to the Board and the City Manager within thirty days. The CPD shall indicate whether it will adopt the Board's position. If the CPD does not adopt the position, the Department shall provide the Board with a written justification for its decision. The Board may request reconsideration of the CPD's decision by providing a written request to the Chief of Police and City Manager.

C. Annual Report.

The Board shall file an annual written report to the Charlottesville City Council by December 1 of every calendar year. The report shall detail Board's calendar year activities 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 CPD policies and whether the recommendations and amendments were implemented by the CPD; the number, type, and attendance at community listening sessions; recommendations the Board wishes to make about policing within the City of Charlottesville; and any other information that the Board deems necessary to provide a complete overview of the Board's activities.

D. Legislative Proposals.

The Board may make requests to the Charlottesville City Council about specific state legislation that it wishes for the Charlottesville City Council to include in the Council's annual legislative package presented to the state legislators representing Charlottesville in the Virginia General Assembly. The Board shall provide all requests to the City Manager by August 15 of each calendar year.

ARTICLE 12. PUBLIC ENGAGEMENT

A. Community Outreach.

The Board may engage in community outreach to gather the input of community members about their interactions with CPD.

B. Community Listening Sessions.

The Board may engage in community listening sessions in which the Board solicits feedback about the relationship between CPD and members of the general public.

ARTICLE 13. EFFECTIVE DATE OF THE BYLAWS; AMENDMENT OF THE BYLAWS

A. Effective Date of the Bylaws.

The Bylaws shall become effective upon approval by the Charlottesville City Council. These Bylaws are procedural in nature and govern the internal operations of the Board.

B. Amendment of the Bylaws.

These Bylaws may be amended by the Board. Any proposed amendment must be presented by a Board member in writing at a regular Board meeting. The Board may adopt the amendment at its next regular meeting upon an affirmative vote of four Board members.

**RESOLUTION SUPPORTING THE PLANNING
AND COORDINATION COUNCIL'S DISSOLUTION**

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the Council hereby supports the dissolution of the Planning and Coordination Council and the establishment of the Land Use and Environmental Planning Committees to coordinate development, land use, environmental, and infrastructure issues between the University of Virginia, the City of Charlottesville, and Albemarle County.