City Council Meeting Agenda
September 21, 2026

City Hall Council Chamber
605 E. Main St.
Charlottesville, VA 22902

CERTIFICATIONS

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

4:00 PM Opening Session

I. Call to Order/Roll Call

II. Agenda Approval APPROVED 3-0 (Oschrin/Fleisher)

III. Reports

1. Presentation: Parks & Recreation Master Plan Updates
2. Report: Historic Resources Committee Annual Report

5:30 PM Closed Meeting (if called)

Enter closed session APPROVED 4-0 (Oschrin/Fleisher)
Certify closed session APPROVED 4-0 (Oschrin/Fleisher)

6:30 PM Business Session

IV. Moment of Silence

V. Announcements

VI. Recognitions/Proclamations

- Proclamation: Week Without Driving: October 1-8

VII. Community Matters

VIII. Consent Agenda* APPROVED 4-0 (Oschrin/Fleisher)

3. Resolution: **#R-26-133** Resolution to Appropriate $450,707 in Dockless Mobility Revenue for Bicycle Programming (2nd reading)
4. Resolution: **#R-26-134** FY 2027 Budget Amendments and Appropriation of $300,252 of Additional General Fund Revenue (2nd reading)
5. Resolution: **#R-26-135** Resolution to Appropriate Virginia Juvenile Community Crime Control Act Grant (VJCCCA) $452,704 (2nd reading)
6. Resolution: **#R-26-136** Resolution for the Draft Program Year 2025-26 ("PY25") Consolidated Annual Performance and Evaluation Report ("CAPER") (2nd reading)
7. Ordinance: **#O-26-137** Ordinance amending City Code Chapter 2, Article XVI. - Police Civilian Oversight Board (2nd reading)
8. Resolution: Resolution to Authorize a Special Exception Permit for Roof-Mounted Equipment (323 2nd Street SE) corrected resolution on 10/5/26 agenda
9. Resolution: Resolution to Appropriate $200,000 in TAP Grant Funding from the Virginia Department Transportation (VDOT) Funding for the Meadowcreek Trail Project (1 of 2 readings)

10. Resolution: Resolution to appropriate funds from the Virginia Department of Housing and Community Development - Virginia Homeless Solutions Program - $441,796 (1 of 2 readings)

11. Resolution: Resolution to appropriate State Historic Resources Grant Funds to Jefferson School African American Heritage Center - $500,000 (1 of 2 readings)

12. Resolution: Resolution to appropriate funds from the Charlottesville/Albemarle Adult Drug Treatment Court Grant Award - $227,892 (1 of 2 readings)

IX. City Manager Report

- Report: City Manager Report

a. Report: Participatory Budgeting Pilot Update

X. Action Items

13. Public Hearing/Res.: **#R-26-138** Public Hearing and Resolution for the Draft Program Year 2025-26 ("PY25") Consolidated Annual Performance and Evaluation Report ("CAPER") (2nd reading) APPROVED 4-0 (Payne/Oschrin)

14. Public Hearing/Res.: **#R-26-139** Public Hearing for a Proposed CDBG-Funded Activity, the 2026 BEACON Kitchen Accessibility Enhancements Project, a Substantial Amendment to the Program Year 2026-27 Annual Action Plan, in the Amount of $55,000 (2nd reading) APPROVED 4-0 (Fleisher/Oschrin)

15. Public Hearing/Res.: **#R-26-140** Public Hearing for a Proposed CDBG-Funded Activity, the 2026 IX Arts Foundation Accessibility Enhancements Planning Grant, a Substantial Amendment to the Program Year 2026-27 Annual Action Plan in the Approximate Amount of $25,000.00 (2nd reading)
APPROVED 4-0 (Oschrin/Fleisher)

16. Resolution: Resolution to Appropriate Revenue from Participation in Energy Load Reduction Program in the Amount of $12,375.53 (1 of 2 readings)
Agenda amended to move this item to a future meeting at the request of staff.

17. Resolution: **#R-26-141** Resolution to Temporarily Reallocate $1,000,000 from the Kindlewood Phase 3 Project to Piedmont Housing Alliance (PHA) for a Loan Payment for Carlton Mobile Home Park Loan APPROVED 4-0 (Payne/Oschrin)

XI. General Business

XII. Community Matters (2)

XIII. Adjournment

#R-26-133

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

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

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

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

Revenue:

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

Expenditure:

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

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

Date Adopted: September 21, 2026

Certified: Kyna Thomas
Clerk of Council

	Aye	No
Fleisher	x	
Oschrin	x	
Payne	x	
Snook	Absent	
Wade	x	

#R-26-134
RESOLUTION
FY 2027 Budget Amendments and Appropriation of $300,252 of Additional General Fund Revenue

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

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

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

Revenue:

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

Expense:

$ 300,252	Fund: 105	WBS: 1631001000	G/L Account: 599999

Budget Reallocation From:

$25,000	Fund: 105	WBS: 1601003000	G/L Account: 599999

Budget Reallocation To:

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

Date Adopted: September 21, 2026

Certified: Kyna Thomas
Clerk of Council

	Aye	No
Fleisher	x	
Oschrin	x	
Payne	x	
Snook	Absent	
Wade	x	

#R-26-135

RESOLUTION

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

WHEREAS, the City of Charlottesville has been awarded $292,058 from the Virginia Department of Juvenile Justice for uses consistent with the VJCCCA; and

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

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

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

Revenue - $452,704

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

Expenditures - $452,704

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

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

Date Adopted: September 21, 2026

Certified: Kyna Thomas
Clerk of Council

	Aye	No
Fleisher	x	
Oschrin	x	
Payne	x	
Snook	Absent	
Wade	x	

#R-26-136

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

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

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

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

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

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

Date Adopted: September 21, 2026

Certified: Kyna Thomas
Clerk of Council

	Aye	No
Fleisher	_x__	____
Oschrin	_x__	____
Payne	_x__	____
Snook	Absent	____
Wade	x	____

#O-26-137

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

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

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

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

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

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

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

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

ARTICLE XVI. POLICE CIVILIAN OVERSIGHT BOARD[1]

Sec. 2-450. Title.

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

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

Sec. 2-451. Definitions.

(a) *Authorized purpose.* Those powers and duties delineated in Sec. 2-454. The term *lawful purpose* used in Sec. 2-454(b)(8) specifically refers to Code of Virginia § 9.1-601.

(b) *Closure letter*. For purposes of this article, a "closure letter" shall mean the written notification issued by the department at the conclusion of an internal affairs investigation that communicates the findings and determinations of the investigation to the complainant and, when applicable, to the director.

(c) *Complainant*. For purposes of this article, a "complainant" shall mean any civilian who submits a complaint to the office or the department. A complainant need not be the individual directly affected by the alleged conduct.

(d) *Complaint*. For purposes of this article, a "complaint" shall mean an allegation submitted by any civilian to the office or the department that a law enforcement officer or civilian employee of the department has engaged in misconduct. A complaint may be submitted in any form, either orally or in writing.

(e) *Hearing.* For purposes of this article, a "hearing" shall be any public session conducted by the board to review the facts, issues, and implications of a department policy, practice, procedure, pattern, trend, audit report, systemic concern, or other matter within the board's authority. Hearings may also examine patterns in the findings, determinations, and disciplinary actions resulting from administrative investigations conducted by the department.

(f) *Immediate family member*. For purposes of this article, "immediate family member" shall have the same meaning as that provided by Code of Virginia § 2.2-4368.

(g) *In writing*. For purposes of this article, electronic mail (e-mail) shall constitute communication in writing.

(h) *Personal information*. For purposes of this article, "personal information" shall have the same meaning as that provided by Code of Virginia § 2.2-3801.

(i) *Records*. For purposes of this article, "records" shall be construed to broadly include writings, files, photographs, audio and visual recordings, and any other data, information, and evidence within the possession of the department requested by the director for an authorized purpose of the board, subject to limitations in this article.

(j) *References*. For purposes of this article, the following references shall be used:

(1) *The board*. The established and authorized Charlottesville Police Civilian Oversight Board shall be referred to as "the board."

(2) *The chief*. The City of Charlottesville Chief of Police shall be referred to as "the chief."

(3) *The commander*. The Charlottesville Police Department's Commander of Internal Affairs shall be referred to as "the commander."

(4) *The department*. The Charlottesville Police Department shall be referred to as "the department."

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

(5) *The director*. The appointed Director of the Office of Police Civilian Oversight under the division of the City Manager's Office shall be referred to as "the director."

(6) *The office*. The established and authorized Office of Police Civilian Oversight shall be referred to as "the office" for purposes of this article.

(k) *Securely retained*. A physical or electronic storage format, location, or device to which access is restricted by physical or logical access controls and limited to the director and to staff of the office authorized by the director. Department records in the custody of the office shall not be accessed by any other person except in the presence of the director or authorized staff. Such records shall be maintained in accordance with the Virginia Public Records Act, Code of Virginia § 42.1-76 et seq., the records retention and disposition schedules issued by the Library of Virginia, and other applicable standards under state and federal law.

(l) *Serious abuse of authority or misconduct.* For purposes of this article, "serious abuse of authority or misconduct" shall be defined as significant violations of city policies or procedures, including the department's general orders and any associated standard operating procedures. This includes, but is not limited to, harassment or discrimination against, or verbal or other conduct that maligns or shows hostility toward, an individual or group because of that individual's or group's actual or perceived: race; color; religion; national origin or ethnicity; immigration status; sex; sexual orientation; gender identity or expression; marital status; familial status; age; disability; or military or veteran status; or any other characteristic protected under the Virginia Human Rights Act (Code of Virginia § 2.2-3900 et seq.).

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

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

Pursuant to Code of Virginia § 9.1-601, there is hereby established a Charlottesville Police Civilian Oversight Board, with powers granted as provided in this article. The board is a body established and appointed by the city council of Charlottesville pursuant to Code of Virginia § 9.1-601(B) to perform functions authorized by the city council in accordance with Code of Virginia § 9.1-601(C). It shall not be able to bring suit or to be sued in its own name, except to the extent needed to request and defend subpoenas as authorized in this article.

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

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

(a) *Office established*. There is hereby established an Office of Police Civilian Oversight, which is a division of the City Manager's Office, and shall have the powers granted as provided in this article to facilitate and support the authorized purpose of the board. The office shall have the authority to carry out its duties and responsibilities under this article with respect to all law enforcement activities and all sworn and civilian personnel operating under the authority of the department.

(b) *Director*. There shall be a full-time director of the office. The director shall be responsible for and report to the board on the day-to-day operational activities of the board and the office. The director shall report to the city manager, and the city manager shall delegate to the director the authority to employ such additional staff as funded by the city council for the board to effectively fulfill its obligations under this article, and any such additional staff shall report to the director.

(1) *Appointment*. The city manager shall appoint a director with the approval of a majority vote of the city council.

(2) *Interview process*. As a part of the appointment process, the city manager shall convene an interview panel that includes two (2) members of the board. If those two (2) members recommend a candidate for appointment as director, the city manager shall provide a written justification to the board if a different candidate is appointed.

(c) *Duties of the city manager*. The city manager shall have the following duties:

(1) *Operating procedures.* The city council authorizes the city manager to establish operating procedures for the performance of duties by the board and the office. Those procedures may be amended from time to time by the city council or by the city manager. The city council or the city manager, as applicable, shall consult with the board and the director before establishing or amending any such procedures.

(2) *Supervision*. The city manager or a designee shall supervise the work of the director. The city manager's annual evaluation of the director's performance shall consider a written performance review submitted by the board to the city manager. The board may request that the city manager meet with the board's chair to discuss the director's performance.

(3) *Vacancy*. If there is a vacancy in the position of director, the city manager may designate some other city employee who is not an employee of the department to act as director until a new director is appointed.

(d) *Duties of the director.* The director shall have the following duties:

(1) *Duties*. The director shall support the board in the implementation and exercise of its oversight functions and undertake or ensure the performance of specific tasks assigned by majority vote of the board, pursuant to the powers and duties of the board authorized in this article. The director shall be responsible for management of all administrative and fiscal needs of the board and the office as authorized by the city manager.

(2) *Director's authority to conduct audits*. The director may conduct retrospective examinations and audits as provided in Sec. 2-463 of this article, including patterns in internal affairs investigations, arrests and detentions, department expenditures, and other public-police interactions pursuant to the authorized purpose of the board. The board may request the director to conduct additional audits by majority vote. The director shall provide a summary report of any audit conducted to the board and the city manager upon completion.

(3) *Director's authority to engage in oversight activities on behalf of the board*. The director may engage in additional oversight activities as provided in Sec. 2-462 which support and inform the functions of the board, consistent with the authorized purpose of the board. This may include, but is not limited to, review of department data systems, attendance at department meetings, review of department policies, practices, and procedures, participation in interviews of candidates for employment with the department, participation in use of force and similar conduct review panels, and other activities which are reasonably related to the board's authorized purpose. The board may request the director to conduct additional oversight activities by majority vote. The director shall report all activities to the board and the city manager in accordance with the limitations in this article.

(e) *Records management*. All records created or received by the board, the director, or the office in the transaction of public business are public records within the meaning of the Virginia Public Records Act, Code of Virginia § 42.1-76 et seq., without regard to whether such records are exempt from disclosure under the Virginia Freedom of Information Act ("FOIA"). The director shall ensure that such records are retained, maintained, and disposed of in accordance with that Act and the records retention and disposition schedules and electronic records guidelines issued by the Library of Virginia, in coordination with the city's designated records officer under Code of Virginia § 42.1-85. Nothing in this subsection shall alter the chief's status as custodian of original department records.

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

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

(a) *Purpose.* The purpose of the board is to support community well-being and safety through civilian-led oversight that brings transparency and accountability to policing in the City of Charlottesville. The board provides the community with a direct voice in public safety and promotes policing that is lawful, fair, and respectful of the rights and dignity of all people. The board fulfills this purpose by monitoring, auditing, and reviewing department conduct, policies, practices, and procedures, and by issuing public reports with recommendations for corrective action and the adoption of best practices in policing.

(b) *Powers and duties.* The board shall have the following powers and duties:

(1) To receive complaints from civilians regarding the conduct of law enforcement officers and civilian employees of the department, and to refer such complaints, at the request of the complainant, to the department for investigation with monitoring by the office on behalf of the board;

(2) To review and issue findings on department incidents, including the use of force by a law enforcement officer, death or serious injury to any individual held in custody, and serious abuse of authority or misconduct as defined in this article;

(3) To review policies, practices, and procedures of the department and to make recommendations regarding changes to such policies, practices, and procedures;

(4) To review investigations conducted internally by the department and to issue findings regarding the accuracy, completeness, and impartiality of the investigations and the sufficiency of any discipline resulting from such investigations;

(5) To review reports of the annual expenditures of the department, and to make recommendations to the city council concerning future appropriations;

(6) To make public reports on the activities of the board, including reviews, hearings, findings, determinations, recommendations, and oversight activities;

(7) To hold hearings and if, after making a good faith effort to obtain the voluntary attendance of witnesses, with the exception of employees of the department, and the production of books, papers, and other records or evidence necessary to perform its duties, the board is unable to obtain such attendance or production, to apply to the Circuit Court of the City of Charlottesville for a subpoena compelling the attendance of such witness or the production of such books, papers, and other records or evidence; and

(8) To undertake other duties, as reasonably necessary, for the board to effectuate its lawful purpose as provided in this article, including the delegation of administrative support functions, department monitoring, auditing, and other routine oversight activities to the office established in this article.

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

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

(a) *Objectivity*. In making appointments under this section, the city council shall seek members who are fair and objective, and who will be perceived as fair and objective, in the conduct of their duties.

(b) *Appointment process.* The city council shall appoint the members of the board. City council shall announce a public application process with applications available online and by hardcopy for individuals interested in serving on the board. The application window shall remain open for a minimum of thirty (30) calendar days from the date of public announcement. City council shall seek to appoint members with a demonstrated commitment to community service who have training and experience, including lived experience, with topics relevant to the business of the board, including law, police practices, human resources practices and procedures, trauma-informed mental health issues, or the sociology of historically overpoliced communities.

(c) *Board composition*. The board shall reflect the demographic diversity of the City of Charlottesville. The board shall be composed of seven (7) voting members and one (1) non-voting member. The members shall be removable by the city council for cause, including conduct specified in the board's code of ethics set forth in the board's operating procedures, violating the duty of confidentiality, failing to participate in required training, or other good cause.

(1) The seven (7) voting members of the board shall be residents of the City of Charlottesville or Albemarle County. Priority shall be given to city residents. Residents of Albemarle County appointed to membership on the board shall be employed in the City of Charlottesville or shall have significant and demonstrable ties to the city. If, after the defined public application process, the city council determines that there are insufficient eligible applicants who are residents of the City of Charlottesville or Albemarle County to fill a vacancy on the board, the city council may appoint a resident of the Commonwealth of Virginia who is employed in the City of Charlottesville or who has significant and demonstrable ties to the city.

(2) The non-voting member of the board shall be an individual with policing expertise or experience. The non-voting member may be a retired law enforcement officer who prior to retirement was employed in a locality similar to the City of Charlottesville.

(3) No board member shall be a current candidate for public office, a former member of the department, an immediate family member of a current department employee, or a current employee of a law enforcement agency, the fire department, the emergency communications center, or the sheriff's office. If the city council

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

(d) *Terms.* Each board member shall be appointed for a term of two (2) years. Except as otherwise provided in this section, appointments and terms shall be subject to the provisions of chapter 2, article I, § 2-8 of the city code. No person shall serve more than eight (8) consecutive years on the board, and no person shall be appointed or reappointed to a term that, if served to completion, would exceed that limit. Service in the unexpired portion of a term shall not be counted toward this limit. Service in a term under this article as it existed before the effective date of this amendment shall be credited as the number of years in that term. Members serving on the board as of the effective date of this amendment shall continue to serve the remainder of their current term. The composition requirements, term length, and term limit established by this section shall apply to all appointments and reappointments made on or after the effective date of this amendment. Nothing in this section shall entitle any person to reappointment.

(e) *Conflicts of interests.* A board member shall not participate in any matter before the board under circumstances in which the objectivity of the board member could reasonably be questioned, including, without limitation, the consideration of a complaint of someone who is an immediate family member. All board members shall comply with the requirements of the Virginia State and Local Government Conflict of Interests Act, as applicable.

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

Sec. 2-456. Meetings.

(a) *Number of meetings.* The board shall hold public meetings at least once per calendar quarter. Additional meetings may be called by the chair or any two (2) board members.

(b) *FOIA.* The board shall comply with all applicable requirements of the Virginia Freedom of Information Act ("FOIA") pertaining to disclosure of public records and the conduct of its meetings.

(c) *Quorum.* A quorum of the board for the transaction of business and the taking of any vote shall be four (4) members. However, for purposes of Virginia FOIA, a meeting of the board occurs whenever as many as three (3) members are gathered to discuss or transact the business of the board, and any such gathering shall be noticed and conducted in accordance with that Act.

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

(1) The date, time, and location of the meeting;

(2) The members present and absent;

(3) A summary of the discussion on matters proposed, deliberated, or decided; and

(4) A record of any votes taken.

(e) *Rules and procedures.* Meetings of the board shall be conducted in accordance with Robert's Rules of Order or such other procedures as the board may adopt.

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

Sec. 2-457. Board legal counsel.

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

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

Sec. 2-458. Information access and limitations.

(a) *Access to department information.* Subject to certain narrow limitations described in this article and through administration by the director, the board is authorized to receive, and shall be provided full access to, all department reports, files, and records determined by the board or the director to be necessary to carry out its authorized purpose. All records, documents, and materials in the possession of or provided to the board or the director shall be subject to the protection of confidential and personal information as defined in this article and the board's operating procedures.

(b) *Records to be routinely provided*. The department shall provide the following records to the director within five (5) calendar days of the receipt or creation of the record by the department:

(1) Initial complainant contact letter;

(2) Complaint closure letter;

(3) Monthly report by the department's Fourth Amendment auditor; and

(4) Monthly report by the Office of Internal Affairs.

(c) *Requests for department records*. The department shall provide all records specifically identified by the director, as well as those related to the subject matter and reasonably necessary to permit the board to review the identified subject matter. The director shall notify the chief or a designee in writing when the following occurs, as applicable, which shall constitute a request for records for purposes of this article:

(1) The review of an internal affairs investigation has been scheduled. The director shall provide sufficient information to allow the department to identify the investigation and any related complaints or disciplinary records.

(2) The review of a specific department policy, practice, or procedure. The director shall provide sufficient information to allow the department to identify records in its possession relevant to the review.

(3) An audit has been initiated by the director or requested by the board. The director shall provide the chief or a designee with a copy of the audit plan, which shall indicate the general nature of the contemplated audit such that the department may identify records relevant to the audit.

(d) *Delivery of records*. Upon the provision of such written requests for records, the department shall provide the director with the requested records within five (5) calendar days of the director's request or, if applicable, within five (5) calendar days of the city manager's written ruling regarding a dispute about access to records. In either case, the director and the chief or a designee may agree to a different timeline for the delivery of the requested records. In the absence of a director or appointed designee, written requests shall be issued by the chair of the board with a majority vote of its members. The chief or a designee shall appoint an employee of the department to administer records access to the board until such time as a new director or designee is appointed to such role by the city manager.

(e) *Format of department records*. The board shall be provided department records, administered by the director, in the following formats:

(1) *Body-worn and dashboard camera video*. The director shall be provided with independent access privileges to any relevant department systems to view all footage from cameras worn or operated by the department if relevant to the subject of an authorized purpose of the board. The director shall not share the access credentials with any other person, and the director shall not allow any person to view such video footage, other than a member of the board who has signed a confidentiality agreement, which the director shall certify, and in which case the board member may review the video footage only in the presence of the director.

(2) *Originals or exact copies*. The director shall be provided with the original version of the requested department records or, if feasible, may be provided copies of such records, at the department's discretion. If copies of the original records are provided to the director, they shall be exact duplicates of the original versions other than minor formatting or cosmetic differences that do not impact the content of the records.

(3) *Secure retention, return, or destruction*. The original records and any copies thereof provided by the department to the director shall be returned to the chief or a designee as the custodian of the original records within five (5) calendar days of completion of the board review or audit, except that upon agreement in writing by the chief or a designee, copies of department video footage and records provided to the director may be securely retained for up to one (1) year or destroyed. A review or audit shall be deemed complete upon occurrence of the following, as applicable:

(i) Public release of the final findings, determinations, and recommendations of a review;

(ii) Presentation by the director of a final audit report to the board; or

(iii) In a case in which (i) or (ii) above does not apply, at such other time as the director notifies the chief or a designee in writing that the authorized purpose for which the records were requested is complete.

(f) *Department information to which the board shall not have access.* The director and the board shall not have access to:

(1) Records that may reveal the identity or personal information of a confidential informant;

(2) Investigative files related to an active civil or criminal investigation by the Commonwealth's Attorney, the Virginia Attorney General, the Virginia State Police, or the United States Department of Justice;

(3) Files related to an active Equal Employment Opportunity Commission claim, Human Rights Commission investigation, or civil claim involving a department employee;

(4) Files containing information exempt from mandatory public disclosure or prohibited from public disclosure pursuant to Code of Virginia §§ 2.2-3706(B)(2), (3), (5), (8), (11); 2.2-3706(C); and 2.2-3706.1(E); and

(5) Any information that the department is not legally authorized to share.

(g) *Disputes over access.* If the director and the board seek access to information the disclosure of which the department believes is outside the scope of, or expressly prohibited by the authority granted in this article, and the director and chief cannot resolve this dispute after mutual discussion and consultation, then the city manager shall resolve the dispute consistent with the purposes and provisions of this article. The city manager may conduct an informal hearing at which both the director and chief may be heard, and the city manager shall issue a written ruling within three (3) business days thereafter. If the board believes that the city manager is unreasonably withholding such information, the board may consider whether to seek a subpoena requiring the production of such information as provided in Sec. 2-460 of this article.

(h) *Confidentiality.* Each member of the board and the director shall maintain the confidentiality of all personal information and confidential or privileged information, including, but not limited to:

(1) Materials from police internal investigative files;

(2) Disciplinary actions, memos, and reports;

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

(4) Criminal investigative files; and

(5) Any other information that the chief or city attorney's office has deemed confidential.

This requirement to maintain confidentiality continues indefinitely or until the information no longer meets the definition of confidential or privileged as defined in this article.

(i) *Protocols to prevent improper dissemination*. The director and the board shall adhere to the following protocols to prevent improper dissemination of confidential records, including records containing personal or privileged information not subject to public release:

(1) The director and board shall not use or disseminate non-public personal information regarding any person, for any purpose or in any manner, other than as authorized by applicable state and federal law, local ordinances, and the authority to release public records defined in this article.

(2) The director and board shall take all appropriate measures to maintain the security and confidentiality of all non-public personal information contained within department records to which access has been provided.

(3) Within any written reports to be presented at a public meeting of the board or released to the public, and during any public comments about matters currently or likely in the future to be the subject of a review or audit by the board or director, the board and director may disclose the following personal information about any person, except as otherwise prohibited by state or federal law:

(i) Personal information previously publicly disclosed (by a party or parties other than the board or director); and

(ii) Non-public personal information regarding a department officer or employee with the prior written consent of the officer or employee.

(4) In all other cases, written reports to be presented at a public meeting of the board or released to the public, and public comments about matters currently or likely in the future to be the subject of a review or audit by the board or director, shall refer only to anonymized information regarding any specific department officer or employee, and information that would not permit the particular officer or employee to be personally identified.

(j) *Records to remain department records.* The chief, as the custodian of original department records, shall be responsible for decisions as to whether copies of such records (or information contained in such records) may be publicly disclosed, subject to the direction and control of the city manager. In the event of a request pursuant to Virginia FOIA for records in the possession of the board or director, the director, as applicable, shall consult with the city attorney's office and claim all relevant exemptions allowed by FOIA to withhold the records or portions thereof from public disclosure, except in cases where public disclosure is authorized in writing by either the chief or the city manager and is otherwise lawful. Nothing in this paragraph shall preclude the city manager from establishing guidelines in the operating procedures regarding public disclosure of certain types of information contained within department records.

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

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

(a) *Compliance.* Any oversight activities shall comply with all federal, state, and local laws, as well as with requirements for the conduct of the board's powers and duties described in this article and in accordance with the board's operating procedures.

(b) *Compelled statements.* The board may not compel a statement from any department employee.

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

(1) Matters that are the subject of a pending criminal proceeding in any trial court, or any pending City of Charlottesville grievance proceeding;

(2) An allegation of misconduct only by employees of law enforcement agencies other than the department. Such complainants shall be referred to the appropriate law enforcement agency; and

(3) Any other claim outside the scope of the board's authority expressly set forth in this article.

(d) *Suspension of oversight activity.* If a complaint asserts criminal conduct by an employee of the department, or if at any point in the performance of oversight powers and duties, the board or director become aware that an employee may have committed a criminal offense, the board and the director shall suspend all oversight activity and notify the chief and Commonwealth's Attorney of the alleged conduct.

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

Sec. 2-460. Subpoenas.

(a) *Application for subpoenas*. If the board determines that there are records, including witnesses, not within the control of the department that the board is unable to obtain voluntarily, the board by two-thirds (⅔) vote may authorize the

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

(b) *Requests for access*. If the director is denied access to material records within the control of the department that the director deems necessary to perform their duties and the duties of the board, the director may request the city manager to require the department to produce the requested records. No request shall include witnesses who are employees, sworn or civilian, of the department, and the board's authorized subpoena power shall not be used to compel attendance of or statements from department employees. The city manager or a designee shall not unreasonably deny such a request, but may place conditions on the production of the requested records as necessary to preserve confidentiality for the reasons set forth in this article. The city manager or a designee shall issue a decision on the director's request within five (5) business days of the date of that request.

(c) *Scope of subpoenas*. If the city manager or a designee denies the director's request made pursuant to subsection (b) above, the board by two-thirds (⅔) vote may authorize the director, on behalf of the board, to apply to the Circuit Court of the City of Charlottesville for a subpoena compelling the production of such records. The board shall give the city manager and the department reasonable notice of its intent to subpoena such records and shall give the city attorney a copy of the request for subpoena. The board shall not unreasonably withhold its agreement to limitations on the scope of the subpoena requested by the city manager that may be necessary to protect confidential information. The parties may request that any hearing to be held in the Circuit Court of the City of Charlottesville on the request for a subpoena be conducted in a closed courtroom, to the extent permitted by state law. The board may request that all or any portion of the court file relating to any such application be placed under seal to the extent permitted by state law.

(d) *Retention of subpoena records*. If a subpoena is granted which compels the production of records, the board shall provide the department with copies of any such records.

(e) *Conduct of compelled attendance by witnesses*. If a subpoena is granted which compels the attendance of a witness or witnesses at a public hearing of the board, such attendance shall comply with the board's operating procedures, including a hearing manual adopted thereunder, and the following provisions:

(1) In any application for a witness subpoena under this section, the board shall request that the subpoena include a statement that any testimony provided shall be made under oath and that the witness is entitled to representation by an attorney. The board shall, in any event, provide such notice in writing to any witness subpoenaed under this section.

(2) Any witness failing to comply with a subpoena issued under this section may be subject to a charge of contempt by the issuing court as provided by law. Any witness so subpoenaed may petition the Circuit Court of the City of Charlottesville to quash the subpoena.

(3) In the case of refusal or neglect to comply with a subpoena, the board may petition for its enforcement in the Circuit Court of the City of Charlottesville.

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

Sec. 2-461. Intake and referrals.

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

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

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

(i) Provide updates to the complainant, upon request, regarding whether an administrative investigation has commenced, is pending, or has concluded. Such updates shall not disclose any substantive information about the investigation, including its evidence, witnesses, findings, or determinations, and shall remain subject to the limitations in this article; and

(ii) Verify the complainant has received a closure letter from the commander at the conclusion of any investigation.

(2) For all review requests of an internal affairs investigation previously concluded by the department, the office shall obtain a copy of the case closure letter and collect all relevant information regarding the original complaint, investigation, and reason for the review request.

(3) For all complaints received which allege misconduct by a city employee outside the department or an employee of another law enforcement jurisdiction, the director shall provide the complainant with contact information for the agency, office, or entity who may best assist the complainant.

(4) For all inquiries, recommendations, and comments related to the conduct, policies, practices, or procedures of the department, the office shall provide as much information as is readily known or obtain such information to provide in response.

(5) For all compliments or commendations, the office shall collect all relevant information and provide this information to the board.

(6) For any complaint, review request, inquiry, recommendation, comment, or compliment which is outside the scope of the board's authorized power and duties, the office shall provide the contact information for the agency, office, or entity who may best assist the individual.

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

Sec. 2-462. Conduct of department monitoring.

(a) *Referral of complaints*. If a complainant asks that their complaint be investigated by the department, the complaint shall be investigated by the department with monitoring by the director.

(b) *Monitoring of investigations and incidents*. The director may actively monitor investigations of complaints and incidents of alleged employee misconduct by the department and shall have access to records and witnesses to the same extent as the department, subject to the limitations or requirements set out in this article. Such monitoring may include:

(1) Reviewing the investigative plan of the department;

(2) Reviewing any records within the department's digital evidence management system;

(3) Reviewing any pertinent law enforcement records within the department's records management system;

(4) Observing any real-time interviews of witnesses by the department;

(5) Reviewing any recorded interviews; and

(6) Reviewing facts gained from investigation.

For active criminal investigations, the director shall be limited in participation to the same extent the department is limited in its participation in such investigations. The director may monitor the department's administrative investigation of alleged employee misconduct after the close of the active criminal investigation in the same manner as all other investigations of employee conduct handled by the department as described in this article. When monitoring department investigations, during the pendency of the investigations the director shall not disclose information about the investigation to any person other than as authorized in writing by the chief or the city manager.

(c) *Observation of internal affairs interviews.* The director shall be authorized to observe real-time interviews conducted by the department as part of an administrative investigation in accordance with the board's operating procedures and the following provisions:

(1) The commander shall notify the director, in writing, of all external complaints filed against or about department personnel immediately after receiving each such complaint, or by the next business day.

(2) The commander shall notify the director, in writing, of the date, time, and location of all scheduled interviews associated with the complaint. Unless exigent circumstances exist, the director shall be provided at least twenty-four (24) hours of advance notice of the interview. If, due to exigent circumstances, the director is provided with less than twenty-four (24) hours of advance notice, the commander shall include a description of such circumstances.

(3) If the director chooses to observe an interview, the director shall notify the commander in writing as soon as practically possible before the interview.

(4) The director shall be permitted to monitor the interview from a separate room, if possible, or from within the same room where the interview occurs. The director shall be able to clearly see and hear the interview as it occurs. The director shall not interfere with or interrupt the department's interview process.

(5) The director shall, at the conclusion of any observed interview, be afforded the ability to provide verbal feedback to the commander, and the assigned investigator if not the commander, regarding the impartiality and sufficiency of the interview conducted. Any feedback provided by the director shall be shared with the board if the investigation is reviewed by the board after the conclusion of the investigation. Nothing in this subsection shall require the Office of Internal Affairs to implement feedback provided by the director during the investigation. Any such feedback is limited to process-related observations and is not evidence or a recommendation on the merits of the complaint.

(d) *General oversight of department operations*. In addition to the monitoring of investigations and incidents, the director may engage in ongoing monitoring and oversight activities to support and inform the functions of the board consistent with this article. The board may request the director to conduct additional monitoring or oversight activities by majority vote. The director shall report all activities conducted under this section to the board and the city manager in accordance with the information access and limitations established in Sec. 2-458 of this article.

(1) *Director access*. The director may participate in or observe department activities, including but not limited to the following:

(i) Department staff meetings, command staff meetings, briefings, and roll calls;

(ii) Use of force review panels and similar internal conduct review processes;

(iii) Interviews of candidates for sworn and civilian employment with the department;

(iv) Department training sessions, including in-service and specialized training;

(v) Review of department data systems, reports, and performance metrics;

(vi) Review of current or proposed department policies, practices, procedures, and directives; and

(vii) Other activities reasonably necessary for the board to effectuate its authorized purpose under this article. The enumeration in this subsection is illustrative and not exhaustive, and shall not be construed to limit the director's access to other department activities. Access to activities under this subsection shall be limited only as provided in subsection (d)(3) or Sec. 2-458 of this article.

(2) *Notice*. The department shall provide the director with reasonable advance notice of the activities listed in subsection (d)(1)(i) through (vii), including the date, time, and location, sufficient to allow the director the opportunity to attend. The chief or a designee and the director may establish a standing schedule or notification protocol to satisfy this requirement.

(3) *Limitations on participation*. The director's participation under this section shall be in an observational and advisory capacity and shall not include authority to direct, countermand, or delay department operations or personnel decisions. The department may temporarily limit the director's access to a specific activity if the chief

or a designee determines in writing that the director's presence would compromise an active criminal investigation, officer safety during a tactical operation, or a legally protected proceeding. Any such limitation shall be narrowly tailored and shall expire when the stated justification no longer applies.

(4) *Disputes*. If the director is denied access to any activity under this section and the director and the chief are unable to resolve the matter through mutual consultation, the dispute shall be resolved in accordance with the procedures established in Sec. 2-458(g) of this article.

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

Sec. 2-463. Conduct of department audits.

(a) *Purpose and scope*. The director may conduct retrospective audits of department patterns, practices, procedures, data, and outcomes to provide relevant information to the board to effectuate its authorized purpose and to identify systemic changes that may improve police services to the community. Audit topics may include, but are not limited to, patterns in internal affairs investigations, use of force incidents, arrests and detentions, searches and seizures, department expenditures, implementation of policies and training directives, deployment of systems and technologies, and other public-police interactions. Audits shall not be used to adjudicate individual complaints or to make findings of misconduct against individual employees, but the director may refer information discovered during an audit to the department or the city manager if it suggests conduct warranting separate review. Audits shall be conducted in accordance with the board's operating procedures, which shall include an audit manual adopted thereunder.

(b) *Initiation*. An audit may be initiated by the director or by majority vote of the board. If initiated by board vote, the request shall identify the general subject matter and purpose. The director shall commence the audit within ten (10) business days or provide the board a written explanation if the audit is not feasible within the limitations of available resources, in which case the board and director shall confer to resolve scheduling or scope.

(c) *Audit plan*. Prior to any collection of data or requests for department records for the purpose of an audit, the director shall prepare a written audit plan and provide a copy to the chief or a designee and to the board. The plan shall include:

(1) The subject matter, scope, and time period to be examined;

(2) The categories of records, data, or other information anticipated to be necessary;

(3) The anticipated methodology for analysis; and

(4) An estimated timeline for completion.

(d) *Department cooperation*. Upon receipt of the audit plan, the department shall provide records and data in accordance with this article within five (5) calendar days, designate a liaison to coordinate with the director for the duration of the audit, and make a good faith effort to respond to reasonable requests for additional records or clarification.

(e) *Audit report*. Upon completion, the director shall prepare a written report and provide it to the board, the chief, and the city manager. The board shall review the report and may adopt, modify, or supplement the director's recommendations before issuing findings and recommendations pursuant to this article. The report shall include:

(1) A description of the scope, methodology, and time period examined;

(2) A summary of findings, including identified patterns, trends, or areas of concern;

(3) Recommendations, if any, for changes to department policies, practices, procedures, training, or resource allocation; and

(4) Any relevant response or information provided by the department during the audit.

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

Sec. 2-464. Conduct of board reviews.

(a) *Purpose*. The board may conduct reviews of information provided by the department, the director, and other sources to fulfill its oversight functions authorized under this article. The board's reviews are intended to provide a civilian-led perspective on department conduct and operations, grounded in objective evidence, and to serve as the basis for the findings, determinations, and recommendations issued pursuant to Sec. 2-466 of this article.

(b) *Matters subject to review*. The board may conduct reviews of any of the following:

(1) Internal affairs investigations, including the department's case file, investigative methodology, and resulting findings and disciplinary determinations;

(2) Department incidents, including use of force incidents, deaths or serious injuries of persons in custody, and other incidents identified in Sec. 2-454(b)(2) of this article;

(3) Audit reports prepared by the director pursuant to Sec. 2-463 of this article;

(4) Department policies, practices, procedures, and directives, whether existing or proposed;

(5) Department data, performance metrics, trends, and patterns identified through monitoring activities conducted pursuant to Sec. 2-462 of this article; or

(6) Any other matter within the scope of the board's authorized purpose regarding the conduct or operations of the department and department employees.

(c) *Information provided to the board*. The director shall prepare and present to the board materials necessary to conduct a review, which may include written summaries, relevant records provided by the department subject to the limitations of Sec. 2-458 and Sec. 2-459, data analyses, research, and any other information obtained through the oversight activities authorized under this article. The director shall present information in a manner that protects personal information and maintains the confidentiality requirements established in Sec. 2-458 of this article.

(d) *Evaluation and deliberation*. In evaluating matters under review, the board shall consider the totality of information available and shall base its findings, determinations, and recommendations on objective evidence. The board may consider any of the following in its deliberations:

(1) Records, data, and reports provided by the department through the director;

(2) The director's analysis, observations, and recommendations, including information obtained through monitoring and audit activities;

(3) Applicable department policies, general orders, training standards, and the disciplinary matrix;

(4) Applicable federal, state, and local law, including constitutional standards governing law enforcement conduct;

(5) Published research, professional standards, and best practices in law enforcement, including guidance from professional organizations such as the National Association for Civilian Oversight of Law Enforcement;

(6) Testimony or written statements from subject matter experts, community members, or other persons with relevant knowledge, received during a public meeting or hearing conducted pursuant to this article;

(7) Comparative practices of other law enforcement agencies; and

(8) Any other information the board determines to be relevant and reliable.

(e) *Standard of review*. The board shall evaluate the matters before it based on the reasonableness of the department's actions, decisions, and policies in light of the totality of the circumstances and the information available. The board's role is to provide an informed civilian assessment, not to substitute its judgment for the operational or tactical decisions of sworn personnel. Where the board disagrees with the department's findings, determinations, or actions, the board shall articulate specific reasoning supported by the evidence and information considered.

(f) *Department participation*. The board may request that the chief or a designee appear before the board during a review to present information, provide context, or respond to questions regarding the matter under review. Any such participation by department personnel shall be voluntary and shall not constitute a compelled statement for purposes of this article or applicable law. The board may also request written responses from the department on specific questions arising during the course of a review.

(g) *Public participation*. The board may receive public comment relevant to a matter under review during any public meeting in accordance with the board's operating procedures. The board may establish reasonable time limits and guidelines for public comment. Public comment received by the board may be considered as part of the board's deliberations but shall not be the sole basis for any finding, determination, or recommendation.

(h) *Procedures*. Reviews shall be conducted in accordance with the board's operating procedures, including a review manual adopted thereunder, which shall address scheduling and notice of reviews, the format for presentation of information to the board, procedures for deliberation and voting, and the documentation of the board's reasoning in support of its findings, determinations, and recommendations. All findings, determinations, recommendations, and any resulting resolutions of the board shall only be made by a majority vote of the board with an established quorum. Any portion of a review involving discussion or consideration of criminal investigative files, audit findings, or deliberations regarding police operations related to a specific complaint before the board, where the complaint involves an offense enumerated in Code of Virginia § 2.2-3711(A)(56), shall be conducted in closed session as authorized by that subdivision.

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

Sec. 2-465. Annual review of police budget and expenditures.

During the city manager's preparation of a proposed city budget, the budget office shall provide the director with annual expenditure estimates and future year projections for the department, itemized to the same level of detail as provided to the city manager. The estimates shall be presented to the board by the director. The board may review the estimates and may make budgetary recommendations to the city manager and to the city council during the annual budget process.

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

Sec. 2-466. Findings, determinations, recommendations, and public reporting.

(a) *Board outcomes*. Upon the completion of a review, audit, or other oversight activity authorized under this article, the board may, by majority vote, issue findings, determinations, recommendations, resolutions, or public reports. Any such outcome shall be issued within thirty (30) calendar days of the board's vote. All outcomes shall be released publicly in accordance with subsection (i) and shall conform to the board's operating procedures.

(b) *Outcomes related to review of internal affairs investigations*. Upon review of an internal affairs investigation conducted by the department, the board shall issue one of the following findings:

(1) The board concurs with the findings and determinations provided in the internal affairs case closure letter;

(2) The board does not concur with some or all of the findings and determinations provided in the internal affairs case closure letter and shall provide specific reasoning as to why the findings and determinations are not supported by the information reasonably available to the department; or

(3) The board finds that the investigation is incomplete or otherwise unsatisfactory and shall provide a detailed written explanation of the basis for such finding.

In review of any investigation in which the board issues a finding under subsection (b)(2) or (b)(3), the board may include determinations regarding systemic, policy, or procedural issues with the investigation and may make recommendations to the chief and to the city manager regarding further review, corrective action, or changes to investigative practices. Any resulting determinations or recommendations related to broader policies, practices, or procedures of the department, beyond the scope of the investigative process, shall be made in accordance with Sec. 2-466(d) and (e).

(c) *Outcomes related to department incidents*. Upon review of an incident involving the department or actions of department employees, the board shall issue one of the following findings:

(1) The incident does not merit a formal investigation;

(2) The incident merits a formal investigation conducted by the department's Office of Internal Affairs with monitoring by the director, and the board shall provide specific reasoning for this finding; or

(3) The board does not have enough relevant details about the incident to make a finding and may request additional information from the department or third parties before pursuing another review of the incident. The board, upon receiving such additional information, may determine no further review is necessary.

In review of any incident in which the board issues a finding under subsection (c)(2), the board may include determinations regarding systemic, policy, or procedural issues with the incident and may make recommendations to the chief and to the city manager regarding further review, corrective action, or changes to investigative practices related to incidents. Any resulting determinations or recommendations related to broader policies, practices, or procedures of the department, beyond the scope of the incident review, shall be made in accordance with Sec. 2-466(d) and (e).

(d) *Outcomes related to disciplinary policy and application*. Upon making a finding as the result of a review of an internal affairs investigation or incident, the board may issue determinations and recommendations regarding the department's disciplinary policy and its application, in a manner that protects personal information regarding identifiable employees against public disclosure and in accordance with the information access and limitations established in Sec. 2-458 and Sec. 2-459 of this article. Such recommendations may include:

(1) Proposed amendments to the department's disciplinary matrix or any related policies, practices, or procedures that had a direct impact on the disciplinary outcome under review; or

(2) A recommendation to the chief regarding the consistent application of disciplinary sanctions as established in department policy.

(e) *Outcomes related to audits, policies, practices, and procedures*. Upon board review of a completed audit conducted by the director, or a board review of department policies, practices, or procedures, the board may issue determinations, recommendations, or resolutions addressing identified patterns, trends, deficiencies, or opportunities for improvement. Determinations and recommendations may address changes to department policies, practices, procedures, training, resource allocation, equipment, or implementation of systems and technologies.

(f) *Hearings*. The board may hold public hearings to examine matters within the scope of its authorized purpose in greater depth than is afforded during regular public meetings. A hearing serves as a culminating oversight activity, drawing on the reviews, audits, and monitoring conducted under this article to develop the public record supporting

the findings, determinations, recommendations, and resolutions the board may issue under this section. Hearings shall be subject to the following provisions:

(1) *Purpose and scope*. A hearing may be convened by majority vote of the board to examine a specific policy, practice, procedure, pattern, trend, audit report, systemic concern, or other matter within the board's authority. A hearing shall not be convened for the purpose of adjudicating an individual complaint or incident of alleged misconduct, or for the purpose of making findings of misconduct against an identified department employee.

(2) *Participation*. The board may invite or receive participation from any of the following:

(i) Department representatives, including the chief or a designee, on a voluntary basis;

(ii) Members of the public with relevant knowledge or experience;

(iii) Subject matter experts, researchers, or professionals with expertise relevant to the hearing topic;

(iv) Representatives of community organizations, advocacy groups, or other public agencies; and

(v) Media representatives, for purposes of public transparency.

(3) *Evidence and testimony*. The board may receive and consider documentary evidence, data, research, written statements, and oral testimony relevant to the hearing topic. The board may exercise its subpoena authority as provided in Sec. 2-460 of this article to compel the production of records or evidence from the department, and to compel the attendance of witnesses or the production of records or evidence from third parties. The board shall not exercise its subpoena authority to compel the attendance of or any statement by an employee of the department but may request voluntary participation by the department in the proceedings.

(4) *Procedures*. Hearings shall be conducted in accordance with the board's operating procedures, including a hearing manual adopted thereunder, which shall address notice to the public, scheduling, order of proceedings, time allotments for participants, and the format for receiving evidence and testimony. All hearings shall comply with Virginia FOIA and limitations established in Sec. 2-458 and Sec. 2-459 of this article.

(5) *Hearing outcomes*. At the conclusion of a hearing, the board may issue determinations, recommendations, or resolutions in accordance with subsection (i). The director shall prepare a written summary of the hearing, including testimony received and evidence considered, which shall be included in or appended to the board's published findings.

(g) *Department response*. Within thirty (30) calendar days of receiving the board's findings, determinations, or recommendations issued under this section, the chief shall provide a written response to the board, the city manager, and the city council, as applicable, indicating acceptance, partial acceptance, or declination of such board outcomes with supporting rationale specific to address the board's stated reasoning and evidence for issuing each finding, determination, or recommendation. The chief's response shall be made available for public inspection.

(h) *Follow-up*. The director may conduct follow-up monitoring at reasonable intervals to assess the department's implementation of accepted recommendations by the board. The results of any follow-up monitoring shall be reported to the board and included in the office's annual report.

(i) *Public reporting*. All findings, determinations, recommendations, and resolutions issued by the board under this section shall be provided to the chief and the city manager, and shall be made available for public inspection, subject to applicable confidentiality protections and limitations of this article. When the director and chair of the board determine that an outcome has substantial relevance to matters of public policy, resource allocation, or systemic concern, such outcome shall also be provided to the city council. The director shall maintain a public record of all board outcomes issued under this section, including the department's written responses, and shall make such records accessible on the board's website.

(j) *Annual report*. Each calendar year, the director shall provide the board, the city manager, and city council with an annual report of activities conducted during the preceding calendar year. The report shall be published and made available for public inspection on or about June 1 of each year for the preceding year and shall include:

(1) Committees appointed and their actions;

(2) An overview of complaints and review requests received, including the number of complaints monitored, the number and content of audits conducted, the number of reviews conducted and any resulting outcomes, and the number of complaints deferred due to pending proceedings;

(3) Proposed amendments to department policies, practices, or procedures, and whether the department implemented them;

(4) The attendance by members of the board at public community listening sessions, community events, or other events which relate to the work of the board, including a summary of board actions or any public input and recommendations received;

(5) Other recommendations of the board regarding policing within the city;

(6) Training received by members of the board;

(7) Engagement in department collaboration in fulfillment of the board's oversight mandate; and

(8) Any other information necessary to provide an overview of board and office activities.

The board and the director may publish additional reports as deemed appropriate to provide transparency into oversight activities of the board and the office, including monthly and quarterly reports.

(k) *Legislative recommendations*. The board may make recommendations to the city council of any proposed changes in state law, for the council's consideration to include in its annual legislative program to present to the General Assembly.

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

Sec. 2-467. Alternative resolution.

(a) *Informal resolution*. Upon receiving a complaint or review request, the office may, before referring a complaint to the department or initiating a formal board review, offer the complainant information or referral to appropriate resources, including department programs, other city services, or community resources that may address the complainant's concerns. Any informal resolution shall be documented by the director and reported to the board. Nothing in this section shall prevent or discourage a complainant from filing or pursuing a formal complaint or review at any time, and the office shall inform the complainant of that right when offering informal resolution options.

(b) *Mediation and alternative dispute resolution*. If the department maintains a mediation or alternative dispute resolution program, the office may inform the complainant of the availability of such program as an option. Participation in any such program shall be voluntary for all parties. A complainant's decision not to participate in mediation or alternative dispute resolution shall not affect the complainant's right to pursue remedies under other sections of this article, including a formal complaint or review request.

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

Sec. 2-468. Community engagement.

The board and the director shall engage in regular community outreach and collaboration to seek the assistance and input of community members and to provide education, awareness, and guidance on policing matters. The board may host public community listening and discussion sessions regarding policing matters of pressing public concern, such as questions about transparency, availability, legitimacy, mutual respect and trust, and community safety and order. The board and the

director may also host or participate in public police-community relations meetings focused on topics such as the impacts of local policing on historically disadvantaged communities that currently experience or traditionally have experienced disparate policing.

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

Sec. 2-469. Board member training.

Each board member shall receive training, provided or facilitated by the director, within six (6) months of the member's appointment and every two (2) years thereafter. The training shall be consistent with the board's purpose, this article, and the board's operating procedures, and shall include, at a minimum:

(1) *NACOLE training.* At least four (4) hours of training using content from the National Association for Civilian Oversight of Law Enforcement, or a comparable professional organization.

(2) *City and department training.* At least two (2) hours of training or information:

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

(ii) Explaining department policies, practices, and procedures;

(iii) Describing the substance of police department personnel record-keeping;

(iv) Describing such other city policies, procedures, and systems relevant to the duties of the board; and

(v) Explaining the board's operating procedures and code of ethics.

(3) *Additional training*. As needed, the board may request additional relevant training by subject matter experts on subjects that may include mental health, trauma-informed policing, civil rights and constitutional law, race and racism, community outreach, mediation, investigation, and policing practices. The board may also request opportunities for ride-along experiences with the department and participation in the Community Police Academy. The director shall facilitate or provide this training as is feasible with available funding and other relevant considerations.

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

Sec. 2-470. Commendations for exceptional community service.

(a) *Purpose*. The board recognizes that effective oversight includes acknowledging excellence in policing. Commendations issued under this section are intended to highlight conduct by department employees that exemplifies the principles of equitable, constitutional, and community-oriented policing.

(b) *Bases for commendation*. The board may consider commendations for department employees based on any of the following:

(1) Conduct reflecting exceptional de-escalation, crisis intervention, or resolution of volatile situations in a manner that preserved the safety and dignity of all persons involved;

(2) Demonstrated commitment to community engagement, problem-solving, or relationship-building that has measurably strengthened trust between the department and the communities it serves;

(3) Actions taken to identify, report, or correct deficiencies in department policies, practices, or conduct that contributed to improved accountability or public safety outcomes;

(4) Performance during a critical incident, including life-saving actions, that demonstrated professionalism and adherence to department policy and training; or

(5) Other conduct that the board determines to be exemplary of the principles stated in subsection (a).

(c) *Sources of information*. The board may identify commendation-worthy conduct through any of the following:

(1) Written nominations from members of the public, provided that such nominations describe the specific conduct or incident forming the basis for the commendation;

(2) Information obtained by the director or the board in the course of performing oversight, audit, or review functions authorized under this article; or

(3) Data, reports, or records made available to the board in the ordinary course of the board's work.

(d) *Review and issuance*. Before issuing a commendation, the board shall verify, to a reasonable extent using information available to the board, that the conduct forming the basis for the commendation is supported by more than a single unsubstantiated assertion. The board may consult with the chief regarding the conduct of individual employees under consideration for recognition in accordance with this section. The board may issue public citations or other forms of recognition, by majority vote, to department employees whose conduct meets the criteria in subsection (b). The board shall notify the chief and the city manager of any commendation prior to its public issuance.

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

Secs. 2-471–2-479. Reserved.

Date Adopted: September 21, 2026

Certified: Kyna Thomas
Clerk of Council

	Aye	No
Fleisher	_x__	____
Oschrin	_x__	____
Payne	_x__	____
Snook	Absent	____
Wade	x	____

#R-26-138

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

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

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

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

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

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

Date Adopted: September 21, 2026

Certified: Kyna Thomas
Clerk of Council

	Aye	No
Fleisher	x	
Oschrin	x	
Payne	x	
Snook	Absent	
Wade	x	

#R-26-139

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

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

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

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

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

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

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

Fund	*SAP Expenditure Account(s)*	*Proposed Reduction(s)*
218	3914001000	-$55,000.00

Fund	*SAP Revenue Account(s)*	*SAP Account*	*Proposed Addition(s)*
218	1900737	FY27 BEACON Accessibility PY26	$55,000.00

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

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

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

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

Date Adopted: September 21, 2026

Certified: Kyna Thomas
Clerk of Council

	Aye	No
Fleisher	x	
Oschrin	x	
Payne	x	
Snook	Absent	
Wade	x	

#R-26-140

Resolution to Approve the 2026 IX Arts Foundation Accessibility Enhancements Planning Grant and to Appropriate Associated CDBG Funds, a Substantial Amendment to the City's 2026-27 Annual Action Plan, in the Amount of $25,000

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

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

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

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

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

Fund	*SAP Expenditure Account(s)*	*Proposed Reduction(s)*
218	3914001000	-$25,000

Fund	*SAP Revenue Account(s)*	*SAP Account*	*Proposed Addition(s)*
218	1900738	FY27 IX Arts PY26	$25,000

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

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

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

Date Adopted: September 21, 2026

Certified: Kyna Thomas
Clerk of Council

	Aye	No
Fleisher	x	
Oschrin	x	
Payne	x	
Snook	Absent	
Wade	x	

#R-26-142

Resolution to Temporarily Re-Allocate $1,000,000 from the Kindlewood Phase 3 Project to the Carlton Mobile Home Park Project

WHEREAS the Council of the City of Charlottesville's passed an ordinance on September 16, 2024 approving a forgivable loan to Piedmont Housing Alliance from which the loan proceeds were to be paid out annually (subject to appropriation) in an amount equivalent to the amount that will be paid by PHA in the given year; and

WHEREAS the amount appropriated as part of the City's FY 2027 budget was not sufficient;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of $1,000,000 is hereby reallocated as follows:

Transfer from:

Fund: 426 Funded Program: 1000021 GL Code: 599999

Transfer to:

Fund: 426 Funded Program: 1000049 GL Code: 599999

Date Adopted: September 21, 2026

Certified: Kyna Thomas
Clerk of Council

	Aye	No
Fleisher	_x__	____
Oschrin	_x__	____
Payne	_x__	____
Snook	Absent	____
Wade	x	____