



## CITY COUNCIL AGENDA November 21, 2022

J. Lloyd Snook, III, Mayor  
Juandiego Wade, Vice Mayor  
Sena Magill, Councilor  
Michael K. Payne, Councilor  
Brian R. Pinkston, Councilor  
Kyna Thomas, Clerk

### 4:00 PM OPENING SESSION

Register at [www.charlottesville.gov/zoom](http://www.charlottesville.gov/zoom). This portion of the meeting is held electronically. Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call (434) 970-3182 or submit a request via email to [ada@charlottesville.gov](mailto:ada@charlottesville.gov). The City of Charlottesville requests that you provide a 48-hour notice so that proper arrangements may be made.

### Call to Order/Roll Call

### Agenda Approval

### Reports

1. Presentation: UVA Center for Survey Research Presentation of 2022 Employee Survey
2. Report: Jefferson Area Community Criminal Justice Board (CCJB) Annual Report

### 5:30 PM CLOSED SESSION pursuant to Sections 2.2-3711 and 2.2-3712 of the Virginia Code (legal consultation)

### 6:30 PM BUSINESS SESSION

This portion of the meeting will accommodate a limited number of in-person public participants in City Council Chamber at City Hall as we employ a hybrid approach to public meetings. Registration is available for a lottery-based seating selection at [www.charlottesville.gov/1543/Reserve-a-Seat-for-City-Council-Meeting](http://www.charlottesville.gov/1543/Reserve-a-Seat-for-City-Council-Meeting). Reservation requests may also be made by contacting the Clerk of Council office at [clerk@charlottesville.gov](mailto:clerk@charlottesville.gov) or 434-970-3113.

### Moment of Silence

### Announcements

### Recognitions/Proclamations

### Consent Agenda\*

3. Minutes: October 3 meeting
4. Resolution: Appropriating Insurance Reimbursement in the amount of \$4,650.55 - Fire Department Truck Company 9 (2nd reading)
5. Resolution: Appropriating Funds for 2022 Bureau of Justice Assistance FY22 Edward Byrne Memorial Justice Grant Program - Local Solicitation - \$23,459 (2nd reading)
6. Resolution: Appropriating funds from the Victim Witness Assistance Program Grant - \$257,024 (2nd reading)
7. Resolution: Amending Community Development Block Grant (CDBG) 2022-2023 Substantial Action Plan - \$178,394.34 (2nd reading)
8. Ordinance: Amending Chapter 12 of the City Code to Require Fire Inspection Reports (2nd reading)
9. Resolution: Approving and appropriating grant funds for Virginia Department of Education Special Nutrition Program - Child and Adult Care Food Program - \$50,000 (1 of 2 readings)

### City Manager Report

## **Community Matters**

Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration is available for the 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. Virtual participants must register to attend the meeting at [www.charlottesville.gov/zoom](http://www.charlottesville.gov/zoom).

## **Action Items**

10. Resolution: Extending Due Date for Payment of 2nd-half Local Taxes (1 reading)
11. Resolution: Approving the Appointment of an Emergency Management Coordinator (1 reading)
12. Ordinance: Amending the Charlottesville Human Rights Ordinance, Code of the City of Charlottesville, Chapter 2, Article XV (2nd reading)

## **General Business**

13. Report: Food Equity Initiative Annual Report FY 22 (written report)

## **Other Business**

## **Community Matters (2)**

## **Adjournment**

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	November 21, 2022
Action Required:	No action is required at this time.
Presenter:	Dr. Thomas Gutterbock, Alayna Panzer
Staff Contacts:	Michael Rogers, City Manager Ashley Marshall, Deputy City Manager
Title:	<b>UVA Center for Survey Research Presentation of 2022 Employee Survey</b>

**Background**

The City of Charlottesville has previously engaged the University of Virginia Center for Survey Research, a part of the Weldon Cooper Center, to assist the organization in gathering employee input about areas of strengths to reinforce, and areas of opportunity to drive future employee initiatives. The results of such surveys are used to increase City Management and Leadership's awareness of employee satisfaction and engagement levels and provide an opportunity to consider changes to bolster positive employee initiatives and work to consider how to repair opportunities to provide additional support to the employee community as they provide critical services to our community.

**Discussion**

**Alignment with City Council's Vision and Strategic Plan**

Goal 5: A well-managed and responsive organization. This work fulfills subsection 5.1 to integrate effective business practices and strong fiscal policies; 5.2 to recruit and cultivate a high-quality and diverse workforce, and 5.3 to provide responsive customer service.

**Community Engagement**

Not applicable as an internal employee-focused survey.

**Budgetary Impact**

No budgetary impact at this time.

**Recommendation**

No recommendations.

**Alternatives**

**Attachments**

1. Charlottesville 2022 Employee Presentation



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CENTER for SURVEY RESEARCH

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# 2022 City of Charlottesville Employee Survey



November 21, 2022

Presented by:

Thomas M. Guterbock  
Academic Director  
UVA Center for Survey Research  
[TomG@virginia.edu](mailto:TomG@virginia.edu)

Center for Survey Research  
University of Virginia

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# Report Authors

Thomas M. Guterbock, Ph.D.  
Academic Director, CSR

Alayna Panzer, Ph.D.  
Project Manager, CSR

Adina Kugler  
Research Assistant, CSR

*With special thanks to Michael Rogers (Interim City Manager), Ashley Williams (Deputy City Manager for Racial Equity, Diversity, and Inclusion), Samuel Sanders (Deputy City Manager for Operations), Teresa Pollock (Administrative Assistant to Deputy City Manager) for their contributions to the project.*

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# About the Survey

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## Purposes of the Survey

- Assess the level of employee satisfaction
- Identify the determinants of employee satisfaction
- Assess workplace environment
- Provide an opportunity for employees to contribute ideas to make the City a better place to work
- Measure change on key indicators that were asked in 2014 and 2017
  - 2022 survey was 6<sup>th</sup> iteration of the employee survey

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## Survey Protocol

- Announcement letter
- Mostly online survey
  - Survey packets made available thru HR
- Email invitation
- Thank you/reminder email
- Reminder flyer to all staff
- Email reminder to non-respondents
- Close-out email

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# Anonymous Protocol

- Fully anonymous
- Separate confirmation web page and postcard for tracking response
- Voluntary, non-coercive protocol
- Small departments combined in aggregate ratings
- Demographic data kept confidential by CSR

# Accuracy of the Survey

- Number of respondents: **531**
  - Web: 504 (95% of the respondents)
  - Paper: 27
    - 2017 - Web: 374 Paper: 59 Total: 433
- Response rate: **45%**
  - (same as 2017)
- Margin of sampling error: **+/- 3.2%**
  - (+/-3.5% in 2017)
- Other possible sources of error:
  - Were non-responders different?
  - Problems with questions or dishonest answers?
- Same methods, same questions:
  - comparisons to prior years are **highly reliable**



# Questionnaire Structure

- Key topic areas
  - Key aspects of work
  - Human resource issues
  - Supervisors and managers
- New topic: Work from home vs. office
- Overall satisfaction
- Which areas most important?
- Open-ended questions
- Organizational vision, mission, and values
- Demographic information

# Demographics

- Male and female employees are represented respectively at 53.7% and 45.7%
  - Nonbinary or provided own description: 0.7%
- Good distribution across employee tenure and education
- 29.8% of respondents are supervisors and 21.7% are managers
  - Some employees are both
- 74.2% of respondents are White non-Hispanic, 15.5% Black/African-American, 10.3% other categories or multi-racial

## Demographics (cont.)

- 94.6% are full-time employees
- 61.9% said they are entitled to overtime pay or comp time (non-exempt personnel)
- 16.2% are in police, fire or sheriff departments
  
- Overall demographics are similar to those in the 2017 survey, except for an increase in pay levels and those who use email for work

## Survey Results

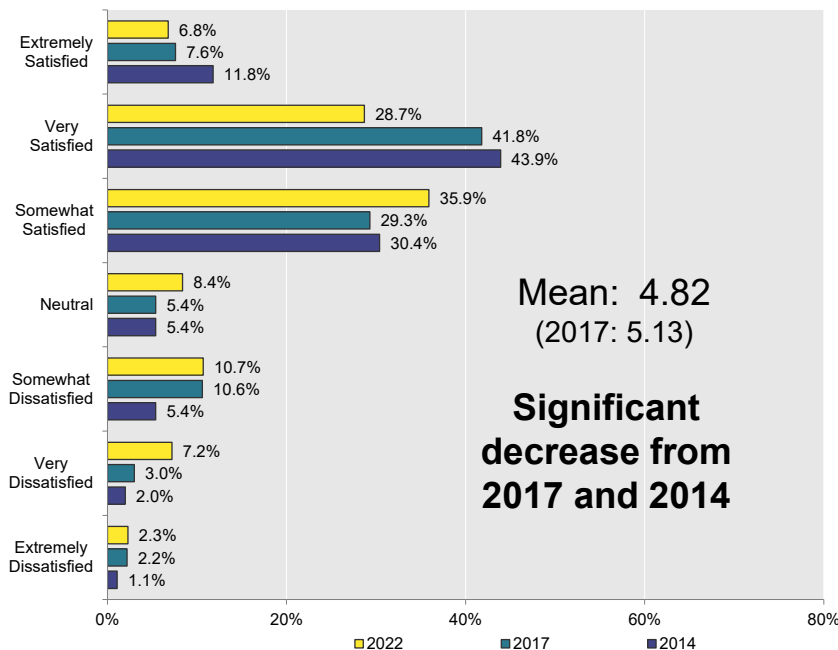
# Overall Satisfaction Measures

- Overall satisfaction with the City of Charlottesville as a place to work
- The City of Charlottesville as a place to work as compared to the way it was two years ago
- Recommending the City of Charlottesville as a place to work

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# Overall Employee Satisfaction

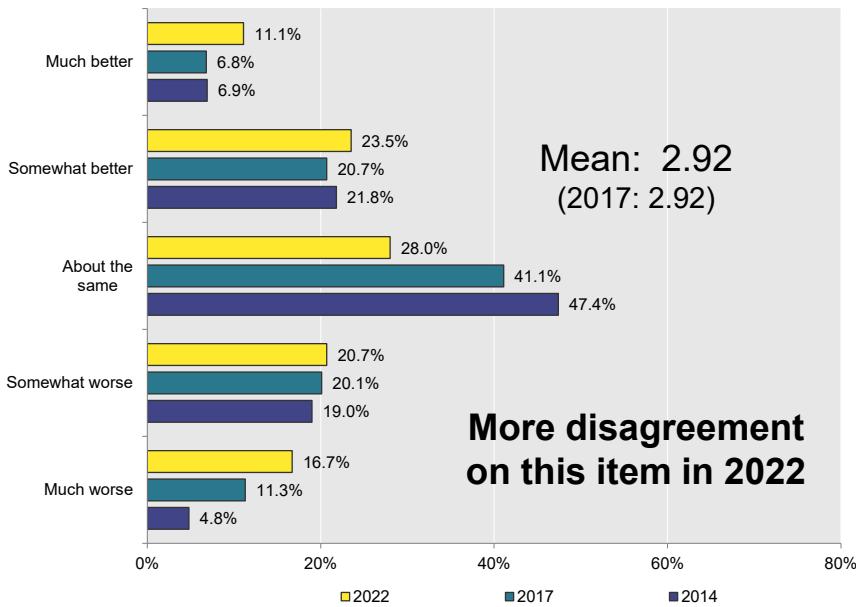
*How satisfied are you overall with the City of Charlottesville as a place to work? [7-point scale]*



35.5% of employees were extremely satisfied or very satisfied, decrease from 49.4% in 2017

# The City of Charlottesville Now and Then

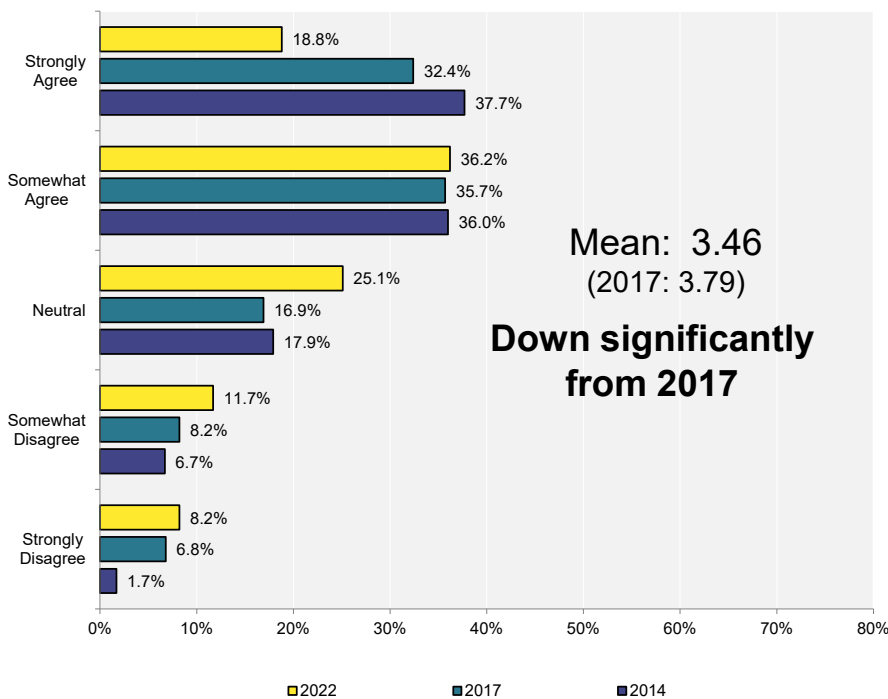
*How would you rate the City of Charlottesville as a place to work now as compared to the way it was two years ago? [5-point scale]*



28% of employees would rate the City about the same as two years ago, decrease from 41.1% in 2017

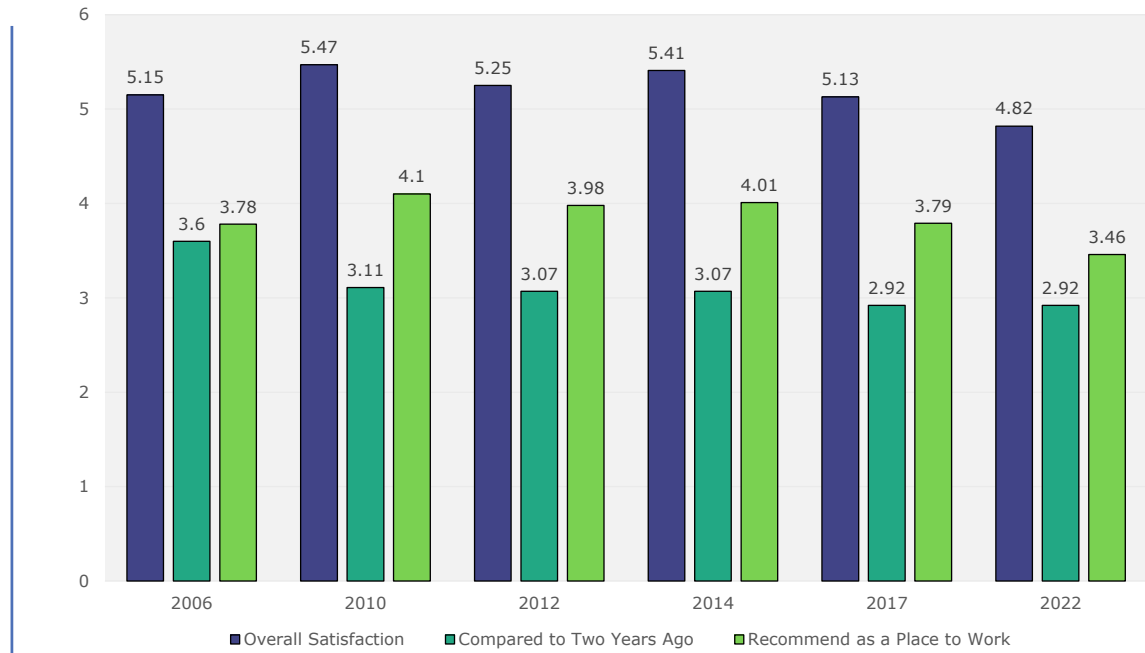
# Recommending the City

*I would recommend the City of Charlottesville as a place to work [5-point scale]*



Only 18.8% of employees strongly agreed they would recommend the City as a place to work, a decrease from 32.4% in 2017

# Overall Satisfaction over Time



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# Key Aspects of Work

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# Key-Topic Areas

Commitment to the City of Charlottesville	Diversity and equal employment opportunities by city and department
Quality of your department's workforce	Workplace environment
Responsiveness to the needs of customers and clients	Feelings towards remote work
Fair treatment of customers	Personal safety
Creativity, initiative, and new ideas	Training and development efforts
Dignity/worth felt in employment	Pay and Benefits
Empowerment to perform job well	Performance appraisals
Communication within the City of Charlottesville	Issues concerning immediate supervisor
Integrity of employees in delivering services	Issues concerning division level managers
Employee relations in the department and city	Issues concerning working relationship with upper management and supervisors

## Example of a Key-Topic Area

### *Communication within the City of Charlottesville*

Statement	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
H1. I usually hear about important changes through communications from management rather than rumors	5	4	3	2	1
H2. Changes that affect my job are discussed with me before they are put into effect	5	4	3	2	1
H3. I am able to let managers above my immediate supervisor know how I feel about things that affect me	5	4	3	2	1
H4. I clearly understand what is expected of me in my job	5	4	3	2	1
H5. I receive the information I need to do my job well	5	4	3	2	1

H6. Overall, how satisfied are you with communication within the City of Charlottesville?	Very satisfied	Satisfied	Neutral	Dissatisfied	Very dissatisfied
	5	4	3	2	1

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## Changes from 2017

- Based on the “overall” question for each key-topic area:
- Satisfaction improved significantly in 3 areas
  - Employee benefits
  - Issues concerning immediate supervisor
  - Relationships with immediate supervisor
- Other areas: No significant change
- *No areas went down in satisfaction*

## Four Components to the Analysis

1. Outcome variable: Overall satisfaction with the City
2. Performance Ratings
3. Perceived Importance
4. Derived Importance

Performance and importance items sorted into three categories (High, Medium, and Low)

# Key Topic Performance

- To determine key topic overall performance:
  - Use mean of responses to individual items for key-topic area
  - Negatively worded items were reversed for overall key-topic area performance
  - Sort key-topic areas into 3 performance categories (High, Medium, and Low)

# High Performance

Key-Topic Areas	Items	Mean
<i>High</i>		
Fair treatment of customers	D1-D4	4.42
Commitment to Charlottesville	A1-A5	4.29
Responsiveness to customers' needs	C1-C5	4.16
Creativity of employees	E1-E5	4.08



## Low Performance

Key-Topic Areas	Items	Mean
<i>Low</i>		
Employee relations in the Department and City	J1-J3	3.43
Communication within the City of Charlottesville	H1-H5	3.40
Issues concerning division managers	S1-S8*	3.22
Workplace environment	L1-L5*	3.11
Relationships with upper management	T1-T7*	3.10
Performance appraisals	Q1-Q5	3.02
Employee pay	P1-P4	2.73

## Key-Topic Perceived Importance

- How to determine which key topics are most important to employees **based on their own choices**:
  - At the end of the questionnaire employees were presented a list of key-topic areas
  - Employees indicated 4 key-topic areas they would most like management to work on
    - "My most important concern or issue is (Check up to four)"
  - Key-topic areas were ranked based on the number of employees responses who chose each one

## High Perceived Importance

<i>Most important issue or concern</i>	<i>Count</i>	<i>Percent of cases (%)</i>
<b>High</b>		
Pay	376	78.5%
Benefits	127	26.5%
Dignity and worth	123	25.7%
Communication within the City of Charlottesville	121	25.3%
Training and development	111	23.2%
Performance appraisals	94	19.6%
Quality of the workforce	87	18.2%

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## Low Perceived Importance

<i>Less important issue or concern</i>	<i>Count</i>	<i>Percent of cases (%)</i>
<b>Low</b>		
Issues concerning division managers	37	7.7%
Responsiveness to needs of customers and clients	34	7.1%
Integrity of employees	33	6.9%
Personal safety of employees	25	5.2%
Commitment to Charlottesville	23	4.8%
Fair treatment of customers	15	3.1%
Issues concerning immediate supervisors	14	2.9%

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# Key Topic Derived Importance

- How to determine which key topics are most important to employees **based on what drives employee satisfaction**:
  - Use correlation analysis
  - Correlate each overall key-topic area rating item with overall satisfaction independently
  - Sort key-topic areas into 3 importance categories (High, Medium, and Low)

# High Derived Importance

<i>Key-Topic Areas</i>	<i>Zero order correlation coefficient</i>
<i>High</i>	
Dignity and worth	0.70
Workplace environment	0.68
Relationships with upper management	0.64
Communication within the City	0.64
Issues concerning division managers	0.62
Employee empowerment	0.61

# Low Derived Importance

<i>Key-Topic Areas</i>	<i>Zero order correlation coefficient</i>
<i>Low</i>	
Relationships with immediate supervisor	0.41
Diversity in the City workforce	0.40
Issues concerning immediate supervisors	0.39
Responsiveness to customer needs	0.36
Creativity of employees	0.35
Fair treatment of customers	0.30
Employee benefits	0.30

## Setting Priorities

- What should be prioritized for study and change?
- Create a "Priority Matrix"
  - Uses both performance ratings and importance measures
  - We have 1 Performance measure
  - We have 2 Importance measures
- Matrices identify areas of greatest leverage for change

# Goal Category Priority Matrix

		Importance Measure		
		<i>High</i>	<i>Medium</i>	<i>Low</i>
Performance (Mean Performance Scores)	<i>High</i>	Areas of strength		
	<i>Medium</i>	Second priority		
	<i>Low</i>	First priority	Second priority	

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# Priority Matrix for Perceived Importance

		Perceived Importance (Multiple Mentions Analysis)		
		<i>High</i>	<i>Medium</i>	<i>Low</i>
Performance (Mean Performance Scores)	<i>High</i>		<ul style="list-style-type: none"> <li>• Creativity of employees</li> </ul>	<ul style="list-style-type: none"> <li>• Fair treatment of customers</li> <li>• Commitment to City of Charlottesville</li> <li>• Responsiveness to customers' needs</li> </ul>
	<i>Medium</i>	<ul style="list-style-type: none"> <li>• Quality of department workforce</li> <li>• Dignity and worth</li> <li>• Training and development</li> <li>• Employee benefits</li> </ul>	<ul style="list-style-type: none"> <li>• Diversity in the Dept.</li> <li>• Diversity in City workforce</li> <li>• Relationship with immediate supervisor</li> <li>• Employment empowerment</li> </ul>	<ul style="list-style-type: none"> <li>• Integrity of employees</li> <li>• Issues concerning immediate supervisor</li> <li>• Personal safety of employees</li> </ul>
	<i>Low</i>	<ul style="list-style-type: none"> <li>• Communication</li> <li>• Performance appraisals</li> <li>• Employee pay</li> </ul>	<ul style="list-style-type: none"> <li>• Employee relations</li> <li>• Workplace environment</li> <li>• Relationships with upper management</li> </ul>	<ul style="list-style-type: none"> <li>• Issues concerning division managers</li> </ul>

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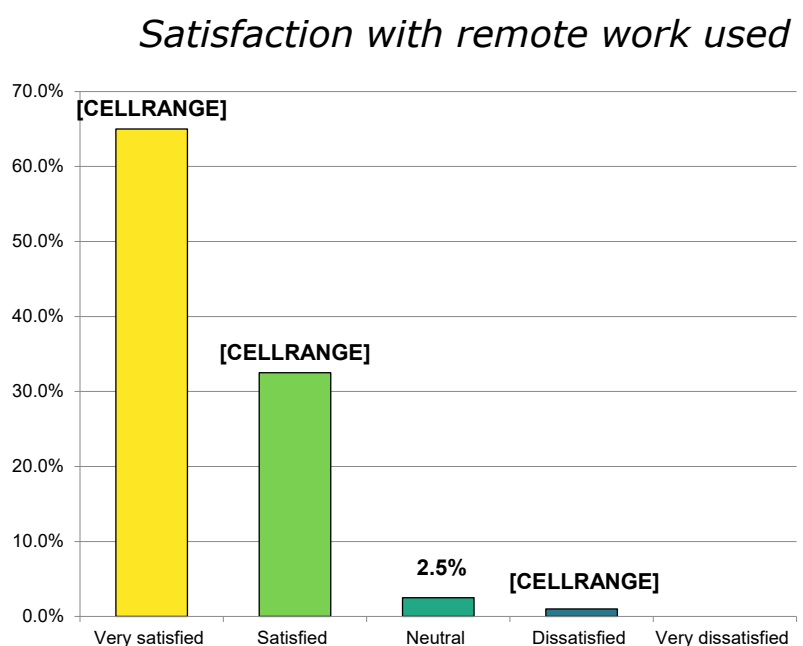
## Priority Matrix for Derived Importance

		Derived Importance (Zero-order Correlations)		
		<i>High</i>	<i>Medium</i>	<i>Low</i>
Performance (Mean Performance Scores)	<i>High</i>		<ul style="list-style-type: none"> <li>• Commitment</li> </ul>	<ul style="list-style-type: none"> <li>• Fair treatment of customers</li> <li>• Responsiveness to customers</li> <li>• Creativity of employees</li> </ul>
	<i>Medium</i>	<ul style="list-style-type: none"> <li>• Dignity and Worth</li> <li>• Employee empowerment</li> </ul>	<ul style="list-style-type: none"> <li>• Diversity in the Dept.</li> <li>• Quality of Dept. workforce</li> <li>• Personal safety</li> <li>• Integrity of employees</li> <li>• Training and development</li> </ul>	<ul style="list-style-type: none"> <li>• Employee benefits</li> <li>• Issues concerning immediate supervisors</li> <li>• Relationships with immediate supervisors</li> <li>• Diversity in City workforce</li> </ul>
	<i>Low</i>	<ul style="list-style-type: none"> <li>• Workplace environment</li> <li>• Communication</li> <li>• Relationships with upper management</li> <li>• Issues concerning division managers</li> </ul>	<ul style="list-style-type: none"> <li>• Employee relations</li> <li>• Performance appraisals</li> <li>• Employee pay</li> </ul>	

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## Remote Work

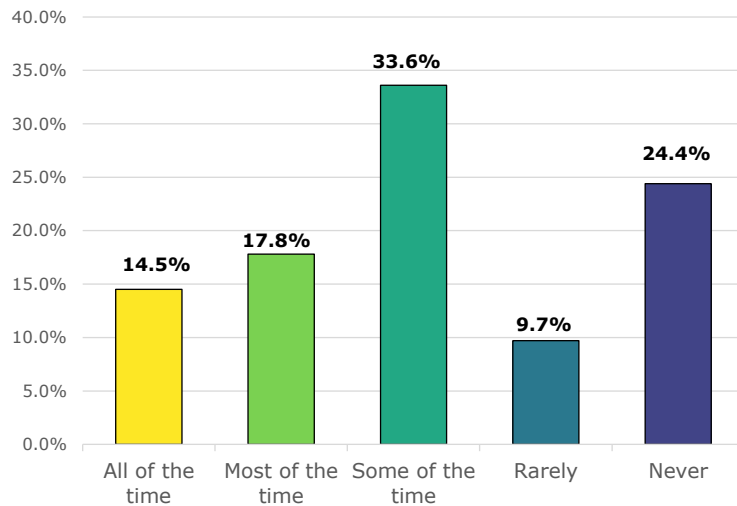
- 97.5% of employees working from home were satisfied or very satisfied



# Remote Work

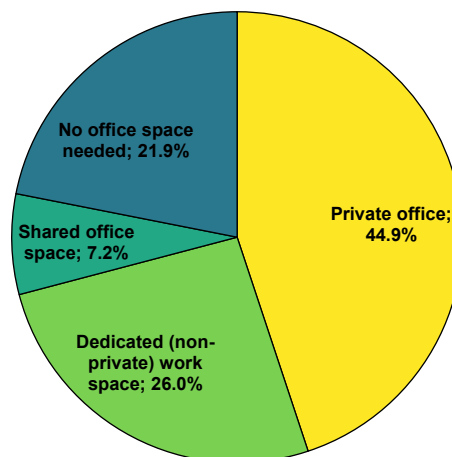
- 32.3% of employees preferred to work from home all or most of the time

*Would you prefer to work at home...*



# Office Space

- What type of office space do you need for your job?



# Survey Results in Review

## Overall Satisfaction

- Compared to 2017, employees in 2022 were significantly less satisfied with the City of Charlottesville as a place to work overall
- in 2022 and 2017, roughly equal proportions of employees said the City was a better place to work than it was two years ago
  - But in 2022 fewer said it was “about the same”
- A significantly lower proportion of employees in 2022 said they would recommend the City as a place to work compared to 2017



## Highest-Rated Factors

The highest-rated key topic areas might be thought of as intangible factors (as opposed to tangible factors such as pay, policies, etc.). The City's greatest strengths in 2022 were:

- Customer relations
  - "Responsiveness to customers"
  - "Fair treatment of customers"
- Commitment to the City of Charlottesville
- Creativity of Employees

## Lowest-Rated Factors

The lowest-rated factors are more related to tangible rewards and processes. In 2022, they were:

- Pay
- Performance appraisals
- Workplace environment
- Management
  - "Working relationships with upper management"
  - "Issues concerning division level managers"
- Employee relations
- Communications

## Priority Areas

- Key-topic areas of **greatest strength**
  - i.e., higher performance & highest importance
- Commitment
- Creativity of Employees

## Priority Areas

- Key-topic areas requiring **highest priority for attention**
  - i.e., lowest performance & highest importance
- *Based on employee choices:*
  - Employee pay
  - Performance appraisals
  - Communication
- *Based on satisfaction drivers:*
  - Workplace environment
  - Communication
  - Work relationships with upper management
  - Issues concerning division managers

## Overall Change

- Measures of key-topic areas mostly unchanged from 2017
  - 3 areas went up
  - But many are lower than 2014
- Overall satisfaction is lower than 2017
  - Not clear why this is so, since no topic ratings went down compared to 2017
  - Possibly this reflects employees' uncertainty about the future, after five years of management turnover and public controversies

## Demographic Differences

- Generally more favorable ratings from:
  - Employees with higher pay
  - Recent hires
  - Those with higher education
  - "Exempt" employees (usually higher pay)
- Generally more negative ratings from:
  - Public safety departments

## Demographic Similarities

- Race is **not** an important factor predicting key topic ratings
  - Black or African-American and white employees are very similar in what they rate high or low
  - Blacks have higher overall satisfaction than whites
  - Blacks and whites *equal* on ratings of diversity measures
- Very few gender differences
  - Women give higher ratings on pay, benefits, and workplace environment
- These results speak well for City's workplace diversity, equity and inclusion issues

## More takeaways . . .

- Priority areas
  - Mostly unchanged from 2017
  - Relationships to immediate supervisor improved and therefore no longer as high in priority
- Remote work
  - Those who worked remotely were highly satisfied with working from home
  - About a third of employees would prefer to work from home
  - Shared offices are OK with some

# Conclusions

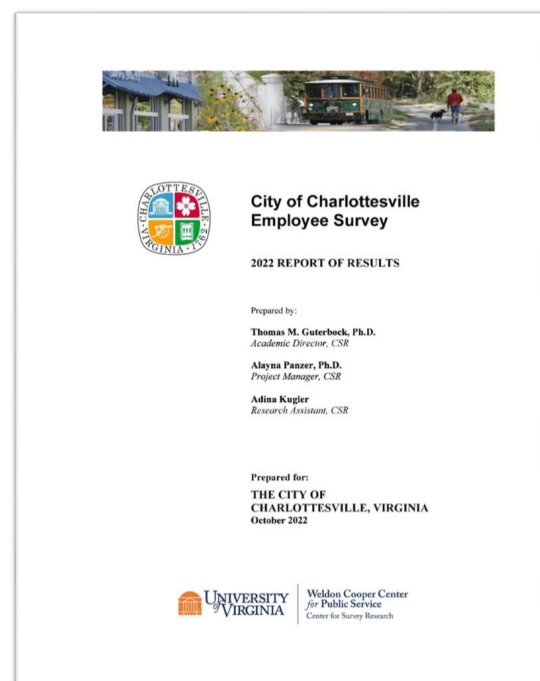
- It is notable that employee ratings of specific aspects of work are essentially unchanged
  - Despite five years of controversy and rapid change
- Subjective indicators of diversity and inclusion are favorable for race and gender
- Nonetheless, overall employee satisfaction did decrease significantly
- The areas of strength and areas of challenge for the City remain largely the same as they were in 2017

## For more details:

*Please see our narrative report:*

- *Results for all questions*
- *Importance and demographic analyses, along with analyses by key-topics*

[CSR.CooperCenter.org/Reports](https://CSR.CooperCenter.org/Reports)



# Questions?

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## 2022 City of Charlottesville Employee Survey

Thomas M. Guterbock  
Academic Director, UVa Center for Survey Research  
[TomG@virginia.edu](mailto:TomG@virginia.edu)

*[CSR.CooperCenter.org/Reports](https://CSR.CooperCenter.org/Reports)*

November 21, 2022

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



<b>Agenda Date:</b>	November 21, 2022
<b>Action Required:</b>	No action requested at this time.
<b>Presenter:</b>	Neal Goodloe - Criminal Justice Planner
<b>Staff Contacts:</b>	Ashley Marshall, Deputy City Manager Joseph Platania
<b>Title:</b>	<b>Jefferson Area Community Criminal Justice Board (CCJB) Annual Report</b>

**Background**

The Criminal Justice Planner provides administrative and research support to the Jefferson Area Community Criminal Justice Board (CCJB) and annually presents key data to City Council and the greater community. Annually, the Criminal Justice Planner will present data to City Council and the public focused on crime and incarceration trends and data. Currently, Councilor Magill represents the City of Charlottesville on the CCJB.

**Discussion**

The Criminal Justice Planner provides administrative and research support to the Jefferson Area Community Criminal Justice Board (CCJB) and annually presents key data to City Council and the greater community. The Jefferson Area Community Criminal Justice Board's (CCJB) mission is to enable participating localities to work together to develop community-based pretrial court services and post-conviction alternatives to incarceration for misdemeanants and certain nonviolent felons. The participating localities include Charlottesville, Albemarle, Fluvanna, Goochland, Greene, Louisa, Madison, Orange, and Nelson County. The Planner convenes the Board quarterly to discuss trends in crime and incarceration, and to consider proven alternatives to incarceration that enhance long-term public safety goals.

Mr. Goodloe's full reports are attached for public review to this memorandum, but he will be providing a summary of the full data during this report-out period. Members of City Council and the public who may have questions can contact Mr. Goodloe through the information within his full slide presentations.

**Alignment with City Council's Vision and Strategic Plan**

Goal 1: An Inclusive Community of Self-Sufficient Residents & Goal 2: A healthy and safe City. This presentation provides key information for subsection 1.5 to intentionally address issues of race and equity, as well as 2.4 to reduce the occurrence of crime, traffic violations, and accidents in the community.

**Community Engagement**

This presentation ensures that the citizens of Charlottesville are able to receive information from our Criminal Justice Planner.

**Budgetary Impact**

None

**Recommendation**

None

**Alternatives**

Not applicable.

**Attachments**

1. Charlottesville Crime Trends and Other Data



# Charlottesville Index Crime Trends

1984-2020

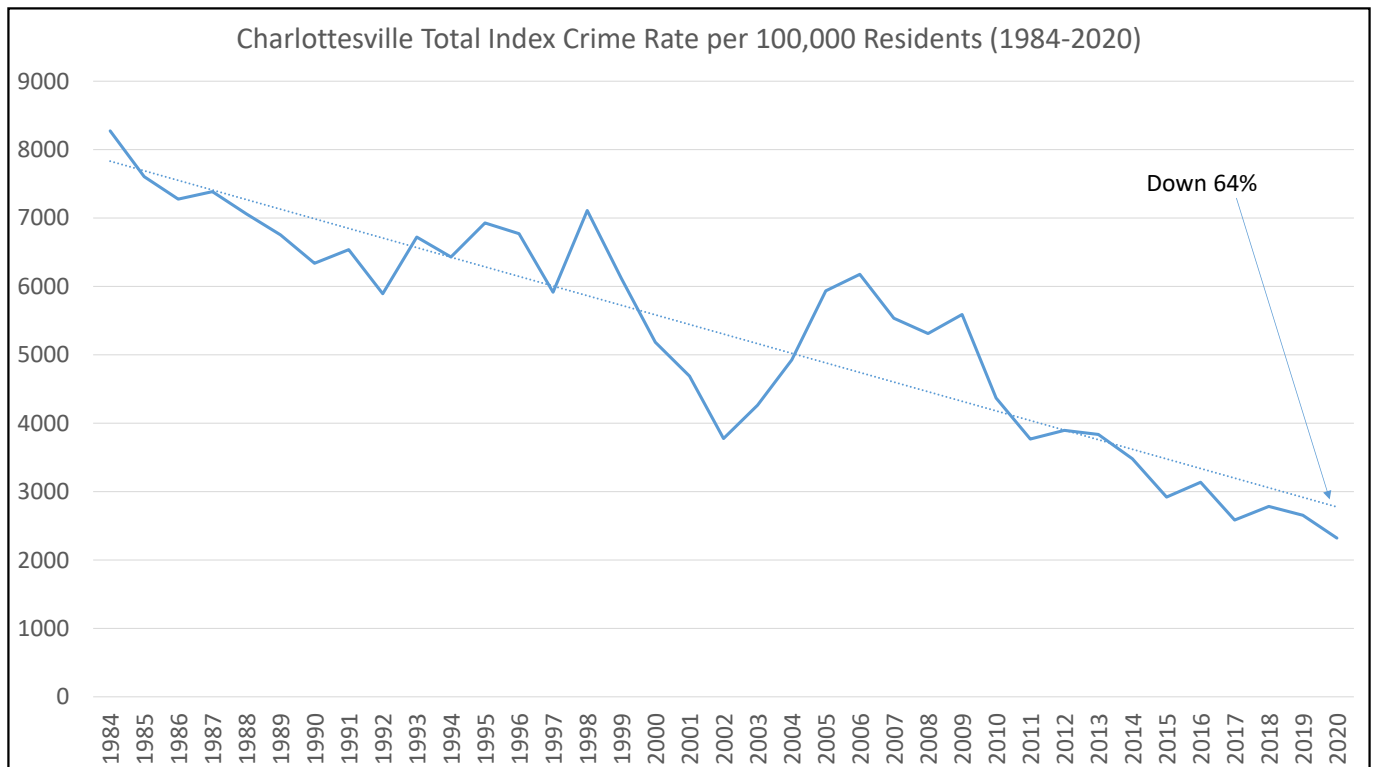
U. S. Federal Bureau of Investigation  
Uniform Crime Reporting (UCR)  
Summary Reporting System

## UCR Summary Reporting System

- The FBI's Uniform Crime Reporting (UCR) process has been in place since 1927. The UCR originally gathered data in the Summary Reporting System format from jurisdictions among eight crime types, within two main categories:
  - [Index Violent Crime](#) (including the felony offenses of aggravated assault, robbery, rape and murder/non-negligent manslaughter).
  - [Index Property Crime](#) (including larceny, burglary, motor vehicle theft and arson).
- In 2004, the FBI added a second reporting system, the National Incident-Based Reporting System (NIBRS), which includes the original eight crime types, but adds 16 additional crime types divided into three main categories:
  - [Crimes Against Person](#)
  - [Crimes Against Property](#)
  - [Crimes Against Society](#)
- UCR and NIBRS categorize crime in two different and somewhat incompatible ways.
- This presentation tracks Charlottesville's index crime data in the UCR Summary Reporting System from 1984 to 2020 (the final year of the SRS reporting format).
- A separate study conducted by the Criminal Justice Planner, using NIBRS data, captures more recent crime trends, from 2012-2021, in the new format).

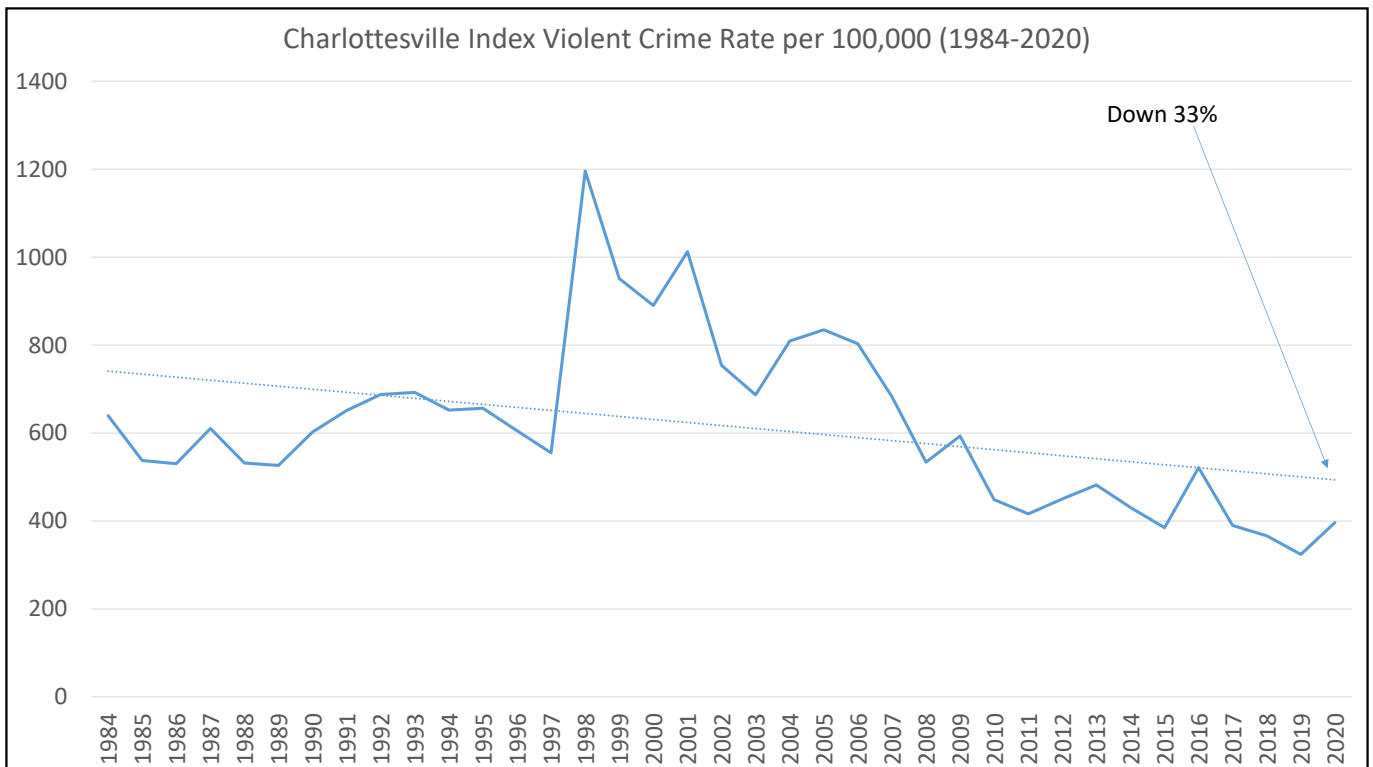
## Total Index Crime Rates (1984-2020)

- The total index crime rate is the sum of the index violent crime rate and the index property crime rate.
- The total index crime trend fell 64% in the City of Charlottesville from 1984 to 2020.
- In 1984, the total index crime rate in Charlottesville was 82.7 per 1000 Charlottesville residents.
- By 2020, that rate had fallen to 23.2 per 1000 Charlottesville residents.
- Within this overall downward trend, peaks in the total index crime rate were observed in 1995, 1998, 2006 and 2009.



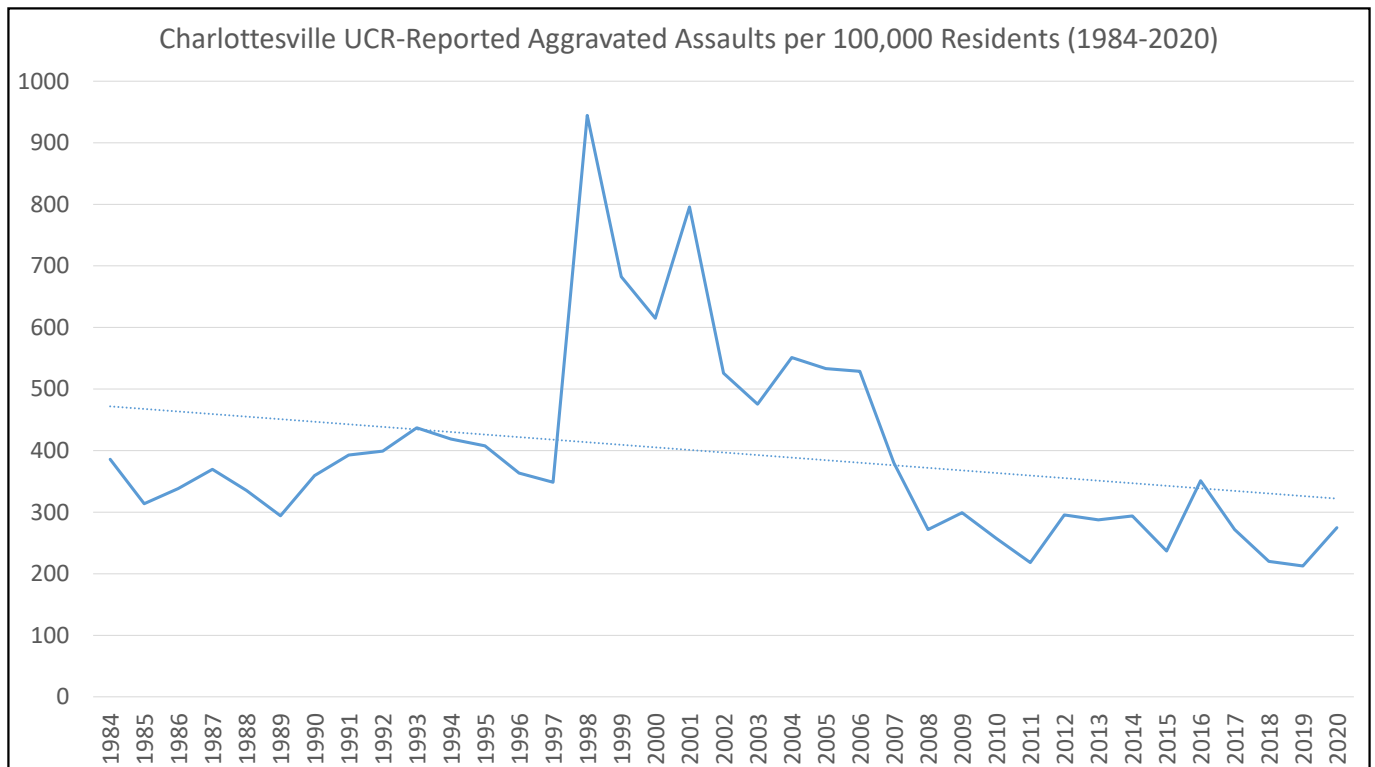
## Index Violent Crime (1984-2020)

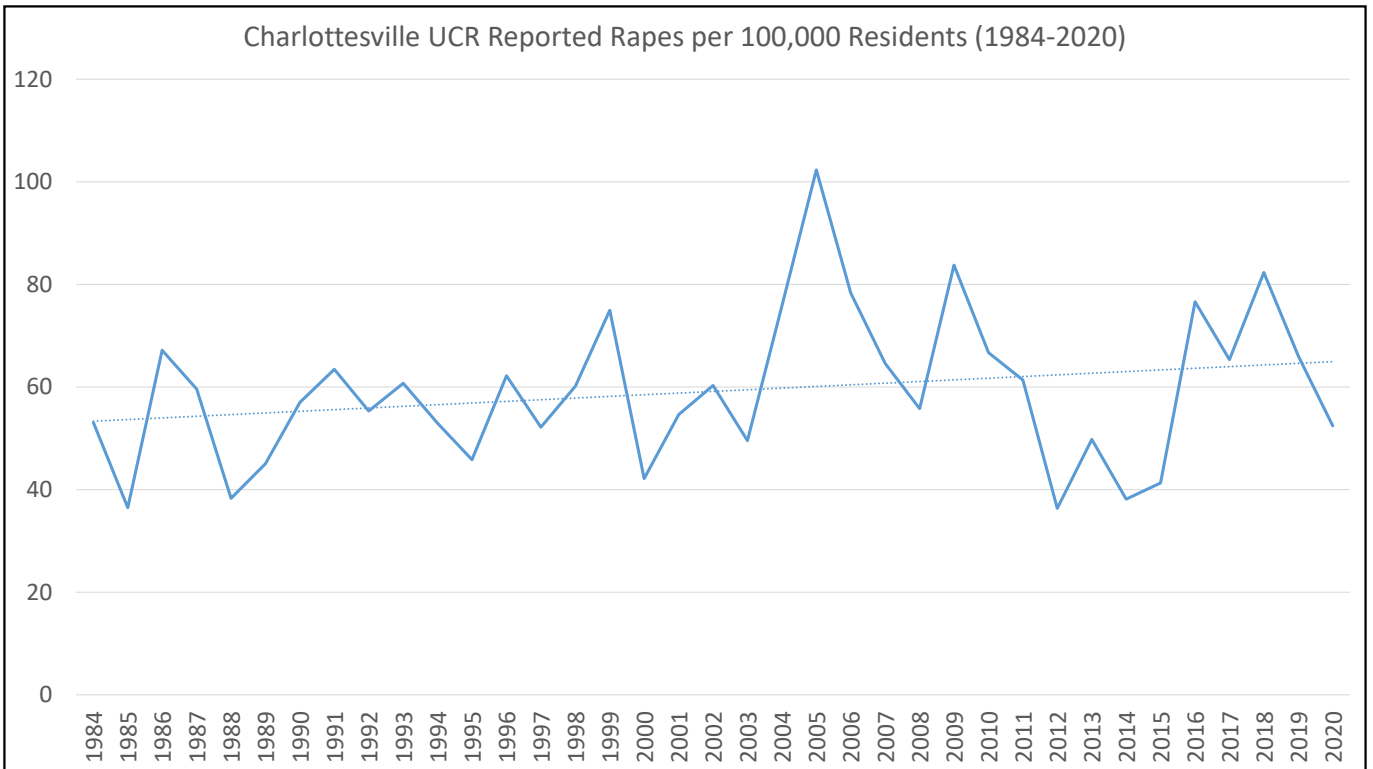
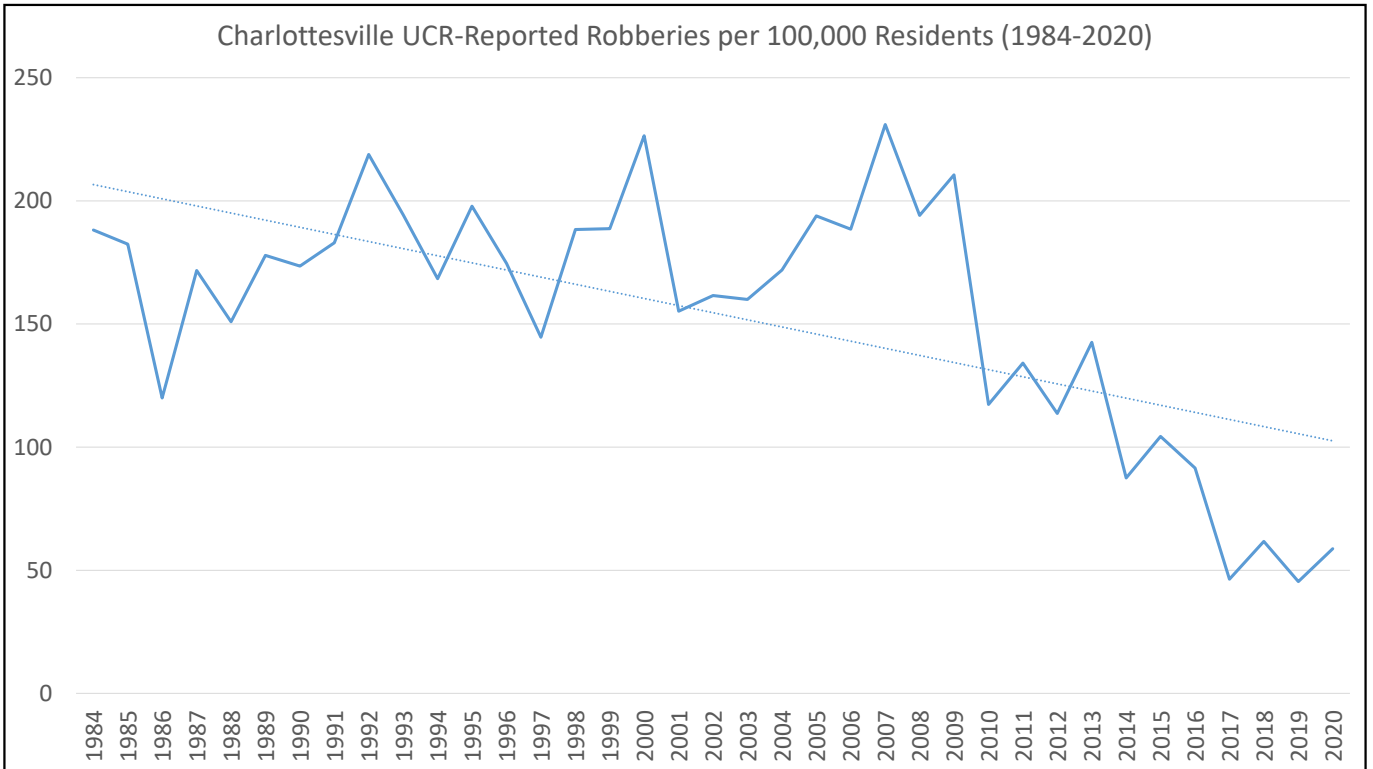
- The index violent crime trend fell 32% in the City of Charlottesville from 1984 to 2020.
- In 1984, the index violent crime rate was 6.39 per 1000 Charlottesville residents.
- By 2020, the index violent crime rate had fallen to 3.96 per 1000 Charlottesville residents.
- The peak year for the index violent crime rate was 1998 (11.96 per 1000 Charlottesville residents).
- The lowest index violent crime rate recorded during the 1984-2020 time period was in 2019 (3.24 per 1000 Charlottesville residents).
- Index violent crime rates dropped most sharply between 1998 and 2010.

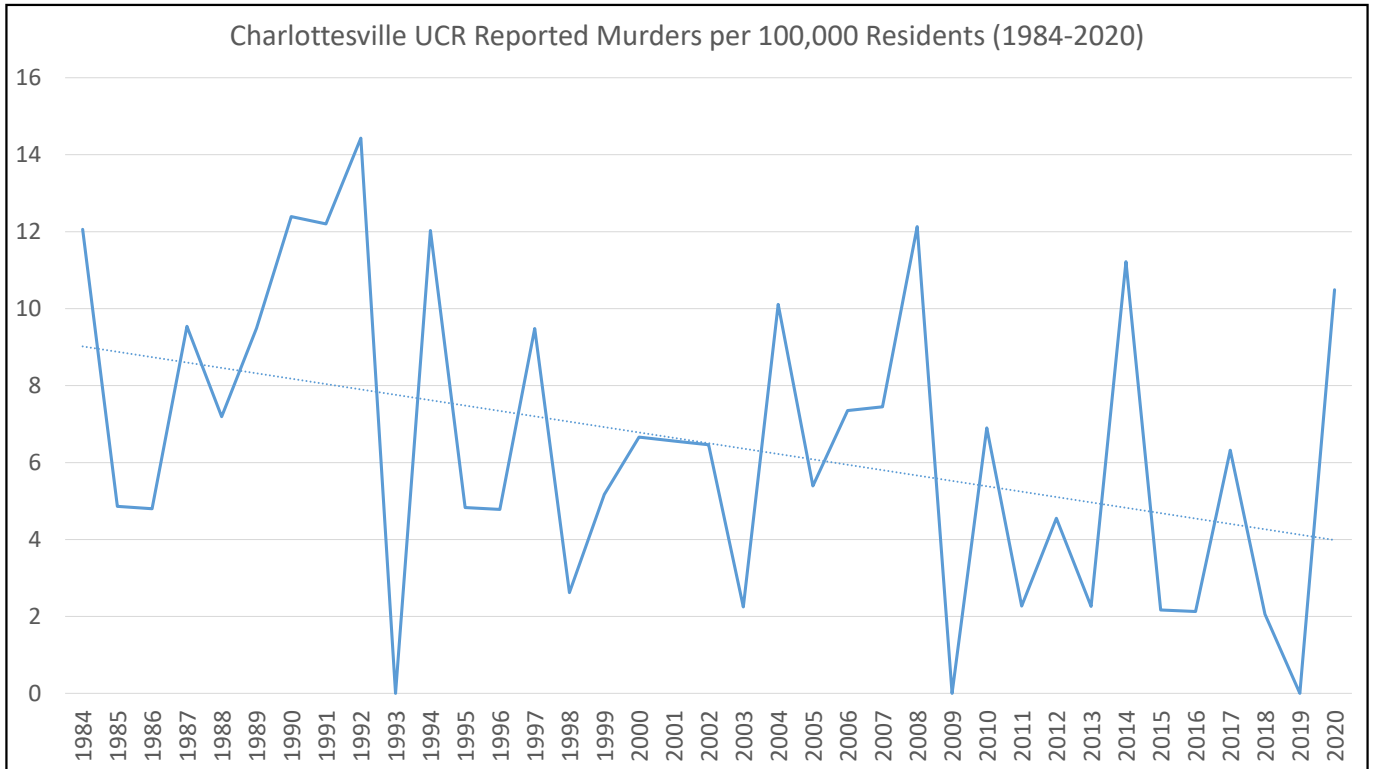


## Index Violent Crime Rates by Type (1984-2020)

- Index violent crimes, all of which are felonies, occur far less often than index property crimes (for instance, there were 3.96 index violent crimes in Charlottesville per 1000 in 2020, compared to 19.26 index property crimes per 1000 in 2020).
- Low base rates result in significant variance in the data from year to year, and that variance is greatest among crime types that occur least often (the lower the value on the Y-axis, the greater the expected variance).
- This year-over-year volatility contributes to year-over-year “saw-toothing” in the graphic presentation of the data (most notable in the murder/non-negligent manslaughter and rape categories). Trend lines were utilized to help smooth out the highs and lows.
- Decreases in long-term trends were observed in the crime categories of aggravated assault, robbery and murder/non-negligent manslaughter from 1984 to 2020.
- An increase in the reported rape trend was observed during the same time frame. However, this may be partially due to a 2013 expansion in the definition of rape by the FBI to include males as victims.

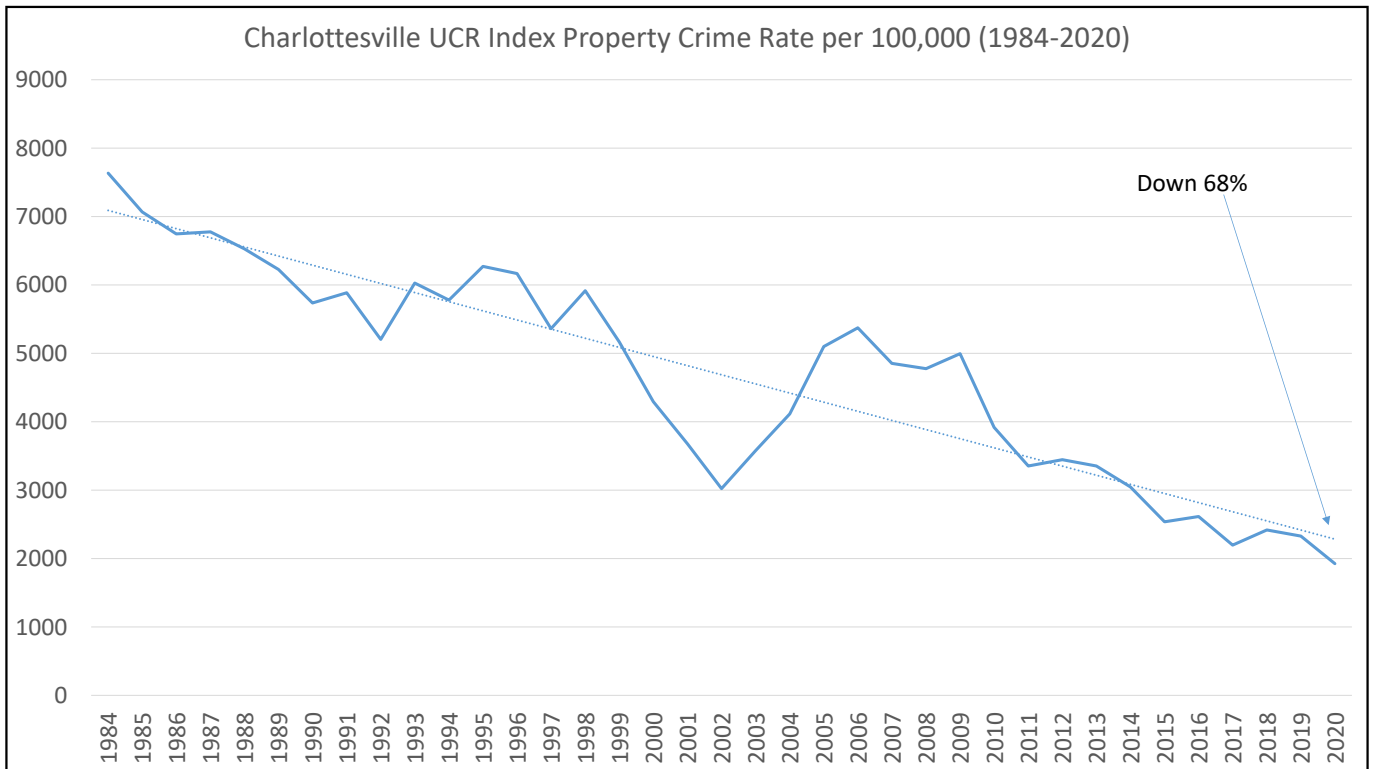






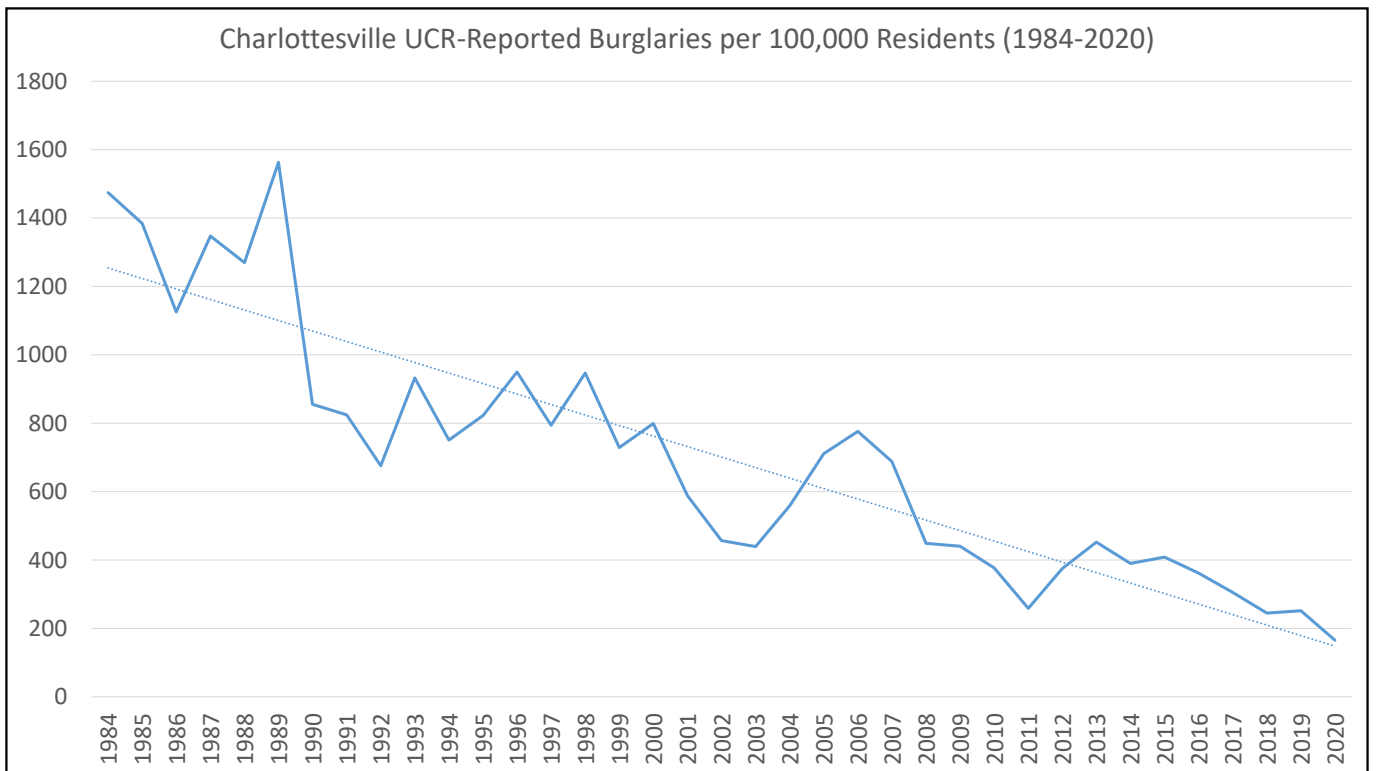
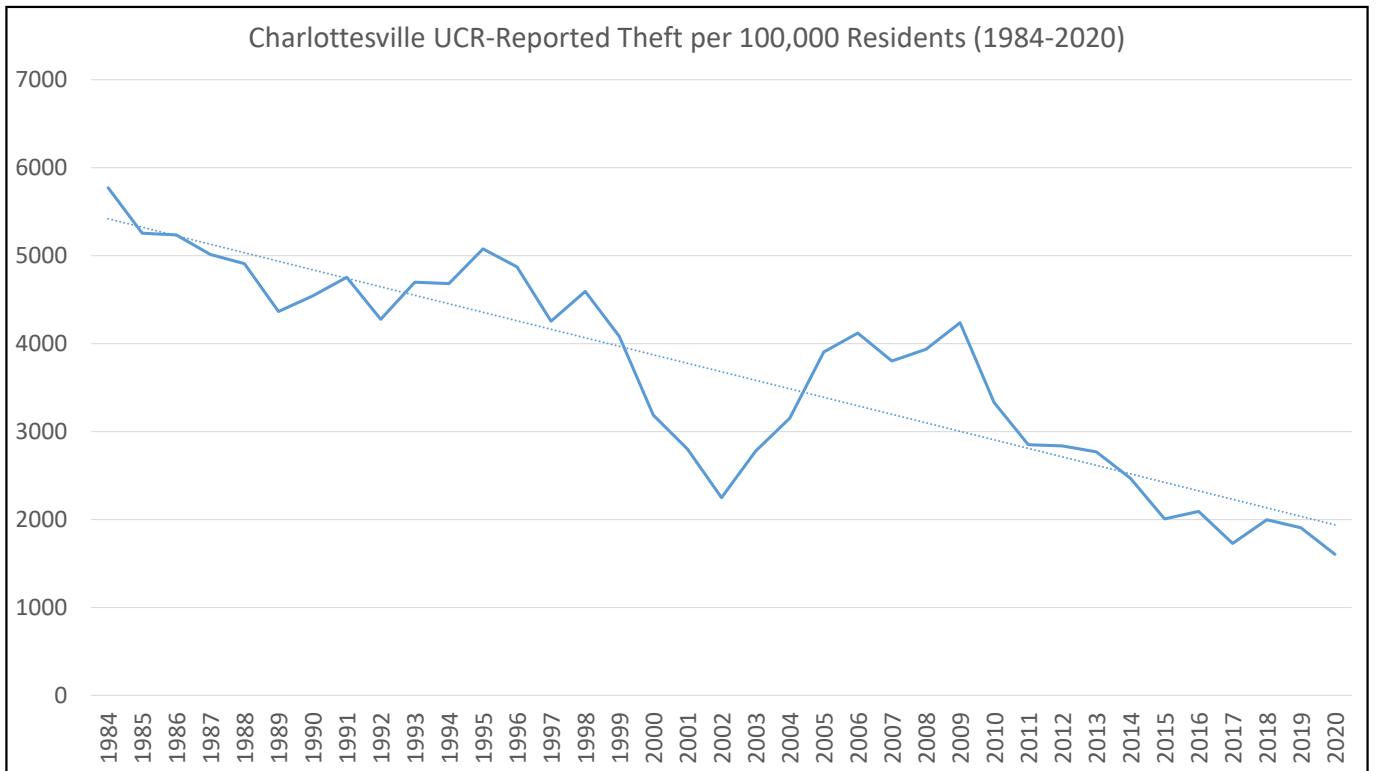
## Index Property Crime (1984-2020)

- The index property crime trend fell 68% in the City of Charlottesville from 1984 to 2020.
- In 1984, the index violent crime rate was 76.35 per 1000 Charlottesville residents.
- By 2020, the index property crime rate had fallen to 19.26 per 1000 Charlottesville residents.
- Within this overall downward trend, peaks in the total property crime rate were observed in 1995, 1998, 2006 and 2009.
- Index property crime trends continued to fall in Charlottesville from 2010 to 2020.

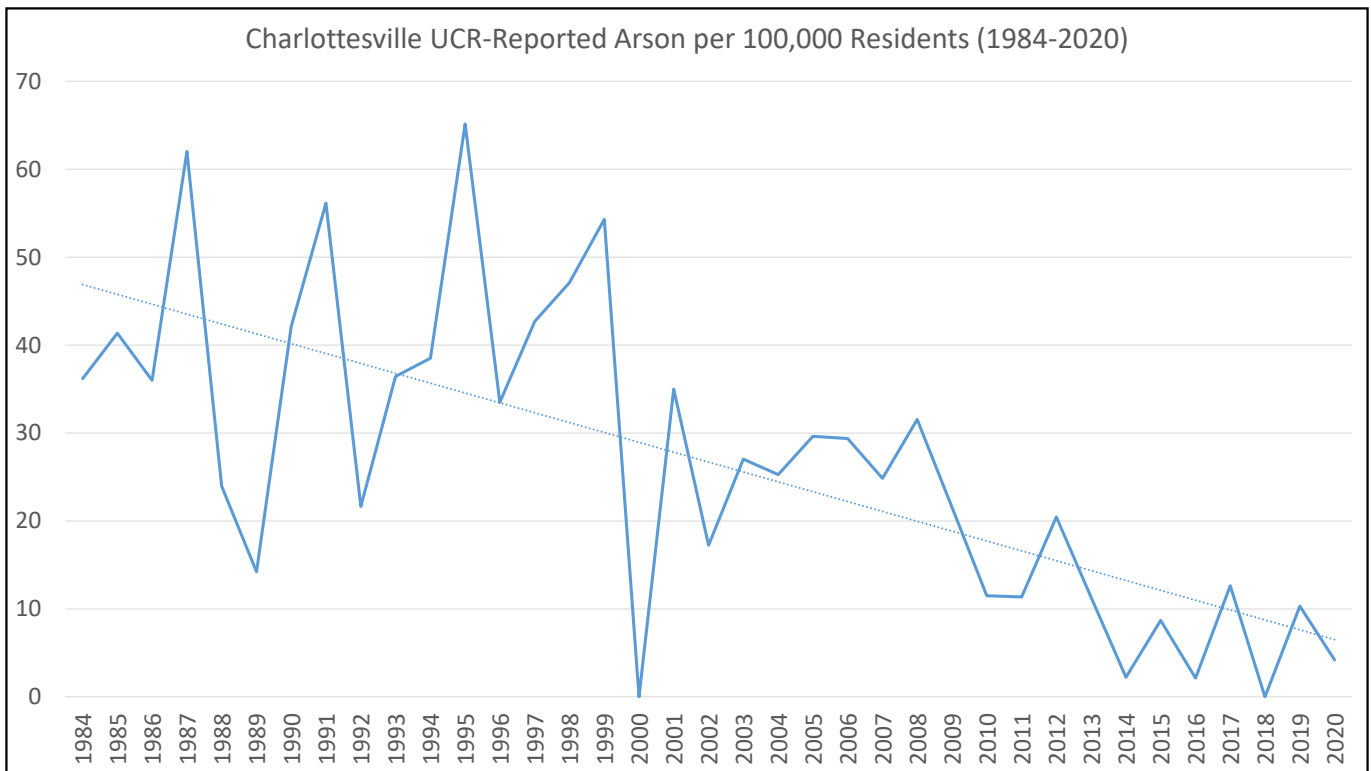
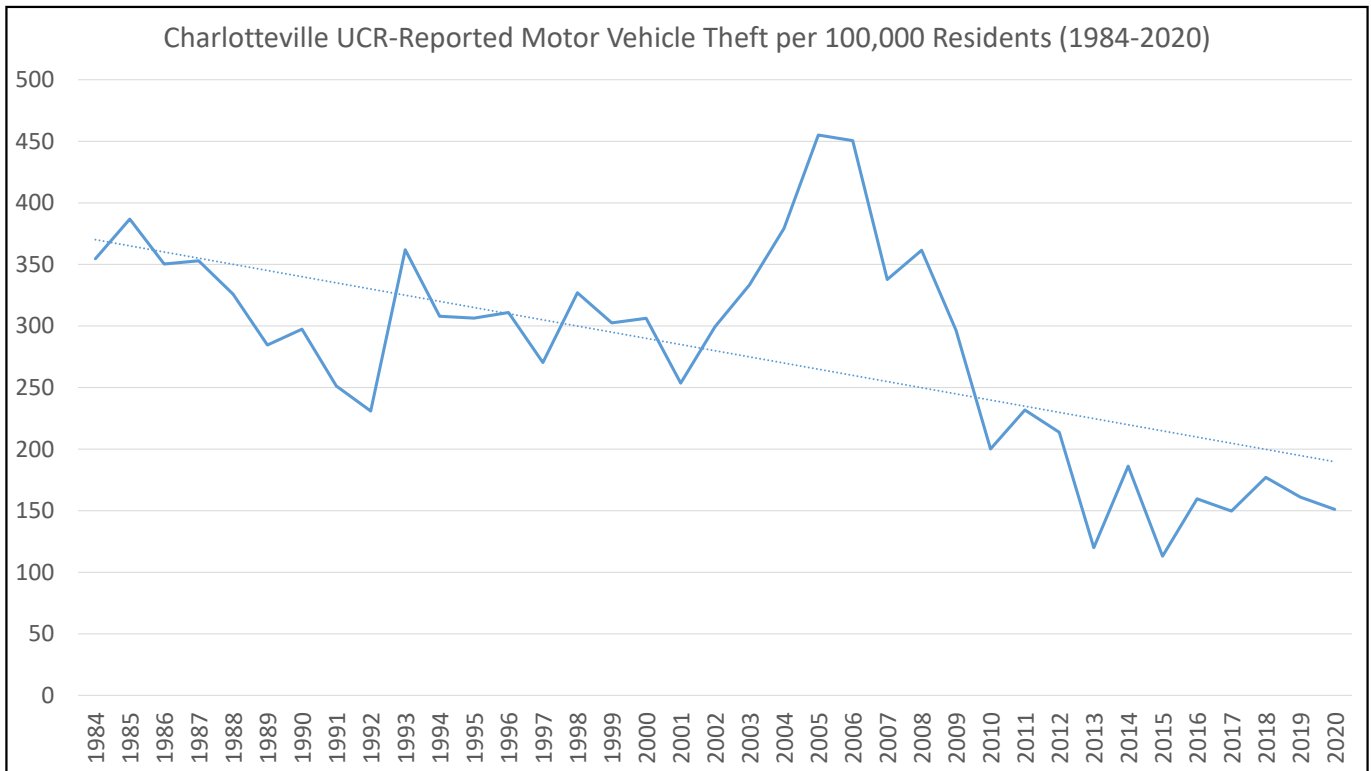


## Index Property Crime Rates by Type (1984-2020)

- As previously noted, index property crimes occur at rates much higher than do index violent crimes. Thus, only the arson data (with the lowest values on the Y-axis) was significantly “saw-toothed”.
- The reported crime trends in Charlottesville for larceny, burglary, motor vehicle theft and arson all fell significantly from 1984 to 2020.
- Of the four property crime categories, the sharpest decrease was observed among burglaries in Charlottesville, falling from a high of 15.6 per 1000 in 1989 to 1.7 per 1000 in 2020.
- Larcenies dropped significantly as well, from a high of 57.7 per 1000 in 1984 to 16.0 in 2020.







## Summary

- The total index crime rate in Charlottesville declined 64% between 1984 and 2020.
- A 33% decrease in the index violent crime rate was observed during that time period, compared to a more robust 68% decrease in index property crime.
- Decreases were observed across a wide variety of crime types, in both violent and property categories.
- Decreases in the index violent crime rate slowed during the most recent decade, while the index property rate continued to drop significantly.

## Prepared by:

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October 2022

# Charlottesville Crime Trends

2012-2021

Virginia State Police

*Crime in Virginia*

## Introduction

- Each year, the Virginia Department of State Police publishes *Crime in Virginia*, an analysis of statewide crime statistics for the most recent five-year period. This publication can be found on the VSP website at:

<https://vsp.virginia.gov/wp-content/uploads/2022/06/CrimeInVirginia2021.pdf>

- The Department of State Police also populates a public website with more than a decade of reported crime and arrest data by jurisdiction:

[https://va.beyond2020.com/va\\_public/Browse/browsetables.aspx](https://va.beyond2020.com/va_public/Browse/browsetables.aspx)

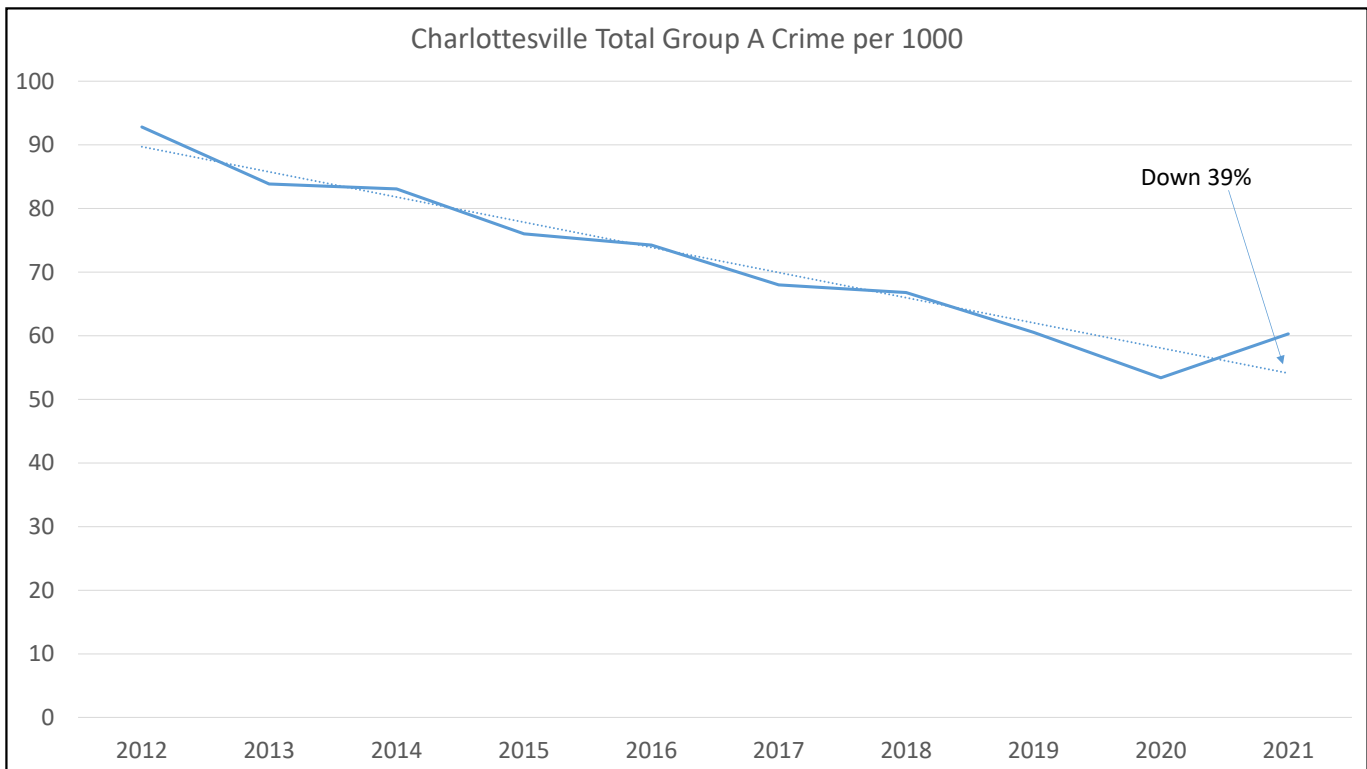
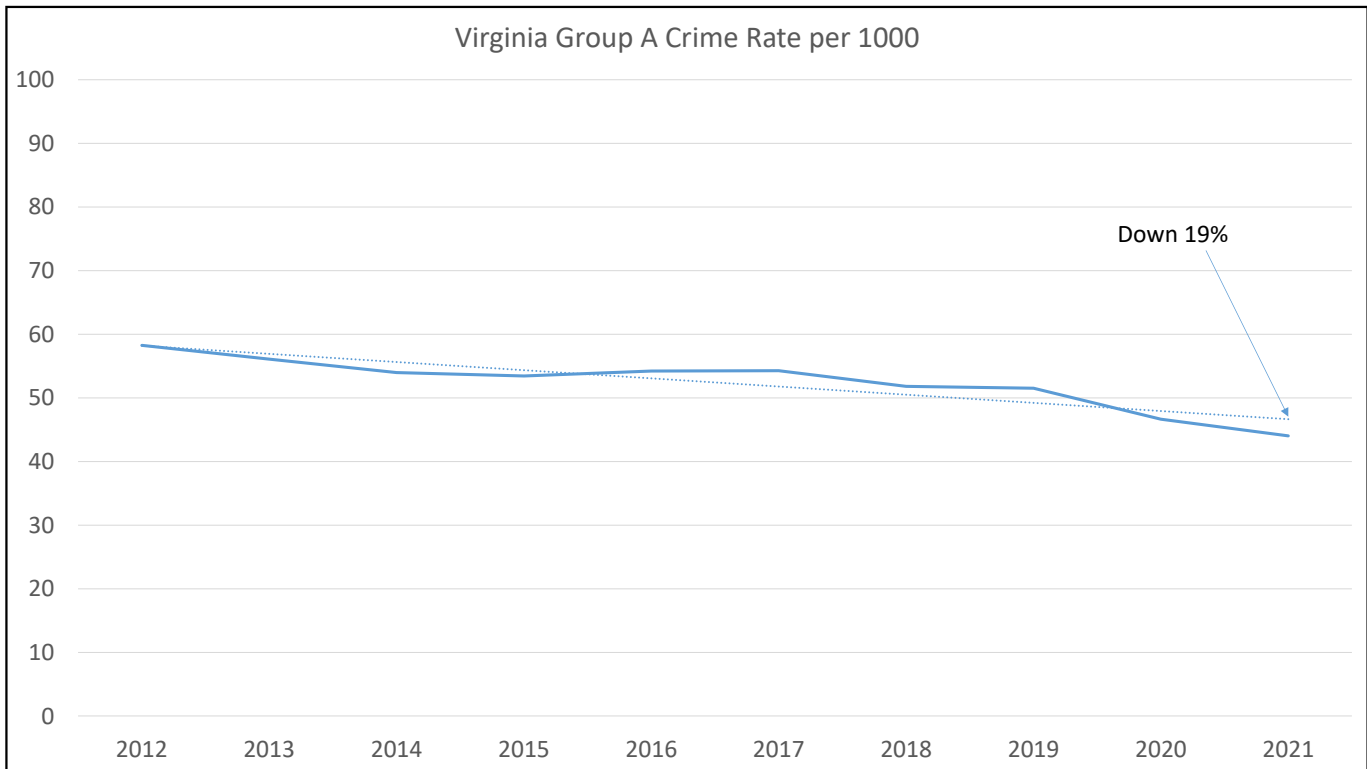
- The following analysis utilized the Beyond2020.com data set to analyze reported crime rates per 1000 residents for Virginia as a whole from 2012 to 2021, compared to Charlottesville .
- 2012-2021 crime rates for Charlottesville were also compared to the average rates of nine other Virginia cities of similar population size (Danville, Fredericksburg, Harrisonburg, Lynchburg, Manassas, Petersburg, Staunton, Suffolk and Winchester).

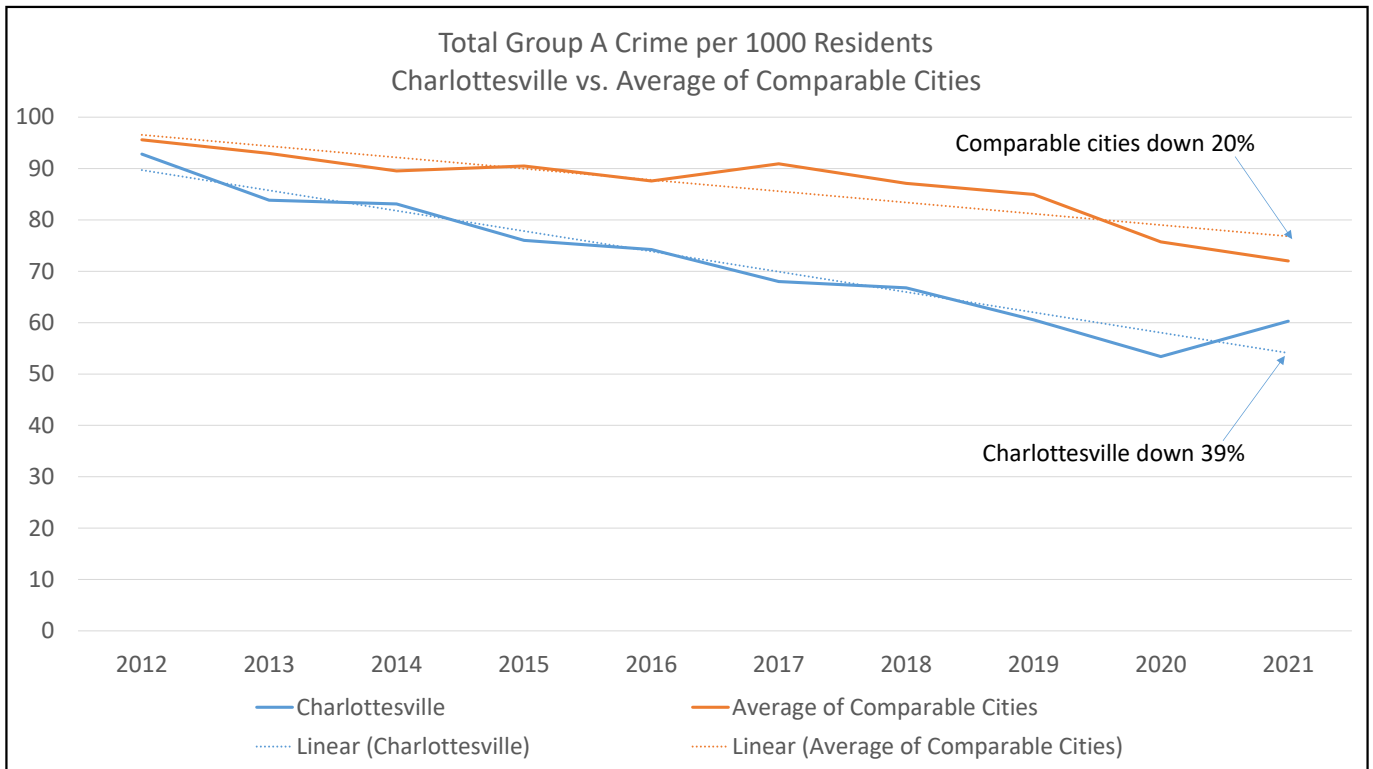
## Definitions

- “Reported Crime” is crime reported and known to law enforcement agencies, and is entered into the national Incident-Based Reporting (IBR) System. The entry of a reported crime into the IBR system does not need to result in an arrest, and is generally considered as a more accurate indicator of the true crime rate than is the arrest rate.
- Crime Rate (per 1,000): This measure provides the number of reported crimes for every 1,000 people living in a jurisdiction for the selected year. It is calculated by dividing the number of reported crimes by the estimated population, then multiplying the result by 1,000.
- In this analysis, crime rates per 1,000 are provided for Group A offenses, in three primary categories:
  - Crimes Against Person (including murder, aggravated assault, simple assault, kidnapping, human trafficking, rape and other sex offenses)
  - Crimes Against Property (including arson, bribery, burglary, forgery, fraud, vandalism, embezzlement, extortion, robbery, larceny, motor vehicle theft and stolen property)
  - Crimes against Society (including narcotics, weapons, illegal gambling, pornography, prostitution, and animal cruelty)

## Charlottesville’s Group A Crime Rate per 1000 (2012-2021)

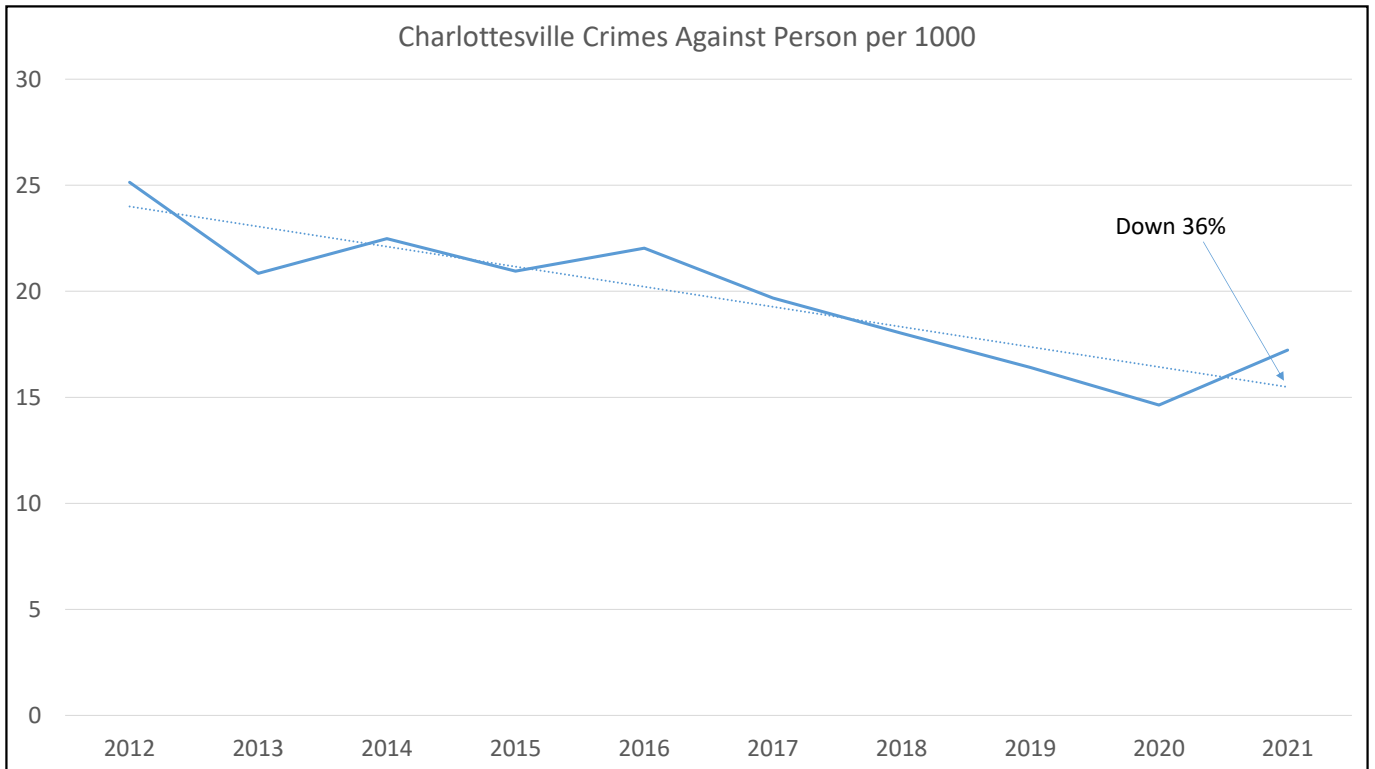
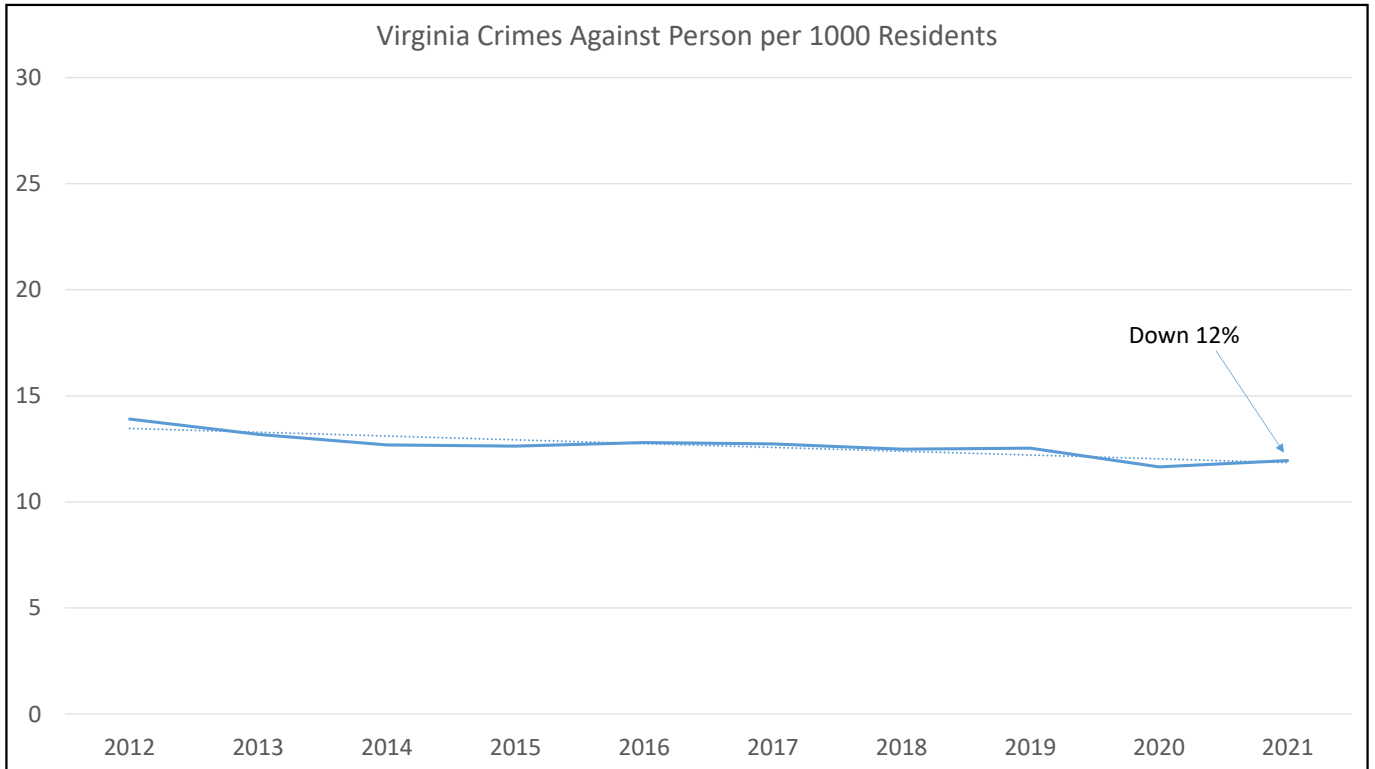
- Statewide, the overall Group A crime rate trended down 19% from 2012 to 2021.
- The overall Group A crime rate dropped 39% in Charlottesville during the same time period, more than twice the statewide trend.
- The nine Virginia cities of comparable population size to Charlottesville had an average decrease in the Group A crime rate of 20%, approximately half the rate of fall observed in Charlottesville.
- Charlottesville’s Group A crime rate fell below the average of peer cities throughout the 2012-2021 time period.
- In 2021, Charlottesville’s Group A crime rate was 60.3 per 1000 residents, below the 72.0 per 1000 average rate among peer cities, but above the 44.0 per 1000 statewide rate.
- Charlottesville’s 2021 overall Group A crime rate ranked 23<sup>th</sup> among Virginia’s 133 jurisdictions (and 22<sup>nd</sup> among Virginia’s 36 independent cities).

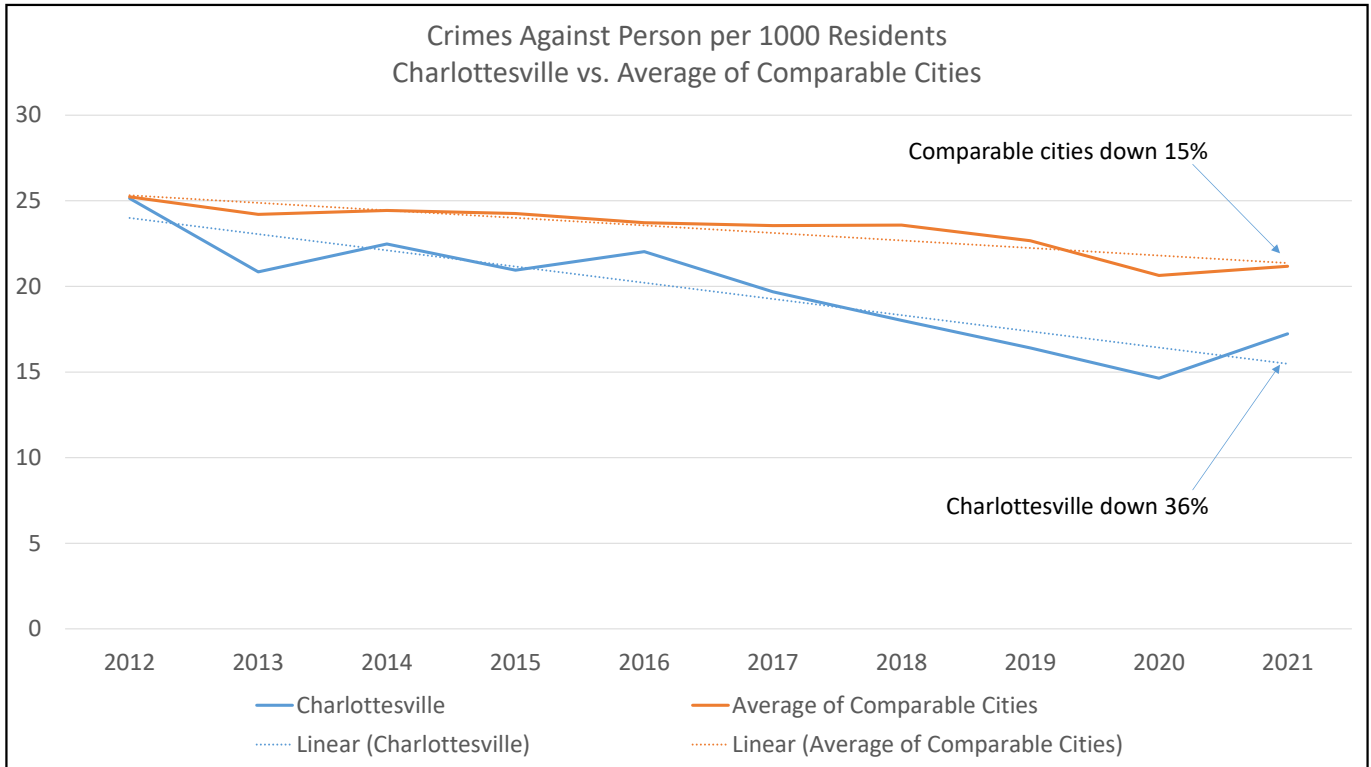




## Charlottesville’s Group A Crimes Against Person per 1000

- Statewide, the Crimes Against Person rate per 1000 declined 12% from 2012 to 2021.
- The Crimes Against Person rate in Charlottesville dropped 36% during the same time period, three times the rate of fall in the Commonwealth as a whole.
- By comparison, the nine Virginia cities of comparable population size averaged a 15% decrease in Crimes Against Person, less than half the drop observed in Charlottesville.
- Charlottesville’s rate remained below the peer city average from 2012 to 2021.
- In 2021, Charlottesville’s Crimes Against Person rate was 17.2 per 1000 residents, below the average of 21.2 per 1000 in Virginia cities of comparable size, but above the 11.9 per 1000 statewide rate.
- Charlottesville’s Crimes Against Person rate in 2021 ranked 22<sup>th</sup> among Virginia’s 133 jurisdictions (and 21<sup>st</sup> among Virginia’s 36 independent cities).

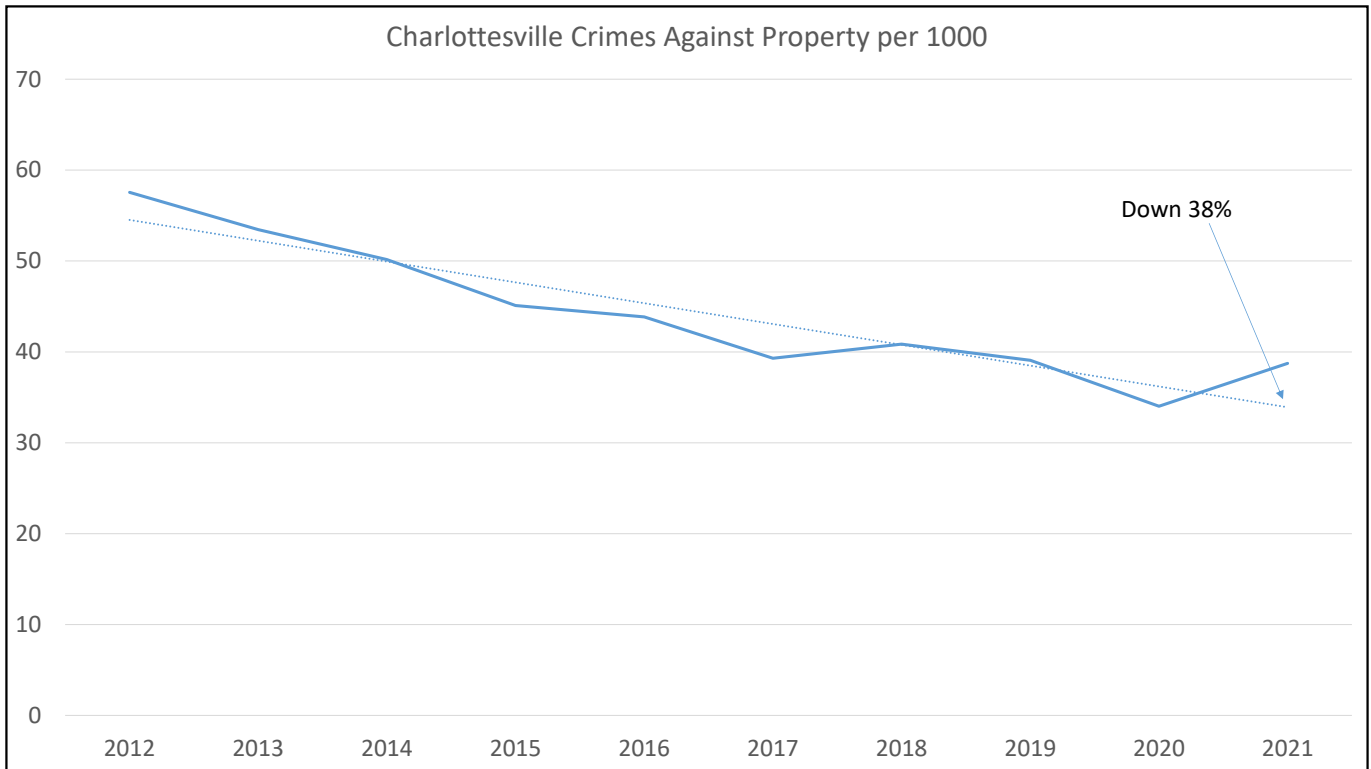
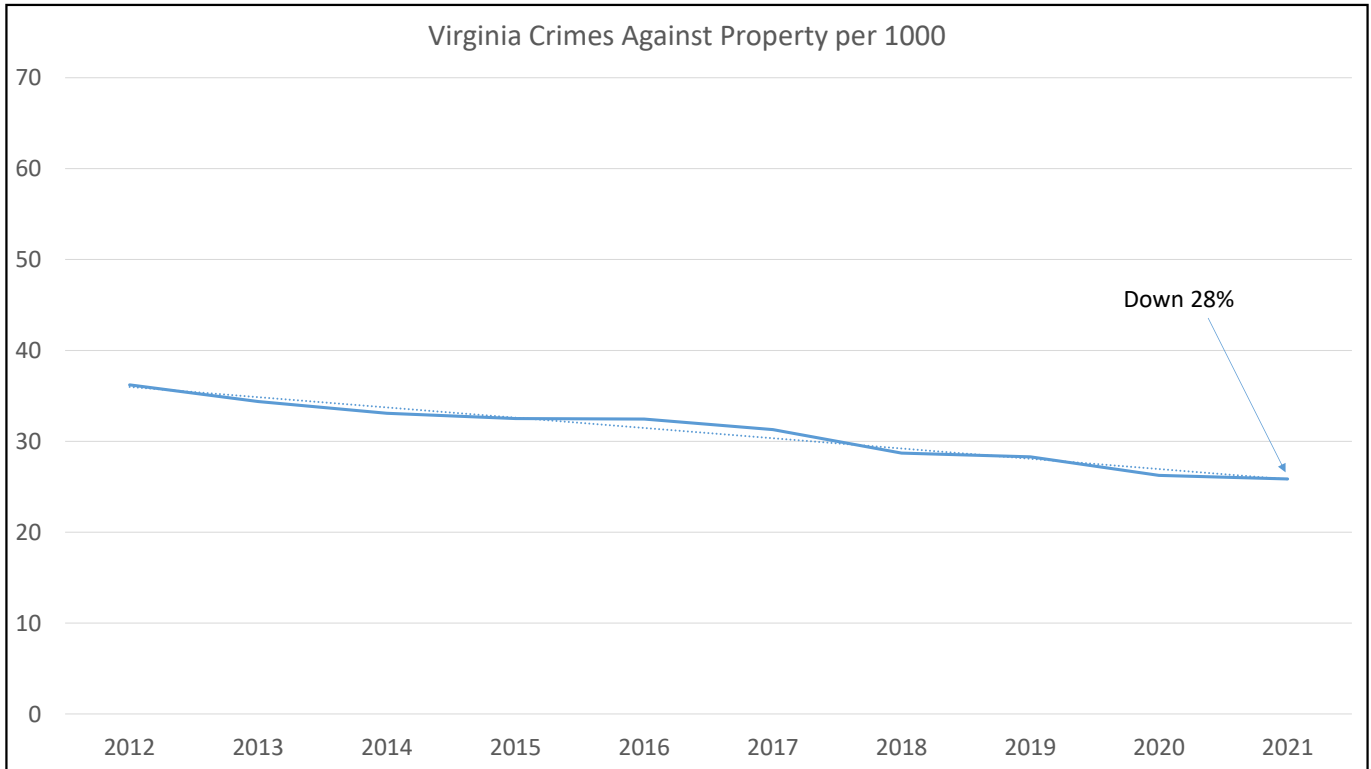


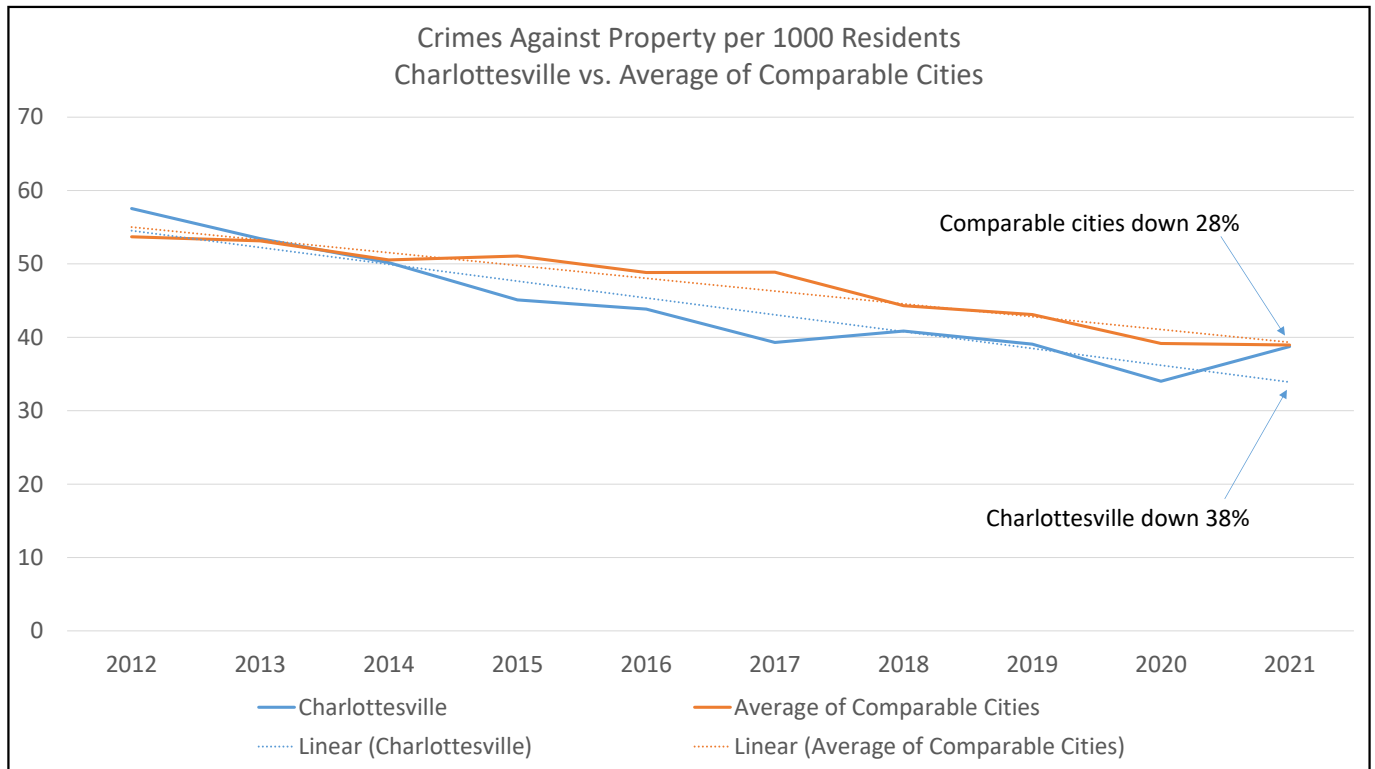


## Charlottesville’s Group A Crimes Against Property Rate per 1000

- Statewide, the Crimes Against Property rate per 1000 declined 28% from 2012 to 2021.
- The Crimes Against Property rate in Charlottesville dropped 38% during the same time frame.
- Nine Virginia peer cities averaged a decrease in Crimes Against Property of 28%, comparable to the drop in the statewide rate, but lower than Charlottesville’s rate of drop.
- Charlottesville’s rate was below the peer city average in every year from 2014 to 2020.
- In 2021, Charlottesville’s Crime Against Property rate was 38.7 per 1000 residents, comparable to the rate of 38.9 per 1000 for the average of peer cities, but above the 25.9 per 1000 statewide rate.
- Charlottesville’s Crimes Against Property rate in 2021 ranked 16<sup>th</sup> among Virginia’s 133 jurisdictions (and 15<sup>th</sup> among Virginia’s 36 independent cities).

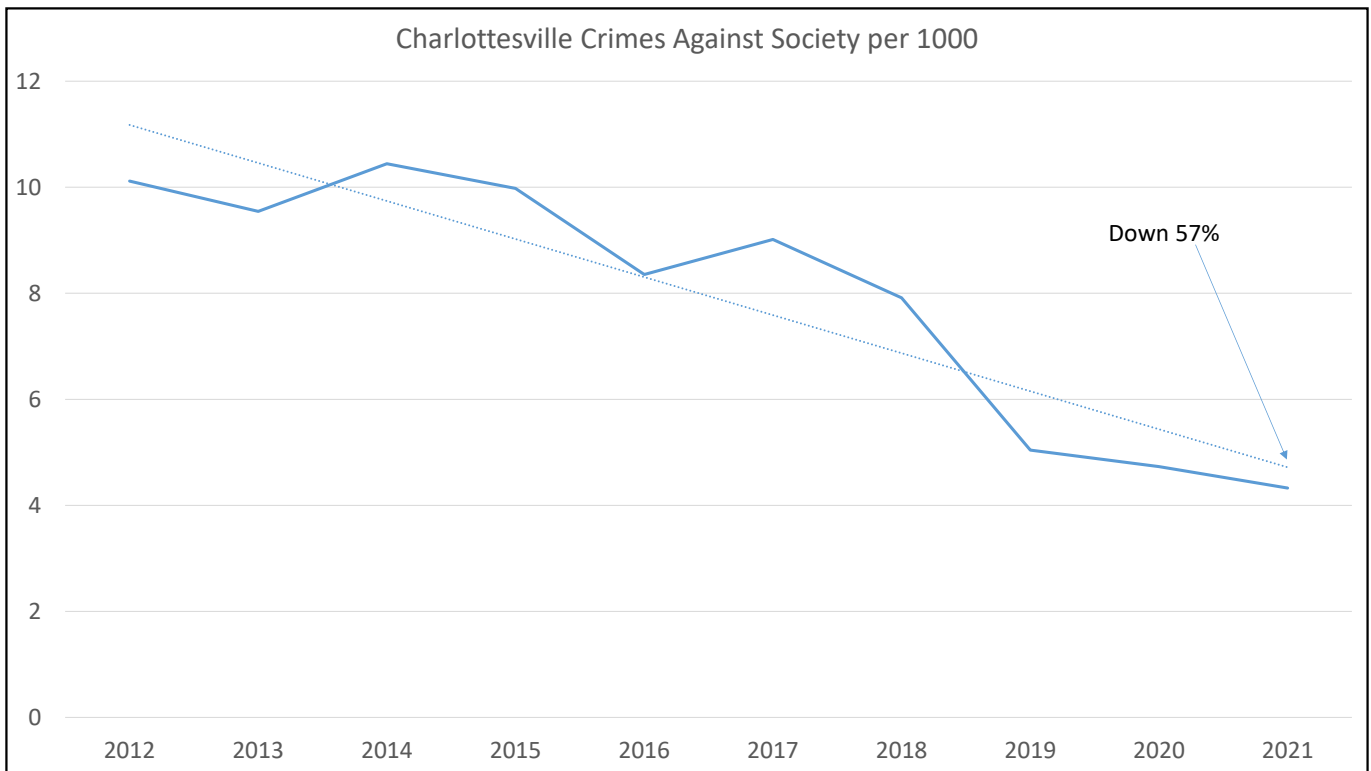
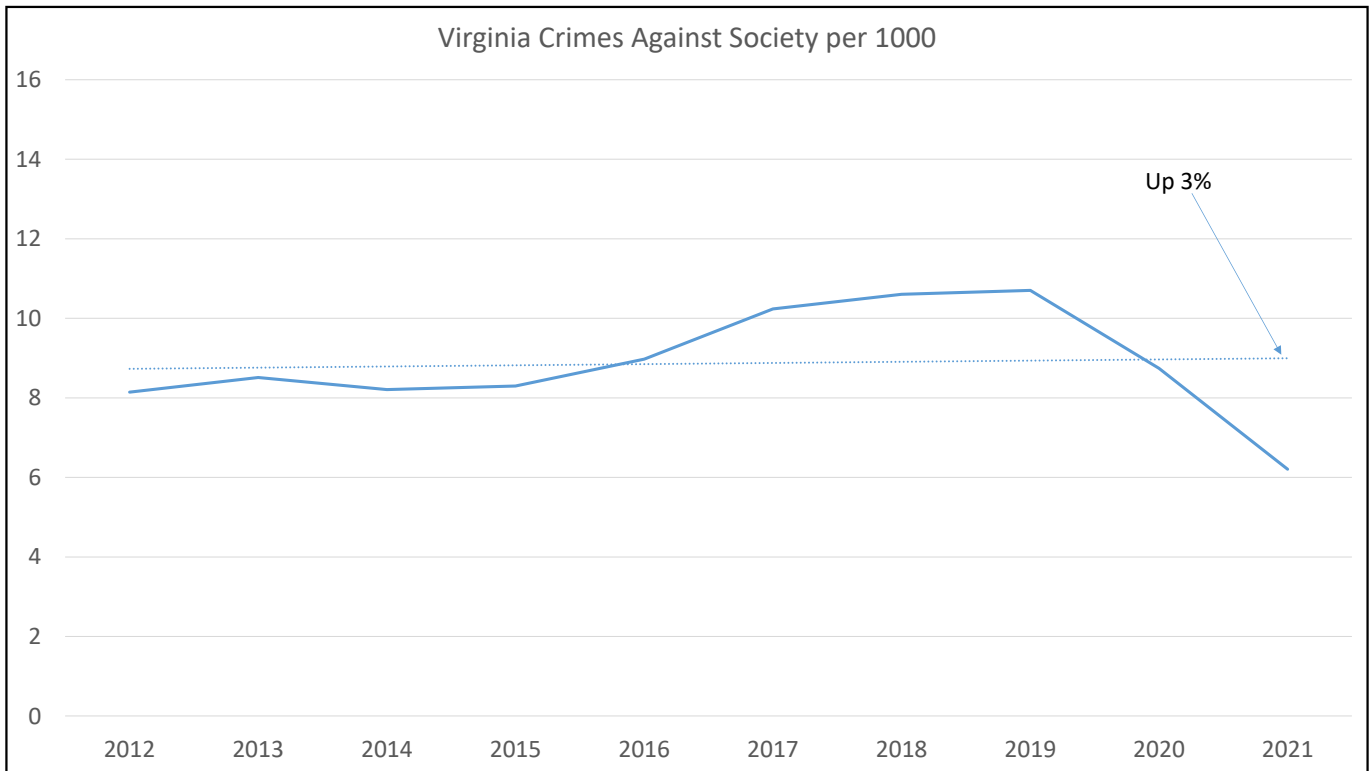


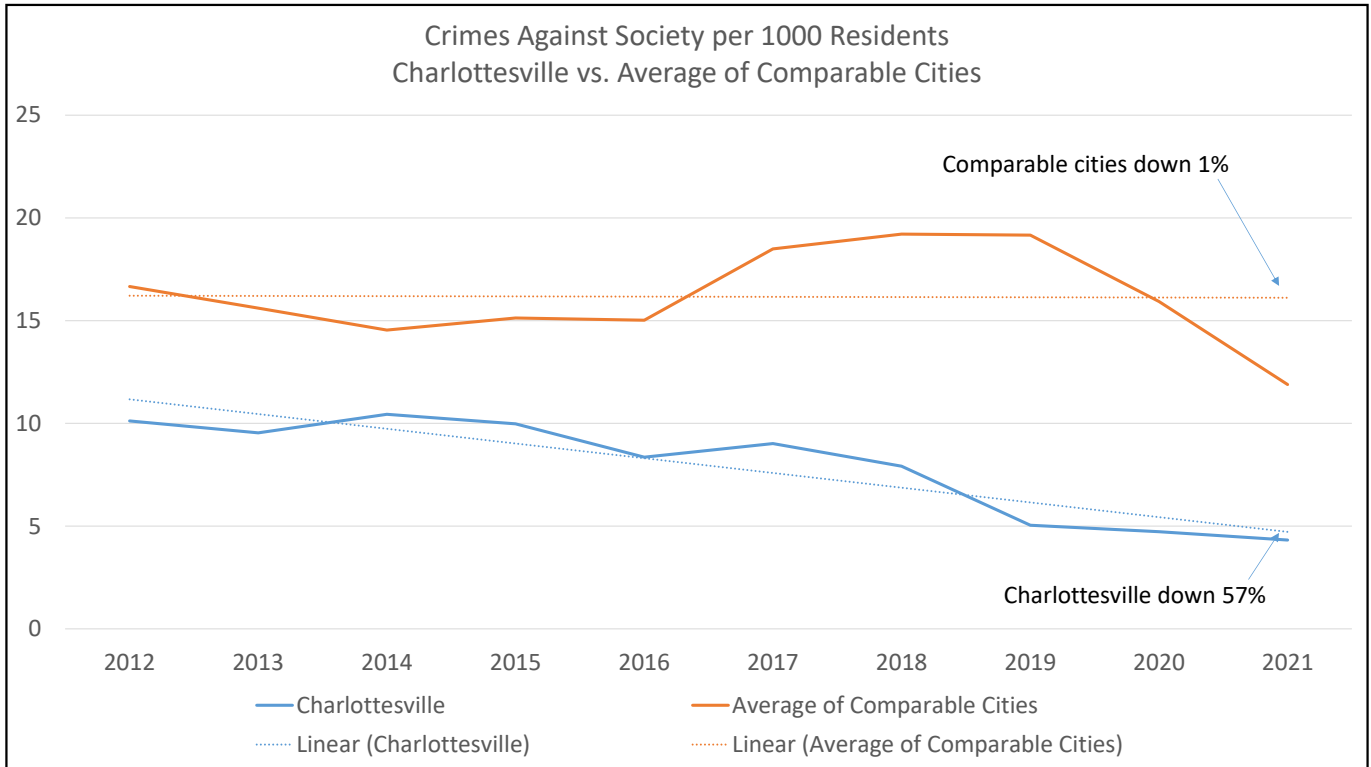




## Charlottesville’s Group A Crimes Against Society Rates per 1000

- Statewide, the Crimes Against Society rate per 1000 increased 3% from 2012 to 2021.
- The Crimes Against Society rate in Charlottesville fell 57% during that time period.
- The nine Virginia cities of comparable population size averaged a 1% increase in Crimes Against Society, in line with the state trend.
- Charlottesville’s Crimes Against Society rate was well below that of peer cities in every year from 2012 to 2021.
- In 2021, Charlottesville’s Crimes Against Society rate was 4.3 per 1000 residents, nearly one third the rate of 11.9 per 1000 for the average of peer cities and also below the 6.2 per 1000 statewide rate.
- Charlottesville’s Crimes Against Society rate in 2021 ranked 90<sup>th</sup> among Virginia’s 133 jurisdictions (33<sup>rd</sup> among Virginia’s 36 independent cities).





## Summary

- The overall Group A crime rate in Charlottesville trended downward significantly from 2012 to 2021 (dropping 39%), more than twice the drop in the statewide rate trend (down 19%).
- Charlottesville’s Crimes Against Person rate fell 36% from 2012 to 2021, while the Crimes Against Property rate decreased 38% and the Crimes Against Society rate dropped 57%. All of these decreases were more significant than those observed statewide, and in the average of drop in crime rate among comparable Virginia cities.
- Charlottesville’s overall Group A crime rate was below the average rate of comparable cities in every year studied. This was also true for the categories of Crimes Against Person and Crimes Against Society. Charlottesville’s Crimes Against Property rate was below the average for peer cities from 2015 to 2020.
- Virginia’s independent cities represented 36 of the top 55 Virginia jurisdictions in ranking by 2021 Group A crime rates, although Charlottesville ranked in the bottom half among Virginia’s cities. Charlottesville’s lowest ranking was in the category of Crimes Against Society.

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October 2022

## Annual Report

# Charlottesville Utilization of the Albemarle-Charlottesville Regional Jail

2011-2021

Criminal Justice Planner

Jefferson Area Community Criminal Justice Board

## Introduction

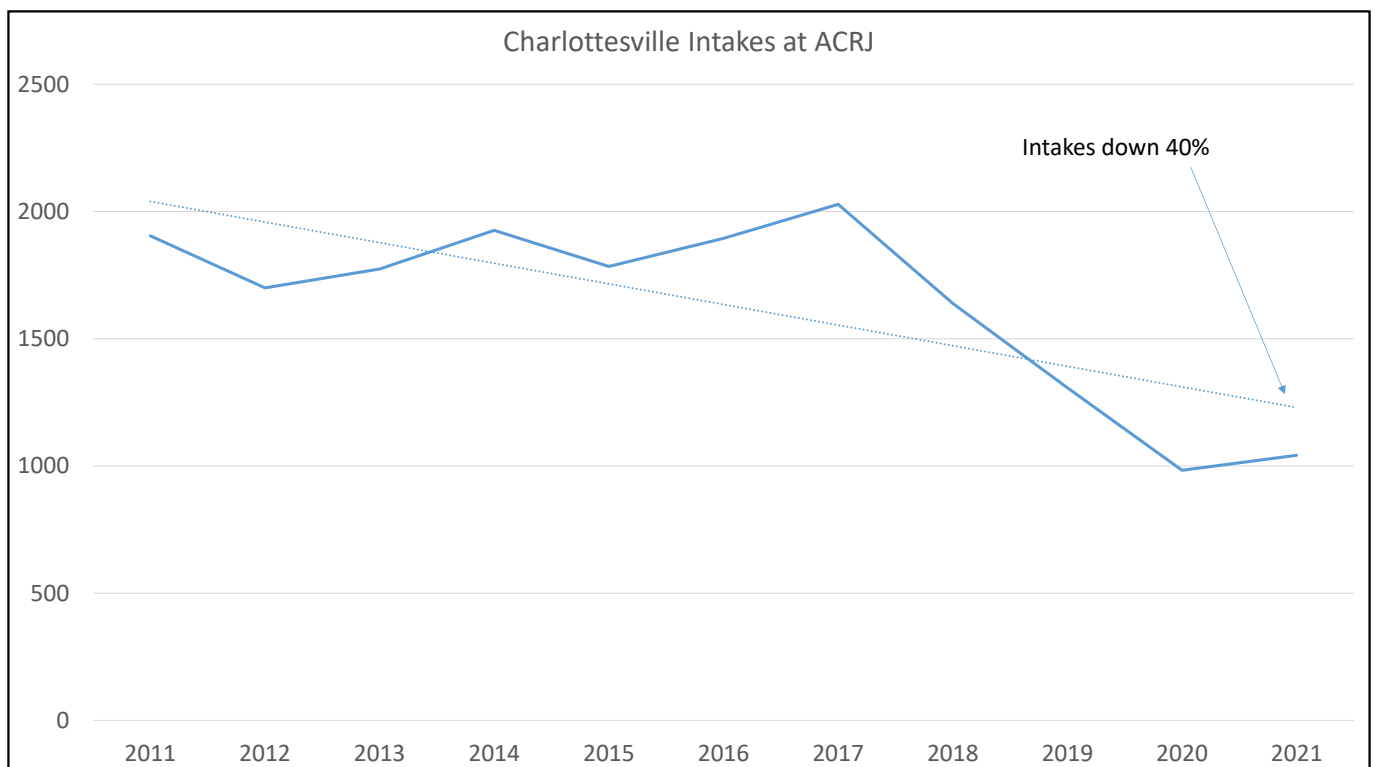
- This report, generated by the Criminal Justice Planner, documents trends among various key metrics associated with Charlottesville inmates at the Albemarle-Charlottesville Regional Jail (ACRJ).
- These key metrics include the number of inmates entering and leaving the jail, their charges, their race, gender and age, and their length of stay.
- The report shows how these metrics have impacted the total number of bed days expended by Charlottesville at ACRJ from 2011 to 2021.
- This analysis also assesses the impact of the COVID-19 pandemic years (2020 and 2021) on longer-term trends in Charlottesville jail utilization by comparing them to the two most recent pre-pandemic years (2018 and 2019).
- All data was extracted from the ACRJ operational management system.
- A supplemental report will be issued in September 2022, documenting trends in reported crime in Charlottesville, pending the publication of 2021 crime data by the Virginia State Police.

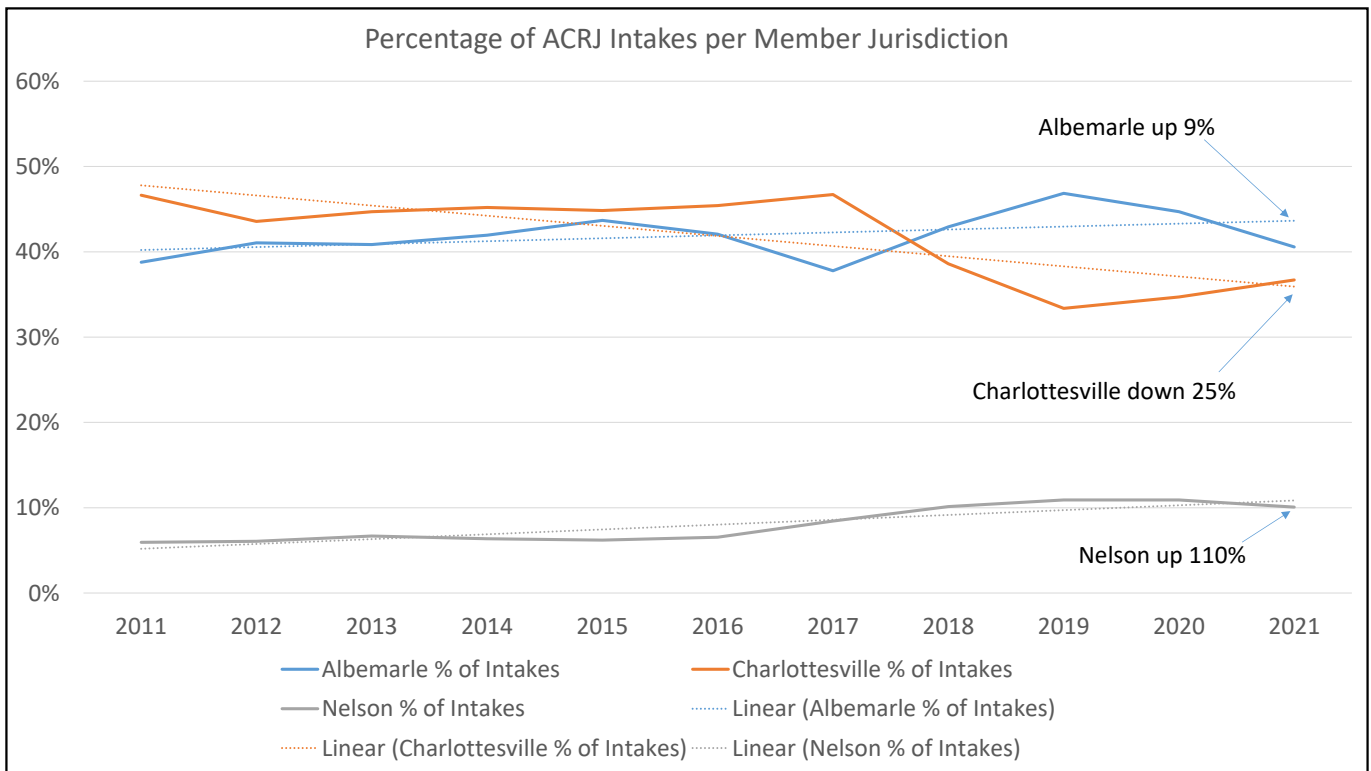
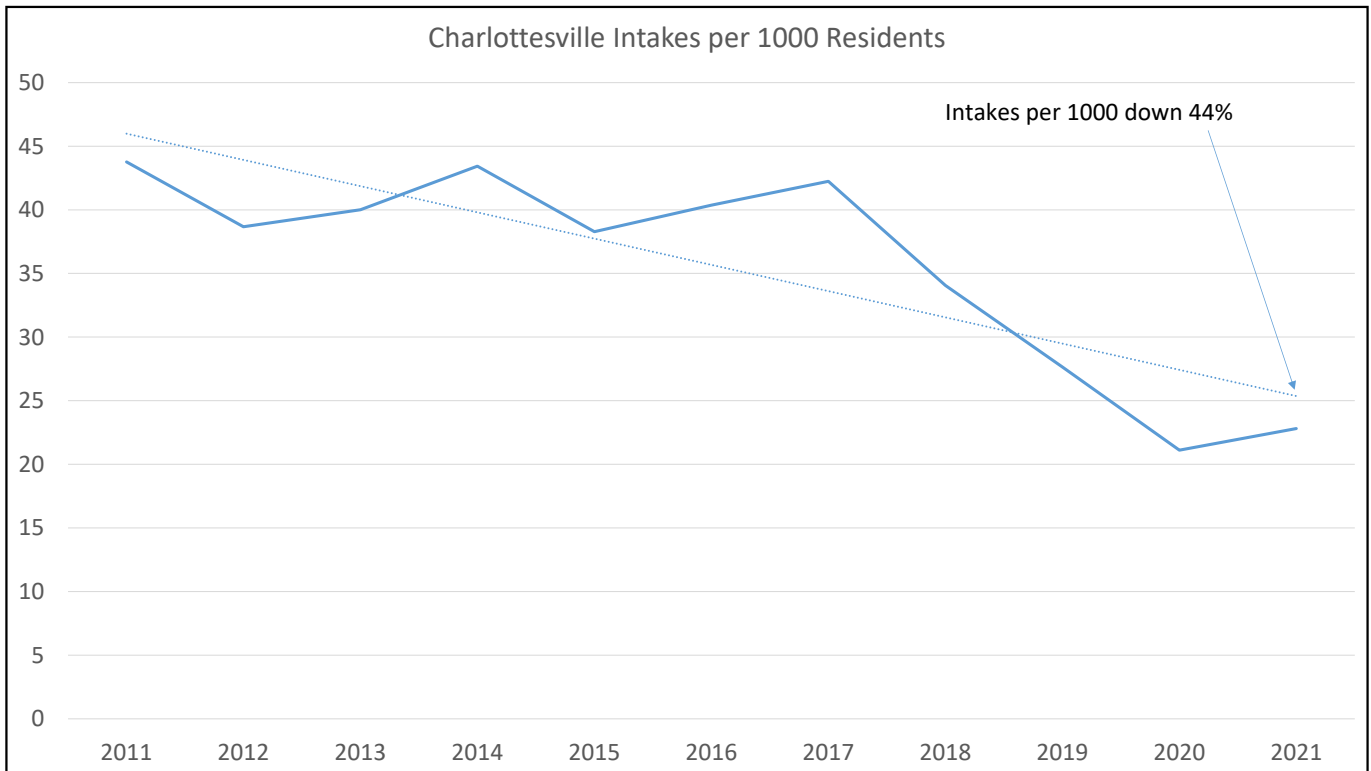
## General Population

- The population of Charlottesville increased from 43,475 in 2010 to 46,553 in 2020, according to U.S. Census Bureau data.
- This represents an increase of 7.1%.
- Wherever appropriate in this report, changes in jail utilization from 2011 to 2021 will be expressed as a rate per 1000 Charlottesville residents, utilizing U. S. Census data.

## Intakes

- An “intake” is an event, in which a person is taken into ACRJ on Charlottesville charges, no matter how long their stay, or how many charges they have lodged against them.
- For the purpose of this analysis, inmates serving multiple weekends were removed from the tallies, given the considerable differences in the way in which weekenders were recorded in ACRJ’s legacy system (Pistol) and its current system (New World). Weekenders are the subject of a separate analysis.
- From 2011 through 2021, Charlottesville intake volume decreased by 40%.
- Nearly all of the decrease in intake volume occurred after 2017.
- The per-capita rate of jail intakes between 2011 and 2021 dropped 44%. 43.5 inmates per 1000 city residents were taken into ACRJ on Charlottesville offenses in 2011, compared to 22.3 per 1000 in 2021.
- Charlottesville’s share of all ACRJ intakes decreased 25%, from 46.6% in 2011 to 36.7% in 2021.

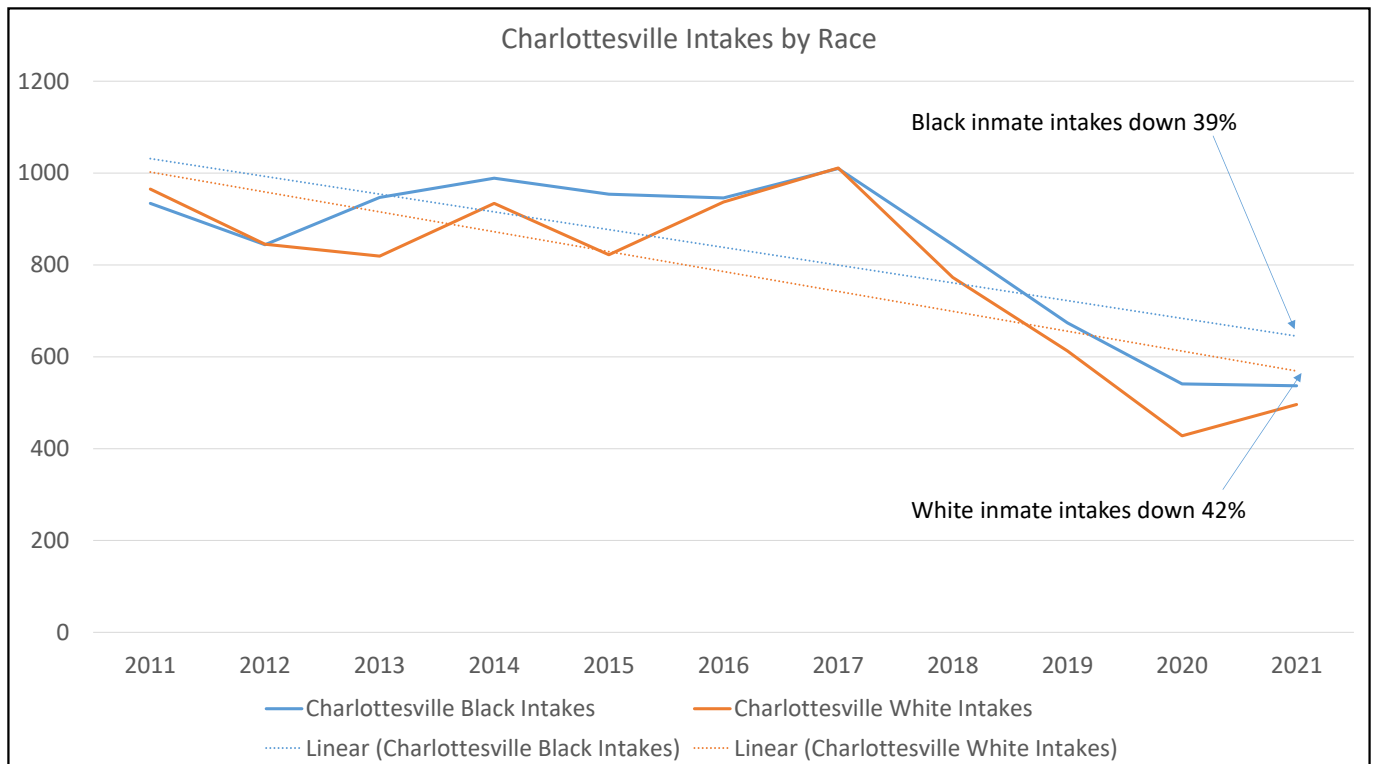


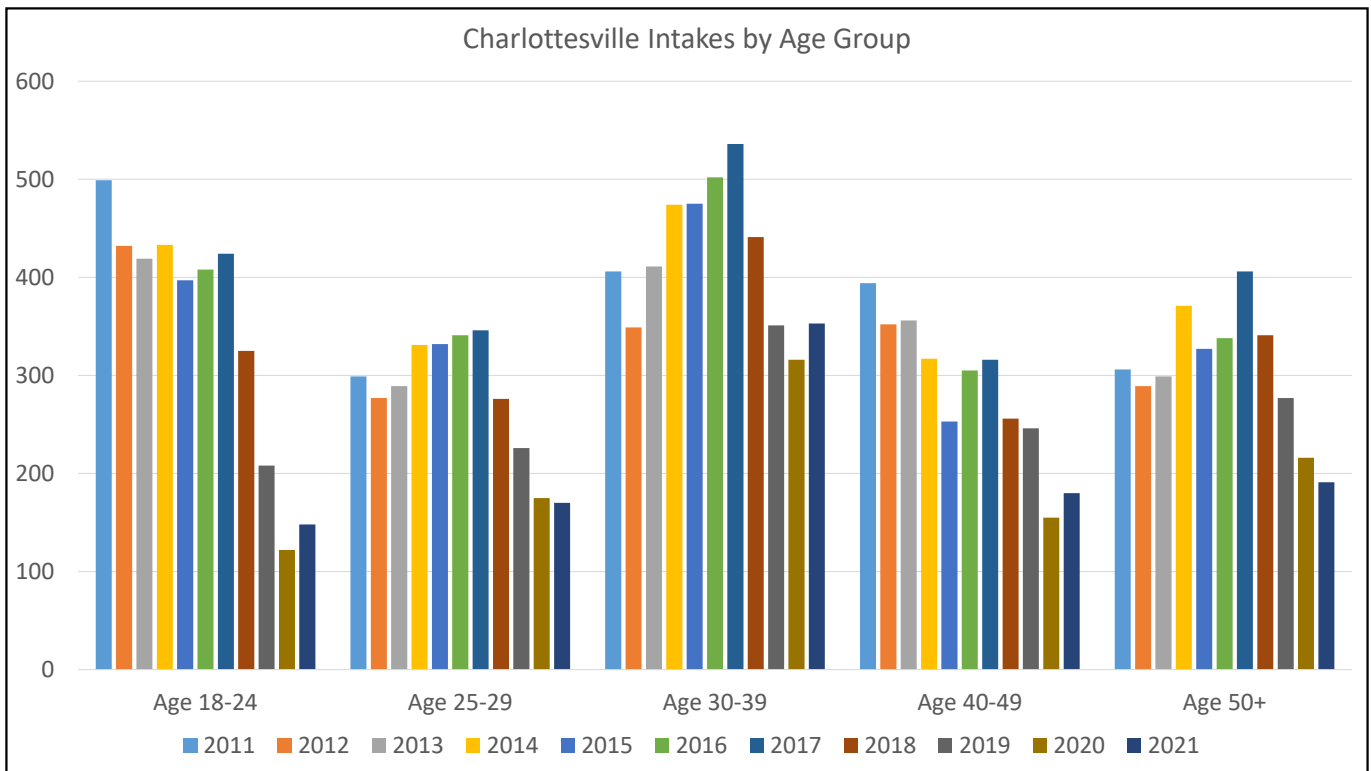
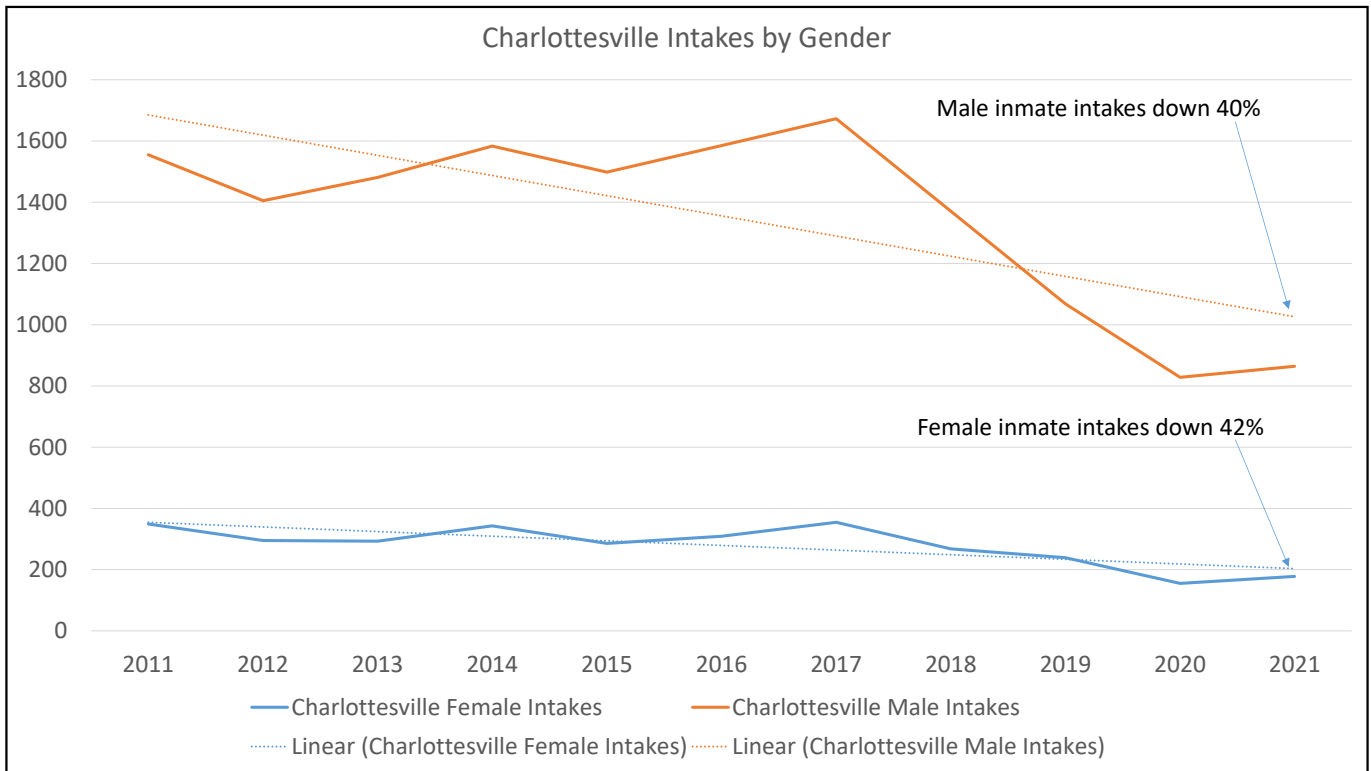




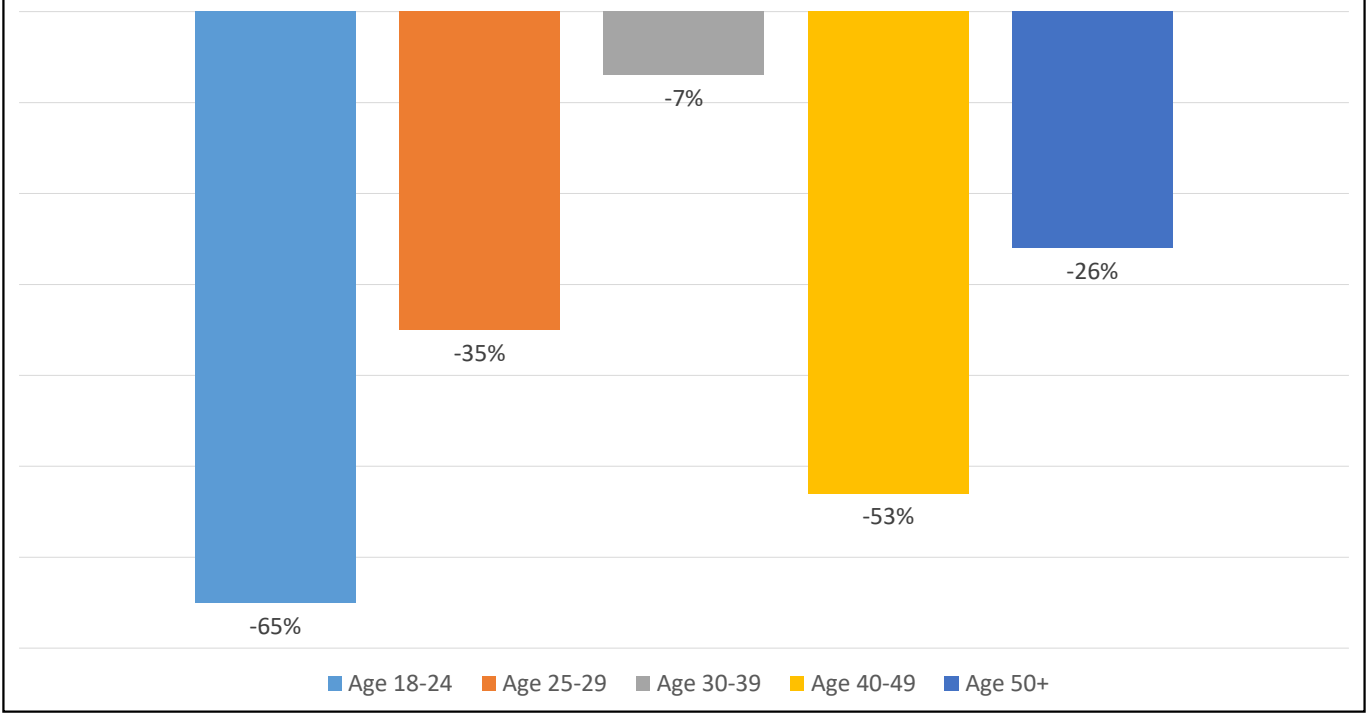
## Intakes by Race, Gender and Age

- Decreases in Charlottesville jail intake volume were roughly comparable among White inmates (down 42%) and Black inmates (down 39%).
- Intakes of female inmates and male inmates both dropped by roughly comparable percentages (down 42% and 40% respectively).
- Intake volume dropped among all age groups, but most significantly among inmates age 18 to 24 (down 65%). This downward trend in intakes of 18-24 year olds was well-established prior to the onset of the COVID-19 pandemic.
- The average age of a Charlottesville inmate at intake increased from 34.9 years in 2011 to 37.5 in 2021.
- Decreases in intake volume occurred among all demographic groups in 2020 and 2021, compared to the two most recent pre-pandemic years of 2018 and 2019.

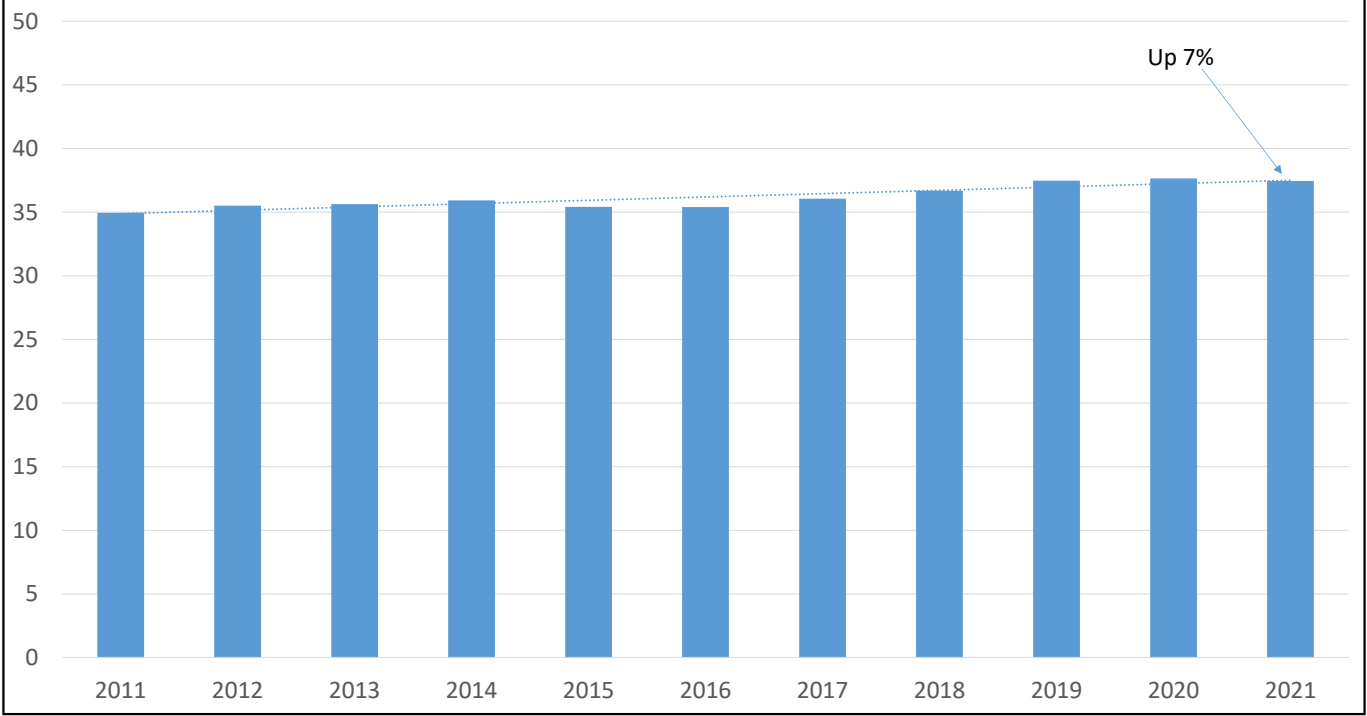




Percentage Change in Charlottesville Intake Volume by Age Group (2011-2021)

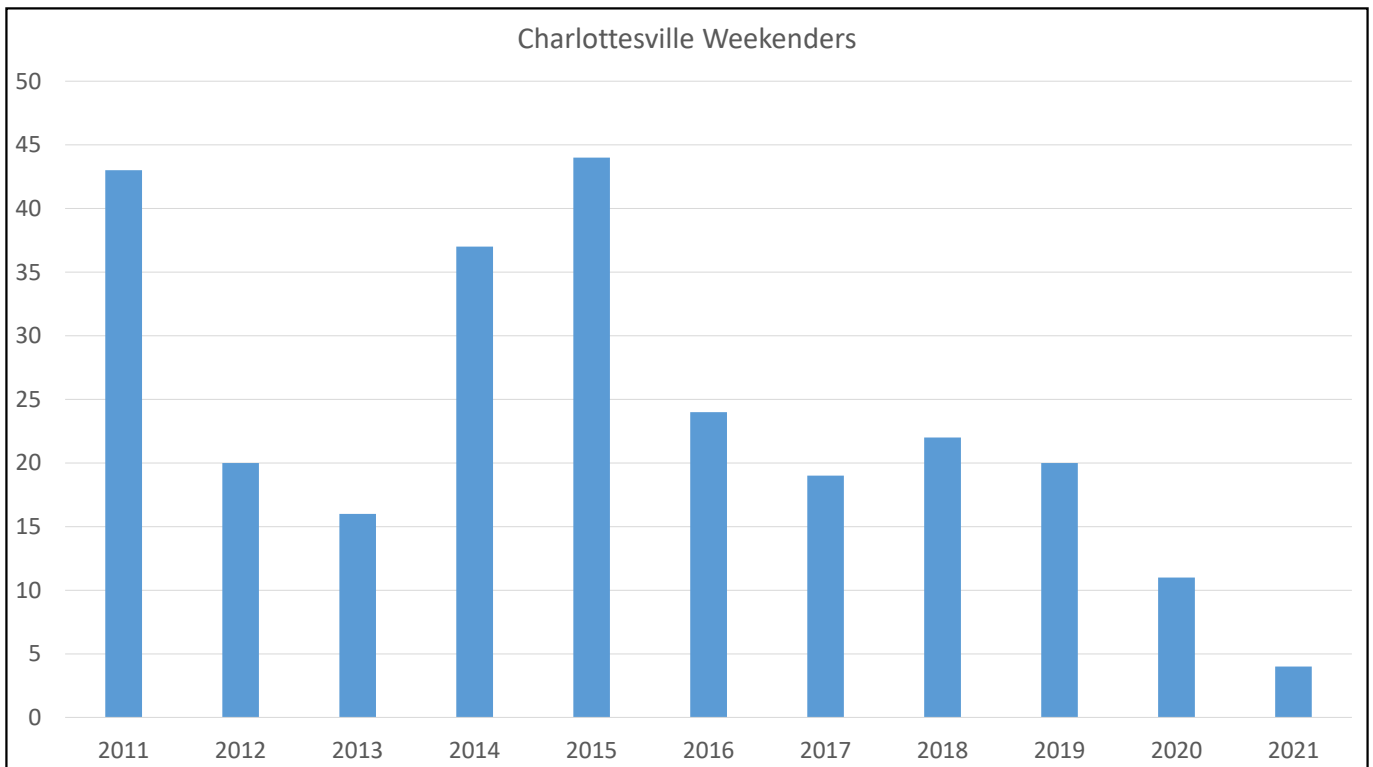


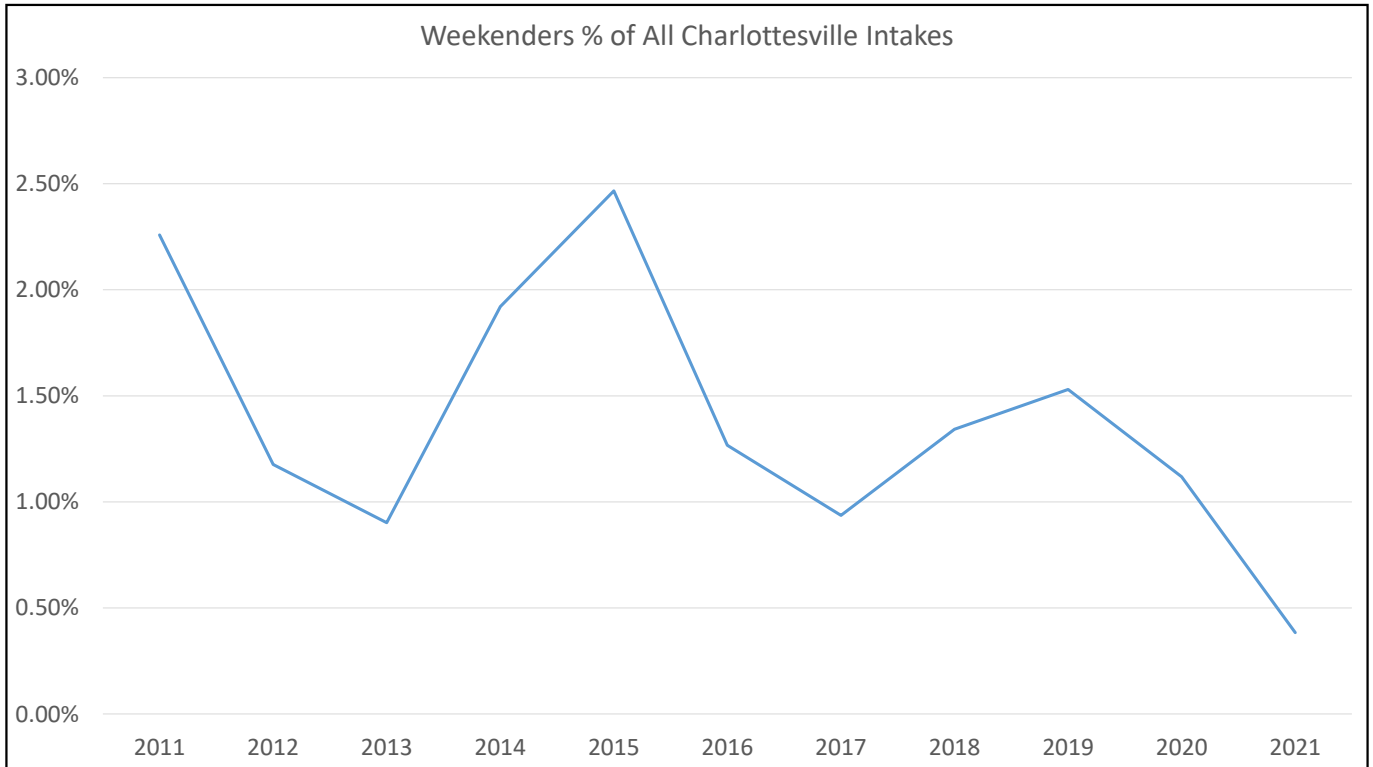
Charlottesville Average Age at Intake



## Weekenders

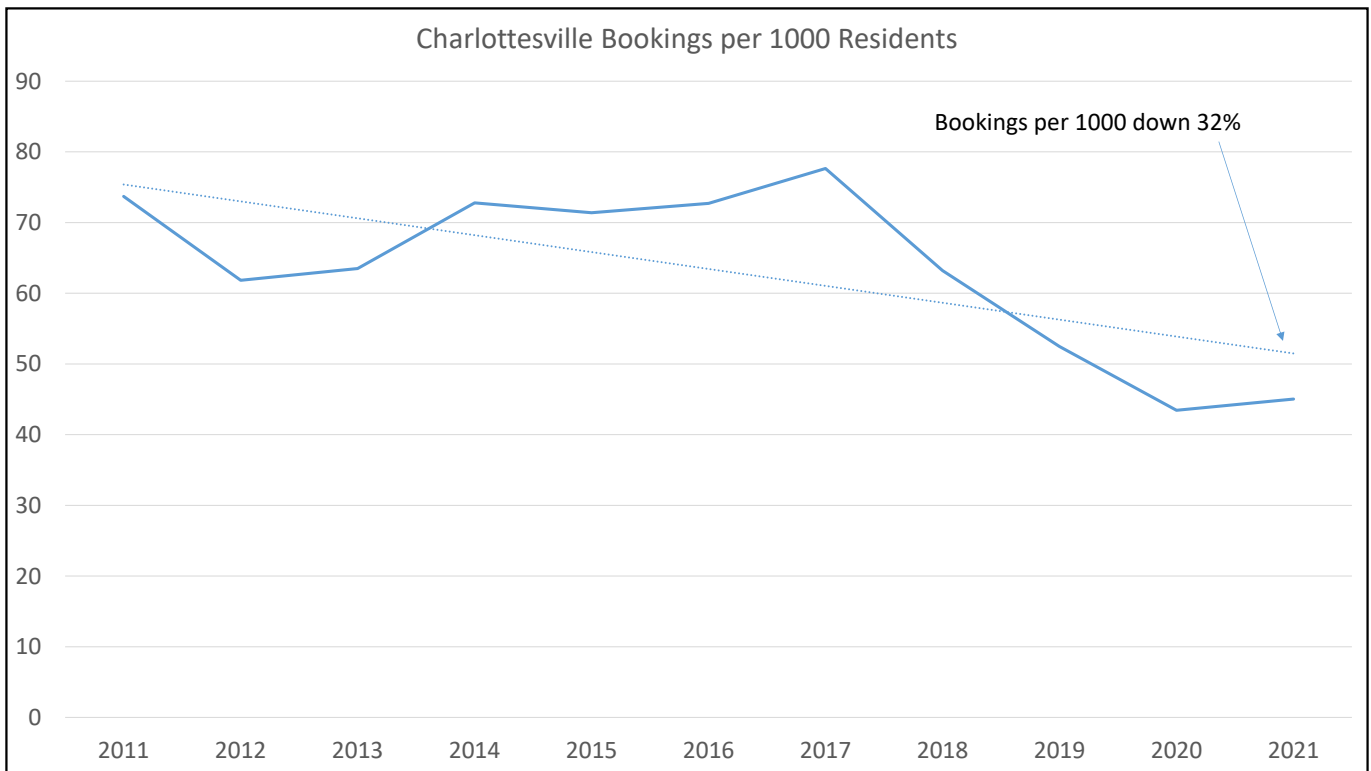
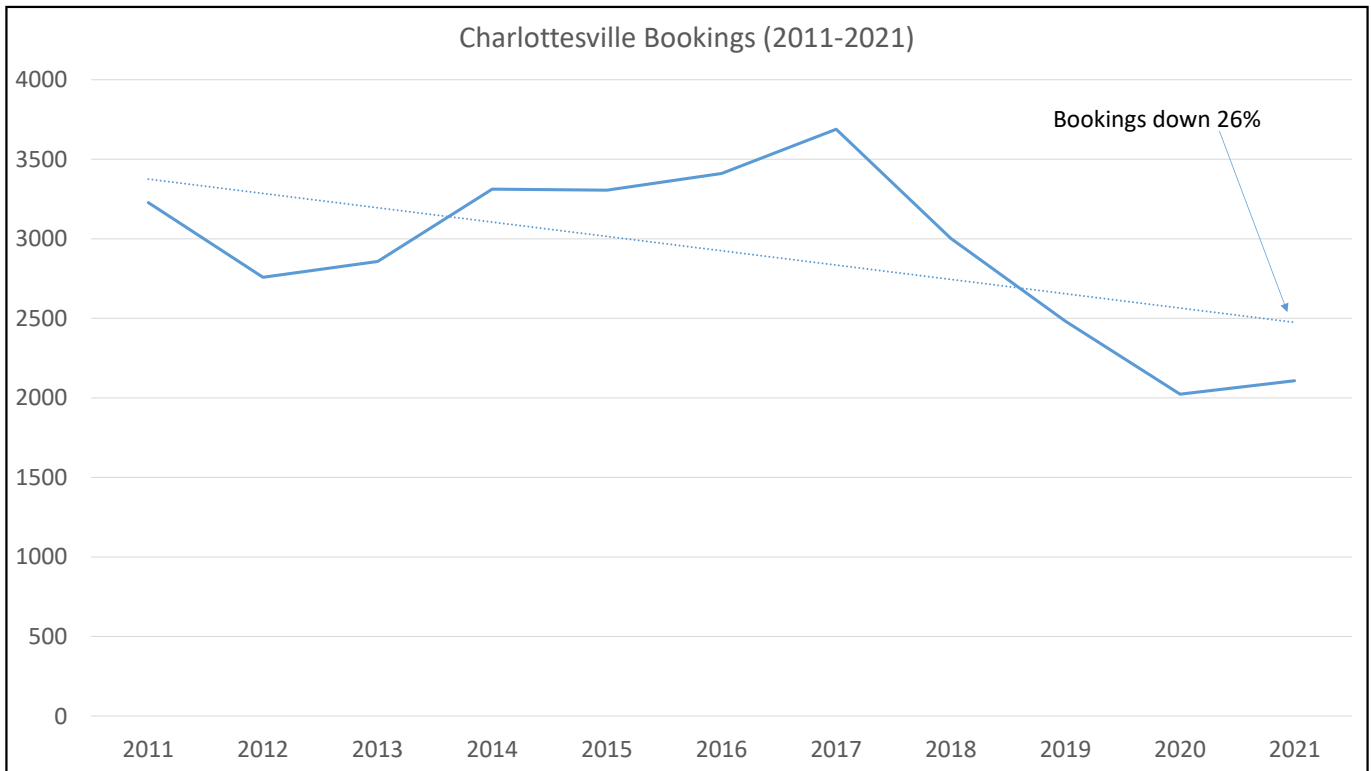
- The legacy Pistol system at ACRJ counted a weekender as a single intake, no matter how many weekends they served. The New World system, brought on line at ACRJ in December 2017, counts each weekend as a separate intake. The differences in these two approaches have been controlled for in the following analysis.
- Utilization of weekend sentences for Charlottesville inmates has been in decline since 2015, when there were 44 individuals who served their sentence on weekends. Only three individuals served weekend sentences in 2021.
- Overall, weekenders averaged 1.4% of all Charlottesville intake volume at ACRJ from 2011 to 2021.

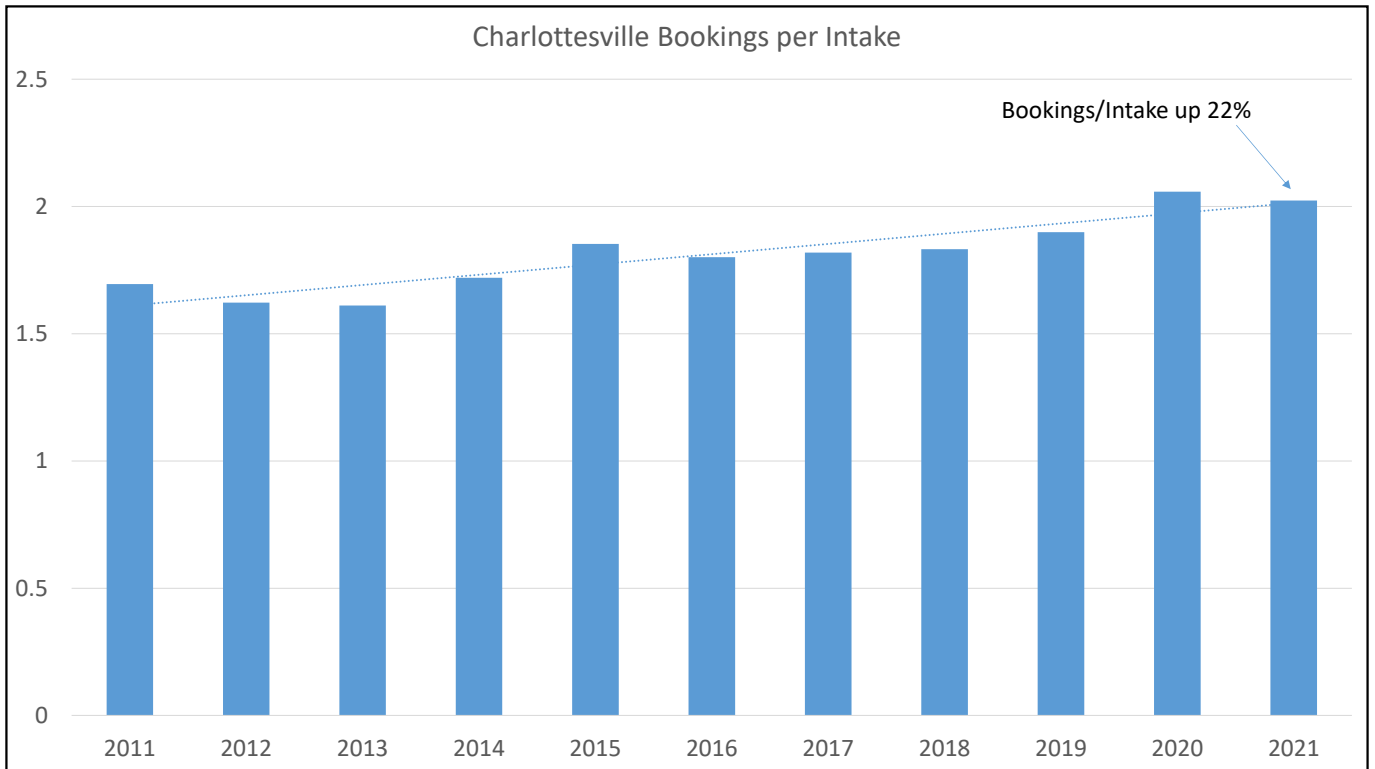
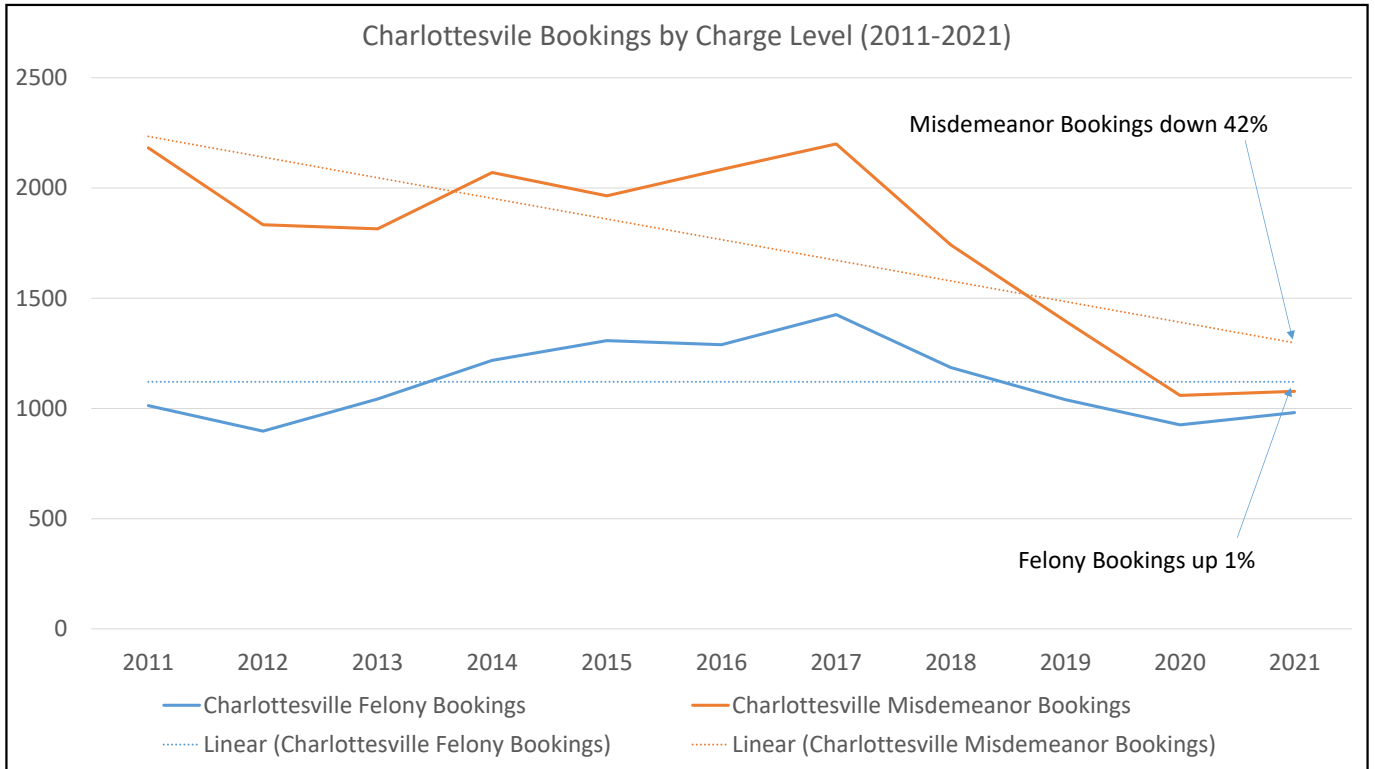




## Booking Volume

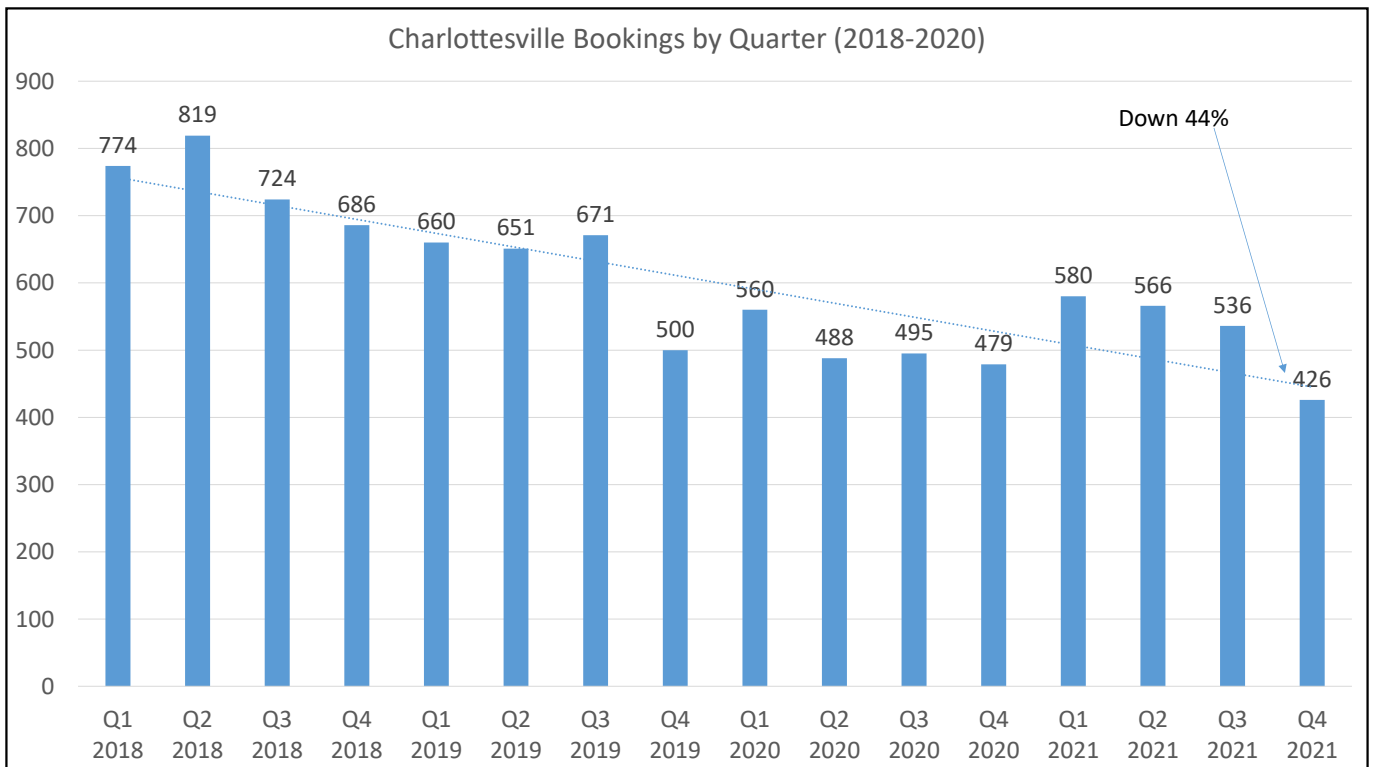
- An inmate’s “intake” is associated with one or more “bookings” (charges). While intake volume is the most accurate measure of the number of individuals entering ACRJ, booking volume helps identify the most frequent types of charges lodged against them.
- From 2011 to 2021, Charlottesville booking volume fell by 26% (down 32% per capita).
- Felony booking volume increased 1%, offset by an 42% decrease in misdemeanor bookings.
- Historically, misdemeanors have significantly outnumbered felonies in Charlottesville booking volume. However, by 2021, ACRJ recorded 981 Charlottesville felony bookings, compared to 1078 misdemeanor bookings, a difference of less than 10%.
- Charlottesville inmates were taken into ACRJ on 22% more charges per intake event in 2021 than in 2011 (1.69 charges/intake in 2011 vs. 2.02 in 2021).



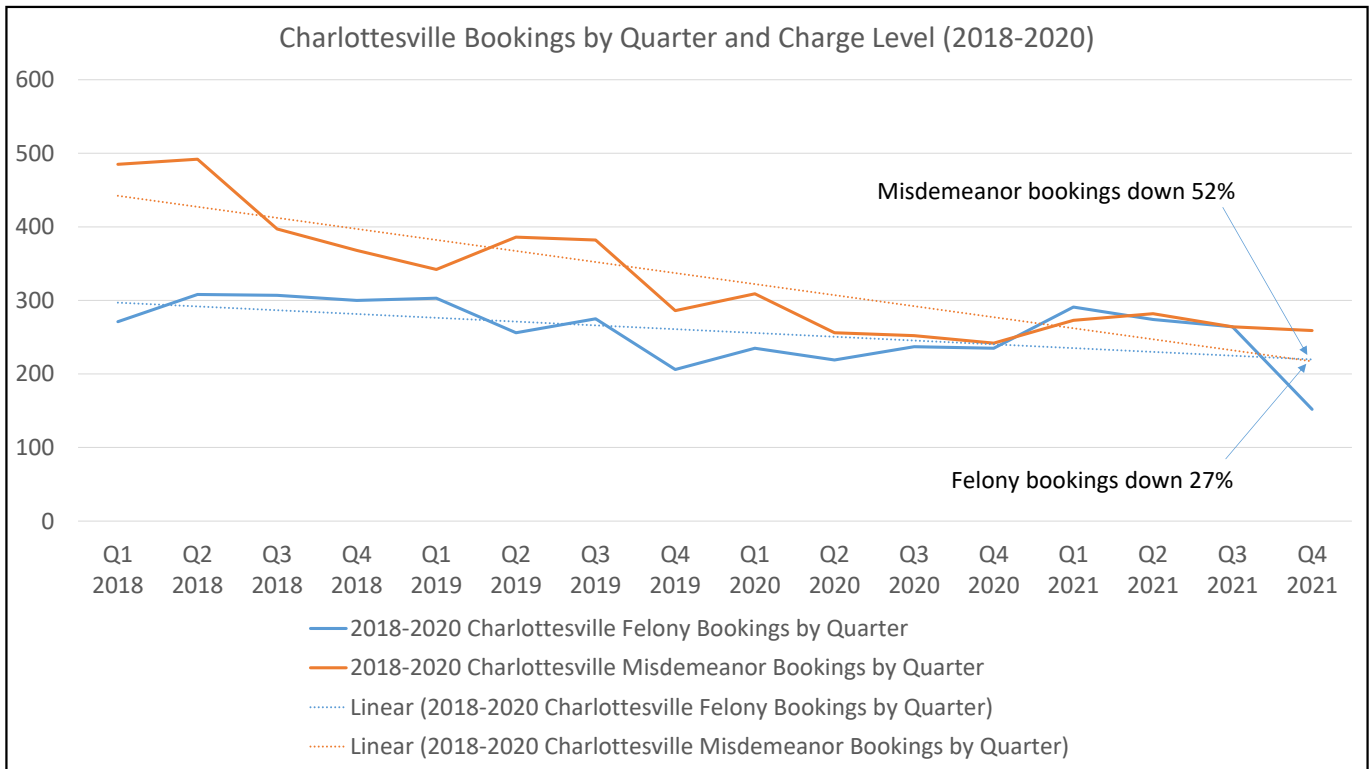


## Booking Volume in the COVID Era

- The COVID-19 pandemic appears to have had limited impact on Charlottesville booking trends. Booking volume was trending down well in advance of the onset of the pandemic in March 2020.
- In the two years preceding the pandemic (2018-19), Charlottesville's quarterly booking volume averaged 686 bookings. With the onset of the pandemic, bookings during the second quarter of 2020 fell to 488, followed by a partial rebound during 2021. The average quarterly booking volume for 2020-21 was 516.
- Booking volume dropped 44% over the four-year time frame.
- Misdemeanor booking volume fell at twice the rate of felony booking volume from 2018 to 2021.

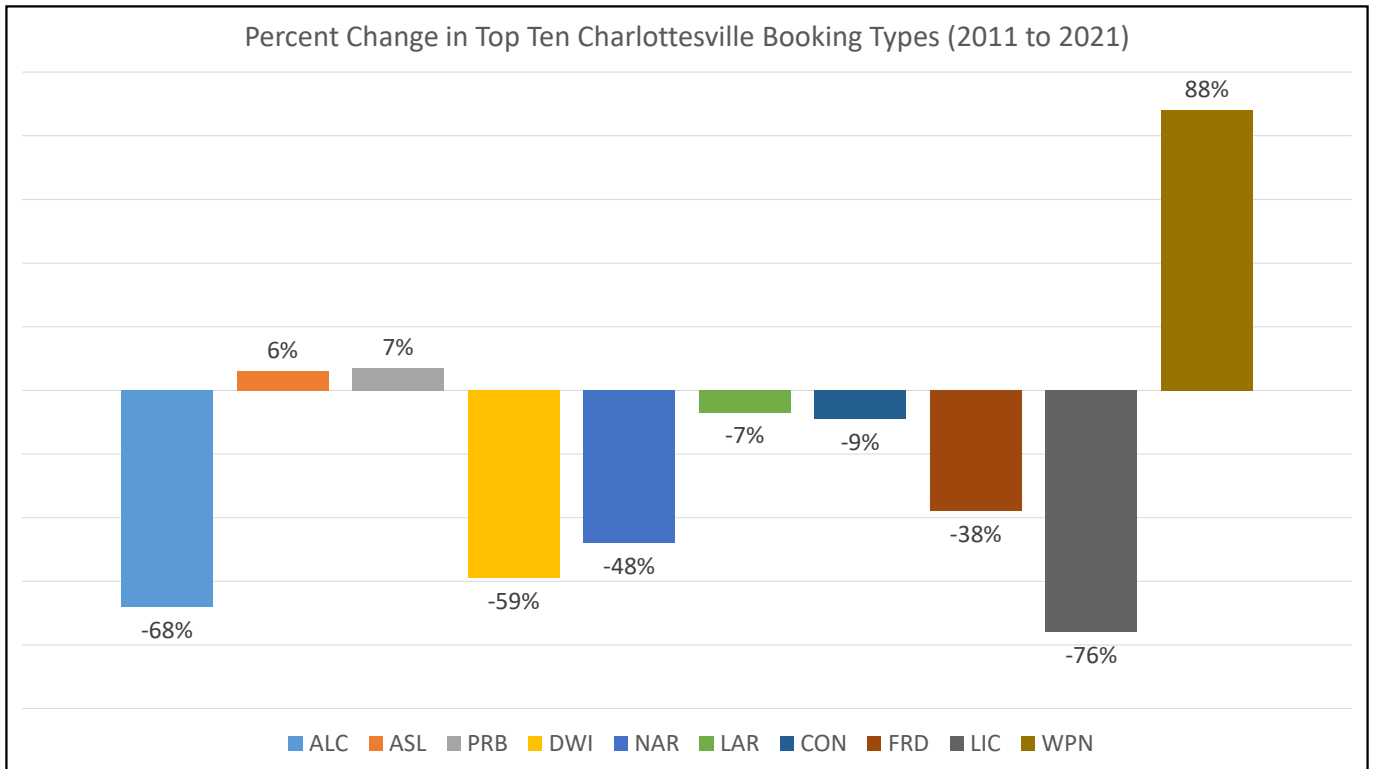
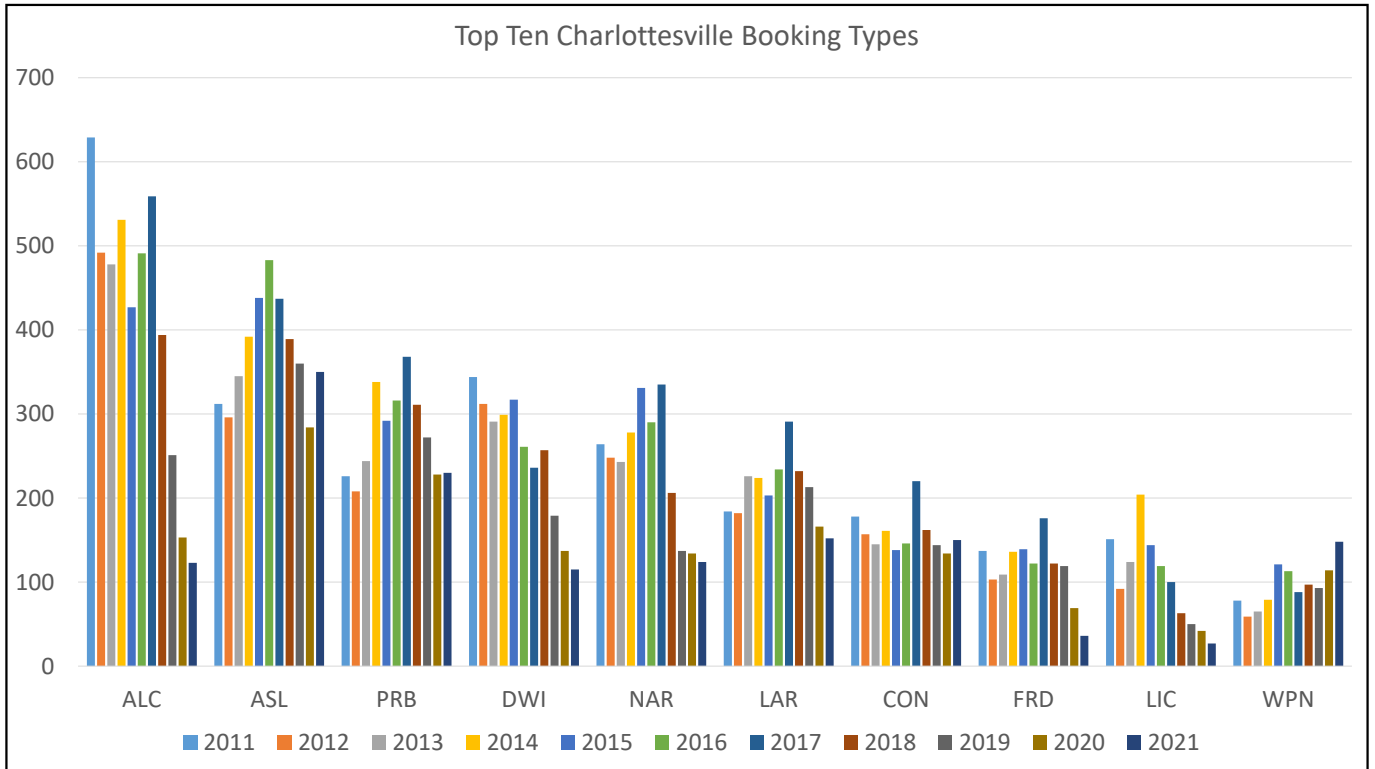




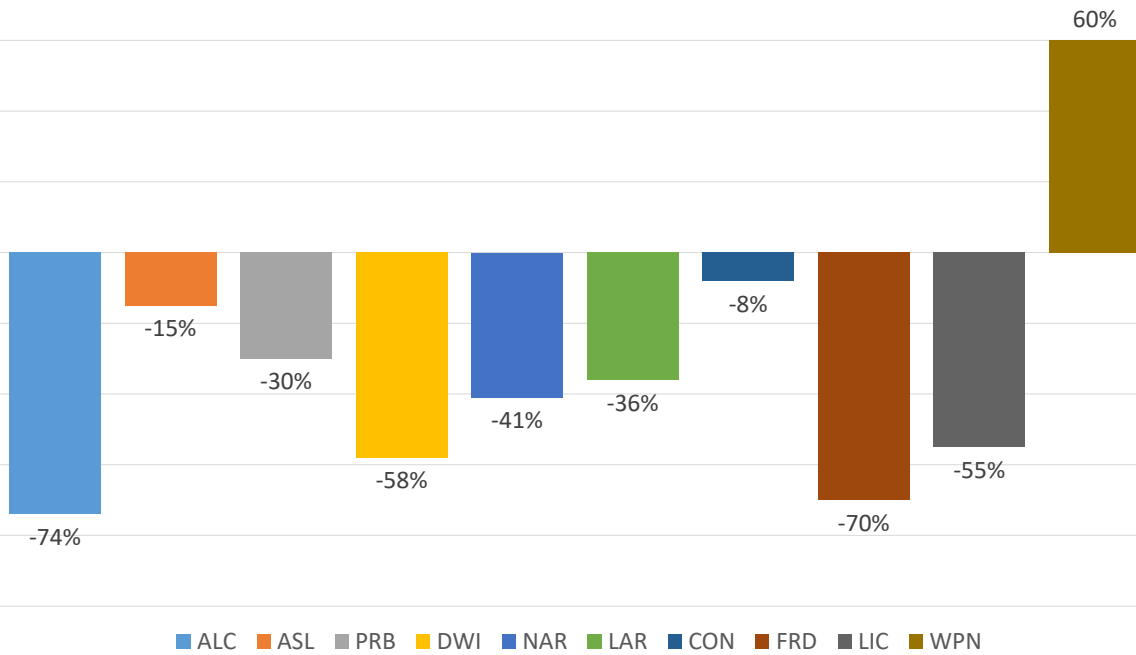


## Bookings by Charge Type

- The top ten Charlottesville charge types by booking volume from 2011 to 2021 were alcohol offenses, assault, probation violations, DWI, narcotic violations, larceny, contempt of court, fraud, operator’s license offenses and weapons offenses.
- From 2011 to 2021, the fastest-growing charge type at booking was in the category of weapons offenses (up 88%). Two other charge types had modest growth (probation violations up 7% and assaults up 6%).
- Significant decreases in booking volume were observed in the charge categories of operator’s license offenses (down 78%), alcohol offenses (down 68%), DWI (down 59%), narcotics violations (down 48%) and fraud (down 38%).
- Decreases were observed among nine of the top ten Charlottesville charge categories between 2018 and 2021, with seven categories showing a decrease of 30% or greater. The only increase observed during the pandemic was in the category of weapons offenses (up 60%).

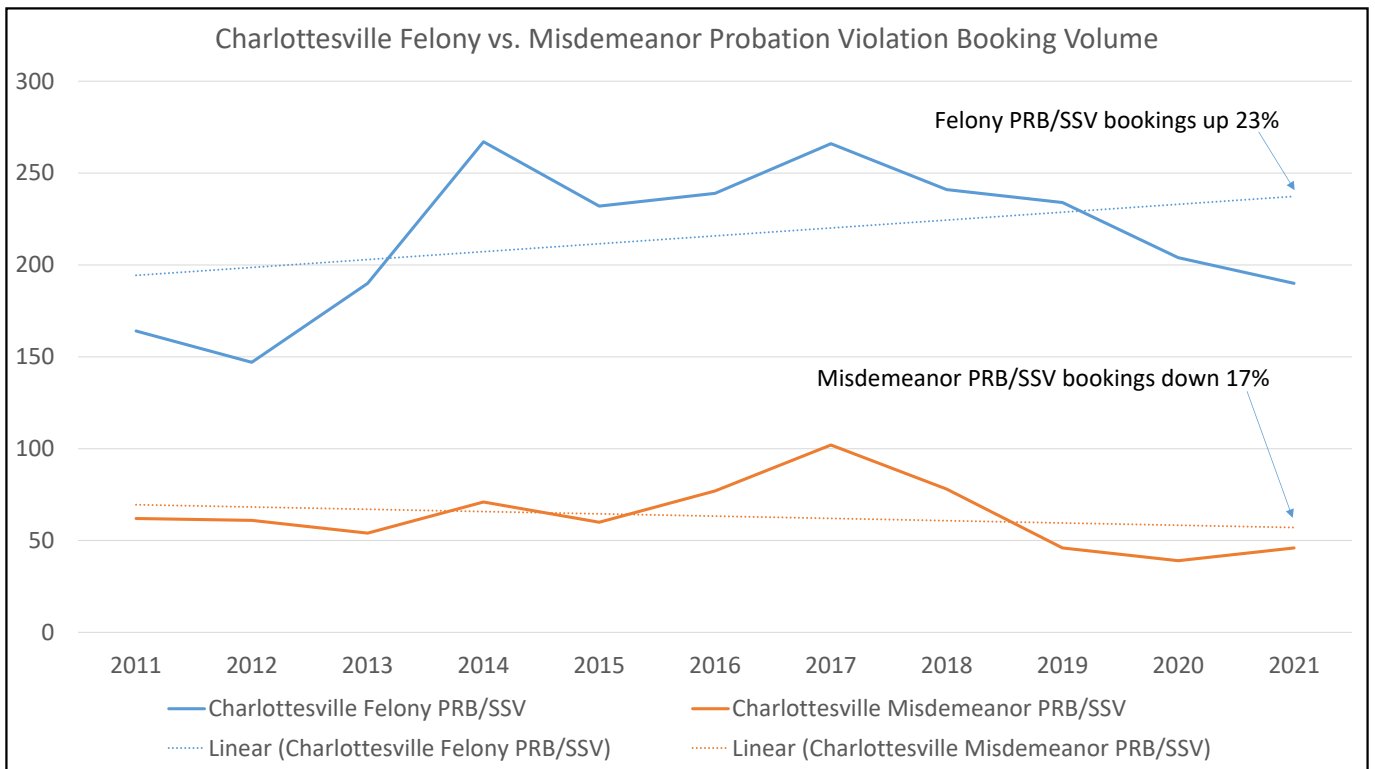
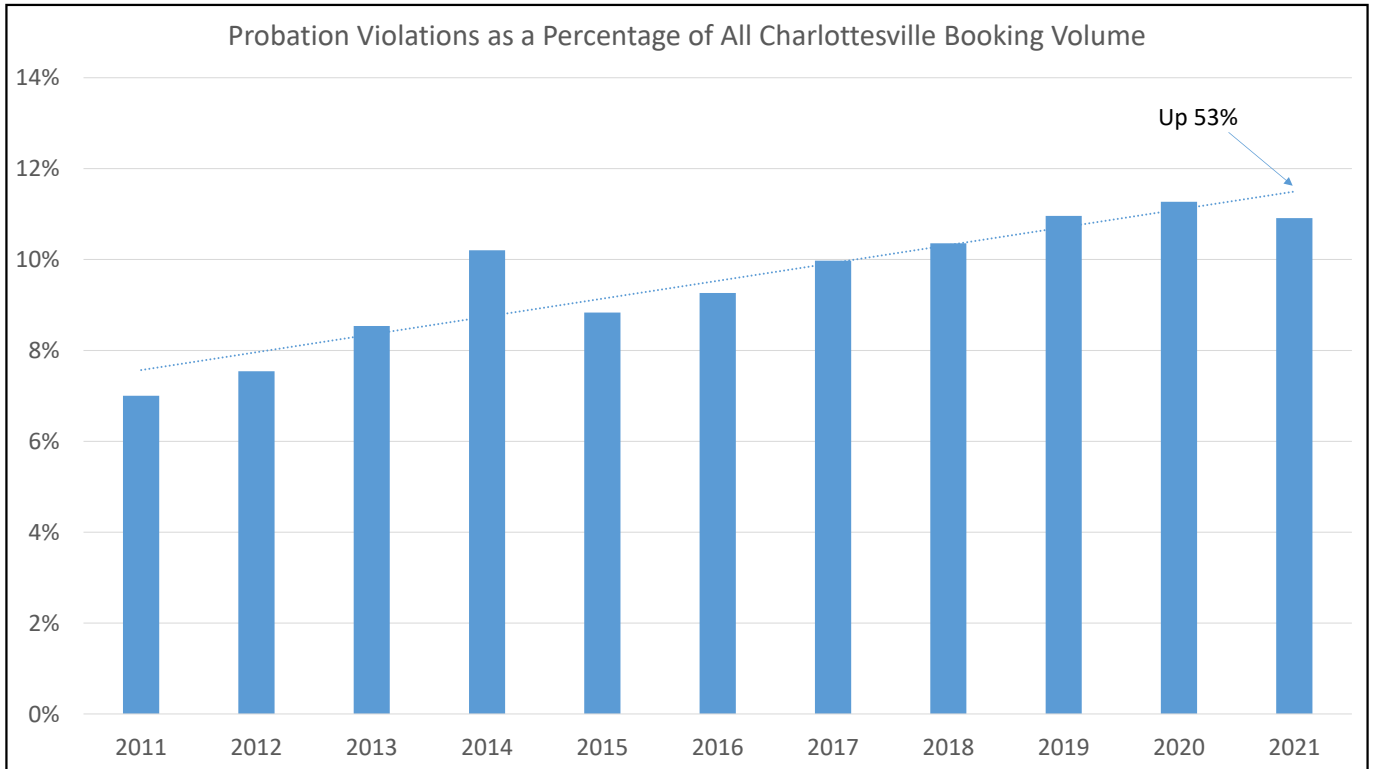


Percent Change in Top Ten Charlottesville Booking Types (2018 to 2021)



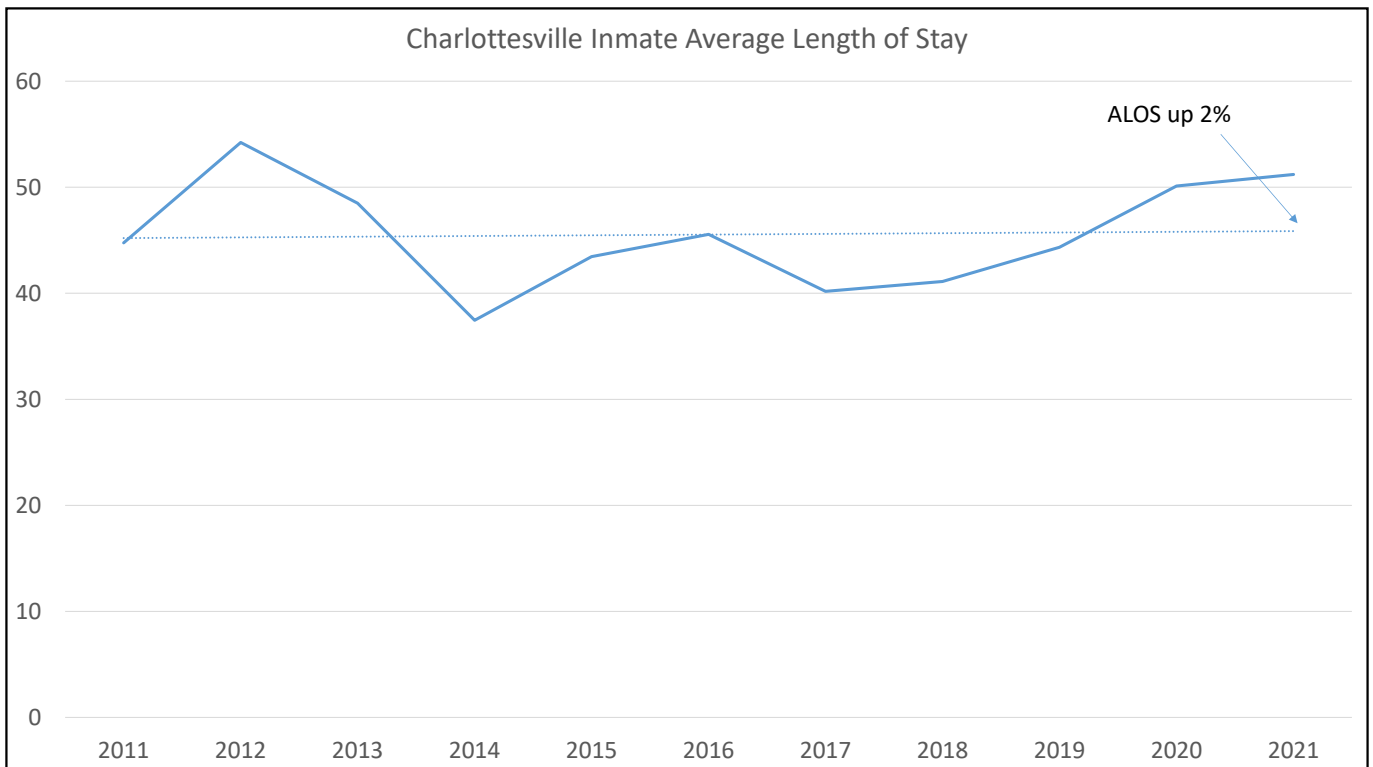
## Probation Violation Bookings

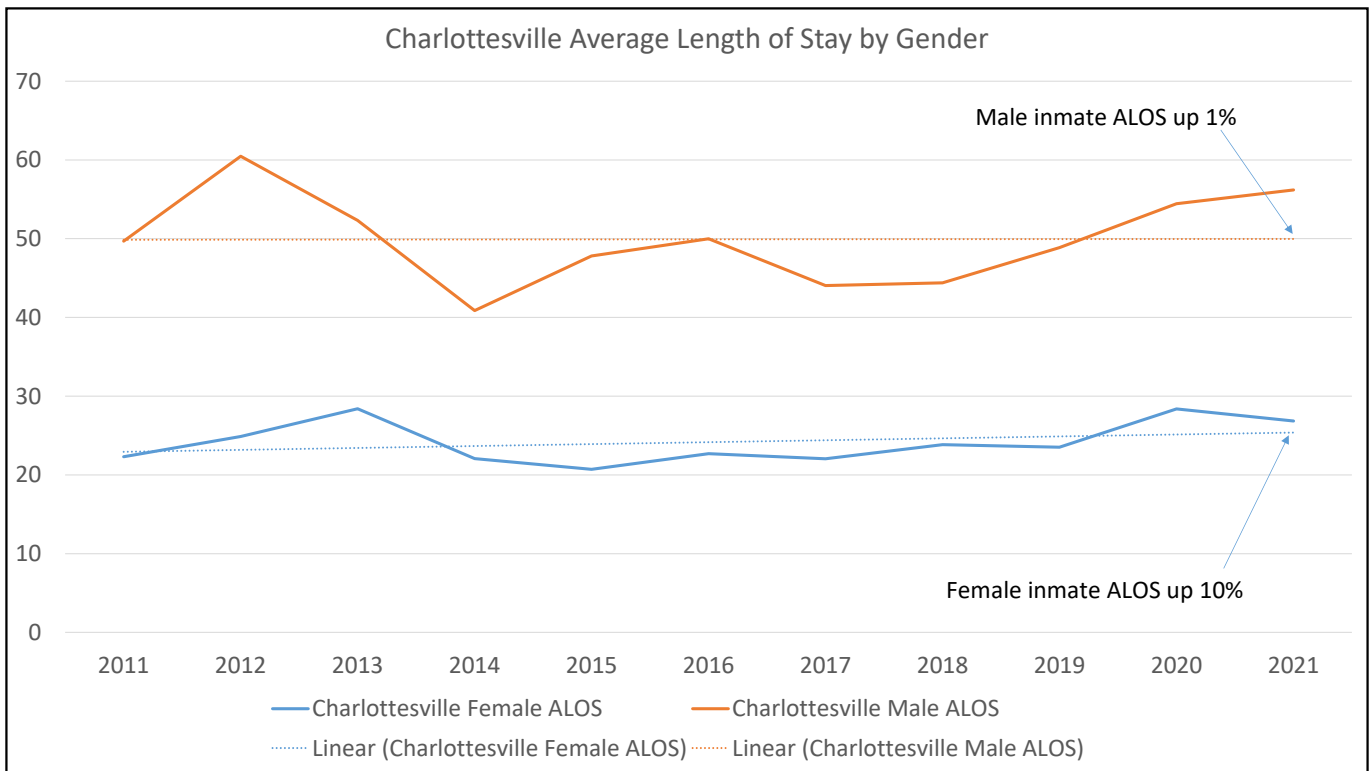
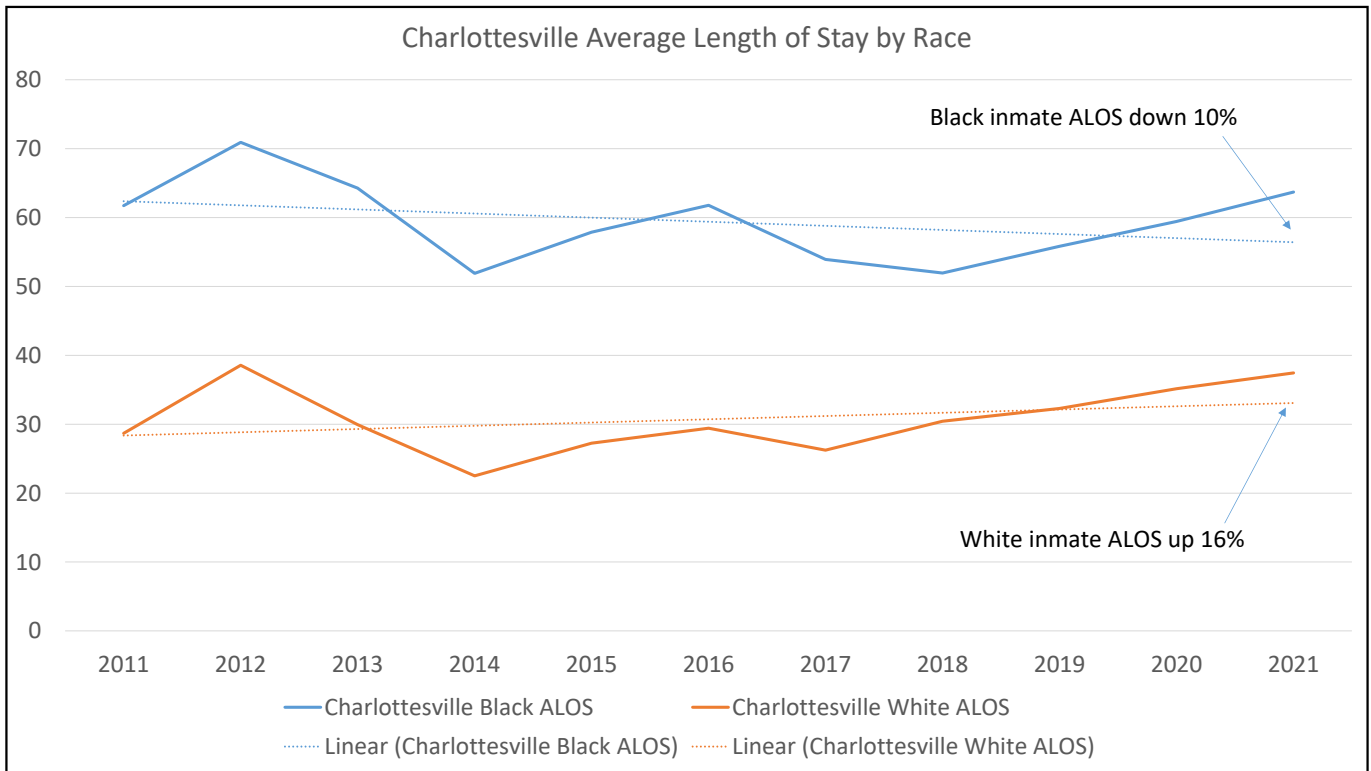
- Charlottesville probation violation bookings, expressed as a percentage of all Charlottesville bookings at ACRJ, increased 53% from 2011 to 2021, representing nearly 11% of total booking volume in 2021.
- Felony probation violation booking volume increased 27% from 2011 to 2021, while misdemeanor probation violation bookings dropped 17%. Significant drops in both felony and misdemeanor probation violations were observed starting in 2018.
- The number of Charlottesville felony probation violation bookings averaged 216 in each year from 2011 to 2021, nearly four times the volume of misdemeanor probation violation bookings (averaging 64 per year).
- Both felony and misdemeanor probation violation bookings were suppressed during the pandemic years of 2020 and 2021, as compared to 2018-19.

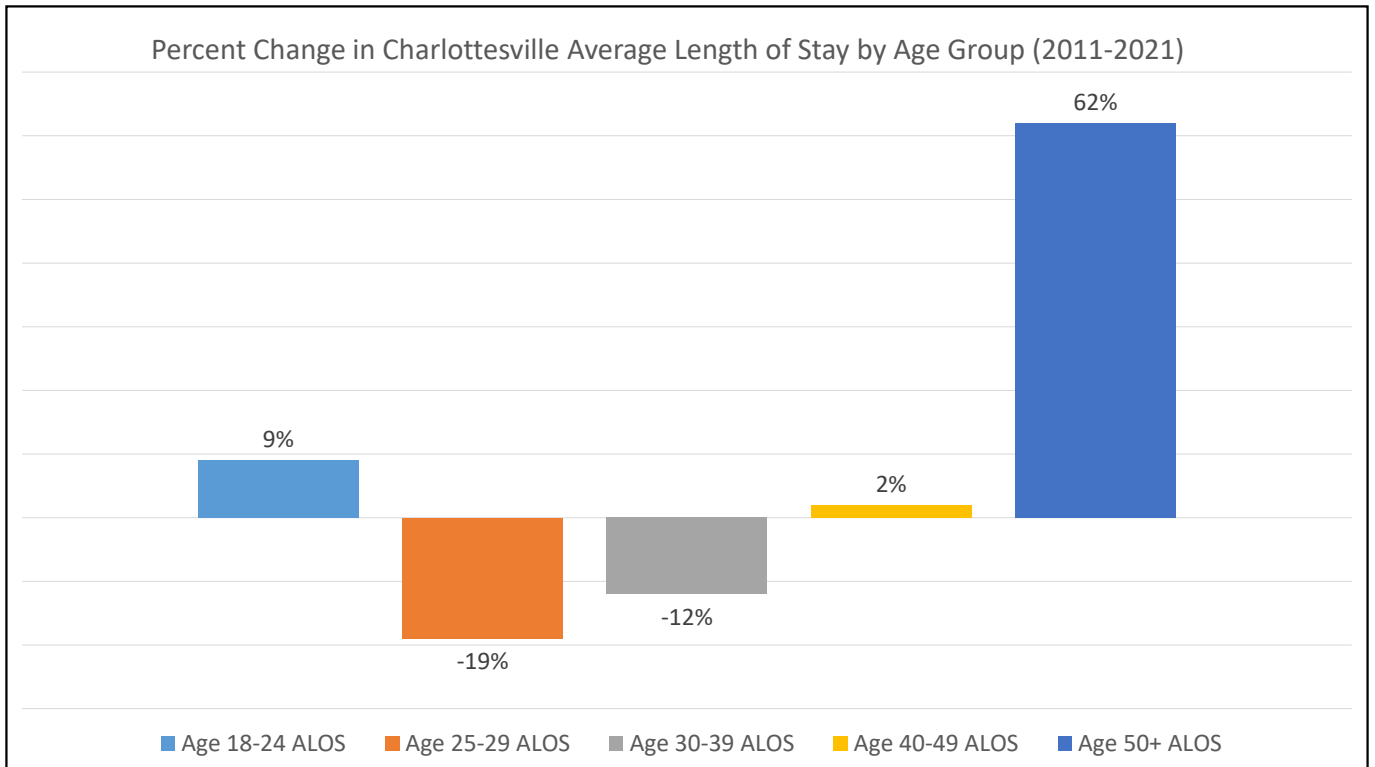
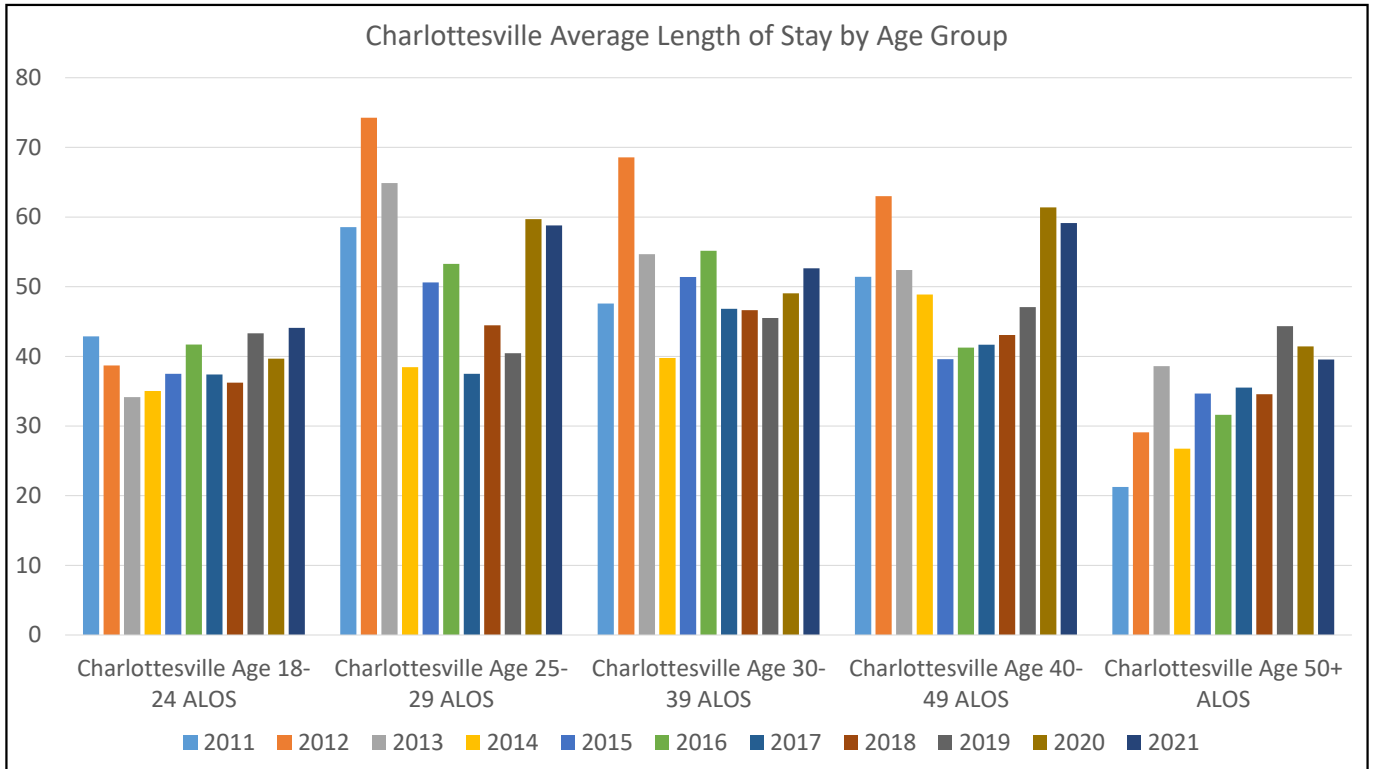


## Average Length of Stay (ALOS)

- The average length stay of an Charlottesville inmate increased a modest 2% from 2011 to 2021. However, ALOS has been on the rise since 2017.
- Average length of stay dropped 10% among Black inmates from 2011 to 2021, while ALOS among White inmates increased 16%. Black inmates served significantly longer average lengths of stay than did White inmates in every year studied, although the racial difference in ALOS narrowed from 42 days in 2011 to 26 days in 2021.
- Average length of stay for female inmates increased 10%, compared to a 1% increase for male inmates from 2011 to 2021. Male inmates served significantly longer average lengths of stay than did female inmates in every year studied, although the gender difference in ALOS narrowed from 38 days in 2011 to 29 days in 2021.
- The most significant increase in average length of stay was observed among the oldest inmate group (age 50+, up 62%).

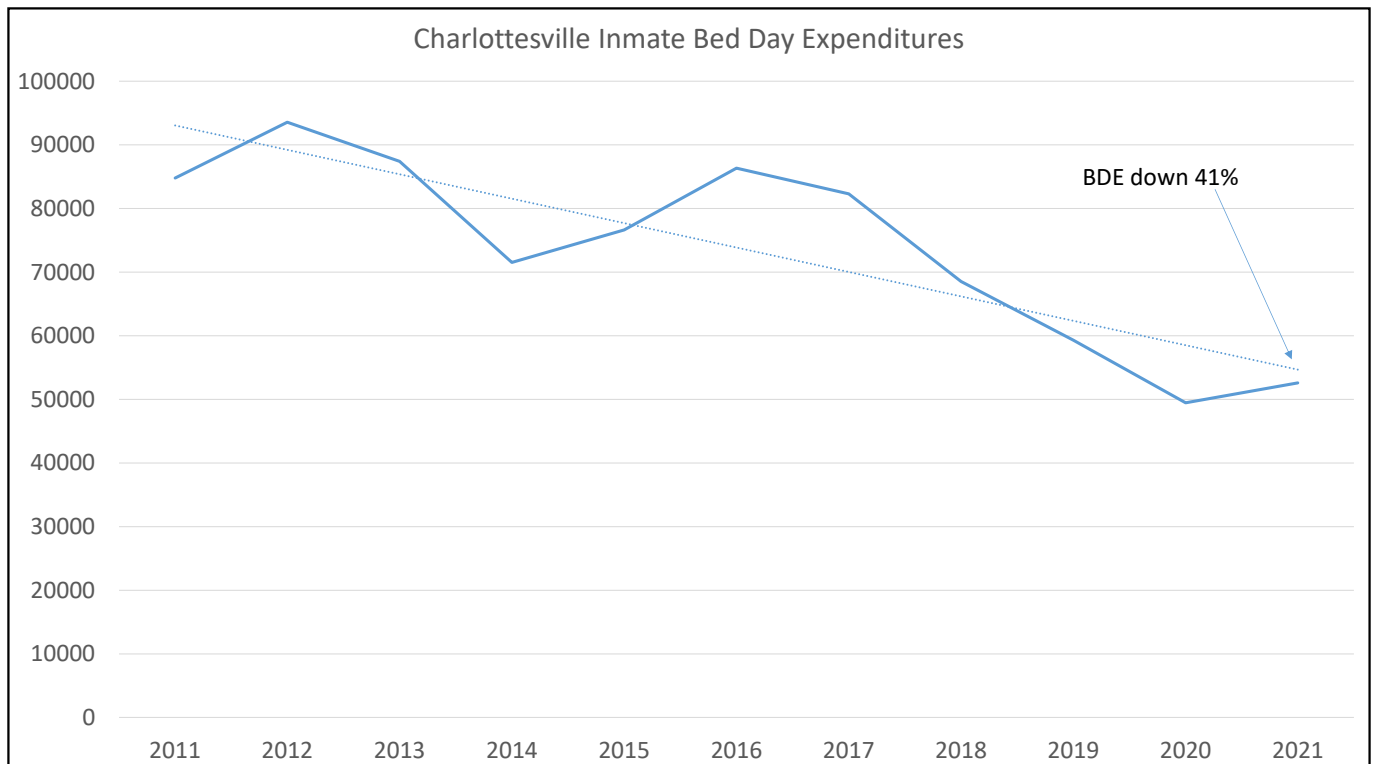




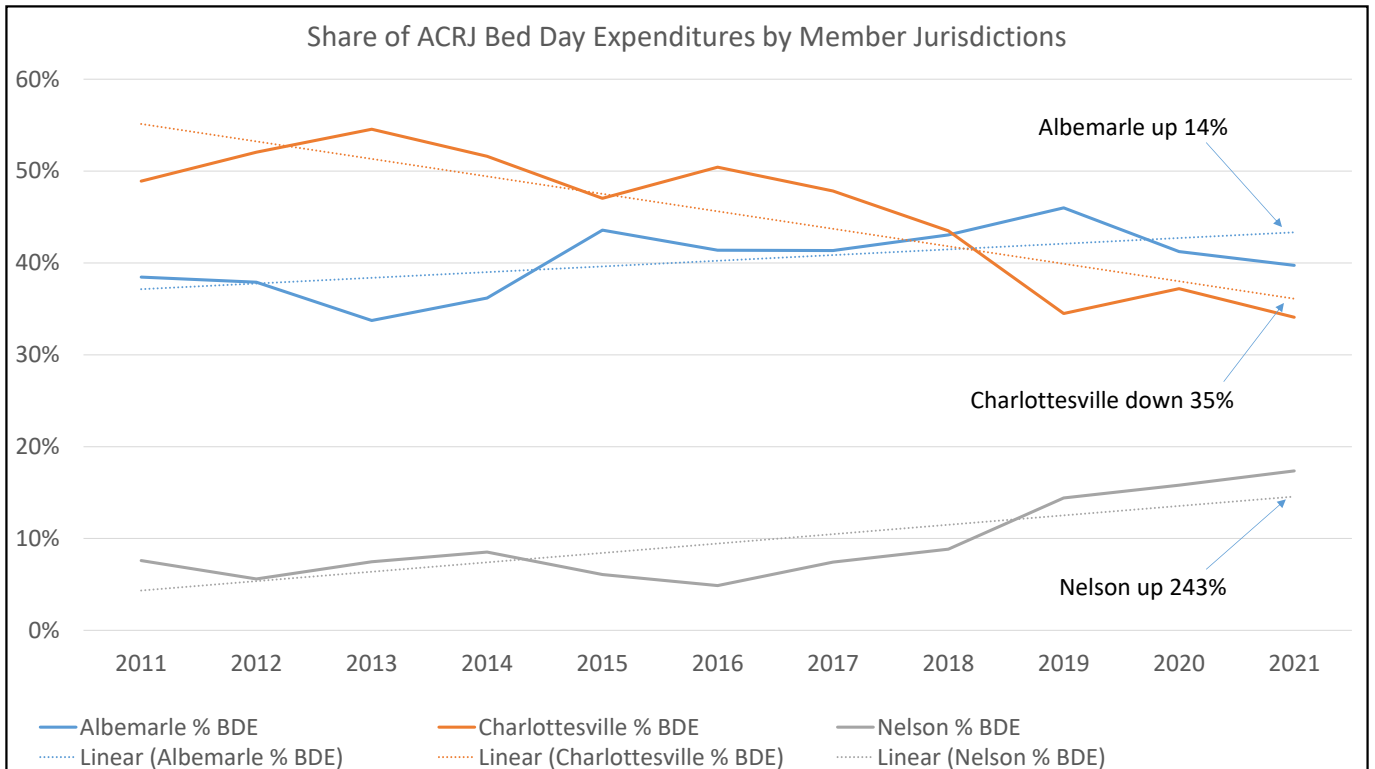
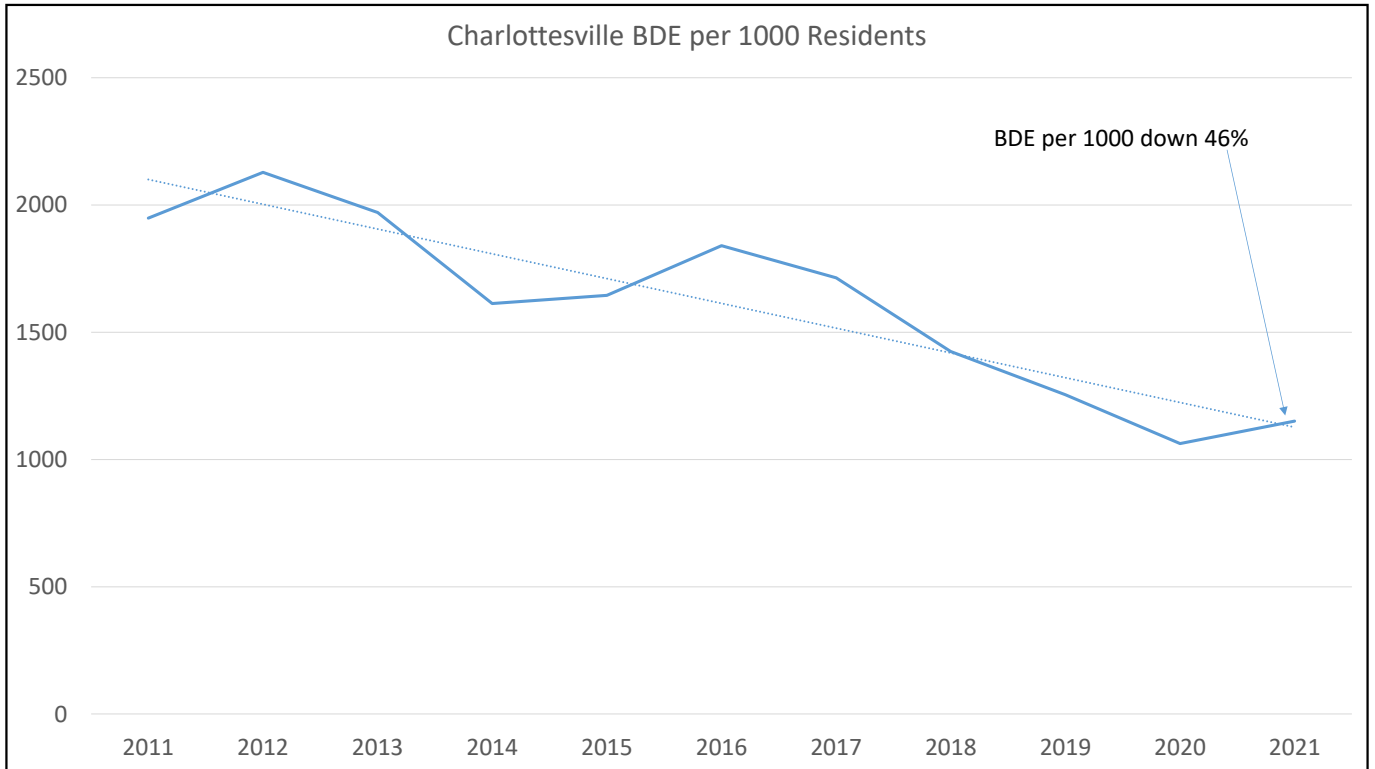


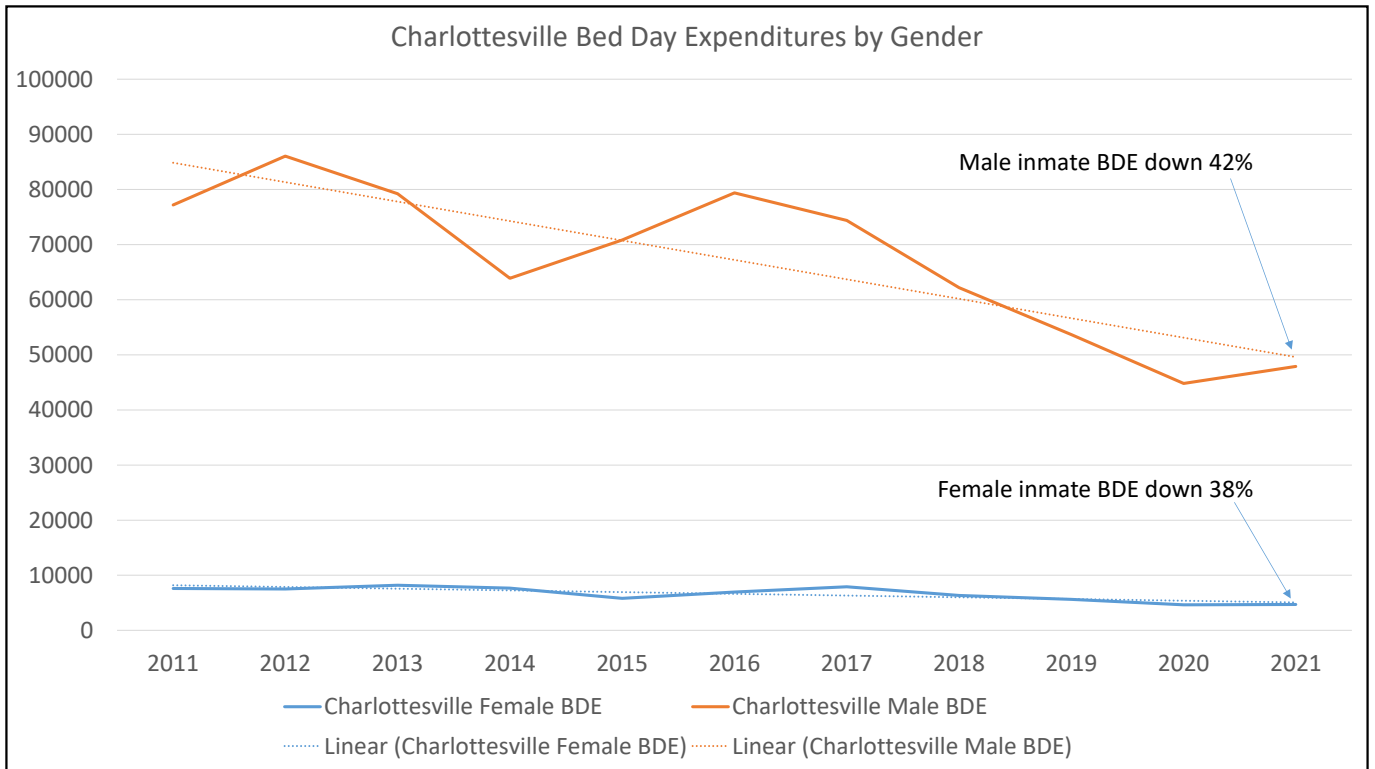
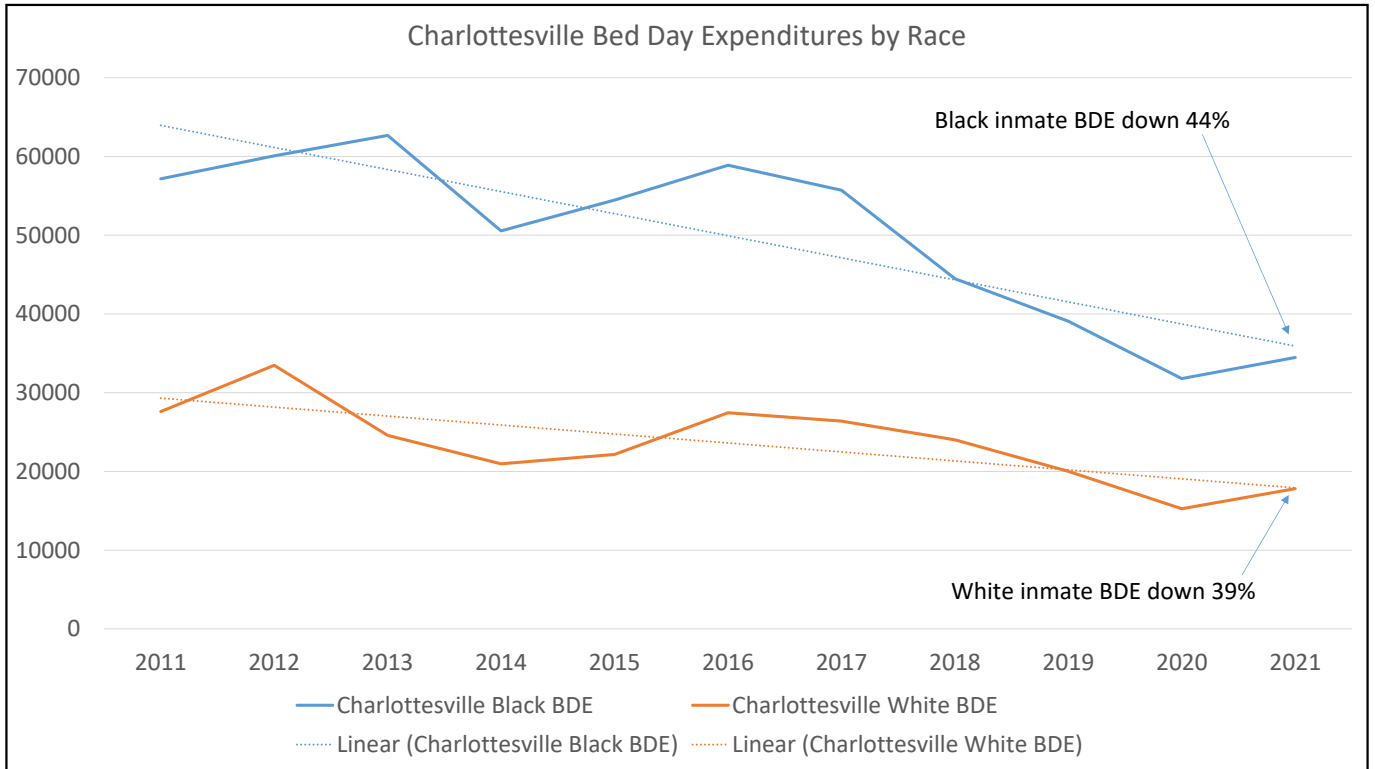
## Bed Day Expenditures (BDE)

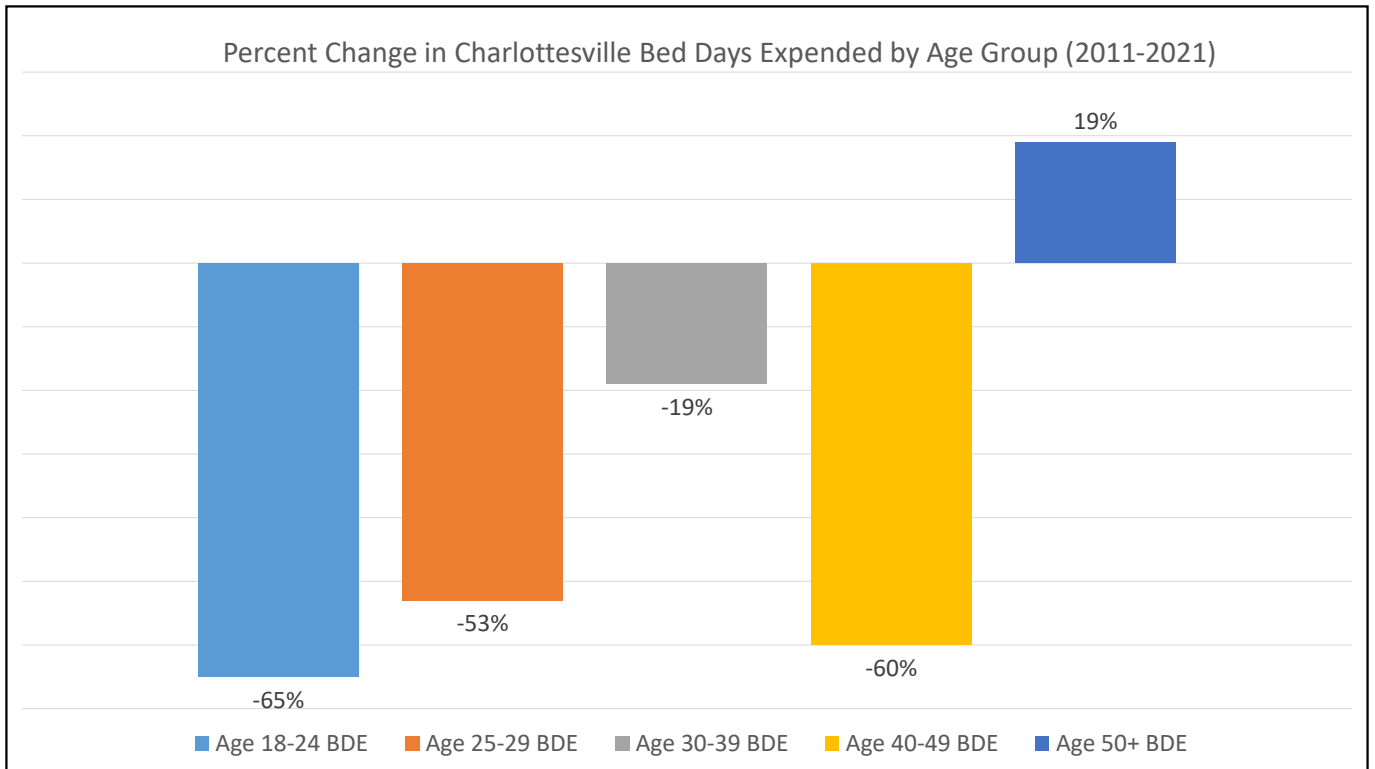
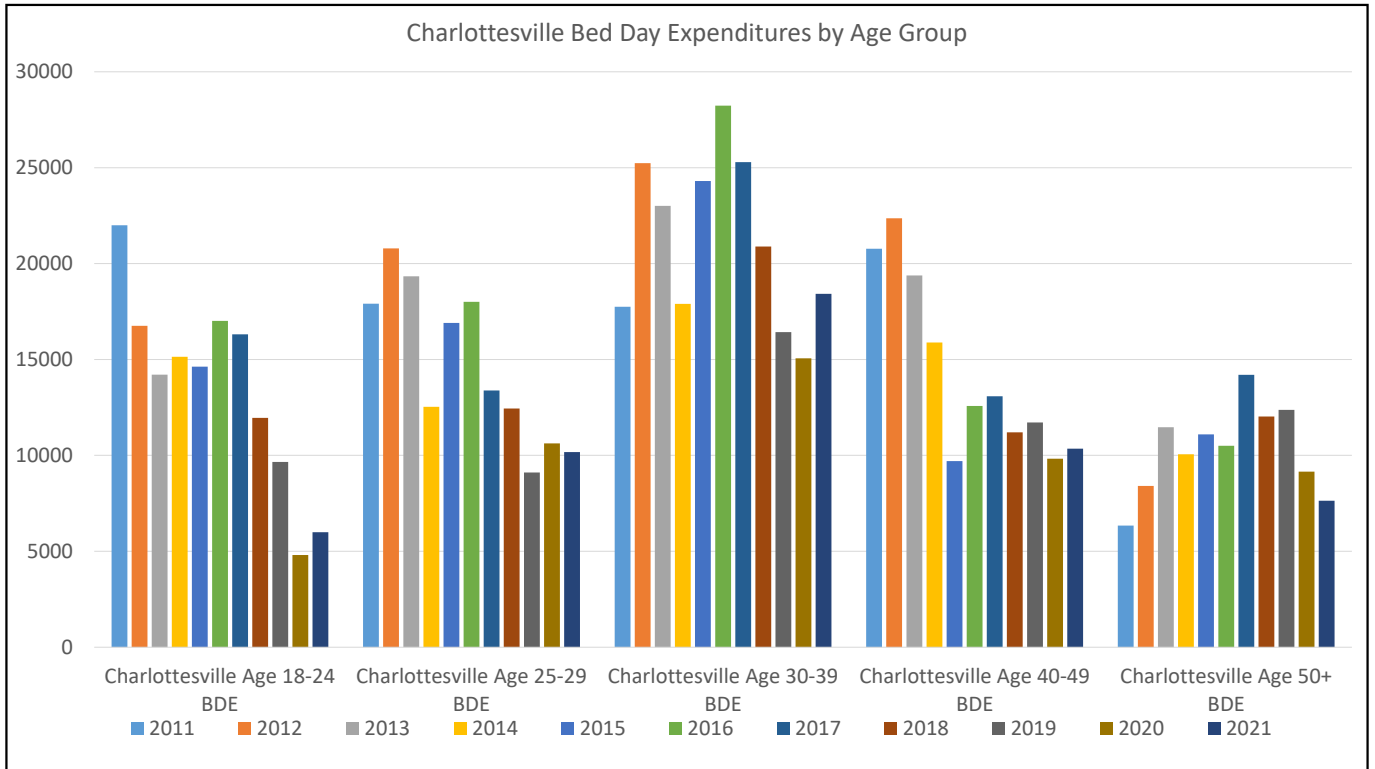
- Bed day expenditures are a product of intake volume, multiplied by length of stay. BDE is a useful metric to estimate the total cost of a jurisdiction's jail utilization (listed at \$112.68 per day, per ACRJ inmate, in the Virginia Compensation Board's 2020 Jail Cost Report).
- Decreases in Charlottesville intake volume contributed to a significant decrease in overall bed day expenditures of 41% from 2011 to 2021. Bed day expenditures per 1,000 Charlottesville residents dropped 46% during that time.
- Charlottesville expended 84,886 bed days at ACRJ in 2011, compared to 52,576 in 2021.
- As a share of overall ACRJ bed day utilization, Charlottesville's percentage of bed day expenditures decreased 35% from 2011 to 2021. Albemarle County's share rose 14%, while Nelson County's increased 243%.
- In 2021, Charlottesville inmates expended 34.1% of all ACRJ bed days, while Albemarle County expended 39.7% and Nelson County expended 17.4%. All other inmates (including Federal inmates and those held for other Virginia jurisdictions) expended 8.8% of total BDE.
- From 2011 to 2021, bed day expenditures among Charlottesville's Black inmates decreased 44%, compared to a 39% decrease among White inmates. Still, Black inmates expended significantly more bed days than did White inmates throughout the study period, despite representing only 18% of Charlottesville's general population.
- Charlottesville's female inmates expended 38% fewer bed days from 2012 to 2021, nearly the same rate of decrease observed among male inmates (down 42%).
- The oldest group of Charlottesville's inmates (age 50+) expended 19% more bed days from 2011 to 2021, representing the only significant upward influence on Charlottesville's overall BDE. BDE in all other age groups dropped, most notably 18-24 (down 65%), 25-29 (down 53%) and 40-49 (down 60%).





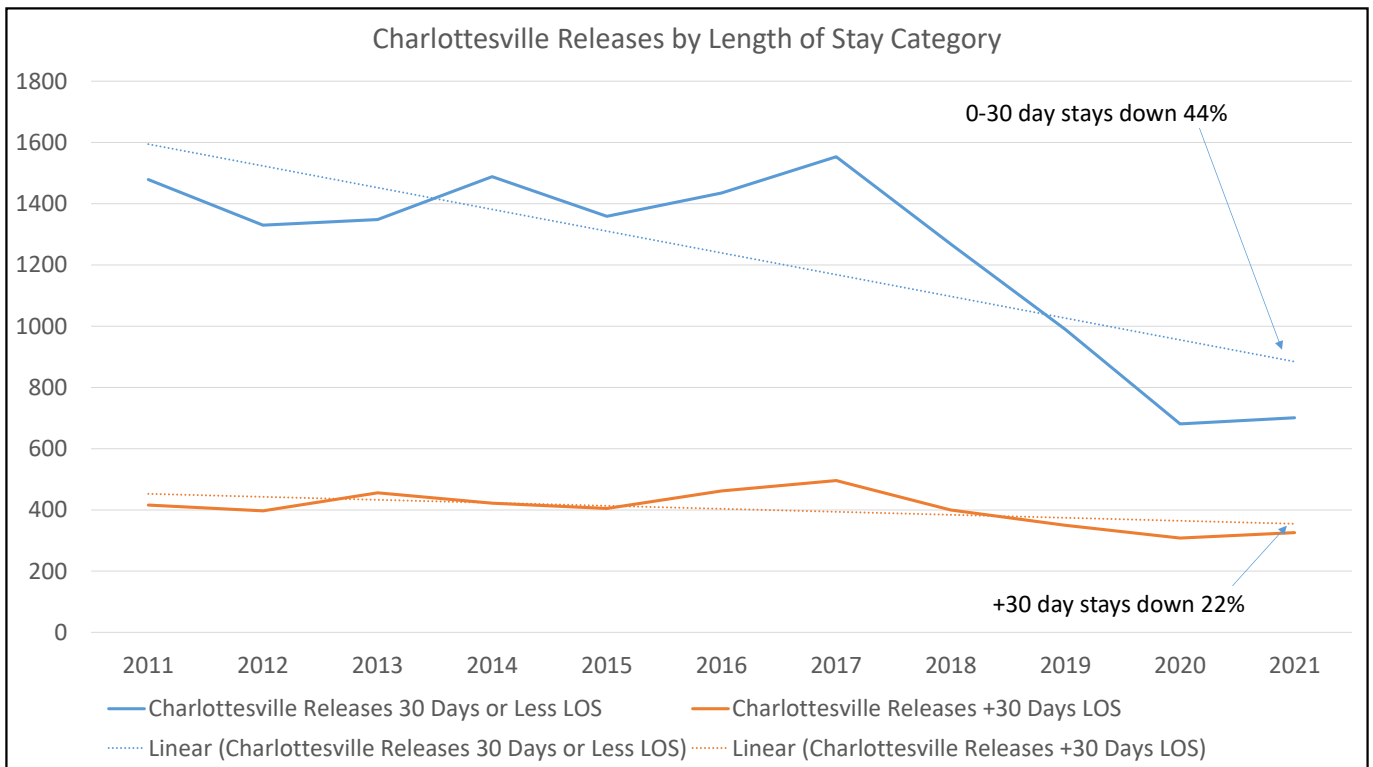


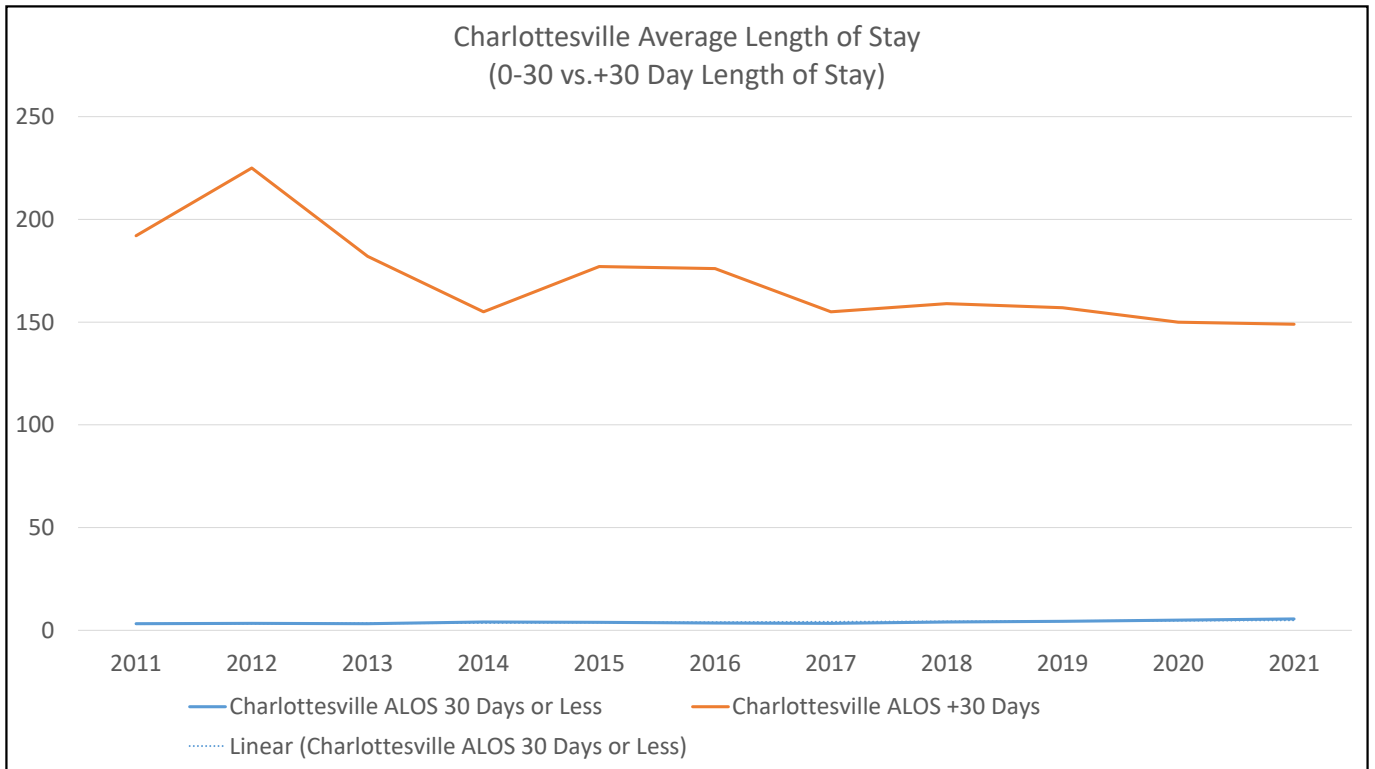
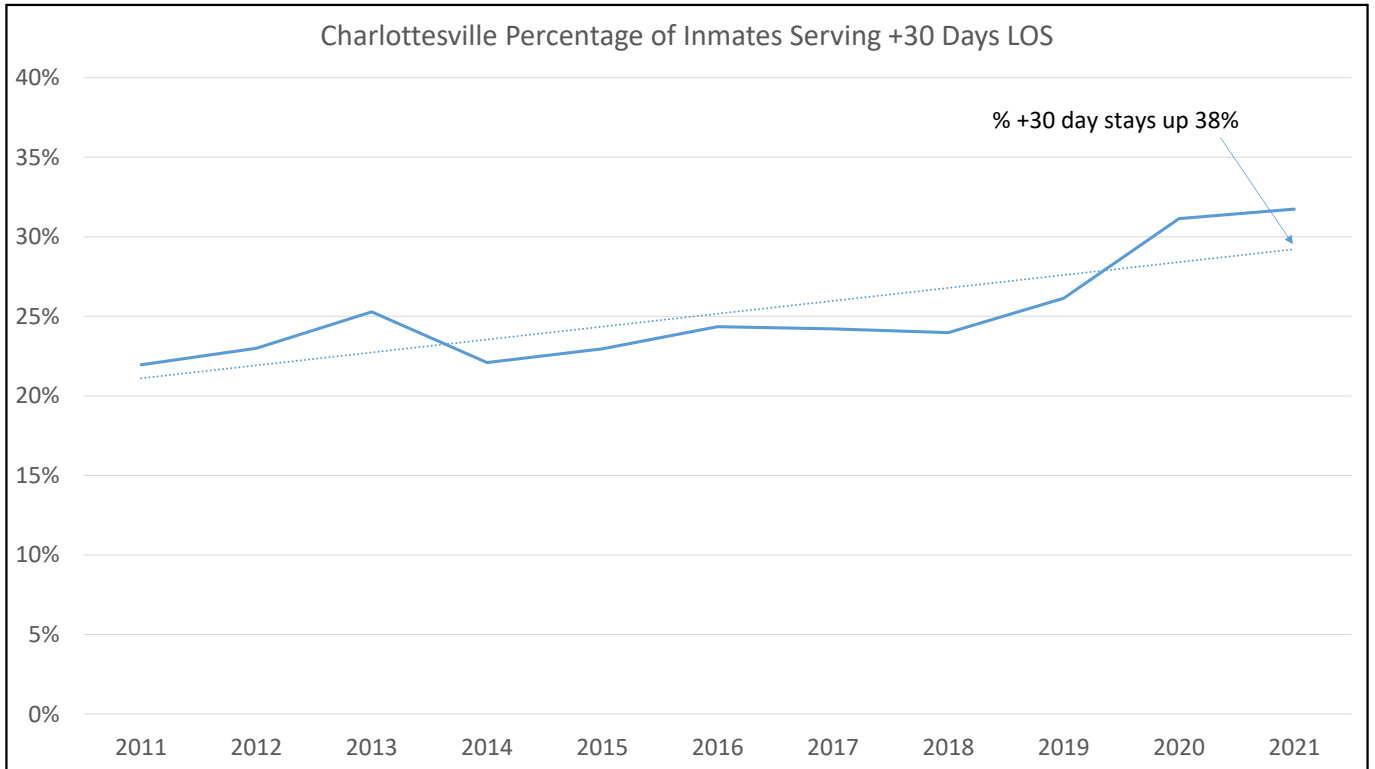


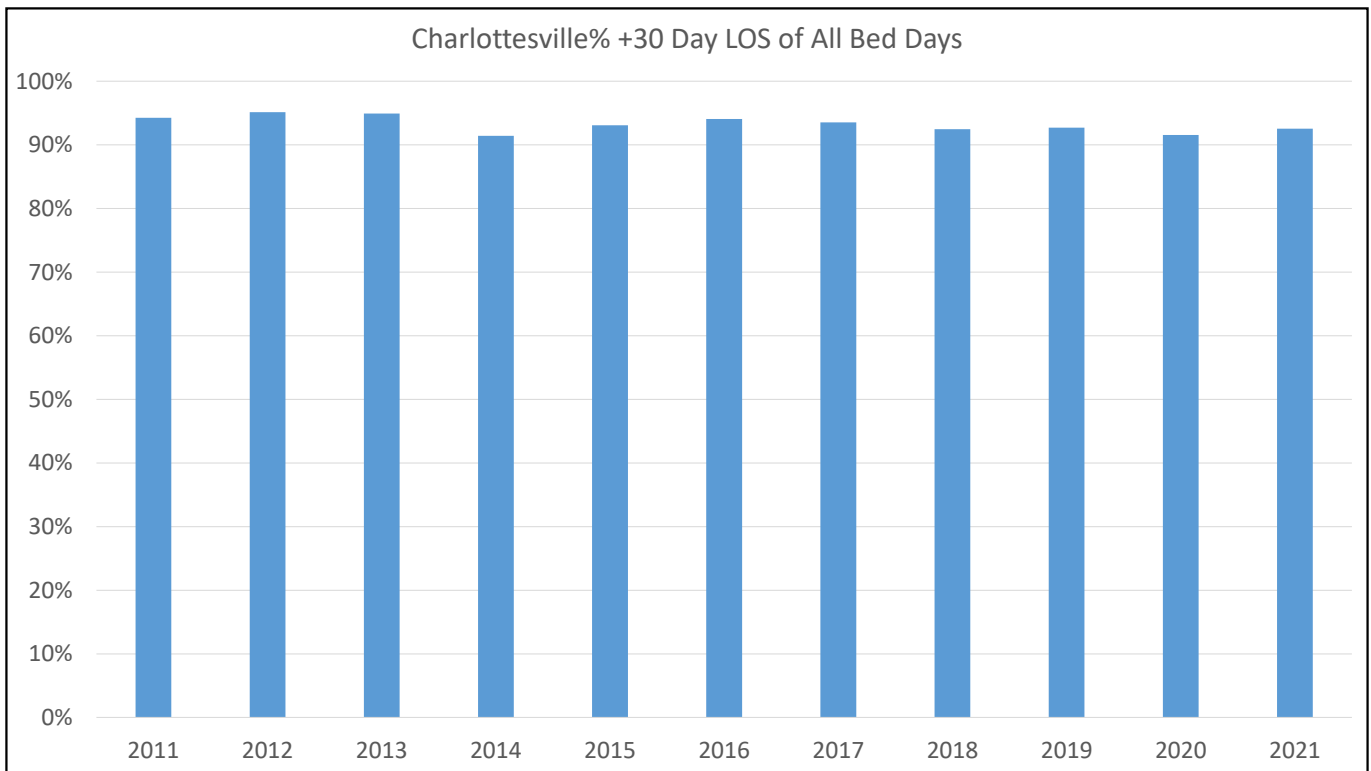
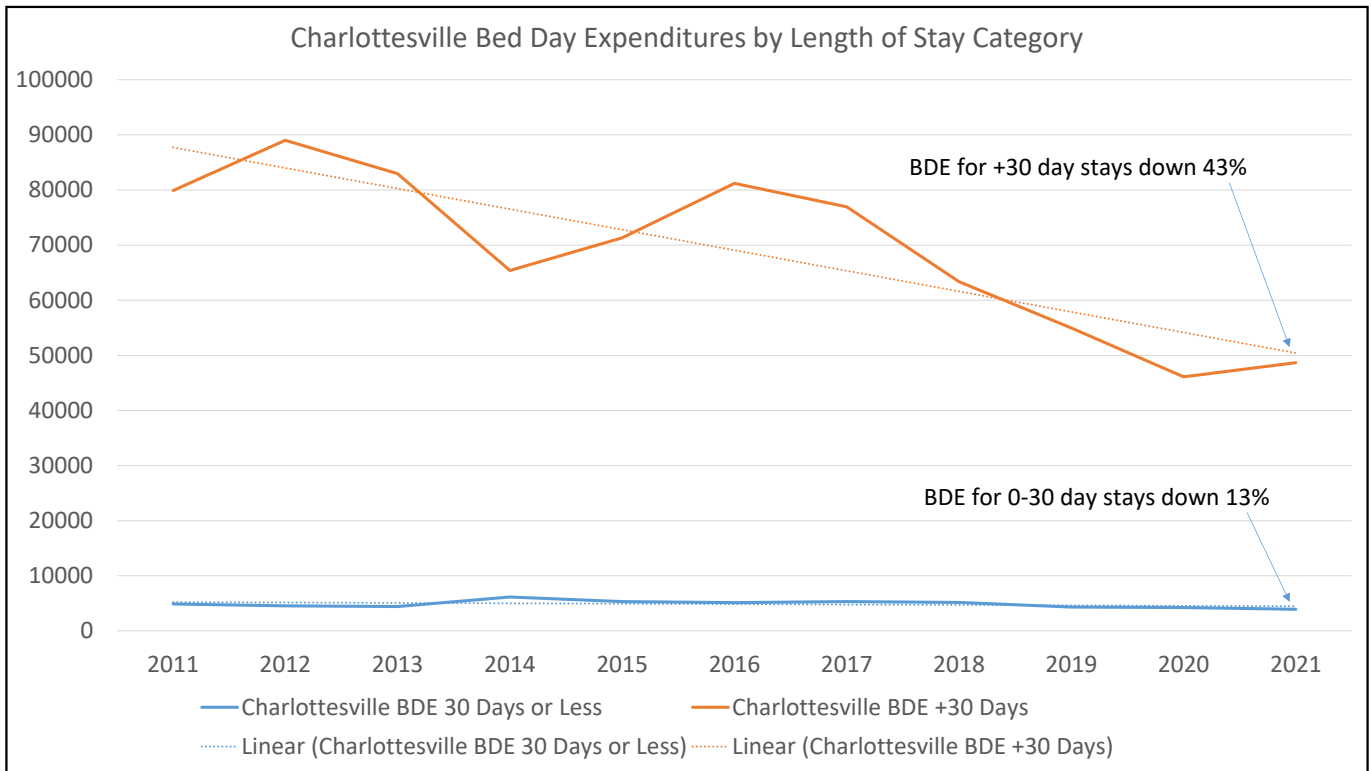


## Shorter-Staying vs. Longer-Staying Inmates

- The number of Charlottesville inmates spending 30 days or fewer in ACRJ custody decreased 44% from 2012 to 2021, during a time when the number of inmates staying 31 days or longer decreased by half that rate (down 22%). As a result, the percentage of Charlottesville inmates at ACRJ with lengths of stay exceeding 30 days increased 38% from 2012 to 2021.
- During 2021, the average length of stay for inmates serving 0-30 days was 5.6 days, compared to a 149-day average among those inmates serving longer than 30 days.
- During 2021, 32% of Charlottesville's inmates served longer than 30 days in custody. These longer-serving inmates accounted for nearly 93% of all bed days expended by Charlottesville at ACRJ in 2021.
- Overall, bed days expended by Charlottesville inmates serving longer than 30 days decreased 43% from 2012 to 2021.







## Conclusions

- The number of inmates taken into ACRJ on Charlottesville charges decreased 40% from 2011 to 2021 (down 44% per capita).
- The most significant decreases in intakes were observed among the youngest inmates (age 18-24), down 65%.
- Charlottesville's share of ACRJ intakes dropped 25% from 2011 to 2021.
- Charlottesville's booking volume (charges at intake) dropped 26%, the result of a 42% decrease in misdemeanor offenses.
- Weapons offenses had the most significant booking growth among the top ten Charlottesville charge types from 2011 to 2021, while the most significant decreases were observed in alcohol offenses, operator's license offenses, narcotics violations and DWI.
- Probation violations represented 10.9% of all Charlottesville bookings at ACRJ in 2021, up from 7% in 2011.

## Conclusions

- The average length of a Charlottesville inmate's stay increased 2% from 2011 to 2021.
- During that same time, Charlottesville's bed day expenditures at ACRJ fell by 41% (a drop of 46% per capita).
- Far fewer bed days were expended by 18-24 year old inmates from 2011 to 2021, but these decreases were partially offset by increases in bed day expenditures among inmates age 50 or older.
- The COVID-19 pandemic was associated with decreases in Charlottesville intakes at ACRJ, along with increases in the average length of stay.
- Booking volume dropped across the board in 2020 and 2021, in every major charge category except for weapons violations.
- Inmates serving longer than 30 day sentences accounted for 32% of all Charlottesville inmates taken into ACRJ on 2021, but were responsible for nearly 93% of Charlottesville's bed day expenditures.

# Prepared by:

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Jefferson Area Community Criminal Justice Board

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May 2022



**CHARLOTTESVILLE CITY COUNCIL MEETING**  
**October 3, 2022 at 4:00 PM**  
**In person: Council Chamber, 605 E. Main Street**  
**Virtual/electronic: Zoom**

The Charlottesville City Council met on Monday, October 3, 2022. The meeting was held in hybrid format with Council members and limited public seating in Council Chamber to mitigate health risks related to coronavirus, and electronic participation on the Zoom webinar platform. Mayor Lloyd Snook called the meeting to order and Clerk of Council Kyna Thomas called the roll, noting the following councilors physically present: Michael Payne, Brian Pinkston, Mayor Lloyd Snook and Vice Mayor Juandiego Wade. Councilor Sena Magill provided advance notice to the mayor and clerk that she would need to attend electronically because for medical reasons that would prevent her from attending in person.

On motion by Payne, seconded by Pinkston, Council voted 4-0 to approve Magill's participation by electronic means due to a medical condition which prevents her from attending in person.

On motion by Pinkston, seconded by Payne, Council voted unanimously to adopt the meeting agenda: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

## **REPORTS**

### **1. REPORT: Piedmont Virginia Community College update and introduction of President Runyon**

Jean Runyon, President of Piedmont Virginia Community College (PVCC), introduced herself. She joined PVCC on July 1, 2022. Ms. Runyon provided an update on PVCC, distributed hard copies of the annual report, and announced that PVCC is celebrating its 50th anniversary.

### **2. REPORT: Charlottesville Climate Action Plan**

Kristel Riddervold, Environmental Sustainability Division Manager, introduced the Climate Action Plan and team members.

Susan Elliott, Climate Protection Program Manager, presented the "Charlottesville Acting on Climate Together" report and acknowledged the Climate Action Plan as a living document where annual updates will be provided.

After Ms. Elliott and Ms. Riddervold answered councilor questions, Mayor Snook requested from the City Manager a plan for a way forward by November 1.

## **CLOSED SESSION**

On motion by Pinkston, seconded by Payne, Council voted 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none) to meet in closed session as authorized by Virginia Code Section 2.2-3711(A) (A)(7) and (A)(8), for

- Consultation with legal counsel and briefing by staff pertaining to pending litigation (federal court case #3:22-CV-35, Western District of Virginia), where consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the City and various city officials;
- Consultation with legal counsel regarding proposed agreements for use, access, management, construction, improvement or maintenance of land and facilities within Pen Park and McIntire Park.

On motion by Pinkston, seconded by Payne, Council certified by the following vote: 5-0 (Ayes: Magill, Payne, Pinkston, 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 observed a moment of silence.

## **ANNOUNCEMENTS**

Councilor Payne announced a "Get Out and Vote" event by the Green Grannies at Ix Art Park on October 22.

Mayor Snook announced that the City of Charlottesville was seeking donations for a holiday tree for the December 2 Grand Illumination event on the Downtown Mall.

## **BOARD and COMMISSION APPOINTMENTS**

On motion by Wade, seconded by Pinkston, Council voted 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none) to appoint Danny Shea to the Charlottesville Albemarle Convention and Visitors Bureau (CACVB).

## **CONSENT AGENDA\***

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

3. MINUTES: August 15 Council meeting
4. RESOLUTION: Virginia Department of Social Services (VDSS) Temporary Aid to Needy Families Grants - \$100,000 (2nd reading)

**RESOLUTION**  
**Appropriating the amount of \$100,000 Received from TANF Grants**

**WHEREAS**, the City of Charlottesville has received a fourth renewal of grant funds from the Virginia Department of Social Services in the amount of \$100,000.00; and

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

**WHEREAS**, the grant award covers the period from July 1, 2022 and June 30, 2023;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that, upon receipt of these additional grant funds from the Virginia Department of Social Services, the sum of \$100,000.00 is hereby appropriated in the following manner:

**Revenue – \$100,000.00**

\$100,000.00 Fund: 209      IO: 1900476      G/L: 430120 State/Fed pass thru

**Expenditures - \$100,000.00**

\$100,000.00 Fund: 209      IO: 1900476      G/L: 599999 Lump Sum

5. RESOLUTION: Housing Opportunities for People with AIDS/HIV Grant Amendment - \$3,981 (2nd reading)

**RESOLUTION**  
**Appropriating Supplemental Funding in the Amount of \$3,981 Received from Virginia Department of Housing and Community Development for H.O.P.W.A.**

**WHEREAS**, The City of Charlottesville, through its Department of Human Services, has received a supplemental H.O.P.W.A. Grant from the Virginia Department of Housing and Community Development in the amount of \$3,981, for expenditure during the period July 01, 2020 to April 30, 2023.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that, upon receipt of the supplemental grant funds from the Virginia Department of Housing and Community Development, the sum of \$3,981 is hereby appropriated in the following manner:

**Revenues**

\$3,981      Fund: 209      IO: 1900339 (H.O.P.W.A.)      G/L: 430120 Federal Pass-Thru State

**Expenditures**

\$3,981      Fund: 209      IO: 1900339 (H.O.P.W.A.)      G/L: 530550 Contracted Services

6. RESOLUTION: Blue Ridge Area Coalition for the Homeless (BRACH) reimbursement of funds for staff costs to support the Homeless Information Line - \$15,381.60 (2nd reading)

**RESOLUTION**

**Appropriating the Amount of \$15,381.60 Received from Blue Ridge Area Coalition for the Homeless, as reimbursement of Homeless Information Line staff costs**

**WHEREAS**, The City of Charlottesville, through the Department of Human Services, has received reimbursement from Blue Ridge Area Coalition for the Homeless in the amount of **\$15,381.60**;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of **\$15,381.60** is hereby appropriated in the following manner:

**Revenues**

\$15,381.60 Fund: 213 Cost Center: 3411001000 G/L: 451022

**Expenditures**

\$15,381.60 Fund: 213 Cost Center: 3411001000 G/L: 599999

7. RESOLUTION: Appropriation of \$656,000 of CARES funding for Charlottesville Area Transit (2nd reading)

**RESOLUTION**

**Appropriating the amount of \$656,000 in CARES Act Funding Received by the City from the Federal Transit Administration**

**WHEREAS** in March 2020 the City of Charlottesville, for Charlottesville Area Transit (CAT) received an allocation of \$5,357,686 in federal CARES Act funding from the Federal Transit Administration; and

**WHEREAS** CAT has identified several projects that it wishes to undertake within the remaining balance of the CARES Act funding;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that, upon receipt of the sum of \$656,000 from the Federal Transit Administration, that sum is hereby appropriated for expenditure by CAT within Fiscal Year 2023, for the following purposes:

- Engaging a transit consultant to complete a Transit Strategic Plan required by the Commonwealth of Virginia,
- Engaging a safety and security consultant to complete a tabletop safety exercise as required by the U.S. Department of Homeland Security,

- Engaging an outside law firm to complete a payroll audit of personnel within CAT (by authority of City Code 2-156),
- Engaging AECOM to provide project management services, FTA compliance services (including satisfaction of NEPA requirements) for capital and amenities projects,
- Engaging a consultant to assist with analysis and software selection required to launch micro-transit services in Albemarle County.

**Revenue – \$656,000**

\$656,000.00            Fund: 245            IO: 2200039            G/L: 431130 Federal COVID Rev

**Expenditures - \$656,000**

\$656,000.00            Fund: 245            IO: 2200039            G/L: 599999 Lump Sum

8. RESOLUTION: Appropriation from Charlottesville Area Transit local funding to Thomas Jefferson Planning District Commission to support the Governance Study - \$30,000 (2nd reading)

**RESOLUTION**

**Appropriating the amount of \$30,000 to the Thomas Jefferson Planning District Commission**

**WHEREAS** the Thomas Jefferson Planning District Commission has been asked to engage a consultant to explore the feasibility and possible governance and funding options for a regional transit authority, in furtherance of the 2022 Regional Transit Vision Plan recommendation that a regional authority be formed; and

**WHEREAS** this Council, at the recommendation of the City Manager and the City’s Transit Director, desire to support the work of the consultant to be engaged by TJPDC; now, therefore,

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$30,000 is hereby appropriated to support the work of the TJPDC, as set forth above.

**Expenditures - \$30,000.00**

\$30,000.00            Fund: 245            Cost Center: 2801001000            G/L: 540100

9. RESOLUTION: Appropriating Charlottesville Supplemental Rental Assistance Program (CSRAP) funding for the acquisition of 818 Montrose Avenue - \$355,000 (2nd reading)

**RESOLUTION**

**Appropriating \$355,000 OF THE FY23 CSRAP budget allocation to be used by CRHA for acquisition of 818 Montrose Avenue as permanent units of affordable housing**

**WHEREAS** pursuant to Virginia Code §36-19 (2) and (4) the Charlottesville

Redevelopment and Housing Authority has the power and authority to acquire real estate for residential use, and to operate buildings for residential occupancy; and

**WHEREAS** pursuant to Virginia Code §36-6 and §36-7 the City of Charlottesville is authorized to lend or donate money to CRHA to enable CRHA to carry out its purposes; and

**WHEREAS** CRHA is requesting the City Council to provide the amount of \$355,000 to fund the acquisition of residential buildings located at 818 Montrose Avenue, and the requested amount of funding is available within the City’s FY23 budget for the CSRAP Program; and

**WHEREAS** City Council desires that its donation of funding be used to acquire dwelling units that will be permanently reserved for use as affordable dwelling units; now, therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE** THAT the amount of \$355,000 is hereby appropriated from the FY23 Budget for the CSRAP Program, to be donated to the Charlottesville Redevelopment and Housing Authority (“CRHA”) for use in acquiring land and buildings (together, “Real Estate”) located at 818 Montrose Avenue. It shall be a condition of this donation that, immediately following the recordation of an instrument conveying title to the Real Estate to CRHA, CRHA shall record a covenant restricting the use of the Real Estate to residential uses, and requiring that all dwelling units located on the Real Estate will be affordable dwelling units. The City Manager will provide CRHA with a declaration of covenants to accomplish the land use restriction, which shall be executed by CRHA and recorded on the same date as the instrument by which CRHA obtains title to the Real Estate.

10. RESOLUTION: Appropriating Fiscal Year 2023 Fire Programs Aid to Locality (Firefund) - \$186,776.00 (carried)

11. RESOLUTION: Appropriating Funding from the Virginia Department of Social Services for the Supplemental Nutrition Assistance Program Education & Training Program (SNAP E&T) Laptop Loaner Program - \$15,400 (carried)

12. RESOLUTION: Appropriating American Rescue Plan funds from the Commonwealth for Utility Bill Assistance - \$29,524.18 (carried)

Mayor Snook invited public comment on the Consent Agenda. No speakers came forward.

On motion by Pinkston, seconded by Wade, Council by the following vote ADOPTED the Consent Agenda: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

## **CITY MANAGER REPORT**

Interim City Manager Michael Rogers referenced the written report provided in the meeting packet. He then announced a shift in the compensation structure for transit staff, and shared information about the new base pay and pay increases. He announced the resignation of Fire Chief Hezedean Smith and stated that he and Deputy City Manager Sanders will meet with Chief Smith during the week to discuss transition to identify and acting chief as well as developing a process for recruitment and selection of a new chief.

A new City Hall ambassador program was launched at the main entrance to City Hall, where visitors besides those conducting business with the Commissioner of the Revenue and Treasurer offices will be greeted and receive a visitor badge in order to access their appointment area. Those having business with Neighborhood Development Services may access that area from the Market Street entrance.

The City Manager Office (CMO) has been in constant communication with the police department about any incidents that occur within the community, including those involving gun violence. Mr. Rogers stated that he was aware of incidents of gun violence that occurred within the month, and that Charlottesville and Albemarle police departments are working together to address the uptick of gun violence in the community. He addressed the recent "swatting" incidents at local schools and schools around the Commonwealth of Virginia, where public safety personnel responded to threats which were discovered to be hoaxes. The CMO is engaging an emergency manager to work alongside emergency responders.

Mayor Snook commended Chief Smith for his work during his time with Charlottesville Fire Department. He acknowledged recent Battalion Chief promotions, including the first black Battalion Chief in the department's history, Lance Blakey. Vice Mayor Wade noted that Blakey is the first African American person to hold the position of Battalion Chief in the department's 166-year existence.

Mr. Pinkston requested that the City Manager follow up with more ways to address gun violence.

## **COMMUNITY MATTERS**

Mayor Snook opened the floor for comments from the public.

1. Susan Kruse, Community Climate Collaborative (C3) Executive Director, commended city staff for their work on developing the Climate Action Plan (CAP). She requested more definition for the community feedback procedure. She requested that the City Manager Office and City Council set clear funding priorities for implementing the CAP as soon as possible.
2. Caetano de Campos Lopez, C3, spoke about the Climate Action Plan, highlighting goals that he classified as relevant or irrelevant.
3. Katie Ebinger, city resident and Climate Policy Analyst for C3, spoke about the Climate

Action Plan, specifically regarding energy and transportation.

4. Margaret Rose Byrne, county resident, spoke about increasing public transportation ridership to address climate change. She noted accessibility issues facing transit riders and pedestrians.
5. James Groves, city resident and Co-chair of the Cville 100 Climate Coalition encouraged hiring a data analyst to track the Climate Action Plan progress. He made several other suggestions for strengthening the Climate Action Plan.
6. Bill Emory, city resident, spoke about the need to protect the Rivanna River with River Corridor Zoning reform. He requested that Council exercise Eminent Domain for the area proposed for building apartments at the basin, and transfer stewardship of the property to the Department of Parks and Recreation.
7. Robin Hoffman, city resident, spoke about "the green space invasion", and requested preserving the health of the Rivanna River.
8. Elizabeth Stark, city resident, spoke about the challenges of getting children to school at Walker Upper Elementary School and Charlottesville High School.

## **ACTION ITEMS**

### **13. PUBLIC HEARING/ORDINANCE: Air Rights Conveyance to University of Virginia for Pedestrian Bridge over Emmet Street (2nd reading)**

James Freas, Director of Neighborhood Development Services, provided a summary of the proposed project.

Mayor Snook opened the public hearing.

- Martha Smythe asked about remuneration for the conveyance.

Mayor Snook closed the public hearing.

Councilor Pinkston disclosed that he works in Facilities Management at UVA, which is managing the work; however, he is not directly involved in the project and believes that these facts will not prevent him from voting on the issue.

On motion by Magill, seconded by Wade, Council by the following vote **ADOPTED** the ordinance: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

### **ORDINANCE CONVEYING AIR SPACE OVER EMMET STREET TO THE RECTOR AND VISITORS OF THE UNIVERSITY OF VIRGINIA**

### **14. ORDINANCE: Request for Vacation of Unaccepted Right-of-Way for Oak Street at 321 6th Street (3rd reading; deferred from August 15)**

City Attorney Lisa Robertson summarized the request, stating that the owners of the property at 321 6th Street SW are asking the City to convey to them a strip of property



adjacent to their lot which was platted near the year 1888 as part of a 20-foot right-of-way. She described additional related land use actions nearby.

A utility service line within the right of way services the property across the street from the applicant; however, it may not be on the portion of the property where vacation was requested. She stated that staff was updating and reviewing procedures for providing information to applicants about responses and processes.

Councilor Magill asked questions about procedures and circumstances when compensation may be involved. After discussion Council unanimously agreed to TABLE the item indefinitely, with the city attorney preparing a report on rights-of-way procedures at the November 7 meeting at 4:00 p.m.

#### **15. PUBLIC HEARING/ORDINANCE: City Manager's Proposed Collective Bargaining Ordinance (2nd reading)**

Mr. Rogers summarized the September 15 introduction of the Collective Bargaining Ordinance and subsequent actions, and the series of amendments proposed at that meeting. He commended all contributors in the process to bring forth the Collective Bargaining Ordinance.

Robin Burroughs, Venable LLP, provided an overview of ordinance revisions.

Mayor Snook opened the public hearing.

- John Ertl, city resident representing the Amalgamated Transit Union (ATU), spoke in support of the amended ordinance.
- Robin Hoffman, city resident, spoke in support of the amended ordinance.
- Dr. Emily Yen, city resident and representative for the Virginia Education Association, spoke in support of the amended ordinance.
- Kate Fraleigh, city resident, spoke in opposition to including the police department in the first round of approved bargaining units.
- Jay Dorsey, President of Local 2363 for Fire, spoke in support of the amended ordinance.
- Brandon Collins, city resident, spoke in support of the amended ordinance, with the exception of recognizing a police union.
- Matthew Ray, Charlottesville Area Transit (CAT) worker, spoke in support of the amended ordinance.
- Jeffrey Fogel, city resident, spoke in support of unions, except for the police.
- Elizabeth Stark, city resident, spoke in support of the amended ordinance, requesting to exclude police from the ordinance.

Mayor Snook closed the public hearing.

Councilors discussed issues regarding police that were raised during the public hearing. They recognized the amended ordinance as a good compromise.

On motion by Pinkston, seconded by Wade, Council by the following vote APPROVED a motion to amend the Collective Bargaining Ordinance presented to City Council for the first reading on August 15, 2022, to include all of the Amendments numbered (1) through (30), as summarized within the “Executive Summary of Revisions to Draft Collective Bargaining Ordinance”: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

On motion by Pinkston, seconded by Wade, Council by the following vote ADOPTED the Collective Bargaining Ordinance: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

**ORDINANCE TO AMEND CHAPTER 19 OF THE CITY CODE (PERSONNEL) TO ADD A NEW ARTICLE VII AUTHORIZING COLLECTIVE BARGAINING WITH LABOR UNIONS OR OTHER EMPLOYEE ASSOCIATIONS**

**GENERAL BUSINESS**

**16. REPORT: Land Use and Environmental Planning Committee Semi-Annual Report (written report only)**

**OTHER BUSINESS**

Councilor Payne asked for follow-up on the requested East High Street developments. Mayor Snook mentioned that the update should come to the Planning Commission.

**COMMUNITY MATTERS (2)**

Mayor Snook opened the floor for comments from the public.

- Kate Fraleigh, city resident, asked questions about the use of government money and earning interest on American Rescue Plan funds.

Mayor Snook suggested giving the Finance Department time to find the answers.

The meeting adjourned at 9:04 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date: November 21, 2022

Action Required: Appropriation of insurance monies.

Presenter: Mike Rogers, Deputy Chief of Business Services

Staff Contacts: Mike Rogers, Deputy Chief of Business Services

**Title: Appropriating Insurance Reimbursement in the amount of \$4,650.55 - Fire Department Truck Company 9 (2nd reading)**

**Background**

City asset, vehicle # 3312 – a 2017 Pierce tractor-drawn ladder truck (Truck 9), was involved in an auto incident in which the vehicle came into contact with another vehicle while responding to a call for service. Vehicle # 3312 was inspected by industry professionals and a repair estimate was sent to the department. The Virginia Risk Sharing Association (VRSA) also had an estimator (Blue Ridge Appraisal Services) look at the damage and provide an estimate. The total estimate to repair the damage to Truck Company 9 totaled in excess of the \$10,000 deductible. The City has received the amount of \$4,650.55 from VRSA for the repairs to Truck Company 9.

**Discussion**

A check for the damage repair from the Virginia Risk Sharing Association has been received based on the repair estimate that was done. The insurance monies will be utilized to repair the damage to Truck Company 9 rear trailer body.

**Alignment with City Council's Vision and Strategic Plan**

The reimbursement of the insurance monies for the vehicle damage done to vehicle #3312 supports the City's mission - "We provide services that promote equity and an excellent quality of life in our community".

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

**Community Engagement**

N/A

**Budgetary Impact**

While the City has received reimbursement funds for a portion of the damage, the balance of the repair costs will be paid from the Fire Department's operating repairs and maintenance budget.

### **Recommendation**

Staff recommends approval and appropriation of insurance monies.

### **Alternatives**

If the insurance reimbursement is not appropriated, the Fire Department will not be able to utilize this funding to repair the damage to this vehicle, shifting the entire repair cost to the operating budget.

### **Attachments**

1. CFD Truck 9 Insurance Money Resolution Attachment

**APPROPRIATION**

**Insurance Reimbursement – Fire Department Truck Company 9**

**\$4,650.55**

**WHEREAS**, Virginia Risk Sharing Association is reimbursing the City of Charlottesville for vehicle damage associated with an accident involving vehicle #3312;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that a total of \$4650.55 be appropriated in the following manner:

**Revenues - \$4,650.55**

\$4,650.55      Fund: 105                      I/O: 3201006000                      G/L Account: 451110

**Expenditures - \$4,650.55**

\$4,650.55      Fund: 105                      I/O: 3201006000                      G/L Account: 451110

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	November 21, 2022
Action Required:	Appropriation of Funding
Presenter:	Tito Durette, Acting Police Chief
Staff Contacts:	Holly Bittle, Budget and Management Analyst
Title:	<b>Appropriating Funds for 2022 Bureau of Justice Assistance FY22 Edward Byrne Memorial Justice Grant Program - Local Solicitation - \$23,459 (2nd reading)</b>

**Background**

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

**Discussion**

To support its mission, the Charlottesville Police Department (CPD) is committed to recruiting, hiring, and training professional police officers to serve the community.

There are two periods each year when a large number of qualified candidates undergo pre-employment background investigations. This coincides with peak recruiting times in preparation for sending new police recruits to one of the bi-annual Regional Police Academies. If appropriated, these grant funds will allow CPD to hire a limited term Background Investigator who will assist with pre-employment background investigations of police officer candidates. This will free up additional time for the Hiring and Retention Bureau's full time staff to focus on connecting with prospective candidates and attending regional recruiting events to increase interest in the Charlottesville Police Department. The ultimate goal of these efforts is to increase the pool of qualified police officer candidates to fill the department's ranks.

Notification of award approval was received on September 26, 2022 for reimbursement up to \$23,459.

**Alignment with City Council's Vision and Strategic Plan**

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

### **Community Engagement**

The ability to hire a limited term Background Investigator using these funds will allow CPD's Hiring and Recruitment Bureau to spend more time connecting with prospective candidates and attending regional recruiting events to increase interest in working for CPD.

### **Budgetary Impact**

This has no impact on the General Fund. No local match is required. The funds will be expensed and reimbursed to a Grants Fund. Once the grant funds are expended, this position will be eliminated unless additional grant funding for the same purpose is obtained.

### **Recommendation**

Staff recommends approval and appropriation of these funds.

*Suggested Motion: "I move the RESOLUTION appropriating the sum of \$23,459 received from an Edward Byrne Memorial Justice Assistance Grant".*

### **Alternatives**

If these funds are not appropriated, the Charlottesville Police Department will be unable to hire a limited term Background Investigator to support ongoing departmental recruitment efforts.

### **Attachments**

1. Resolution - Appropriation Grant # 15PBJA-22-GG-02630-JAGX (1)
2. Certification and Assurances by CEO of Applicant Government

**RESOLUTION**

**Appropriating the Sum of \$23,459 received from an  
Edward Byrne Memorial Justice Assistance Grant**

**WHEREAS** each year, the United States Department of Justice, Office for Civil Rights, Office of Justice Programs, offers from their Edward Byrne Memorial Justice Assistance Grant Program (“JAG Program”); and

**WHEREAS** for Fiscal Year 2022 the JAG Program awarded a grant to the City of Charlottesville, for its Police Department, to cover costs or expenses of hiring a limited term position for a background investigator to support ongoing departmental police officer recruitment efforts, Reference Grant # **15PBJA-22-GG-02630-JAGX**;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that, upon receipt of the JAG Program grant funds in the amount of **\$23,459.00** said funds shall be appropriated for expenditure by the Charlottesville Police Department, in compliance with JAG Program requirements, in the following manner:

**Revenues – \$23,459**

\$23,459	Fund: 211	Internal Order: 1900502	G/L Account: 431110
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**Expenditures – \$23,459**

\$20,780	Fund: 211	Internal Order: 1900502	G/L Account: 510020
\$1,590	Fund: 211	Internal Order: 1900502	G/L Account: 511010
\$1,089	Fund: 211	Internal Order: 1900502	G/L Account: 520900

**BE IT FURTHER RESOLVED** that, in accordance with the municipal Charter of the City of Charlottesville, Virginia, this Council verifies that the City Manager is the chief executive who is authorized to execute the document titled “U.S. Department of Justice Office of Justice Programs Edward Byrne Justice Assistance Grant Program FY 2022 Local Solicitation Certifications and Assurances by the Chief Executive of the Applicant Government”



**U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS**

**Edward Byrne Justice Assistance Grant Program FY 2022 Local Solicitation**

**Certifications and Assurances by the Chief Executive of the Applicant Government**

On behalf of the applicant unit of local government named below, in support of that locality's application for an award under the FY 2022 Edward Byrne Justice Assistance Grant ("JAG") Program, and further to 34 U.S.C. § 10153(a), I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant unit of local government named below, and I have the authority to make the following representations on my own behalf as chief executive and on behalf of the applicant unit of local government. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant unit of local government.
2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.
3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the unit of local government (e.g., city council or county commission), or to an organization designated by that governing body, not less than 30 days before the date of this certification.
4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.
5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant unit of local government will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.
6. I have carefully reviewed 34 U.S.C. § 10153(a)(5), and, with respect to the programs to be funded by the award (if any), I hereby make the certification required by section 10153(a)(5), as to each of the items specified therein.

\_\_\_\_\_  
Signature of Chief Executive of the Applicant Unit of  
Local Government

Michael C. Rogers

\_\_\_\_\_  
Printed Name of Chief Executive

\_\_\_\_\_  
Date of Certification

City Manager

\_\_\_\_\_  
Title of Chief Executive

\_\_\_\_\_  
City of Charlottesville, Virginia  
Name of Applicant Unit of Local Government

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	November 21, 2022
Action Required:	Resolution Approval
Presenter:	Pat O'Donnell
Staff Contacts:	Pat O'Donnell Krisy Hammill, Director of Budget
Title:	<b>Appropriating funds from the Victim Witness Assistance Program Grant - \$257,024 (2nd reading)</b>

**Background**

The City of Charlottesville, through the Commonwealth's Attorney's Office, has received the Victim Witness Program Grant from the Virginia Department of Criminal Justice Services in the amount of \$156,817 in Federal Funds and \$67,207 in State Special Funds, and \$33,000 supplement from the Commonwealth Attorney's operating budget for a total award of \$257,024.

**Discussion**

The victim's rights movement began in the 1970s as a result of victims being re-victimized by the criminal justice process. Victims had difficulty navigating the complexities of the criminal justice system and no voice or recourse when their cases were continued or pled out without their knowledge or consent. Prosecutors did not have the time or skills to respond to victims who were traumatized but knew that to proceed with their case, many victims would need more services than the prosecutor's office could provide. In response to this need, the federal Victims of Crime Act was passed in 1984 and funds became available through the Virginia Department of Criminal Justice to respond to the needs of victims. The Charlottesville Victim/Witness Assistance Program was established in 1989 and has been meeting the needs of Charlottesville crime victims ever since. The Program is one of more than 60 such programs in the state that provides crisis intervention and advocacy, information, and support during and after criminal justice proceedings, access to compensation and restitution, referrals to local community agencies and ensures victims are afforded their rights as outlined in Virginia's Crime Victim and Witness Rights Act. The Program also provides training on victim issues to law enforcement and allied agencies. It regularly serves more than 1,000 victims and 20 witnesses each year.

**Alignment with City Council's Vision and Strategic Plan**

Approval of this agenda item aligns directly with Council's vision for Charlottesville to be America's Healthiest City, a Community of Mutual Respect and a Smart, Citizen-Focused Government. According to the Bureau of Justice Statistics, the total economic loss to crime victims was \$1.19 billion for violent offenses and \$16.2 billion for property crime in 2008. Statistics vary on

the number of intangible losses victims accumulate, such as the effects of the crime on their sense of security, mental health, and relationships. The Charlottesville Victim Witness Assistance Program contributes to the health of the community by connecting crime victims with medical and mental health providers through the Criminal Injury Compensation Fund. The Program helps create a **Community of Mutual Respect** by responding to the needs of crime victims and helps achieve a **Smart, Citizen-Focused Government** by ensuring their rights are recognized throughout the local criminal justice system, including Police, Prosecution, Judges, and Probation.

### **Community Engagement**

The Victim Witness Assistance Program is engaged daily with victims of crime who access services through referrals from police, court services, social services, and other allied agencies. Program staff contacts crime victims within 48 hours of their reported victimization. For FY22 Program staff provided services to approximately 1100 individuals. Staff members serve on several coordinating councils, such as the Multi-Disciplinary Team on Child Abuse, the Domestic Violence Coordinating Council, the Sexual Assault Response Team, the Monticello Area Domestic Violence Fatality Review Team, the Charlottesville/Albemarle Human Trafficking Task Force, and the Charlottesville/Albemarle Evidence Based Decision Making Policy Team. The program regularly provides outreach in the forms of government services day, training and speaking engagements at UVA, PVCC, and other allied agencies as requested.

### **Budgetary Impact**

There is no impact to the General Fund. The City's match of \$33,000 was previously appropriated as part of the Commonwealth's Attorney's Office FY2023 Adopted Budget. The Victim Witness Assistance Program Grant is renewed annually, and the funds will be received and expensed in the grants fund.

### **Recommendation**

Staff recommends approval and appropriation of grant funds.

### **Alternatives**

If grant funds are not appropriated, Charlottesville crime victims will have no access to compensation, advocacy or services afforded to them under Virginia's Crime Victim and Witness Rights Act.

### **Attachments**

1. RESOLUTION victim witness GRANT appropriation 2022

**RESOLUTION**  
**Appropriating the sum of \$257,024 received by the City as a  
Victim Witness Assistance Program Grant**

**WHEREAS**, The City of Charlottesville has received an increase in the Victim Witness Program Grant from the Virginia Department of Criminal Justice Services (DCJS) in the amount of **\$224,024.00**; and

**WHEREAS** as a condition of the Victim Witness Program Grant, the City Council is required to supplement the said additional grant funds, by appropriating the sum of **\$33,000.00** for expenditure within the Victim Witness Program, and this additional sum is currently available within the Commonwealth's Attorney's operating budget; now, therefore,

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that, upon receipt of the sum of **\$224,024.00** from DCJS, the said sum, along with the City supplement in the amount of **\$33,000.00**, is hereby appropriated for expenditure in accordance with applicable grant requirements, in the following manner:

**Revenues**

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

**Expenditures**

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

**Transfer**

\$ 33,000	Fund: 105	Cost Center: 1401001000	G/L Account: 561209
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**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date:	November 21, 2022
Action Required:	Resolution
Presenter:	Alexander Ikefuna, Director of Community Solutions
Staff Contacts:	Alexander Ikefuna, Director of Community Solutions
Title:	<b>Amending Community Development Block Grant (CDBG) 2022-2023 Substantial Action Plan - \$178,394.34 (2nd reading)</b>

**Background**

This agenda item includes a resolution for the FY22-23 substantial action plan amendment for Community Development Block Grant funds received by the City of Charlottesville from the U.S. Department of Housing and Urban Development (HUD).

In Fall 2021, the City of Charlottesville advertised a Request for Proposals (RFP) based on the priorities set by Council on September 21, 2021. The priorities were for affordable housing (including but not limited to low-income housing redevelopment), workforce development (including but not limited to efforts to bolster Section 3 training opportunities and partnerships with the City's GO programs), microenterprise assistance, access to quality childcare, homeowner rehabilitation, and down payment assistance. The CDBG/HOME competitive Request for Proposals was based on the 2022-2023 City Council's CDBG/HOME priorities, the 2018-2022 Consolidated Plan, Charlottesville Affordable Housing Plan, and HUD's CDBG/HOME national priorities.

**Discussion**

The CDBG Substantial Action Plan Amendment totals \$178,394.34 for the 2022-2023 program year. It is important to note that all requests for proposals went through an extensive review by the CDBG/HOME Taskforce because of a competitive RFP Process. The Taskforce selected two programs which were reviewed and recommended for funding by the City's Planning Commission on September 13, 2022.

Priority Neighborhood – On September 21, 2021, Council approved Ridge Street to be the Priority Neighborhood. The Taskforce recommended the Department of Parks and Recreation Pollocks Branch Trail Bridge at Jordon Park. Estimated benefits include the construction of a bicycle and pedestrian ADA accessible bridge to connect Jordon Park to the developing Moores Creek trail between Avon Street and 5th Street.

CDBG Housing Programs – The Taskforce recommended the Arc of the Piedmont for a HVAC replacement of their Shamrock Group Home. Estimated benefits include the replacement of a 30-

year-old HVAC system in the Shamrock Road Group Home benefitting up to seven developmentally disabled individuals.

**Alignment with City Council's Vision and Strategic Plan**

Approval of this agenda item aligns directly with Council's vision for Charlottesville to have Economic Sustainability. It contributes to variety of Strategic Plan Goals and Objectives including: Goal 1: Inclusive, Self-sufficient Community; Goal 3: Beautiful Environment; Goal 4: Strong, Diversified Economy; and Goal 5: Responsive Organization. It also complies with several provisions in the 2021 Comprehensive Plan.

**Community Engagement**

The original CDBG and HOME budget approval was part of the Action Plan that was advertised for a thirty-day comment period (March 30th – April 30th 2022) before being sent to HUD for approval in the Daily Progress. The Action Plan was also sent to Charlottesville Neighborhood community members and Thomas Jefferson Planning District Commission (TJPDC) Housing Directors Council for public comment. Comments received were incorporated into the Action Plan. HUD approved the Action Plan on August 10, 2021. The CDBG Taskforce reviewed the budget recommendations on March 21, 2022 during a public meeting where public comments were received. City Council approved the final budget on May 16, 2022.

If council approves the request, then an approval will be submitted to HUD as a Substantial Action Plan Amendment for the 2022-2023 fiscal year. The full action plan can be viewed on the City Website through the following [link](#).

**Budgetary Impact**

None.

**Recommendation**

Staff recommends approval of the Substantial Action Plan Amendment for FY2022-2023.

**Alternatives**

None.

**Attachments**

1. CDBG/HOME Taskforce Minutes
2. CDBG/HOME Taskforce Scores
3. Resolution\_CDBGAmendment-\$178,394.34



## Community Development Block Grant/HOME Taskforce

Wednesday, July 27th, 2022

4-5PM

Virtual Meeting (Zoom)

### AGENDA

#### 1. Housekeeping

- a. Erin Atak (EA), Grants Coordinator: Explained to the Taskforce that the FY2022-2023 Action Plan was submitted and the City was pending HUD approval.
- b. Attendance was taken.

Name	Attendance
Nancy Carpenter	<i>Absent – sent in funding recommendations</i>
Helen Sporkin	<i>Present</i>
Matthew Gillikin	<i>Present</i>
Connor Brew	<i>Absent – sent in funding recommendations</i>
James Bryant	<i>Present</i>
Kem Lea Spaulding	<i>Absent</i>
Howard Evergreen	<i>Present</i>
Emily Cone Miller	<i>Absent</i>
Taneia Dowell	<i>Absent</i>

#### 2. CDBG Scores

The committee received two applications for consideration. Discussion started with the Parks and Recreation application on the Pollocks Branch Trail Bridge at Jordon Park.

EA states the application satisfied the Ridge Street Priority Neighborhood requirement of creating communities that are boke and pedestrian accessible. The Park does not require a site plan submission but will need a storm water and erosion sediment control component attached

#### Staff Contact:

Erin Atak, Grants Coordinator (atake@charlottesville.gov), (434) 970-3093

according to staff. HUD Davis Bacon and Section 3 requirements will also get triggered with the activity.

Connor Brew, CB, mentioned that he had some concerns about whether there was outreach done with the community.

EA stated that the applicant, Chris Gensic, replied stating that he had contacted the Ridge Street residents with regards to the project. He is also in the process of reaching out to the Jackson School.

Matthew Gillikin, MG, asked about the timeliness on the project.

EA states that there is CIP finding with the activity and that there are no concerns with timeliness with staff on board. The floodplain requirement is also not triggered which is a bonus.

Helen Sporkin, HS, states that this is a worthy project with no concerns.

James Bryant, JB, asked about the timeline about the project.

EA the applicant is aiming for one year from September this year.

Discussion now turns to the Arc of the Piedmont application. EA explains that this application was initially submitted under the Charlottesville Affordable Housing Fund NOFA and was later redirected to CDBG.

EA explains that the Arc of the Piedmont was a prior recipient of CDBG funds with no timeliness concerns. No past audit concerns with their former contract.

HS states that there was not much of a budget but assumes that there is a quote for the HVAC replacement.

EA states that it is the \$6,000 HVAC replacement.

CB recommended fully funding the Arc of the Piedmont and allocating the remaining funds to the Parks of Recreation application.

The rest of the Taskforce agreed on CB's funding recommendation.

### **3. Public Comment**

None was received, no members of the public were present.  
Meeting adjourned.

#### **Staff Contact:**

Erin Atak, Grants Coordinator (atake@charlottesville.gov), (434) 970-3093



**Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator (434)-970-3182 or submit a request via email to [ada@charlottesville.gov](mailto:ada@charlottesville.gov). The City of Charlottesville requests that you provide a 48-hour notice so that proper arrangements can be made.**

**Staff Contact:**

Erin Atak, Grants Coordinator ([atake@charlottesville.gov](mailto:atake@charlottesville.gov)), (434) 970-3093

<b>Applicant</b>	<b>Average Score</b>	<b>Funding Request</b>	<b>TF Funding Recommendations</b>
Parks and Rec	31.5	\$ 170,000.00	\$ 171,655.34
Arc of Piedmont	32.50	\$ 6,739.00	\$ 6,739.00
		<b>\$ 176,739.00</b>	<b>\$ 178,394.34</b>

Funding Available \$ 178,394.34

**RESOLUTION**  
**The FY 2022-2023 CDBG Substantial Action Plan Amendment**  
**\$178,394.34**

**WHEREAS** on May 7, 2018 the Charlottesville City Council approved a Consolidated Plan for the City of Charlottesville and the Thomas Jefferson Planning District, covering the period from July 1, 2018 through June 30, 2023, which sets forth a plan to provide support for certain community development needs—including, but not limited to—housing needs, within those jurisdictions; and

**WHEREAS** the Consolidated Plan includes a citizen participation plan, and Sec. 2-419(10) specifies that, once City Council has approved and funded a program, any reprogramming and budgetary changes will be done consistent with the approved citizen participation plan;

**WHEREAS** the Consolidated Plan is implemented during the coverage period through certain “Action Plans”, the most recent of which is designated as the “FY 2022-2023 Action Plan” previously approved by resolution of City Council on June 6, 2022; and

**WHEREAS** within the FY2022-2023 Action Plan the Ridge Street Priority Neighborhood was selected as a subrecipient of CDBG funding from the City, in the amount of \$178,394.34, with a target of June 30, 2022 for expenditure of the funding in accordance with an approved project pending a request for proposal; and

**BE IT RESOLVED** that the Charlottesville City Council hereby approve a Substantial Amendment of the City’s FY2022-2023 Action Plan, to authorize the City of Charlottesville Parks and Recreation Pollocks Branch Trail Bridge at Jordon Park. Estimated benefits include the construction of a bicycle and pedestrian ADA accessible bridge to connect Jordon Park to the developing Moores Creek trail between Avon Street and 5<sup>th</sup> Street and the Arc of the Piedmont for a HVAC replacement of their Shamrock Group Home. Estimated benefits include the replacement of a 30-year-old HVAC system in the Shamrock Road Group Home benefitting up to seven developmentally disabled individuals. This will assist the City of Charlottesville in meeting CDBG timeliness goals in accordance with federal regulations set forth at 24 CFR 570.902.

Approved by Council  
November 7, 2022

\_\_\_\_\_  
Kyna Thomas, MMC  
Clerk of Council

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



Agenda Date:	November 21, 2022
Action Required:	Adopt Ordinance (2 Readings Required, per City Code 2-97)
Presenter:	Michael Thomas, Interim Fire Chief
Staff Contacts:	Lisa Robertson, City Attorney
Title:	<b>Amending Chapter 12 of the City Code to Require Fire Inspection Reports (2nd reading)</b>

**Background**

The Virginia Statewide Fire Prevention Code ("State Fire Code" or "SFPC") establishes certain fire safety requirements which apply to buildings and premises throughout the Commonwealth of Virginia. Within Chapter 12 of the City Code (Section 12-31(a)), City Council has elected to provide local enforcement of the SFPC, through a designated staff member within the Charlottesville Fire Department (the "Fire Official"). The Virginia State Fire Marshal also has authority, in cooperation with the City's personnel, to enforce the SFPC within the City's geographic/jurisdictional limits.

Per state law, and in connection with its local enforcement, City Council "may establish such procedures or requirements as may be necessary for the administration and enforcement of ". See Va. Code 27-98. Additionally, within Va. Code 27-97, the General Assembly has authorized localities to adopt local regulations that are either more restrictive, or more extensive in scope, than those within the SFPC, so long as the local regulations "do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure."

**Discussion**

The SFPC requires certain fire protection and other life safety systems to be inspected, tested and maintained in operable condition. Property owners generally engage third-party contractors to do these inspections, and then the property owners are required to keep records. In the past, proactive agencies such as the Charlottesville Fire Department found it difficult to monitor whether or not the required inspections were being performed by every property owner required to do them, and/or to timely review voluminous paper records showing the results of tests and inspections. However, technology now offers a web-based application that can create an inspection and testing reporting program that greatly enhance the efficiency and effectiveness of the City's Fire Prevention and Community Risk Reduction Program(s). That technology consists of a web-based application that collects and aggregates inspection and testing reports, and can flag issues that require attention by Code enforcement personnel and can also alert Code enforcement personnel about what property owners may or may not have submitted a required report. The Office of the Virginia State Fire Marshal, the City of Richmond, and the City of Hampton are each launching enforcement programs which require property owners to submit inspection and testing records to enforcement authorities,

using a web-based reporting system designated by the enforcing agency. These web-based reporting systems are already being utilized in other states around the country.

The purpose of the attached proposed ordinance is to affirmatively establish a local requirement for copies of inspection, testing and maintenance records to be submitted to the City Fire Official, and also to require that the means of sharing those records will be through a web-based application designated by the Fire Official. These requirements are within City Council's authority conferred by Va. Code Secs. 27-97 and 27-98.

No vendor has yet been contracted by the City administration/ Fire Official. However, if City Council adopts this proposed ordinance, the City's Fire Official will then proceed to utilize appropriate processes/ procedures to obtain a web-based application/ service authorized by the new ordinance.

### **Alignment with City Council's Vision and Strategic Plan**

This proposal is consistent with the City Council's vision to be a leader in innovation, and to be flexible and progressive in anticipating and responding to the needs of our citizens. The proposal also serves City Council's statement that "we continually work to employ the optimal means of delivering services...."

### **Community Engagement**

NA (no public hearing is required for this ordinance)

### **Budgetary Impact**

None. (Based on staff research to date, the web-based applications do not pay fees to the web service provider--a fee would be charged to each private entity that is required to post a record within the reporting system).

### **Recommendation**

The Fire Department and City Manager recommend adoption of the attached ordinance.

***Suggested motion: "I move the ORDINANCE to amend Chapter 12, Section 12-32 of the Code of the City of Charlottesville, to require reports to be submitted to the City's Fire Official and authorizing the Fire Official to require reports to be submitted through a web-based reporting service"***

### **Alternatives**

City Council may decline to authorize the Fire Official to require reports to be submitted using a web-based reporting service.

### **Attachments**

1. Ordinance\_Local\_regulations Web Based Reporting

**ORDINANCE**  
**TO AMEND AND RE-ORDAIN CHAPTER 12, ARTICLE III (FIRE PREVENTION CODE) TO REQUIRE REPORTS OF THE CONDITION OF FIRE PROTECTION AND OTHER LIFE SAFETY SYSTEMS TO BE SUBMITTED TO THE CITY'S FIRE OFFICIAL, AND AUTHORIZING THE FIRE OFFICIAL TO IMPLEMENT A MANDATORY WEB-BASED REPORTING SYSTEM**

**BE IT ORDAINED by the Council of the City of Charlottesville that Chapter 12 (Fire Protection and Emergency Medical Services), Article III (Fire Prevention Code), Section 12-32, is hereby amended and re-ordained as follows:**

**Sec. 12-32. Local regulations.**

- (a) The SFPC, as adopted pursuant to section 12-31, above, is hereby amended, supplemented, amplified and modified by the following provisions, which are intended to be more restrictive or more extensive in scope than the regulations set forth within the SFPC:
- (1) *Certain fire suppression systems required*—Notwithstanding any contrary provision of law, general or special, fire suppression systems must be installed and maintained in full operating condition in buildings fifty (50) feet or more in height for which building permits have been issued after October 20, 1986. The technical requirements for the installation, repair, operation and maintenance of such systems shall be those found in the SFPC. A violation of this section shall constitute a Class 2 misdemeanor.
  - (2) *Certain smoke detectors required*—Notwithstanding any contrary provision of law, general or special, smoke detectors shall be installed in the following structures or buildings: (i) any building containing one (1) or more dwelling units, (ii) any hotel or motel regularly used or offered for, or intended to be used to provide overnight sleeping accommodations for one (1) or more persons, and (iii) rooming houses regularly used, offered for, or intended to be used to provide overnight sleeping accommodations. Smoke detectors installed pursuant to this section shall be installed in conformance with the provisions of the Uniform Statewide Building Code. Any required smoke detector may be either battery-operated or an AC-powered unit. The owner of any dwelling unit which is rented or leased, at the beginning of each tenancy and at least annually thereafter, shall furnish the tenant of that unit with a certificate that all required smoke detectors are present, have been inspected, and are in good working order. Except for smoke detectors located in hallways, stairwells, and other public or common areas of multifamily buildings, interim testing, repair, and maintenance of smoke detectors in rented or leased units shall be the responsibility of the tenant; however, the owner shall be obligated to service, repair, or replace any malfunctioning smoke detector(s) within five (5) days of receipt of written notice from the tenant that such smoke detector is in need of service, repair, or replacement. A violation of any provision of this section shall constitute a Class 2 misdemeanor.

Any building containing fewer than four (4) dwelling units which was not in compliance with this section on July 1, 1984, shall be exempted from the requirements

of this section until such time as that building or any dwelling unit therein is sold or rented to another person. The city's fire department may delegate responsibility for enforcement of this section, as may be appropriate, to the housing inspections division of the department of neighborhood development services, which is hereby authorized to enforce this section at the request of the fire department.

- (3) *Exits from public assembly halls*—The owners or lessees of any public hall or theater shall provide suitable and sufficient exits from such buildings. The doors to the exits shall remain unlocked during all performances or public gatherings in the buildings and shall, in all cases, open outwardly, and not inwardly. Any owner or lessee of any such building who shall violate this requirement shall be subject to the penalties set forth within § 27-53 of the Virginia Code. The continuation of any failure to comply with this requirement for each week after notice has been given to the owner or lessee of a building that the exits are unsafe or insufficient shall be deemed a separate offense.
- (4) *Summoning firefighting apparatus without cause*—No person shall, without just cause, call or summon, by telephone or otherwise, any firefighting apparatus. No person shall maliciously activate a manual or automatic fire alarm in any building used for public assembly or for other public use, including, but not limited to, schools, theaters, stores, office buildings, shopping centers and malls, coliseums and arenas.
- (5) *Fireworks*—No person shall have, keep, store, use, discharge, manufacture, sell, handle or transport any fireworks in the city, except as provided within this section. Nothing in this section shall apply to:
  - a. Any materials or equipment that is used or to be used by any person for signaling or other emergency use in the operation of any railroad train or other vehicle for the transportation of persons or property.
  - b. Any officer or member of the armed forces, while acting within the scope of their authority and duties as such, nor to any offer of sale or sale of fireworks to any authorized agent of such armed forces.

The fire chief may, upon due application, issue a permit to a properly qualified person for giving a pyrotechnic display of fireworks in the public parks or other open places. Such permits shall impose such restrictions as, in the opinion of the fire chief, may be necessary to properly safeguard life and property in each case. The term "fireworks," as used in this section, shall mean and refer to any firecracker, sparkler, roman candle, fire balloon, signal light, squib, rocket, railroad track or other torpedo, skyrocket, flashlight composition, or other substance or object, of whatever form or construction, that contains any explosive or inflammable compound or substance, and which explodes, rises into the air, travels laterally, or fires projectiles into the air to obtain visible or audible pyrotechnic effects.

- (6) *High explosives*—No person shall sell within the city any dynamite, blasting powder or other high explosive except upon a written permit from the chief of police, which permit shall be issued upon application by the purchaser showing that such explosives are to be used for legitimate purposes within a reasonable time after their purchase and the provisions of the fire prevention code with respect to the keeping of all such

explosives shall in all respects apply to such purchaser. This section shall not be construed to apply to the purchase of shotgun, rifle or pistol ammunition at retail.

- (7) *Storage of explosive liquids*—It shall be unlawful for any person to store, keep or handle any gasoline or other highly explosive liquids in bulk within the city ("bulk storage") except: (i) in the city's manufacturing/industrial zoning districts as part of, or in connection with, a use authorized by the city's zoning ordinance, or (ii) in existing bulk storage sites that were lawful as of March 1, 2004. For the purposes of this section, the term "bulk storage" shall mean and refer to the storage and keeping as well as the parking, loading or unloading of gasoline or any other highly explosive liquid in quantities of more than ten thousand (10,000) gallons, into, to or from any single container, including, without limitation, tank cars or truck transports. Where permitted, such bulk storage shall be conducted in accordance with applicable provisions of the SFPC.

It shall be unlawful for any person to store, keep or handle any gasoline or other highly explosive liquids in any underground container of ten thousand (10,000) gallons or less, in any residential zoning or B-1 zoning district; provided, however, that: (i) in an R-3 or B-1 zoning district, a single underground tank may be installed to contain not in excess of five hundred fifty (550) gallons, provided that such tank is not located within one hundred (100) feet of any residential dwelling unit, is to serve a non-conforming business use, and shall not be resold to others; and (ii) any elementary or secondary school, whether public or private, may install an underground tank to contain not in excess of five hundred fifty (550) gallons, so long as such tank is not located within one hundred (100) feet of any residential dwelling unit, is not located within one hundred (100) feet of any building used for school purposes, and the contents of such tank are not resold to others. Otherwise, underground storage of quantities not in excess of ten thousand (10,000) gallons, in a container complying with requirements of the SFPC, is permitted within the city, except that if any such underground tank is located within ten (10) feet of any building, the maximum quantity permitted in such container shall be two thousand (2,000) gallons.

- (8) *Open burning* —Except as otherwise provided in this section, no person shall ignite or maintain, or cause or permit to be ignited or maintained, any open fire on public or private property outside any building. Salvage, demolition operations, land clearing and disposal of waste materials (including, without limitation, construction debris, garbage, refuse, household refuse, brush, grass, leaves and other waste materials) by burning are specifically prohibited. Exceptions to the prohibitions of this section are as follows:
- a. Open fires may be set in the performance of official duties by the fire chief or their designee when necessary: (i) for the abatement of a fire hazard which cannot be abated by other means; (ii) for training in firefighting or for research in control of fires under supervision of the fire chief or their designee; and (iii) in emergency or other extraordinary circumstances when open burning is determined by the fire chief to be in the public interest.



- b. Open fires may be used for cooking food, if such fires are contained within approved grills and barbecues for the purpose of food preparation for human consumption.
  - c. Open fires may be set within approved outdoor fireplaces provided such fireplaces have screened burn chambers and chimneys equipped with spark arrestor screens. Salamanders and similar heating devices may be used for heating by outdoor workers provided that no smoke hazard or other nuisance is created and provided that such devices are used not less than fifteen (15) feet from any structure.
  - d. Open fires may be set for recreational purposes, or for ceremonial occasions, with the advance approval of the fire marshal, and provided that no smoke violation or nuisance is created.
  - e. Where permitted, open burning shall be constantly monitored until the fire is extinguished. Fire extinguishing equipment shall be available for immediate use. Notwithstanding the above-listed exceptions, there is hereby reserved to the city's fire chief the authority to prohibit any and all open burning when in their determination smoke may cause reduced visibility on any highway, the fire is endangering adjacent property, or when flames, emissions or odors from the fire may otherwise constitute a hazard or nuisance. The fire chief or their designee may order the extinguishing of any fire which creates any such hazard(s) or nuisance(s).
- (9) *Fire hydrant distribution* - Fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets where new building construction or modifications to water mains occur as follows: No more than three hundred (300) feet shall exist between fire hydrants serving buildings meeting SFPC occupancy classifications other than Residential Group R-5, in which case no more than six hundred (600) feet shall exist between fire hydrants.
- (10) *Chapter 1, section 103.1.2* of the SFPC is replaced by the following:
- 103.1.2. Appendices.
- (i) Appendix B, Fire-Flow Requirements For Buildings, of the International Fire Code - 2006 Edition, as amended from time to time (hereinafter "IFC"), is considered part of the IFC for the purposes of Section 103.1 of the SFPC.
  - (ii) Appendix D, Fire Apparatus Access Roads, of the IFC is considered part of the IFC for the purposes of Section 103.1 of the SFPC, as modified in the City's Standards and Design Manual. Any conflict between the two documents shall be resolved in favor of the City's Standards and Design Manual.
- (11) **Testing and Inspection reports**
- (i) Testing, inspection, repair and maintenance required—fire protection systems and other life safety systems, whether required or nonrequired, shall be inspected, tested, repaired and maintained in an operative condition at all times, and in accordance with requirements set forth within the SFPC. Itemized records of all system tests, inspections, repairs and maintenance required by the SFPC shall be maintained by the property owner on the premises of the system(s), and copies of**

such records shall be submitted to the city's fire official as required by paragraph (ii), below.

(ii) Reporting—It shall be the responsibility of any person (including, without limitation any individual or company) providing or conducting tests or inspections of fire protection and life safety systems for properties within the city to submit a copy of the itemized records of such tests, inspections, repairs, or maintenance to the fire official's approved and designated web-based reporting vendor, within 30 days of the test, inspection, repair or maintenance. With respect to inspections, testing, maintenance, repair, or replacement of fire protection and life safety systems, the term "itemized records" includes, but is not limited to: identification of the individual and company performing the inspection; a description of the inspection, testing, maintenance, repair, or replacement; when and where the inspection, testing, maintenance, repair, or replacement took place; and the results of the inspection, testing, maintenance, repair, or replacement.

(ii) Web-based reporting requirement—The fire official shall utilize a web-based reporting program which connects and engages the key stakeholders involved in fire prevention and community risk reduction, including: the governmental authorities having jurisdiction within the city, testing and inspection service providers, and property owners. Records, including reports of testing and inspections, referenced in paragraph (i) preceding above must be uploaded to the web-based reporting system designated by the city's fire official. The web-based inspection reporting provider shall transmit said inspection reports to the city's fire official, and to any other governmental authorities to whom such reports are required to be given.

(iii) Every individual and company performing testing, inspection, repair or maintenance of any fire protection or life safety systems within the city shall be qualified (certified) and licensed, registered or otherwise authorized to perform such work or services within the Commonwealth of Virginia, and in accordance with applicable SFPC standards. The city's fire official may reject any records or reports if the person or company providing the reports does not also provide the city with documentation of their current certification(s) and qualification(s) to perform such work or services.

- (b) Nothing in this section shall be construed, interpreted or applied to abrogate, nullify, or abolish any law, ordinance or code enacted by the city, or by the Commonwealth of Virginia, its boards or agencies. When any provision of this section is found to be in conflict with any zoning, safety, health or other applicable law, ordinance or code, the provision that establishes the higher standard for the promotion and protection of the safety and welfare of the public shall prevail.

**BE IT FURTHER ORDAINED that the provisions of this ordinance shall be effective January 1, 2023.**

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	November 21, 2022
Action Required:	Approval and Appropriation
Presenter:	Chris Carr, Management Specialist II
Staff Contacts:	Chris Carr, Management Specialist II Dana Kasler, Director of Parks and Recreation
Title:	<b>Approving and appropriating grant funds for Virginia Department of Education Special Nutrition Program - Child and Adult Care Food Program - \$50,000 (1 of 2 readings)</b>

**Background**

The City of Charlottesville, through Parks and Recreation, has received approval for a reimbursement of up to \$50,000 from the Virginia Department of Education Special Nutrition Program to provide free dinner to children 18 and under attending our drop-in afterschool programs through their Child and Adult Care Food Program.

**Discussion**

Charlottesville Parks and Recreation will operate an afterschool meals program for 36 weeks, during the regular school year. There are currently 4 locations, Friendship Court, Greenstone on 5th, South First Street, and Westhaven Community Centers that serve children 18 years and under. The reimbursement will cover the costs of a nutritious dinner at these locations, which also have an educational/enrichment component. Dinner will be served from 4:30-6:30 pm at the various community centers. Most of the children served receive free or reduced meals during the school year. Over 400 children will be served each week during the school year. The dinners are purchased through the City of Charlottesville School Food Service. The Parks and Recreation Department pays the bills to the City of Charlottesville Food Service and is then reimbursed by the Virginia Department of Education Special Nutrition Programs.

**Alignment with City Council's Vision and Strategic Plan**

Approval of this agenda item aligns directly with Council's vision for Charlottesville to be America's Healthiest City and it contributes to Goal 2 of the Strategic Plan - Healthy and Safe City. Children will receive a nutritious dinner, hopefully replacing a meal that did not exist or providing a healthier balanced option for them.

**Community Engagement**

N/A

**Budgetary Impact**

There is no impact to the General Fund. The funds will be appropriated, expensed, and reimbursed to a Grants Fund. There is no required local match for this program.

**Recommendation**

Staff recommends approval and appropriation of funds,

**Alternatives**

If money is not appropriated, the free dinner program will not be offered to youth, most of whom receive free or reduced meals during the school year.

**Attachments**

1. Resolution\_VA Department of Education After School Meals Program Appropriation \$50,000

**APPROPRIATION**

**Virginia Department of Education Special Nutrition Program  
Child and Adult Care Food Program  
\$50,000**

**WHEREAS**, the City of Charlottesville, through Parks and Recreation, has received approval for reimbursement up to \$50,000 from the Virginia Department of Education Special Nutrition Program to provide free dinner to children attending select drop-in afterschool centers; and

**WHEREAS**, the grant award covers the period from period October 1, 2022 through September 30, 2023;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of \$50,000, received from the Virginia Department of Education Special Nutrition Program is hereby appropriated in the following manner:

**Revenue – \$ 50,000**

Fund: 209                      Internal Order: 1900503                      G/L Account: 430120

**Expenditures - \$50,000**

Fund: 209                      Internal Order: 1900503                      G/L Account: 530670

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$50,000 from the Virginia Department of Education Special Nutrition Program.

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



<b>Agenda Date:</b>	November 21, 2022
<b>Action Required:</b>	Approval of Resolution
<b>Presenter:</b>	Jason Vandever, City Treasurer
<b>Staff Contacts:</b>	Jason Vandever, City Treasurer
<b>Title:</b>	<b>Extending Due Date for Payment of 2nd-half Local Taxes (1 reading)</b>

**Background**

In accordance with City Code, second half tax bills for personal property, real estate, and machinery and tools taxes are typically due on December 5th each year. Virginia Code section 58.1-3916 allows the governing body, by ordinance, to set tax due dates at its discretion, and to extend due dates (by resolution) for good cause. The City Treasurer's Office is requesting City Council to adopt a resolution approving a one-time extension of the due date for payment of taxes from December 5th, 2022 to December 19, 2022.

**Discussion**

**Good Cause:** Despite best efforts, the City's third-party print vendor experienced extraordinary challenges this month producing and printing the City's tax bills. The print vendor experienced both mechanical problems, and severe staffing issues this month. While the City's goal is to print and mail all tax bills at least 30 days prior to the due date, this tax half the City's print vendor began mailing tax bills the week of November 14th. Given the delays the City has experienced, the City Treasurer's Office is requesting a two-week extension for the due date from December 5th to December 19th. This will allow taxpayers ample time to both receive and pay their tax bill. There is no financial impact to the City in extending the due date for 2nd half tax bills. City staff believes this is the best solution given the circumstances. The due date change has been advertised in the tax bill mailing, through a press release, and on the City's website.

**Alignment with City Council's Vision and Strategic Plan**

This proposal aligns with the following City Council Strategic Plan Goals:

- 5.1 Integrate Effective Business Practices and Strong Fiscal Policies

**Community Engagement**

The proposed change has been advertised in City tax bills, through a press release, and on the City's payment webpage.

### **Budgetary Impact**

None

### **Recommendation**

The Treasurer and City Manager's Office recommend approval of of an extension of the deadline for payment of taxes.

*Suggested Motion: "I move the RESOLUTION to Extend the Deadline for Payment of Real Estate, Tangible Personal Property, and Machinery and Tools Tax Payments from December 5, 2022 to December 19, 2022"*

### **Alternatives**

Council could elect to maintain the December 5th due date.

### **Attachments**

1. Resolution Extending Pay Deadlines

## RESOLUTION

### **To Extend the Deadline for Payment of Real Estate, Tangible Personal Property, and Machinery and Tools Tax Payments from December 5, 2022 to December 19, 2022**

**WHEREAS** Sections 30-161(a) and 30-162 of the Code of the City of Charlottesville (1990), as amended (“City Code”), establish June fifth as the deadline for taxpayers to remit payment for half their assessed real estate, tangible personal property, and machinery and tools tax payments; and

**WHEREAS** Section 58.1-3916 of the Code of Virginia (1950), as amended, authorizes governing bodies to provide, by resolution, for reasonable extensions of time for the payment of local taxes, whenever good cause exists, and the City Treasurer has this day presented grounds for finding good cause; now, therefore,

**BE IT RESOLVED** by the Council of the City of Charlottesville **THAT**, for good cause shown by the City Treasurer, the deadline for taxpayers to remit payment for the one-half of their assessed real estate, tangible personal property, and machinery and tools tax payments is hereby extended from December 5, 2022 to December 19, 2022.

**BE IT FURTHER RESOLVED** that any person failing to pay the portion of taxes on real estate, tangible personal property, or machinery and tools due on or before **December 19, 2022** shall incur penalties thereon payable on said date, and if taxes and penalties remain uncollected then there shall be collected interest at the rate specified within City Code Section 30-164(a), upon both the principal sum and penalties, commencing from December 31 with regard to the taxes due on December 19, 2022.



CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	November 21, 2022
Action Required:	Approval of Appointment of Emergency Management Coordinator
Presenter:	Michael Rogers, City Manager
Staff Contacts:	Samuel Sanders, Jr., Deputy City Manager
Title:	<b>Approving the Appointment of an Emergency Management Coordinator (1 reading)</b>

**Background**

Virginia Code Section 44-146.19 requires each locality to have a Director of Emergency Management (DEM). The City Manager serves as the DEM for the City of Charlottesville. The DEM is required to appoint a *coordinator* of emergency management, and state law requires this appointment to be with the consent of City Council. Since there currently exists no local ordinance addressing this appointment, or delegating to the City Manager ongoing authority to make the appointment, City Council is required to take action to ratify and consent to the appointment.

**Discussion**

At the City Council meeting on November 21, 2022, Deputy City Manager Sam Sanders will provide an introduction of the individual recently appointed by the City Manager to serve as the City's Coordinator of Emergency Management. The individual who has been appointed to this position will serve as the City's first full-time Coordinator of Emergency Management.

**Alignment with City Council's Vision and Strategic Plan**

**Community Engagement**

n/a

**Budgetary Impact**

The development of a budget to support this function is underway and will be included in the FY24 budget proposal. In the interim, the individual's salary is covered in the current year budget (as the individual was already a City Employee); however, council will be asked to consider allocating surplus funds from FY22 to cover the expenditures associated with the trainings and other duties to be performed by the Coordinator.

**Recommendation**

Adoption of Resolution Consenting to the Appointment

### **Alternatives**

Virginia Code Sec. 44-146.19 specifies that for a city, the Director of Emergency Management "shall" appoint a coordinator of emergency management.

### **Attachments**

1. RESOLUTION Consent to Coordinator

**RESOLUTION**

**To Ratify and Consent to the City Manager's Appointment  
of a Coordinator of Emergency Management**

**BE IT RESOLVED** by the Council of the City Manager that the City Manager's appointment of a full time Coordinator of Emergency Management is hereby ratified and consented to by the City Council.

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	November 21, 2022
Action Required:	Review the proposed revisions to the Charlottesville Human Rights Ordinance (Code of the City of Charlottesville, Chapter 2, Article XV) and propose next steps for revision or approval.
Presenter:	Todd Niemeier, Director
Staff Contacts:	Todd Niemeier, Director Allyson Davies, Senior Deputy City Attorney
Title:	<b>Amending the Charlottesville Human Rights Ordinance, Code of the City of Charlottesville, Chapter 2, Article XV (2nd reading)</b>

### **Background**

On November 7, 2022, City Council conducted a first reading of proposed amendments to the Charlottesville Human Rights Ordinance (hereinafter CHRO). During 2-2-1 discussions on November 3, 2022, and November 4, 2022, members of Council suggested several additional changes to the CHRO. Those changes have been incorporated in the attached version.

### **Discussion**

The following is a list of changes made to the CHRO based on recommendations by City Council, in addition to the changes presented during the first reading on November 7, 2022.

#### Sec. 2-431.2.(f)(5)

- The word ~~subchapter~~ was removed from the document because it was a change made to proposed language rather than a change made to language in the current ordinance.

The word “enforcement” was removed ahead of the word “jurisdiction” in the following locations:

- Sec. 2-433.(a)
- Sec. 2-437.1.(a)(1)
- Sec. 2-437.1.(a)(3)
- Sec. 2-437.1.(a)(3)(A)

#### Sec. 2-437.2.(a)(4)

- Changed to add a clause whereby if the City is the named respondent in a complaint of housing discrimination, the Director shall refer to the complaint to the appropriate state or federal agency.

Sec. 2-437.2.(a)(5)

- This is the former Sec. 2-437.2.(4), which is still part of the ordinance but moved downward due to the inclusion of the clause above.

Sec. 2-437.2.(b)(2)

- The spelling of “ordiance” was corrected to “ordinance.”

The word “enforcement” was removed ahead of the word “jurisdiction” in the following locations:

- Sec. 2-437.3.(a)(1)
- Sec. 2-437.3.(a)(3)
- Sec. 2-437.3.(a)(3)(A)

Sec. 2-439.1.(a)

- The second appearance of the word “probable” ahead of the word “cause” was stricken through.
- The third appearance of the word “probable” ahead of the word “cause” was stricken through and the word “reasonable” was inserted.

**Alignment with City Council's Vision and Strategic Plan**

The proposed amendments to the CHRO align with City Council’s vision of Charlottesville as a “leader in social and economic justice, and healthy race relations” that is “flexible and progressive in anticipating and responding to the needs of our citizens” and is a “united community that treasures diversity.” Adopting the recommendations proposed below helps to ensure that Charlottesville moves toward becoming a “Community of Mutual Respect” with a “Smart, Citizen-Focused Government” that supports and protects “Quality Housing Opportunities for All,” as well as “Economic Sustainability.”

**Community Engagement**

The HRC received a draft of this memo and the proposed revisions to the CRHO in the publicly posted agenda packet for its regular meeting on September 15, 2022. During this meeting, the Director requested that Commissioners review both documents and provide feedback on or before October 3, 2022. Members of the public did not provide feedback during the September 15, 2020 meeting. Commissioners recommended no revisions on or before October 3, 2022.

The HRC will complete its public review of the proposed revisions to the CRHO at its regular meeting on October 20, 2022. During this meeting, the Commission voted to adopt the amended CRHO for recommendation to City Council at its meeting on November 7, 2022.

City Council conducted a first reading of the amended CRHO at its regular meeting on November 7, 2022. During this meeting, City Council proposed a second reading at its meeting on November 21, 2022.

### **Budgetary Impact**

The approval of the updated ordinance in full will require the continuation of increased staffing levels for the Office to provide appropriate direct service to our community. At this time, provided that the Council approves the updates - through an allocation of American Rescue Plan Act funding by Council vote, the office will be able to immediately hire two positions: a Human Rights Intake Counselor and a Human Rights Investigator. This funding is one-time funding and will need to be incorporated into the Office of Human Rights budget as a continuing staffing expense totaling roughly \$175,264.48. A brief description of the roles and responsibilities is listed above in the discussion section.

The Office also anticipates that there will be an uptick in the number of housing discrimination cases it receives, provided that the Council approves the ordinance updates and that the Office successfully obtains its interim certification into the FHAP workshare. Based on the workload during the three-year FHAP interim certification period, the City should evaluate whether a second Investigator should be hired prior to entry into a FEPA workshare.

### **Recommendation**

***Suggested Motion: "I move the ORDINANCE amending and reenacting Chapter 2, Article 15 of the Charlottesville City Code, to expand the duties of the Human Rights Commission in relation to enforcement of laws that prohibit housing discrimination."***

The HRC and OHR request that Council consider the proposed amendments to the CHRO and the potential entry into a FHAP workshare agreement with the HUD Fair Housing Office through the lens of feasibility, given the current staffing and workload of the OHR and the additional requirements of entering into a FHAP workshare agreement. The HRC and OHR are exploring entry into the FHAP workshare first, as it provides more financial support and other incentives than the FEPA workshare. If entry into the FHAP proves successful, the HRC and OHR are prepared to take the necessary steps toward entry into a FEPA workshare. It is the view of the HRC and OHR that entry into either a FHAP or FEPA workshare agreement is only feasible with adequate staffing, both within the OHR and the City Attorney's Office given the specific requirements of the FHAP program.

### **Alternatives**

Should City Council elect not to approve the updates to the ordinance as proposed, the Office of Human Rights will not be able to successfully enter into the FHAP workshare agreement. The consequence of this inability to enter into a workshare agreement is that the OHR will struggle to maintain efficient and effective service to the community given our needs and barriers to affordable housing access.

**Attachments**

1. 20221107 Charlottesville Human Rights Ordinance - Proposed Amendments (PDF)

**Underlined text indicates proposed new content.**

**~~Strike-through text~~ indicates existing content to consider removing.**

**AN ORDINANCE**

**AMENDING AND REENACTING CHAPTER 2 (ADMINISTRATION) OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED, ARTICLE XV (HUMAN RIGHTS) TO UPDATE THE ORDINANCE TO EXPAND THE COMMISSION’S DUTIES AS AUTHORIZED BY THE VIRGINIA HUMAN RIGHTS ACT (VIRGINIA CODE TITLE 2.2, CHAPTER 39), THE VIRGINIA FAIR HOUSING LAW (VIRGINIA CODE TITLE 36, CHAPTER 5.1), and VIRGINIA CODE, TITLE 15.2, CHAPTER 9, §15.2-965, AS AMENDED.**

**WHEREAS**, by recorded vote, the Human Rights Commission initiated certain amendments to the text of the City’s Human Rights Ordinance, Sections 2-430; 2-431; 2-431.1; 2-431.2; 2-431.3; 2-432; 2-433; 2-433; 2-435; 2-436; Sec. 2-437.1; 2-437.2; 2-437.3; 2-438; 2-439.1; 2-439.2; and 2-440 (“Proposed Text Amendments”); and

**WHEREAS**, a public meeting was held to discuss and receive comments on the Proposed Text Amendments on June 18, August 20, and September 17, 2020 and the proposed amendments were presented to, discussed and approved at the October 15, 2020 public meeting of the Human Rights Commission for recommendation to Charlottesville City Council; and

**WHEREAS**, after consideration of the Human Rights Commission recommendations and other factors within the City, this Council is of the opinion that that the Proposed Text Amendment has been designed to comply with the Virginia Human Rights Act (Virginia Code Title 2.2, Chapter 39), the Virginia Fair Housing Law (Virginia code Title 36, Chapter 5.1), and Virginia Code, Title 15.2, Chapter 9, §15.2-965 of the Code of Virginia (1950), as amended, and this Council hereby finds and determines that: (i) the public necessity, convenience, and general welfare require the Proposed Text Amendment, and (ii) the Proposed Text Amendment is consistent with the Council’s vision of the City as a leader in social justice; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that: Sections 2-430; 2-431; 2-431.1; 2-431.2; 2-431.3; 2-432; 2-433; 2-433; 2-435; 2-436; Sec. 2-437.1; 2-437.2; 2-437.3; 2-438; 2-439.1; 2-439.2; and 2-440 of the Code of the City of Charlottesville (1990), as amended, is hereby amended and reenacted as follows:

**Article XV. Human Rights**

**Sec. 2-430.1. Short title.**

This Article shall be known and referred to as the Charlottesville Human Rights Ordinance.



**Sec. 2-430.2. Definitions.**

- (a) Terms used in this ordinance to describe prohibited discrimination in employment shall have the meanings as ascribed to them under Virginia Human Rights Act. Va. Code §§ 2.2-3900-3909., Va. Code § 15.2-965 as it relates to “Gender identity” “Military status” “Religion” and “Sexual orientation, and U.S. Code §§ 1981-2000h-6., as amended.
- (b) Terms used in this ordinance to describe prohibited discrimination in housing shall have the meanings as ascribed to them under the Virginia Human Rights Act, Va. Code §§ 2.2-3900-3909., Va. Code § 15.2-965 as it relates to “Gender identity” “Military status” “Religion” “Sexual orientation”, Virginia Fair Housing Law, Va. Code § 36-96.1:1., and 42 USCS § 3602, as amended.
- (c) Terms used in this ordinance to describe prohibited discrimination in public accommodations, credit, and private education shall have the meanings as ascribed to them under the Virginia Human Rights Act., Va. Code §§ 2.2-3900-3909. and Va. Code § 15.2-965. as it relates to “Gender identity” “Military status” “Religion” and “Sexual orientation, and for public accommodation under 42 USCS § 2000a., as amended.

**Sec. 2-431. Unlawful discrimination prohibited generally.**

Pursuant to Va. Code Ann. § 2.2-3900. and § 15.2-965., it is the policy of the City of Charlottesville to:

- a) Safeguard all individuals within the City from unlawful discrimination in employment, housing, public accommodation, private education, and credit.
- b) Preserve the public safety, health, and general welfare for the City of Charlottesville;
- c) Further the interests, rights, and privileges of individuals within the City; and
- d) Protect citizens of the City against unfounded charges of unlawful discrimination.

**Sec. 2-431. Unlawful discrimination prohibited.**

~~It shall be unlawful and a violation of this article for any person, partnership, corporation or other entity to engage in discrimination in employment, public accommodations, credit, and private education on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity status as a veteran, or disability.~~

~~(a) It shall be unlawful and a violation of this article for any person, partnership, corporation or other entity to engage in discrimination in housing on the basis of race, color, religion, national origin, sex, elderliness, familial status, source of funds, sexual orientation, gender identity, status as a veteran, or disability.~~

~~(b) As used in herein, the term "gender identity" means the gender related identity, appearance, or other gender related characteristics of an individual, without regard to the individual's designated sex at birth.~~

~~(c) As used herein, the term “source of funds” means any source that lawfully provides~~

~~funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity.~~

~~(d) As used herein, the term “unlawful discriminatory practice” includes conduct in violation of any comparable Virginia or federal statute or regulation governing unlawful discrimination.~~

### **Sec. 2-431.1. Unlawful employment discrimination prohibited.**

It shall be unlawful and a violation of this ordinance for any person, partnership, corporation or other entity to engage in discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, status as a veteran, or disability. The prohibited actions in this section shall include and have the meanings ascribed to them in Virginia Human Rights Act, Va. Code §§ 2.2-3900-3909., Va. Code § 15.2-965 and U.S. Code §§ 1981-2000h-6., as amended.

### **Sec. 2-431.2. Unlawful housing discrimination prohibited.**

It shall be unlawful and a violation of this article for any person, partnership, corporation or other entity:

- (a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, national origin, sex, elderliness, familial status, source of funds, marital status, sexual orientation, gender identity, status as a veteran, or disability.
- (b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, sex, elderliness, familial status, source of funds, marital status, sexual orientation, gender identity, status as a veteran, or disability.
- (c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based race, color, religion, national origin, sex, elderliness, familial status, source of funds, marital status, sexual orientation, gender identity, status as a veteran, or disability, or an intention to make any such preference, limitation, or discrimination.
- (d) To represent to any person because of race, color, religion, national origin, sex, elderliness, familial status, source of funds, marital status, sexual orientation, gender identity, status as a veteran, or disability, that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- (e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, sex, elderliness, familial status, source of funds, marital status, sexual orientation, gender identity, status as a veteran, or disability.

- (f) Furthermore, it shall be unlawful and a violation of this article for any person, partnership, corporation or other entity:
- (1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of the following:
    - (A) that buyer or renter;
    - (B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
    - (C) any person associated with that buyer or renter.
  - (2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:
    - (A) that person; or
    - (B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
    - (C) any person associated with that person.
  - (3) For purposes of this subsection, discrimination includes—
    - (A) a refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.
    - (B) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
    - (C) in connection with the design and construction of covered multifamily dwellings for a failure to design and construct those dwellings in such a manner that—
      - (i) the public use and common use portions of such dwellings are readily accessible to and usable by people with disabilities;
      - (ii) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by people with disabilities requiring the use of wheelchairs; and
      - (iii) all premises within such dwellings contain the following features of adaptive design:
        - (I) an accessible route into and through the dwelling;
        - (II) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
        - (III) reinforcements in bathroom walls to allow later installation of grab bars; and
        - (IV) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(4) Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as “ANSI A117.1”) suffices to satisfy the requirements of Sec. 2-431.2.(3).(C).(iii).

As used in this subsection, the term “covered multifamily dwellings” means:

(A) buildings consisting of 4 or more units if such buildings have one or more elevators; and

(B) ground floor units in other buildings consisting of 4 or more units.

(5) Nothing in this ordinance shall be construed to invalidate or limit any state or federal law or City ordinance that requires dwellings to be designed and constructed in a manner that affords people with disabilities greater access than is required by this subchapter.

(6) Nothing in this ordinance requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(7) In general, it shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, national origin, sex, elderliness, familial status, source of funds, marital status, sexual orientation, gender identity, status as a veteran, or disability.

(8) As used in this section, the term “residential real estate-related transaction” means any of the following:

(A) The making or purchasing of loans or providing other financial assistance:

(i) for purchasing, constructing, improving, repairing, or maintaining a dwelling; or

(ii) secured by residential real estate.

(B) The selling, brokering, or appraising of residential real property.

(9) Nothing in this section prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, elderliness, familial status, source of funds, marital status, sexual orientation, gender identity, status as a veteran, or disability.

(g) It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers’ organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against an individual in the terms or conditions of such access, membership, or participation, on account of race, color, religion, national origin, sex, elderliness, familial status, source of funds, marital status, sexual orientation, gender identity, status as a veteran, or disability.

**Sec. 2-431.3. Unlawful public accommodation, credit, and private education discrimination prohibited.**

It shall be unlawful and a violation of this article for any person, partnership, corporation or other entity to engage in discrimination in public accommodations, credit, and private education on the

basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity status as a veteran, or disability. The prohibited actions in this section shall include and have the meanings ascribed to them in Virginia Human Rights Act, Va. Code §§ 2.2-3900-3909., Va. Code § 15.2-965 as it relates to “Gender identity” “Military status” “Religion” “Sexual orientation”, and U.S. Code §§ 1981-2000h-6., as amended.

### **Sec. 2-432. Human Rights Commission.**

- (a) There is hereby created in the City of Charlottesville a Human Rights Commission, the members of which shall be appointed by the City Council. Effective March 1, 2022, the appointed membership of the Commission shall consist of nine (9) members. The Commission membership shall be broadly representative of the City’s demographic composition, with consideration of racial, gender (including gender identity, transgender status, and sexual orientation), religious, ethnic, disabled, socio-economic, geographic neighborhood and age groups; with priority given to City residents, and to applicants with significant and demonstrable ties to the City. At least two members will have professional expertise in employment or housing discrimination, have personal experience with employment or housing discrimination, or identify as a member of a group that experiences discrimination. Of the members first appointed, at least three shall be appointed for terms of three years, at least three shall be appointed for terms of two years, and at least three shall be appointed for terms of one year. Thereafter members shall be appointed for terms of three years each. Any vacancy shall be filled by the City Council for the unexpired portion of a term. Following notice to the member, any member of the Commission may be removed for good cause by a majority vote of City Council.
- (b) The Commission shall elect from its members a chair, a vice-chair, and such other officers as the Commission may deem appropriate.
- (c) Members of the Commission shall serve without compensation, but funds may be appropriated in the City’s annual budget for reasonable and necessary expenses to be incurred by Commission in the conduct of its prescribed functions.
- (d) All meetings of the Commission shall be advertised in advance and in the manner required by law and shall be open to the public except for meetings lawfully closed pursuant to the Virginia Freedom of Information Act. The Commission may adopt bylaws and procedures to govern the conduct of its meetings; provided, however, that at the beginning and at the end of each of its public meetings the Commission will receive public comment in accordance with City Council’s adopted “Rules for Public Participation”.
- (e) The Commission may, in its discretion, delegate any of its duties or responsibilities hereunder to a panel of not less than three Commissioners.
- (f) There shall be a full-time Director of the Commission, who shall be appointed by the City Manager with the advice and consent of the Commission and who shall serve full time in that capacity. A candidate proposed for appointment as the Director must demonstrate significant prior professional experience performing one or more of the activities or roles described in the code of the City of Charlottesville, Chapter 2, Article XV sections 2-433(a) (b), 2-434, 2-435(a), 2-437 and 2-439.1 of this article. The Director will be responsible for and report to the Commission ~~in~~ on the day-to-day day-to-day operational conduct of the Human Rights Commission. of the

~~Commission's activities.~~ The Director shall report directly to the Deputy City Manager for Racial Equity, Diversity, and Inclusion for administrative and fiscal matters. The City Manager shall delegate to the Director the authority to employ such additional staff as authorized and funded by the City Council, in order for the Commission to fulfill effectively its obligations under this Ordinance. In the absence of a Director, the City Manager shall transfer the Director's duties to qualified professional staff within the City to ensure the continuity of services provided by the Human Rights Commission and Office of Human Rights.

- (g) The City Council shall establish policies and procedures for the performance by the Commission of the roles, duties and responsibilities set forth within this article ("operating procedures"). All City departments, boards and commissions shall cooperate with and ~~provide assistance to~~ assist the Commission, including the provision of information in response to reasonable requests from the Commission.
- (h) Legal counsel shall be provided to the Commission and its staff through the Office of the City Attorney. The City Council ~~may~~ hereby ~~authorizes~~ retention of outside counsel where deemed appropriate upon recommendation of the City Attorney.
- (i) The Commission shall make quarterly reports to the City Council concerning the operation of the Commission and the status of the Commission's performance of the duties, responsibilities and roles set forth within this article. One of the required quarterly reports shall be an annual report. The schedule for submission of these reports, and the required contents of the reports, shall be as specified within the Commission's operating procedures.

### **Sec. 2-433. Role of the Human Rights Commission.**

The role of the Human Rights Commission, with support from the Office of Human Rights, is to act as a strong advocate for justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights. The Commission will:

- (a) Assist individuals who believe they are the victim of an act of unlawful discrimination within the jurisdiction of the City;
- (b) Collaborate with the public and private sectors for the purpose of providing awareness, education and guidance on methods to prevent and eliminate discrimination citywide;
- (c) Identify and review policies and practices of the City of Charlottesville and its boards, ~~and~~ commissions, and other public agencies within the City and advise those bodies on issues related to human rights ~~issues~~;
- (d) Seek a Fair Employment Practices Agency (FEPA) work share agreement with the Equal Employment Opportunity Commission ("~~FEPA~~" (EEOC) and a Fair Housing Assistance Program (FHAP) workshare agreement with the Department of Housing and Urban Development ("~~HUD-FHAP~~" (HUD) to conduct investigations of employment and housing discrimination on their behalf; and enter into such agreement(s) subject to approval of City Council upon a finding that the agreement(s) would be in the best interest of the City.
- (e) Make recommendations regarding the City's annual legislative program, with an emphasis on enabling legislation that may be needed to implement programs and policies that will address discrimination; and
- (f) Prepare recommendations to City Council as to policies and procedures the Commission believes

are necessary for the performance of the roles, duties, and responsibilities assigned to the Commission within this article, and for modifications of operating procedures approved by City Council.

**Sec. 2-434. Duties and responsibilities – Community dialogue and engagement.**

- (a) The Commission will serve as a forum for the discussion of human rights issues, and be responsible for conducting ongoing efforts to engage community members in an open, honest and creative dialogue regarding issues of equity and opportunity, including but not limited to issues considered by the City’s Dialogue on Race initiative.
- (b) The Commission will conduct or engage in educational and informational programs for the promotion of mutual understanding, reconciliation, and respect between all classes of individuals protected by this ordinance and the larger Charlottesville community.

**Sec. 2-435. Duties and responsibilities – Systemic issues.**

- (a) The Commission will be responsible for identifying and reviewing policies, practices, and systems of an institutional nature that:
  - (1) May be unlawful discriminatory practices; or,
  - (2) May not constitute unlawful discriminatory ~~be~~ practices but nevertheless ~~which~~ produce disparities that adversely impact ~~and~~ individuals in accordance with the protected classes identified within this ordinance. ~~on the basis of a status such as their race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, criminal record, income or disability.~~
- (b) Any review undertaken pursuant to this section may be initiated at the request of any other public or private entity, or by the Commission on its own initiative.
- (c) The Commission may conduct its own research and review of existing studies and literature, collaborate with other research organizations, organize public focus groups and hold such hearings as may be necessary to identify policies, practices and systems as referenced in (a), above. For each such identified policy, practice or system, the goal of the Commission will be to formulate recommendations and to propose to City Council concrete, actionable reforms that will eliminate discriminatory practices or the adverse effects of lawful other practices. On and after July 1, 2021, the Commission will conduct at least one such research project or review every two years. The Commission will report the status of its ongoing project(s) or review(s) to City Council within its quarterly and annual reports.
- (d) Where the Commission, in accordance with subsection (a) herein identifies systemic, discriminatory housing practices, the Commission may upon majority vote of its members, request the Director of the Commission to file a complaint of discrimination in situations where there is no named complainant but factual evidence exists to support a prima facie case of a systemic, discriminatory housing practice. The Director shall follow the complaint and investigation procedures for fair housing complaints under City Code Sec. 2-437.2.

**Sec. 2-436. ~~Reserved.~~ Office of Human Rights.**

- (a) There is hereby created in the City of Charlottesville an Office of Human Rights, which is a division of the City Manager's Office.
- (b) The Director of the Human Rights Commission will be responsible for, and report to the Commission on, the day-to-day operational conduct of the Office of Human Rights.
- (c) The role of the Office of Human Rights is to:
  - (1) Provide administrative support to the Human Rights Commission;
  - (2) Receive, attempt to conciliate or investigate and issue findings on individual complaints of discrimination within the jurisdiction of the City of Charlottesville;
    - (A) Provide referrals to appropriate services for inquiries that do not involve a jurisdictional complaint of discrimination.
  - (3) Conduct community outreach related to human rights. Such outreach may include:
    - (A) Providing information to the public regarding the services provided by the Office of Human Rights and the Human Rights Commission;
    - (B) Hosting or participating in educational events for the purpose of raising public awareness around human rights issues;
    - (C) Facilitating, leading, or participating in collaborative meetings and events with community partners for the purpose of addressing human rights issues.

**Sec. 2-437.1. Duties and responsibilities – Investigation of individual employment discrimination complaints and issuance of findings.**

- (a) Complaints and answers
  - (1) The Director ~~will~~ shall develop and implement a central intake mechanism to be used by the Office of Human Rights for receiving and processing individual complaints that allege an unlawful, discriminatory employment practice ~~is~~ within the jurisdiction of the City.
  - (2) Any person claiming to be aggrieved by an unlawful discriminatory employment practice may file a complaint in writing with the Office of Human Rights not more than 180 calendar days following the alleged discriminatory act. The complaint shall be in such detail as to substantially apprise any party properly concerned as to the time, place, and facts surrounding the alleged unlawful discrimination.
  - (3) For complaints alleging an unlawful discriminatory employment practice within the ~~enforcement~~ jurisdiction of the City, defined herein as within the corporate limits of the City and as authorized by state and federal statutes, the Director or other designated professional staff are authorized to undertake further action as detailed in **Sec. 2-437.1.(c).**
    - (A) For complaints alleging an unlawful discriminatory employment practice that falls outside the jurisdiction of the City, the Director or other designated professional staff will refer the complaint to the appropriate state or federal



agency.

(B) If the City of Charlottesville is the named respondent in a complaint of employment discrimination received by Office of Human Rights, the Director shall refer the complaint to the appropriate state or federal agency.

(4) ~~Upon determination that an alleged unlawful discriminatory practice falls within the enforcement jurisdiction of the City, the Director or other designated professional staff will conduct, as authorized by this ordinance, an initial fact-finding inquiry to determine if the Complainant presents a prima facie case. Upon the filing of such a discriminatory complaint:~~

(A) The Director or other designated professional staff shall conduct an initial assessment to determine if the complaint is jurisdictional and presents a prima facie case of discrimination. The complaint may be dismissed by the Director without further action if it fails to adequately allege a violation of this ordinance, is non-jurisdictional, or is otherwise deficient on its face.

(B) ~~Following the initial fact-finding inquiry, If the complaint is not dismissed, and the Complainant wishes to pursue further action, the Director shall~~ will serve a copy on each respondent named therein. Said copy shall be served in a timely manner and specify the allegation, citing the evidence that supports further action, and indicating the action to be taken.

(b) Informal dialogue, mediation, and investigation

(1) Further action, as authorized by this ordinance, may include informal dialogue mediation, ~~conciliation~~, and formal investigation of the complaint, as deemed appropriate by the Director.

(2) If the Director determines that further action on a complaint is appropriate, during the period beginning with the filing of such complaint and ending with the rendering of a determination or a dismissal by the Director, the Director shall, to the extent feasible, engage in informal dialogue or mediation with respect to such complaint.

(A) ~~If the Director determines that further action is appropriate, the~~ The Director will shall propose an initial meeting between the parties for the purpose of exploring a resolution of the complaint through voluntary mediation or other informal means.

(i) Nothing herein shall be interpreted as requiring any party to participate in informal dialogue, mediation, or any other resolution ~~conciliatory~~ efforts.

(ii) Materials used and communications made during ~~a mediation or informal dialogue or mediation~~ conciliation concerning a complaint of unlawful discrimination shall be confidential and shall not be disclosed to the public by the Director, the Commission, or ~~its~~ Office of Human Rights staff unless disclosure is authorized in writing by all parties to the dispute.

(iii) If informal dialogue is concluded, the complaint will be considered resolved upon the complainant's written or verbal withdrawal of the complaint.

- (iv) ~~If the mediation or conciliation is concluded to the satisfaction of both parties, the complaint will be considered resolved upon the parties' execution of a written conciliation or settlement agreement. Unless all parties agree otherwise, the execution of a written agreement is solely for the purpose of settling a disputed claim and does not constitute an admission by any party that the law or this ordinance has been violated. No further action on the initial complaint will be taken by the Commission or the it's the Office of Human Rights staff once the agreement is executed.~~
- (v) ~~If informal dialogue or mediation or conciliation is not successful, and the complainant wishes to pursue further action, the Director or designee may conduct a formal investigation. for the purpose of rendering a written determination as to whether there is probable cause to believe a violation of this ordinance occurred, and the facts supporting such determination.~~
- (vi) ~~If further investigation is not warranted, the Director may dismiss the complaint as not constituting a violation and promptly serve written notice of the dismissal on the complainant and respondent. After a written determination has been served on both parties, the Director may either close the case or proceed with the preparation of materials for consideration by the Commission, as provided in section 2-439.1(c).~~
- (B) If the Director determines that a formal investigation into the complaint is warranted, the Director shall assign an Investigator to make an investigation of the alleged discriminatory practice for the purpose of rendering a written determination as to whether there is probable reasonable cause to believe a violation of this ordinance occurred, and the facts supporting such determination.
- (i) The Investigator shall complete such investigation within one hundred and eighty (180) calendar days after the filing of the complaint unless it is impracticable to do so.
- (I) If the Investigator is unable to complete the investigation within one hundred and eighty (180) calendar days after the filing of the complaint, the Director shall notify the complainant and respondent in writing of the reasons for not doing so.
- (II) If, during the process of informal dialogue, mediation or investigation, the complainant does not respond to communication or requests for information from the Investigator for a period of thirty (30) calendar days, the Investigator shall notify the Director. The Director shall serve written notice on the complainant that the case will be administratively closed if the complainant does not respond within ten (10) calendar days of the receipt of the written notice.
- i. The complainant may, following the administrative closure of the case, re-file the complaint at a future date, provided that the complaint is filed within one hundred

and eighty (180) calendar days of the alleged discriminatory event detailed in the original complaint.

- (III) If, during the process of informal dialogue, mediation or investigation, the respondent does not respond to communication or requests for information from the Investigator for a period of thirty (30) calendar days, the investigator shall notify the Director. The Director shall serve written notice on the respondent that the investigation shall proceed without the requested information and that a determination on the case shall be rendered upon completion of the investigation.
- (ii) Statements received by the Investigator from the complainant, respondents, and witnesses as part of a formal investigation shall be under oath or affirmation and may be reasonably and fairly amended at any time.
- (iii) Upon the conclusion of the formal investigation, the Investigator shall prepare an investigative report for submission to the Director.
- (C) Upon completion of a formal investigation and submission of the investigative report, the Director shall render a written determination of whether there is probable reasonable cause to believe a violation of this ordinance has been committed ~~occurred~~, and the facts supporting such determination. The written determination shall promptly be served on the parties.
- (i) If the Director determines that there is reasonable cause to believe that a violation of this ordinance has been committed, the Director shall immediately endeavor to eliminate any alleged unlawful discriminatory practice through informal dialogue or mediation.
- (I) If the complaint cannot be resolved through informal dialogue or mediation, the Director shall proceed with the preparation of materials for consideration by the Commission for the purpose of holding a vote on whether to conduct a public hearing on the complaint.
- i. Such materials shall include a copy of the written determination with the names and identifying information of the complainant, respondent, respondent's agents, and any witnesses redacted.
- ii. Upon request by the Commission, the Director shall provide a copy of the full investigative report with the names and identifying information of the complainant, respondent, respondent's agents, and any witnesses redacted.
- (ii) If the Director determines that there is insufficient reasonable cause to believe a violation of this ordinance has been committed, the Director shall dismiss the complaint and advise the complainant in writing that

such dismissal shall become final unless, within ten (10) calendar days of receipt of the notice of dismissal, the complainant files with the Commission a request for a review of the determination of the Director.

(c) Contracted services

- (1) In order to fulfill the requirements of this section, the City Manager or their designee is authorized to contract on behalf of the City with any objective, neutral third party qualified to assess allegations of discrimination under this section ~~discriminatory conduct as prohibited in section 2-431~~, for the purpose of receiving complaints, conducting investigations, rendering written determinations of whether there is ~~probable~~ reasonable cause to believe a violation of this ordinance has occurred, conducting informal dialogues or mediations ~~or conciliations~~ of complaints and advising the Director of the Commission of the results of any investigation, informal dialogue or mediation ~~or conciliation~~ of complaints.

**Sec. 2-437.2. Duties and responsibilities – Investigation of individual housing discrimination complaints and issuance of findings.**

(a) **Complaints and Answers**

- (1) An aggrieved person may, not later than one year (365 calendar days) after an alleged discriminatory housing practice has occurred, file a written complaint with the Office of Human Rights alleging such discriminatory housing practice.
- (2) Such complaints shall be in writing and shall contain such information and be in such form as the Director requires.
- (3) The Director may also investigate housing practices to determine whether a complaint should be brought under this section.
- (4) If the City of Charlottesville is the named respondent in a complaint of housing discrimination received by Office of Human Rights, the Director shall refer the complaint to the appropriate state or federal agency.
- (5) Upon the filing of such a complaint,
  - (A) the Director shall serve notice upon the aggrieved person acknowledging such filing and advising the aggrieved person of the time limits and choice of forums provided under this ordinance;
  - (B) the Director shall, not later than ten (10) calendar days after such filing or the identification of an additional respondent under section 2-437.2.(a).(7)., serve on the respondent a notice identifying the alleged discriminatory housing practice and advising such respondent of the procedural rights and obligations of respondents under this ordinance, together with a copy of the original complaint;
  - (C) each respondent may file, not later than ten (10) calendar days after receipt of notice from the Director, an answer to such complaint; and
  - (D) the Director shall make an investigation of the alleged discriminatory housing practice and complete such investigation within one hundred (100) calendar days after the filing of the complaint, unless it is impracticable to do so.

- (6) If the Director is unable to complete the investigation within one hundred (100) calendar days after the filing of the complaint, the Director shall notify the complainant and respondent in writing of the reasons for not doing so.
- (7) Complaints and answers shall be under oath or affirmation, and may be reasonably and fairly amended at any time.
- (8) A person who is not named as a respondent in a complaint, but who is identified as a respondent in the course of investigation, may be joined as an additional or substitute respondent upon written notice, under Sec. 2-437.2.(a).(4).(B)., to such person, from the Director.
- (9) Such notice, in addition to meeting the requirements of Sec. 2-437.2.(4) shall explain the basis for the Director's belief that the person to whom the notice is addressed is properly joined as a respondent.

(b) **Investigation, mediation, or conciliation**

- (1) During the period beginning with the filing of such complaint and ending with the filing of a charge or a dismissal by the Director, the Director shall, to the extent feasible, engage in mediation or conciliation with respect to such complaint.
  - (A) For the purposes of this section, mediation shall refer to a facilitated dialogue resulting in a written settlement agreement between the respondent and complainant.
  - (B) For the purposes of the section, conciliation shall refer to a facilitated dialogue resulting in a written settlement agreement between the respondent, complainant, and the City, and such agreement shall be subject to approval by the Director.
- (2) When conducting an investigation of a complaint filed under this ordinance, the Director shall have the right to interview any person who may have any information which may further its investigation and to request production of any records or documents for inspection and copying in the possession of any person which may further the investigation. Such persons may be interviewed under oath. The Director or its designated subordinates shall have the authority to collect, inspect and copy records under this ordinance.
- (3) At the end of each investigation under this section, the Director shall prepare a final investigative report containing:
  - (A) the names and dates of contacts with witnesses;
  - (B) a summary and the dates of correspondence and other contacts with the aggrieved person and the respondent;
  - (C) a summary description of other pertinent records;
  - (D) a summary of witness statements; and
  - (E) answers to questions submitted during the course of the investigation, where applicable.
- (4) Concurrent with the investigation or after release of the investigative report, a conciliation agreement arising out of such complaint shall be an agreement between the respondent, the complainant, and the City of Charlottesville, and shall be subject to approval by the Deputy City Manager for Racial Equity, Diversity and Inclusion and the Director. Each conciliation

agreement shall be made public unless the parties otherwise agree and the Director determines that disclosure is not required to further the purposes of this Ordinance.

- (5) Notwithstanding the foregoing requirements for mutual agreement to publication of a conciliation agreement, the City of Charlottesville may provide a copy of the conciliation agreement as otherwise required by operation of law.
- (6) A final report under this paragraph may be amended if additional evidence is later discovered.

**(b) Failure to comply with conciliation agreement**

- (1) Whenever the Director has reasonable cause to believe that a respondent has breached a conciliation agreement, the Director shall refer the matter to the Deputy City Manager for Racial Equity, Diversity, and Inclusion (REDI), who shall determine further action on behalf of the City.
- (2) A determination that there is a breach of the conciliation agreement by the Deputy City Manager shall be referred to the City Attorney's Office for enforcement. The City Attorney is authorized by City Council to take such action as is necessary to enforce the agreement including the hiring of an Attorney to enforce the rights granted under this ordinance in a Court of competent jurisdiction at the City's sole expense.

**(c) Prohibitions and requirements with respect to disclosure of information**

- (1) Nothing said or done in the course of conciliation under this subchapter may be made public or used as evidence in a subsequent proceeding under this subchapter without the written consent of the parties to the conciliation.
- (2) Notwithstanding Sec. 2-347.2.(a), the Director shall make available to the aggrieved person and the respondent, at any time, upon request following completion of the Director's investigation, information derived from an investigation and any final investigative report relating to that investigation, such information shall be redacted to exclude any personal identifying information protected from disclosure by state or federal law.

**(d) Prompt judicial action**

- (1) If the Director, in consultation with the City Attorney, concludes at any time following the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this subchapter, the Director may refer the matter to the Deputy City Manager for REDI with a request for appropriate temporary or preliminary relief pending final disposition of the complaint under this section. Upon receipt of such an authorization from the Deputy City Manager for REDI, the City Attorney shall promptly commence and maintain such an action, as needed. Any temporary restraining order or other order granting preliminary or temporary relief shall be issued in accordance with the authority granted by a Court of competent jurisdiction. The commencement of a civil action under this subsection does not affect the initiation or continuation of administrative proceedings under Sec. 2-437.2.(f) of this ordinance.
- (2) Whenever the Director, in consultation with the City Attorney, has reason to believe that a basis may exist for the commencement of proceedings against any respondent under Sec. 2-

437.2.(h) of this ordinance or for proceedings by any governmental licensing or supervisory authorities, the Director shall transmit the information upon which such belief is based to the Deputy City Manager for REDI, or to such other agency or authority with appropriate jurisdiction.

(e) **Reasonable cause determination and effect**

- (1) The Director shall, within one hundred (100) calendar days after the filing of the complaint, determine based on the facts whether reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, unless it is impracticable to do so, or unless the Director has approved a conciliation agreement with respect to the complaint. If the Director is unable to make the determination within one hundred (100) calendar days after the filing of the complaint, the Director shall notify the complainant and respondent in writing of the reasons for not doing so.
- (2) If the Director determines that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the Director shall, except as provided in Sec. 2-437.2.(c), immediately render a determination on behalf of the aggrieved person.
- (3) If the Director, in consultation with the City Attorney and Deputy City Manager for REDI, renders a determination of reasonable cause on behalf of the aggrieved person, the Director shall issue a charge on behalf of the aggrieved person, for further proceedings under Sec. 2-437.2.(h) of this ordinance. Such charge:
  - (A) shall consist of a short and plain statement of the facts upon which the Director has found reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur;
  - (B) shall be based on the final investigative report; and
  - (C) need not be limited to the facts or grounds alleged in the complaint filed under Sec. 2-437.2.(a).
- (4) If the Director, in consultation with the City Attorney, determines that the matter involves the legality of any State or local zoning or other land use law or ordinance, the Director shall immediately refer the matter to the Deputy City Manager for REDI with a recommendation for appropriate action under Sec. 2-437.2.(m) of this ordinance, instead of issuing such charge.
- (5) If the Director determines that there is insufficient reasonable cause to believe a violation of this ordinance has been committed, the Director shall dismiss the complaint and advise the complainant in writing that such dismissal shall become final unless, within ten (10) calendar days of receipt of the notice of dismissal, the complainant files with the Commission a request for a review of the determination of the Director.
- (6) The Director may not issue a charge under this section regarding an alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under an Act of Congress or a State law, seeking relief with respect to that discriminatory housing practice.

(f) **Service of copies of charge**

- (1) After the Director issues a charge under this section, the Director shall cause a copy thereof, together with information as to how to make an election under Sec. 2-437.2.(h) of this ordinance and the effect of such an election, to be served:

- (A) on each respondent named in such charge, together with a notice of opportunity for a hearing at a time and place specified in the notice, unless that election is made; and
- (B) on each aggrieved person on whose behalf the complaint was filed.

(g) **Election of judicial determination**

- (1) When a charge is filed under section 2-437.2.(f) of this ordinance a complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed, may elect to have the claims asserted in that charge decided in a civil action under Sec. 2-437.2.(h). The election must be made not later than 20 calendar days after the receipt by the electing person of service under Sec. 2-437.2.(g) of this ordinance or, in the case of the Director, not later than 20 calendar days after such service. The person making such election shall give notice of doing so to the Director and to all other complainants and respondents to whom the charge relates.

(h) **Civil action for enforcement when a charge is issued or election is made for such civil action**

- (1) If an election is made under Sec. 2-437.2.(g), the Director shall advise the Deputy City Manager for REDI of such election, and the Deputy City Manager may authorize, not later than thirty (30) calendar days after the authorization or election is made, the City Attorney to commence and maintain, a civil action on behalf of the aggrieved person in a Court of competent jurisdiction seeking relief to this subsection.
  - a. For the purposes of pursuing a civil action under this section, the City Attorney is authorized to contract qualified legal counsel on behalf of the City at the City's sole expense.
- (2) Any aggrieved person with respect to the issues to be determined in a civil action under this subsection may intervene as of right in that civil action.
- (3) In a civil action under this subsection, if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may grant as relief any relief with respect to such discriminatory housing practice in a civil action under 42 U.S.C. § 3613. Any relief so granted that would accrue to an aggrieved person in a civil action commenced by that aggrieved person under 42 U.S.C. § 3613 shall also accrue to that aggrieved person in a civil action under this subsection.

(k) **Civil action by private persons**

- (1) Under 42 U.S.C. § 3613, an aggrieved person, regardless of the status of the complaint, may commence a civil action in a Court of competent jurisdiction within the City of Charlottesville not later than two (2) years after the occurrence or the termination of an alleged discriminatory housing practice, or the breach of a conciliation agreement entered into under this subchapter, whichever occurs last, to obtain appropriate relief with respect to such discriminatory housing practice or breach.
- (1) The computation of such 2-year period shall not include any time during which an administrative proceeding under this subchapter was pending with respect to a complaint or charge under this subchapter based upon such discriminatory housing practice. This



subparagraph does not apply to actions arising from a breach of a conciliation agreement.

- (2) An aggrieved person may commence a civil action under this subsection whether or not a complaint has been filed under Sec. 2-437.2.(a) of this ordinance and without regard to the status of any such complaint, but if the Director has obtained a mediation or conciliation agreement with the consent of an aggrieved person, no action may be filed under this subsection by such aggrieved person with respect to the alleged discriminatory housing practice which forms the basis for such complaint except for the purpose of enforcing the terms of such an agreement.

**(l) Relief which may be granted**

- (1) In a civil action under Sec. 2-437.2.(h) of this ordinance, if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may award to the plaintiff actual and punitive damages, and subject to subsection (d), may grant as relief, as the court deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order (including an order enjoining the defendant from engaging in such practice or ordering such affirmative action as may be appropriate).

(A) Such relief may include actual damages suffered by the aggrieved person and injunctive or other equitable relief. Such order may, to vindicate the public interest, assess a civil penalty against the respondent:

- (i) in an amount not exceeding \$10,000 if the respondent has not been adjudged to have committed any prior discriminatory housing practice;
  - (ii) in an amount not exceeding \$25,000 if the respondent has been adjudged to have committed on other discriminatory housing practice during the 5-year period ending on the date of the filing of this charge; and
  - (iii) in an amount not exceeding \$50,000 if the respondent has been adjudged to have committed 2 or more discriminatory housing practices during the 7-year period ending on the date of the filing of this charge; except that if the acts constituting the discriminatory housing practice that is the object of the charge are committed by the same natural person who has been previously adjudged to have committed acts constituting a discriminatory housing practice, then the civil penalties may be imposed without regard to the period of time within which any subsequent discriminatory housing practice occurred.
- (2) In a civil action under subsection (a), the court, in its discretion, may allow the prevailing party, other than the City of Charlottesville, a reasonable attorney's fee and costs.
  - (3) Relief granted under this section shall not affect any contract, sale, encumbrance, or lease consummated before the granting of such relief and involving a bona fide purchaser, encumbrancer, or tenant, without actual notice of the filing of a complaint with the Director or civil action under this subchapter.

**(m) Intervention by the City**

- (1) Upon timely application, the City may intervene in a private civil action, if the City certifies that the case is of general public importance. Upon such intervention the City may obtain such relief as would be available to the City under 42 U.S.C. § 3614 in a civil

action to which such section applies.

**Sec. 2-437.3. Duties and responsibilities – Investigation of individual public accommodation, credit, or private education discrimination complaints and issuance of findings.**

(a) Complaints and answers

- (1) The Director ~~will~~ shall develop and implement a central intake mechanism to be used by the Office of Human Rights for receiving and processing individual complaints that allege an unlawful, discriminatory public accommodation, credit, or private education practice ~~in~~ within the jurisdiction of the City.
- (2) Any person claiming to be aggrieved by an unlawful discriminatory public accommodation, credit, or private education practice may file a complaint in writing with the Office of Human Rights. The Director may in like manner file such a complaint. The complaint shall be in such detail as to substantially apprise any party properly concerned as to the time, place, and facts surrounding the alleged unlawful discrimination.
- (3) For complaints alleging an unlawful discriminatory public accommodation, credit, or private education practice within the jurisdiction of the City, defined herein as within the corporate limits of the City and as authorized by state and federal statutes, the Director or other designated professional staff are authorized to undertake further action as detailed in **Sec. 2-437.3.(c).**
  - (A) For complaints alleging an unlawful discriminatory public accommodation, credit, or private education practice that falls outside the jurisdiction of the City, the Director or other designated professional staff will refer the complaint to the appropriate state or federal agency.
  - (B) If the City of Charlottesville is the named respondent in a complaint of public accommodation, credit, or private education discrimination received by Office of Human Rights, the Director shall refer the complaint to the appropriate state or federal agency.
- (4) ~~Upon determination that an alleged unlawful discriminatory practice falls within the enforcement jurisdiction of the City, the Director or other designated professional staff will conduct, as authorized by this ordinance, an initial fact-finding inquiry to determine if the Complainant presents a prima facie case. Upon the filing of such a discriminatory complaint:~~
  - (A) The Director or other designated professional staff shall conduct an initial assessment to determine if the complaint is jurisdictional and presents a prima facie case of discrimination. The complaint may be dismissed by the Director without further action if it fails to adequately allege a violation of this ordinance, is non-jurisdictional, or is otherwise deficient on its face.
  - (B) ~~Following the initial fact-finding inquiry,~~ If the complaint is not dismissed, and the Complainant wishes to pursue further action, the Director shall, not later than 10 calendar days after such filing, will serve a copy on each respondent named therein.

Said copy shall specify the allegation, citing the evidence that supports further action, and indicating the action to be taken.

(b) Informal dialogue, mediation, and investigation

(1) Further action, as authorized by this ordinance, may include informal dialogue, mediation, ~~conciliation~~, and formal investigation of the complaint, as deemed appropriate by the Director.

(2) If the Director determines that further action on a complaint is appropriate, during the period beginning with the filing of such complaint and ending with the rendering of a determination or a dismissal by the Director, the Director shall, to the extent feasible, engage in informal dialogue or mediation with respect to such complaint.

(A) ~~If the Director determines that further action is appropriate, the~~ The Director will shall propose an initial meeting between the parties for the purpose of exploring a resolution of the complaint through voluntary mediation or other informal means.

(i) Nothing herein shall be interpreted as requiring any party to participate in informal dialogue, mediation, or any other conciliatory efforts.

(ii) ~~Materials used and communications made during a mediation or informal dialogue or mediation~~ conciliation concerning a complaint of unlawful discrimination shall be confidential and shall not be disclosed to the public by the Director, the Commission, or its Office of Human Rights staff unless disclosure is authorized in writing by all parties to the dispute.

(iii) ~~If informal dialogue is concluded, the complaint will be considered resolved upon the complainant's written or verbal withdrawal of the complaint.~~

(iv) ~~If the mediation or conciliation is concluded to the satisfaction of both parties, the complaint will be considered resolved upon the parties' execution of a written conciliation or settlement agreement. Unless all parties agree otherwise, the execution of a written agreement is solely for the purpose of settling a disputed claim and does not constitute an admission by any party that the law or this ordinance has been violated. No further action on the initial complaint will be taken by the Commission or its Office of Human Rights staff once the agreement is executed.~~

(v) ~~If informal dialogue or mediation or conciliation is not successful, and the complainant wishes to pursue further action, the Director or designee may conduct a formal investigation. for the purpose of rendering a written determination as to whether there is probable cause to believe a violation of this ordinance occurred, and the facts supporting such determination.~~

(vi) ~~If further investigation is not warranted, the Director may dismiss the complaint as not constituting a violation and promptly serve written notice of the dismissal on the complainant and respondent. After a written determination has been served on both parties, the Director may either close the case or proceed with the preparation of materials for consideration by the Commission, as provided in section 2-439.1(c).~~

- (B) If the Director determines that a formal investigation into the complaint is warranted, the Director shall assign an Investigator to make an investigation of the alleged discriminatory practice for the purpose of rendering a written determination as to whether there is ~~probable~~ reasonable cause to believe a violation of this ordinance occurred, and the facts supporting such determination.
- (i) The Investigator shall complete such investigation within one hundred and eighty (180) calendar days after the filing of the complaint unless it is impracticable to do so.
    - (I) If the Investigator is unable to complete the investigation within one hundred and eighty (180) calendar days after the filing of the complaint, the Director shall notify the complainant and respondent in writing of the reasons for not doing so.
    - (II) If, during the process of informal dialogue, mediation or investigation, the complainant does not respond to communication or requests for information from the Investigator for a period of thirty (30) calendar days, the Investigator shall notify the Director. The Director shall serve written notice on the complainant that the case will be administratively closed if the complainant does not respond within ten (10) calendar days of the receipt of the written notice.
      - i. The complainant may, following the administrative closure of the case, re-file the complaint at a future date, provided that the complaint is filed within one hundred and eighty (180) calendar days of the alleged discriminatory event detailed in the original complaint.
    - (III) If, during the process of informal dialogue, mediation or investigation, the respondent does not respond to communication or requests for information from the Investigator for a period of thirty (30) calendar days, the investigator shall notify the Director. The Director shall serve written notice on the respondent that the investigation shall proceed without the requested information and that a determination on the case shall be rendered upon completion of the investigation.
  - (ii) Statements received by the Investigator from the Complainant, respondents, and witnesses as part of a formal investigation shall be under oath or affirmation and may be reasonably and fairly amended at any time.
  - (iii) Upon the conclusion of the formal investigation, the Investigator shall prepare an investigative report for submission to the Director.
- (C) Upon completion of a formal investigation and submission of the investigative report, the Director shall render a written determination of whether there is ~~probable~~ reasonable cause to believe a violation of this ordinance has been committed ~~occurred~~, and the facts supporting such determination. The written determination shall promptly be served on the parties.

- (i) If the Director determines that there is reasonable cause to believe that a violation of this ordinance has been committed, the Director shall immediately endeavor to eliminate any alleged unlawful discriminatory practice through informal dialogue or mediation.
  - (I) If the complaint cannot be resolved through informal dialogue or mediation, the Director shall proceed with the preparation of materials for consideration by the Commission for the purpose of holding a vote on whether to conduct a public hearing on the complaint.
    - i. Such materials shall include a copy of the written determination with the names and identifying information of the Complainant, respondent, respondent's agents, and any witnesses redacted.
    - ii. Upon request by the Commission, the Director shall provide a copy of the full investigative report with the names and identifying information of the Complainant, respondent, respondent's agents, and any witnesses redacted.
- (ii) If the Director determines that there is insufficient reasonable cause to believe a violation of this ordinance has been committed, the Director shall dismiss the complaint and advise the Complainant in writing that such dismissal shall become final unless, within ten (10) calendar days of receipt of the notice of dismissal, the Complainant files with the Commission a request for a review of the determination of the Director.

(c) Contracted services

- (1) In order to fulfill the requirements of this section, the City Manager or their designee is authorized to contract on behalf of the City with any objective, neutral third party qualified to assess allegations of discrimination under this section ~~discriminatory conduct as prohibited in section 2-434,~~ for the purpose of receiving complaints, conducting investigations, rendering written determinations of whether there is ~~probable~~ reasonable cause to believe a violation of this ordinance has occurred, conducting informal dialogues or mediations ~~or conciliations~~ of complaints and advising the Director of the Commission of the results of any investigation, informal dialogue or mediation ~~or conciliation~~ of complaints.

Sec. 2-438. ~~Reserved.~~ **Interference, coercion, intimidation, or retaliation prohibited.**

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of having exercised or enjoyed, or on account of having aided or encouraged any other person in the exercise or enjoyment of, or on account of having filed a complaint of discrimination regarding any right granted or protected by this ordinance.

**Sec. 2-439.1. Enforcement authority – The role of the Commission regarding individual**

**complaints of employment, public accommodation, credit, or private education discrimination.**

- (a) If the Director determines that there is insufficient ~~probable~~ reasonable cause to believe a violation of this ordinance has occurred, the Director shall dismiss the complaint and advise the Complainant in writing that such dismissal shall become final unless, within ten (10) calendar days of receipt of notice of the dismissal, the Complainant files with the Commission a request for a review of the determination of the Director. On written petition of the Complainant the Commission may review the Director's conclusion and may either overrule or affirm the finding of no ~~probable~~ reasonable cause. The parties may submit such additional information as they desire for the Commission's consideration. If the Commission determines that ~~probable~~ reasonable cause exists, it shall direct the Director to continue the investigation or proceed with conciliation efforts.
- (b) If the Director determines that ~~probable~~ reasonable cause to believe a violation did occur and either party declines to participate in mediation or other informal means of resolving the complaint, or if such efforts are attempted but unsuccessful, the Director shall prepare a written summary of the evidence on which the determination of ~~probable~~ reasonable cause is based, and shall recommend appropriate remedies for the discriminatory actions in a report to the Commission. The Commission shall determine by majority vote whether to hold a public hearing on the complaint. The Commission shall base its determination on its judgment as to how enforcement of this ordinance would be best served. If the Commission determines not to hold a public hearing, it shall either dismiss the complaint or take such action as it deems appropriate and consistent with the purposes of this ordinance and the powers of the Commission hereunder.
- (c) If a hearing is to be held, the Commission shall promptly notify the parties of the time, date and location of the hearing and serve upon them a statement of the charges against the respondent, the Director's summary of the evidence and recommended remedies, and the issues to be considered at the hearing. The Commission will have the option to consider all of the allegations and issues set forth in the complaint or, in its discretion, may limit the scope of the hearing to one or more of the allegations or issues. The notice and statement shall be served no later than 14 days prior to the date of the hearing. Hearings of the Commission may be held before the entire Commission or before designated hearing panels, consisting of three or more members of the Commission, as the Commission in its discretion may determine. The Chair or a Commissioner designated by the Chair shall preside over the public hearing, which shall be open to the public.
- (d) Whenever the Commission has reasonable cause to believe that any person has engaged in or is engaging in any unlawful discriminatory practice, and the Commission, after a good faith effort to obtain the data and information necessary to determine whether a violation has occurred, has been unable to obtain such information, it may request the City Attorney to apply to the judge of the circuit court of the jurisdiction in which the respondent resides or is doing business for a subpoena *duces tecum* against any person refusing to produce such data and information. The judge of the court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. For purposes of this section, "person" includes any individual, partnership, corporation, association, legal representative, mutual company, joint stock company, trust, unincorporated organization, employee, employer, employment agency, labor organization, joint labor-management committee, or an agent thereof.
- (e) In cases to be heard by the Commission the complainant and the responding parties shall be entitled:

- (1) To file written statements or arguments with the Commission prior to the hearing;
  - (2) To be represented by privately retained counsel of their ~~his or her~~ choice;
  - (3) To present his or her case or defense by oral or documentary evidence, to be given under oath or by affirmation;
  - (4) To submit rebuttal evidence; and
  - (5) To conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received, but the Commission as a matter of policy shall provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. The Commission shall not be bound by the strict rules of evidence prevailing in the courts of law or equity.
- (f) The Director shall be responsible for assuring the development of the evidentiary record before the Commission and may introduce evidence, examine, or cross-examine witnesses, or make argument if they deem it advisable ~~in order~~ to fully apprise the Commission of the facts or the applicable law. The Commission shall keep a full record of the hearing, which record shall be public and open to inspection by any person unless otherwise provided by any applicable law or regulations. Any party may request that the Commission furnish such party a copy of the hearing record and shall reimburse the Commission for the cost of producing the copy. In matters where any party is represented by counsel, the office of the City Attorney shall provide an attorney as counsel to the Commission who will also assist the Director in preparing the case.
- (g) If, after the hearing, the Commission determines by a preponderance of the evidence that the respondent has committed or is committing the alleged violation(s) of this ordinance, the Commission shall state its findings and may issue recommendations, to be served promptly on the parties, which recommendations may include notice to the respondent to cease and desist from such violation(s) and to take such action as may be authorized by law to effectuate the purpose of this ordinance, including but not limited to the payment by respondent of compensatory damages to any person or persons found by the Commission to be so entitled by reason of the violation(s) of this ordinance, or the placement or restoration of any person in or to such status in which the Commission finds they would be but for respondent's violation(s) of this ordinance.
- (h) If, after receiving the evidence presented at the hearing, the Commission finds that the respondent has not engaged in the alleged violation(s) of this ordinance, the Commission shall state its findings and shall dismiss the complaint. Prompt notice of such action shall be given to the parties.
- (i) Nothing herein shall be construed as authorizing the Commission to issue subpoenas, award damages or grant injunctive relief.

**Sec. 2-439.2. Enforcement authority – Court enforcement regarding individual complaints of employment, public accommodation, credit, or private education discrimination.**

- (a) If the Commission finds that a respondent has committed a violation of this ordinance and determines that appropriate remedial measures have not been taken, the Commission, through the City Attorney, and subject to approval by the City Council, may file an appropriate action in any court of competent jurisdiction to prove, *de novo*, that the respondent violated this chapter; secure compliance with this chapter; and/or obtain appropriate relief available under any applicable federal or state statute or regulation including, but not limited to an award of injunctive relief, compensatory and / or punitive damages and a recovery of costs and attorney's fees for any person,

including the City, injured as a result of a violation of this chapter.

- (b) If the City Council approves the institution of any proceeding in court, the proceeding shall be brought in the name of the City Council and the Human Rights Commission of the City of Charlottesville.

**Sec. 2-440. Confidentiality.**

It shall be unlawful for any Commissioner, officer, employee, contractor or staff member of the Commission or Office of Human Rights to disclose or make public any complaints, investigative notes, or other correspondence and information furnished to the Commission or its staff in confidence with respect to a complaint, an investigation or conciliation process involving an alleged unlawful discriminatory practice. A violation of this section shall be a Class 3 misdemeanor.

**Sec. 2-441. Annual Report.**

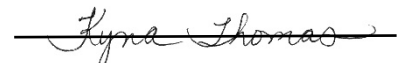
The Commission shall make an annual comprehensive report to City Council that outlines its efforts during the preceding year in the areas of identifying and addressing systemic or institutional discrimination; processing individual complaints of unlawful discrimination; and facilitating a community dialogue regarding issues of human rights. The report shall also outline the Commission's work plan for the ensuing year, which shall be subject to approval or modification by City Council.

**Sec. 2-442. Severability.**

The provisions of the Article are severable; and if any provision, sentence, clause, section or part thereof is held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Article, or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Article would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein, and if the person or circumstances to which the chapter or any part thereof is inapplicable had been specifically exempted therefrom.

**Sec. 2-443. Reserved.**

Approved by Council  
February 1, 2021



Kyna Thomas, CMC  
Clerk of Council



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



Agenda Date:	November 21, 2022
Action Required:	Report
Presenter:	Cultivate Charlottesville
Staff Contacts:	Misty Graves, Director of Human Services
<b>Title:</b>	<b>Food Equity Initiative Annual Report FY 22 (written report)</b>

**Background**

The Charlottesville Food Equity Initiative (FEI) brings together public, private, and non-profit partners working in unique and complementary ways to build a healthy and just community food system for all Charlottesville residents. The Initiative is cultivating community driven processes, resident leadership, and city partnerships to improve access to and quality of nutritious and affordable foods, addressing food equity barriers.

City Council passed the Food Equity Initiative for the first time in 2018 beginning a course of systemic efforts to reshape community health, wealth, and belonging through our food system. The Food Equity Initiative work is designed to support implementation of citywide strategies outlined in the initial FY19 proposal. These strategies align with goals established in the MAPP2Health Community Action Plan, the Local Food, Local Places Action Plan, and the specific City Departments food equity action plans. Additional focus areas include continuation and adaptation of emergency food responses due to COVID-19 and rising food insecurity, update of the Food Equity Initiative Policy Platform that summarizes the recommendations emerging from city department and community engagement conversations over the past three years, and the results of efforts to integrate community food equity priorities into the City Comprehensive Plan update.

The attached report encompasses the activities, accomplishments, and progress made during year three of the Food Equity Initiative, FY22 October 2021 - September 2022.

**Discussion**

According to Feeding America, food insecurity remains a prevalent issue in our city (12.4% for Charlottesville; 7.7% for Virginia). However, views of a healthy and just food system are in sight. During the third year, October 2021 – September 2022, the Food Equity Initiative as directed by the Cultivate Charlottesville Food Justice Network provides the attached information that includes a report on objectives and goals established at the inception.

Advancing systemic change requires close partnerships with city departments, community members and Food Justice Network partner organizations. With intention and sustainability, the Food Equity Initiative will continue to walk out City Council’s Vision for this community.

**Alignment with City Council's Vision and Strategic Plan**

The Food Equity Initiative supports City Council’s “Community of Mutual Respect” vision. It contributes to Goal 2 of the Strategic Plan: a healthy and safe city and Goal 1: an inclusive community of self-sufficient residents specifically objective 1.5 intentionally address issues of race and equity.

**Community Engagement**

Overall, the City Council's Food Equity Initiative has leveraged community engagement, collaboration, and collective problem solving to respond to COVID-19 and to advance food equity initiatives defined as community priorities. Highlights of their engagement strategy include presentations on food equity, press articles, social media posts, and newsletters. Additionally, community engagement is evident in the number of Food Justice Network members; 189. Specifically, the Food Justice Network cultivated opportunities to elevate youth voice which included a Youth Food Justice Internship program, providing student tastings and fresh food menu item selections for school lunches, and hosting an exploration of Black girls and gardening at the urban garden at the Charlottesville Albemarle Technical Education Center. Details and data regarding instances of community engagement are included in the report.

**Budgetary Impact**

Charlottesville Food Equity Initiative is already included in the City’s FY 2024 Proposed Budget. Should Council wish to continue support, this funding will be considered through the regular budget process for inclusion in the final FY 2024 Adopted Budget.

**Recommendation**

Staff recommends resolution of support that funding will continue to be in the City Manager’s proposed budget for FY 24 at \$155,000.

**Alternatives**

N/A

**Attachments**

1. Cultivate Food Justice Network\_Food Equity Initiative FY22 EOY Report



**DATE**            **October 30, 2022**  
**TO**                Charlottesville City Council  
**FROM**            Cultivate Charlottesville Food Justice Network  
**SUBJECT**        *Food Equity Initiative* End of FY22 Report

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Dear City Councilors,

Thank you for your partnership in implementing year three of the *Food Equity Initiative* (FEI), first passed by City Council on October 18<sup>th</sup>, 2018. Enclosed is our end of year report against objectives for October 2021—September 2022. The report is organized by the objectives outlined in the *Food Equity Initiative* proposal. Additional elements include the ongoing food security response, FY22 budget to actual, FY23 objectives, and FY23 budget.

Council’s support of the city’s *Food Equity Initiative* partnership with Cultivate Food Justice Network has made a significant impact in bringing community-based solutions to food equity challenges in our community. Key FY22 *Food Equity Initiative* accomplishments include:

1. **Food Equity Initiative Policy Platform engagement** across numerous community events with over 173 individuals and 32 organizations.
2. **City staff engagement** with the *Food Equity Initiative Policy Platform* including six City departments, three City Manager & Deputy City Managers, Mayor Snook and Vice Mayor Wade, and the Charlottesville City School Board.
3. Collaboration with Community Climate Collaborative and City Climate Action plan to provide recommendations on the **intersection of climate justice and food justice**.
4. Ongoing **network-wide racial equity capacity building** with Uprooting Racism support for over 25 partner organizations as well as Cultivate’s internal practices.
5. Selection for and funding for our **Power to Grow Initiative** community engaged design effort to develop and advance urban agriculture in low-wealth neighborhoods.
6. Contribution of **subject expertise** and representation of City Council’s *Food Equity Initiative* at twenty presentations and twelve partner coalitions, amplifying the discourse on building a healthy and just food system.
7. **Ongoing grassroots programming** including growing and distributing 8,972 pounds of fresh produce to 678 residents, 20,000 healthy school snacks to 2,800 students, 6,800 schoolyard garden experiences, and other on the ground efforts.

We commend City Council for your leadership in building food equity for all of the Charlottesville community. If you have any questions, or would like us to present to council, please do not hesitate to contact us.

Jeanette Abi-Nader  
Cultivate Charlottesville Co-Executive Director  
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# Charlottesville Food Equity Initiative FY22 End of Year Report Against Objectives October 2021 – September 2022

## Purpose

The Charlottesville Food Equity Initiative (FEI) brings together public, private, and non-profit partners working in unique and complementary ways to build a healthy and just community food system for all Charlottesville residents. The Initiative is cultivating community driven processes, resident leadership, and city partnerships to improve access to and quality of nutritious and affordable foods, addressing food equity barriers.

The 2021-2022 Food Equity Initiative work focused on implementation support for citywide strategies outlined in the FY22 proposal including: goals established in the *Food Equity Initiative Policy Platform\_2021*, *MAPP2Health Community Action Plan*, the *Local Food, Local Places Action Plan*, and the specific City Departments food equity action plans. Additional focus areas this year include a) engaging with community members across food justice issues to heighten youth and resident decision making, b) implementation of specific goals of the *Food Equity Initiative Policy Platform*, c) integration of community priorities at the intersection of climate justice and food justice into the City Climate Action Plan, and d) transition of emergency food responses due to COVID-19 to long-term programs. The Food Justice Network also worked to onboard new staff and work with partners to establish their program and organizational racial and food equity goals.

The following information includes three sections: a report against the FEI FY22 goals, the FY22 budget to actual, and our FY23 initiatives.

## Activities and Progress towards Food Equity Initiative Objectives & Outcomes October 2021 – September 2022

**I. Compile and disseminate research** including an analysis of food system assessments that identifies gaps and opportunities for investment, current food access efforts, and communication strategies to engage stakeholders including community members, business owners, and elected officials.

### Food System Assessment

✓ **2 key evaluations** conducted to assess food justice network impact over the past two years with input from 26 partner organizations

- A. **Food Justice Organizations with Racial Equity Plans** – Of 26 food justice partner organizations: 50% have a racial equity commitment, 24% are in the process of developing one or plan to in the future, 24% do not
- B. **Food Justice Network Impact** -Feedback highlighted
- Overall Experience of FJN**
- 88% (77% strongly) Cultivate has been an effective FJN facilitator and leader
  - 94% (77% strongly) Cultivate upheld the FJN values
  - 88% (42% moderately) Cultivate kept FJN focus on its goals
- Impact of FJN on Organization**
- 94% (47% strongly) they learned new things about food justice at FJN
  - 89% (71% strongly) FJN provided more opportunities to engage in food justice
  - 93% (53% strongly) they shared a strong sense of diverse community at FJN
  - 76% (53% strongly) they engaged more with other partners at FJN
  - 76% (53% strongly) FJN helped their organization to make a greater impact

	<ul style="list-style-type: none"> <li>• 82% (53% strongly) FJN increased commitment to food justice across Cville</li> </ul> <p><b>Completion of FJN Goals</b></p> <ul style="list-style-type: none"> <li>• 82% (41% strongly) FJN successfully utilized an equity approach to confront racism</li> <li>• 82% (41% strongly) FJN helped to transform systemic barriers to food equity</li> <li>• 65% (30% strongly) FJN cultivated stronger relationships with community facing food injustice-35% unsure</li> <li>• 71% (53% strongly) FJN strengthened inter-sector collaboration-30% unsure</li> <li>• 72% (59% strongly) FJN increased understanding of the intersection of food equity and: housing, transportation, economic development, and climate</li> <li>• 71% (29% strongly) FJN helped build power, resources, skills for food equity</li> </ul>
<p><b>Capacity Building</b></p> <ul style="list-style-type: none"> <li>✓ <b>173 individuals</b> participated in food equity capacity building</li> <li>✓ <b>24 FJN partners</b> developed specific racial equity plans</li> </ul> <p><b>Communication Strategies</b></p> <ul style="list-style-type: none"> <li>✓ <b>20 presentations</b> on food equity</li> <li>✓ <b>9 press</b> articles</li> <li>✓ <b>198 social media</b> posts for <b>2,980</b> followers and <b>12,900 reach</b></li> <li>✓ <b>6 FJN Blasts</b> to <b>690 people</b> &amp; <b>12</b> Cultivate newsletters to <b>2,732/each</b></li> <li>✓ <b>189</b> Food Justice Network member list</li> </ul>	<p><b>C. Local, Regional and National Presentations on Food Equity</b></p> <p><b>Local</b></p> <ul style="list-style-type: none"> <li>• FJN City Food Equity Initiative -8 meetings with City Departments</li> <li>• Charlottesville Parks &amp; Recreation Advisory Board – Cultivate Charlottesville Urban Agriculture Collective</li> <li>• Charlottesville City Schools Board – City Schoolyard Garden</li> <li>• UVA Equity Center – Youth Food Justice Interns</li> <li>• UVA President’s Council Public Health Working Group – Health Equity &amp; Food Justice</li> <li>• Community Climate Collaborative JEDI Camp -Youth Food Justice Action</li> <li>• VMDO Architects–Youth Food Justice Intern, <i>Why school gardens?</i></li> <li>• 100 Black Men of Charlottesville – Cultivate Charlottesville Food Equity</li> <li>• Picturing Climate Exhibit at Jefferson School African American Heritage Center with Cville Regional Climate Justice Collaborative</li> <li>• Virginia Home Grown –Cultivate Charlottesville Gardens &amp; Food Justice</li> <li>• Food Co-op High School Summer Experience – Cultivate Food Justice</li> </ul> <p><b>Regional</b></p> <ul style="list-style-type: none"> <li>• VA Department of Education Farm to School Conference-Let’s Talk: Farm to School and Racial Equity</li> <li>• Virginia Home Grown –Cultivate Charlottesville Gardens &amp; Food Justice</li> <li>• Presidential Precinct Fellows –Cultivate CATEC Farm</li> <li>• Jefferson Scholars Leadership Institute –Cultivate Charlottesville</li> </ul> <p><b>National</b></p> <ul style="list-style-type: none"> <li>• National Farm to School Network – Racial Equity &amp; School Gardens</li> <li>• USDA Community Food Projects–Cultivate Charlottesville Just Food</li> <li>• HEAL Food Alliance: School of Political Leadership – Cultivate Charlottesville, The Power to Grow</li> <li>• USDA Farm to School Conference – Healthy School Foods Initiative</li> <li>• North American Food Systems Network –Cultivate Food Justice Network</li> <li>• Johns Hopkins Food Policy Council National Meeting: The Power of Food –Cultivate Food Justice Network</li> </ul> <p><b>D.</b> Ongoing research and practice around six tenants of Cultivate Uprooting Racism Action plan based on 6 tenants: 1. Decision-Making, Power &amp; Accountability, 2. Culture, 3. Programming, 4. Movement Building, 5. Accessibility, 6. Budget &amp; Finances</p> <p><b>E. Outreach</b> Maintained robust communications strategy to engage community members across the Charlottesville area in a deeper understanding of food equity issues.*See Cultivate Charlottesville Press Page for list of press pieces at <a href="https://cultivatecharlottesville.org/stories/press/">https://cultivatecharlottesville.org/stories/press/</a></p>

<b>II. Establish mechanisms for community voice</b> including both formal and informal meetings with oversight by community stakeholders and community members on programs and broader food access issues.	
<ul style="list-style-type: none"> <li>✓ <b>6 Virtual CFJN Whole Measure</b> community meetings   <b>32 organizations</b> engaged</li> <li>✓ <b>14 CFJN Planning Team</b> meetings   <b>25 Planning Team</b> members</li> <li>✓ <b>9 Comprehensive Planning &amp; City</b> meetings attended</li> <li>✓ <b>11 youth food justice interns</b> engaged in 26-week program</li> <li>✓ <b>100+ youth</b> advocated for Healthy School Foods student selections</li> <li>✓ <b>16 community members and organizational partners</b> engaged in <i>Sisters Healing Circles in the Garden</i></li> <li>✓ <b>24 girls of color</b> engaged in I Believe In Me Girls garden event</li> </ul>	<ul style="list-style-type: none"> <li><b>A. Hosted 14 Food Justice Network planning team and six FJN Whole Measures large group gatherings</b> for a combined 173 community members and 32 organizations. Partner Profiles included:             <ul style="list-style-type: none"> <li>• Albemarle County Department of Equity and Inclusion</li> <li>• Neighborhood Development Services and Cville Plans Together</li> <li>• City Department of Racial Equity, Diversity, and Inclusion</li> <li>• New Hill Development BEACON Kitchen Incubator</li> <li>• Community Climate Collaborative Climate Action Recommendations</li> <li>• Charlottesville 12 City Schoolyard Garden Sundial Dedication</li> <li>• Local Food Hub Black Farmer Directory</li> <li>• White House Conference on Hunger, Nutrition, and Health</li> </ul> </li> <li><b>B. Youth Voice &amp; Choice   I Believe In Me Girls   Youth Food Justice Camp</b> <ul style="list-style-type: none"> <li>• 11 Food Justice Interns participated in an intensive 6-week program and continued on for 20 additional weeks of food justice work</li> <li>• 100+ student tastings and fresh food menu item selections</li> <li>• 24 youth gathered at UAC CATEC urban farm site to explore Black girls and gardening</li> </ul> </li> <li><b>C. City Climate Action Plan</b> – FJN team collaborated with C3 and the City’s Climate Action team to make recommendations on the intersection of food justice and climate justice</li> <li><b>D. Women’s Initiative Sisters Healing Circles In the Garden</b> – 16 women of colored gathered for two Healing in the Garden workshops in partnership with Women’s Initiative and PHAR</li> </ul>
<b>III. Plan for sustainability</b> by pursuing additional funding for long-term investment at the city, agency and community member levels.	
<p><b>Charlottesville City Schools Nutrition Department Trainings</b></p> <ul style="list-style-type: none"> <li>✓ Hosted <b>four training</b> units totaling <b>93 hours</b> with Chef Antwon Brinson of Culinary Concepts for <b>50 CCS Nutrition Staff</b></li> </ul>	<p>Cultivate Charlottesville and Charlottesville City Schools implemented 4 culinary skills training workshops with Antwon Brinson of Culinary Concepts, AB. Culinary Concepts provided the following training units. Staff were paid for each training.</p> <ul style="list-style-type: none"> <li>• <b>Competency Workshop (Jul)</b> – Equipment Skills and Culinary Skills Training</li> <li>• <b>Competency Workshop (Aug)</b> – Equipment Skills and Culinary Skills Training</li> <li>• <b>Leadership Class</b> – Leadership style test, team building, time management, kitchen Management, discovery, and discussion</li> <li>• <b>Kitchen Training</b> – Equipment demo, knife identification and skills demo, etc.</li> </ul>
<p><b>Matching Funds</b></p> <ul style="list-style-type: none"> <li>✓ <b>\$155,000</b> matching funds raised for FY21 plus <b>\$55,000</b> in additional support specific to food equity initiative</li> <li>✓ <b>\$50,000</b> Healthy Meals support</li> <li>✓ <b>38 volunteers</b> for meal prep and delivery</li> </ul>	<ul style="list-style-type: none"> <li><b>A. Funding Partners</b> – In addition to general operating funds raised for 2021-2022, Cultivate Charlottesville has secured \$155,000 in funds for FY22 to match the City Council Food Equity Initiative contribution from the national USDA Community Food Projects (\$125K), the state Virginia Foundation for Healthy Youth (\$30K) grants, and additional local foundations (\$55K).</li> <li><b>B. Emergency &amp; Healthy Foods Funding</b> – Cultivate has leveraged funds at the local (\$100,000 in CACF Strengthening Systems), regional (\$50,000 in No Kid Hungry), and federal (\$100,000 in USDA Farm to School) level.</li> </ul>
<p><b>Diversified Multi-year Funding</b></p> <ul style="list-style-type: none"> <li>✓ <b>\$50,000</b> USDA Farm to School grant</li> <li>✓ <b>\$291,860</b> NCS Urban Agriculture Innovations Program grant</li> </ul>	<ul style="list-style-type: none"> <li><b>A. Cultivate received a USDA Farm to School two-year grant</b> (\$50K/year) to support the Healthy School Foods Initiative with training to Charlottesville City Schools nutrition staff by Culinary Concepts.</li> <li><b>B. Cultivate was awarded a NCS Urban Agriculture Innovations Program two-year grant</b> (\$291K total) to support development of citywide urban agriculture policies, designs, and practices driven by community residents.</li> </ul>

<p><b>IV. Contribute subject matter expertise</b> to discussions on transportation, zoning, and other planning and policy development to ensure that the City, the University of Virginia, community organizations and citizens are aware of the impact of policy on food equity.</p>	
<p><b>FEI Implementation</b></p> <ul style="list-style-type: none"> <li>✓ <b>6 City Department leads, 3 City &amp; Deputy City Managers, 2 City Councilors, and 5 School board members</b> engaged around Food Equity Initiative implementation</li> <li>✓ <b>7 of 20 Climate Justice &amp; Food Justice recommendations</b> incorporated to date</li> </ul>	<ul style="list-style-type: none"> <li>A. <b>City Department FEI Support</b> – Hosted meeting with City departments to review the Food Equity Initiative Policy Platform and glean feedback.</li> <li>B. <b>Food Equity Implementation</b> – Specific focus on the intersection of Climate Justice and Food Justice. Collaborated with C3 and City’s Climate Action Plan to make 20 recommendations for inclusion of food equity language, 7 of which have been included to date.</li> </ul>
<p><b>Advisory Roles and Food Equity Leadership</b></p> <ul style="list-style-type: none"> <li>✓ Cultivate Team engaged in Local Coalitions</li> </ul>	<ul style="list-style-type: none"> <li>A. <b>Steering Committee</b> – Cultivate staff are on the Steering Committee of the City’s Cville Plans Together working to integrate food equity priorities.</li> <li>B. <b>University of Virginia Sustainable Food System Coalition</b> is developing a multi-year sustainability plan for the university and community.</li> <li>C. <b>Move2Health Equity</b> – Engaged in the Food Access team</li> <li>D. <b>Community Input</b> – UAC hosted weekly community markets to distribute food grown and engage in conversations on redevelopment, garden design and healthy communities, and the city comprehensive plan.</li> </ul>
<p><b>V. Implement opportunities to highlight the City’s food equity work statewide &amp; nationally.</b></p>	
<ul style="list-style-type: none"> <li>✓ 20 presentations and trainings engaging a collective 1,317 people at those presentations</li> </ul>	<p><b>Provided Thought Leadership</b> in conferences, panels, and presentations: Presented at twenty local, regional, state and national venues (detailed in Section I.C. above)</p>
<p><b>Statewide &amp; Regional</b></p> <ul style="list-style-type: none"> <li>✓ Cultivate Team engaged in 3 Regional Coalitions</li> </ul>	<ul style="list-style-type: none"> <li>A. <b>Virginia Tech Center for Community Food Systems &amp; Transformation Steering Committee</b>, Cultivate Co-Executive Director, Jeanette Abi-Nader</li> <li>B. <b>VA Farm to School Regional Planning Teams</b>, Cultivate City Schoolyard Garden Program Director, Jordan Johnson, and Farm to School Coordinator, Shamera Banks participated</li> <li>C. <b>Blue Ridge Area Hunger Action Coalition Backbone Organization</b> Cultivate Charlottesville transitioned leadership of the HAC to the Blue Ridge Area Food Bank which represents the complete health district region</li> </ul>
<p><b>National</b></p> <ul style="list-style-type: none"> <li>✓ Cultivate Team engaged in 6 National Coalitions</li> </ul>	<ul style="list-style-type: none"> <li>A. <b>Johns Hopkins Center for Livable Futures -Food Policy Council Racial Equity Community or Practice</b> Cultivate Co-Executive Director, Jeanette Abi-Nader, represents Cultivate on this National Learning Group</li> <li>B. <b>National Farm to School Network Equity Evaluation</b> Cultivate Co-Executive Director, Jeanette Abi-Nader serves on this national steering committee to establish guidelines for evaluating racial equity in farm to school efforts across the country</li> <li>C. <b>HEAL Food Alliance Steering Committee</b> – Cultivate Co-Executive Director, Richard Morris, was selected to join this national steering committee</li> <li>D. <b>Mother Earth News Online Fair - Urban Agriculture Collective Program</b> Director, Amyrose Foll, is a featured speaker on Indigenous Foodways</li> <li>E. <b>No Kid Hunger Centering Equity Cohort</b>– Cultivate Co-Executive Directors, Richard Morris and Jeanette Abi-Nader</li> <li>F. <b>Rooted In Justice Cohort</b> — Cedar Tree Foundation engaging six youth food justice organizations from across the country. City Schoolyard Garden Program Director, Jordan Johnson, and Cultivate Co-Executive Director, Richard Morris</li> </ul>

# Food Equity Initiative: Emergency & Ongoing Food Access

Cultivate Charlottesville Food Justice Network was a centralizing stakeholder in the food security response to the Covid-19 Pandemic in Charlottesville and surrounding areas. Over the past year we have wrapped up COVID-19 response efforts and transitioned some of the most critical emergency responses to more sustainable, long-term initiatives. While the focus of the Food Equity Initiative partnership with City Council is to develop and implement system-wide solutions to persistent hunger and food insecurity issues in Charlottesville, we also recognize the need for integrated approaches of direct food provisions, especially fresh, community grown produce. This section summarizes a few of those efforts.

Activities and Progress towards Emergency & Ongoing Food Access October 2021 – September 2022	
<b>A. Community-based Food Security Infrastructure:</b> Build an emergency food security response infrastructure that enables the Charlottesville community to effectively respond to expanding food insecurity.	
<b>Community Gardening &amp; Food Equity Capacity Building</b> <ul style="list-style-type: none"> <li>✓ 5,000 spring seedling transplants distributed to local nonprofits and community members</li> <li>✓ 6,800 student garden interactions</li> <li>✓ 80 students totaling 720 hours participated in cooking club in Buford Urban Farming Kitchen</li> </ul>	<ul style="list-style-type: none"> <li>A. <b>Spring Seedling Give-Away</b> – Youth Food Justice Interns and Buford Urban Agriculture students worked with the City Schoolyard Garden team to continue our annual tradition of supporting home, nonprofit, and community gardens by growing and sharing spring seedlings.</li> <li>B. <b>Students in the Garden</b> – Youth are 3 times more likely to eat food that they have grown. The City Schoolyard Garden Coordinators play an important role in engaging youth through the Charlottesville public schools in hands-on garden experiences.</li> <li>C. <b>Nutrition Education</b> – Cultivate’s new Farm to School Coordinator, Shamera Banks, worked closely with Buford middle school students with weekly cooking classes. This was a critical addition since there is no longer a family and consumer science class at the school.</li> </ul>
<b>Healthy School &amp; Community Meals</b> <ul style="list-style-type: none"> <li>✓ 20,000 Harvest of the Month fresh snacks shared with 2,800 students profiling 8 local crops</li> <li>✓ 1,000 servings for 250 families of Sweet Potato Chili Ingredients at CCS REN event</li> <li>✓ 75 local meals distributed at community market gathering</li> </ul>	<ul style="list-style-type: none"> <li>A. <b>Healthy Meals</b> – While many of the direct meal provisions that flourished during the first two years of COVID are no longer being provided, Cultivate worked with CCS and UAC partners to share fresh, healthy meals, snacks, and produce.</li> </ul>
<b>Cultivate Direct food relief-community produce market</b> <ul style="list-style-type: none"> <li>✓ 8,972 pounds UAC grown produce</li> <li>✓ 2,348 pounds donated/purchased)</li> <li>✓ 39 Community Market Days</li> <li>✓ 678 Residents participate</li> <li>✓ 87 community volunteers</li> <li>✓ 10,000 sq ft additional growing space</li> </ul>	<ul style="list-style-type: none"> <li>A. <b>Urban Agriculture Collective –Community Produce Market</b> Hosted 39 market days and distributed a total of 8,972 pounds of fresh, locally grown produce at no cost to residents at Friendship Court, South 1<sup>st</sup> Street, 6<sup>th</sup> Street, Westhaven, Midway Manor, Riverside, CATEC, and other locations in Charlottesville.</li> <li>B. <b>CATEC Community Farm</b> -To continue to address the loss of community urban agriculture space, Cultivate UAC program partnered with CATEC to establish a 10,000 sq ft production farm on site. Students in culinary and construction engaged in onsite projects.</li> </ul>



# Charlottesville Food Equity Initiative

## FY22 End of Year | Budget to Actual

### October 2021 – September 2022

CULTIVATE CHARLOTTESVILLE FOOD JUSTICE NETWORK					
FOOD EQUITY INITIATIVE - FY22 BUDGET TO ACTUAL					
OCTOBER 1, 2021 - SEPTEMBER 30, 2022					
ACCOUNT	FY22 FJN BUDGET APPROVED	FY22 FJN ACTUAL	FY22FEI COUNCIL BUDGET APPROVED	FY22 FEI COUNCIL ACTUAL	COMMENTS
<b>TOTAL EXPENSE</b>	<b>493,397</b>	<b>480,625</b>	<b>155,000</b>	<b>155,000</b>	
Staff Compensation	319,697	307,625	90,000	80,500	40% FJN Program Director, 25% Co-Executive Director, 30% UAC Program Director, 50% Food Justice Policy Associate
Program - Support	75,070	81,000	37,535	55,000	5 Community Advocates (20 hrs/wk) 11 Youth Food Justice Interns (year round) Volunteer, Advocate & Intern Supplies
Program - Expenses	12,730	15,000	6,365	6,400	Community Meetings Community Advocate & Intern lunches Community member stipends
Partner Support	35,000	35,000	-	-	Funding for community partners including Charlottesville City School equipment and food, Local Food Hub, International Rescue Committee New Roots, Trinity Bread and Roses
Professional Services	20,700	15,000	11,350	7,500	Racial Equity Training, Evaluation
Communications & Technology	5,700	2,500	2,000	1,000	Community Advocate computers Database management
General & Administration	24,500	24,500	7,750	4,600	Rent, Insurance, Office Supplies, etc.

# Charlottesville Food Equity Initiative

## FY23 Core Priorities

### FY23 Looking Forward

Over the past year Cultivate, like many organizations, underwent staff transitions. We are excited to start this next phase of the Food Equity Initiative work with a full FJN team including: FJN Program Director – Onawa Dufresne-Barger, FJN Community Engagement Program Director – Christopher Simms, FJN Policy Associate – Quentia Taylor, Cultivate Outreach and Resource Program Director – Aleen Carey, and our Co-Executive Director of Advocacy & Systems – Jeanette Abi-Nader. We have seen increased commitment and implementation of racial equity practices among FJN partner organizations. Throughout this year, we have continued to prioritize the voices and choices of youth and community members affected by food insecurity as we bridge community advocacy, increased partner engagement, and intensified thought leadership around building food equity and racial equity.

As we look forward to this next three-year phase of our partnership with the city, we will be moving towards strong deliverables with the launch of a *Power to Grow* campaign to restore urban agriculture land to Charlottesville’s low-wealth neighborhoods, ongoing recommendations at the intersection of Climate Justice and Food Justice, heightened authority of community leaders to shape food equity goals, and ongoing advocacy across multiple organization and city departments.

### FY23 Core Priorities

- 1. Community Leadership** In addition to cohorts of Community Advocates and Youth Food Justice Intern deepening our investment in grassroots community leadership, we plan to host several community circles to cultivate community decision-making around the urban agriculture initiatives.
- 2. City Climate Action Planning** With the city’s comprehensive plan in the final stages, we will continue to focus on clearly identifying specific food equity actions in line with climate action and implementation of the Comprehensive Plan food equity goals.
- 3. Food Equity Policy Platform Public Education Efforts** Food Justice Network will continue to host community events to build support for and understanding of the platform planks as well as represent Charlottesville at numerous state, regional, and national spaces. We will solicit robust community feedback and modify as needed with specific focus on implementation needs.
- 4. City Department Food Equity Plans** During this year’s meetings with City staff, we recognize and ongoing commitment to integrating food equity into numerous city departments. This year we aim to build out implementation plans and budgets for their food equity priorities as outlined in the *Policy Platform*.
- 5. Power to Grow** The plan to launch a *Land Is Liberation* campaign last year was slowed to ensure more significant and updated community input. Based on community feedback, we have renamed the initiative to The Power to Grow and now have matching funding to implement this intensive community design process.
- 6. REVISIT Food Equity Fund** One key goal for FY22 was the launch of a Charlottesville Food Equity Fund. But because of the tight city budget, and our interest in fully funding Charlottesville City Schools and reconfiguration, we paused this work. If the landscape is ready for this advancement, we are poised to engage in this work.

# Food Equity Initiative FY23 Budget Overview

CULTIVATE CHARLOTTESVILLE FOOD JUSTICE NETWORK FOOD EQUITY INITIATIVE - FY23 BUDGET REQUEST			
ACCOUNT	FY23 FJN BUDGET APPROVED	FY23 FEI COUNCIL BUDGET OVERVIEW	COMMENTS
<b>TOTAL EXPENSE</b>	<b>495,397</b>	<b>155,000</b>	
Staff Compensation	319,697	80,000	40% FJN Program Director, 40% FJN Policy Advocate, 40% FJN Community Engagement Program Director 10% CO-Executive DirectorS (% covered by FEI)
Program - Support	75,070	55,000	5 Community Advocates (20 hrs/wk) 10 Youth Food Justice Interns (year round) Volunteer, Advocate & Intern Supplies Travel - local & regional conference
Program - Expenses	12,730	7,500	Community Meetings Community Advocate & Intern lunches Community member gift cards   stipends
Partner Support	35,000	-	Funding for community partners including Charlottesville City School equipment and food, Local Food Hub, International Rescue Committee New Roots, Trinity Bread and Roses
Professional Services	22,700	6,500	Racial Equity Training, Evaluation
Communications & Technology	5,700	1,000	Community Advocate Database management
General & Administration	24,500	5,000	Rent, Insurance, Office Supplies, etc.

### **Charlottesville Food Justice Network Planning Team**

Jeanette Abi-Nader, Cultivate Charlottesville, Advocacy & Systems Co-Executive Director  
Theresa Allan, International Rescue Committee, Manager Food and Agriculture Programs  
Aleen Carey, Cultivate Charlottesville, Outreach & Resource Program Director  
Jane Colony-Mills, Loaves & Fishes, Executive Director  
Onawa Dufresne-Barger, Cultivate Charlottesville, Food Justice Network Program Director  
Amyrose Foll, Cultivate Charlottesville, Urban Agriculture Collective Program Director  
Jordan Johnson, Cultivate Charlottesville City Schoolyard Garden Program Director  
Joe Kreiter, Blue Ridge Area Food Bank, Partner Services Coordinator & Network Development  
Cecilia Lapp Stoltzfus, International Rescue Committee  
Jackie Martin, UVA Presidents Council, Department of Diversity & Community Engagement  
Tegan Medico, University of Virginia Health Services  
Richard Morris, Cultivate Charlottesville, Farm & Foodroots Co-Executive Director  
Emily Grace Mortimer, UVA Global Environments & Sustainability, Institute for Engagement & Negotiation  
Todd Niemeier, Charlottesville Office of Human Rights, Director  
Kristan Pitts, Trinity Bread & Roses  
Josh Rockett, Local Food Hub, Executive Director  
Diane Sampson, Blue Ridge Health District, Maternal & Childhood Health  
Sara Santa Cruz, Virginia Department of Agriculture  
Rebecca Schmidt, Blue Ridge Health District, Population Health Manager  
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### **Charlottesville Food Justice Network A program of Cultivate Charlottesville**

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