



CITY COUNCIL AGENDA

September 6, 2022

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

4:00 PM OPENING SESSION

Register at www.charlottesville.gov/zoom. This portion of the meeting is held electronically in accordance with a local ordinance amended and re-enacted March 7, 2022, to ensure continuity of government and prevent the spread of disease during a declared State of Emergency. Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call (434) 970-3182 or submit a request via email to ada@charlottesville.gov. The City of Charlottesville requests that you provide a 48-hour notice so that proper arrangements may be made.

Call to Order/Roll Call

Agenda Approval

Reports

1. Report: Airport Authority update
2. Report: Youth JEDI (Justice, Equity, Diversity, and Inclusion) and Climate Justice Ambassadors report on public transportation
3. Report: Albemarle-Charlottesville Regional Jail update

5:30 PM CLOSED SESSION as provided by Sections 2.2-3711 and 2.2-3712 of the Virginia Code (Boards and Commissions)

6:30 PM BUSINESS SESSION

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

Moment of Silence

Announcements

Recognitions/Proclamations

- Recognition: Cyndi Richardson, recipient of the Dr. Fred Frese Crisis Intervention Team (CIT) People with Mental Illness Lived Experience of the Year Award by CIT International
- Proclamation: Dr. Alvin Edwards Day (*presented August 27*)
- Proclamation: Minority Business Alliance 10 year anniversary
- Proclamation: International Day of Democracy

Consent Agenda*

4. Minutes: June 21 Council meeting, August 1 Council meeting
5. Resolution: Refund of Business License Tax - \$5,719.45 (2nd reading)
6. Resolution: Virginia Homeless Solutions Program (V.H.S.P.) Grant Award - \$539,369 (2nd reading)

7. Resolution: Belmont Bridge Replacement Project – Appropriation of \$2,697,398 (2nd reading)
8. Ordinance: Amending City Code Section 30-6 to increase the threshold under which the City Treasurer may issue a refund for an erroneous assessment without direction from Council (2nd reading)
9. Resolution: United Way reimbursement of Community Resource Hotline Staff Costs - \$26,333.76 (1 of 2 readings)

City Manager Report

- Report: September update

Community Matters

Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration available for first 8 spaces; speakers announced by Noon on meeting day (9:00 a.m. sign-up deadline). Additional public comment at end of meeting. Public comment for the remaining 8 spaces will alternate between in-person and virtual speakers. Virtual participants can register in advance at www.charlottesville.gov/zoom.

Action Items

10. Public Hearing/Ord.: City Manager's Proposed Collective Bargaining Ordinance (1 of 2 readings)
11. Resolution: For consideration of ending the Locally-declared State of Emergency for COVID-19 (1 reading)
12. Resolution: Endorsing the application of the Albemarle Charlottesville Regional Jail Authority for a Community Based Corrections Plan Needs Assessment and Planning Study (1 reading)
13. Ordinance: Repealing Sec. 15-36 through Sec. 15-38 of the Charlottesville City Code to Eliminate Local Vehicle License Fees for Certain Motor Vehicles, Trailers, and Semi-Trailers (1 reading)
14. Resolution: Approval of the Fifth Amended Grant Agreement, Charlottesville Supplemental Rental Assistance Program (CSRAP) (1 reading)
15. Resolution: Appropriating \$675,000 in Charlottesville Supplemental Rental Assistance program (CSRAP) Funding (FY23) for use in acquisition of property (1 of 2 readings)
16. Resolution: Appropriating \$107,203.32 for Jefferson School African American Heritage Center Rent Agreement (1 of 2 readings)

General Business

Other Business

Community Matters (2)

Adjournment



Checking in with CHO

SEPTEMBER 2022

BY MELINDA CRAWFORD, CHIEF EXECUTIVE OFFICER

Who writes CHO's story?

CHO is operated by the Charlottesville-Albemarle Airport Authority, and this leadership was established pursuant to Chapter 390 of the Acts of the 1984 General Assembly and as amended in 1995 & 2003.



Advisory Joint Airport
Commission



Airport Authority
Board



752,452
Total Passengers Served
in FY-19

ENDING 6/30/19

Checking in with CHO | September 2022



02



The Seats Tell the Story



Pre-Pandemic

CHO's passenger traffic had grown 116% from 2009 to 2019. CHO was serving 2,300-2,500 daily passengers.

| 2019 | | DAILY AVG | |
|----------|--------|-----------|-------|
| Airline | Market | Depts | Seats |
| American | CLT | 8 | 481 |
| American | ORD | 2 | 100 |
| American | LGA | 2 | 88 |
| American | PHL | 2 | 100 |
| Delta | ATL | 5 | 310 |
| Delta | LGA | 2 | 100 |
| United | IAD | 2 | 100 |
| United | ORD | 2 | 100 |
| Total | | 25 | 1379 |

Early Pandemic

During the height of the pandemic, CHO served 40-200 daily passengers.

| JUNE 2020 | | DAILY AVG | |
|-----------|--------|-----------|-------|
| Airline | Market | Depts | Seats |
| American | CLT | 3 | 191 |
| | | | |
| | | | |
| | | | |
| Delta | ATL | 1 | 50 |
| | | | |
| | | | |
| United | IAD | 1 | 50 |
| | | | |
| | | | |
| Total | | 5 | 291 |

Mid-Pandemic

Traffic is returning & CHO is seeing more leisure travelers while serving 1,200-1,600 daily passengers.

| JUNE 2021 | | DAILY AVG | |
|-----------|--------|-----------|-------|
| Airline | Market | Depts | Seats |
| American | CLT | 6 | 323 |
| American | ORD | | |
| American | LGA | | |
| American | PHL | 2 | 93 |
| Delta | ATL | 3 | 218 |
| Delta | LGA | | |
| United | IAD | 2 | 93 |
| United | ORD | 1 | 50 |
| | | | |
| Total | | 14 | 777 |

Checking in with CHO | September 2022

03



How has CHO's Air Service Changed Since 2019?



DOWN 19% | A DIFFERENCE OF 266 SEATS

| JUNE 2019 | | DAILY PEAK DAY | |
|-----------|--------|----------------|-------|
| Airline | Market | Depts | Seats |
| American | CLT | 8 | 481 |
| American | ORD | 2 | 100 |
| American | LGA | 2 | 88 |
| American | PHL | 2 | 100 |
| Delta | ATL | 5 | 310 |
| Delta | LGA | 2 | 100 |
| United | IAD | 2 | 100 |
| United | ORD | 2 | 100 |
| Total | | 25 | 1379 |

| JUNE 27, 2022 | | DAILY PEAK DAY | |
|---------------|--------|----------------|-------|
| Airline | Market | Depts | Seats |
| American | CLT | 7 | 391 |
| American | ORD | | |
| American | LGA | 2 | 141 |
| American | PHL | | |
| Delta | ATL | 3 | 210 |
| Delta | LGA | 3 | 221 |
| United | IAD | 3 | 150 |
| United | ORD | | |
| Total | | 18 | 1113 |

Checking in with CHO | September 2022

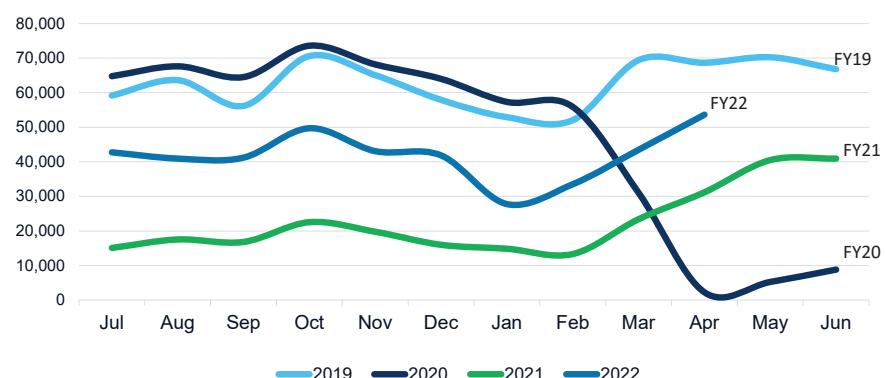
04

Annual Total Passengers

| Year | Total Passengers | % Change |
|------|------------------|----------|
| FY18 | 696,512 | |
| FY19 | 752,452 | 8% |
| FY20 | 563,131 | -25% |
| FY21 | 271,950 | -52% |
| FY22 | 508,000 est. | 87% |

Annual Total Passengers FY19 – FY22

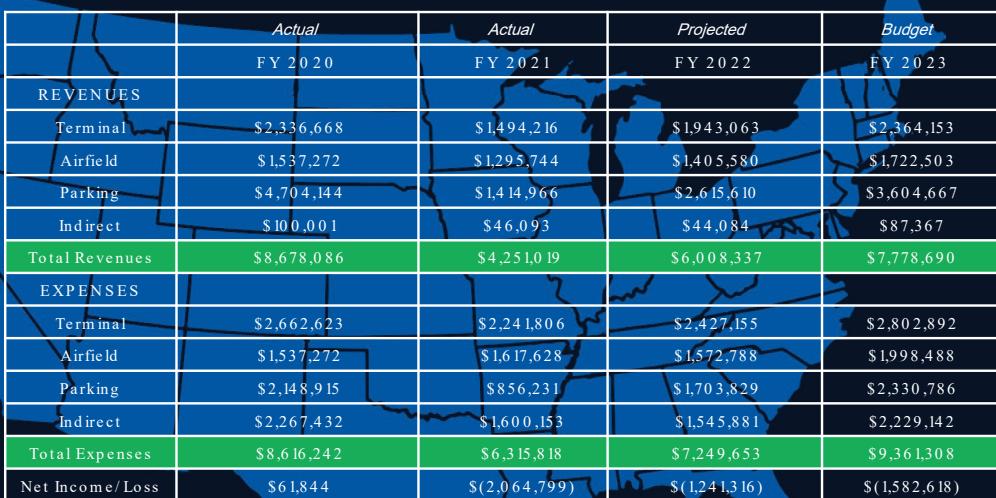
CHO'S FISCAL YEAR IS JULY 1 – JUNE 30



Checking in with CHO | September 2022

05

CHO's Operating Budget



| | Actual FY 2020 | Actual FY 2021 | Projected FY 2022 | Budget FY 2023 |
|-------------------------|--------------------|----------------------|----------------------|----------------------|
| REVENUES | | | | |
| Terminal | \$2,336,668 | \$1,494,216 | \$1,943,063 | \$2,364,153 |
| Airfield | \$1,537,272 | \$1,295,744 | \$1,405,580 | \$1,722,503 |
| Parking | \$4,704,144 | \$1,414,966 | \$2,615,610 | \$3,604,667 |
| Indirect | \$10,000 | \$46,093 | \$44,084 | \$87,367 |
| Total Revenues | \$8,678,086 | \$4,251,019 | \$6,008,337 | \$7,778,690 |
| EXPENSES | | | | |
| Terminal | \$2,662,623 | \$2,241,806 | \$2,427,155 | \$2,802,892 |
| Airfield | \$1,537,272 | \$1,617,628 | \$1,572,788 | \$1,998,488 |
| Parking | \$2,148,915 | \$856,231 | \$1,703,829 | \$2,330,786 |
| Indirect | \$2,267,432 | \$1,600,153 | \$1,545,881 | \$2,229,142 |
| Total Expenses | \$8,616,242 | \$6,315,818 | \$7,249,653 | \$9,361,308 |
| Net Income/ Loss | \$61,844 | \$(2,064,799) | \$(1,241,316) | \$(1,582,618) |

Checking in with CHO | September 2022

06

Who Takes Care of CHO's Passengers?

50 full-time and part-time Airport Authority employees



FOOD/ BEVERAGE/ RETAIL PROVIDER

Tailwind CHO LLC



FBO PROVIDER

Signature Flight Support

RENTAL CAR PROVIDERS



OTHER MEMBERS OF CHO'S GA COMMUNITY



07



What is CHO's Economic Impact to the Region?



The Virginia Department of Aviation's "2017 Economic Impact Study" indicated that CHO contributes to the region a Total Annual Economic Impact of:



2,239

Jobs



\$110M

in Wages

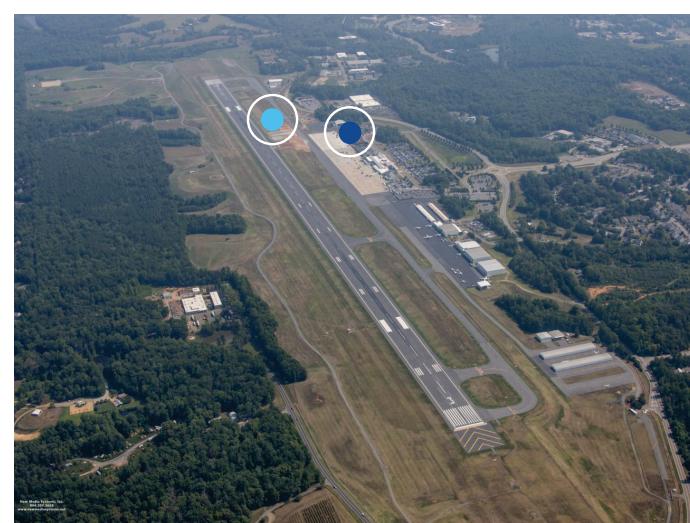
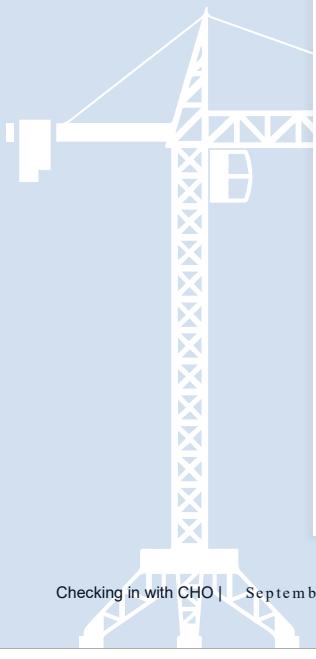


\$310M

in Economic Activity



CHO's Recently Completed Projects!



- Relocate Taxiway Echo
\$2.6 million
- Air Carrier Apron Expansion
\$9.7 million

Ongoing Projects at CHO



CHO PARKING PERSPECTIVE VIEW

Checking in with CHO | September 2022

II

Parking Elevators and Covered Walkways Project

As of June 7, 2022

Checking in with CHO | September 2022

I2



NORTH ELEVATOR AND CROSSWALK



SOUTH ELEVATOR AND CROSSWALK

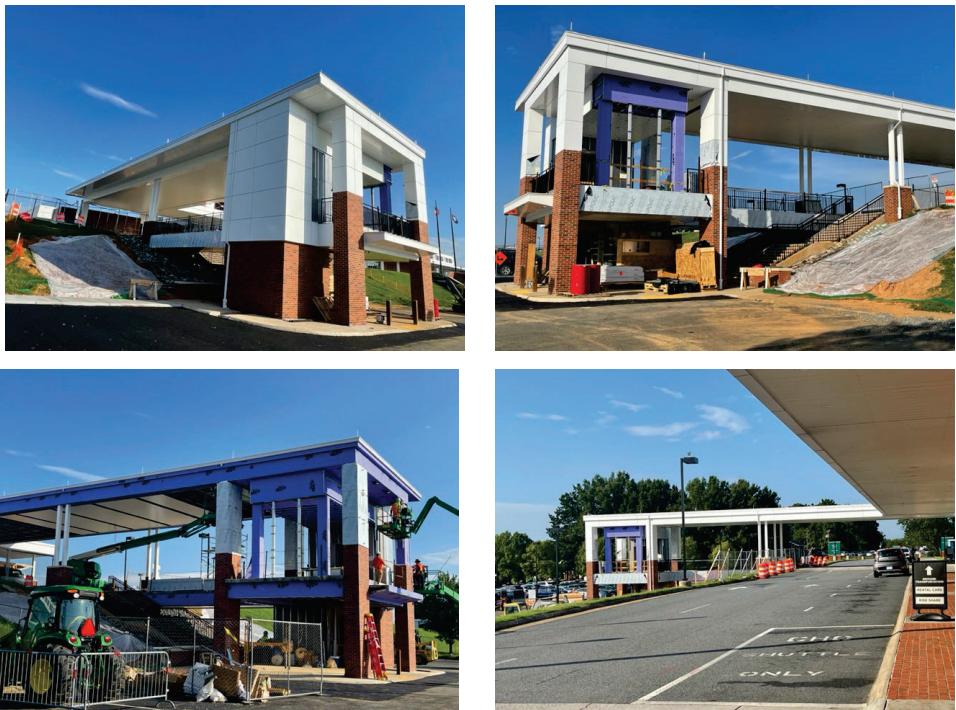


Parking Elevators and Covered Walkways Project

As of July 2022

Checking in with CHO | September 2022

13



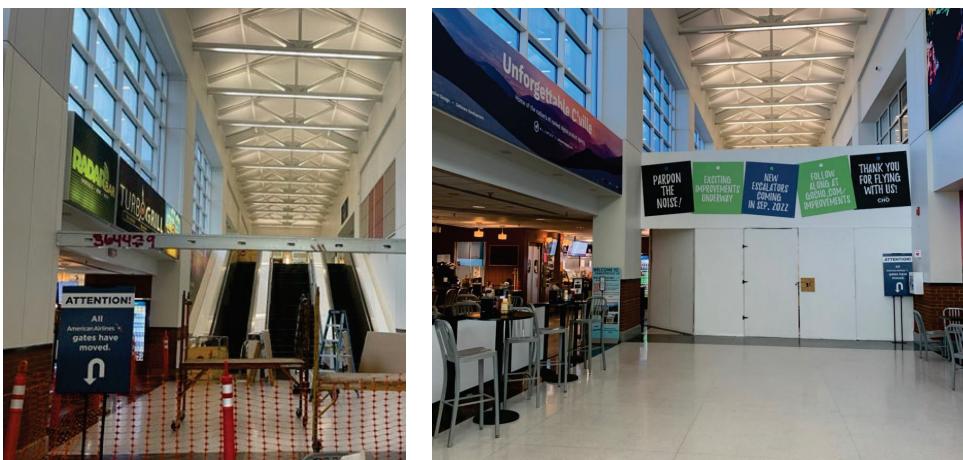
CHO's Escalator Project –

The Gate 5 Area
Closes and the
Wall Goes Up!



Checking in with CHO | September 2022

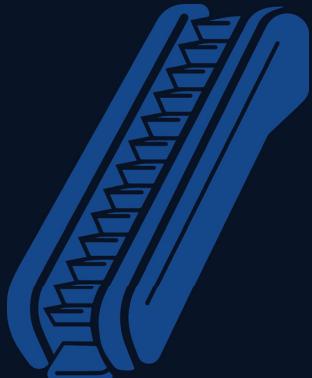
CHO
AIRPORT



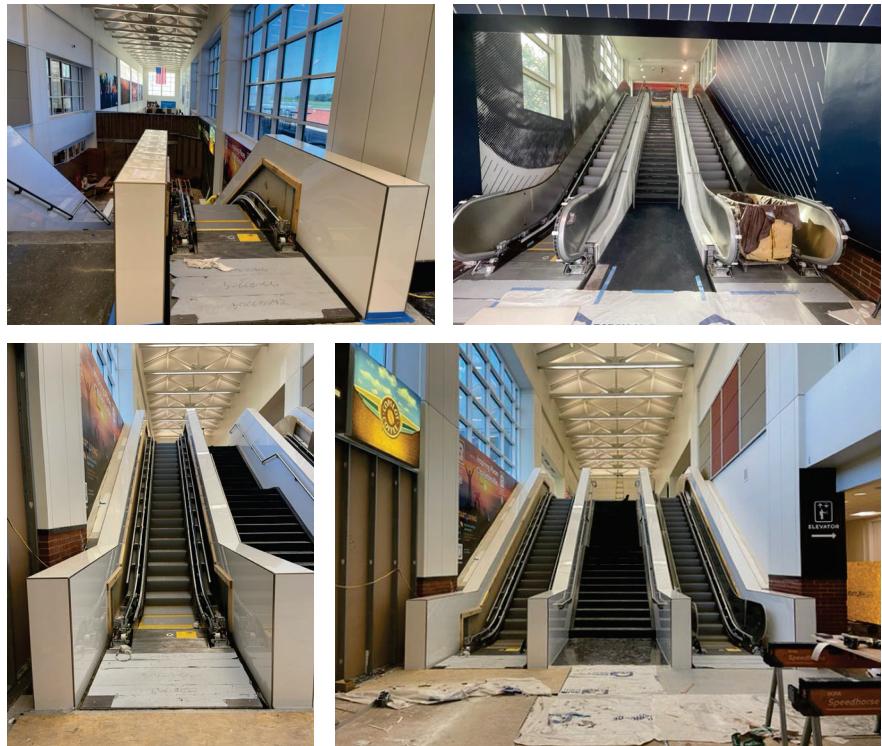
14



CHO's Escalator Project – the Work Continues



Checking in with CHO | September 2022



15



Other On-going & Future Projects at CHO!



On-Going Project: Terminal Area Plan Development

- Yellow circle: Future Sustainability Project: Conversion of All Airfield Lighting & Signage to LED
\$ 4.4 million
- Green circle: Future: Terminal Expansion Project
- Blue circle: Future: Construction of Multi-Level Parking Structure
- Light orange circle: Future: General Aviation Improvements

Checking in with CHO | September 2022

16



“A mile of highway
will take you a mile.
A mile of runway will
take you anywhere.”

AUTHOR UNKNOWN

Melinda C. Crawford, A.A.E
Chief Executive Officer
mcrawford@gacho.com

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



Agenda Date: September 6, 2022

Action Required:

Presenter: PHA/C3 JEDI Ambassadors

Staff Contacts: Victori Carter-Johnson - Piedmont Housing Alliance
Latricia Giles - The Climate Collaborative

Title: **Youth JEDI (Justice, Equity, Diversity, and Inclusion) and Climate Justice Ambassadors report on public transportation**

Background

Discussion

Alignment with City Council's Vision and Strategic Plan

Community Engagement

Youth-led community surveys

Budgetary Impact

Recommendation

Alternatives

Attachments

None

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



Agenda Date: September 6, 2022

Action Required: The Albemarle-Charlottesville Regional Jail will request council support through a resolution to be presented during the regular business meeting in support of the facility seeking approval and funding by the Virginia Board of Local and Regional Jails for the proposed future expansion and renovation of existing space as identified in the Community Based Plan Planning Study.

Presenter: Colonel Martin Kumer - ACRJ Superintendent

Staff Contacts: Michael Rogers, City Manager
Ashley Marshall, Deputy City Manager

Title: **Albemarle-Charlottesville Regional Jail update**

Background

The Albemarle-Charlottesville Regional Jail facility was created to provide secure confinement, at the local level, for local and state-responsible inmates, and to enhance the public safety and welfare within the region for the protection of its citizens. The regional jail is an intergovernmental partnership between the Counties of Albemarle and Nelson, and the City of Charlottesville.

Discussion

The facility opened in 1975 to combine the Albemarle County and Charlottesville City jails. In 1997, Nelson County became the third Jail member. In September 2020, the ACRJ Board was presented with the Facility Condition Assessment. Through that document, it was determined that there were several mechanical, HVAC, electrical, and plumbing issues related to the 1974 facility that needed to be addressed. In January 2021, the Board determined that due to that report a comprehensive plan should be developed to address all of the Jail's needs. The Board additionally decided to seek reimbursement from the state for 25% of the costs to address the identified concerns, it would have to conduct a Community Based Corrections Plan (CBCP). The plan, which is required for state reimbursement, also worked to determine the facility staff, inmates, and the community's needs. The CBCP was begun in March 2021 by Mosley Architects and completed in June 2021. In July 2021, the Board formally approved the Jail to contract with Mosley Architects to conduct a full CBCP and Community Engagement Plan, and from August 2021-September 2021 stakeholder interviews, public tours, and public engagement sessions were held. Information on the CBCP/Renovation and Expansion Plan was presented to all three partner jurisdictions in October 2021, and in December 2021 the Board approved a resolution authorizing Mosley Architects to submit the CBCP to the state Board of Local and Regional Jails for review as required to seek 25% reimbursement for the renovations. While the state Board of Local and Regional Jails has been presented with the CBCP they have yet to make a determination on ACRJ's CBCP presentation and approval/funding request at the time of this submission.

Alignment with City Council's Vision and Strategic Plan

Community Engagement

From August 2021-September 2021, the Albemarle-Charlottesville Regional Jail sought information and input from community stakeholders through interviews, public tours of the facility, and public engagement sessions. ACRJ also encourages community input during its monthly Board meetings through its public comment section.

Budgetary Impact

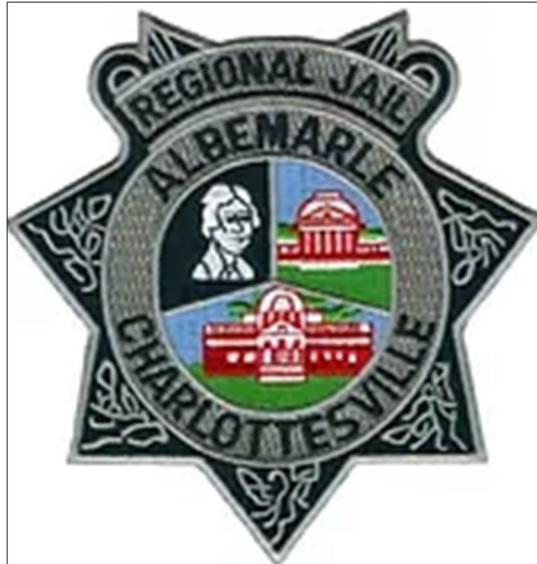
The total cost of the proposed project is \$49 million, and the proposed resolution before City Council is to seek State reimbursement for 25% or \$12.5 million of eligible costs to provide additional support to this project outside of locality contributions. There is no budgetary impact at this time should Council approve the proposed resolution. However, do note that the projected share of debt is provided on slide 14 of the presentation for the City of Charlottesville, and on slides 10 and 12 respectfully for the County of Albemarle and the County of Nelson.

Recommendation

Alternatives

Attachments

1. September2022_Revised Schedule for Jursdiction Funding



ALBEMARLE CHARLOTTESVILLE REGIONAL JAIL RENOVATION AND EXPANSION

SEPTEMBER 9, 2022

MARTIN KUMER, SUPERINTENDENT

BRIEF HISTORY OF THE JAIL

Current facility opened in 1975 to combine Albemarle County and Charlottesville City Jails

The facility's rated capacity increased to 209 after two additions in the 1990s

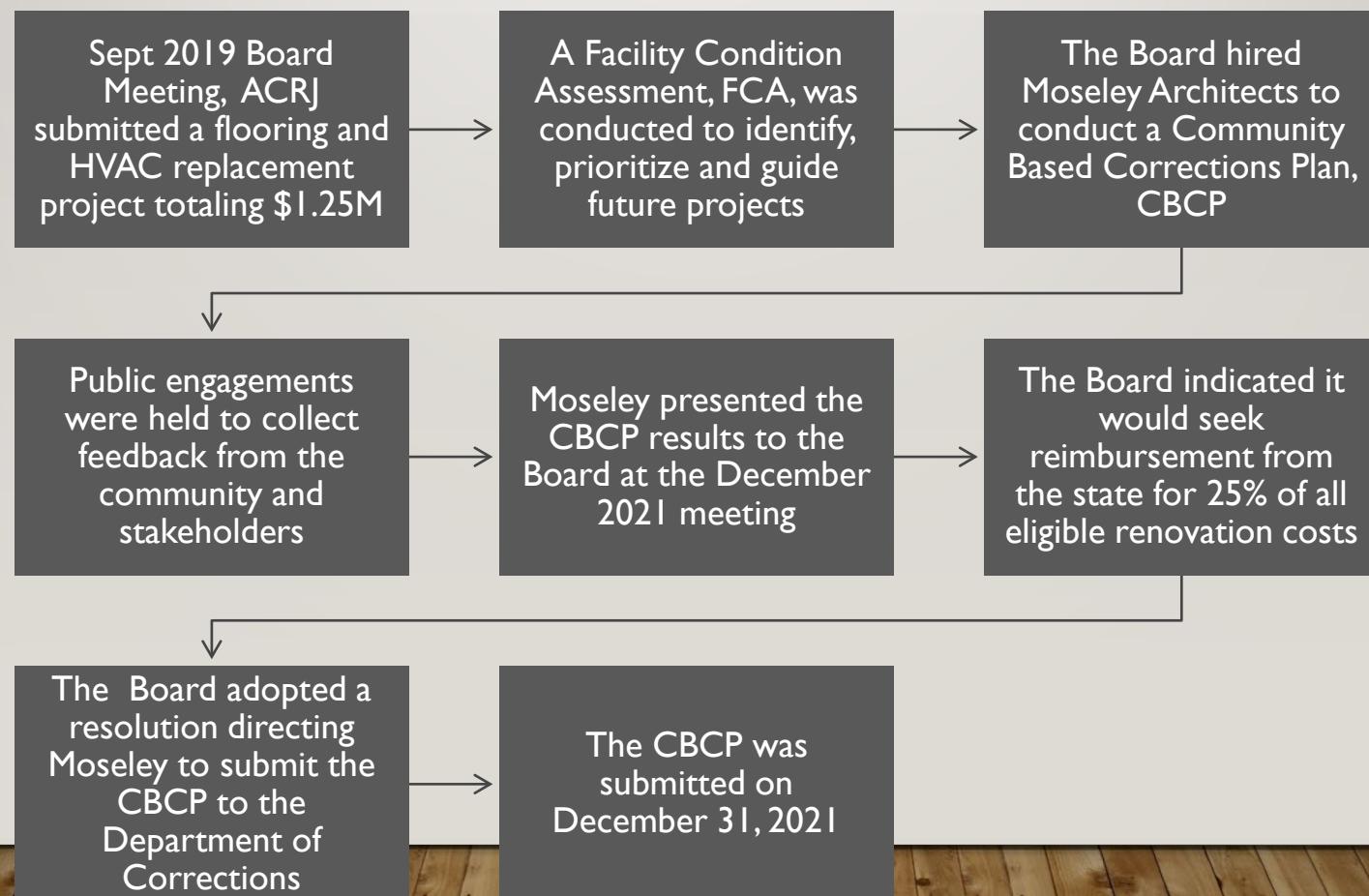
Nelson County became the third Jail member in 1997 and the final expansion was completed, in 2000, bringing capacity to 329

Average Daily Population, ADP, has been as high as 600 in 2008 and as low as 265 in January 2022; the January 2022 ADP is the lowest in 20 years

Current authorized staffing level is 161 employees

Renovation and expansion area is approximately 56,000 square feet and will be contained within the current facility's 152,900 square feet

HOW DID WE GET HERE



Facility Condition Assessment Findings

The facility requires significant upgrades and replacement to its HVAC, electrical systems and other major mechanical systems over the next 10 years. In addition to interior fixtures, lighting and security devices, etc. The FCA does not determine staff, inmate or public needs.

CBCP Needs Study Findings

There are no indications in the historical data that suggests the inmate population will increase substantially in the future. After reviewing various alternative forecast models, no models indicated an increasing inmate population. **The rated capacity will not be increased with the renovation.**

CBCP Planning Study Findings

Necessary improvements to the physical structure include but not limited to:

- Additional toilets and showers to comply with ADA and new building codes
- Redesign inmate housing areas that creates an environment that encourages mental and physical well-being
- A dedicated mental health and segregation unit that is conducive to improving an inmates mental health
- Replace major mechanical systems serving the original facility to improve climate control and air quality
- Additional inmate classroom and programming space
- Additional office space for staff
- A larger public visitation area that will meet the needs of the public and professional visitors.
- Additional security measures for staff and inmates

RENOVATION AND EXPANSION MEETS IDENTIFIED GOALS AND OBJECTIVES

Create a space conducive to inmate rehabilitation that reduces recidivism

- Use Trauma Informed Design, (sound deadening materials, stress reducing colors, natural sunlight) throughout the renovation and expansion
- Add classrooms and programming space
- Integrate Technology into the classrooms and housing areas

Heating, Ventilation and Air Conditioning

- Replace existing HVAC units with effective and efficient units
- Install an air filtration system effective against virus and bacteria
- Increase fresh air ventilation

Conservation of Resources

- Use efficient water conserving toilets, shower head and faucets
- Use natural daylight

RENOVATION IMPROVES QUALITY AND EXPERIENCE FOR ALL CONSUMERS

For Inmates

- Increase square footage per inmate in housing areas
- Apply Trauma Informed Design in housing areas
- Renovate inmate housing areas to create more privacy and security
- Create an additional outdoor recreation area
- Improved quality of social interaction with family – technology based and in-person visitation

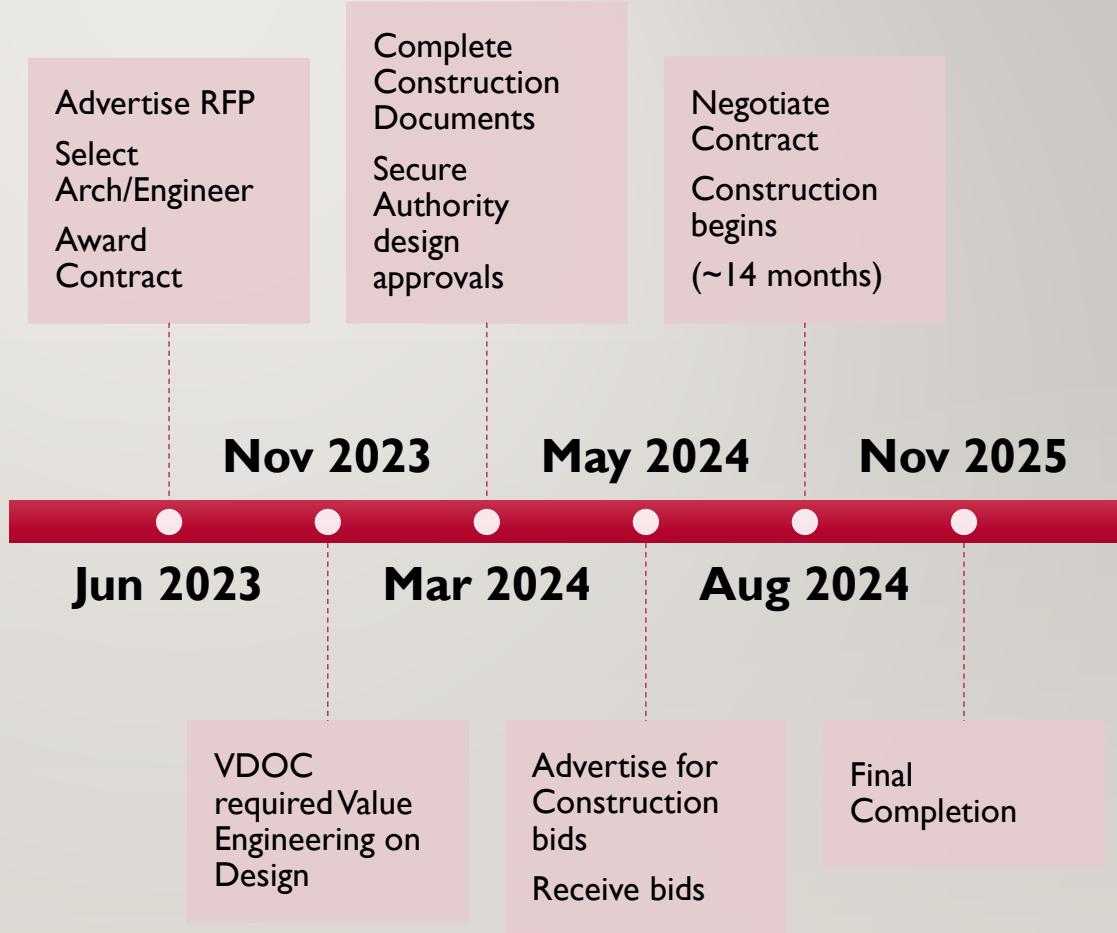
For Community and Stakeholders

- New customer service area for family and professional visitors to improve service quality
- Professional Visitation area with integrated technology

For Employees

- Incorporate improved safety and security measures
- Provide efficient work flow
- Apply Trauma Informed Design in staff work areas
- Create work environment for staff morale, mental and physical well-being

PROJECT PLANNING, DESIGN AND CONSTRUCTION SCHEDULE



OVERVIEW OF CURRENT COST ESTIMATES

| | |
|---------------------------------------------|--------------|
| Demolition and Renovation: | \$21,605,481 |
| New Construction: | \$17,148,118 |
| Other costs: | \$7,167,526 |
| Total Project Cost: | \$49,021,414 |
| Reimbursable (25% percent eligible costs) : | \$12,255,353 |
| Total Estimated Cost to Localities: | \$36,766,061 |

Share of Debt: Albemarle County

Davenport Public Finance is serving as the financial advisor for the renovation and expansion's Capital Funding Analysis

The analysis is based on the following assumptions:

- The project adheres to the schedule presented by Moseley Architects
- The total project cost of \$49 million
- The State reimburses 25% (12.5 million) of eligible costs
- Debt Service is allocated based on locality share of inmate days
- Debt is based on a 20-year bond at 4%
- Locality share remains constant, numbers below reflect current share

| | FY 23 | FY24 | FY25 | FY26 | FY27 | FY28 |
|--------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| Operational | \$4,362,432 | \$4,399,029 | \$4,435,933 | \$4,473,146 | \$4,510,672 | \$4,548,513 |
| Debt Service | 0 | \$72,727 | \$850,901 | \$850,901 | \$1,232,785 | \$1,233,151 |
| Total | \$4,362,432 | \$4,471,756 | \$5,286,834 | \$5,324,048 | \$5,743,457 | \$5,781,663 |

Share of Debt: City of Charlottesville

The analysis is based on the following assumptions:

- The project adheres to the schedule presented by Moseley Architects
- The total project cost of \$49 million
- The State reimburses 25% (12.5 million) of eligible costs
- Debt Service is allocated based on locality share of inmate days
- Debt is based on a 20-year bond at 4%
- Locality share remains constant, numbers below reflect current share

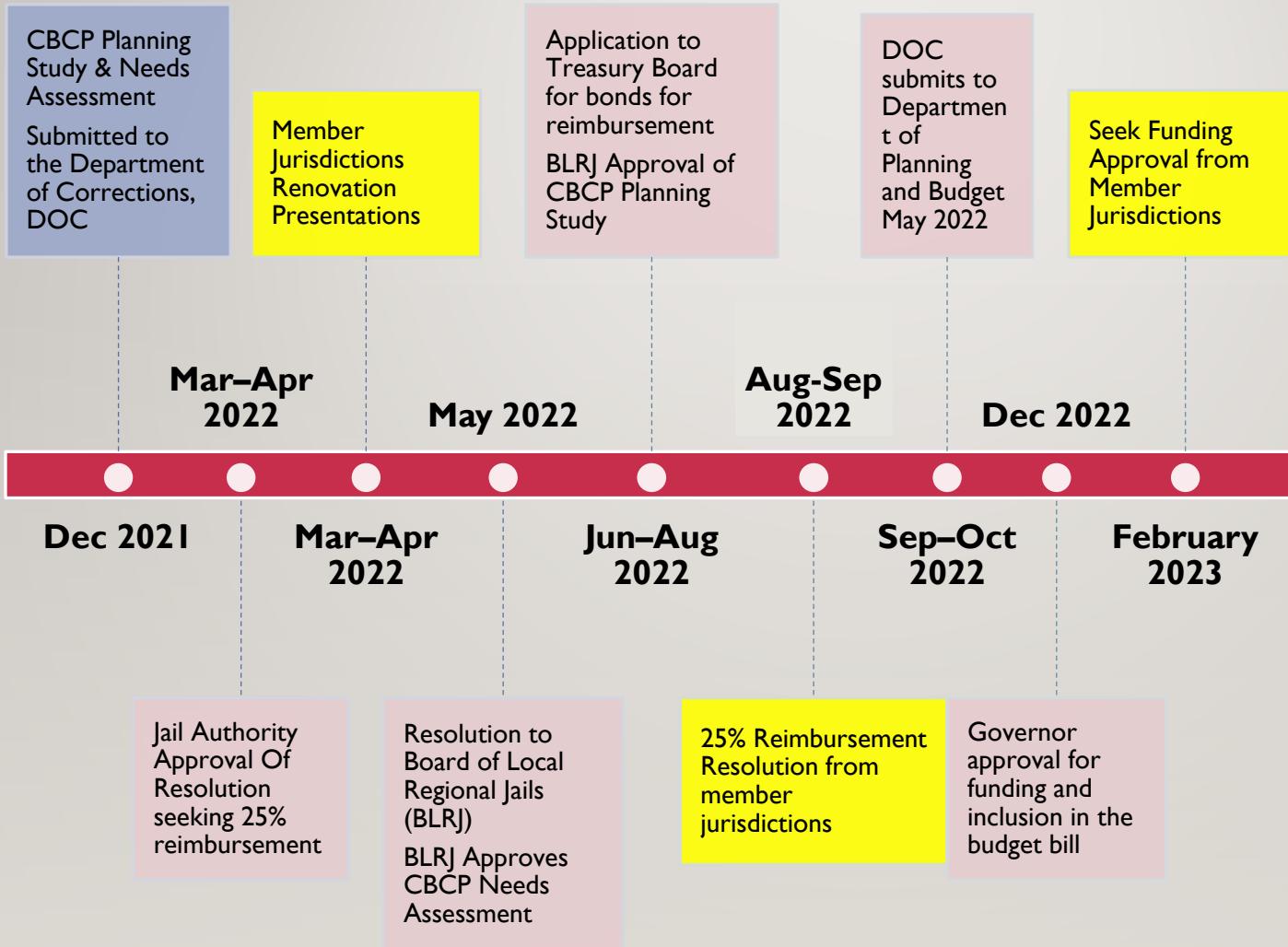
| Charlottesville | FY 23 | FY24 | FY25 | FY26 | FY27 | FY28 |
|-----------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| Operational | \$3,936,107 | \$3,969,127 | \$4,002,425 | \$4,036,002 | \$4,069,860 | \$4,104,003 |
| Debt Service | 0 | \$65,619 | \$767,746 | \$767,746 | \$1,112,309, | \$1,112,639 |
| Total | \$3,936,107 | \$4,034,747 | \$4,770,171 | \$4,803,747 | \$5,182,169 | \$5,216,642 |

Share of Debt: County of Nelson

The analysis is based on the following assumptions:

- The project adheres to the schedule presented by Moseley Architects
- The total project cost of \$49 million
- The State reimburses 25% (12.5 million) of eligible costs
- Debt Service is allocated based on locality share of inmate days
- Debt is based on a 20-year bond at 4%
- Locality share remains constant, numbers below reflect current share

| Nelson | FY 23 | FY24 | FY25 | FY26 | FY27 | FY28 |
|--------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| Operational | \$1,238,915 | \$1,249,308 | \$1,259,789 | \$1,270,358 | \$1,281,015 | \$1,291,761 |
| Debt Service | 0 | \$20,654 | \$241,653 | \$241,653 | \$350,106 | \$350,210 |
| Total | \$1,238,915 | \$1,269,962 | \$1,501,442 | \$1,512,010 | \$1,631,121 | \$1,641,972 |



KEY DECISION POINTS

QUESTIONS

CITY OF CHARLOTTESVILLE



PROCLAMATION

DR. ALVIN EDWARDS DAY AUGUST 27, 2022

WHEREAS for forty-one years, Dr. Alvin Edwards has served as Senior Pastor of Mount Zion First African Baptist Church in Charlottesville, shepherding hundreds of parishioners over the years; and

WHEREAS for forty-one years Dr. Edwards has been a "Man in his Time," leading Charlottesville and his congregation with knowledge and understanding; and

WHEREAS Dr. Edwards has served the City of Charlottesville faithfully as a member of City Council and as Mayor; as a member, and Chair of, the Charlottesville School Board; as Chaplain for the Charlottesville Fire Department; and as a member of the Charlottesville Clergy Collective, the African-American Pastor's Council, and the Charlottesville Community Celebration of MLK Day, as well as many other boards and committees; and

WHEREAS for forty-one years Dr. Edwards has been preaching inspiring sermons to equip members of the community for service impacting the social and moral fiber of Charlottesville and surrounding communities; and

WHEREAS Dr. Edwards has served as a teacher for the National Baptist Congress for Christian Education, as well as the Lecturer in the Youth Division, and as a Christian Education Consultant for the Progressive National Baptist Convention; and

WHEREAS many of his congregants and personal contacts have gone on to become ministers, educators and social activists in Charlottesville and beyond; and

WHEREAS Dr. Edwards has been recognized as an outstanding pastor, educator and leader, having received numerous awards including: Xi Iota Chapter Omega Man of the Year, Omega Psi Phi Fraternity, Inc.; and Multiple Sclerosis Person of the Year. Dr. Edwards currently serves on the Commonwealth of Virginia Board of Medicine and the National Baptist Convention, USA, Inc. as general secretary; and

WHEREAS Dr. Alvin Edwards is a devoted husband to his wife Barbara and a loving father to Alvin, Brianna, Isaac and Brittany;

NOW, THEREFORE, BE IT RESOLVED that as he celebrates forty-one years of pastoral and community service, the Charlottesville City Council wishes to express deep gratitude to Dr. Alvin Edwards for his lifetime of dedication to his beloved community, and we ask all those hearing this proclamation to express to Dr. Edwards just how much they appreciate his service; and

BE IT FURTHER RESOLVED that the Charlottesville City Council hereby proclaims August 27, 2022 as **Dr. Alvin Edwards Day** in the City of Charlottesville.

Signed and sealed this 27th day of August 2022.

J. Lloyd Snook, III, Mayor



CITY OF CHARLOTTESVILLE



PROCLAMATION

Minority Business Alliance of the Charlottesville Regional Chamber of Commerce 10th Anniversary

WHEREAS, on January 3, 2012, the Minority Business Alliance was officially launched as an affinity group of the Charlottesville Regional Chamber of Commerce; and

WHEREAS, the Minority Business Alliance was birthed out of the City of Charlottesville Dialogue on Race community-wide discussions held 2009-2010; and

WHEREAS, the Minority Business Alliance includes a diverse group of longtime and emerging business professionals and leaders working collaboratively to support, promote and grow minority-owned businesses in Greater Charlottesville; and

WHEREAS, the Minority Business Alliance offers member investment benefits that include professional development and training, dynamic educational sessions, networking and resource connections, and competitive funding opportunities; and

WHEREAS, since 2020, the Minority Business Alliance has awarded more than \$106,000 to the minority business community: \$10,000 to 10 MBA members from the MBA Endurance Fund, and almost \$100,000 in grants to MBA members and other Black and Brown existing and emerging business owners through the United Way of Greater Charlottesville Minority Business Grant Opportunity; and

WHEREAS, being known for establishing strategic partnerships, MBA has leveraged more than 25 local, state and national business and nonprofit partners to expand community wealth building, including premier partnerships with United Way of Greater Charlottesville and C'Ville Weekly;

NOW, THEREFORE, BE IT RESOLVED THAT the Council of the City of Charlottesville hereby proclaims September 9, 2022 as **Minority Business Alliance Day** in celebration of this milestone year.

Signed and dated this 6th day of September 2022.

J. Lloyd Snook, III, Mayor

CITY OF CHARLOTTESVILLE



PROCLAMATION

Recognizing September 15, 2022 as International Day of Democracy

WHEREAS the United Nations observes the 15th of September as the **International Day of Democracy** to promote the principles of democracy and to raise public awareness of Universal Human Rights; and

WHEREAS the Universal Declaration of Human Rights emphasizes that the will of the people, expressed through universal and equal suffrage, is the basis for the authority of government; and

WHEREAS the Universal Declaration of Human Rights recognizes that the right to participate fully and equally in the political system is crucial to the advancement of all human rights, including the rights to:

- Democratic governance, the rule of law, social inclusion, and economic development,
- Empowerment of individuals and groups to eliminate discrimination and marginalization,
- Peaceful assembly and association,
- Freedom of opinion and expression, and
- Access to information and education; and

WHEREAS on the **International Day of Democracy** we are called to review the state of our democracy, promote its principles for the protection and effective realization of human rights, and create an environment for greater citizen participation, equality, security, and development; and

WHEREAS we recognize that in 2022, these basic principles of democracy are under attack in the United States and around the world;

NOW, THEREFORE, we, the City Council of Charlottesville, Virginia, hereby recognize and celebrate the 15th day of September 2022 as the **International Day of Democracy**, to remind us all of the need to work to protect the democratic principles by which the freely expressed will of the people forms the basis of our government in this great country.

Signed and sealed this 6th day of September 2022.

J. Lloyd Snook, III, Mayor

CHARLOTTESVILLE CITY COUNCIL MEETING

June 21, 2022 at 4:00 PM

In person: Council Chamber, 605 E. Main Street

Virtual/electronic: Zoom

The Charlottesville City Council met in an electronic meeting on Monday, June 21, 2022, in accordance with a local ordinance amended and re-enacted on March 7, 2022, to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency. Mayor Lloyd Snook called the meeting to order at 4:05 p.m. and Deputy Clerk of Council Maxicelia Robinson noted the following councilors present: Sena Magill, Michael Payne, Brian Pinkston, Mayor Lloyd Snook, and Vice Mayor Juandiego Wade.

On motion by Pinkston, seconded by Wade, Council voted unanimously to approve the agenda, moving Item #10, Resolution “Reconstituting the Charlottesville Planning Commission and appointing or reappointing its members for staggered terms” to a future Council meeting.

REPORTS

1. Presentation: City-owned properties

City Redevelopment Manager, Brenda Kelley, gave a presentation identifying the number of City-owned and jointly owned parcels located within the City and Albemarle County. Ms. Kelley explained the current challenges of managing these properties and made the following recommendations for Council approval:

- (1) Develop a standard process to address acquisition and disposition of various types of properties appropriately.
- (2) Identify a departmental staff Point of Contact for those properties that require maintenance.
- (3) City staff will identify properties that may be developable. Staff will have further discussion on the usage, restrictions, etc. of each of the City-owned properties.

Councilors expressed their desire for improved management of City-owned properties, including the development of a land use ownership policy and a standard renter's lease for City-owned spaces. Deputy City Manager of Operations, Sam Sanders acknowledged that the City Manager's office is pursuing a partnership with the Piedmont Land Trust in his response to Councilor Payne's query about a City Land Bank. Mr. Sanders summarized the process for the development of a City Land Bank, highlighting the establishment and funding of the Land Bank. The City Manager's office will provide a follow-up report(s) to Council to determine next steps for the City's land use.

2. Presentation: Rivanna Water and Sewer Authority Central Water Line Project Update

Executive Director of the Rivanna Water and Sewer Authority, Bill Mawyer, reported on the Community Water Supply Plan and provided an overview of the Central Water Line Project. The Scope of the Project is the construction of a five-mile water transmission main to be installed under existing City streets in a segmented process in the central corridor of the City. Construction is scheduled to take place from 2024 to 2028. The City's total cost of the Central Water Line Project is 48% of the debt service fee for the Service Authority.

Mr. Mawyer presented an analysis of five alternate routes for the Water Line Project. Due to the disadvantages identified in each of the alternate routes, Mr. Mawyer recommended the central corridor of the City as the optimal location for the construction of the project.

CLOSED SESSION (Boards and Commissions; legal consultation)

On motion by Wade, seconded by Pinkston, Council voted 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none;) to meet in closed session as authorized by Virginia Code Section 2.2-3711(A)(1), (A)(7) and (A)(8), for consideration of: appointments by Council to the City's planning commission and other boards and commissions; legal consultation regarding compliance with requirements of Va. Code 15.2-2212 and related ordinances and resolutions; to discuss various pending litigation matters.

On motion by Wade, seconded by Magill, Council certified by the following vote: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none), that to the best of each Council member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed or considered in the closed session.

BUSINESS SESSION

Having established a quorum, City Council began the business meeting with a moment of silence.

ANNOUNCEMENTS

Mayor Snook announced the Charlottesville Scholarship Program fundraising campaign. He also announced the postponement of the Planning Commission appointments to July 18.

RECOGNITIONS/PROCLAMATIONS

- **PROCLAMATION: OLLI at UVA Month**

Mayor Snook proclaimed July as OLLI at UVA Month. Genevieve Baer, Taylor Strauss, and Marian Brown accepted the proclamation with remarks.

- **PROCLAMATION: Pride Month**

Councilor Magill proclaimed June 2022 as Pride Month.

BOARD/COMMISSION APPOINTMENTS

On motion by Payne, seconded by Magill, Council by the following vote APPROVED the following Boards and Commissions appointments: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: None).

- **Historic Resources Committee** – Sally Duncan, Laura Knott
- **Jefferson-Madison Regional Library Board** – Lisa Woolfork
- **Region Ten Community Services Board** – Richard Stott
- **Police Civilian Oversight Board** – Dashad Cooper

- **Retirement Commission** – Ben Cullop, Al Elias, Scott Hendrix, Lindsay Ideson
- **Sister Cities Commission** – Alicen Brown, Claire Denton-Spalding, Michael Grinnell, Edward Herring, Sylvia New Strawn
- **Youth Council** – Josephine Fischman

CONSENT AGENDA*

Deputy Clerk Maxicelia Robinson read the following Consent Agenda items into the record:

3. MINUTES: April 4 Council meeting, April 7 budget work session, April 12 special meeting, corrected minutes from February 1, 2021
4. RESOLUTION: Appropriating the amount of \$15,000 to be expended for the Local Emergency Management Performance Grant (2nd reading)

RESOLUTION

Appropriating the amount of \$15,000 to be expended for the Local Emergency Management Performance Grant (LEMPG)

WHEREAS, the City of Charlottesville has received funds from the Virginia Department of Emergency Management in the amount of \$7,500 in federal pass-through funds;

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

WHEREAS, the City of Charlottesville will be required to provide matching funds (\$7,500) and that amount is available within the Citywide Reserve;

WHEREAS, the total funds, in the amount of \$15,000, will be used to support the update and finalization of an enterprise continuity of operations plan (COOP);

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$7,500, be received as grant funding and the sum of \$7,500, be allocated from citywide reserves and be appropriated in the following manner:

Revenues – \$15,000

| | | | |
|---------|-----------|-------------------------|---------------------------------------|
| \$7,500 | Fund: 209 | Internal Order: 1900471 | G/L: 430120 State/Fed pass thru |
| \$7,500 | Fund: 209 | Internal Order: 1900471 | G/L: 498010 Transfer from Other Funds |

Expenditures – \$15,000

| | | | |
|----------|-----------|-------------------------|----------------------|
| \$15,000 | Fund: 209 | Internal Order: 1900471 | G/L: 599999 Lump Sum |
|----------|-----------|-------------------------|----------------------|

Transfer Sender - \$7,500

| | | | |
|---------|-----------|-------------------------|--------------------------------------|
| \$7,500 | Fund: 105 | Cost Center: 1631001000 | G/L: 561209 Transfer to State Grants |
|---------|-----------|-------------------------|--------------------------------------|

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$7,500 from the Virginia Department of Emergency Management.

5. ORDINANCE: Amending and reordaining Chapter 31 (Utilities) of the Code of the City of Charlottesville, 1990, as amended, to establish new utility rates and service fees for City gas, water and sanitary sewer (2nd reading)

AN ORDINANCE AMENDING AND REORDAINING CHAPTER 31 (UTILITIES) OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, TO ESTABLISH NEW UTILITY RATES AND SERVICE FEES FOR CITY GAS, WATER AND SANITARY SEWER.

6. RESOLUTION: Approving Community Development Block Grant 2020-2021 reprogramming of the Ridge Street Priority Neighborhood fund

RESOLUTION

The FY 2020-2021 CDBG Action Plan Amendment to Reprogram the Community Development Block Grant Ridge Street Priority Neighborhood Taskforce Traffic Calming Project Funds for Expenditure of CDBG Funding on or before June 30, 2022.

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

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

WHEREAS the Consolidated Plan is implemented during the coverage period through certain “Action Plans”, including the “FY 2020-2021 Action Plan” previously approved by resolution of City Council on May 3, 2021; and

WHEREAS within the FY2020-2021 Action Plan the Charlottesville Ridge Street Priority Neighborhood was selected as a designated priority neighborhood for CDBG funding from the City, in the amount of \$85,830, to plan neighborhood improvement activities in the City of Charlottesville within the Ridge Street Priority Neighborhood, with a target of June 30, 2022 for expenditure of the funding in accordance with the approved project; and

WHEREAS the 10th and Page Kennon Williams Design services is requesting a modification of their approved project, in order to satisfy outstanding design costs for the Jenkins Park, while allowing for the timely expenditure of all awarded funding by June 30, 2022 (“contingency plan”), and federal regulations specify that this type of modification must be approved by City Council as a minor amendment of the City’s FY2020-2021 Action Plan (“Minor Amendment of the FY2020-2021 Action Plan”); and

WHEREAS the requested Minor Amendment of the FY2020-2021 Action Plan does not make any change to the amount of CDBG funding previously approved for the Ridge Street Priority Neighborhood; and

WHEREAS this Council is satisfied by the information presented within the staff report, that the proposed Minor Amendment of the FY2020-2021 Action Plan has been brought forward in accordance with the approved citizen participation plan, as required by City Code §2-419(10); now, therefore

BE IT RESOLVED that the Charlottesville City Council hereby approves a Minor Amendment of the City's FY2020-2021 Action Plan, to authorize the Reprogramming of Ridge Street Priority Neighborhood Traffic Calming funds, which will assist the Charlottesville 10th and Page in meeting CDBG timeliness goals in accordance with federal regulations set forth at 24 CFR 570.902.

7. RESOLUTION: Approving Community Development Block Grant – HOME Program 2022-2023 minor budget agreements
 - a. RESOLUTION: Amending HOME Investment Partnership accounts FY 2022-2023

**RESOLUTION
AMENDING HOME INVESTMENT PARTNERSHIPS PROGRAM ACCOUNTS
FY 2022-2023**

WHEREAS, Council has previously approved the appropriation of certain sums of federal grant receipts to specific accounts in the HOME Investment Partnerships Program (HOME) funds on June 6, 2022; and

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that appropriations made to the following expenditure accounts in the HOME fund are hereby reduced or increased by the respective amounts shown, and the balance accumulated in the Fund as a result of these adjustments is hereby appropriated to the respective accounts shown as follows:

| Fund | Account Code | Purpose | Proposed Revised Reduction | Proposed Revised Addition | Proposed Revised Appropriation |
|------|--------------|--------------------------------|----------------------------|---------------------------|--------------------------------|
| 210 | 1900463 | HOME Match | | \$2,225.31 | \$23,369.53 |
| 210 | 1900463 | LEAP Assisted Home Performance | | \$8,901.25 | \$93,478.13 |
| | | | | | |
| | | | | | |
| | | TOTALS: | | | |

b. RESOLUTION: Amending Community Development Block Grant accounts FY 2022-2023

**RESOLUTION
AMENDING COMMUNITY DEVELOPMENT BLOCK GRANT ACCOUNTS
FY 2022-2023**

WHEREAS, Council has previously approved the appropriation of certain sums of federal grant receipts to specific accounts in the Community Development Block Grant (CDBG) funds on June 6, 2022; and

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that appropriations made to the following expenditure accounts in the CDBG fund are hereby reduced or increased by the respective amounts shown, and the balance accumulated in the Fund as a result of these adjustments is hereby appropriated to the respective accounts shown as

| Fund | Account Code | Purpose | Proposed Revised Reduction | Proposed Revised Addition | Proposed Revised Appropriation |
|------|--------------|--------------------------------------|----------------------------|---------------------------|--------------------------------|
| 218 | 1900464 | Ridge ST Priority Neighborhood | \$7,981.82 | | \$178,394.34 |
| 218 | 1900465 | CIC Microenterprise Scholarships | \$1,070.66 | | \$23,929.34 |
| 218 | 1900466 | LEAP Workforce Development | \$1,290.36 | | \$28,839.64 |
| 218 | 1900467 | PHAR Resident Involved Redevelopment | \$1,606.42 | | \$35,903.90 |
| 218 | 1900468 | LVCA Workforce Tutoring | \$1,178.17 | | \$26,332.15 |
| 218 | 1900469 | LEAP Solar Maintenance | \$1,723.77 | | \$38,526.23 |
| 218 | 3914001000 | Administrative and Planning | \$3,712.80 | | \$82,981.40 |
| | | TOTALS: | | | \$414,907 |

8. ORDINANCE: Authorizing encroachment of a building constructed on property at 1622 East Market Street

**ORDINANCE AUTHORIZING ENCROACHMENT OF A BUILDING
CONSTRUCTED ON PROPERTY IDENTIFIED ON CITY TAX MAP 56 AS
PARCEL 117 HAVING THE ADDRESS OF 1622 EAST MARKET STREET**

9. ORDINANCE: Authorizing encroachment of a building constructed on property identified on tax map 30 as parcel 24 at the corner of Delevan Street and an unnamed 12-foot alley, together referred to as 301 7th Street SW

**ORDINANCE AUTHORIZING ENCROACHMENT OF A BUILDING
CONSTRUCTED ON PROPERTY IDENTIFIED ON CITY TAX MAP 30 AS
PARCEL 24 AT THE CORNER OF DELEVAN STREET AND AN UNNAMED 12-FOOT ALLEY**

10. RESOLUTION: Reconstituting the Charlottesville Planning Commission and appointing or reappointing its members for staggered terms (1 reading)

This item was removed during adoption of the meeting agenda.

11. RESOLUTION: Establishing a pool of funds in the amount of \$50,000, to be used for payment of refunds to licensed City businesses engaged in the same business activity as that considered by the Virginia Supreme Court on June 9, 2022 in Record Number 210414 (carried)

Mayor Snook opened the floor for public comment on the Consent Agenda.

- Tony Winter, owner of 1622 E. Market Street, requested Council's approval of Consent Agenda item #8.

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

CITY MANAGER REPORT

Interim City Manager Michael Rogers introduced the 4th Quarter budget report. He reported an approximately 14-million-dollar projected revenue surplus caused by increased tax collections and decreased expenditures. Mr. Rogers announced that the Department of Neighborhood Development continues to have a high number of job vacancies and that University of Virginia will provide staffing to assist the City in executing building permits and inspections through the fall. He noted concerns for improvements to the Downtown Mall and stated that there would be an upcoming report to Council regarding the matter.

Krisy Hammill, Budget Director, reported that increased personal property tax collections for the first half of 2022 and meals, lodging and sales taxes have contributed to the surplus. She noted that revenue from Parks and Recreation will be lower than projected because Recreations are not fully operational and that the City has received approximately \$163,000 of CARES funding from the Charlottesville City Schools to offset completed school projects that were in the Capital Improvement Plan. Ms. Hammill also noted a recent closing on a bond sale.

COMMUNITY MATTERS

Mayor Snook opened the floor for comments from the public.

1. John Hall, city resident, spoke about City transportation and transit shelters.
2. Andrew Shelton, city resident, requested that the City reopen the investigation on the city employee who attended the 2021 Insurrection at the Capitol and expressed his disagreement with the City's decision to continue to employ the individual.
3. Matthew Gillikin, city resident, expressed his lack of support for the acquisition of property at 921 East Jefferson Street.
4. Nancy Carpenter, city resident, disagreed with the acquisition of property at 921 East Jefferson Street and expressed the City's need for a year-round low-barrier emergency

shelter for men, women, and families. Ms. Carpenter recommended that Council take the following actions: (1) direct Interim City Manager Rogers to research specific transportation mechanisms to transport people from the Market Street or the Water Street garage based on age or mobility status, (2) work with the Thomas Jefferson Planning District Commission (TJPDC) to establish an emergency shelter, and (3) vote to deny the acquisition of property at 921 East Jefferson Street.

5. Katrina Turner, city resident, expressed concerns about the actions of the City employee who attended the January 6, 2021 insurrection at the US Capitol. She also asked for confirmation of whether the same employee was charged with brandishing a firearm in a separate incident and if 21 police officers took a leave of absence following the insurrection from January 5 to January 7, 2021.
6. Dede Smith, city resident, spoke in opposition of the location of the Central Water Line Project.

Mayor Snook acknowledged that he was unaware that a City employee attended the insurrection until recent weeks. He also said that five months prior to the insurrection the same employee was charged with brandishing a firearm but that the charges were dropped.

Councilor Payne stated that he too was only recently made aware through social media that a City employee had attended the insurrection.

City Manager Rogers confirmed that an internal investigation into the employee's actions is underway.

Councilor Magill noted that the Human Resources Director position was recently filled after being vacant for over a year and that city leaders are looking into implementing policies that may not have been in place before.

ACTION ITEMS

12. PUBLIC HEARING/ORDINANCE: Considering a request for vacation and purchase of the adjacent unaccepted Right-of-Way for Oak Street at 321 6th Street (continued to July 18)

City Attorney Lisa Robertson introduced the item, noting that the ordinance as presented would need correction prior to a Council vote; however, the public hearing could continue.

Mayor Snook opened the public hearing. With no speakers coming forward the public hearing was closed.

Councilor Magill voiced the desire to develop a policy for disposition of paper streets. Vice Mayor Wade responded that in his career as a transportation planner for the County, paper street situations were handled on a case-by-case basis and he stated that developing a policy regarding paper streets could be difficult because of varying circumstances surrounding paper streets.

Council accepted public comment from the owners of 321 6th Street, Portia Boggs and her

spouse.

City Council by unanimous consent continued this item to the July 18 Council meeting to vote on a corrected ordinance.

13. PUBLIC HEARING/ORDINANCE: Considering a request to purchase an adjacent City Right-of-Way at 819 East Jefferson Street

City Attorney Lisa Robertson presented the item.

Mayor Snook opened the Public Hearing.

- Tom Herring, owner of 815 East Jefferson Street, described the maintenance that has been performed on the property and discussed plans for potential changes to that portion of the property.

Mayor Snook closed the Public Hearing.

On motion by Payne, seconded by Pinkston, Council by the following vote DENIED the request to purchase an adjacent City Right-of-Way at 819 East Jefferson Street: 4-1 (Ayes: Magill, Payne, Pinkston, Snook; Noes: Wade).

14. PUBLIC HEARING/ORDINANCE: Considering a request for the City to quitclaim its interest in a property line "gap" area at 1110 Preston Avenue

David Jordan, surveyor for the requestors, presented the item.

Mayor Snook opened the public hearing. With no speakers coming forward the public hearing was closed.

City Attorney Lisa Robertson mentioned that the Ordinance states that the City will assume no responsibility for identifying the grantees for the quitclaim deed. The person receiving the conveyance will need to be determined before the City provides the deed.

On motion by Pinkston, seconded by Wade, Council by the following vote APPROVED the request for the City to quitclaim its interest in a property line "gap" area at 1110 Preston Avenue: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

ORDINANCE APPROVING A QUITCLAIM OF ALL OF THE CITY'S RIGHT, TITLE AND INTEREST IN AND TO LAND SITUATED BETWEEN OR AMONG THE BOUNDARIES OF 1106 PRESTON AVENUE, 1108 PRESTON AVENUE, AND 1110 PRESTON AVENUE, UPON SATISFACTION OF SPECIFIED CONDITIONS

15. RESOLUTION: Acquisition of property at 921 East Jefferson Street

Chris Engel, Director of Economic Development, presented the item.

During Council's discussion, Mr. Engel explained that the acquisition of property at 921 East Jefferson Street will help to relieve immediate parking capacity issues in the Downtown area but does not guarantee that the City will not need to revisit the option to demolish the Lucky Seven and Guadalajara buildings in the Downtown area and use the lots for surface parking.

Krisy Hammill, Budget Director, confirmed that the funds that will be used in this acquisition are bondable.

On motion by Pinkston, seconded by Wade, Council by the following vote APPROVED the acquisition of property at 921 East Jefferson Street: 4-1 (Ayes: Magill, Pinkston, Snook, Wade; Noes: Payne).

RESOLUTION
Approving terms for the acquisition of property at 921 East Jefferson Street
by the City of Charlottesville

WHEREAS GEWINN INVESTORS III, L.C. ("Owner") owns certain property known by present street numbering as 921 East Jefferson Street, Charlottesville, Virginia, designated on City of Charlottesville Real Estate Tax Map 53 as Parcel 266 (City Real Estate Tax Parcel Identification Number 530266000), and the owner has offered the property for sale; and

WHEREAS the City of Charlottesville ("City") is an interested purchaser of the property to be conveyed (the "Property"); and

WHEREAS Owner and the City have engaged in mutual discussions and have tentatively agreed to terms of a proposed agreement for the purchase and sale of the Property, including, among other terms, a purchase price of \$1,650,000, conditioned upon approval of said terms by the Charlottesville City Council; and

WHEREAS funds are available for the City's purchase of the Property, within Capital Improvement Fund Account P-1008; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia **THAT**

1. The purchase and acquisition of the property known by present street numbering as 921 East Jefferson Street, Charlottesville, Virginia, designated on City of Charlottesville Real Estate Tax Map 53 as Parcel 266 (City Real Estate Tax Parcel Identification Number 530266000) ("Property") is hereby **APPROVED** upon the following terms:

- a. Purchase Price: the proposed purchase price for the property is \$1,650,000;
- b. Closing Date: closing would be scheduled to take place within 30 days of City Council's approval, within 5 days of executing a purchase agreement, the City will pay a deposit in the amount of \$25,000, to be held in escrow and which will be applied to the

Purchase Price at Closing.

- c. Clear title: at Closing, the City would receive insurable title to the Property, by special warranty deed. The Property will be acquired by the City in as-is condition.
- d. Existing Leases: the City would agree to allow tenants currently occupying the Property pursuant to four unrecorded leases to remain on the Property through November 1, 2022, Seller will prepare an assignment of its interests in the leases to the City.
- e. Seller Costs: Seller will pay its own attorneys fees, including preparation of the deed, preparation of a lien affidavit, costs associated with releasing deeds of trust or other existing liens, if any, and recordation taxes applicable to grantors, and other Closing documentation
- f. City Costs: City is responsible for costs of title examination and title insurance, and all recording costs and recordation taxes other than the grantor's tax., and other Closing documentation necessary to complete the City's purchase
- g. Taxes: Seller must pay all real estate taxes due on the Property, through the date of Closing.
- h. Other terms: such other or further administrative, procedural or contractual provisions as deemed necessary by the City Attorney in order to effectuate a binding agreement for the purchase and sale of the Property upon the terms set forth in 1.a. through 1.g., preceding above.

2. Upon the approval of the City Attorney as to the form of a written Real Estate Purchase and Sale Agreement upon the terms stated in Section 1, above, the City Manager is hereby authorized to execute said agreement, and the City Attorney and City Manager are hereby authorized to execute any other necessary documents, in form approved by the City Attorney, as may be necessary to consummate the purchase of 921 East Jefferson Street by the City of Charlottesville upon the terms herein stated and to complete the settlement and closing of the purchase/sale transaction and the recordation of a deed conveying insurable title to the City of Charlottesville.

16. RESOLUTION: Accepting a Donated Memorial to August 12 and establishing criteria governing the use of Downtown Mall trees

Deputy City Manager Ashley Marshall presented the item.

Councilor Magill volunteered to serve as the Council liaison for the project. City Attorney Lisa Robertson verified that the location of the project is not considered a space of public forum and that the Resolution for this item provides parameters for future requests of a similar nature.

On motion by Payne, seconded by Pinkston, Council by the following vote APPROVED

a Donated Memorial to August 12 and establishing criteria governing the use of Downtown Mall trees: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: None).

RESOLUTION

Accepting a Donated Memorial Titled “The Story of Us: Reclaiming the Narrative of #Charlottesville through Portraits of Community Resilience” and establishing criteria governing use of the Downtown Mall trees

WHEREAS this City Council has been contacted by an artist who is inspired to create an interactive photographic display of scenes from August 11-12, 2017, which the artist is willing to donate to the City as a memorial (“Memorial”);

WHEREAS the components of the Memorial would be attached to various trees along the Downtown Mall, accompanied by “QR Codes” that will allow the public to listen to audio recordings of individual stories about moments captured within the photographs, and

WHEREAS City Council finds and determines that the Downtown Mall trees are a natural resource that generally should not be utilized as a location for posting of signs or exhibits; however, City Council may occasionally, by resolution, authorize the trees to be used for artwork or memorial/ commemorative displays selected by the City Council;

WHEREAS City Council has carefully considered a collection of sample/representative photographs provided by the artist offering the Memorial, and Council hereby finds and determines that the photographs (which do not depict violence) portray individuals and circumstances directly related to the City’s history, are consistent with the esthetics, history and culture of the Downtown Mall, and effectively communicate and promote City Council’s Vision of a community of mutual respect, committed to racial and cultural diversity, inclusion, racial reconciliation, economic justice, and equity; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the privately financed and donated Memorial is hereby accepted for public display within the trees on the Downtown Mall, with setup commencing on or after August 1, 2022. A volunteer member of the City Council, together with the City’s Deputy City Manager for Diversity, Equity and Inclusion, shall work with the artist as Council’s representatives, to monitor the development of the final components of the Memorial, and, in the event that the developed components of the Memorial deviate from the character of the content presented to City Council by the artist’s representative sample photographs and descriptive materials, then the representatives shall notify City Council and Council hereby reserves the right to withdraw the acceptance set forth within this Resolution if the Memorial will not satisfy the criteria set forth within this Resolution; and

BE IT FURTHER RESOLVED that henceforth, City Council may occasionally, by resolution, authorize the Downtown Mall trees to be used for artwork or memorial/ commemorative displays selected by the City Council, when such artwork or display:

- (i) communicates or promotes one or more aspects of the City Council’s Vision Statement;
- (ii) is appropriate for the Downtown Mall, or a portion thereof, based on esthetics, history

and culture, and will not harm the trees, and

(iii) is either:

- (A) directly related to the City's history, or
- (B) donated by an individual or organization with longstanding community ties.

GENERAL BUSINESS

17. REPORT: Thomas Jefferson Planning District Commission hazard mitigation presentation

Emily Pelliccia, Charlottesville Fire Department Deputy Chief introduced the presenter Ian Baxter.

Mr. Baxter stated that the purpose of the Charlottesville's Natural Mitigation Plan is to prepare for natural disasters before they occur, thus reducing loss of life, property damage and disruption of commerce. He stated that the TJPDC is accepting public comment on the Mitigation Plan through June 30. At the conclusion of the public comment period the Plan will be submitted to the Virginia Department of Emergency Management (VDEM) and the Federal Emergency Management Agency (FEMA) for review and will be brought back to Council for adoption in early 2023.

OTHER BUSINESS

Councilor Pinkston asked the City Manager to follow up on the maintenance of trees adjacent to Mr. Tom Herring's property.

Councilor Payne restated a request for follow-up on the Human Resources issue discussed earlier in the meeting.

COMMUNITY MATTERS

- Ang Conn, city resident, voiced her concern about the homelessness crisis in Charlottesville. She asked if the City will open cooling stations and expressed her discontent with the City's decision to continue to employ the individual who attended the 2021 insurrection at the US Capitol.

The meeting adjourned at 9:08 p.m.

BY Order of City Council

BY Maxicelia Robinson, Deputy Clerk of Council

CHARLOTTESVILLE CITY COUNCIL MEETING
August 1, 2022 at 4:00 PM
In person: Council Chamber, 605 E. Main Street
Virtual/electronic: Zoom

The Charlottesville City Council met in an electronic meeting on Monday, August 1, 2022, in accordance with a local ordinance amended and re-enacted on March 7, 2022, to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency. Mayor Lloyd Snook called the meeting to order and Clerk of Council Kyna Thomas called the roll, noting the following councilors present: Michael Payne, Brian Pinkston, and Mayor Lloyd Snook. Councilor Sena Magill provided notice earlier in the day that she would arrive late because of a medical procedure that would prevent her from being present. Vice Mayor Juandiego Wade provided advance notice that he may be unable to attend because of international travel that would prevent him from joining in person or electronically.

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

REPORTS

1. Presentation: FY2024 City Budget overview

Interim City Manager Michael C. Rogers stated the purpose of the agenda item. Krisy Hammill, Director of Budget made the presentation using the following agenda:

- I Key Dates
- II FY2024 Budget Process Review
- III Review of Budget Guidelines and Strategic Goals
- IV. Historical Perspective – General Fund
- V. General Fund Trends
- VI. Key Drivers for Budget Development
- VII. Questions and Discussion

Councilor Pinkston referenced an email from Councilor Magill requesting to change the budget approval deadline, and he asked about restarting the strategic planning process. Mr. Rogers stated that the American Rescue Plan funds proposal on the agenda includes funding for engaging a consultant to help with the strategic planning process.

Councilor Payne asked questions regarding funding to address wage compression in the organization, climate action planning, the Affordable Housing Plan, the Regional Transit Vision and Marcus Alert system.

Mr. Rogers referenced two drivers for addressing employee wages: 1) the Classification and Compensation study and 2) Collective bargaining. He stated that the current salary study is on schedule to be finalized in December. Deputy City Manager Sam Sanders stated that the team anticipates presenting the Climate Action Study document to Council in October.

Mayor Snook asked about the formula for school funding. Mr. Rogers stated that he would tee up a conversation with Schools.

Councilor Magill joined the meeting at 4:37 p.m.

Mr. Rogers indicated that he will need input from Council on affordable housing benchmarks and dynamics needed to move regional transit forward.

Discussion ensued about modifying the budget approval deadline; however, no change was made. Mr. Rogers stated that staff will look into options.

The meeting recessed at 5:03 p.m. and resumed at 6:30 p.m.

BUSINESS SESSION

City Council began the business meeting with a moment of silence.

ANNOUNCEMENTS

Councilor Pinkston announced the Commissioners and Cans Food and Fund Drive to benefit area food banks.

Councilor Payne announced the opening of the Charlottesville Homeowners Assistance Program (CHAP) application period.

CONSENT AGENDA*

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

2. MINUTES: June 21 special meeting; July 18 special meeting
3. RESOLUTION: Authorizing a refund of \$8,132.19 to a taxpaying entity or business, for business license tax paid in error for 2022 (2nd reading)

RESOLUTION

Authorizing a refund of \$8,132.19 to a taxpaying entity or business, for business license taxes paid in error for 2022

WHEREAS, the Commissioner of the Revenue has determined that a taxpaying entity or business paid 2022 Business License Tax to the City of Charlottesville in error; and

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

WHEREAS, the Commissioner of the Revenue has certified that a refund of taxes paid is due in the amount of \$8,132.19; and

WHEREAS, City Code Section 30-6(b) requires City Council approval for any tax refund exceeding \$2,500.00; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the City Council hereby authorizes the City Treasurer to issue a refund of \$8,132.19 from GL 410150 (business license tax revenue) or from GL 1631001000 (Citywide reserve) as necessary, payable to that taxpaying entity or business.

4. **RESOLUTION:** Approving Settlement of Disputed Real Estate Assessment (Omni Hotel) (2nd reading)

RESOLUTION

Approving a Settlement Agreement and Release between the Omni Charlottesville Virginia Corporation and the City of Charlottesville, made as of July 1, 2022

WHEREAS the Omni Charlottesville Virginia Corporation (“Omni”) and the City of Charlottesville (“City”) are parties to an action pending in the Circuit Court of the City of Charlottesville styled Omni Charlottesville Virginia Corporation v. City of Charlottesville, Virginia, Case No. CL21-116 (the “Action”), addressing the real estate tax assessments for the Omni property for tax years 2020 and 2021; and

WHEREAS Omni currently has an appeal of the City’s assessment of the Omni property for tax year 2022 pending before the City’s Board of Equalization (the “BOE Appeal”); and

WHEREAS Omni and the City wish to settle the disputes between them and dismiss the Action and the BOE Appeal on the terms and conditions stated below; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia THAT a Settlement Agreement and Release made between Omni and the City as of July 1, 2022 is hereby ratified and approved, upon the following terms and conditions:

1. **Settlement Payment.** In consideration of the release set forth in this Agreement, the City shall refund to Omni, and agrees to accept, a payment in the principal amount of \$135,304.57, plus accrued interest in the amount of \$14,794.62 as of June 20, 2022, with interest accruing thereafter at the rate of \$37.07 per diem (collectively the “Settlement Payment”), as a refund of a portion of the real property taxes imposed on real property owned by Omni, known as 212 Ridge McIntire Road, Charlottesville, Virginia, bearing Parcel No. 330155L00 (the “Property”). The Settlement Payment amount includes the refunds of taxes and interest due to Omni based on the revised assessments set forth in Paragraph No. 3 of this Agreement.

2. **Dismissal.** Upon receipt of the Settlement Payment, counsel for Omni shall endorse and deliver to counsel for the City an Agreed Order dismissing the Actions, with prejudice.

3. Compromise Assessments for Tax Years 2020, 2021, and 2022. For purposes of this settlement, the City shall set the assessment of the Property for tax years 2020-2022 as follows: \$40.0 million for tax year 2020, \$30.0 million for tax year 2021, and \$30.6 million for tax year 2022. Due to the compromise assessment for tax year 2022, the real estate tax installment due on the Property to the City no later than December 5, 2022, shall be \$146,880.00.

4. No Admissions. The parties acknowledge that the City's assessments of the Property for tax years 2020-2022 remain in dispute. Omni maintains that the City's assessments are erroneous and significantly exceed the fair market value of the Property. The City maintains that its assessments are not erroneous and are at the fair market value of the Property. Accordingly, the parties agree that nothing in this Agreement or the performance hereof shall be taken as an admission or concession of any type or kind regarding or relating to the Property's actual fair market value for tax years 2020-2022.

5. Mutual Releases. In consideration of the promises and rights granted in this Agreement, the sufficiency of which is expressly acknowledged, Omni discharges and releases the City and its officers, employees, agents, attorneys, and representatives, from all claims, debts, suits, actions, charges, demands, judgments, costs, executions, liabilities and all other obligations, whether in contract, tort, or other, known and unknown, both legal and equitable, which have been brought or could have been brought, relating to the subject matter of the Actions or related in any way to the City's real property tax assessments of the Property for the tax years 2020, 2021, and/or 2022.

In consideration of the promises and rights granted in this Agreement, the sufficiency of which is expressly acknowledged, the City discharges and releases Omni and its shareholders, officers, employees, agents, attorneys, and representatives, from all claims, debts, suits, actions, charges, demands, judgments, costs, executions, liabilities and all other obligations, whether in contract, tort, or other, known and unknown, both legal and equitable, which have been brought or could have been brought, relating to the subject matter of the Actions or related in any way to the City's real property tax assessments for the Property for the tax years 2020, 2021, and/or 2022.

6. Fees and Costs. Each party shall bear its own attorney's fees and costs.

7. Merger. No promise or agreement not herein expressed has been made by, between or among the parties, and in executing this Agreement, the parties are not relying upon any statement or oral representations made to them by each other or by anyone else who has not acted for them or on their own behalf but are each relying solely upon their own judgment. No consideration has been given, or is or has been offered, promised, expected, or held out other than as provided herein, and no conditions precedent to the effectiveness of this Agreement exist other than as expressly provided herein. This Agreement creates no new rights other than as expressly provided herein.

8. Full and Final Settlement. The parties understand that this is a full and final disposition of the claims and disputes between them, both as to the existence, and the nature and extent of, liability by any party except as specified herein. The parties understand and

agree fully that this Agreement constitutes a compromise settlement and is mutual, final, and binding upon the parties.

9. Compromised Claims. The parties understand and agree that this Agreement constitutes the settlement of disputed claims, that liability has been denied by all parties, and that this Agreement, the consideration therefor, and all negotiations relating thereto, are for settlement purposes only and shall not be construed as an admission of liability or responsibility for any wrongful act or omission at any time on the part of any party. Accordingly, the parties agree to this compromise in lieu of litigation and in consideration of the avoidance of litigation, its expenses, and the potential risk of loss, and for no other reason. The parties further agree that this Agreement shall not be admissible or usable in any future lawsuit or tax controversies between the parties relating to the City's assessments of the Property for ad valorem tax purposes for tax year 2023 and/or any subsequent tax years.

10. Modifications. No modification of this Agreement shall be valid unless it is in writing and signed by all parties, with the approval of the Charlottesville City Council as may be required by Virginia law.

11. Successors and Assigns. This Agreement shall bind and inure to the benefit of all parties, their successors, and permitted assigns, and each of them.

12. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

13. Authority. Each signor warrants that he/she has full legal authority to execute this Settlement Agreement on behalf of the parties.

14. Governing Law. This Agreement shall be governed and construed in accordance with Virginia law. In the event any litigation arises concerning enforcement of this Agreement, venue shall be a court of competent jurisdiction in the City of Charlottesville, Virginia. This Agreement has been read by the parties hereto, and where appropriate, by the attorneys for all of the parties hereto, and the parties understand its content and are satisfied with its terms.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute a written Settlement Agreement and Release, upon the terms stated above within this Resolution, upon the approval of the City Attorney as to the form of such written Settlement Agreement and Release.

5. RESOLUTION: COVID Homelessness Emergency Response Program-Community Development Block Grant Amendment - \$250,816 (2nd reading)

RESOLUTION

Appropriating Supplemental Funding in the Amount of \$250,816 to be received from Community Development Block Grant for the COVID Homelessness Emergency Response Program (C.H.E.R.P.)

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received the C.H.E.R.P. Grant from the Virginia Department of Housing and Community Development in the amount of **\$250,816**.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of **\$250,816** is hereby appropriated in the following manner:

| | | | |
|------------------|-----------|-------------|-------------------------------|
| Revenues | | | |
| \$250,816 | Fund: 209 | IO: 1900448 | G/L: 430120 Federal Pass Thru |

| | | | |
|------------------|-----------|-------------|---------------------------------|
| Expenditures | | | |
| \$250,816 | Fund: 209 | IO: 1900448 | G/L: 530550 Contracted Services |

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of **\$250,816** in funds from the Virginia Department of Housing and Community Development.

6. RESOLUTION: Appropriating Funds for the Virginia Department of Education Special Nutrition Program Summer Food Service Program - \$250,000 (2nd reading)

RESOLUTION APPROPRIATING FUNDS FOR Virginia Department of Education Special Nutrition Program Summer Food Service Program - \$250,000

WHEREAS, the City of Charlottesville, through Parks and Recreation, has received approval for reimbursement up to \$250,000 from the Virginia Department of Education Special Nutrition Program to provide free breakfast and lunch to children attending summer camp programs; and

WHEREAS, the grant award covers the period from period June 22, 2022 through October 31, 2022.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, which the sum of \$250,000, received from the Virginia Department of Education Special Nutrition Program, is hereby appropriated in the following manner:

Revenue – \$250,000

| | | |
|-----------|-------------------------|---------------------|
| Fund: 209 | Internal Order: 1900473 | G/L Account: 430120 |
|-----------|-------------------------|---------------------|

Expenditures - \$250,000

| | | |
|-----------|-------------------------|---------------------|
| Fund: 209 | Internal Order: 1900473 | G/L Account: 530670 |
|-----------|-------------------------|---------------------|

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$250,000 from the Virginia Department of Education Special Nutrition Program.

7. RESOLUTION: State Criminal Alien Assistance Program (SCAAP) Grant for \$4,748 (2nd reading)

RESOLUTION

Appropriating funds for State Criminal Alien Assistance Program (SCAAP) Grant for 2020 reimbursement - \$4,748

WHEREAS, the State Criminal Alien Assistance Program (SCAAP) grant, providing federal payments for correctional officer salary costs incurred for incarcerating certain undocumented criminals has been awarded the City of Charlottesville, on behalf of the Albemarle-Charlottesville Regional Jail, in the amount of \$4,748.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that a total of \$3,703.44 be appropriated and passed through to the Albemarle-Charlottesville Regional Jail and \$1,044.56 be appropriated and passed through to Justice Benefits, Inc.

Revenues

| | | | |
|------------|-----------|-------------------------|---------------------|
| \$4,748.00 | Fund: 211 | Internal Order: 1900474 | G/L Account: 431110 |
|------------|-----------|-------------------------|---------------------|

Expenses

| | | | |
|------------|-----------|-------------------------|---------------------|
| \$3,703.44 | Fund: 211 | Internal Order: 1900474 | G/L Account: 530550 |
| \$1,044.56 | Fund: 211 | Internal Order: 1900474 | G/L Account: 530670 |

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$4,748 from the U. S. Bureau of Justice Assistance.

8. RESOLUTION: Comprehensive Signage Plan for 920 E. High Street

RESOLUTION

Approving a Comprehensive Signage Plan for 920 East High Street

WHEREAS the owner of a development located at 920 East High Street (“Landowner”) submitted an application seeking approval of a comprehensive signage plan for the medical office building located on this site as presented, referenced, and incorporated into the City staff report dated July 12, 2022 in this matter (“Proposed Comprehensive Signage Plan”); and

WHEREAS on July 12, 2022, the City’s Entrance Corridor Review Board and the City’s Planning Commission reviewed the Landowner’s Proposed Comprehensive Signage Plan and recommended approval of the plan with conditions; and

WHEREAS in accordance with Section 34-1045(c) of the Charlottesville City Code, City Council has determined that:

- (1) There is good cause for deviating from a strict application of the requirements of Section 34-1020, et seq. (City Code Chapter 34, Article IX, Division 4 – Signs), and
- (2) The Proposed Comprehensive Signage Plan, with the modifications recommended by the Planning Commission/Entrance Corridor Review Board, will serve the public purposes and objectives set forth within City Code Section 34-1021 at least as well, or better, than the signage that would otherwise be permitted for this development; now, therefore

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the Proposed Comprehensive Signage Plan for 920 East High Street is approved subject to the following conditions:

- a. Signs N01, N05, and N06: (Monuments) Externally lit. Lamping will be dimmable, have a Color Temperature (CT) not exceeding 3,000K, and have a Color Rendering Index (CRI) not less than 80, preferably not less than 90, and
- b. Signs N02, N03 and N04: (Building address numbers) Not illuminated. Holes for anchors will be within the mortar joints. No holes will be made into the brick and/or stone.

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

On motion by Pinkston, seconded by Payne, Council by the following vote ADOPTED the Consent Agenda: 4-0 (Ayes: Magill, Payne, Pinkston, Snook; Noes: none; Absent: Wade).

CITY MANAGER REPORT

Interim City Manager Michael Rogers reported on the following items:

- The Government Finance Officers Association awarded a Certificate for Achievement in Excellence for financial reporting to the City for the 42nd year for the FY21 City Budget.
- Charlottesville ranked 22 out of 2300 cities as best places to live by Livability Magazine.
- The Economic Development Department is offering a fourth round of the BRACE Grant for city businesses through September 2.
- On July 19 the City closed on 921 E. Jefferson Street, adding parking spaces to the city's parking program that will become available for monthly leases.
- The Office of Economic Development has issued a Request for Proposal for a qualified consulting team to develop a comprehensive Economic Development strategy plan for the next five years.
- Mr. Rogers attended the Rivanna Authorities board meetings.
- The Committee for the Preservation Maintenance and Security of the Downtown Mall convened last week and will begin evaluating some of the long-standing issues on the Mall as shared by many business owners and residents. The committee will assess some

immediate changes and hold discussions with business owners in preparation for the 50th anniversary of the Mall. Updates will be provided over the upcoming months.

- He read a safety and emergency preparedness statement in response to questions regarding the fifth anniversary of the August 11 and 12, 2017 incidents in the city. He announced the street closure for Heather Heyer Way and shared phone numbers for the Behavioral Regional Wellness Line (434-230-9704) and the Help Happens Here referral line (434-227-0641).
- The search for a police chief is underway and Polihire, recruitment consultant, will establish a confidential line for feedback. He provided additional information about the selection process.
- He provided information regarding increases to police department salaries and proposed increases for other public safety salaries and Charlottesville Area Transit employees to address numerous vacancies. He stated that the current compensation study will address other employee salaries and he expects the process of Collective Bargaining to begin in late Fall.
- Regarding an issue raised about employees in the police department who were not working on January 6, 2021, Mr. Rogers stated that he looked into the matter and discovered that on January 5, 2021 there were 37 people absent; January 6, 2021 there were 31 officers absent; and on January 7, 2021 there were 25 officers absent but they were mostly on regularly scheduled days off. He did not find anything that raised an alarm. Regarding concerns expressed on social media about a specific employee, it was found that the person was employed in the Information Technology Department. He summarized investigative measures addressing the employee's actions including referral to the FBI and interviews resulting in no criminal charges, a personal conversation with the employee, and the employee having provided a letter of apology to the City Manager. He concluded that no further action or review is warranted in this case.

COMMUNITY MATTERS

1. QuarFarrah Humes, city resident, spoke about engagement of the Comprehensive Plan to create more housing and opportunities for lower income residents. She requested holding the developers accountable.
2. Rosia Parker, city resident, spoke about dangerous two-way streets. She referenced a 2017 resolution from the People's Coalition specifying membership positions on the Police Civilian Review Board. She mentioned that she has not been appointed to the Police Civilian Review Board after applying multiple times.
3. Tanisha Hudson spoke about Charlottesville livability and housing affordability. She spoke in support of increasing salaries for employees other than the police department. Regarding the safety plan for August 12, she stated that people of color do not feel safe.
4. Joanie Freeman, city resident, and the Green Grannies performed a song about the effects of plastic waste and spoke in support of a plastic bag tax.
5. Robin Hoffman, city resident, spoke about public access television programming, about telemedicine, and about post office updates. She expressed concerns about a city employee in Information Technology attending the January 6, 2021 US Capitol insurrection.

6. Katrina Turner, city resident, spoke about what she wants to see in a new police chief. She shared information about a personal situation involving the Charlottesville Police Department.
7. Nancy Carpenter spoke about the Downtown Mall and the increased criminalization of unsheltered people. She expressed concern about the Information Technology employee at the Capitol on January 6, 2021.

ACTION ITEMS

9. PUBLIC HEARING/ORDINANCE: Plastic Bag Tax (2nd reading and Public Hearing)

Deputy City Manager Sam Sanders reviewed the plastic bag tax ordinance, proposing an effective date of January 1, 2023.

Mayor Snook opened the public hearing and the following people spoke:

- Michael Pillow, Piedmont Group of the Sierra Club, spoke in support of the tax.
- Kirk Bowers, Piedmont Group of the Sierra Club, spoke in support of the tax.
- Nancy Carpenter, city resident, spoke in support of the tax and she stated parameters that may prevent some low-income individuals from qualifying for free reusable bags. She shared a resource for Mr. Sanders to follow up.
- Robin Hoffman, city resident, spoke in support of the tax.
- Rosia Parker, city resident, spoke about hardships faced by individuals who may not receive SNAP benefits and may not be able to afford reusable bags.

Mayor Snook closed the public hearing. Councilors discussed comments from the public hearing as well as emails received from various individuals and companies like Food Lion, who opposed the tax.

Councilor Payne shared statistics to support the effectiveness of the plastic bag tax in other localities.

On motion by Payne, seconded by Magill, Council by the following vote APPROVED the Ordinance: 4-0 (Ayes: Magill, Payne, Pinkston, Snook; Noes: none; Absent: Wade)

ORDINANCE TO AMEND AND REENACT CHAPTER 30 (TAXATION) OF THE CODE OF THE CITY OF CHARLOTTESVILLE, TO ESTABLISH A NEW ARTICLE XIX (DISPOSABLE PLASTIC BAG TAX)

10. PUBLIC HEARING/RESOLUTION: American Rescue Plan Fund Allocations (carried)

Mr. Rogers introduced the item and Mayor Snook opened the public hearing.

- Nancy Carpenter suggested that funds be used to increase the number of sidewalks in school walking zones.

- Kate Fraleigh, city resident, stated that it is not clear which departments manage the funds once allocated, and asked how citizens can influence the spending of funds.

Mayor Snook closed the public hearing.

Councilor Pinkston requested that Finance Director Chris Cullinan provide input for the public. Mr. Cullinan stated that he reports to the US Treasury on a quarterly basis how the city's funds are used. Councilor Pinkston requested a quarterly draw-down report. Councilor Payne suggested different priorities for spending. Council asked further clarifying questions and agreed to carry the item to the August 15 Council meeting Action Items.

11. ORDINANCE: 415 10th Street NW, Rezoning from R-1S to B-2 (carried)

Brian Haluska, Principal Planner, provided an overview of the request.

The applicant Joe Wrege made a brief presentation. He was joined by Zachary Zingsheim.

Councilor Magill asked about affordability for community members. The applicant assured that they would work with community members in an effort to make the facility accessible for a variety of uses.

Council agreed to carry the item to the August 15 Consent Agenda for vote.

12. ORDINANCE: 415 and 415-B 10th Street NW - Designation of Property as an Individually Protected Property (carried)

Brian Haluska, Principal Planner, provided an overview of the request, which is a companion ordinance to the rezoning request for the same property.

Council agreed to carry to the August 15 Consent Agenda for vote.

13. RESOLUTION: Resolution of Support for four (4) TJPDC / MPO Grant Applications

Ryan Mickles, Thomas Jefferson Planning District Commission, provided an overview of the applications and answered clarifying questions for Council.

Michael Barnes, Virginia Department of Transportation, addressed a concern about hotel entrances along the corridor and provided an update regarding an existing project.

On motion by Pinkston, seconded by Payne, Council by the following vote APPROVED the resolution: 4-0 (Ayes: Magill, Payne, Pinkston, Snook; Noes: none; Absent: Wade)

RESOLUTION

Endorsing the Submission of Smart Scale (HB2) Applications Requesting Transportation Funding by the Charlottesville-Albemarle Metropolitan Planning Organization

WHEREAS the Charlottesville-Albemarle Metropolitan Planning Organization (MPO), in cooperation with the Virginia Department of Transportation (VDOT) and the Thomas Jefferson Planning District Commission (TJPDC) completed a comprehensive Long Range Transportation Plan (“2045 LRTP”) in May 2019; and

WHEREAS the 2045 LRTP includes certain transportation improvements described within this resolution; and

WHEREAS the Hydraulic Small Area Plan was adopted as an amendment to the Charlottesville Comprehensive Plan on May 7, 2018; and

WHEREAS the MPO Policy Board has identified transportation projects which are critical to improve safe and efficient movement of people and goods along public roadways in the Charlottesville- Albemarle Metropolitan area; and

WHEREAS during its 2014 session, the Virginia General Assembly enacted legislation in the form of House Bill 2 (“HB2”) which established new criteria for the allocation of transportation funding for projects within the state (“Smart Scale”); and

WHEREAS the Commonwealth Transportation Board, during its board meeting on June 17, 2015, approved the Policy and Guidelines for Implementation of a Project Prioritization Process in accordance with Smart Scale; and

WHEREAS many of the transportation projects identified by the MPO meet the eligibility criteria for Smart Scale funding; and

WHEREAS it is in the best interests of the Charlottesville-Albemarle Metropolitan Transportation Planning Area that the City of Charlottesville, Albemarle County, and the MPO should submit Smart Scale applications requesting state funding for eligible transportation projects; **NOW, THEREFORE,**

BE IT RESOLVED by the Council of the City of Charlottesville that the Council fully endorses the submission of a Smart Scale application by the MPO to the Commonwealth to seek funding for the following transportation projects:

Projects within the City of Charlottesville:

1. Avon Street Multimodal Improvements
2. District Avenue (at Hydraulic Road) Roundabout
3. Fifth Street Multimodal Improvements
4. Rivanna River Bicycle and Pedestrian Bridge Crossing

ADOPTED the 1st day of August 2022 by the Charlottesville City Council.

GENERAL BUSINESS

14. REPORT: Sister Cities Commission Annual Report (written report only)

Mayor Snook asked about the status of Huehuetenango as a Friendship City. Clerk Thomas stated that Huehuetenango, Guatemala should be in Friendship City status for three years and the Sister Cities Commission should provide a report to City Council to recommend whether to move Huehuetenango into full Sister City status.

OTHER BUSINESS

Councilor Pinkston requested follow up on a wreck that happened at the intersection of Trailridge and Shamrock Rd and asked the public to slow down in neighborhoods.

COMMUNITY MATTERS (2)

- Tanesha Hudson expressed concern about the city employee who was found to be in the US Capitol on January 6, 2021 and is still employed with the City of Charlottesville Department of Information Technology.
- Robin Hoffman supported Ms. Hudson's comments and spoke in support of telemedicine in schools.
- Ang Conn spoke about the increased number of tenants facing eviction and the use of eviction prevention funds. She expressed concern about the city employee who was found to be in the US Capitol on January 6, 2021 and is still employed with the City of Charlottesville Department of Information Technology.
- Nancy Carpenter shared data from the National Low Income Housing Coalition and requested that city staff take this information into account when determining where to allocate American Rescue Plan funds.
- Katrina Turner referenced mistakes in a police report regarding her son.
- Rosia Parker spoke about guidelines or requirements for the Police Civilian Review Board membership.
- Joy Johnson, city resident, spoke about developers not keeping their promises to neighborhood residents.

The meeting adjourned at 8:58 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

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



Agenda Date: September 6, 2022

Action Required: Approval of Refund of Business License Tax Payment

Presenter: Todd Divers, Commissioner of the Revenue

Staff Contacts: Jason Vandever, City Treasurer
Lisa Robertson, City Attorney

Title: Refund of Business License Tax - \$5,719.45 (2nd reading)

Background

Entity is a contracting company that incorrectly filed and paid for a 2021 business license for a project that was located in Albemarle County. The filing and payment were timely. The entity subsequently discovered that it should have applied for and paid for a license in Albemarle County. It then applied to the Commissioner of the Revenue for a refund of the license tax paid in error.

The City is required to refund business license taxes paid in error with interest per Code of Virginia §58.1-3703.1 (A) (2) (e). The amount paid for the 2021 business license was \$5,099.17. In addition, Code of Virginia §58.1-3703.1(A)(2)(e) states: "Interest shall be paid on the refund of any BPOL tax from the date of payment or due date, whichever is later, whether attributable to an amended return or other reason. Interest on any refund shall be paid at the same rate charged under §58.1-3916." The interest amount is \$620.28.

Discussion

City Code requires Council approval for any tax refunds resulting from an erroneous assessment in excess of \$2,500 (City Code Sec. 30-6b). Payment of interest is also required in accordance with Section 14-12(g) of the Charlottesville City Code.

Per City Code Sec. 30-6(b), the Commissioner of the Revenue has provided to the City Attorney information necessary to enable her to consent to the determination of the Commissioner of the Revenue that the tax paid by the taxpayer was erroneous and should therefore be refunded. The refund has therefore been approved for presentment to Council by the City Attorney, Commissioner of the Revenue, and City Treasurer.

Alignment with City Council's Vision and Strategic Plan

N/A

Community Engagement

N/A

Budgetary Impact

The refund will reduce current year Business License Tax revenue (GL 410150) by \$5,719.45.

Recommendation

Approval of the tax refund.

Suggested Motion: “I move the RESOLUTION authorizing a refund of \$5,719.45 to a taxpaying entity or business, for business license taxes paid in error for 2021.”

Alternatives

None

Attachments

1. Interest Calculation for Council memo
2. Council Resolution

Refund Interest Calculation

| Payment | Paid Date | Refund Date | Days | Rate | Payment Amount | Annualized Interest | Tax Refund | Interest Refund |
|---------|-----------|-------------|------|------|----------------|---------------------|-------------|-----------------|
| 2021 BL | 3/1/2021 | 9/7/2022 | 555 | 8% | \$ 5,099.17 | \$ 407.93 | \$ 5,099.17 | \$ 620.28 |

| | | |
|----------|----|-----------------|
| Total | \$ | 5,719.45 |
| BPOL | \$ | 5,099.17 |
| Interest | \$ | 620.28 |

Suggested Motion: "I move the RESOLUTION authorizing a refund of \$5,719.45 to a taxpaying entity or business, for business license taxes paid in error for 2021."

RESOLUTION

Authorizing a refund of \$5,719.45 to a taxpaying entity or business, for business license taxes paid in error for 2021

WHEREAS, the Commissioner of the Revenue has determined that a taxpaying entity or business paid 2021 Business License Tax to the City of Charlottesville in error; and

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

WHEREAS, the Commissioner of the Revenue has certified that a refund of taxes paid is due in the amount of \$5,719.45; and

WHEREAS, City Code Section 30-6(b) requires City Council approval for any tax refund exceeding \$2,500.00; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the City Council hereby authorizes the City Treasurer to issue a refund of \$5,719.45, payable to that taxpaying entity or business.

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



Agenda Date: September 6, 2022

Action Required: Approval and Appropriation

Presenter: Misty Graves, Director

Staff Contacts: Hunter Smith, Human Services Planner

**Title: Virginia Homeless Solutions Program (V.H.S.P.) Grant Award - \$539,369
(2nd reading)**

Background

The Department of Human Services in coordination with the Blue Ridge Area Coalition for the Homeless (B.R.A.C.H.) and the Service Provider Council (S.P.C.), applied for and received a grant from the Virginia Department of Housing and Community Development. The Virginia Housing Solutions Program award is \$539,369 and funds to be expended between July 1st, 2022 and March 31st, 2023.

Discussion

The City of Charlottesville has staff from the departments of Human Services and Social Services taking leadership roles in the governance of B.R.A.C.H. V.H.S.P. (Virginia Homeless Solutions Program) is an important resource in our community's efforts to end homelessness. The grant provides services in several points along the local continuum of services:

1. Coordinated Assessment: The Haven serves as the physical front door to the homelessness system of care, using an evidence-based tool for determining priority access to available resources.
2. Emergency Low Barrier Shelter P.A.C.E.M. provides a low-barrier shelter for adults using rotating local churches for support.
3. Rapid Re-Housing & Housing Navigation: The Haven screens and administers rapid re-housing assistance and housing navigation to households experiencing homelessness.
4. Case Management: The Haven provides supportive services including crisis intervention, case management and service referrals.
5. Homeless Management Information System (H.M.I.S.): The City of Charlottesville as the award recipient will ensure that H.M.I.S. data is complete through an agreement with B.R.A.C.H. to have the Executive Director ensure data quality. Our Continuum of Care (C.O.C.) has a well-populated database for individuals experiencing homelessness. H.M.I.S collaboration provides real-time monitoring of the needs and progress of individuals and households facing homelessness. Collaborative use of H.M.I.S. among B.R.A.C.H. Continuum of Care Service Providers expedites communication and reduces the need to interface disparate documentation systems.

6. Coalition Coordination: The Thomas Jefferson Area Coalition for the Homeless provides leadership and coordination for the required local homelessness continuum of care.
7. Administration: The City of Charlottesville as the award recipient is eligible for an administrative fee. Staff proposes that we pass these dollars through to B.R.A.C.H. in recognition of staff time spent processing checks and managing this grant process.

Alignment with City Council's Vision and Strategic Plan

This grant advances the City of Charlottesville's Strategic Plan Goal #1 of an inclusive community of self-sufficient residents. Specifically, it will facilitate the objective of increasing affordable housing options.

Community Engagement

This grant and plan are the product of extensive engagement of the service provider community for persons experiencing homelessness. This is a partnership between B.R.A.C.H. and the priority requests of the Interfaith Movement Promoting Action by Congregations Together (I.M.P.A.C.T.)

Budgetary Impact

This grant will be entirely State, and Federal pass-through funds. No local match is required. There is no budget impact for the City of Charlottesville. All funds will be distributed to sub-recipients for service provision.

Recommendation

Staff recommends approval and appropriation of grant funds.

Alternatives

Council may elect to not accept the funds and the community will not have the capacity to administer the following services to persons experiencing a housing crisis: Emergency low-barrier shelter, coordinated assessment, rapid rehousing, H.M.I.S., coalition coordination and administration.

Attachments

1. VHSP Resolution FY23

RESOLUTION
**Appropriating Funding in the Amount of \$539,369 To Be Received from Virginia Homeless
Solutions Program**

WHEREAS, The City of Charlottesville, through the Department of Human Services, has been notified that it will be awarded an additional grant from the Virginia Housing Solutions Program (V.H.S.P.) Fund of the Virginia Department of Housing and Community Development, in the amount of \$539,369.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, upon receipt of the additional VHSP funding from the Commonwealth, said funding, anticipated in the sum of \$539,369, is hereby appropriated in the following manner:

| | | |
|-----------|----------|-------------------------|
| Revenues | | |
| \$443,321 | Fund 209 | Order 1900475 GL 430110 |
| \$96,048 | Fund 209 | Order 1900475 GL 430120 |

| | | |
|--------------|----------|------------------------|
| Expenditures | | |
| \$539,369 | Fund 209 | Order 190475 GL 530550 |

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



Agenda Date: September 6, 2022

Action Required: Public hearing and Appropriation

Presenter: Jeanette Janiczek, UCI Program Manager

Staff Contacts: Stacey Smalls, Director
Jack Dawson, City Engineer
Tony Edwards, Development Services Manager
Jeanette Janiczek, UCI Program Manager

Title: Belmont Bridge Replacement Project – Appropriation of \$2,697,398 (2nd reading)

Background

On May 16, 2005, the City entered into an agreement with the Virginia Department of Transportation (VDOT) to participate in the Urban Construction Initiative (“First Cities”) Program (UCI). Through this program, the City is responsible for administering its urban system construction program – design, right-of-way acquisition, utility relocation, and construction. The Belmont Bridge Replacement project is one such project being administered under this program. The project is under construction with a contract executed with Caton Construction Group’s (CCG) on June 16, 2021.

The Belmont Bridge Replacement project is currently on schedule to meet its Final Completion Date of January 25, 2024. Due to the constrained project area and the need to maintain traffic/access, the first stage of construction has been focused on preparatory activities for the reconstruction of the mainline bridge.

- A temporary parking lot has been established with an entrance off of East South Street to allow for the closure of the parking lot under the bridge and on-street parking to create space for construction activities and storage of materials.
- The majority of public utilities have been relocated to allow vehicular traffic to be moved to the western bridge (the first of four major traffic shifts) and demolition of eastern bridge.
- Stage 1 private utility is underway and Stage 2 will begin soon to allow for stormwater/sidewalk construction along the east side of 9th/Avon Street as well as reconstruction of East South Street.
- Excavation has been conducted for the southern pedestrian underpass, the extension of the northern pedestrian underpass, the staircases in the northeast quadrant and the retaining wall system.

CCG has started to build the new eastern bridge – the two piers have been completed, the southern

abutment/retaining wall has begun, the first of three sets of beam/girders has been placed (over Old Avon), production of the southern pedestrian underpass is underway, footers/stem walls being poured for the northern pedestrian underpass extension and the NE staircase system has begun. The eastern bridge will be opened to traffic in November 2022 and work will then begin on the western, two bridges.

Discussion

On June 7, 2021, Council approved an appropriation of \$4,280,739 in state funds from the State of Good Repair (SGR) Local Bridge funding program bringing the total allocation to the Belmont Bridge project to \$35,380,782 in federal, state, and local funds. This allowed the City to award the construction contract and provided additional funds needed to cover other necessary project expenditures such as construction engineering inspection services and contingency fund. The VDOT had pursued two funding streams to ensure the project could move forward – the State of Good Repair (SGR) Local Bridge funding program and the Demonstration Repurpose VA200 (DEMO) funding program. The City has now been notified that we have also received \$2,697,398 in DEMO funds.

City Council can choose to accept the funding for the Belmont Bridge project or return the funding to the VDOT. City staff recommends accepting the award based on:

- the current utilization rate of the contingency fund for added work (additional waterline and duct bank work needed, full rebuild of the signal at East Market due to timing of East High Streetscape project, expenses related to resequencing activities, etc.)
- current phase of construction – the first of three bridges just starting construction with bridges being a high risk, high dollar activity
- current state of the economy with supply chain issues, historic inflation levels and staffing shortages.

Staff will continue to mitigate these risks to both budget and schedule to ensure the City's interests are protected and the goals of the project accomplished. At the end of the project, remaining funds will be reconciled and reported to City Council.

Alignment with City Council's Vision and Strategic Plan

Approval of this agenda item upholds the City's commitment to create "a connected community" by improving upon our existing transportation infrastructure. In addition, it would contribute to Goal 2 of the Strategic Plan, Be a safe, equitable, thriving, and beautiful community; Objectives 2.3. Provide reliable and high quality infrastructure and 2.6. Engage in robust and context sensitive urban planning.

Community Engagement

There has been significant engagement throughout project planning process through a Steering Committee, project specific public meetings, coordination with City boards/commissions and public surveys. A Design Public Hearing was held on May 24, 2018 and the Design Concept accepted by City Council on July 16, 2018. The Board of Architectural Review granted a Certificate of Appropriateness on August 20, 2019. Prior to commencement of construction, a Citizen Information Meeting was held on August 11, 2021 to discuss maintenance of traffic for both vehicles and

pedestrians, construction schedule and sequencing. Progress reports, future traffic notices as well as historical meeting information can be found on www.belmontbridge.org.

Budgetary Impact

Currently, the total Belmont Bridge project funding allocation is \$35,380,782 using a combination of federal, state, and local funds. With the additional award of Federal funds from the Demonstration program, the total funding allocation for the project is now \$38,078,180, and the appropriation will be amended as follows:

Funding Allocations

(as of June 2021)

| | |
|---------------------|---------------------|
| <u>Federal</u> | \$3,181,234 |
| <u>State</u> | \$19,150,933 |
| <u>Local</u> | \$13,048,615 |
| <u>TOTAL</u> | \$35,380,782 |

Funding Allocations

(revised August 2022)

| | |
|---------------------|---------------------|
| <u>Federal</u> (*) | \$5,878,632 |
| <u>State</u> | \$19,150,933 |
| <u>Local</u> | \$13,048,615 |
| <u>TOTAL</u> | \$38,078,180 |

(*) This amount is increased by the funds to be received through Demonstration funding.

The increase in federal allocations will be reimbursed once expended.

Per Va Code Section 15.2-2507, this proposed appropriation requires notice to be placed in the local newspaper seven days prior to the Council meeting.

Recommendation

Staff recommends approval of the appropriation.

Alternatives

City Council could choose to not appropriate the additional Demonstration funding and return the funds to the VDOT.

Attachments

1. Approp - Belmont 082022

**APPROPRIATION
Belmont Bridge Replacement Project
\$2,697,398**

WHEREAS, a total of \$2,697,398 in federal funds for the Belmont Bridge Replacement Project requires appropriation; and

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

Revenues

\$2,697,398 Fund: 426 WBS: P-00436 G/L Account: 430120

Expenditures

\$2,697,398 Fund: 426 WBS: P-00436 G/L Account: 599999

BE IT FURTHER RESOLVED by the Council of the City of Charlottesville, Virginia that \$2,697,398 noted above is conditioned upon the receipt of a fully executed Appendix A and receipt of the funds from the Virginia Department of Transportation (VDOT).

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



Agenda Date: September 6, 2022

Action Required: Amend and re-ordain City Code Sec.30-6 to increase the threshold under which the Treasurer may issue a refund for an erroneous assessment without direction from Council

Presenter: Jason Vandever, City Treasurer

Staff Contacts: Jason Vandever, City Treasurer
Todd Divers, Commissioner of the Revenue
Lisa Robertson, City Attorney

Title: Amending City Code Section 30-6 to increase the threshold under which the City Treasurer may issue a refund for an erroneous assessment without direction from Council (2nd reading)

Background

Sec. 30-6 of the Charlottesville City Code stipulates that:

In the event that the assessing official determines that they have erroneously assessed an applicant with a local tax, they shall exonerate the applicant from the payment of so much as is erroneously charged, if not already paid into the city treasury. If the assessment has been paid, the city council shall, upon the certificate of the assessing official with the consent of the city attorney that such assessment was erroneous, direct the city treasurer to refund the excess to the taxpayer, with interest if authorized by law. However, the city treasurer is hereby authorized to approve and issue, without the above-referenced certificate, any refund up to two thousand five hundred dollars (\$2,500.00) resulting from an erroneous assessment.

Virginia Code §58.1-3981 provides the statutory basis for this procedure.

In practice, when the Commissioner of the Revenue or City Assessor discovers an erroneous assessment that will result in a refund of greater than \$2,500, they must certify to the City Attorney and the City Treasurer the circumstances surrounding such refund. They must then arrange for the refund to be taken up on a Council agenda, prepare a memo outlining the City Attorney's certification, and await Council approval (after the required number of readings) before the Treasurer can issue the refund.

In most instances, interest is also paid on these refunds.

Discussion

The \$2,500 threshold was set out in State Code in 1995 (HB1694) and later formally adopted by the City of Charlottesville in 2004 (11/15/04). The General Assembly has increased the allowable threshold twice in recent years – increasing it to \$5,000 in 2020 (HB316), and to \$10,000 in 2022 (HB368).

There are essentially four arguments for adopting the currently permissible \$10,000 threshold under which the Treasurer may issue a refund for an erroneous assessment:

1. Whereas in 1995 a refund of \$2,500 was a rare occurrence, refunds of that amount (and higher) are fairly common today;
2. Preparing Council memos and securing the sign-off from the City Attorney is time consuming and needlessly ties up the attention of the Commissioner of the Revenue or Assessor, Treasurer, and City Attorney;
3. The approval is typically a formality anyway. Once the Commissioner of the Revenue or Assessor determines that a tax was paid in error, a refund is due to the taxpayer;
4. The process delays payment and causes the City to incur more interest. By the time an agenda item is created, goes through the necessary approvals, is read twice, and finally voted on, weeks have typically passed since the original exoneration.

Alignment with City Council's Vision and Strategic Plan

This change aligns with the City's Organizational Value of **Excellence**:

We provide excellent services. We are responsive to requests and seek to implement the most effective approaches to our work. We follow best practices, and we measure the outcomes of our performance. We provide accurate and timely delivery of services.

This change aligns with the City's Goal #5, to be a **well-managed and responsive organization**:

5.1 Integrate effective business practices and strong fiscal policies

5.3 Provide responsive customer service

Community Engagement

N/A

Budgetary Impact

N/A

Recommendation

Approve the amended ordinance.

Suggested Motion: "I move the ORDINANCE amending and re-ordinating Sec. 30-6 of the City Code, to authorize the Treasurer to approve and issue any refund up to \$10,000 as a result of an erroneous tax assessment."

Alternatives

None

Attachments

1. Proposed Ordinance

ORDINANCE
TO AMEND AND REORDAIN SECTION 30-6 OF THE CODE OF THE
CITY OF CHARLOTTESVILLE, TO AUTHORIZE THE TREASURER TO
APPROVE AND ISSUE ANY REFUND UP TO \$10,000 AS THE RESULT
OF AN ERRONEOUS TAX ASSESSMENT

BE IT ORDAINED by the **Council of the City of Charlottesville, Virginia**, that the Code of the City of Charlottesville, 1990, as amended, Chapter 20 (Taxation), Article I (General), Section 30-6, is hereby amended and reordained as follows:

CHAPTER 30. TAXATION

ARTICLE I. – IN GENERAL

Sec. 30-6. Correction of assessments.

- (a) Any person, firm or corporation assessed by a city official with any local tax authorized by this chapter, and who is aggrieved by any such assessment, may apply to the official who made the assessment for a correction thereof. Such applications shall be governed by the standards and requirements of Chapter 39, Article 5 (§ 58.1-3980 et seq.) of Title 58.1 of the Virginia Code, as may be applicable to the tax in question. Any person assessed with local taxes, aggrieved by any such assessment, may, unless otherwise specifically provided by law, apply for relief to the city's circuit court as provided within § 58.1-3984 of the Code of Virginia.
- (b) In the event that the assessing official determines that they have erroneously assessed an applicant with a local tax, they shall exonerate the applicant from the payment of so much as is erroneously charged, if not already paid into the city treasury. If the assessment has been paid, the city council shall, upon the certificate of the assessing official with the consent of the city attorney that such assessment was erroneous, direct the city treasurer to refund the excess to the taxpayer, with interest if authorized by law. However, the city treasurer is hereby authorized to approve and issue, without the above-referenced certificate, any refund up **to ten thousand two thousand five hundred dollars (\$10,000.00)** **(\$2,500.00)** resulting from an erroneous assessment.

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



| | |
|------------------|-----------------------------------------------------------------------------------------------------------|
| Agenda Date: | September 6, 2022 |
| Action Required: | Approve Resolution for Appropriation |
| Presenter: | Misty Graves, Director |
| Staff Contacts: | Misty Graves, Director |
| Title: | United Way reimbursement of Community Resource Hotline Staff Costs - \$26,333.76 (1 of 2 readings) |

Background

As a response to the COVID-19 pandemic, the Community Resource Hotline expanded their services to provide economic financial assistance through the Pathways program, a collaborative effort of the Charlottesville Department of Human Services, Albemarle County, and United Way of Greater Charlottesville. Residents call the hotline Monday through Friday between 9 a.m. and 5 p.m. and requests are verified and approved by Department of Human Services staff working on the community resource hotline. Financial support is distributed by the United Way of Greater Charlottesville.

Discussion

As a result of call volume and requests, the Community Resource Hotline required the Department to hire additional staff to serve as operators. The Department of Human Services maintains the operations and oversight of the program. The City of Charlottesville covers 40 percent of staff costs, while the County of Albemarle covers 60 percent of those costs. The appropriation is the reimbursement of the County's portion of staff costs from March 19, 2022 to June 30, 2022. Future invoices to United Way will be submitted quarterly.

Alignment with City Council's Vision and Strategic Plan

This appropriation supports City Council's "Community of Mutual Respect" vision. It contributes to Goal 1: an inclusive community of self-sufficient residents. It also contributes to Goal 5: A well-managed and responsive organization.

Community Engagement

During FY 22, the Community Resource Hotline received 799 calls from City residents seeking financial relief for rent and mortgage or utility bills. To date, our partnership has expended \$209,012.01 as a response to these calls. This past quarter we created flyers that have been distributed throughout the community raising awareness about the City's opportunity to receive financial assistance. In addition, operators are trained to provide additional referrals to community partners depending on the specific needs of the callers.

Budgetary Impact

Funds will be posted as revenue to the Department of Human Services.

Recommendation

Staff recommends approval and appropriation of funds.

Suggested Motion: “I move the RESOLUTION Appropriating the Amount of \$26,333.76 Received from The United Way, as reimbursement of Community Resource Hotline Staff Costs”

Alternatives

Council may elect not to accept the funds and the community resource hotline will be understaffed and therefore will not have the capacity to administer the financial assistance to people experiencing hardship.

Attachments

1. RESOLUTION UW Grant Appropriation 9.6.2022

RESOLUTION

Appropriating the Amount of \$26,333.76 Received from The United Way, as reimbursement of Community Resource Hotline Staff Costs

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received reimbursement from the United Way of Greater Charlottesville in the amount of **\$26,333.76**;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of **\$26,333.76** is hereby appropriated in the following manner:

Revenues

\$26,333.76 Fund: 213 Cost Center: 3411001000 G/L: 451022

Expenditures

\$26,333.76 Fund: 213 Cost Center: 3411001000 G/L: 599999



City Manager's Report

September 2022

UPDATES FROM CITY MANAGER MICHAEL ROGERS

- Attended the quarterly meeting of the city, county and University senior leadership. This meeting is an important component for coordination between the three entities. The Mayor, Chair of County Board of Supervisors, County Executive, City administrator and the executive Vice President and Senior Vice President of the University. In this meeting there was discussion of development plans, organizational challenges, governance issues and areas where coordination would be beneficial
- The Police Chief search continues. The community survey that is available through the city website was extended to August 2nd from original date of August 15. Community response has been very good and will provide critical information to frame the recruitment brochure that will be used to advertise the position. The Interim City Manager conducted three online conversations with three groups of, stakeholders, public housing advocates, business leaders and nonprofit leaders. These conversations were very useful in framing the profile for a new chief. The target is to select by the end of October or early November
- Review of the proposed update and revision to the City personnel rules has begun with the Director of Human Resources and the senior staff. The new rules will be finalized this fall with a roll out in October.
- Focus continues on the compensation study being conducted by Gallagher. This work will help the city address long standing issues of pay compression and lack of competitiveness of city pay. This project will be a key focus in stabilizing the city workforce and reducing turnover.
- The collective bargaining ordinance was introduced at the August 15 council meeting. There was significant comment during the public comment period. There will be a public hearing on September 6. The city manager's office will continue to receive comment up to second reading in October.
- Congratulations to Chief Smith and his team at the Charlottesville Fire Department for being approved for accreditation by the International Association of Fire Chiefs.
- The city manager received presentations from the returns that worked with the PCOB under Executive Director Auguilar. These were outstanding presentations, one focused on developing a library as a resource for the PCOB board and the second was focused on the public outreach strategy and marketing.

UPDATES FROM DEPUTY CITY MANAGER ASHLEY MARSHALL

- Congratulations to Police Civilian Oversight Board Executive Director Hansel Aguilar for the acceptance of his proposal regarding civilian oversight in Virginia for the annual conference: Oversight in the Old Dominion – the Past, Present and Path Forward for Civilian Oversight in the Commonwealth of Virginia.
- Roy Fitch Jr. has been promoted to Employment & Financial Opportunity Manager in the Office of Equity and Inclusion. Roy will continue to lead the Downtown Job Center and will provide managerial support for the Home to Hope program and staff.
- The Office of Equity and Inclusion is also excited to welcome Paul Rudacille, the City's ADA Coordinator, to the team. While Paul has been with the city for several months, as of the beginning of this fiscal year the ADA

Coordinator has become a part of OEI to allow him to work not only with planning needs but to ensure the organization has critical access to his knowledge that will ensure every member of our community can access our services.

- The Office of Equity and Inclusion is excited to offer a second Racial Equity Institute (REI) Groundwater Training for City Staff on August 25th in partnership with the Office of Human Rights. The session is currently full of 100 participants who will spend their afternoon embracing key truths to help them confront the reality that all our systems, institutions, and outcomes emanate from the racial hierarchy, on which the United States was built. OEI provided its first Groundwater training session in June 2022 with 86 participants including members of City Council, United Way of Roanoke Valley, and Charlottesville Redevelopment and Housing Authority.

UPDATES FROM DEPUTY CITY MANAGER SAMUEL SANDERS

- Congratulations to the CFD on the recent notification of a 5-year renewal of accreditation. We are so proud of the achievement that continues to help our fire department stand out as a model to others.
- Michael Goddard has been promoted to Facilities Development Manager in Public Works. Mike previously served as a Senior Project Manager and assumed his new duties on Monday, August 22nd. We also thank Kristel Riddervold for pulling double duty managing this division along with the Environmental Sustainability Division for a number of years. Thank you, Kristel!
- Emily Irvine has accepted the position of Climate Action Specialist and joined our Environmental Sustainability Division of Public Works on August 31st. Emily will manage the implementation of our Climate Action Plan.
- Our new Building Code Official, Charles (Chuck) Miller started August 29th. This position has been vacant for two years and we are very excited to finally have the added capacity within this division of NDS.
- It's official. We have dropped the interim title making Alex Ikefuna the Director of the Office of Community Solutions. Alex will continue to oversee housing programs, redevelopment, and neighborhood connections.

APPOINTEES AND ELECTED OFFICIAL UPDATES

- **Commissioner of the Revenue** – Commissioner Todd Divers (he/him)
 - The Commissioner of the Revenue is participating in the Statewide Commissioners and Can Food and Fund Drive with Commissioner of Revenue offices around the state. The drive runs throughout the month of August 2022. The Office is grateful to have the assistance of the City Fire Department and City Police Department. Food bins are in front of the mall side entrance to City Hall, in the City Hall Lobby, and in all the Fire Stations and the Police Department. The Commissioners office continues to work diligently to go live with an online business portal that will allow for online filing and payment of an array of business taxes. The Office will announce their go live date to the public as soon as possible. Finally, the Commissioner is working with a statewide group of stakeholders convened by the Department of Taxation as directed by recently enacted legislation to examine the processes currently used to collect local transient occupancy taxes and make recommendations for improving the efficiency and uniformity of those processes.

- **Office of the City Manager** – Executive Assistant Terry Bentley (she/her)
 - The Office of the City Manager would like to remind the public that the MyCVille App is free and available for download by any mobile user. This resource is available for live reporting of issues encountered throughout the city that require attention. Examples of things to report include blocked sidewalks, overgrown trees in public rights of way, down tree, streetlights out, and general non-emergency matters to be called to the attention of city staff.
- **Office of Budget and Management** – Director Krisy Hammill (she/her)
 - The Budget Office is excited to announce that a new Senior Budget Analysis will begin with the City on Tuesday August 23, 2022. Further, the Office is actively working on ensuring that the FY2023 Budget Document is ADA compliant. The Document should be returned and posted on our website by the end of August 2022.
- **Office of Community Solutions** – Interim Director Alex Ikefuna (he/him)
 - Working on the CAPER (Consolidated Annual Performance and Evaluation Report) to be submitted for Council review and approval in September before submission to HUD as an annual requirement of federal entitlement programs.
 - Working with CRHA on renewal of the Charlottesville Supplemental Rental Assistance Program
 - Working with Vibrant Community Fund to establish alignment with the CAHF
 - Researching the potential concept for developing a Land Bank to promote affordable housing development
- **Office of Economic Development** – Director Chris Engel (he/him)
 - The Office of Economic Development is pleased to announce that September is Minority Business Month in Charlottesville. The month-long series of events celebrating business diversity in the Charlottesville community will kick off on September 9th with the Minority Business Alliance 10th Anniversary Gala celebration. Please join us as we celebrate business diversity in our community. For more information on all the events, contact Ajoni Wynn-Floyd or visit <https://cvilleminoritybusinessprogram.org>
- **Office of Human Rights** – Director Todd Niemeier (he/him)
 - The Office of Human Rights continues to receive an increasing number of incoming requests for individual support. In July 2022 the office received an average of 14 incoming contacts per day, for a total of 381 incoming and outgoing contacts related to individual service provision for the month, and a current total of 2,286 incoming and outgoing service-related individual contacts for the year. The Human Rights Commission will hold its meeting on August 18, 2022 and including in the agenda packet for this meeting will be the CY2021 HRC & OHR Annual Report. In September 2022 the Commission will be presented with an update of the ordinance for their consideration that contains revisions focused on the Office's ability to enter a Fair Housing Assistance Program (FHAP) workshare with the Federal Department of Housing and Urban Development as noted in the current ordinance. Finally, the department extends its continued thanks to interns Lily Gates and Ginny Helmandollar who have completed a year of service with the Office, and made significant contributions to the CY2021 Annual Report and amended ordinance.
- **Office of Equity & Inclusion | Home to Hope Program/Job Center** – Lead Roy Fitch Jr. (he/him)
 - The Downtown Job Center is proud to announce a newly created employee relationship with Carter's

- Mountain, Chiles Peach Orchard, GovSmart, SAS Retail Services, and Charlottesville Remodeling.
- Home to Hope recently has resumed a bi-weekly in-person, on-site peer support group. The group will meet the first and third Wednesday, from 1-2pm in CitySpace. The groups have been well received and are gradually increasing in number. The program is also advertising for an open Peer Navigator position currently on the City's website.
- **Police Civilian Oversight Board (PCOB)** – Executive Director Hansel Aguilar (he/him)
 - The PCOB has launched its online complaints/complements portal. It is accessible by visiting <https://charlottesvilleva.siviltech.com/>. Further, the PCOB in collaboration with Charlottesville Police Department is equipping officers in Fall 2022 with contact cards that provide instructions for citizens to provide those complements and complaints through the Sivil site. The program is planning on finalizing a public perceptions survey to be deployed to the community shortly. Finally, the PCOB participated in the Soul of Cville festival.

CITY DEPARTMENT & OFFICE UPDATES

- **Charlottesville Area Transit** – Director Garland Williams (he/him)
 - Continuing efforts to launch the microtransit service in partnership with Albemarle County
 - It has been 90 days since the launch of CAT's Alternative Fuel/Zero Emissions Feasibility Study and it is time to re-engage with the consultant team and begin meeting every two weeks
 - Executing contract with Olson Group to conduct an emergency management tabletop exercise
- **Charlottesville Fire Department** – Chief Hezedeon Smith (he/him)
 - David Davies has joined the department as the new EMS Billing Specialist
 - Council approved ARP funds to establish three new Battalion Chief positions in support of a key recommendation for accreditation
 - CFD is currently recruiting 12 new firefighters to fill vacancies in the department (most resulting from promotions)
 - Congratulations to Lucas Lyons for winning ESRI's Special Achievement in GIS for his outstanding data management work to support the department
- **Charlottesville Police Department** – Assistant Chief Major LaTroy Durrette (he/him)
 - The Department would like to extend its thanks to the Charlottesville Fire Department, Public Works department, and the City Emergency Management coordinator for their collaboration during the August 12th remembrances to ensure public safety and to secure public spaces for those who wished to enter those spaces peacefully.
- **Human Resources** – Director Mary Ann Hardie (she/her)
 - The Human Resources team has been working on trainings and has completed the first of several in-house trainings for the team focused on labor relations. The internal trainings will ensure that the department has knowledge and the ability to support our departments. Further, the Department is in the process of positing our vacancies for our: Labor Relations Manager, Deputy Human Resources Director, and our Talent & Acquisition Specialist (Recruiter).
- **Human Services** – Director Misty Graves (she/her)
 - The Department of Human Services Community Based Services team has wrapped up a successful summer of programming. Our Teens GIVE Service-Learning program enrolled 19 youth and donated

328 total hours of service to the community and our four partner sites: Urban Agriculture Collective (Community Gardens), Rivanna Conservation Alliance, Habitat Store, and Ivy Creek Natural Area. In the Community Attention Youth Internship Program (CAYIP), 43 youth completed CAYIP Academy and 41 successfully completed the entire session: a 95% success rate. This involved collaboration from 34 host site partners. As a collective, interns completed 4479 internship hours in the community. The fall session of CAYIP is currently accepting applications and the session will run from September 19-November 13, 2022. Youth participants will have an opportunity to work up to ten hours a week for eight weeks. The stipend is 10 an hour (not to exceed \$800 for the session). The deadline for applications is August 29, 2022 at 5pm and the application can be found on the Human Services website: <https://www.charlottesville.gov/263/Community-Based-Services> Finally, the Community Attention Foster Families team has been nominated for a United Way Caring for Community Award for the Above and Beyond Voice in Equity Award in recognition for their continued work towards being an anti-racist organization and walking that out in real time. CAFF recognizes the role white supremacy and racism plays in the child welfare system as a whole and has committed to using our space in the system to combat and call it out when we see it. Within that, CAFF has been very vocal with our community and straightforward with the families through that lenses. We believe we can't truly support our community, families and the children we serve, any other way. We certainly know we still have to work to do and we are committed to continuing that work and are grateful for the acknowledgment.

- **Neighborhood Development Services** – Director James Freas (he/him)
 - Our new Building Code Official, Charles (Chuck) Miller started August 29th. This position has been vacant for two years and we are very excited to finally have the added capacity within this division of NDS. Mr. Miller was previously the Building Code Official in Nelson County where he established an online permitting system and his experience there will be valuable as we move forward with that project with a target of having the building permit application process online by early spring, with the remaining permitting processes to follow.
 - Thomas (Tommy) Shifflet has joined NDS from the Utilities Department as a Building Inspector, beginning August 16.
- **Parks & Recreation** – Director Dana Kasler (he/him)
 - Administration: Working on developing an Avon Yard presentation to deliver to DCMO providing additional cost analysis and historical information.
 - Environmental Engineering: The Rivanna Conservation Alliance (RCA) has continued to monitor our streams in light of the high levels of bacteria that were measured back in March.
- **Public Works** – Director Stacey Smalls (he/him)
 - Administration: Working on developing an Avon Yard presentation to deliver to DCMO providing additional cost analysis and historical information.
 - Environmental Engineering: The Rivanna Conservation Alliance (RCA) has continued to monitor our streams in light of the high levels of bacteria that were measured back in March.
- **Social Services** – Director Sue Moffett (she/her)
 - The Department of Social Services would like to proudly announce that seven staff members from the Division of Benefit Programs have been named in their statewide professional organization, BPRO: Tina Caldwell-Eheart (President), Tonia Alexander (1st Vice President), Bonnie Crockett (Chair-Fundraising), Blair Smith (President, Virginia Alliance of Social Worker Practitioners), Denise Wilson (TANF Committee), Mary Jane Skidmore (Legislative Committee), and Teresa

Booker (Treasurer). In addition, the Department continues to ensure that youth in Foster Care have an opportunity to live with relatives. While the statewide average for kinship placement is 12%, the kinship placement for youth in Charlottesville is 61%. The Department knows that youth who maintain family connection have quicker and more successful discharges from Foster Care and appreciate the efforts of our staff and partners to identify and grow these connections.

- **Utilities** – Director Lauren Hildebrand (she/her)
 - The RFP period for the Decarbonization Study closed the week of August 18th and reviews are underway to select a contractor to perform the work.
 - With the cooler temperatures of fall quickly approaching, Utilities wants to remind residents of the different household rebates the department offers to help their homes remain comfortable during the coming colder months. These rebates include \$100 for purchasing and installing a programmable thermostat and \$300 for installing upgraded attic insulation. For more information on energy-saving incentives offered by the Department of Utilities, visit www.charlottesville.gov/utilities.

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



Agenda Date: September 6, 2022

Action Required: Authorize and schedule a public hearing and first reading

Presenter: Michael Rogers, City Manager, Robin Burroughs, Venable LLP

Staff Contacts: Mary Ann Hardie, Director

Title: City Manager's Proposed Collective Bargaining Ordinance (1 of 2 readings)

Background

Historically the Virginia General Assembly has prohibited localities, their elected officials and City officials, from recognizing a labor union or employee association as a bargaining agent for the locality's employees. *See* Va. Code §40.1-57.2 (copy attached). In April 2020 the legislature amended the statute to expressly grant authority to local governing bodies to make their own local decisions as to whether or not to implement collective bargaining. The amended statute took effect May 1, 2021.

- In March 2021 City employee Greg Wright, on behalf of himself and members of the City's Fire Department submitted a proposed ordinance to City Council for consideration.
- In October 2021 John Ertl, a representative of the Amalgamated Transit Union (ATU), notified the City Council that ATU is requesting recognition as the representative of a group of employees within Charlottesville Area Transit (CAT). The ATU submitted a proposed ordinance to City Council for consideration.

In June 2022, on behalf of the City, Michael C. Rogers, Interim City Manager (hereinafter, referred to in short form as "City Manager") engaged the law firm of Venable LLP to advise and assist the City in preparing a proposed collective bargaining ordinance suited to the size and particular organizational units of the City organization, taking into consideration (i) the proposed ordinances previously presented to Council by CFD and ATU, (ii) ordinances recently enacted in other Virginia localities, including in the cities of Richmond and Alexandria, and in Loudoun County, and (iii) ordinances, processes and procedures utilized within long-established collective bargaining programs throughout the country. Both the Robert Bobb Group and the attorneys at Venable, LLP have practical experience in collective bargaining, as do several current City department heads.

From June 2022 to the present, the City Manager consulted with key department heads who have prior professional experience with collective bargaining and brought those key City leaders together in consultation with Venable's legal experts. The attached proposed ordinance represents the City Manager's recommendation to City Council for a collective bargaining ordinance that, in his opinion, will best fit the City's organizational and budgetary capacity.

Discussion

Throughout the proposed Ordinance, the City Manager has been guided by the principle that the City should "walk before it runs." Introduction of collective bargaining is a substantial undertaking, and both the City and its employees require time to gain experience with the bargaining process. Particularly considering the unknown budgetary impact of implementing a collective bargaining program (discussed in more detail below), the proposed Ordinance was drafted to balance quickly providing meaningful bargaining rights to employees who choose to engage in collective bargaining with ensuring that the City remains a good steward of public funds and is able to continue providing high-quality services to its residents.

Following are the key policies and decision points that form the framework of the proposed Ordinance, along with information about the basis of the City Manager's recommendation:

Number of Bargaining Units and Bargaining Unit Composition: The Ordinance prioritizes providing bargaining rights to three groups of non-supervisory City employees: (i) sworn uniformed police officers, (ii) sworn uniformed firefighters, **and** (iii) certain operations and maintenance

employees within Charlottesville Area Transit. A common approach within municipalities that engage in collective bargaining is to exclude supervisory personnel from the bargaining units, and that is the City Manager's proposal for each of these three units. It is important to understand, however, that even if supervisors are not authorized within a proposed bargaining unit, the new Virginia law will allow the City Manager to meet and confer with them on issues common to their interests. The City Manager is recommending these three initial bargaining units for several reasons. First, employees in the public safety and public transit sectors are first responders and individuals in daily contact with the public. Second, employees in the fire and transit departments were the first to come forward to express interest in collective bargaining for public safety and transit employees. Third, the City Council is facing a number of urgent fiscal and budgetary issues in the next several budget years, and the City Manager strongly advises that starting with these three authorized bargaining units will allow the City Manager and Council an opportunity to gain a practical understanding of the administrative, operational, and financial impact of each new bargaining unit. Finally, it is the opinion of the City Manager that, given a need for key personnel within the City administration to either be hired or to obtain training in connection with collective bargaining procedures, starting out with more than three units will be extremely challenging both administratively and operationally. Beginning a nascent bargaining program with these three initial units provides representation to employees in both the public safety and transit sectors, and will provide the City and its employees with the opportunity to focus on bargaining and administering highly consequential first contracts. Once sufficient staff and managerial capacity is built out and funded, additional bargaining units could be permitted in the future.

Update: On 8-15-2022 Councilors noted that no national or state union has made known to City staff that it will be seeking to become the authorized representative of the police department. The collective bargaining ordinance proposed by Greg Wright on March 6, 2021 included a request that, among other proposed units, one authorized unit for collective bargaining should be "all sworn employees of the Police Department at and below the rank of lieutenant." Art. VII.F.1.a. (among other proposed units). It should also be noted that no collective bargaining unit could be entered into which would abrogate requirements established by City Council (including, without limitation, the role of the PCOB).

Also: On 8-15-2022 Councilors noted the exclusion of seasonal and temporary employees from the definition of "employee" (see Sec. 19-202 of the Proposed Ordinance). Human Resources Director Mary Ann Hardie recommends the following modification of the definitions of "seasonal" and "temporary" employee within the Proposed Ordinance:

"Seasonal employee means a temporary employee, as defined in this section, an employee who is hired into a position for which the customary annual employment is four (4) months or less, and for which the period of employment begins each calendar year in approximately the same part of the year, such as summer or winter, for reasons related to work demands that arise during those parts of the year."

"Temporary employee means an employee who works variable hours, but fewer than 20 hours per week, and fewer than 36 weeks per year, on an as-needed basis, is hired into a time-limited position that lasts for four (4) consecutive months or less, and who actually works for the City for 4 consecutive months or less; provided, that Any employee who has worked for the City for more than four consecutive months shall not be considered a temporary employee for purposes of this ordinance."

Unit Certification and Decertification: Employees with bargaining rights should have a free choice to form or join an organization for the purpose of representation, or to refrain from joining such an organization. In order to ensure that the City is recognizing the true desire of the employee group as a whole, the Ordinance provides that unions may be certified or decertified through a secret ballot election.

Authorized subjects of Collective Bargaining: The proposed Ordinance provides employees with meaningful bargaining rights regarding certain wages and salaries, hours of work, non-health/welfare benefits, and working conditions. Some topics of bargaining are excluded, either because they are controlled by state or other local laws, or because bargaining in these areas is likely to interfere with the efficient administration of the City's services. The included subjects of bargaining provide an important seat at the table for employee groups and are an effective foundation for the negotiation of first collective bargaining agreements. (Note: The proposed ordinance excludes medical, dental, life insurance and similar health/welfare benefits from collective bargaining. The City Manager proposes to exclude these topics from bargaining, because affordability and economy of scale is best achieved by maintaining the ability of management to create packages for the entire workforce.)

Update: On 8-15-2022 the City Manager's team noted that the Virginia jurisdictions which have included "health and welfare benefits" as an authorized subject of collective bargaining are larger than Charlottesville and therefore have ability to achieve economies of scale even within units of bargaining. (For comparison: according to the City's published FY23 Budget, Appendix N, pp. N-8 and N-9, the City of Charlottesville has 1036.68 FTEs (Police: 155 FTEs authorized (not filled) and Fire 95 FTEs) and a total annual budget of \$198,783,884)

Fairfax County (Annual Budget: \$4.2 BILLION)

Total employees: 12,000

Police: 1,632 FTE (1,376 uniformed; 256 other)

Fire: 1,695 FTE (1,402 uniformed; 293 other)

Loudoun County (Annual Budget: \$3.5 BILLION)

Total employees: 4,672.76

Sheriff (no police department): 736 FTE (566 uniformed; 170 other)

Fire: 748 FTE (600 uniformed; 148 other)

City of Alexandria (Annual Budget: \$839,200,000)

Total employees: 2,765.34

Police: 432.63 FTE (335.13 uniformed; 97.5 other)

Fire: 321.50 FTE (274 uniformed; 47.5 other)

City of Richmond (Annual Budget: \$838,715,828)

Total employees: 4,251.71

Police: 823.50 FTE (720 uniformed; 103.5 other)

Fire: 421 FTE (393 FTE uniformed; 28 other)

Dispute Resolution and Labor Administration: While the City Manager hopes to have harmonious and collaborative relationships with any certified bargaining units, it is necessary to have a process to resolve disputes should they occur. In order to facilitate negotiated agreement, the Ordinance incorporates mandatory mediation in its dispute resolution procedure. In the event that mediation is not appropriate or fails, the Ordinance provides that a third-party neutral will issue findings of fact and recommendations to resolve the dispute. In accordance with state law, City Council retains its budgetary authority. Also included within the proposed Ordinance are provisions for selection of a neutral Labor Relations Administrator, who will be responsible for overseeing the process for certification/decertification of bargaining agents, resolving labor/management disputes, and assisting with the selection of mediators.

Commitment to Further Review: Transitioning to a new paradigm of collective bargaining will require considerable investment of resources and attention by both the City's employees and the administration. The Ordinance initially takes a measured approach to ensure success in this new endeavor. The Ordinance also provides for the opportunity to review its procedures and to allow for the potential expansion of collective bargaining to additional groups in the City. After the Ordinance has been effective for two years, the City will be better able to judge its capacity for collective bargaining and will be in a better position to determine impact of collective bargaining on the City's resources and budget.

Alignment with City Council's Vision and Strategic Plan

The collective Bargaining initiative aligns with Goal 5 of the Strategic plan: A Well-managed and Responsive organization. Structuring a framework for engaging with our employees as they seek bargaining unit representation is foundational to a well-managed and responsive organization. Providing employees, a mechanism to express their aspirations as part of the city workforce is critical to employee satisfaction and a responsive organization.

Community Engagement

The public introduction of the proposed ordinance will be at Council's 4:00 session on Monday, August 15, 2022. Following the introduction, City Council can set the date on which it will conduct a first reading of the proposed ordinance for adoption. It is recommended that a public hearing should be conducted on the date of Council's first reading.

Budgetary Impact

We are unable to provide a projection of budgetary impact at this time, due to the as-yet unknown total expected number of staff and staff time involved in preparing for and conducting bargaining, and the total cost (including operational and contractual costs) associated with implementing collective bargaining agreements. The City Manager expects the budgetary impact of implementing a traditional collective bargaining program to be substantial.

The current FY2023 budget includes some support costs for administering the collective bargaining environment, including additional City staff and contracted services. One (1) FTE has been added to the Department of Human Resources Budget for FY23, (Labor Relations Analyst), which was recently proposed for a reclassification to an Employee and Labor Relations Manager, whose job will include serving as lead negotiator at the bargaining table, preparing employer positions for bargaining, managing the negotiation process and preparing and formulating contract language; advising and training City management on compliance with union contracts, employment policies and laws.

The following potential costs/ expenditures are not addressed within the current (FY23) City Budget:

- a collective bargaining administrator (the proposed ordinance would require this to be an independent contractor);
- additional personnel within the Human Resources department, to bargain contracts and handle employee and labor relations (in correlation to the number of collectively bargained contracts that may be authorized by council)
- a budget for the legal services associated with negotiation of individual collective bargaining agreements for each bargaining unit authorized by the ordinance;
- a budget reserve for the funding needed to implement the terms of each individual collective bargaining unit.
- a budget for implementation of specific provisions within negotiated collective bargaining agreements, as those agreements do not yet exist.

For these reasons, the City Manager recommends that an Implementation Calendar be followed, once the Ordinance is adopted (see "Recommendation" section, below)

Recommendation

The City Manager recommends that City Council adopt the attached proposed Ordinance, after conducting a public hearing and two readings of the ordinance. If the ordinance is adopted, the City Manager recommends the following **Implementation Calendar**:

- **Effective Date of Ordinance, and First date on which a union could submit a petition for election:** January 1, 2023 (to allow for engagement of the administrator)
- **Earliest date to conduct an election for union representation,** pursuant to the secret ballot election procedures in the Ordinance: mid-February 2023
- **Earliest date for a union to be certified as exclusive bargaining representative,** pursuant to procedures in the Ordinance; bargaining for a first collective bargaining agreement could potentially begin: early March 2023
- **Potential period for bargaining of first collective bargaining agreement:** March - October 2023
- **If necessary, opportunity for mediation to resolve outstanding bargaining issues:** Fall 2023
- **If necessary, time for fact-finding and recommendations on outstanding bargaining issues:** late 2023 - early 2024
- **Incorporation of bargaining proposals and/or fact-finding recommendations in City Manager's Proposed Budget:** early March 2024
- **Adoption of FY2025 Budget by the City Council:** April 2024
- **Proposed effective date of first collective bargaining agreement(s), to align with the City's fiscal year budget cycle:** July 1, 2024 (FY 2025)

Alternatives

City Council, at its sole option, may decide that it does not wish to establish a collective bargaining program at this time. There exist many variations of the issues and procedures set forth within the proposed ordinance, all of which have operational impacts, budgetary impacts, or both. Council may explore variations, at its discretion.

Attachments

1. CB Ord 8 15 2022
2. REP_Collective Bargaining Presentation

ORDINANCE

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

WHEREAS the Virginia General Assembly enacted Sec. 40.1-57.2 of the Virginia Code, to expressly authorize the City and other local governments, upon adoption of a local ordinance, to recognize labor unions or other employee associations as bargaining agents for public officers or employees, subject to the provisions and limitations set forth within said statute; and

WHEREAS within this Ordinance City Council desires to provide procedures for the certification and decertification of exclusive bargaining representatives, including reasonable public notice and opportunity for labor organizations to intervene in the process for designating an exclusive representative of a bargaining unit, and to set forth procedures and parameters within which collective bargaining contracts may be negotiated and administered within the City government, consistent with the City Charter and the general laws of the Commonwealth of Virginia; **NOW, THEREFORE,**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE, THAT

1. *The City Code (1990), Chapter 19 (Personnel), is hereby amended and reenacted to include a new Article VII (Collective Bargaining), as follows:*

Article VII. Collective Bargaining

Sec. 19-201. Statement of Policy /Purpose

It is the public policy of the City of Charlottesville to promote a harmonious and cooperative relationship between the City government and its employees to ensure that the workforce is positioned to efficiently meet demands and deliver exceptional services to the community and stakeholders. Unresolved disputes in public service are harmful to the employees and the public, and adequate means should be available for preventing disputes and for resolving them when they occur. To that end, it is in the public interest that employees have the opportunity to bargain collectively in good faith, without interference of the orderly processes of government and subject to the limitations of the City's annual budget and appropriations.

Sec. 19-202. Definitions

As used in this ordinance, the following terms shall have the meanings ascribed to them in this section:

Administrator means the labor relations administrator appointed pursuant to sec. 19-207.

Arbitration means a procedure whereby parties, unable to agree on a solution to a problem, indicate their willingness to be bound or advised by the decision of a third-party as provided for in this subtitle.

Benefits means all forms of non-wage compensation.

City means the City of Charlottesville, Virginia.

Collective Bargaining means the performance of the mutual obligation of the City and the bargaining agent to meet at reasonable times and places and negotiate in good faith with the intent of reaching agreement regarding the authorized subjects of collective bargaining identified in sec. 19-203.

Collective bargaining agreement means the written legal contract between the City and an exclusive bargaining agent representing the employees in a bargaining unit authorized by this ordinance and resulting from collective bargaining as defined in this section. Any collective bargaining agreement negotiated under this ordinance shall continue in effect following the expiration of its term until such time as superseded by a later agreement.

Confidential employee means any employee whose work involves regular, authorized access to confidential or privileged personnel management, fiscal, or labor policy information material to the City in collective bargaining.

Employee means any employee of the City, except it does not include anyone who is:

 a seasonal or temporary employee, as defined in this section;

 a confidential employee, as defined in this section;

 a managerial employee, as defined in this section;

 a supervisor, as defined in this section;

 an intern or volunteer;

 a probationary employee, as that term is used in the City's personnel regulations;

 a member of a board, commission, authority, or other appointee of any public body as defined in state law, unless such member is an Employee who would otherwise be entitled to engage in collective bargaining under the terms of this ordinance;

 emergency services dispatchers; or

an employee of the courts or any local constitutional officer as set forth in Article VII, Section 4 of the Virginia Constitution, whether or not the City provides personnel administrative services or supplements state or other funding provided for the personnel of such officers.

Employee organization means an organization in which employees participate, and that exists for the purpose, in whole or in part, of representing employees in collective bargaining concerning labor disputes, wages, hours, and other terms and conditions of employment.

Exclusive bargaining representative and *exclusive bargaining agent* mean the employee organization recognized by the City as the only organization to bargain collectively for all employees in a bargaining unit (as defined in sec. 19-204).

Impasse means the failure of the City and an exclusive bargaining representative to reach agreement in the course of collective bargaining negotiations within the timeframes specified in this ordinance.

Labor-management dispute means a difference of position as between the City and an exclusive bargaining agent concerning administration or interpretation of the collective bargaining agreement between them and questions of eligibility of disputes for resolution by mediation or arbitration. It shall not mean disciplinary or other adverse personnel actions within the meaning of Code of Virginia, § 15.2-1506, et seq, as implemented by the uniformly applicable City grievance procedure and specialized state statutory procedures applicable to law enforcement officers and fire and emergency medical services employees.

Managerial employee means any employee or appointee involved directly in the determination of labor relations or personnel policy, or who is responsible for formulating, determining, and effectuating policy in the area of labor relations.

Mediation means an effort by a neutral, third-party facilitator chosen under the terms of this ordinance to assist confidentially in resolving an impasse, or other labor-management dispute as defined in this section, arising in the course of collective bargaining between the City and the exclusive bargaining agent of a bargaining unit.

Professional employee means an employee exempt from the Fair Labor Standards Act and whose primary duty is the performance of work:

requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction; or

involving the consistent exercise of discretion and judgment in its performance; or

requiring invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor.

Seasonal employee means an employee who is hired into a position for which the customary annual employment is four (4) months or less, and for which the period of employment begins each calendar year in approximately the same part of the year, such as summer or winter, for reasons related to work demands that arise during those parts of the year.

Supervisor means all personnel who devote a majority of work time to the supervision or direction of two or more employees, or who have authority to hire, transfer, suspend, layoff, recall, promote, demote, discharge, reward, or discipline other employees, or adjust grievances, or who can effectively recommend such action. With respect to the Fire Department, "supervisor" includes all personnel at the rank of Battalion Chief and above. With respect to the Police Department, "supervisor" includes all personnel at the rank of Sergeant and above.

Strike means, in concerted action with others, an employee's refusal to report to duty or willful absence from their position, or stoppage of work, for the purpose of inducing, influencing, or coercing a change in the conditions, compensation, rights, privileges, or obligations of public employment.

Temporary employee means an individual who is hired into a time-limited position that lasts for four (4) consecutive months or less, and who actually works for the City for four consecutive months or less; provided, that any employee who has worked for the City for more than four consecutive months shall not be considered a temporary employee for purposes of this ordinance.

Sec. 19-203. Authorized Subjects of Collective Bargaining

(a) Except as provided for in subsection (b) below, the following matters are authorized subjects of collective bargaining:

- (1) wages, salaries, and other forms of monetary compensation,
- (2) working conditions, including hours of work, provided that matters reserved as City management rights in sec. 19-206 are not authorized subjects of bargaining, or
- (3) non-health and non-welfare benefits, such as paid and unpaid leave and holidays.

(b) The following matters shall not be subject to negotiation:

- (1) health and welfare benefits such as health, dental, life insurance, and similar benefit programs,
- (2) matters concerning the provisions of a retirement system including, but not limited to, the City's existing retirement plan or any decision to replace any or all such plans with the retirement plan of the Virginia Retirement System,
- (3) matters concerning the provisions of the City's deferred compensation program,

(4) other matters governed, controlled, or preempted by federal or state constitutional provision, law, rule, or regulation, including the City Charter, such as:

Workers' compensation matters,

Wage and hour matters, such as those subject to the Fair Labor Standards Act and the Virginia Overtime Wage Act,

Occupational safety and health matters,

Equal employment opportunity matters,

Matters pertaining to the composition, duties, or powers of any civilian review board applicable to police officers, or to any decision rendered by such a board,

Matters governed by Code of Virginia, § 9.1-300 et seq.,

Matters governed by this ordinance;

(5) matters related to the administration of pay and benefits which are not directly related to monetary compensation or benefits;

(6) matters affecting the City's right to hire, promote, transfer, assign, retain, classify, and schedule employees;

(7) matters affecting the City's right to take disciplinary actions up to and including termination, including but not limited to the procedures the City takes prior to administering discipline;

(8) matters governed by the City's uniformly applicable grievance procedures and any personnel rules related thereto;

(9) matters affecting the City's right to establish policies or practices to respond to emergency situations; and

(10) provisions, prohibited by state law, that restrict the City Council's authority to establish the budget or appropriate funds in its discretion.

Sec. 19-204. Authorized Bargaining Units

(a) For at least two (2) years following the adoption of this ordinance, only employees in the following specified bargaining units shall be authorized to engage in collective bargaining through an employee organization recognized by the City:

(1) Police: a unit consisting of all sworn uniformed employees of the Charlottesville Police Department, except those excluded by definition under sec. 19-202;

- (2) Fire: a unit consisting of all sworn uniformed employees of the Charlottesville Fire Department, except those excluded by definition under sec. 19-202; and
- (3) Transit: a unit consisting of all regular full-time and part-time employees of the Charlottesville Area Transit in the positions of Transit Operator Leads, Transit Operators, Transit Maintenance Workers, Transit Maintenance Assistants, Transit Bus Technicians, School Transit Operator Leads, School Transit Operators, and School Bus Aids, excluding all office and clerical employees and those excluded by definition under sec. 19-202.

(b) The City reserves the right to extend the right to engage in collective bargaining to employees in additional bargaining units through modification of this ordinance after this ordinance has been in effect for at least two (2) years.

(c) The City Manager or his/her designee shall meet and confer with police and fire supervisors ineligible to bargain collectively regarding matters within the scope of collective bargaining under this ordinance, with the specific intent to address salary compression, as commonly defined or understood, resulting from collective bargaining with eligible police and fire uniformed employees.

Sec. 19-205. Employee Rights

Employees in the bargaining units specified in sec. 19-204(a) shall have the right to organize, form, join, assist, and pay dues or contributions to employee organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid and protection, insofar as such activity is not inconsistent with this ordinance or prohibited by any other applicable law. Employees also shall have the right to refrain from any or all such activities.

Sec. 19-206. City's Rights and Authority

(a) This ordinance shall not be deemed to limit or diminish the authority of the City Council and the City Manager to fully manage and direct the operations and activities of the City as authorized and permitted by law. The City and the City Manager retain their respective exclusive rights, including the rights:

- (1) to determine the organization of City government and the purpose and mission of its constituent agencies, and to add, delete, modify, or suspend programs, functions, and units of government as the City determines to be necessary and appropriate;
- (2) to determine the type and scope of work to be performed by City employees, and the manner in which services are to be provided;
- (3) to direct the work of employees and determine the number of employees to perform any work or service;

- (4) to hire, classify, promote, transfer, assign, retain, and supervise all employees, and to suspend, demote, discharge, or take other disciplinary action against employees;
- (5) to determine and change the appointment type (full time, part time, etc.) of City employees;
- (6) to relieve employees from duties by layoff or other reduction-in-force due to lack of work, budget changes, changed working conditions or requirements, or for other reasons not prohibited by law;
- (7) to introduce new or different services, methods, equipment, or facilities;
- (8) to contract for, expand, reduce, transfer, eliminate, or change in any way the operations of the general government, as well as any department, office, or part thereof;
- (9) to establish and change standards of behavior or performance, promotions, staffing levels, job qualifications, and job descriptions;
- (10) to determine the kind, type, location, and use of City-owned equipment or facilities; provided that the City shall not require use or operation of unsafe equipment or the unsafe operation of equipment;
- (11) to determine its tax levies, revenue generation methods, budget, and appropriation;
- (12) to require enhanced security measures to protect City facilities, infrastructure, personnel, and the public;
- (13) to take whatever actions may be necessary to carry out the City's mission during a state of emergency as defined in Code of Virginia, § 44-146.16 affecting the City or a declaration of local emergency as defined in Code of Virginia, § 44-146.16, or during such other emergency operations as may be deemed necessary by the City Manager or his/her designee;
- (14) to make and implement systems for awarding outstanding service increments, extraordinary performance awards, other merit awards, and recognizing employee recognition and service (including hiring and referral bonuses);
- (15) to introduce new or improved technology, research, development, and services;
- (16) to issue and enforce rules, policies, and regulations necessary to carry out these and all other managerial functions which are not inconsistent with this ordinance, or federal or state law; and
- (17) to take any other action necessarily to fulfill the duties and responsibilities granted to the City Manager under Section 5.01 of the Charter of the City of Charlottesville.

(b) No provision of this ordinance shall act to interfere with or impair the free speech and association rights of the City Manager or the members of the City Council. This includes the right to advocate for or

against employee organizations, and to speak on issues related to the City's labor policy without limitation.

(c) This section does not limit the discretion of the City to voluntarily discuss with the exclusive representative any matter concerning the City's exercise of any right specified in this section. If any matter is discussed it does not become a subject of collective bargaining.

Sec. 19-207. Labor Relations Administrator

(a) An administrator shall be selected and appointed in the manner set forth in sec. 19-208 to administer provisions of this ordinance, including the process for certification and decertification of bargaining agents, resolving labor-management disputes, and assisting with the selection of mediators or arbitrators as needs arise under this ordinance or under any collective bargaining agreement. The administrator shall serve as a neutral agency.

(b) The administrator must be experienced as a neutral in the field of labor relations, and must not be a person who, because of vocation, employment, or affiliation, can be categorized as a representative of the interests of the City or of any employee organization, including any bargaining agent.

(c) Should administrator responsibilities, as set forth in sec. 19-209, be required before an administrator is appointed or during a time when the appointed administrator is unable to serve for any reason, the City Manager shall secure such services from any impartial agency provider, such as the American Arbitration Association, the Federal Mediation and Conciliation Service, or a similar provider. Such impartial agency provider shall have all of the powers and responsibilities of the administrator as set forth in this Article.

Sec. 19-208. Selection of Administrator.

(a) The selection of the administrator will be conducted through competitive negotiation for nonprofessional services. Proposals will be evaluated by a panel that will consist of an equal number of City representatives and either (i) representatives of those employee organizations that have notified the City Manager of their interest in representing bargaining units permitted by this ordinance, if no bargaining agents have been recognized at the time the selection process begins, or (ii) representatives of the bargaining agent for the bargaining unit(s) permitted by this ordinance.

(b) The panel shall evaluate and rank all proposals, and recommend up to the three highest-ranked offerors for presentation to the City Manager for approval. The City Manager shall approve one of the offerors presented to him/her as the administrator.

(c) If the administrator dies, resigns, becomes disabled, or otherwise becomes unable or ineligible to continue to serve within six (6) months of the date of appointment, the City Manager may either appoint a new administrator from the list from which that administrator was selected or request that a new list be

created through the process outlined in this section. The newly selected administrator will serve the remainder of the previous administrator's term.

(d) The administrator's services shall be subject to termination by majority agreement of the City Manager and the exclusive bargaining representatives certified under this ordinance, if any. If no exclusive bargaining representatives have been certified, then the administrator's services shall be subject to termination by the City Manager in his/her sole discretion. Any replacement for the administrator shall be selected in accordance with sec. 19-208(c) (if the administrator had served for a period of six (6) months or less prior to termination) or sec. 19-208(a) (if the administrator had served longer than 6 months prior to termination).

(e) The administrator will be appointed for a term of four (4) years. An administrator appointed under this section may be reappointed for subsequent terms through the process outlined in subsections (a) and (b), above. The administrator shall serve on an as-needed basis during his/her term, when such need is requested by the City Manager. The administrator shall be paid an hourly or per diem rate which shall be specified in a contract between the administrator and the City Manager.

Sec. 19-209. Duties of Administrator

The administrator shall:

- (1) hold and conduct elections for certification or decertification pursuant to the provisions of this ordinance and issue the certification or decertification, or cause these actions to occur;
- (2) request from the City or an employee organization, and the City or such employee organization shall provide, any relevant assistance, service, and data that will enable the administrator to properly carry out duties under this ordinance;
- (3) hold hearings and make inquiries, administer oaths and affirmations, examine witnesses and documents, take testimony and receive evidence, and compel by issuance of subpoenas the attendance of witnesses and the production of relevant documents in proceedings within the responsibility of the administrator under this ordinance;
- (4) investigate and attempt to resolve or settle labor-management disputes between the City and an employee organization. However, if the City and a certified representative have negotiated a dispute resolution procedure as a provision of a collective bargaining agreement, the administrator must defer to that procedure to resolve any dispute that properly may be submitted to the procedure, absent a showing that the deferral results in the application of principles contrary to this ordinance. The administrator must defer to state law procedures in any matter where state law so requires;

- (5) determine unresolved issues of employee inclusion in or exclusion from the bargaining unit identified in this ordinance;
- (6) obtain any necessary support services and make necessary expenditures in the performance of duties, subject to approval by the City Manager; and
- (7) exercise any other powers and perform any other duties and functions specified in this ordinance of an administrative nature.

Sec. 19-210. Recognition of Exclusive Bargaining Unit

- (a) A bargaining agent shall be the exclusive representative of all employees in an appropriate bargaining unit described in sec. 19-204(a) if the employee organization is selected by a majority of the employees voting in an appropriate bargaining unit in a secret ballot election conducted pursuant to this sec. following a petition for election. Elections shall be conducted by secret ballot at the time and place that the administrator directs and in accordance with procedures adopted by the administrator. Mail in ballots may be permitted if all parties agree. The cost of such election, including postage if applicable, shall be borne by the prospective employee organization seeking recognition.
- (b) In the event that more than one employee organization files a petition for election within ten calendar days after a first petition for election or for election has been filed, an election to select an exclusive bargaining agent shall be held under the procedures adopted by the administrator. Any cost of such election shall be borne equally by the prospective employee organizations seeking recognition. If an employee organization receives a majority of the votes cast by the employees voting in an appropriate bargaining unit, it shall be recognized by the City as the exclusive bargaining agent, provided however, that the City Manager or an employee organization may file objections to the election with the administrator alleging that there has been misconduct which has affected the outcome of the election, and the City need not recognize the employee organization pending the resolution of any process to review those exceptions.
- (c) "Administratively acceptable evidence" to support a petition for election or for decertification will consist of a petition or a set of authorization cards where all signatures must be dated and received by the employee organization, employee, or group within sixty (60) days prior to the date on which the petition for election has been filed. A current authorization that satisfies the Uniform Electronic Transactions Act (Code of Virginia, § 59.1-479 et seq.) shall be valid for an employee's authorization for representation for purposes of a petition filed by an employee organization seeking an election or by an employee or group seeking decertification.
- (d) An employee organization may request an election be held by submitting a petition for an election to the administrator, who shall notify the City Manager in accordance with procedures established by the administrator, including but not limited to provisions for notice to bargaining unit employees and public notice of election. The petition must represent a showing of uncoerced interest by at least thirty (30)

percent of the employees in a bargaining unit permitted by this ordinance based upon administratively acceptable evidence.

(e) Any additional interested employee organization must submit a petition of intervention to the administrator, which must be accompanied by a showing of uncoerced interest by thirty (30) percent of the employees in the appropriate bargaining unit, based upon administratively acceptable evidence, within ten (10) days of public notice of the filing of the petition. A petition for intervention may not be supported by any employee who already supported the initial petition for an election.

(f) If the administrator determines, after a tabulation of the submitted showing of interest signatures and/or cards, that the petitioning employee organization or any intervening employee organization has not met the required showing of interest, then the administrator must allow not less than fourteen (14) additional days for such employee organization to submit additional showing of interest signatures or cards. The 14-day period for submitting such forms commences on the date the administrator provides notice to the petitioning or intervening employee organization of the insufficiency of its petition.

(g) An election under this ordinance shall be held within thirty (30) calendar days after written notice to all parties of the determination by the administrator of a valid petition for election in accordance with election procedures established by the administrator, which shall include, but not be limited to, provisions regarding employee organization receipt of bargaining unit employee contact information, ballot content, and procedures for mail-in voting. The City must furnish to the administrator no more than five (5) days after the administrator determines that that employee organization has met the required showing of interest, a list of all eligible employees in the bargaining unit. The election ballots must contain, as choices to be made by the voter, the name of the petitioning employee organization, the name(s) of any employee organization that has intervened in accordance with the provisions of this ordinance, and a choice of "no representation" by any of the named employee organizations.

(h) The City and each party to the election may be represented by observers selected under conditions that the administrator prescribes. Observers may challenge for good cause the eligibility of any person to vote in the election. All challenged ballots must be impounded until either the parties agree on the validity of each challenge or the administrator decides the validity of each challenge. However, if the number of challenges will not determine the outcome of the election, the challenged ballots must be destroyed. After the polls have been closed, the administrator must count all valid ballots cast in the presence of the observers.

(i) If an employee organization receives a majority of the valid ballots cast by the employees in a permitted bargaining unit, it shall be recognized by the City as the exclusive bargaining agent upon certification of the results. The administrator's certification of results is final, unless within 14 days after service of the election report and the certification, any party serves on all other parties and files with the administrator objections to the election. Objections must be verified, and must contain a concise statement of facts constituting the grounds for the objections. The administrator must investigate the objections, and

if substantial factual issues exist, must hold a hearing. Otherwise, the administrator may determine the matter without a hearing. The administrator may invite written or oral argument to assist it in determining the merits of the objections. If the administrator finds that the election was not held in substantial conformity with this ordinance, or if the administrator determines that the outcome of the election was affected, even if by third party interference, it shall require corrective action, and order a new election under this section. Otherwise, the administrator must confirm the certification initially issued. In any event, the administrator must make a determination as to whether or not to certify the election within 21 days of the filing of objections.

(j) Nothing in this ordinance shall require or permit an election in any bargaining unit within twelve (12) months after a previous election has been held in such bargaining unit pursuant to this ordinance, notwithstanding the outcome of that election, except that this provision is inapplicable to any election that might be ordered by the administrator under subsection (i), above.

Sec. 19-211. Decertification of Bargaining Agent

(a) If an employee organization has been certified, an employee in the bargaining unit, a group of employees in the bargaining unit, or their representative may file a petition with the administrator to decertify the certified representative. The employee must also send a copy of the petition to the City Manager and the certified representative, not including the names of the supporting employees.

(b) If a petition for decertification of a recognized exclusive bargaining agent is presented to the administrator showing, by administratively acceptable evidence, that at least thirty (30) percent of the employees in the bargaining unit no longer want the employee organization to be their bargaining agent, then the administrator shall hold an election pursuant to sec. 19-210 of this ordinance.

(c) A petition for decertification of a recognized exclusive collective bargaining agent in an appropriate unit may be filed in the thirty (30)-day period between the one hundred eightieth (180th) and one hundred fiftieth (150th) day prior to expiration of any existing collective bargaining agreement for that bargaining unit.

(d) For a period of one (1) year following recognition or certification of an exclusive bargaining agent, no decertification petitions may be filed.

(e) If a majority of the employees in an appropriate bargaining unit vote in a secret ballot decertification election to no longer be represented by the employee organization, that organization no longer shall be recognized as the exclusive bargaining agent of the employees in the bargaining unit.

Sec. 19-212. Rights Accompanying Exclusive Representation

(a) Any employee organization recognized as the bargaining agent for a bargaining unit shall be:

- (1) permitted to speak on behalf of all members of the bargaining unit, and responsible for representing the interests of all members of the bargaining unit without discrimination based on any legally protected characteristic and without regard to employee organization membership; and
- (2) entitled to meet at reasonable times and places to engage in good faith collective bargaining on matters that, under this ordinance, may be the subject of collective bargaining, in an effort to reach an agreement, subject to the approval of the City Manager.

(b) The bargaining agent must submit a written request to the City Manager for any collective bargaining intended to result in a collective bargaining agreement to become effective for a given fiscal year in time for collective bargaining to begin on or before July 1 of the preceding fiscal year and conclude, including any impasse resolution procedures, by December 1 of the preceding fiscal year to ensure adequate time for inclusion in the City Manager's proposed budget for the given fiscal year.

(c) Nothing in this ordinance requires either party to make any concessions or agree to the other party's proposals in collective bargaining.

(d) Notwithstanding any other provision in this section, an individual employee may present a personal complaint, concern or question at any time to the City without the intervention of an employee organization, provided that any such organization that is recognized by the City as the exclusive bargaining agent for the bargaining unit in which the employee is a member is afforded an opportunity to be present at any meetings held to adjust the matter and that any adjustment made shall not be inconsistent with the terms of any applicable collective bargaining agreement. Such employee or employees who utilize this avenue of presenting personal complaints, concerns or questions to the City shall not do so under the name, or by representation, of an employee organization.

Sec. 19-213. Impasse

- (a) In the event that the City and the bargaining agent are unable to reach an agreement or contract within 120 days after their first meeting, an impasse may be called by either party, and the following procedure shall be followed:
- (b) Any unresolved issues shall be submitted within five days of impasse being declared or reached by operation of law to the administrator for mediation which, at the parties' election, may be conducted by the administrator or arranged by the administrator pursuant to approved procedures which, at a minimum, shall set reasonable deadlines for the conduct of mediation and provide for joint selection of the mediator.
- (c) The mediation process and any comments, statements, or suggestions from the mediator or the parties and any documents evidencing the same made or created during the mediation process shall not be disclosed except as required by law.

(d) If mediation fails to resolve the parties' impasse as to any issue at least 30 days prior to the deadline for the submission of the City Manager's proposed annual budget, the unresolved issues shall be submitted to fact-finding by a neutral fact-finder selected pursuant to procedures established by the administrator, providing for the parties' mutual agreement on the fact-finder choice. The fact-finder shall meet with the parties and make written findings of fact, and recommendations for resolution no later than ten days before the deadline for the submission of the City Manager's proposed annual budget. In making the findings, the fact-finder shall consider:

- (1) the lawful authority of the City;
- (2) stipulations of the parties;
- (3) the interests and welfare of the public;
- (4) the financial ability of the City to meet the costs of any items to be included in the agreement;
- (5) the condition of the City's general operating fund;
- (6) comparison of wages and working conditions of employment of the employees involved in the fact-finding proceedings with the wages and working conditions of employment of other persons performing similar services in the public sector in comparable Virginia jurisdictions, if applicable;
- (7) the average consumer prices for goods and services, commonly known as the cost of living as analyzed by the U.S. Bureau of Labor Statistics for the relevant geographical area;
- (8) the overall compensation presently received by the employees involved in the proceeding;
- (9) past collective bargaining agreements between the parties, including the past bargaining history that led to the agreements, or the pre-collective bargaining history of employee wages, hours, benefits, and working conditions;
- (10) changes in any of the foregoing circumstances during the pendency of the proceedings; and
- (11) such other factors that are normally or traditionally taken into consideration in the determination of wages and working conditions of employment through voluntary collective bargaining, mediation, arbitration, or otherwise between the parties, in public service.

(b) The City Manager, after giving due consideration to the fact-finder's recommendations and the mediation results, shall submit recommendations to the City Council by incorporation in the City Manager's proposed annual budget, or in other proposed legislation as may be appropriate. The City Council shall retain its legislative discretion with respect to action on any proposals so submitted.

(c) The parties shall share the costs of mediation and fact-finding equally.

Sec. 19-214. Strikes and other Job Actions

Pursuant to Code of Virginia § 40.1-55, any employee who, in concert with two or more other such employees, strikes or willfully refuses to perform the duties of their employment, shall be deemed by that action to have terminated their employment, and shall be ineligible for employment in any position or capacity during the next 12 months by the City. The City shall not engage in a lockout of employees from the workplace. Any employee organization determined to have violated this section shall be deemed decertified under this ordinance, shall cease to receive any dues or fees collected by paycheck withholding, and shall not be certified as a bargaining agent, otherwise accorded recognition as a bargaining agent, or receive any dues or fees collected by paycheck withholding for a period of at least one year.

Sec. 19-215. Time Limits

Any time limits in this ordinance may be extended by written agreement of the City Manager, the employee organization, and any other appropriate parties.

Sec. 19-216. Notices

Any notice required under the provisions of this ordinance shall be in writing, but service of any such notice shall be sufficient if mailed by certified mail, return receipt requested, addressed to the last-known address of the parties, unless otherwise provided in this ordinance or by the rules of the administrator, which rules shall provide for the electronic service of documents. Refusal of certified mail by any party shall be considered service. Prescribed time periods shall commence from the date of the receipt of the notice.

Sec. 19-217. Review of Ordinance

The City Manager and the exclusive representatives of the city employees shall conduct a review of this ordinance and its effectiveness, with recommendations for improvements and submit a report to City Council within one (1) year after this ordinance has been in effect for two (2) years.

**2. BE IT FURTHER ORDAINED THAT THIS ORDINANCE SHALL BE
EFFECTIVE AT MIDNIGHT ON x, 20xx**

[Effective date to be determined at a later date]

City Manager's Proposed Collective Bargaining Ordinance

Michael Rogers, City Manager

Robin L.S. Burroughs, Venable LLP

Claude E. Bailey, Venable LLP

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History of Public Sector Bargaining

- In 1959, Wisconsin became the first state to pass legislation authorizing public employee collective bargaining.
- In 1962, authorization for bargaining was extended to federal employees.
- From 1977 until 2020, Virginia expressly banned collective bargaining for public employees.
- Effective May 1, 2021, a new Virginia law permits public employees to bargain if their locality adopts an ordinance extending bargaining rights.

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Virginia Code § 40.1-57.2

- Localities may decline to authorize collective bargaining, even if a majority of employees in a proposed bargaining unit request recognition
- Localities may permit collective bargaining by ordinance
 - Must provide procedures for certification and decertification of collective bargaining representatives
 - Cannot restrict the City's authority to establish the budget or appropriate funds
 - Employees are not permitted to strike
- Does not create any state-wide mechanism for administration of a bargaining program, dispute resolution, or election oversight. These issue is left to localities to outline, fund, and administer.

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Response from Other Virginia Jurisdictions

Have Adopted Collective Bargaining Ordinances

- City of Alexandria
- City of Richmond
- Arlington County
- Fairfax County
- Loudoun County

Have Rejected Collective Bargaining

- City of Portsmouth
- City of Radford
- Prince Edward County
- Isle of Wight County

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Development Process

- Analyzed ordinances adopted by other Virginia localities
- Sought input from City department leadership, particularly those individuals with prior collective bargaining experience
- Drew upon experience with collective bargaining in other jurisdictions, including neighboring Maryland and the District of Columbia
- Analyzed the proposed ordinances submitted by the Amalgamated Transit Union (ATU) and a member of the City's Fire Department who is the President of the Charlottesville Professional Firefighters Association
- Analyzed capacity of the City to administer a collective bargaining program

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Governing Principles

- The City of Charlottesville has a unique workforce with specialized needs.
- The City Manager recognizes that the adoption of collective bargaining will be a large change for both employees and the City, and believes that a moderated approach to the adoption of collective bargaining will best serve the needs of the residents, employees, and administration.
- This is a new process for both employees and local governments in the Commonwealth of Virginia; it would be unwise to attempt to adopt wholesale in Charlottesville what has taken decades to develop in other states and in the private sector.
- The City Manager's goal in his proposed Ordinance is to provide meaningful bargaining rights to employees while balancing the need to make decisions in the best interest of the public as a good steward of the City's limited resources.

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Bargaining Units

- Police: a unit consisting of sworn uniformed employees of the Charlottesville Police Department
- Fire: a unit consisting of sworn uniformed employees of the Charlottesville Fire Department
- Transit: a unit consisting of all regular full-time and part-time employees of the Charlottesville Area Transit in the positions of Transit Operator Leads, Transit Operators, Transit Maintenance Workers, Transit Maintenance Assistants, Transit Bus Technicians, School Transit Operator Leads, School Transit Operators, and School Bus Aids
- All units exclude seasonal/temporary employees, confidential employees, management employees, supervisors, volunteers, and probationary employees
- Police and fire supervisors excluded from their respective units have the right to meet and confer with the administration

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Labor Relations Administrator

- The Ordinance requires the engagement of a neutral individual to serve as Labor Relations Administrator. The Administrator serves as a neutral body for the resolution of potential labor disputes.
- The Administrator would be a contract position which would serve a 4 year term.
- The Administrator would be selected by the City Manager from a panel of qualified candidates which is prepared by a joint committee of union and management representatives.
- The Ordinance provides for re-appointment and termination of the Administrator.
- The Administrator would serve as needed; funding would be necessary to pay the Administrator for their services.

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Unit Certification and Decertification

- A prospective union can submit a petition for certification to the Administrator if 30% of employees in the unit show interest in having that employee organization as their exclusive bargaining representative.
- If the Administrator determines the petition is valid, they will schedule a secret ballot election within 30 days.
 - A secret ballot election ensures that employees have an opportunity to make a free choice regarding whether they want to be represented.
 - The election process would be overseen by the administrator to ensure that it is fair.
- Employees will have the opportunity to select representation by that union, any intervening union, or no union. Certification is determined by a majority vote of employees.
- Employees may decertify an existing union through an analogous process.

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Authorized Subjects of Bargaining

- Wage, salaries, and other monetary compensation
- Working conditions, including hours of work, but excluding certain rights reserved to the City
- Non-health and non-welfare benefits, such as leave and holidays

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Areas Not Subject to Bargaining

- **Health and welfare benefits**, such as health insurance, dental insurance, and retirement programs. These benefits are generally subject to plan documents negotiated by the City and benefit from being economies of scale. Having different negotiated benefits for smaller groups of employees could result in increased expense and/or diminished benefits.
- **Core Personnel Rules and Decisions**, such as hiring and termination decisions, promotion decisions, lay-off decisions, job qualifications, and other rules and decisions necessary to direct the workforce.
- **Budget Matters**, per the Virginia enabling legislation.
- These matters may still be discussed between a Union and the City, but bargaining is not mandated by law.

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Dispute Resolution

- If a union and the City cannot reach agreement on a potential collective bargaining agreement, they will be required to engage in mediation in an effort to reach a negotiated agreement.
 - If mediation fails, the parties will engage a neutral fact-finder who will make a written recommendation to resolve the items in dispute.
 - The City Manager, after considering the results of the mediation and fact-finding, will submit his recommendations to the City Council through his budget or other proposed legislation.
 - The City Council retains legislative discretion on any such proposals.
- Unions and the City are free to negotiate their own dispute resolution procedures for certain other issues.

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Proposals from Prospective Charlottesville Unions

Amalgamated Transit Union (ATU)

- Provided for nine bargaining units
- Broad subjects of bargaining with little discretion left to the City Manager and City Council
- Required the City to pay union representatives for union-specific activity
- Required final, binding arbitration over any grievances concerning the interpretation, implementation, or alleged violation of a collective bargaining agreement
- Required final, binding arbitration over negotiation impasse
- Required the City Council to fund or reject any arbitrator's award "as a whole" in the budget

Charlottesville Professional Firefighters Association

- Provided for eight bargaining units
- Broad subjects of bargaining with little discretion left to the City Manager and City Council
- Required the City to pay union representatives for union-specific activity
- Required creation of a three-person council to run elections and resolve disputes; decisions of the council are not subject to any review
- Required the City and Unions to adopt binding arbitration grievances procedures through negotiation
- Required final, binding arbitration over negotiation impasse
- Required the City Council to fund or reject any arbitrator's award "as a whole" in the budget

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Future Review

- The City Manager recognizes that this Ordinance is a first step. After the City has gained experience with these initial stages of collective bargaining, the City Manager commits to a review of the collective bargaining process, and to submitting recommendations for improvement (including potential expansion of the collective bargaining program) to the City Council at a future date.
- This review would include collaboration with any certified unions to note their recommendations and any challenges encountered under the Ordinance.

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Potential Timeline

- If Ordinance is effective **January 1, 2023**, potential unions would be able to submit petitions for election immediately
 - The City would use the time between adoption of the Ordinance and its effective date to engage a Labor Relations Administrator
- Unions could be certified as early as **March 2023**
- The City and any certified unions could begin negotiating first collective bargaining agreements shortly after certification; first agreements can take significant time and effort to negotiate.
- If the City and a Union cannot reach agreement, impasse mediation and fact-finding could occur in **late 2023 and early 2024**.
- The City Council will have time in spring 2024 to evaluate the funding necessary for any collective bargaining agreements before adoption of the budget on **April 15, 2024**.
- The proposed effective date of any collective bargaining agreements would be **July 1, 2024** to align with the City's fiscal year.
- Subsequent contracts would be negotiated based on the term of the first agreements.

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Questions?

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date: September 6, 2022

Action Required: Enactment of Resolution (1 Reading Only)

Presenter: Lisa Robertson, City Attorney

Staff Contacts: Michael Rogers, City Manager

Title: For consideration of ending the Locally-declared State of Emergency for COVID-19 (1 reading)

Background

1. **2020 Local Declaration of COVID Emergency.** On March 12, 2020 City Council, by **Resolution (#R-20-035, attached)**, authorized the City Manager to declare a local state of emergency related to the COVID-19 virus. On that same date, the City Manager issued a Public Safety Order, declaring the local state of emergency. Together, these documents are referred to in this Memo as the “Local Declaration”. A declaration of local emergency has the effect of notifying the public of a serious situation, makes the City eligible for state or federal disaster funding in certain situations, and confers extended fiscal and procurement powers upon the City Manager. A Local Declaration does not alter FOIA requirements, or otherwise modify or enhance any of the normal roles, responsibilities or legal authority of the City Manager or members of City Council. **The Local Declaration remains in effect indefinitely, until “when, in its judgment all emergency actions have been taken” City Council takes “appropriate action” to end the declared emergency, see Va. Code Sec. 44-146.21(A).** (Note: the Board of Supervisors of Albemarle County ended its own locally-declared state of emergency, on March 16, 2022).
2. **Measures to Address the Local Declaration.** Separate and apart from the Local Declaration, City Council enacted two ordinances to implement emergency actions necessary to address COVID-19:
 - a. Continuity of government operations—on March 25, 2020 (#O-20-049) City Council enacted an **“Ordinance to Modify Deadlines, Modify Public Meeting and Public Hearing Practices”**, to implement actions needed to address the COVID emergency and ensure the continued provision of government services, (“Continuity of Government Ordinance”), as authorized by Va. Code §15.2-1413. This state statute specifies that “a local government may, by ordinance, provide a method to assure continuity in government in the event of a disaster, notwithstanding any contrary provision of law, general or special.” Many localities, like Charlottesville, used this enabling legislation to justify holding electronic public meetings, because—at the outset of the COVID-19 pandemic—FOIA did not allow local public bodies to

conduct meetings without there being a quorum of members physically assembled together in the same room. Charlottesville's COG Ordinance was enacted for a 6-month period of time, and has been extended for additional 6-month periods. **The most recent COG Ordinance in effect (#O-22-029, attached) expires September 8, 2022.**

- b. *Regulation of public actions*—Council enacted an “**Ordinance to Prevent the Spread of the Novel Coronavirus**” (#O-20-093, enacted July 27, 2020, repealed April 2021), which included restrictions on the size of certain gatherings, and required individuals to wear masks in specified public places. This local ordinance was enacted in addition to the restrictions imposed by the Virginia Governor through issuance of various Executive Orders.

Discussion

In 2021 Special Session I (cc. 33, 490) the General Assembly amended FOIA, to include provisions expressly authorizing all-virtual electronic meetings during a declared state of emergency, if the catastrophic nature of the declared emergency makes it impractical or unsafe to assemble a quorum in a single quorum. The General Assembly also expanded the ability for public bodies to meet electronically, *outside* a state of emergency. As a result of this new FOIA legislation, the COG Ordinance is no longer necessary for the primary purpose for which it was originally enacted: i.e., authorization of all-virtual electronic meetings during a local state of emergency.

- In **June 2021**, the **Governor allowed the Emergency to expire at the state level**, after previously ending all COVID-19 state-level mitigation measures as of May 28, 2021.
- On **March 16, 2022** the Albemarle County Board of Supervisors ended its locally-declared state of emergency.
- In **April 2022** City Council resumed meetings at which a quorum is physically assembled.

At this time, Staff is unaware of any COVID-related actions which need to be taken as emergency measures. In April 2022 Council and staff began a transition to normal FOIA meetings and procedures, and the new FOIA provisions will allow all-virtual meetings to continue for most boards and commissions. Furthermore, the manner in which in-person meetings have resumed for Council, the Planning Commission, the Board of Architectural Review, etc., is now expressly authorized by FOIA, and City Council also has broad general authority to continue restrictions within City-owned premises to reduce the spread of COVID-19 during in-person meetings (for example: pursuant to the fifth enumerated power within Section 14 of the City Charter: City Council has general authority “**to make regulations to...prevent the...spreading of contagious or infectious diseases....**”). Also, by ordinance, Council has designated the City Manager as the public official charged with general supervision and control of City-owned premises and property, per City Code Sec. 2-157. As a result of the foregoing provisions of law, there are no measures currently being implemented--either by City Council or the City Manager’s Office--which could not continue if City Council adopts the attached resolution.

Alignment with City Council's Vision and Strategic Plan

N/A

Community Engagement

N/A

Budgetary Impact

Expanding the number of boards and commissions who would be given permission to have hybrid meetings (i.e., meetings at which public *participation* would be allowed in person and electronically, simultaneously) would potentially create a need for additional staff or contract services. Otherwise, enacting the resolution proposed to end the locally-declared state of emergency, in and of itself, is not believed to have a budgetary impact.

Recommendation

Staff recommends approval of the attached Resolution.

Suggested Motion: "I move the RESOLUTION Ending the Local Emergency Declared by the City Manager on March 12, 2020 in response to the Coronavirus 2019"

Alternatives

Council may decline to approve the proposed Resolution.

Attachments

1. Resolution Ending State of Emergency
2. R 20 035
3. O 22 029

RESOLUTION

Ending the Local Emergency Declared by the City Manager on March 12, 2020 in response to the Coronavirus 2019

WHEREAS on March 12, 2020, with the consent of City Council, the City Manager declared a local state of emergency, based on the threat presented by the Coronavirus 2019 pandemic (“COVID-19”) to the public health and safety of residents of the City of Charlottesville; and

WHEREAS in the judgment of City Council all necessary emergency actions have been taken; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE THAT the emergency previously declared by the City Manager on March 12, 2020 in response to COVID-19 is hereby ended, and normal governmental authority (i.e., governmental authority not reliant on any emergency powers) shall resume in accordance with the following:

1. In accordance with the provisions of subparagraph C of Virginia Code §2.2-3708.3, all of the city’s various boards and commissions (with the exception of those specifically excepted within the statute) may hold all-virtual meetings, and they are encouraged to do so. Boards and commissions which are eligible to hold all-virtual meetings may hold in-person meetings, or “hybrid” meetings, but may do so only with approval by the City Manager based on findings that:

 - (i) an appropriate space is available on City premises,
 - (ii) sufficient staff is available to support the meeting and to manage necessary protocols for the meeting, and
 - (iii) appropriate measures can be implemented to minimize the potential spread of COVID-19 within any in-person meeting(s) (such as the wearing of masks, the spacing of seats, special cleaning procedures, etc.).
2. The City Manager, in consultation with the Clerk of Council and the City Attorney, is hereby directed to prepare a standard operating procedure (“SOP”), setting forth a uniform policy for all-virtual meetings of all city boards and commissions (other than those which are legal entities separate from the City of Charlottesville), as required by subparagraph C of Virginia Code §2.2-3708.3. All such boards and commissions shall follow this SOP when conducting all-virtual meetings.
3. Upon the expiration of the current Continuity of Government Ordinance on September 8, 2022 (#O-22-029), the governmental processes, procedures and meetings referenced in said ordinance shall be of no further effect; thereafter, all such processes, procedures and meetings shall be conducted in accordance with applicable federal and state laws and regulations, local ordinances, and deadlines stated therein.

**RESOLUTION AUTHORIZING THE CITY MANAGER
TO DECLARE A LOCAL EMERGENCY**

WHEREAS, the City Managers is designated as the Director of Emergency Management for the City of Charlottesville; and

WHEREAS, the World Health Organization declared the COVID-19 virus a “public health emergency of international concern” on January 30, 2020, and characterized the spread of the COVID-19 virus as a pandemic on March 11, 2020; and

WHEREAS, the Governor of Virginia declared a State of Emergency on March 12, 2020 to prepare and coordinate Virginia’s response to the potential spread of COVID-19; and

WHEREAS, the COVID-19 virus and its continued spread pose an imminent threat to the public health and safety of the residents of the City of Charlottesville and the Commonwealth; and

WHEREAS, the COVID-19 virus and its consequences are of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate any potential damage, hardship, suffering, or possible loss of life.

NOW THEREFORE, BE IT RESOLVED, that the Council of the City of Charlottesville, Virginia authorizes the City Manager, acting as the Director of Emergency Management, to declare a local emergency related to the COVID-19 virus on March 12, 2020; and

BE IT FURTHER RESOLVED that, during the declared local emergency, the City Manager is authorized to exercise the powers conferred to him as the Director of Emergency Management by Virginia Code § 44-146.21 and any other provision of the Code of Virginia.

Approved by Council
March 12, 2020



Kyna Thomas, CMC
Clerk of Council

PUBLIC SAFETY ORDER
Date: March 12, 2020

DECLARATION OF A LOCAL EMERGENCY
IN RESPONSE TO CORONAVIRUS 2019 (COVID-19)

WHEREAS, the World Health Organization has declared Coronavirus 2019 (COVID-19) a Public Health Emergency of International Concern; and

WHEREAS, the World Health Organization declared the spread of COVID-19 a pandemic on March 11, 2020; and

WHEREAS, the Governor of Virginia declared a State of Emergency on March 12, 2020 to prepare and coordinate Virginia's response to the potential spread of COVID-19; and

WHEREAS, the threat to public health and safety to the residents of the City of Charlottesville, Virginia posed by and resulting from the COVID-19 virus is of sufficient severity and magnitude to be an emergency as defined by Virginia Code Section 44-146.16.

NOW, THEREFORE, BE IT RESOLVED pursuant to the authority vested in me by Virginia Code Section 44-146.21, as City Manager and as the City's Director of Emergency Management, I hereby declare that a local emergency exists within the City of Charlottesville. This declaration shall activate the City's local emergency operations plan and authorize the furnishing of aid and assistance thereunder.

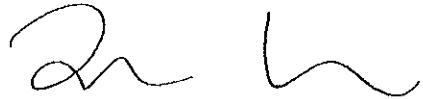
BE IT FURTHER RESOLVED pursuant to Virginia Code Section 44-146.21, this Declaration shall authorize the Director of Emergency Management to control, restrict, allocate or regulate the use, sale, production and distribution of food, fuel, clothing and other commodities, materials, goods, services and resource systems which fall only within the boundaries of that jurisdiction and which do not impact systems affecting adjoining or other political subdivisions, enter into contracts and incur obligations necessary to combat such threatened or actual disaster, protect the health and safety of persons and property and provide emergency assistance to the victims of such disaster, and proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and other expenditures of public funds (provided that, to the extent, if any that necessary expenditures exceed appropriations in the current approved budget, the City's Director of Finance must verify that unobligated funds are available therefor).

This Declaration is effective upon my signature and shall remain in full force and effect until the Charlottesville City Council considers the confirmation of this Declaration at its next regularly scheduled meeting or at a special meeting within forty-five days of this Declaration, whichever occurs first.

If the Charlottesville City Council confirms this Declaration, it shall remain in full force and effect until the Charlottesville City Council determines that all necessary emergency actions have been taken and takes appropriate action to end the declared emergency by a majority vote taken at an open meeting, in accordance with the provisions of Virginia Code Section 44-146.21(A).

Given under my hand, this 12th day of March, 2020.

Charlottesville Director of Emergency Management:
Dr. Tarron J. Richardson, City Manager



Dr. Tarron J. Richardson

**ORDINANCE
AMENDING AND RE-ENACTING CITY COUNCIL'S CONTINUITY OF
GOVERNMENT ORDINANCE, FOR A SIX-MONTH PERIOD
BEGINNING MARCH 8, 2022**

WHEREAS on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic; and

WHEREAS the Governor's Executive Order Fifty-One acknowledged the existence of a public health emergency which constitutes a disaster, as defined by Virginia Code § 44-146.16, arising from the public health threat presented by a communicable disease anticipated to spread, and this public health emergency continues to be recognized as an emergency and a disaster through the Governor's Fourth Amended Executive Order Seventy Two and Order of Public Health Emergency Nine (March 23, 2021, made effective April 1, 2021); and

WHEREAS the Governor's Executive Orders order implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive "any state requirement or regulation" as appropriate; and

WHEREAS on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19; and

WHEREAS on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS by Public Safety Order dated March 12, 2020, the City Manager/ Director of Emergency Management declared a state of local emergency based a threat to the public health and safety of the residents of Charlottesville resulting from the communicable and infectious COVID-19 virus, which threat was and continues to be an emergency as defined in Virginia Code § 44-146.16; and

WHEREAS this Council finds that the COVID-19 virus constitutes a real, substantial and continuing threat to public health and safety and constitutes a "disaster" as defined by Virginia Code §44-146.16, said virus being a "communicable disease of public health threat";

this finding is evidenced by statistics which show that on February 8, 2022 the City's "new cases" numbered 4,689 and 7-day average was 5,319; and

WHEREAS by Ordinance # O-20-135 City Council amended and extended its continuity of government ordinance previously enacted by Council on March 25, 2020, as amended and re-enacted on September 8, 2020, October 19, 2020, and April 19, 2021, and City Council now desires to amend and re-enact its continuity of government ordinance to address the needs of City government operations as anticipated during the next six months during the ongoing public health disaster relating to COVID-19 and its variant(s);

WHEREAS Virginia Code § 15.2-1413 provides that, notwithstanding any contrary provision of law, a locality may, by ordinance, provide a method to assure continuity of government in the event of a disaster for a period not to exceed six months; and

WHEREAS Virginia Code § 2.2-3708.2(A)(3) allows, under certain procedural requirements including public notice and access, that members of City Council may convene solely by electronic means to address the emergency; and

WHEREAS the open public meeting requirements of the Virginia Freedom of Information Act ("FOIA") allow properly claimed exemptions provided under either under that Act or any other statute; and

WHEREAS the Attorney General of Virginia issued an opinion dated March 20, 2020 stating that localities have the authority during disasters to adopt ordinances to ensure the continuity of government; and

WHEREAS this Ordinance is enacted in response to the disaster caused by the COVID-19 pandemic and the continuing catastrophic nature of the COVID-19 virus and its current variants; further, this ordinance promotes public health, safety and welfare and is consistent with the laws of the Commonwealth of Virginia, the Charter of the City of Charlottesville, the Constitution of Virginia and the Constitution of the United States of America.

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

1. **THAT** the catastrophic nature of the continuing COVID-19 pandemic makes it unsafe for the City's public bodies to conduct their meetings in the same spaces, and accordance with normal practices and procedures that were used prior to March 2020, which require the physical presence of members of a public body and members of the public within the same room

and the City's meeting facilities may not allow adequate measures to be taken in accordance with recommended public health requirements and guidelines. For the purposes of this Ordinance the term "public body" means the City Council, and every board, commission, or agency of the City of Charlottesville, including any committee, subcommittee, or other entity, however designated, created by City Council to perform delegated functions of City Council or to advise the City Council (each, individually, a "Public Body"); and

2. **THAT** in accordance with Virginia Code § 15.2-1413, and notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted to ensure the continuity of the City government during the continuing COVID-19 emergency and disaster:

- a. Any meeting which normally would require the physical presence of a quorum of members of a Public Body may be held only through real time electronic means (including audio, telephonic, video or other practical electronic medium) without a quorum physically present in one location, and
- b. The City Manager is hereby authorized to restrict the number of electronic meetings each Public Body may conduct each calendar month, based on the capacity and availability of the City staff who are capable and qualified to support the meeting to ensure compliance with this Ordinance, and
- c. Prior to holding any such electronic meeting, the Public Body shall provide public notice of at least 3 days in advance of the electronic meeting (or reasonable notice of special, emergency or continued meetings) identifying how the public may participate or otherwise offer comment, and
- d. Any such electronic meeting of a Public Body shall state on its agenda the location at which members of the public can obtain information as to the means by which the public may access and participate in such electronic meeting, and
- e. Any such electronic meeting of a Public Body shall be open to electronic participation by the public and closed to in-person participation by the public, and each electronic meeting shall be conducted in a manner designed to maximize public participation, and
- f. A video recording of all electronic meetings shall be made available on the City's website within 3 business days following each electronic meeting, and

- g. With respect to any matter which requires a public hearing, the public hearing may be conducted by an open public comment period called for during an electronic meeting, as well as by submission of written comments to the Clerk of City Council prior to, during and for five (5) business days after the electronic meeting. Notice of the public hearing shall be posted on the City's website at least 5 business days prior to the date of the public hearing.
- h. The minutes of all electronic meetings shall conform to the requirements of law, shall identify how the meeting was conducted, the identity of the members participating, and shall specify what actions were taken at the meeting. A Public Body may approve minutes of an electronic meeting at a subsequent electronic meeting; and
- i. Any provision of Va. Code §2.2-3708.2 requiring the Public Body's approval of electronic participation due to a member's personal matter or medical condition shall not apply for the duration of the local emergency declaration.

And,

- 3. Notwithstanding the provisions of Paragraph 2, above, City Council may itself physically assemble for a meeting, or by motion Council may authorize another public body to physically assemble for a meeting in a specific location, subject to a Safety Plan approved by the Mayor and the City Manager in advance of the meeting. A Safety Plan shall include reasonable regulations for the conduct of the meeting within a specific meeting room, as deemed necessary to reduce the spreading of COVID-19 and its variants. A Safety Plan shall be specific to a type of meeting, a particular meeting room, and to the total number of attendees who will be physically present together (inclusive of staff, public body members, and members of the public), and if there will be any restriction on the number of members of the public who can be in attendance during the meeting, the Safety Plan shall address how the attendance restrictions will be monitored and enforced by persons other than law enforcement officers. The Safety Plan shall also identify the specific measures required to be adhered to by members of the public body and members of the public, during times when they are all physically assembled together in the meeting room. In the event any such meeting takes place, it shall be advertised and conducted in accordance with the open meeting requirements of FOIA. City staff may be authorized to participate electronically in any meeting. Subject to the availability and capacity of necessary staff participating either

remotely or in person, any meeting may be conducted as “hybrid” meeting, allowing electronic participation by the public in addition to an opportunity for some in-person attendees at the meeting itself; however, hybrid meetings shall not be required.

4. **THAT** the following fees relating to use of City property are adjusted:

a. The rental fee assessed pursuant to Charlottesville City Code Sec. 28-5 and City Council’s approved fee schedule (fees for City parking spaces used for outdoor dining) shall be reduced by fifty percent (50%) for the months of May through December of 2020 and January 2021 through September of 2022.

IT IS FURTHER ORDAINED THAT, notwithstanding any provision of law, regulation or policy to the contrary, any deadlines requiring action by a Public Body or any City officers (including Constitutional Officers) or City employees, within a period of 60 or fewer days, shall be suspended during this emergency and disaster. The Public Bodies, and the City’s officers and employees, are encouraged to take all such action as is practical and appropriate to meet those deadlines; however, failure to meet any such deadlines shall not constitute or be deemed to be a default, violation, approval, official recommendation or other action.

IT IS FURTHER ORDAINED THAT any scheduled non-emergency public hearings and action items of a Public Body may be postponed to a date certain if, in the judgment of the Public Body, it would be in the best interests of the public to do so, provided that public notice is given so that the public are aware of how and when to present their views.

IT IS FURTHER ORDAINED THAT this Ordinance shall not operate to preclude any authority whose governing board is appointed by this City Council from making its own decisions and rules regarding the conduct of its meetings either electronically or by means of having a quorum physically assembled, so long as those meetings are in compliance with applicable Executive Orders of the Governor of Virginia and any local ordinance which may be enacted by this Council to impose restrictions necessary to prevent the spreading of the COVID-19 virus within the City of Charlottesville; however, any such authority may also elect to conduct its meetings electronically as a Public Body within the purview of this Ordinance.

IT IS FURTHER ORDAINED THAT actions authorized by this Council within Resolution # R-20-045 (special zoning accommodations for The Haven), or within any ordinance(s) provided to facilitate the safe conduct of elections within the City of Charlottesville, are hereby ratified and continued, in accordance with the terms set forth in said Resolution or

ordinances.

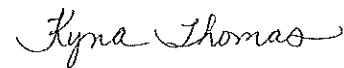
IT IS FURTHER ORDAINED THAT the continuity of government ordinance adopted on March 25, 2020, as amended and re-enacted on September 8, 2020, October 19, 2020, April 19, 2021, and October 4, 2021 is hereby repealed.

IT IS FURTHER ORDAINED THAT a continuing emergency exists, and the City Manager's Declaration of a local emergency, authorized by resolution of this City Council on March 12, 2020 (#R-20-035) remains in effect; the various actions referred to within this Ordinance are necessary to be taken to address the continuing emergency, and this Ordinance shall be effective immediately upon its adoption.

IT IS FURTHER ORDAINED THAT pursuant to Charlottesville City Code §2-96, by a four-fifths vote of City Council, this Ordinance is enacted on the date of its introduction, and this Ordinance shall remain in full force and effect for a period of six months beginning March 8, 2022, unless City Council sooner: (i) adopts an ordinance to repeal this Ordinance and to end the locally-declared emergency, or (ii) adopts an ordinance to amend and re-enact this Ordinance, as may be necessary to authorize actions necessary to address the continuing state of emergency.

| | <u>Aye</u> | <u>No</u> |
|----------|------------|-----------|
| Magill | <u>x</u> | _____ |
| Payne | <u>x</u> | _____ |
| Pinkston | <u>x</u> | _____ |
| Snook | <u>x</u> | _____ |
| Wade | <u>x</u> | _____ |

Approved by Council
March 7, 2022



Kyna Thomas, MMC
Clerk of Council

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



Agenda Date: September 6, 2022

Action Required: Vote on whether or not to adopt the proposed resolution in support of ACRJ seeking State support for 25% reimbursement of total eligible costs for the planned ACRJ renovation project.

Presenter: Colonel Martin Kumer - ACRJ Superintendent

Staff Contacts: Michael Rogers, City Manager
Ashley Marshall, Deputy City Manager

Title: Endorsing the application of the Albemarle Charlottesville Regional Jail Authority for a Community Based Corrections Plan Needs Assessment and Planning Study (1 reading)

Background

At its meeting in March 2022, the Albemarle Charlottesville Regional Jail Authority (ACRJA) Board approved a resolution seeking a State funding commitment of 25% of eligible costs for planned facility renovation work. A copy of this resolution is included as Attachment A. The approved ACRJA resolution satisfies State requirements for seeking such support. In May, Martin Kumer, Superintendent, ACRJA Board Chair Supervisor Diantha McKeel, and other project representatives presented the resolution to the Virginia Board of Local and Regional Jails (BLRJ) on behalf of the ACRJA, the City of Charlottesville, Albemarle County, and Nelson County. The BLRJ was expected to consider and act on the request at its scheduled July meeting but did not do so due to lack of a quorum. It is now expected that the BLRJ will consider and act on the matter at its next meeting in September.

Discussion

Virginia Code requires a formal request from either the regional jail authority board or member jurisdictions. While the ACRJ has already approved and submitted a formal resolution requesting State support, resolutions from the member jurisdictions are not required. However, such resolutions are being sought from the three-member jurisdictions at this time to strengthen the position of the ACRJA as it seeks official action from the BLRJ in September 2022.

Alignment with City Council's Vision and Strategic Plan

Community Engagement

N/A

Budgetary Impact

The resolution proposed is seeking State support for 25% reimbursement of the total eligible costs for the planned ACRJ renovation project. If secured, the State support would significantly reduce the overall financial burden to the three-member jurisdictions, including the City of Charlottesville's proportionate share of local project costs.

Recommendation

It is recommended that the City Council approve the resolution to strengthen the regional facilities' opportunities to seek State funding.

Suggested motion: "I move the RESOLUTION endorsing the application of the Albemarle Charlottesville Regional Jail Authority for a Community Based Corrections Plan Needs Assessment"

Alternatives

The Council could reject the resolution and not provide its explicit support for the State reimbursement request.

Attachments

1. ACRJ Resolution
2. August 2022_ACRJ Board Approved and Signed State Reimbursement Resolution
3. RenovationTimeline

RESOLUTION

**Endorsing the application of the Albemarle Charlottesville Regional Jail Authority for a
Community Based Corrections Plan Needs Assessment and Planning Study**

WHEREAS on August 2, 2022 the Albemarle Charlottesville Regional Jail Authority (ACRJ) adopted a resolution requesting the State Board of Local and Regional Jails to give its approval to a Community Based Correction Plan Needs Assessment and Planning Study, along with state funding for reimbursement of twenty-five percent (25%) of all eligible costs (subsequent to Governor and General Assembly Funding); and

WHEREAS in addition to the favorable votes cast by the City's members of the governing board of the ACRJ, this City Council desires to independently endorse the request made by ACRJ to the State Board; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that endorsement is hereby given for ACRJ's request to the State Board of Local and Regional Jails, made pursuant to Code of Virginia Section 53.1-81, for approval of the proposed Community Based Correction Plan Needs Assessment and Planning Study, along with state funding for reimbursement of twenty-five percent (25%) of all eligible costs (subsequent to Governor and General Assembly Funding).



ALBEMARLE-CHARLOTTESVILLE REGIONAL JAIL

160 Peregrine Lane
Charlottesville, VA 22902

Phone: (434) 977-6981 Fax: (434) 977-0468
www.acrj.org

Colonel Martin Kumer
Superintendent

RESOLUTION

WHEREAS, the "Standards for Planning, Design, Construction, and Reimbursement of Local Correctional Facilities", 6VAC15-81-100 requires that a resolution be submitted to the Board of Local and Regional Jails requesting approval of the Community Based Corrections Plan Needs Assessment and Planning Study and reimbursement for eligible construction expenses; and

WHEREAS, Moseley Architects has submitted a Community Based Corrections Plan Needs Assessment and Planning Study on behalf of the Albemarle-Charlottesville Regional Jail Authority for a jail expansion and renovation project as required by the Standards; and

WHEREAS, the total project budget estimate for this project is approximately \$49 million; and

WHEREAS, the Albemarle-Charlottesville Regional Jail Authority is eligible for reimbursement of eligible construction costs pursuant to Section 53.1-81 of the Code of Virginia (1950) as amended.

NOW THEREFORE, BE IT RESOLVED BY THE ALBEMARLE-CHARLOTTESVILLE REGIONAL JAIL AUTHORITY that the Authority requests that the Board of Local and Regional Jails gives its approval for the Community Based Corrections Plan Needs Assessment and Planning Study and funding for reimbursement of 25% of all eligible costs subsequent to Governor and General Assembly approval and funding relative to the expansion and renovation of existing space as identified in the Community Based Corrections Plan Planning Study submitted to the Board of Local and Regional Jails pursuant to Section 53.1-81 of the Code of Virginia (1950), as amended.



Chairman
Albemarle-Charlottesville Regional Jail Authority

Date: August 2, 2022

ALBEMARLE CHARLOTTESVILLE REGIONAL JAIL AUTHORITY
EXECUTIVE SUMMARY

Agenda Date: May 12, 2022

Agenda Item: Jail Renovation and Expansion Update

Information only

Staff Contact(s): Martin Kumer, Superintendent

The following is a brief schedule and update of the Jail's renovation and expansion project.

September 2019

The Board was presented with two major replacement and repair projects.

January 2020

The Board began the process to formally address maintenance, repair and replacement issues with the original 1974 facility by approving a Facility Condition Assessment, FCA.

September 2020

The full FCA report was presented to the Board. The FCA determined there were several mechanical, HVAC, electrical and plumbing issues related primarily to the 1974 facility that needed to be addressed in the near future.

January 2021

The Board determined that due to the FCA report's findings that a comprehensive plan should be developed to address all of the Jail's needs.

The Board also determined that in order to seek reimbursement from the state for 25% of the costs to address identified concerns it would have to conduct a Community Based Corrections Plan, CBCP. In addition to being required for state reimbursement, the CBCP would determine the facility's, staff, inmates and community's needs as well as determine if an increase in the jail's capacity was needed.

March 2021

The Jail presented to the Board that it had asked Moseley Architects to prepare an initial assessment of a CBCP.

May 2021

Moseley Architects presented to the Board their initial scope of work

June 2021

Moseley Architects presented to the Board a more detailed summary of the Needs assessment and Community Engagement plan

July 2021

The Board held a Work Session to discuss the CBCP At this time the Board formally approved the Jail to contract with Moseley Architects to conduct a full CBCP and Community Engagement plan

August 2021

The Board was presented with the Community Engagement plan to obtain the community's feedback regarding the Needs Assessment portion of the CBCP. The Miles Agency, under contract with Moseley Architects will be coordinating the plan.

The reported plan included three dates in August 2021 for stakeholder interviews of all supporting agencies who provide services to the jail. See supplemental at the end of this summary.

The plan also included public tours from August 9 through September 20.

The plan also detailed three public engagement session to obtain feedback from citizens

September 2021

The Board was presented with the non-criminal justice stakeholder interview results

October 2021

The Superintendent presented to the Board that he has presented the CBCP/Renovation and Expansion plan to the City of Charlottesville and will be presenting to the Albemarle and Nelson County in the next few weeks

The Board was also presented with the schedule for the decision making process required by the state. The CBCP would be discussed in the first four Board meetings of 2022.

December 2021

The Board approved a resolution authorizing Moseley Architects to submit the CBCP to the Board of Local and Regional Jails for review as required by the state in order to seek 25% reimbursement for the renovation and expansion.

The Board was again presented with the decision making schedule for the CBCP.

January 2022

The Board authorized the Jail to contract with Davenport Financial Advisors to determine cost share to the localities.

February 2022

The Board was presented the decision making scheduled for the renovation and expansion

The Board was informed the Superintendent would be presenting the renovation and expansion/CBCP project to the three member jurisdictions over the two months

During those presentations to the local jurisdictions it was explained that the Superintendent and Moseley Architects would return as often as necessary to the governing bodies prior to seeking approval for funding so they can make an informed decision

The Board was informed of the need to submit a resolution at the March meeting regarding its formal intent to seek 25% of the cost of the renovation and expansion project

March 2022

The Board approved the resolution indicating its intent to seek 25% of the cost of the renovation

The Board was informed it will not seek approval for funding from the three jurisdictions in late summer or early fall as required by the CBCP schedule as required by the state.

May 2022

CBCP renovation and expansion plan will be reviewed by the Board of Local and Regional Jail on May 18, 2022. The Superintendent, the Board Chairperson and Moseley Architects will be in attendance

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



Agenda Date: September 6, 2022

Action Required: Repeal Sec. 15-36 through Sec. 15-38 of the Charlottesville City Code

Presenter: Todd Divers, Commissioner of the Revenue, Jason Vandever, City Treasurer

Staff Contacts: Todd Divers, Commissioner of the Revenue
Jason Vandever, City Treasurer

**Title: Repealing Sec. 15-36 through Sec. 15-38 of the Charlottesville City Code
to Eliminate Local Vehicle License Fees for Certain Motor Vehicles,
Trailers, and Semi-Trailers (1 reading)**

Background

§46.2-752 of the Code of Virginia authorizes cities, counties, and towns to levy a license fee on motor vehicles, trailers, and semitrailers. The amount of the fee may not be greater than the annual vehicle license fee imposed by the state. In Charlottesville, this takes the form of a Local Vehicle License Fee (VLF) codified in Chapter 15, Article II of the Charlottesville City Code.

Until 2006, the City required that a physical decal be placed on vehicles as evidence of payment of the fee, and charged for this decal based on type and size of vehicle. This decal was not only a source of revenue, but an enforcement tool in that it could not be purchased until all previously billed taxes had been paid. The Treasurer's DMV Stop/fee process now provides an incentive for the payment of all billed taxes. In 2006, the physical decal was eliminated, but the fee was retained. The fee applies to all vehicles, regardless of age, value, or condition, as long as there is an active license plate on the vehicle. It is prorated quarterly (as opposed to taxes, which are prorated monthly) and also applies to many (but not all) tax-exempt vehicles.

Charlottesville's schedule of vehicle license fees is below:

| License Type | Situs Date Jan. 15— Mar. 31 Amount (\$) | Situs Date April 1— June 30 Amount (\$) | Situs Date July 1— Sept. 30 Amount (\$) | Situs Date Oct. 1— Dec. 15 Amount (\$) |
|------------------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------------------------|------------------------------------------------------------------|
| Passenger car, 4,000 pounds or less | \$28.50 | \$21.38 | \$14.25 | \$7.13 |
| Passenger car, more than 4,000 pounds, and trucks | 33.50 | 25.13 | 16.75 | 8.38 |
| Motor vehicles operated or used for rent or hire, up to 13,000 pounds: | | | | |

| | | | | |
|------------------------------------------------------------------------------|-------|-------|-------|-------|
| 5,499 or less | 22.70 | 17.03 | 11.35 | 5.68 |
| 5,500—10,000 | 29.35 | 22.01 | 14.68 | 7.34 |
| 10,001—10,499 | 30.70 | 23.03 | 15.35 | 7.68 |
| 10,500—11,000 | 32.40 | 24.30 | 16.20 | 8.10 |
| 11,001—11,499 | 33.90 | 25.43 | 16.95 | 8.48 |
| 11,500—12,000 | 35.75 | 26.81 | 17.88 | 8.94 |
| 12,001—12,499 | 37.35 | 28.01 | 18.68 | 9.34 |
| 12,500—13,000 | 39.40 | 29.55 | 19.70 | 9.85 |
| Motor vehicles operated or used for rent or hire, more than 13,000 pounds | 69.40 | 52.05 | 34.70 | 17.35 |
| Motorcycles | 8.50 | 6.38 | 4.25 | 2.13 |
| Trailers and semitrailers: | | | | |
| Registered gross weight (pounds) 1,500 or less | 10.00 | 7.50 | 5.00 | 2.50 |
| Registered Gross Weight (pounds) 1,501—4,000 | 20.50 | 15.38 | 10.25 | 5.13 |
| More than 4,000 | 25.50 | 19.13 | 12.75 | 6.38 |

According to the Weldon Cooper Center's 2018 compilation of local tax rates, 84 counties and 33 cities still had some version of a vehicle license tax or fee - some requiring decals, others having eliminated the decal while keeping the fee. According to a recently completed survey by the Commissioners of the Revenue Association, that is now down to 81 counties and 30 cities.

Discussion

Administering the vehicle license fee is time-consuming and cumbersome, as it adds to the complexity of billing and adjustments - often requiring additional research to determine the appropriate fee to bill or if an adjustment is due. Because personal property tax on vehicles is prorated monthly, and VLF's are pro-rated quarterly, a taxpayer could conceivably have no tax liability (based on their move-in and move-out dates), but still owe up to one half year VLF.

Vehicle License Fees - Advantages

- Fees apply to (some) otherwise tax-exempt items and owners (specifically churches and non-profit organizations). Under a license fee billing model, everyone pays SOMETHING.
- Fees apply to vehicles valued under \$1,000, who otherwise would have no tax liability.

Vehicle License Fees – Disadvantages

- Applies to tax-exempt entities. (They are supposed to be tax-exempt for a reason, after all);
- Regressive (all owners pay the same based on weight regardless of vehicle value or age);

- Administrative burden:
 - Different proration rules from taxes;
 - Additional series of book completion activities – adds more complexity/more chance for errors;
 - Requires additional adjustments beyond tax;
 - Staff must often manually check with other jurisdictions in order to complete VLF adjustments (whereas we can largely rely on DMV data for tax adjustments).
 - Creates an abundance of very low dollar bills that must be billed and collected each year
- No longer serves its original purpose as a visible indicator that tax has been paid;

Cost to Eliminate VLF

Vehicle License Fees typically generate around \$900,000 annually for the City. Under normal circumstances, such a reduction would necessitate an offsetting increase elsewhere, most likely by increasing the personal property tax rate. However, based on projected personal property revenues for FY23, we appear to be headed for an additional \$2 million surplus above what was originally anticipated due to much-discussed vehicle valuation increases. This means that eliminating the VLF can be revenue neutral in FY23 and possibly FY24.

An Important and Highly Visible Gesture to Taxpayers

Recent economic indicators point to high inflation and a potential economic slowdown on the horizon. Consumers are nervous, and taxpayers feel pinched. Eliminating Vehicle License Fees would be a tangible and easily achievable form of tax relief arriving just in time for many struggling families, without having to change any tax rates.

Alignment with City Council's Vision and Strategic Plan

This change aligns with the City's Organizational Values of **Leadership, Trust, Creativity, and Excellence**.

This change aligns with the following City Goals:

- 1.4 *Enhance financial health of residents*
- 5.1 *Integrate effective business practices and strong fiscal policies*
- 5.3 *Provide responsive customer service*

Community Engagement

NA

Budgetary Impact

If approved, this measure will go into effect on January 1, 2023, and will reduce current year Vehicle License revenue (GL 400150) by approximately \$800,000 due to the timing of the billing. FY24 revenue would be reduced by approximately \$900,000. This reduction will be offset completely in FY23 by increased vehicle assessments.

Recommendation

Approval of the resolution to repeal Chapter 15, Article II of the Charlottesville City Code to eliminate Local Vehicle License Fees.

Suggested Motion: *“I move the ORDINANCE repealing Sec. 15-36 through Sec. 15-38 of the City Code, thereby repealing vehicle license fees for certain motor vehicles, trailers, and semi-trailers”.*

Alternatives

Council could elect to retain the Vehicle License Fee program.

Attachments

1. Council Ordinance
2. Excerpt from Weldon Cooper 2018 Local Tax Rates Book_Section 15
3. Commissioners of the Revenue Association Survey Results

Suggested Motion: "I move the ORDINANCE repealing Sec. 15-36 through Sec. 15-38 of the City Code, thereby repealing vehicle license fees for certain motor vehicles, trailers, and semi-trailers."

ORDINANCE

Repealing Sec. 15-36 through Sec. 15-38 of the City Code, thereby repealing vehicle license fees for certain motor vehicles, trailers, and semi-trailers

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that: Sec. 15-36 through Sec. 15-38, of the Code of the City of Charlottesville, 1990, as amended, are hereby repealed and reordained as follows:

CHAPTER 15. MOTOR VEHICLES AND TRAFFIC

ARTICLE II. – LOCAL VEHICLE LICENSE

Secs. 15-36—15-38. - Reserved.

Sec. 15-36. License required.

- (a) *Subject vehicles.* For each and every calendar year, every person who owns or leases any motor vehicle, trailer or semitrailer that is normally garaged, stored or parked within the city for all or a portion of that year shall obtain a city license for such motor vehicle, trailer or semitrailer. If persons administering the provisions of this ordinance cannot determine where such motor vehicle is normally garaged, stored or parked, then such person shall be required to obtain a city license for the motor vehicle, trailer or semitrailer if they are a domiciliary of the City of Charlottesville.
- (b) *Grace period.* The owner of the subject motor vehicle, trailer or semitrailer shall contact the commissioner of the revenue, in order to register for the license(s) required by this section within thirty (30) days of (i) purchasing a state license plate for such motor vehicle, trailer or semitrailer, or (ii) becoming a resident of the city.
- (c) *Application.* Submission of the personal property tax return referenced within section 30-35 of the City Code shall constitute application for the license required by this section
- (d) *Approval.* The license(s) required by this section shall be deemed granted upon (i) the city's receipt of the return required by section 30-35 of the City Code and payment of the license fee(s) required by section 15-37, below, and (ii) the city's receipt of payment in full of all personal property taxes which have been assessed with respect to the motor vehicle, trailer or semitrailer to be licensed. No motor vehicle, trailer or semitrailer shall be deemed licensed by the city until its owner has produced satisfactory evidence that all personal property taxes on such motor vehicle, trailer or semitrailer to be licensed have been paid, as well as satisfactory evidence that any delinquent personal property taxes owing have been paid.

Sec. 15-37. License fee.

(a) *Fee established.* The license fee(s) required by this section shall be in addition to any personal property or other taxes applicable to the subject motor vehicle, trailer or semitrailer.

(b) The annual fee for the licenses required by section 15-36 shall be as set forth below:

| License Type | Situs Date Jan. 15—Mar. 31 Amount (\$) | Situs Date April 1—June 30 Amount (\$) | Situs Date July 1—Sept. 30 Amount (\$) | Situs Date Oct. 1—Dec. 15 Amount (\$) |
|---------------------------------------------------------------------------|----------------------------------------------|----------------------------------------------|----------------------------------------------|---------------------------------------------|
| Passenger car, 4,000 pounds or less | \$28.50 | \$21.35 | \$14.25 | \$7.10 |
| Passenger car, more than 4,000 pounds, and trucks | 33.50 | 25.10 | 16.75 | 8.35 |
| Motor vehicles operated or used for rent or hire, up to 13,000 pounds: | | | | |
| 5,499 or less | 22.70 | 17.00 | 11.35 | 5.65 |
| 5,500—10,000 | 29.35 | 22.00 | 14.65 | 7.30 |
| 10,001—10,499 | 30.70 | 23.00 | 15.35 | 7.65 |
| 10,500—11,000 | 32.40 | 24.30 | 16.20 | 8.10 |
| 11,001—11,499 | 33.90 | 25.40 | 16.95 | 8.45 |
| 11,500—12,000 | 35.75 | 26.80 | 17.85 | 8.90 |
| 12,001—12,499 | 37.35 | 28.00 | 18.65 | 9.30 |
| 12,500—13,000 | 39.40 | 29.55 | 19.70 | 9.85 |
| Motor vehicles operated or used for rent or hire, more than 13,000 pounds | 69.40 | 52.05 | 34.70 | 17.35 |
| Motorcycles | 8.50 | 6.35 | 4.25 | 2.10 |
| Trailers and semitrailers: | | | | |
| Registered gross weight (pounds) 1,500 or less | 10.00 | 7.50 | 5.00 | 2.50 |
| Registered Gross Weight (pounds) 1,501—4,000 | 20.50 | 15.35 | 10.25 | 5.10 |
| More than 4,000 | 25.50 | 19.10 | 12.75 | 6.35 |

(c) *When fee dues and payable.* License fees for all vehicles shall be due and payable on the same due date as that of the first tax bill for each license year. If any license fee owed pursuant to this article is not paid on or before its due date, then the treasurer may add the cost of any fee incurred by the city pursuant to § 46.2-752(J), to the license fee due and owing to the city.

(d) *Proration.* The annual license fee required for a motor vehicle or trailer that acquires a situs within the city during the license year shall be as set forth in the table in section 15-37(b), above. When any motor vehicle or trailer loses its situs in the city or changes ownership after January 15 and before October 1 of the license year, any vehicle license fee assessed on such vehicle shall be relieved, and any amount of the vehicle license fee already paid shall be refunded, on a prorated basis as set forth in the table in section 15-37(b), above, for the remaining portion of the license year; provided, however, that in the case of a change in situs, a refund shall be made only if a similar license fee for the same period has been assessed on the motor vehicle or trailer in another jurisdiction and proof is received of payment of said assessment.

(e) *Conflict with state law.* Nothing in this section shall be construed as imposing a license fee on any such vehicle in excess of the amount authorized by state law.

(f) *Collection.* The city treasurer shall, after the due date of any license fee required by this section, collect such license fee in accordance with the provisions of § 58.1-3919 of the Virginia Code and any other applicable state law. Additionally, the treasurer shall have the authority to take action any authorized by § 46.2-752(J) of the Virginia Code.

Sec. 15-38. Exemptions.

(a) The following shall be exempt from the annual license and license fee required by this article:

- (1) One (1) motor vehicle owned by any member in good standing of the volunteer organizations known and designated as the Charlottesville Fire Company and the Charlottesville Albemarle Rescue Squad, and every member in good standing of an Albemarle County Volunteer Fire Company who resides within the corporate limits of the city. In determining the availability of this exemption with respect to a particular motor vehicle, the treasurer shall utilize the membership list provided to the commissioner of revenue pursuant to section 30-39 of the City Code. Any person who ceases to be a member in good standing of any such organization shall pay the appropriate license tax on such vehicle for the balance of the license year, prorated on the same basis as provided in section 15-37(d), above.
- (2) Any motor vehicle, trailer or semitrailer owned by the Charlottesville Fire Company and the Charlottesville Albemarle Rescue Squad.
- (3) Any motor vehicle referenced within § 46.2-755 of the Virginia Code;

(b) The exemption authorized by this section shall be denied to an otherwise qualified person, if such person has failed to timely pay personal property taxes due and owing with respect to any motor vehicle owned by such person.

Virginia Local Tax Rates, 2018

Information for All Cities and Counties and Selected Incorporated Towns

37th Annual Edition

Stephen C. Kulp

**In Cooperation
with
The Virginia Association of Counties
and
The Virginia Municipal League**



**WELDON COOPER
CENTER FOR PUBLIC SERVICE**
University of Virginia

Charlottesville
Mailing address:
P.O. Box 400206
Charlottesville, VA 22904-4206
Street address:
2400 Old Ivy Road
Charlottesville, VA 22903-4827
(434) 982-5522 •
FAX: (434) 982-5536 •
TDD: (434) 982-HEAR
Website: www.coopercenter.org/

Richmond
11 South 12th Street, Suite 225
Richmond, VA 23219-4035
(804) 371-0202 •
FAX: (804) 371-0234 •
TDD: (804) 982-HEAR
Southwest
1 College Avenue
Wise, VA 24293-0016
(540) 328-0133 •
FAX: (540) 328-0233 •
TDD (540) 328-0191



**WELDON COOPER
CENTER FOR PUBLIC SERVICE**
University of Virginia

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Introduction

FOREWORD

This is the thirty-seventh edition of the Cooper Center's annual publication about the tax rates of Virginia's local governments. In addition to information about tax rates, the publication contains details about tax administration, valuation methods, and due dates. There is also information on water and sewer rates, waste disposal charges and numerous other aspects of local government finance. This comprehensive guide to local taxes is based on information gathered in the spring, summer, and early fall of 2018. The study includes all of Virginia's 38 independent cities and 95 counties and 133 of the 190 incorporated towns. The included towns account for 92 percent of the Commonwealth's population in towns.¹ The study also contains information from several outside sources, including two Department of Taxation studies, *2018 Legislative Summary* and *The 2016 Assessment/Sales Ratio Study*, as well as Department of Taxation information on the assessed value of real estate by type of property. We also used the Auditor of Public Accounts' *Comparative Report of Local Government Revenues and Expenditures, Year Ended June 30, 2017*, the Commission on Local Governments' *Report on Proffered Cash Payments and Expenditures by Virginia's Counties, Cities and Towns, 2016-2017*, and the Department of Housing and Community Development's *Virginia Enterprise Zone Program 2017 Grant Year Annual Report*.

ORGANIZATION OF THE BOOK

The study is divided into 26 sections. Section 1 is a reprint of the "Local Tax Legislation" section of the Department of Taxation's *2018 Legislative Summary*. The original Department of Taxation report is available at its website.² Sections 2 through 26 cover specific taxes, fees, service charges, cash proffers, enterprise zones, and financial documents on the web. Most of the data came from a detailed web-based questionnaire sent to all cities, counties, and incorporated towns (see Appendix A for a printed version). Appendix B provides a listing of names, phone numbers, and email addresses, when available, of respondents and non-respondents to the questionnaire. Appendix C shows the percentage share of total local taxes represented by each specific tax for each

locality based on data from the Auditor of Public Accounts for fiscal year 2017. Information is provided for each city and county and for 38 populous incorporated towns. Finally, Appendix D contains 2017 population estimates for cities, counties and towns from the Cooper Center's Demographics Research Group. The population information is provided to give readers some perspective on the relative size of localities.

Please note that the web addresses provided in this publication were good at the time this text was printed. However, some links are unstable and may not work with certain browsers or they may be modified or withdrawn subsequent to publication.

ABOUT THE SURVEY

In 2018, localities could choose between online or printed versions of the questionnaire. The Cooper Center has made its best efforts to accurately reflect in this report the responses of localities based on the survey or follow-up queries.

In the tables three dots (...) are used to show there was no response and "N/A" is used to indicate "not applicable." Readers may use the telephone/email list in Appendix B to contact local officials in order to obtain clarification and additional detail.

WHAT IS NEW OR DIFFERENT

This year, the list of tables and sections remains largely unchanged from last year. We have deleted two tables from Section 2 on assessment values and assessment appeals. Otherwise, all the remaining text and tables have been updated and, in some cases, reworded to clarify or augment information previously provided.

SOME COMPONENTS OF LOCAL TAXES

This book deals mainly with local sources of revenue for local governments. Though localities might also receive federal and state resources, an important part of local funding comes from local sources. The Auditor of Public Accounts, *Comparative Report of Local Government Revenues and Expenditures* provides data on these local sources. The following analysis uses the data from their report for the year ended June 30, 2017.

¹ Locality population figures are based on estimates developed by the Demographics Research Group of the Weldon Cooper Center for Public Service. See Appendix D.

² <https://tax.virginia.gov/legislative-summary-reports>

A common misperception is that nearly all local tax revenue comes from the real property tax. True, the real property tax is the dominant source, accounting for 61.7 percent of city-county tax revenue in FY 2017, the latest year available (see text table below). But three other taxes—the personal property tax, the local option sales and use tax, and the business license tax—together accounted for 24.1 percent of total tax revenue. The remaining 14.2 percent of tax revenue came from more than a dozen other taxes.

Sources of Virginia Local Government Tax Revenue, FY 2017

| Tax | Amount (\$) | % of Total |
|-------------------------------------|------------------|------------|
| Total taxes | \$17,061,705,960 | 100.00 |
| Real property | \$10,518,058,362 | 61.65 |
| Personal property | \$2,201,812,627 | 12.90 |
| Local option sales and use | \$1,188,472,505 | 6.97 |
| Business license | \$714,956,495 | 4.19 |
| Restaurant meals | \$533,129,100 | 3.12 |
| Public service corporation property | \$390,940,562 | 2.29 |
| Consumer utility | \$309,425,838 | 1.81 |
| Hotel and motel room | \$217,083,337 | 1.27 |
| Machinery and tools | \$206,172,807 | 1.21 |
| Motor vehicle license | \$189,153,429 | 1.11 |
| Recordation and will | \$127,050,446 | 0.74 |
| Other local taxes | \$106,962,853 | 0.63 |
| Bank stock | \$100,632,939 | 0.59 |
| Tobacco | \$63,131,846 | 0.37 |
| Coal, oil, and gas | \$27,525,080 | 0.16 |
| Admission | \$21,050,411 | 0.12 |
| Merchants' capital | \$14,068,377 | 0.08 |
| Franchise license | \$12,027,292 | 0.07 |
| Penalties and interest ^a | \$120,051,654 | 0.70 |

Source: Auditor of Public Accounts, Comparative Report of Local Government Revenues and Expenditures, Year Ended June 30, 2017 (Richmond: April 27, 2018), Exhibits B and B-2.

^a Following the convention used by the Auditor of Public Accounts, penalties and interest have been treated as taxes.

There are six localities where the real property tax is not dominant. Bath and Surry counties have large power plants that pay public service corporation property taxes that overwhelm other sources. Buchanan County has rich mineral deposits subject to local severance taxes that exceed the real property tax. Covington City and Alleghany County receive large shares of revenue from machinery and tools taxes on MeadWestvaco's large paperboard manufacturing facility. Finally, the small city of Norton, the least populous independent city in Virginia³ (3,882 in 2017) received almost as much money from the local option sales and use tax as from the real property tax. In the remaining 127 cities and counties where the real property tax is dominant, its relative importance varies from 29.9 percent of total tax revenue in Galax City to 78.7 percent in Highland County (see Appendix C).

Thirty-five cities (three cities—Emporia, Hopewell, and Manassas Park—did not provide information for the 2017 *Comparative Report*) and 95 counties imposed four of the taxes shown in the previous table—the real property tax, the personal property tax, the local option sales and use

³ Weldon Cooper Center for Public Service, University of Virginia. <https://demographics.coopercenter.org/population-estimates-age-sex-race-hispanic-towns/>

tax, and the public service corporation property tax. Most, but not all, localities imposed recordation and will taxes, consumer utility taxes, motor vehicle license taxes, and taxes on manufacturers' machinery and tools. Nonetheless, as shown in the next text table, there are a number of taxes, a few of them significant sources of revenue, which are not levied by all localities. Also, some of the taxes are used so sparingly that their revenue yield is very low.

Number of Virginia Localities Imposing Taxes by Type, FY 2017^a

| Tax | Number | | |
|-------------------------------------|---------|----------|-------|
| | Cities* | Counties | Total |
| Real property | 35 | 95 | 130 |
| Personal property | 35 | 95 | 130 |
| Local option sales and use | 35 | 95 | 130 |
| Public service corporation property | 35 | 95 | 130 |
| Consumer utility | 35 | 92 | 127 |
| Recordation and wills | 31 | 93 | 124 |
| Motor vehicle license | 31 | 87 | 118 |
| Machinery and tools property | 30 | 84 | 114 |
| Hotel and motel room | 34 | 67 | 101 |
| Bank stock | 35 | 61 | 96 |
| Business license | 35 | 52 | 87 |
| Restaurant meals | 35 | 49 | 84 |
| Franchise license | 9 | 37 | 46 |
| Merchants' capital | 1 | 43 | 44 |
| Tobacco | 29 | 2 | 31 |
| Admission | 17 | 3 | 20 |
| Coal, oil, and gas | 1 | 6 | 7 |
| Other local taxes | 19 | 50 | 69 |

Source: Appendix C of this study. The original source was Auditor of Public Accounts, Comparative Report of Local Government Revenues and Expenditures, Year Ended June 30, 2017 (Richmond: April 27, 2018), Exhibits B and B-2.

* The cities of Emporia, Hopewell, and Manassas Park did not provide information in time for the report.

^a Taxes that yielded less than 0.1 percent of a locality's total tax revenue are excluded.

There are three major reasons why local governments do not impose some taxes: (1) The locality lacks a tax base for a particular tax (e.g., a locality must have a bank in order to apply a bank stock tax and a locality must have taxable mineral deposits to impose coal, oil, and gas taxes). (2) The locality is faced with state restrictions (e.g., county excise taxes on hotel and motel room rental have tax rate restrictions imposed by the state; county restaurant meals taxes must be approved in a voter referendum; tobacco taxes are permitted in only two counties; and county admissions taxes are subject to many restrictions). In regard to the business, professional, and occupational license tax (BPOL tax), counties must choose either the BPOL tax or the merchants' capital tax. Counties are not permitted to impose a business license tax within the boundaries of an incorporated town situated within the county without permission of the town. This means that counties with large shares of business activity within towns are motivated to impose a merchants' capital tax that can be applied countywide. (3) The locality chooses not to impose a permitted tax (e.g., Richmond City, a community with a large cigarette manufacturing plant, has not adopted a consumer tobacco tax even though all cities are granted the authority to levy such a tax).

PARTNERSHIP WITH LEXISNEXIS

The Weldon Cooper Center for Public Service is partnering with the publisher LexisNexis to produce the annual *Tax Rates* books. The Cooper Center still prepares and distributes the survey and writes up the results. LexisNexis publishes the book and fulfills orders from interested parties. This arrangement allows us to concentrate on providing the most accurate and up-to-date information about Virginia tax rates and leverages LexisNexis' considerable expertise in production and distribution of the annual volume. We hope the arrangement will lead to continued improvements in our *Virginia Local Tax Rates* series.

STUDY PERSONNEL

Stephen C. Kulp, Research Specialist at the Center for Economic and Policy Studies, was responsible for work on the project. He refined the new database, administered the survey, translated the results into tables, checked relevant code sections, assisted with the development of the web-based questionnaire, and made appropriate changes in the text. Jennifer Nelson, of the Cooper Center's Publications

Section, designed the cover. Cooper Center employee Albert W. Spengler, who authored this study for a number of years prior to 1991, laid the foundation for the study when it was his responsibility.

The strong support for this publication by the Virginia Association of Counties and the Virginia Municipal League helps ensure our continued efforts to provide this resource as a basic reference on Virginia local taxes.

FINAL COMMENTS

The Cooper Center is grateful to the many local officials throughout the commonwealth who supplied the survey information presented in this study. Their willingness to provide information and their patience in answering follow-up questions is what makes this book successful. The high response rates could not have been achieved without their cooperation.

Corrections to the text or suggestions for possible changes or additions to future editions can be made using the email address and phone number listed below.

Stephen C. Kulp
Research Specialist
Center for Economic and Policy Studies
Weldon Cooper Center for Public Service
University of Virginia
sck7x@virginia.edu
(434) 982-5638

Charlottesville
January 2019

Virginia Local Tax Rates, 2018

Information for All Cities and Counties and Selected Incorporated Towns

Section 15

Motor Vehicle Local License Tax, 2018

In fiscal year 2017, the most recent year available from the Auditor of Public Accounts, the motor vehicle local license tax, popularly known as the local decal tax, even though many of the localities imposing the tax no longer use a decal as evidence of payment, accounted for 1.2 percent of the total tax revenue for cities, 1.1 percent for counties and 2.0 percent for large towns. These are averages; the relative importance of this tax in individual cities, counties and large towns varies significantly. For information on individual localities see Appendix C.

Section 46.2-752 of the *Code of Virginia* authorizes cities, counties, and towns to levy a license tax on motor vehicles, trailers, and semitrailers. The amount of the tax may not be greater than the tax imposed by the state. Currently, the base registration fees for non-commercial passenger vehicles are \$33 for vehicles under 4,000 pounds and \$38 for heavier vehicles (§ 46.2-694.2). Motorcycle fees are \$18 with a \$3 surcharge included [§ 46.2-694 (A) (10)]. The *Code* stipulates similar guidelines for commercial vehicles, buses, trailers, and other motor vehicles. The *Code* also provides for additional fees for specified government services, such as \$6.25 for emergency medical service (EMS) programs [*Code of Virginia* § 46.2-694 (A) (13) and *2014 Appropriations Act* § 3-6.02] to be paid to the state treasury and provides for a \$1.50 addition for the official motor vehicle safety inspection program to be paid at registration (§ 46.2-1168).

No locality may impose a license tax on any vehicle when the owner pays a similar tax to the locality in which the vehicle is normally stored. Furthermore, no locality may impose a local license tax on any vehicle that is owned by a nonresident of such locality and is used exclusively for pleasure or personal transportation (i.e., for non-business uses). For example, the tax would not apply to a personal vehicle owned by a nonresident college student and used only for pleasure or personal transportation. Vehicles used for state business by nonresident officials, dealer demonstration vehicles and the vehicles of common carriers are also exempt from local license taxes.

The situs for the assessment of motor vehicles is clarified in § 58.1.3511. Business vehicles with a weight of 10,000 pounds or less are considered to be in the jurisdiction in which the owner of the business: (1) is required to file a tangible

personal property tax return for any vehicle used in the business, and (2) has a definite place of business from which the use of the business vehicle is directed or controlled.

If a town within a county levies a motor vehicle license tax, the county must credit the owner with the tax paid to the town. Also, if the town tax is equal to the maximum allowed by law, then the county may not impose any further tax. Likewise, no county license tax may be imposed on vehicles that are subject to license taxes imposed by a town constituting a separate school division (§ 46.2-752).¹

Table 15.1 presents the local motor vehicle license taxes on automobiles, motorcycles, and trucks. Column one indicates the date that the fee must be paid or a decal, if applicable, must be affixed to a motor vehicle to denote payment of license fees. Thirty-three cities and 84 counties reported imposing the tax. Of the reporting towns, 114 said they levied the tax. The second column gives the tax rate on private passenger vehicles. Most localities levy a flat tax between \$15 and \$30 for passenger vehicles under 4,000 pounds. The table also shows the exemption status for elderly or disabled persons. Seven localities offer tax relief for the elderly, while 30 exempt the disabled from this tax. The final two columns give the tax rates on motorcycles and trucks. The tax ranges from \$3 to \$35 for motorcycles and from \$3 up to \$250 (depending on weight) for trucks.

The following text table summarizes the range of tax charged for private passenger vehicles under 4,000 pounds.

License Tax for Private Passenger Vehicles Under 4,000 Pounds, 2018

| Tax | Number of Localities | | | |
|----------------|----------------------|----------|---------|---------|
| | Cities | Counties | Towns | Total |
| \$10.00 - \$15 | 0 | 2 | 20 | 22 |
| \$15.01 - \$20 | 4 | 12 | 21 | 37 |
| \$20.01 - \$25 | 10 | 41 | 54 | 105 |
| \$25.01 - \$30 | 10 | 10 | 9 | 29 |
| Over \$30 | 9 | 19 | 10 | 38 |
| Total | 33 | 84 | 114 | 231 |
| Mean | \$27.93 | \$26.93 | \$23.18 | \$25.22 |
| Median | \$26.00 | \$25.00 | \$25.00 | \$25.00 |
| 1st Quartile | \$25.00 | \$23.38 | \$20.00 | \$20.00 |
| 3rd Quartile | \$32.00 | \$30.00 | \$25.00 | \$27.50 |

¹ The *Code* refers to school district rather than school division. Colonial Beach and West Point are the only towns that have school divisions.

Cities had a median license tax of \$26.00; the median tax for both counties and towns was \$25. For cities the mean license tax for private passenger vehicles was \$27.93. The first quartile measure was \$25 while the third quartile was \$32. For counties, the mean was \$26.93. The first and third quartiles were \$23.38 and \$30.00, respectively. For towns, the mean was \$23.18. The first and third quartiles were \$20 and \$25 respectively.

Table 15.2 lists whether localities require the display of decals and whether localities permit special exemptions from paying the motor vehicle license tax other than those

for the elderly and disabled. Twenty-seven cities, 78 counties, and 66 towns reported granting payment exemptions. The most popular category for exemption was for local fire and rescue department members.

In recent years, many localities have dispensed with the decal because new technology has allowed them to track payments without the use of the decal. Most now collect the motor vehicle license tax along with the personal property tax on motor vehicles. So far, 33 cities, 78 counties, and 81 towns reported they no longer required decal placement on automobile windshields.



Table 15.1
Motor Vehicle Local License Tax, 2018

| Locality | Due Date Display or Payment | Tax | Private Passenger Vehicles | | | Motorcycles | Trucks Not for Hire |
|-----------------------------------------------------------|-----------------------------------|--------------------------------------------------------------------------------------------|----------------------------|--------|----------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | | Elderly | Exempt | Disabled | | |
| Cities (Note: All cities responded to the survey.) | | | | | | | |
| Alexandria | 10/05 | \$33.00 | | No | No | \$21.00 | \$33.00-\$98.00 |
| Bristol | 12/05 | \$20.00 | | No | No | \$10.00 | \$20.00 up to 13k lbs.; \$30.00 over 13k lbs. |
| Buena Vista | 03/01 | \$35.00 | | No | No | \$28.00 | \$35.00 up to 2k lbs.; \$42.50 over 2k lbs. |
| Charlottesville | 06/05 | \$28.50 up to 4,000 lbs.; \$33.50 over 4,000 lbs. | | No | No | \$8.50 | \$28.50 up to 4,000 lbs.; \$33.50 over 4,000 lbs. |
| Chesapeake | 06/05 | \$23.00 up to 4,000 lbs.; \$28.00 over 4,000 lbs. | | No | No | \$8.00 | \$23.00 up to 4k lbs.; \$28.00 4k to 10k lbs.; \$35.00 10k to 25k lbs.; \$60.00 25k to 40k lbs.; \$80.00 40k to 55k lbs.; \$125.00 55k to 70k lbs.; \$150.00 over 70k lbs. |
| Colonial Heights | 06/05 | \$33.00 up to 4,000 lbs.; \$38.00 over 4,000 lbs. | | No | No | \$18.00 | \$33.00-\$49.00 |
| Covington | 06/05 | \$30.00 | | No | No | \$25.00 | \$30.00 up to 10k lbs.; \$54.00 over 10k lbs. |
| Danville | 06/05 | \$25.00 | | No | Yes | \$25.00 | \$25.00-\$195.00 |
| Emporia | 07/01 | \$25.00 | | No | No | \$12.50 | \$25.00 |
| Fairfax | 10/05 | \$33.00 | | No | No | \$18.00 | \$33.00 |
| Falls Church | 10/05 | \$33.00 | | No | Yes | \$28.00 | \$33.00 up to 4,000 lbs.; \$45.00 4k to 10k lbs.; \$44.00 over 10k lbs. |
| Franklin | 12/05 | \$23.00 up to 4,000 lbs.; \$28.00 over 4,000 lbs. | | No | Yes | \$8.00 | \$29.00-\$45.00 |
| Fredericksburg | 05/15 | \$20.00 | | No | No | \$15.00 | \$20.00 |
| Galax | 04/15 | \$25.00 | | No | No | \$20.00 | \$25.00 up to 10k lbs.; \$37.00 over 10k lbs. |
| Hampton | 12/05 | \$35.00 up to 4,000 lbs.; \$40.00 over 4,000 lbs. | | No | No | \$17.00 | \$35.00 and up |
| Harrisonburg | 12/05 | \$40.00 | | No | No | \$13.50 | \$38.50-\$124.00 |
| Hopewell | 02/15 | \$20.00 | | No | Yes | \$7.50 | \$20.00 |
| Lynchburg | 06/05 | \$29.50 up to 4,000 lbs.; \$34.50 over 4,000 lbs. | | No | No | \$21.00 | \$29.50-\$250.00 |
| Manassas | 10/05 | \$25.00 | | Yes | Yes | \$10.00 | \$25.00 |
| Manassas Park | 10/05 | \$30.00 | | Yes | Yes | \$16.00 | \$30.00 |
| Martinsville | 12/05 | \$29.00 | | No | No | \$7.25 | \$29.00 + 1.45 per 1,000 lbs. over 15k lbs. |
| Newport News | 12/05 | \$26.00 up to 4,000 lbs.; \$31.00 over 4k to 10k lbs.; \$0.20/100 lbs. over 10k lbs. | | No | No | \$24.00 | \$26.00 up to 4,000 lbs.; \$31.00 over 4k to 10k lbs.; \$0.20/100 lbs. over 10k lbs. |
| Norfolk ^a | 06/05 | \$26.00 up to 4,000 lbs.; \$31.00 over 4,000 lbs. | | No | Yes | \$20.00 | \$26.00-\$130.00 |
| Norton | 10/15 | \$25.00 | | No | No | \$25.00 | \$25.00 |
| Petersburg | 06/10; 02/28 | \$23.00 up to 4,000 lbs.; \$28.00 over 4,000 lbs. | | No | No | \$16.00 | \$28.00-\$208.00 |
| Portsmouth | 06/05 | \$32.00 up to 4,000 lbs.; \$37.00 over 4,000 lbs. | | No | No | \$24.00 | \$32.00-\$250.00 |
| Radford | 12/05 | \$25.00 | | No | No | \$25.00 | \$25.00 |
| Richmond | 06/05 | \$40.74 | | No | No | \$28.74 | \$40.74-\$250.00 |
| Roanoke | 05/31 | \$28.00 | | No | No | \$15.00 | \$28.00-\$30.00 |
| Salem | 05/31 | \$20.00 | | No | No | \$16.00 | \$20.00-\$120.00 |

N/A Not applicable.

k = Thousand.

^a The city of Norfolk charges \$6.50 - \$12.50 for trailers (by type and weight).

Table 15.1 Motor Vehicle Local License Tax, 2018 (continued)

| Locality | Due Date Display or Payment | Private Passenger Vehicles | | | | Motorcycles | Trucks Not for Hire |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|------------------------------------------------------|---------|----------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| | | Tax | Elderly | Disabled | Exempt | | |
| Cities (continued) | | | | | | | |
| Suffolk | 12/05 | \$26.00 up to 4,000 lbs.; \$30.00 over 4,000 lbs. | No | No | \$24.00 | \$26.00 up to 4,000 lbs.; \$30.00 4,001 to 10k lbs.; \$35.00: 10,001 to 25k lbs.; \$60.00: 25,001 to 40k lbs; \$80.00: 40,001 to 55k lbs; \$125.00: 55,001 to 70k lbs.; \$150.00: over 70k lbs. | |
| Virginia Beach | N/A ^b | \$30.00 up to 4,000 lbs.; \$35.00 over 4,000 lbs. | No | No | \$23.00 | \$25.00 up to 4,000 lbs.; \$29.00: 4,001 to 16k lbs.; \$30.80: 16,001 to 17k lbs; \$32.10: 17,001 to 18,000 lbs.; plus \$1.30 for each additional 1,000 lbs. | |
| Waynesboro | 12/05 | \$25.00 | No | No | \$15.00 | \$25.00-\$60.00 | |
| Counties (Note: All counties responded to the survey. Those that answered "not applicable" for all items in this table are excluded.) | | | | | | | |
| Accomack | 06/05 | \$27.00 | No | No | \$25.00 | \$27.00 | |
| Albemarle | 12/05 | \$40.75 up to 4,000 lbs.; \$45.75 over 4,000 lbs. | No | No | \$28.75 | \$40.75 up to 4,000 lbs.; \$45.75 over 4,000 lbs. | |
| Alleghany | 12/05 | \$25.00 | No | No | \$18.00 | \$25.00 up to 10,000 lbs.; \$30.00 over 10,000 lbs. | |
| Amelia | 12/15 | \$25.00 | No | Yes | \$10.00 | \$25.00 | |
| Amherst | 12/05 | \$25.00 | No | Yes | \$11.00 | \$25.00 | |
| Appomattox | 12/05 | \$35.00 | No | No | \$24.00 | \$35.00 | |
| Arlington ^c | 11/15 | \$33.00 | No | No | \$18.00 | \$33.00 | |
| Bath | 12/05 | \$10.00 | No | No | \$10.00 | \$10.00 | |
| Bland | 12/05 | \$20.00 | No | No | \$10.00 | \$20.00 | |
| Botetourt | 11/01 | \$20.00 | No | No | \$11.00 | \$20.00 | |
| Brunswick | 02/28 | \$25.00 | No | No | \$25.00 | \$25.00 | |
| Buckingham | 04/15 | \$25.00 | No | No | \$20.00 | \$25.00 | |
| Campbell | 12/05 | \$27.00 | No | No | \$17.00 | \$27.00 | |
| Caroline | 06/05 | \$30.00 | No | No | \$25.00 | \$30.00 | |
| Carroll | 12/05 | \$25.00 | No | No | \$15.00 | \$25.00 | |
| Charlotte | 06/05 | \$25.00 | No | No | \$10.00 | \$25.00 | |
| Chesterfield | 06/05 | \$40.00 | No | No | \$15.00 | \$40.00 | |
| Clarke | 06/05 | \$25.00 | No | No | \$12.00 | \$25.00 | |
| Culpeper | 12/05 | \$25.00 | No | No | \$15.00 | \$25.00 | |
| Cumberland | 11/15 | \$23.00 | No | No | \$18.00 | \$18.00-\$39.00 | |
| Dinwiddie | 06/05 | \$20.00 | No | No | \$10.00 | \$20.00 | |
| Essex | 06/05 | \$40.00 | No | No | \$25.00 | \$40.00 | |
| Fairfax | 10/05 | \$33.00 up to 4,000 lbs.; \$38.00 over 4,000 lbs. | No | No | \$18.00 | \$38.00 | |
| Fauquier | 10/05 | \$25.00 | Yes | No | \$15.00 | \$25.00 | |
| Floyd ^d | 12/05 | \$25.00 | No | No | \$10.00 | \$25.00 | |
| Fluvanna | 06/05 | \$33.00 | No | No | \$18.00 | \$33.00 | |
| Franklin | 12/05 | \$34.25 | No | No | \$25.25 | \$34.25 | |
| Frederick | 06/05 | \$25.00 | No | No | \$10.00 | \$25.00 | |
| Giles | 12/05 | \$20.00 | No | No | \$7.50 | \$20.00 | |
| Goochland | 06/05 | \$29.50 | No | No | \$27.50 | \$29.50 up to 10k lbs.; \$34.50 over 10k lbs. | |
| Grayson | 04/05 | \$25.00 | No | No | \$15.00 | \$25.00 | |
| Greene | 06/05 | \$25.00 | No | No | \$9.00 | \$25.00 | |
| Greenville | 12/05 | \$25.00 | No | No | \$22.00 | \$25.00 | |
| Halifax | 12/05 | \$40.75 | No | No | \$28.75 | \$47.50 | |
| Henrico | 06/05 | \$20.00 up to 4,000 lbs.; \$25.00 over 4,000 lbs. | No | No | \$15.00 | \$20.00-\$64.00 | |

N/A Not Applicable.

k = Thousand.

^b The city of Virginia Beach uses the date on the DMV registration as the due date.^c Decals must be purchased within thirty days of moving to Arlington County.^d Floyd County assesses \$10 for trailers.

Table 15.1 Motor Vehicle Local License Tax, 2018 (continued)

| Locality | Due Date Display or Payment | Tax | Private Passenger Vehicles | | Motorcycles | Trucks Not for Hire |
|-----------------------------|-----------------------------------|-----------------------------------------------------------------------------------|----------------------------|----------|-------------|-----------------------------------------------------------------------------------|
| | | | Elderly | Disabled | | |
| Counties (continued) | | | | | | |
| Henry | 04/15 | \$20.75 | No | No | \$12.00 | \$20.75 |
| Highland | 12/05 | \$15.00 | No | No | \$5.00 | \$15.00 |
| Isle of Wight | 06/05 | \$33.00 | No | No | \$18.00 | \$20.00 |
| King & Queen | 04/30 | \$25.00 | No | No | \$10.00 | \$25.00 |
| King George | 06/05 | \$23.00 | No | No | \$18.00 | \$23.00 |
| King William | 12/05 | \$30.00 | No | No | \$25.00 | \$30.00 |
| Lancaster | 12/05 | \$20.00 | No | Yes | \$12.00 | \$20.00 |
| Lee | 12/05 | \$30.00 | No | No | \$27.50 | \$30.00 |
| Loudoun | 11/15 | \$25.00 | No | No | \$16.00 | \$25.00 |
| Louisa | 12/05 | \$38.75 | Yes | Yes | \$19.50 | \$38.75 |
| Lunenburg | 06/05 | \$25.00 | No | No | \$15.00 | \$25.00 |
| Madison | 12/05 | \$30.00 | No | No | \$15.00 | \$30.00 |
| Mathews | 12/05 | \$25.00 | No | No | \$10.00 | \$25.00 |
| Mecklenburg | 12/05 | \$25.00 | No | No | \$25.00 | \$25.00 |
| Middlesex ^e | 12/05 | \$20.00 | No | No | \$7.50 | \$20.00 |
| Montgomery | 12/05 | \$23.50 | No | No | \$23.50 | \$23.50 |
| Nelson | 06/05 | \$38.75 | No | No | \$18.00 | N/A |
| New Kent | 12/05 | \$25.00 | No | Yes | \$15.00 | \$25.00 |
| Northampton | 12/05 | \$33.00 | No | Yes | \$33.00 | \$33.00 |
| Northumberland | 12/05 | \$25.00 | No | No | \$18.00 | \$25.00 |
| Nottoway | 12/05 | \$25.00 | No | No | \$18.00 | \$25.00 |
| Orange | 12/05 | \$35.00 | No | No | \$21.00 | \$35.00 |
| Page | 06/05 | \$30.00 | No | No | \$15.00 | \$30.00 |
| Patrick | 12/05 | \$25.00 | No | No | \$15.00 | \$25.00 |
| Pittsylvania | 06/20 | \$40.75 | No | No | \$28.75 | \$40.75 |
| Powhatan | 06/05 | \$35.00 | No | No | \$28.75 | \$35.00 |
| Prince Edward | 12/05 | \$35.00 | No | No | \$25.00 | \$35.00-\$45.00 |
| Prince George | 06/05 | \$23.00 up to 4,000 lbs.; \$27.00 4k to 6,500 lbs.; \$29.00 over 6,500 lbs. | No | No | \$18.00 | \$23.00 up to 4,000 lbs.; \$27.00 4k to 6,500 lbs.; \$29.00 over 6,500 lbs. |
| Prince William ^f | 10/05 | \$24.00 | Yes | Yes | \$12.00 | \$24.00 |
| Pulaski | 10/15 | \$25.00 | No | Yes | \$10.00 | \$25.00 |
| Rappahannock | 12/05 | \$25.00 | No | No | \$25.00 | \$25.00 |
| Richmond | 12/05 | \$32.50 | No | No | \$18.00 | \$32.50 |
| Roanoke | 05/31 | \$20.00 | No | No | \$15.00 | \$20.00-\$25.00 |
| Rockbridge | 04/15 | \$25.00 | No | No | \$25.00 | \$25.00 |
| Rockingham | 01/01 | \$20.00 | No | No | \$7.50 | \$20.00 |
| Scott | 11/20 | \$23.00 | No | No | \$18.00 | \$23.00 |
| Shenandoah ^g | 06/05 | \$25.00 | No | No | \$18.00 | \$25.00 |
| Smyth | 12/05 | \$25.00 | No | No | \$25.00 | \$25.00 |
| Southampton | 12/05 | \$28.00 | No | Yes | \$15.00 | \$23.00 |
| Spotsylvania | 06/05 | \$25.00 | No | Yes | \$15.00 | N/A |
| Stafford | 06/05 | \$23.00 | No | No | \$23.00 | \$23.00 |
| Surry | 12/05 | \$20.00 | No | No | \$10.00 | \$20.00 |
| Sussex | 12/05 | \$25.00 | No | No | \$15.00 | \$25.00 |
| Tazewell | 12/05 | \$20.00 | No | No | \$20.00 | \$20.00 |
| Warren | 06/05 | \$30.00 | No | No | \$15.00 | \$30.00 |
| Washington | 11/20 | \$25.00 | No | No | \$8.00 | \$25.00 |
| Westmoreland | 12/05 | \$40.75 | No | No | \$28.75 | \$51.75 |
| Wythe | 12/05 | \$20.00 | No | No | \$10.00 | \$20.00 |
| York | 06/25 | \$23.00 | No | No | \$15.00 | \$23.00 |

N/A Not applicable.

k = Thousand.

^e Middlesex County taxes trailers at \$10.

^f Prince William County reports multiple due dates.

^g Shenandoah County levies a \$15 tax on trailers over 1,500 lbs.

Table 15.1 Motor Vehicle Local License Tax, 2018 (continued)

| Locality | Due Date Display or Payment | Private Passenger Vehicles | | | Motorcycles | Trucks Not for Hire |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|------------------------------------------------------------------------------|---------|----------|-------------|----------------------------------------------------------------------------------------------|
| | | Tax | Elderly | Disabled | | |
| Towns (Note: Towns that answered "not applicable" for all items in this table are excluded. For a listing of town respondents and non-respondents, see Appendix B.) | | | | | | |
| Abingdon | 11/20 | \$25.00 | No | No | \$10.00 | \$25.00 |
| Accomac | 04/15 | \$27.00 | No | No | \$25.00 | \$27.00 |
| Altavista | 12/05 | \$15.00 | No | No | \$5.00 | \$15.00 |
| Amherst | 12/05 | \$25.00 | No | No | \$11.00 | \$25.00 |
| Appomattox | 09/30 | \$25.00 | No | No | \$24.00 | \$25.00 |
| Ashland | 01/15 | \$25.00 | No | No | \$15.00 | \$25.00 |
| Berryville | 02/15 | \$25.00 | No | No | \$12.00 | \$25.00 |
| Big Stone Gap | 12/05 | \$25.00 | No | No | \$25.00 | \$25.00 |
| Blacksburg | 01/01 | \$25.00 | No | No | \$12.50 | \$29.50-\$34.50 |
| Blackstone | 03/31 | \$25.00 | No | No | \$25.00 | \$25.00 |
| Bluefield | 05/15 | \$10.00 | No | Yes | \$5.00 | \$10.00 |
| Boones Mill | 02/28 | \$25.00 | No | No | \$25.00 | \$25.00 |
| Bowling Green | 12/05 | \$25.00 | No | No | \$25.00 | \$25.00 |
| Boyce | 12/05 | \$25.00 | No | No | \$8.00 | \$25.00 |
| Boydtown | 03/31 | \$25.00 | No | No | \$25.00 | \$25.00 |
| Boykins | 02/15 | \$25.00 | No | No | \$17.00 | \$25.00 |
| Bridgewater | 12/05 | \$20.00 | No | No | \$7.50 | \$20.00 |
| Broadway | 12/05 | \$20.00 | No | No | \$10.00 | \$20.00 |
| Brookneal | 12/05 | \$15.00 | No | No | \$9.00 | \$18.00 |
| Buchanan | 12/05 | \$20.00 | No | No | \$11.00 | \$20.00 |
| Cape Charles | 12/05 | \$31.00 | No | No | \$31.00 | \$31.00 |
| Cedar Bluff | 04/15 | \$10.00 | No | No | \$10.00 | \$10.00 |
| Chatham | 04/15 | \$38.75 | No | Yes | \$29.50 | \$29.50 |
| Chilhowie | 12/05 | \$15.00 | No | Yes | \$5.00 | \$15.00 |
| Christiansburg | 12/05 | \$32.00 | No | No | \$28.75 | \$32.00 |
| Claremont | 05/15 | \$15.00 | No | No | \$10.00 | \$15.00 |
| Clarksville | 12/05 | \$25.00 | No | No | \$25.00 | \$25.00 |
| Clifton Forge | 04/15 | \$20.00 up to 12k lbs.; \$25.00 12k to 19k lbs.; \$30.00 over 19k lbs. | No | No | \$10.00 | N/A |
| Clintwood | 07/31 | \$15.00 | No | No | \$15.00 | \$15.00 |
| Coeburn | 04/15 | \$15.00 | No | No | \$15.00 | \$15.00 |
| Colonial Beach ⁱ | 04/30 | \$30.00 | No | No | \$15.00 | \$30.00 |
| Courtland | 03/15 | \$23.00 | No | No | \$15.00 | \$23.00 |
| Damascus | 11/20 | \$25.00 | No | No | \$10.00 | \$25.00 |
| Dayton | 12/05 | \$30.00 | No | No | \$10.00 | \$30.00 |
| Dublin | 04/15 | \$20.00 | No | No | \$8.00 | \$20.00 up to 10k lbs.; \$25.00 over 10k lbs. |
| Dumfries | 04/15 | \$24.00 | Yes | Yes | \$24.00 | \$24.00 |
| Eastville | 12/05 | \$33.00 | No | No | \$33.00 | \$33.00 |
| Edinburg | 03/01 | \$25.00 | No | No | \$18.00 | \$25.00 |
| Elkton | 12/05 | \$20.00 | No | No | \$10.00 | \$20.00 |
| Farmville | 04/15 | \$25.00 | No | No | \$15.00 | \$25.00: up to 6,500 lbs.; \$30.00: 6.5k to 10k lbs. plus \$1.00/1k lbs. over 10k lbs. |
| Floyd | 04/15 | \$25.00 | No | Yes | \$15.00 | \$25.00 |
| Front Royal | 06/05 | \$25.00 | No | No | \$15.00 | \$25.00 |
| Glade Spring ^h | 11/20 | \$25.00 | No | No | \$10.00 | \$20.00 |
| Glasgow | 04/15 | \$25.00 | No | No | \$9.00 | \$25.00 |
| Glen Lyn | 12/05 | \$15.00 | No | No | \$7.50 | \$15.00 |
| Gordonsville | 12/05 | \$30.00 | No | No | \$20.00 | \$30.00 |
| Goshen | 04/15 | \$20.00 | No | No | \$20.00 | \$20.00 |
| Gretna | 12/05 | \$38.75 | No | No | \$26.75 | \$38.75 |
| Grottoes | 12/05 | \$20.00 | No | No | \$7.50 | \$20.00 |
| Hamilton | 10/05 | \$25.00 | No | No | \$16.00 | \$25.00 |

N/A Not applicable.

k = Thousand.

^h The town of Colonial Beach charges \$12.50 for trailers.

ⁱ The town of Glade Spring charges \$6.00 for trailers.

Table 15.1 Motor Vehicle Local License Tax, 2018 (continued)

| Locality | Due Date Display or Payment | Private Passenger Vehicles | | | Motorcycles | Trucks Not for Hire |
|--------------------------|-----------------------------------|----------------------------|---------|----------|-------------|--------------------------------------------------------|
| | | Tax | Elderly | Disabled | | |
| Towns (continued) | | | | | | |
| Haymarket | 04/15 | \$15.00 | Yes | Yes | \$15.00 | \$15.00 |
| Herndon | 10/05 | \$25.00-\$32.00 | Yes | Yes | \$12.00 | \$32.00 |
| Hillsville | 12/05 | \$25.00 | No | Yes | \$16.00 | \$25.00 |
| Honaker | 05/15 | \$20.00 | No | No | \$8.00 | \$15.00 |
| Hurt | 04/15 | \$30.00 | No | No | N/A | \$30.00 |
| Independence | 04/15 | \$15.00 | No | No | \$7.50 | \$15.00 |
| Ivor | 02/01 | \$23.00 | No | No | \$15.00 | \$23.00 |
| Kenbridge | 07/15 | \$20.00 | No | No | \$10.00 | N/A |
| Keysville ^j | 12/05 | \$25.00 | No | No | \$10.00 | \$25.00 |
| Kilmarnock | 12/05 | \$20.00 | No | No | \$10.00 | \$20.00 |
| La Crosse | 03/31 | \$25.00 | No | No | N/A | \$25.00 |
| Lawrenceville | 02/28 | \$25.00 | No | No | \$8.00 | \$25.00 |
| Lebanon | 12/12 | \$15.00 | No | No | \$7.50 | \$15.00 |
| Leesburg | 10/05 | \$25.00 | No | No | \$15.00 | \$25.00 |
| Logettsville | 11/15 | \$25.00 | No | No | \$16.00 | \$25.00 |
| Luray | 06/05 | \$15.00 | No | No | \$5.00 | \$15.00 |
| Madison ^k | 04/01 | \$25.00 | No | No | \$10.00 | \$25.00 |
| Marion | 12/15 | \$25.00 | No | No | \$25.00 | \$25.00 |
| Middleburg | 11/15 | \$25.00 | No | No | \$15.00 | \$25.00 |
| Monterey | 12/05 | \$15.00 | No | No | \$5.00 | \$15.00 |
| Montross | 12/05 | \$25.00 | No | No | \$8.00 | \$25.00 |
| Mount Jackson | 01/31 | \$25.00 | No | No | \$15.00 | \$25.00 |
| Narrows ^l | 12/05 | \$20.00 | No | No | \$10.00 | \$20.00 |
| Nassawadox | 12/05 | \$33.00 | No | No | \$33.00 | \$33.00 |
| New Market | 06/05 | \$25.00 | No | No | \$15.00 | \$25.00 |
| Occoquan | 11/15 | \$22.00 | No | No | \$15.00 | \$22.00 |
| Onancock | 04/15 | \$27.00 | No | No | \$8.00 | \$27.00 |
| Orange | 12/05 | \$35.00 | No | No | \$21.00 | \$35.00 |
| Pamplin | 12/05 | \$25.00 | No | No | \$25.00 | \$25.00 |
| Pembroke | 03/05 | \$20.00 | No | No | \$7.50 | \$20.00 |
| Pulaski | 04/01 | \$25.00 | No | No | \$8.00 | \$25.00 up to 20k lbs.; \$1.00/1k lbs. over 20k lbs |
| Purcellville | 06/05 | \$27.00 | No | No | \$15.00 | \$27.00 |
| Remington | 03/15 | \$25.00 | Yes | No | \$15.00 | \$25.00 |
| Richlands | 12/31 | \$10.00 | No | No | \$10.00 | \$10.00 |
| Rocky Mount | 02/28 | \$25.00 | No | No | \$18.00 | \$25.00 |
| Round Hill | 12/05 | \$25.00 | No | No | \$15.00 | \$25.00 |
| Rural Retreat | 01/05 | \$20.00 | No | No | \$10.00 | \$20.00 |
| Saint Paul | 04/15 | \$15.00 | No | No | \$15.00 | \$15.00 |
| Saltville | 12/05 | \$20.00 | No | No | \$20.00 | \$20.00 |
| Scottsville | 06/05 | \$30.00 | No | No | \$15.00 | \$30.00 |
| Smithfield | 12/05 | \$33.00 | No | No | \$18.00 | \$33.00 |
| South Boston | 12/05 | \$25.00 | No | No | \$10.00 | \$25.00 |
| South Hill | 03/31 | \$25.00 | No | No | \$25.00 | \$25.00 |
| Stanley | 06/05 | \$15.00 | No | No | \$15.00 | \$15.00 |
| Stephens City | 02/15 | \$25.00 | No | No | \$12.50 | \$25.00 |
| Stony Creek ^m | 12/05 | \$10.00 | No | No | \$8.00 | \$15.00 |
| Strasburg | 06/05 | \$25.00 | No | No | \$18.00 | \$25.00 |
| Stuart | 12/31 | \$25.00 | No | No | \$15.00 | \$25.00 |
| Surry | 12/05 | \$15.00 | No | No | \$7.50 | N/A |
| Tappahannock | 12/05 | \$40.00 | No | No | \$25.00 | \$40.00 |
| Tazewell | 12/05 | \$10.00 | No | Yes | \$10.00 | \$10.00 |
| Timberville | 02/28 | \$20.00 | No | No | \$7.50 | \$20.00 |
| Urbanna | 02/15 | \$20.00 | No | No | \$10.00 | \$20.00 |
| Victoria | 12/05 | \$25.00 | No | No | \$15.00 | \$25.00 |
| Vienna | 10/05 | \$33.00 | Yes | Yes | \$18.00 | \$33.00 |

N/A Not applicable.

k = Thousand

^j The town of Keysville reserves half of the license tax for Charlotte County.

^k The town of Madison charges \$7.50 for trailers.

^l The town of Narrows issues a permanent decal.

^m The tax listed is the portion received by town of Stony Creek from Sussex County decal fee.

Table 15.1 Motor Vehicle Local License Tax, 2018 (continued)

| Locality | Due Date Display or Payment | Tax | Private Passenger Vehicles | | Exempt | | Motorcycles | Trucks Not for Hire |
|--------------------------|-----------------------------------|---------|----------------------------|----------|---------|---------|-------------|---------------------|
| | | | Elderly | Disabled | | | | |
| Towns (continued) | | | | | | | | |
| Vinton | 05/31 | \$20.00 | No | Yes | \$15.00 | \$25.00 | | |
| Wachapreague | 04/15 | \$27.00 | No | No | \$25.00 | \$27.00 | | |
| Wakefield | 12/05 | \$25.00 | No | No | \$15.00 | \$25.00 | | |
| Warrenton ⁿ | 12/15 | \$25.00 | No | No | \$15.00 | \$25.00 | | |
| Warsaw | 12/05 | \$25.00 | No | No | \$8.00 | \$25.00 | | |
| West Point | 08/05 | \$20.00 | No | No | \$15.00 | \$20.00 | | |
| Windsor | 12/05 | \$20.00 | No | Yes | \$20.00 | \$20.00 | | |
| Woodstock | 06/05 | \$25.00 | No | Yes | \$18.00 | \$25.00 | | |
| Wytheville | 04/15 | \$20.00 | No | No | \$6.00 | \$20.00 | | |

N/A Not applicable.

k = Thousand.

ⁿ The town of Warrenton charges owners over 65 years of age at half the amount.

Table 15.2
Motor Vehicle Local License Tax Decal Display Policy and Exemptions, 2018

| | Display Decals | Special Exemptions Other Than Elderly and Disabled |
|----------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cities (Note: All cities responded to the survey.) | | |
| Alexandria | Yes | Members of Congress, diplomats, active duty military, disabled veterans, POWs |
| Bristol | No | Disabled veterans |
| Buena Vista | Yes | Veterans, military |
| Charlottesville | No | Fire and rescue volunteers as certified by captains |
| Chesapeake | No | Vehicles exempt under <i>Code of Virginia</i> § 46.2-755, disabled veterans |
| Colonial Heights | No | Disabled veterans, volunteer fire and police personnel, antique autos |
| Covington | No | Disabled veterans, POWs; National Guard (1/2 off) |
| Danville | No | Rescue crew members (1/2 off) |
| Emporia | No | Fire and rescue volunteers |
| Fairfax | Yes | Public safety personnel, military |
| Falls Church | Yes | Active military, certain tax exempt vehicles |
| Franklin | No | Fire personnel, disabled veterans, POWs |
| Fredericksburg | No | N/A |
| Galax | No | Fire personnel (two vehicle limit) |
| Hampton | No | Disabled veterans, POWs, antique autos |
| Harrisonburg | No | Rescue squad members, POWs, disabled veterans; National Guard (1/2 off) |
| Hopewell | No | Military, antique, city vehicles, National Guard, rescue squad members, disabled veterans |
| Lexington | No | N/A |
| Lynchburg | No | Public safety personnel, disabled veterans, POWs |
| Manassas | No | Public safety personnel, antique cars, non-domiciled military handicapped-equipped vehicles |
| Manassas Park | No | Police, military |
| Martinsville | No | N/A |
| Newport News | No | Disabled veterans |
| Norfolk | No | Disabled veterans (1 vehicle), military not domiciled in VA |
| Norton | No | Fire and rescue squad members |
| Petersburg | Yes | Disabled veterans, military not domiciled in VA, antique vehicles |
| Poquoson | No | N/A |
| Portsmouth | No | N/A |
| Radford | No | N/A |
| Richmond | No | Disabled veterans |
| Roanoke | No | N/A |
| Salem | No | N/A |
| Staunton | No | N/A |
| Suffolk | No | Antique plates, fire and rescue, auxiliary police, disabled veterans, active military not domiciled in VA, permanent trailer plates; farm use plates (1/2 price), National Guard plates (1/2 price) |
| Virginia Beach | No | Auxiliary sheriff, auxiliary police, chaplains, disabled veterans, fire and rescue squads, non-domiciled military |
| Waynesboro | No | N/A |
| Williamsburg | No | N/A |
| Winchester | No | N/A |
| Counties (Note: All counties responded to the survey. Those that answered "not applicable" for all items in this table are excluded.) | | |
| Accomack | No | Volunteer firemen (1 vehicle), POWs (all vehicles), disabled veterans (1 vehicle) |
| Albemarle | No | N/A |
| Alleghany | No | N/A |
| Amelia | Yes | Fire and rescue members, disabled vets, active military, medal of honor recipients |
| Amherst | No | Fire and rescue members, military, National Guard, disabled veterans |

N/A Not applicable.

POW Prisoner of war.

Table 15.2 Motor Vehicle Local License Decal Display Policy and Exemptions, 2018 (continued)

| | Display Decals | Special Exemptions Other Than Elderly and Disabled |
|-----------------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Counties (continued) | | |
| Appomattox | No | Fire and rescue members |
| Arlington | Yes | Active duty military legal residents, disabled veterans, POW plates, Medal of Honor plates, trailers |
| Augusta | No | N/A |
| Bath | No | N/A |
| Bland | No | Fire fighters (with required number of hours), disabled vets |
| Botetourt | No | N/A |
| Brunswick | Yes | N/A |
| Buchanan | No | N/A |
| Buckingham | Yes | Disabled veterans 1 free decal |
| Campbell | No | Disabled veterans, fire and rescue, military, POWs |
| Caroline | Yes | Fire and rescue members (1 exemption per person) |
| Carroll | No | Fire and rescue members, POWs, disabled veterans |
| Charlotte | No | Volunteer fire and rescue members |
| Chesterfield | No | Fire and rescue exempt one vehicle, police and state police exempt one vehicle |
| Clarke | Yes | Fire and rescue members |
| Craig | No | N/A |
| Culpeper | No | Fire and rescue members, police, disabled veterans |
| Cumberland | No | Emergency service members, disabled veterans |
| Dickenson | No | N/A |
| Dinwiddie | No | Fire and rescue personnel, POWs, military, disabled veterans |
| Essex | No | Disabled veterans; National Guard (1/2 off) |
| Fairfax | No | Diplomats, disabled veterans, POWs, National Guard members, owners of antique vehicles, fire and rescue members, auxiliary police, Medal of Honor winners |
| Fauquier | No | Fire and rescue members, public safety, active military |
| Floyd | No | Disabled veterans, police, fire and rescue (1 exemption) |
| Fluvanna | No | Public safety personnel, active military, disabled veterans |
| Franklin | No | Disabled veterans, public safety personnel, government-owned vehicles |
| Frederick | No | Fire and rescue members, disabled veterans, POWs |
| Giles | No | Fire and rescue members, disabled veterans, POWs |
| Goochland | No | Qualifying fire and rescue personnel |
| Grayson | Yes | Fire and rescue members, disabled veterans, POWs |
| Greene | No | Emergency services personnel vehicles |
| Greenville | No | Fire and rescue members, county-owned vehicles, National Guard members |
| Halifax | No | Disabled veterans, volunteer firemen, POWs |
| Hanover | No | N/A |
| Henrico | No | Disabled veterans, POWs, Medal of Honor winners, owners of farm vehicles, owners of certain antique vehicles, military personnel not domiciled in VA |
| Henry | Yes | Disabled veterans, POWs |
| Highland | No | Public safety personnel |
| Isle of Wight | No | Fire and rescue personnel, police, POWs, disabled veterans |
| King & Queen | No | Fire and rescue personnel, military, National Guard |
| King George | No | Fire and rescue personnel (1 per person), Medal of Honor recipients, farm vehicles without plates |
| King William | No | Fire and rescue personnel, emergency medical service personnel (1 decal) |
| Lancaster | No | Fire and rescue personnel, disabled veterans, POWs |
| Lee | No | Churches, 503c nonprofits |
| Loudoun | Yes | Fire and rescue personnel, sheriff auxiliary |
| Louisa | No | Disabled veterans, fire and rescue volunteers |

N/A Not applicable.

POW Prisoner of war.

Table 15.2 Motor Vehicle Local License Decal Display Policy and Exemptions, 2018 (continued)

| | Display Decals | Special Exemptions Other Than Elderly and Disabled |
|-----------------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Counties (continued) | | |
| Lunenburg | No | Fire and rescue members, National Guard |
| Madison | No | Disabled veterans, POWs |
| Mathews | No | Fire and rescue personnel (1 vehicle) |
| Mecklenburg | No | Fire and rescue personnel, veterans |
| Middlesex | No | Fire and rescue personnel, National Guard |
| Montgomery | No | Fire and rescue personnel (1 vehicle), disabled veterans (1 vehicle) |
| Nelson | No | Fire and rescue personnel |
| New Kent | No | Fire and rescue personnel, auxillary police, POWs, disabled veterans, National Guard (1/2 price) |
| Northampton | No | Disabled veterans |
| Northumberland | No | Fire and rescue personnel (1 decal), owners of antique vehicles, disabled veterans |
| Nottoway | No | Non-domiciled military |
| Orange | No | Military with out-of-state residences |
| Page | No | Public safety personnel, veterans, owner of antique vehicles |
| Patrick | No | Disabled veterans, tax-exempt organization vehicles |
| Pittsylvania | No | Fire and rescue members, disabled veterans |
| Powhatan | No | Fire and rescue members (1 vehicle), disabled veterans (1 vehicle) |
| Prince Edward | No | Fire and rescue members, disabled veterans |
| Prince George | No | Fire and rescue members, volunteer police, owners of antique vehicles, disabled veterans |
| Prince William | No | Fire and rescue members, military personnel, handicapped persons, disabled veterans, National Guard members, owners of antique vehicles |
| Pulaski | Yes | Fire and rescue members (1 free decal), disabled veterans |
| Rappahannock | No | Fire and rescue members |
| Richmond | No | Fire and rescue members (1 free vehicle), owners of antique vehicles |
| Roanoke | No | Disabled veterans (1 free vehicle) |
| Rockbridge | Yes | N/A |
| Rockingham | No | Fire and rescue members, disabled veterans |
| Russell | No | Veterans (1 decal) |
| Scott | No | N/A |
| Shenandoah | No | Fire and rescue members, disabled veterans, POWs |
| Smyth | No | Fire and rescue members (1 decal), disabled veterans, POWs |
| Southampton | No | Fire and rescue members, military, farm-use vehicles |
| Spotsylvania | No | Fire and rescue members |
| Stafford | No | Fire and rescue members, disabled veterans |
| Surry | No | Fire and rescue members, veterans |
| Sussex | No | Public safety personnel, disabled veterans |
| Tazewell | Yes | Fire department members, disabled veterans (1 decal) |
| Warren | Yes | Emergency services members, owners of antique vehicles, disabled veterans, owners of farm vehicles, POWs, National Guard members |
| Washington | No | Fire and rescue members, disabled veterans, POWs |
| Westmoreland | No | Fire and rescue members, owners of antique vehicles, disabled veterans, National Guard members |
| Wise | No | N/A |
| Wythe | No | Fire and rescue members, disabled veterans, POWs |
| York | No | Fire personnel, military personnel not domiciled in VA, POWs, owners of antique vehicles, disabled veterans |

N/A Not applicable.

POW Prisoner of war.

Table 15.2 Motor Vehicle Local License Decal Display Policy and Exemptions, 2018 (continued)

| | Display Decals | Special Exemptions Other Than Elderly and Disabled |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------------------------------------------------------------------------------|
| Towns (Note: Towns that answered "not applicable" for all items in this table are excluded. For a listing of town respondents and non-respondents, see Appendix B.) | | |
| Abingdon | No | N/A |
| Accomac | Yes | N/A |
| Altavista | No | Fire and rescue members, National Guard members, POWs |
| Appomattox | No | Fire department members |
| Ashland | Yes | N/A |
| Bedford | No | N/A |
| Berryville | Yes | Antique autos |
| Big Stone Gap | No | N/A |
| Blacksburg | No | Public safety members, military personnel, National Guard members |
| Blackstone | No | Fire and rescue members |
| Bluefield | Yes | Veterans |
| Boones Mill | No | N/A |
| Bowling Green | No | N/A |
| Boyce | Yes | Volunteer fire personnel (1 decal) |
| Boydtown | Yes | Fire and rescue members |
| Boykins | Yes | N/A |
| Bridgewater | No | Fire and rescue members, disabled veterans |
| Broadway | No | N/A |
| Brookneal | No | N/A |
| Buchanan | No | N/A |
| Cape Charles | No | Military |
| Cedar Bluff | Yes | Disabled veterans |
| Chase City | No | Disabled veterans |
| Chatham | Yes | Fire and rescue members |
| Chilhowie | No | N/A |
| Christiansburg | No | Disabled veterans, POWs |
| Claremont | No | N/A |
| Clarksville | No | Disabled veterans, POWs |
| Cleveland | No | N/A |
| Clifton Forge | Yes | N/A |
| Clintwood | Yes | Fire and rescue members, church vehicles elected council members, disabled veterans |
| Coeburn | Yes | N/A |
| Colonial Beach | Yes | Fire and rescue members, disabled veterans |
| Courtland | No | Fire and rescue members (1 vehicle) |
| Craigsville | No | N/A |
| Culpeper | No | N/A |
| Damascus | No | Fire and rescue members |
| Dayton | No | Fire and rescue members (1 vehicle) |
| Dillwyn | No | N/A |
| Drakes Branch | No | N/A |
| Dublin | Yes | Fire and rescue members |
| Dumfries | Yes | Fire and rescue members |
| Dungannon | No | N/A |
| Eastville | No | Fire department members |
| Edinburg | Yes | Fire and rescue members |
| Farmville | No | N/A |
| Fincastle | No | N/A |
| Floyd | No | Fire department members |
| Front Royal | Yes | N/A |
| Glade Spring | No | N/A |
| Glasgow | Yes | N/A |
| Gordonsville | No | Fire and rescue members, auxilliary police member |
| Goshen | Yes | Fire and rescue members |
| Gretna | No | Fire and rescue members |
| Grottoes | No | N/A |

N/A Not applicable.

POW Prisoner of war.

Table 15.2 Motor Vehicle Local License Decal Display Policy and Exemptions, 2018 (continued)

| | Display Decals | Special Exemptions Other Than Elderly and Disabled |
|--------------------------|----------------|-----------------------------------------------------------|
| Towns (continued) | | |
| Grundy | No | N/A |
| Hamilton | Yes | Fire and rescue members |
| Haymarket | Yes | Public safety personnel, military personnel |
| Haysi | No | N/A |
| Herndon | No | N/A |
| Hillsville | No | Fire and rescue members, disabled veterans |
| Honaker | Yes | Public safety personnel, veterans |
| Hurt | Yes | N/A |
| Independence | Yes | N/A |
| Ivor | No | N/A |
| Kenbridge | No | N/A |
| Keysville | No | N/A |
| Kilmarnock | No | Fire and rescue members, active military |
| La Crosse | Yes | N/A |
| Lawrenceville | Yes | N/A |
| Lebanon | No | Fire department members (1 vehicle), veterans (1 vehicle) |
| Leesburg | Yes | Public safety volunteers |
| Louisa | No | N/A |
| Lovettsville | Yes | Fire and rescue members, active military personnel |
| Luray | No | Fire and rescue members |
| Madison | Yes | N/A |
| Marion | No | Fire and rescue members, disabled veterans |
| McKenney | No | Fire and rescue members |
| Middleburg | Yes | N/A |
| Monterey | No | N/A |
| Montross | No | Fire and rescue members, military personnel |
| Mount Jackson | No | Public safety personnel (1 vehicle) |
| Narrows | Yes | Disabled veterans with disabled tag |
| Nassawadox | No | Fire department members, disabled veterans (1 exemption) |
| New Market | No | Fire and rescue members |
| Occoquan | Yes | Active duty military (1 decal) |
| Onancock | Yes | Fire department members (1 decal) |
| Orange | No | N/A |
| Pamplin | No | N/A |
| Pembroke | Yes | Fire department members |
| Purcellville | No | N/A |
| Remington | Yes | Fire department members |
| Richlands | No | N/A |
| Rocky Mount | No | N/A |
| Round Hill | No | Fire department members |
| Saint Paul | No | Public safety members |
| Saltville | No | N/A |
| Scottsville | No | Fire and rescue members |
| Smithfield | No | N/A |
| South Boston | No | Fire department members |
| South Hill | Yes | N/A |
| Stanley | No | N/A |
| Stephens City | Yes | Qualified fire department members |
| Stony Creek | No | Public safety personnel, disabled veterans |
| Strasburg | No | Fire and rescue members (1 decal) |
| Surry | No | N/A |
| Tappahannock | No | N/A |
| Tazewell | Yes | N/A |
| Timberville | No | Fire and rescue members, owners of clean fuel vehicles |
| Urbanna | Yes | N/A |

N/A Not applicable.

POW Prisoner of war.

Table 15.2 Motor Vehicle Local License Decal Display Policy and Exemptions, 2018 (continued)

| | Display Decals | Special Exemptions Other Than Elderly and Disabled |
|--------------------------|----------------|-------------------------------------------------------|
| Towns (continued) | | |
| Victoria | Yes | Public safety personnel |
| Vienna | No | Fire department members, police, auxiliary police |
| Vinton | No | Fire and rescue personnel (1 vehicle) |
| Virgilina | No | N/A |
| Wachapreague | Yes | N/A |
| Wakefield | No | N/A |
| Warrenton | No | Fire and rescue members |
| Warsaw | No | Fire and rescue members (1 vehicle) |
| West Point | No | Fire and rescue members |
| Windsor | No | Fire and rescue members, military, disabled veterans |
| Wise | No | Fire and rescue members |
| Woodstock | No | Fire and rescue members (1 vehicle exempt) |
| Wytheville | Yes | Fire and rescue members (1 decal) |

N/A Not applicable.

DECAL OR LICENSE FEE OR NO FEE

| LOCALITY | DECAL DISPLAY REQUIRED | LICENSE FEE ASSESSED | IF YES, EFFECTIVE PERIOD OF THE DECAL/FEE | IF NO, EFFECTIVE DATE OF ELIMINATION OF DECAL/FEE |
|---------------|------------------------|----------------------|-------------------------------------------|---------------------------------------------------|
| Arlington | No | No | | January 1, 2022 |
| Augusta | No | No | | April 1, 2008 |
| Bedford | No | No | | April 15, 2009 |
| Buchanan | No | No | | January 1, 1989 |
| Charles City | No | No | | |
| Craig | No | No | | January 1, 2018 |
| Culpeper | No | No | | January 1, 2022 |
| Dickenson | No | No | | 1970 |
| Fauquier | No | No | | December 31, 2020 |
| Gloucester | No | No | | January 1, 2006 |
| Goochland | No | No | | January 1, 2019 |
| Hanover | No | No | | December 31, 2006 |
| Powhatan | No | No | | December 31, 2021 |
| Prince George | No | No | | January 1, 2022 |
| Accomack | | Yes | Jan 1st - Dec 31st | |
| Albemarle | | Yes | Jan 1st - Dec 31st | |
| Alleghany | | Yes | Jan 1st - Dec 31st | |
| Amelia | | Yes | Jan 1st - Dec 31st | |
| Amherst | | Yes | Jan 1st - Dec 31st | |
| Appomattox | | Yes | Jan 1st - Dec 31st | |
| Bath | | Yes | Jan 1st - Dec 31st | |
| Bland | | Yes | Jan 1st - Dec 31st | |
| Botetourt | | Yes | Jan 1st - Dec 31st | |
| Brunswick | | Yes | Mar 1st - Feb 28th | |
| Buckingham | | Yes | April 15th - April 14th | |
| Campbell | | Yes | Jan 1st - Dec 31st | |
| Caroline | | Yes | April 1st - March 31st | |
| Carroll | | Yes | Jan 1st - Dec 31st | |
| Charlotte | | Yes | July 1st - June 30th | |
| Chesterfield | | Yes | Jan 1st - Dec 31st | |
| Clarke | | Yes | Jan 1st - Dec 31st | |
| Cumberland | No | Yes | Jan 1st - Dec 31st | |
| Dinwiddie | | Yes | Jan 1st - Dec 31st | |
| Essex | | Yes | Jan 1st - Dec 31st | |
| Fairfax | No | Yes | Jan 1st - Dec 31st | |
| Floyd | | Yes | Jan 1st - Dec 31st | |
| Fluvanna | | Yes | Jan 1st - Dec 31st | |
| Franklin | No | Yes | Jan 1st - Dec 31st | |
| Frederick | | Yes | Jan 1st - Dec 31st | |
| Giles | | Yes | Jan 1st - Dec 31st | |
| Grayson | | Yes | Apr 5th - Apr 4th | |
| Greene | | Yes | Jan 1st - Dec 31st | |
| Greenville | | Yes | Jan 1st - Dec 31st | |
| Halifax | | Yes | Jan 1st - Dec 31st | |
| Henrico | | Yes | Feb 16th - Feb 15th | |
| Henry | | Yes | April 15th - April 14th | |
| Highland | | Yes | Jan 1st - Dec 31st | |
| Isle of Wight | | Yes | Jan 1st - Dec 31st | |
| James City | | Yes | One time registration fee | |
| King & Queen | | Yes | Jan 1st - Dec 31st | |
| King George | | Yes | Jan 1st - Dec 31st | |
| King William | | Yes | Jan 1st - Dec 31st | July 1, 2018 |
| Lancaster | | Yes | Jan 1st - Dec 31st | |
| Lee | | Yes | Jan 1st - Dec 31st | |

| | | | | |
|------------------|---------------------|-----|------------------------------------|--------------------|
| Loudoun | No | Yes | Jan 1st - Dec 31st | |
| Louisa | | Yes | Jan 1st - Dec 31st | |
| Lunenburg | No | Yes | Jan 1st - Dec 31st | |
| Madison | | Yes | Jan 1st - Dec 31st | |
| Mathews | No | Yes | Jan 1st - Dec 31st | |
| Mecklenburg | | Yes | July 1 - June 30 | |
| Middlesex | | Yes | Jan 1st - Dec 31st | |
| Montgomery | | Yes | Jan 1st-Dec 31st | |
| Nelson | | Yes | June 5th - June 4th | |
| New Kent | | Yes | Jan 1st - Dec 31st | |
| Northampton | | Yes | Jan 1st - Dec 31st | |
| Northumberland | | Yes | Jan 1st - Dec 31st | |
| Nottoway | | Yes | Jan 1st-Dec 31st | |
| Orange | No | Yes | Jan 1st - Dec 31st | |
| Page | | Yes | Jan 1st - Dec 31st | |
| Patrick | | Yes | Jan 1st - Dec 31st | |
| Pittsylvania | | Yes | Jan 1st - Dec 31st | |
| Prince Edward | | Yes | Jan 1st - Dec 31st | |
| Prince William | No | Yes | Nov 15th - Nov 14th | |
| Pulaski | | Yes | Oct 15th - Oct 14th | |
| Rappahannock | | Yes | April 15th - April 14th | |
| Richmond | No | Yes | Jan 1st - Dec 31st | |
| Roanoke | | Yes | Jan 1st - Dec 31st | |
| Rockbridge | | Yes | Permanent | |
| Rockingham | | Yes | Jan 1st - Dec 31st | |
| Russell | | Yes | May 15th - May 14th | |
| Scott | | Yes | Jan 1st - Dec 31st | |
| Shenandoah | | Yes | Jan 1st - Dec 31st | |
| Smyth | | Yes | Mar 31st - Mar 30th | |
| Southampton | | Yes | Jan 1st - Dec 31st | |
| Spotsylvania | | Yes | Jan 1st - Dec 31st | |
| Stafford | | Yes | Jan 1st - Dec 31st | |
| Surry | | Yes | Jan 1st - Dec 31st | |
| Sussex | | Yes | Jan 1st - Dec 31st | |
| Tazewell | | Yes | Jan 1 - Dec 31 | |
| Warren | yes-permanent decal | Yes | 1st half notice due June 5 | |
| Washington | | Yes | Jan 1st - Dec 31st | |
| Westmoreland | | Yes | Jan 1st - Dec 31st | |
| Wise | | Yes | April 15th - April 14th | |
| Wythe | | Yes | Jan. 1 - Dec. 31 of following year | |
| York | | Yes | Jan 1st - Dec 31st | |
| Alexandria | No | No | | July 1, 2019 |
| Fredericksburg | No | NO | Jan 1st - Dec 31st | January 1, 2022 |
| Harrisonburg | No | NO | | EFFECTIVE WITH THE |
| Lexington | No | No | | January 1, 2010 |
| Manassas Park | Yes | No | Oct 5 through Oct 4 | |
| Poquoson | No | No | | December 31, 2006 |
| Staunton | No | No | | January 1, 2011 |
| Williamsburg | No | No | | January 1, 2007 |
| Bristol | | Yes | Jan 1 - Dec 31 | |
| Buena Vista | | Yes | Mar 1st - Feb 28th | |
| Charlottesville | No | Yes | Jan 1st - Dec 31st | |
| Chesapeake | | Yes | Jan 1st - Dec 31st | |
| Colonial Heights | NO | Yes | | July 1, 2018 |
| Covington | NO | Yes | Jan 1st - Dec 31st | |
| Danville | | Yes | June 5th - June 4th | |
| Emporia | | Yes | Jan 1st - Dec 31st | |
| Fairfax | | Yes | Nov 15th - Nov 14th | |
| Falls Church | Yes | Yes | Nov 15th - Nov 14th | |

| | | | | |
|----------------|----|-----|------------------------------|--|
| Franklin | No | Yes | Jan 1st - Dec 31st | |
| Galax | | Yes | May 1st - April 30th | |
| Hampton | | Yes | Jan 1st - Dec 31st | |
| Hopewell | | Yes | Jan 1st - Dec 31st | |
| Lynchburg | NO | YES | Jan 1st - Dec 31st | |
| Manassas | No | Yes | Oct 6th - Oct 5th | |
| Martinsville | | Yes | Jan 1st - Dec 31st | |
| Newport News | | Yes | Jan 1st - Dec 31st | |
| Norfolk | | Yes | Jan 1st - Dec 31st | |
| Norton | | Yes | April 15th - April 14th | |
| Petersburg | NO | Yes | June 10th - June 9th | |
| Portsmouth | | Yes | Jan 1st - Dec 31st | |
| Radford | | Yes | Jan 1st - Dec 31st | |
| Richmond | | Yes | Jan 1st - Dec 31st | |
| Roanoke | | Yes | Jan 1st - Dec 31st | |
| Salem | | Yes | May 31st - May 30th | |
| Suffolk | | Yes | Jan 1st - Dec 31st | |
| Virginia Beach | | Yes | DMV registration period | |
| Waynesboro | No | Yes | Jan 1st - Dec 31st | |
| Winchester | | Yes | 1 year from vehicle purchase | |

| | | | |
|----------------------|----|--------------------|----|
| Counties w/ No VLF | 14 | Cities w/ No VLF | 8 |
| Counties w/ VLF | 81 | Cities w/ VLF | 30 |
| 2018 Counties w/ VLF | 84 | 2018 Cities w/ VLF | 33 |

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



| | |
|------------------|----------------------------------------------------------------------------------------------------------------------------------|
| Agenda Date: | September 6, 2022 |
| Action Required: | Resolution |
| Presenter: | Alexander Ikekuna, Interim Director |
| Staff Contacts: | Alexander Ikekuna, Interim Director Samuel Sanders, Jr., Deputy City Manager |
| Title: | Approval of the Fifth Amended Grant Agreement, Charlottesville Supplemental Rental Assistance Program (CSRAP) (1 reading) |

Background

On June 19, 2017, City Council approved the creation of a supplemental rental assistance program for the City of Charlottesville. In October 2017, the City Council approved the Charlottesville Supplemental Rental Assistance Program (CSRAP) and funding for the program. The Grant Agreement between the City and the Charlottesville Redevelopment and Housing Authority (CRHA) was executed in January 2018. The first voucher was issued in April 2018.

Currently, the City Council has approved total funding for this program in the amount of \$5,295,000 (\$900,000 in FY17/18; \$945,000 in FY18/19; \$750,000 in FY19/20; \$900,000 in FY20/21; \$900,000 in FY21/22; and \$900,000 in FY22/23) which will continue to extend this housing assistance for our vulnerable households. As of July 31, 2022, the current balance of the funding is \$2,009,875.

Discussion

CRHA continues to administer this program similar to the federal Housing Choice Voucher program. Each year CRHA staff provides City Council with an update on the status of the program. In 2020, City Council approved an amendment to the agreement to allow for administrative costs to be included from the program funding, due to concerns from the U.S. Department of Housing and Urban Development (HUD). This current revised Agreement generally includes items that update the program timeframe and funding allocation(s).

Alignment with City Council's Vision and Strategic Plan

The provision of assistance with housing some of our most vulnerable families supports City Council's visions of Quality Housing Opportunities for All; Community of Mutual Respect; and Smart, Citizen-Focused Government. This program aligns directly with Strategic Plan Goal 1.3: Increase affordable housing options and with the 2021 Affordable Housing Plan.

Community Engagement

Amendment of this Grant Agreement has been reviewed by CRHA staff.

Budgetary Impact

This request does not require any additional funding from the City budget.

Recommendation

Staff recommends that City Council approve the attached Resolution.

Recommended Motion: *"I move the resolution approving the Fifth Amended Grant Agreement of the Charlottesville Supplemental Rental Assistance Program."*

Alternatives

City Council could choose to not approve this Resolution which may effectively end this program and/or negatively affect the provision of housing assistance currently providing relief for some of our most vulnerable families.

Attachments

1. RESOLUTION Fifth Amended CSRAP Agreement
2. Fifth Amended CSRAP Grant Agr strktrs090622
3. Fifth Amended CSRAP Grant Agr cleantrs090622

RESOLUTION
APPROVING THE FIFTH AMENDED GRANT AGREEMENT FOR THE
CHARLOTTESVILLE SUPPLEMENTAL RENTAL ASSISTANCE PROGRAM
FOR THE FISCAL YEAR BEGINNING JULY 1, 2022

WHEREAS, on June 19, 2017 the City of Charlottesville approved the creation of the city-funded Charlottesville Supplemental Rental Assistance Program (“CSRAP”), and on April 12, 2022 City Council approved an allocation of \$900,000 from Capital Improvement Program funds to be used for the CSRAP program, which will be administered by CRHA; and

WHEREAS, the terms and conditions under which the Charlottesville Redevelopment and Housing Authority (“CRHA”) will administer the CSRAP Program are set forth within a written grant agreement effective for the fiscal year beginning July 1, 2022 which has been reviewed by City Council this same date;

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

1. The CSRAP program shall be administered by CRHA in accordance with the terms and conditions set forth within the CSRAP grant agreement effective for the fiscal year beginning July 1, 2022, which is hereby approved by this City Council; and
2. The City Manager is authorized to execute the CSRAP grant agreement on behalf of the City of Charlottesville and the City Manager and City staff are authorized and directed to apply the funding allocated above to the CSRAP program in accordance with the terms set out within the CSRAP grant agreement.

Approved by Council
September 6, 2022

Kyna Thomas, CMC
Clerk of Council

**Fourth Fifth Amended GRANT AGREEMENT
Charlottesville Supplemental Rental Assistance Program
(CSRAP)**

This grant agreement provides the terms and conditions upon which the City of Charlottesville ("City") will provide funding to the Charlottesville Redevelopment and Housing Authority ("CRHA") for the purpose of administering the "Charlottesville Supplemental Rental Assistance Program" ("CSRAP"). The CSRAP represents a partnership between the City of Charlottesville and the Charlottesville Redevelopment and Housing Authority. Approval of the program to support CRHA's administration of the CSRAP was provided by City Council on October 16, 2017.

Section 1. Time for Performance: July 1, 2022 through June 30, 2023.

Section 2. City Funding Amount: \$900,000 (FY22/23)

· **Section 3. Conditions of City Funding:**

I. PURPOSE OF THE PROGRAM

- A. The City has authorized the transfer of carryforward program funding and FY22/23 funding, if any, to the Charlottesville Redevelopment and Housing Authority (CRHA) for use within the Fiscal Year ending June 30, 2023, upon the following conditions: (i) the funding shall be used exclusively by CRHA to provide rental assistance subsidies to individuals who are part of Extremely Low-Income to Low-Income Households, defined as those households earning less than 60% of Area Median Income (Area Median Income) as determined by the US Department of Housing and Urban Development (HUD) annually within the City of Charlottesville, including, but not limited to, those who are homeless, elderly and/or disabled individuals, or those enrolled in a self-sufficiency program; and (ii) the administration of this funding by CRHA shall be in accordance with the terms of this document.
- B. The City is authorized by Va. Code §36-7 to provide money to a housing authority, to enable or assist the authority to carry out its purposes.

II. FUNDING

The CSRAP shall be funded through the City's Capital Improvement Program (CIP) fund.

III. ADMINISTRATION

The CSRAP represents a partnership between the City of Charlottesville and the Charlottesville Redevelopment and Housing Authority. The City and CRHA

**City of Charlottesville-
Charlottesville Supplemental Rental Assistance Program (CSRAP)**

recognize that program funding is required to cover the administrative burden associated with the program. CRHA agrees to administer the CSRAP in a manner similar to the federal Housing Choice Voucher Program (HCVP) rules and regulations, as amended, and the City of Charlottesville's Housing Policy 1, as amended (attached hereto as Appendix A). Exceptions to the administration of the program will be permitted to allow:

- (i) for single room housing that might not otherwise meet HUD rules and regulations, in limited circumstances.
- (ii) for rent rates up to 125% of the federally-designated HUD fair market rents.

For purposes of administration of the CSRAP, the term "household" shall mean and include any one (1) or more individual(s) who comprise a single housekeeping unit.

IV. ADMISSIONS/PREFERENCES AND THE WAITING LIST

- A. Eligible Households shall be selected and admitted from the CRHA's existing HCVP waiting list in accordance with the HCVP rules and regulations established by the CRHA for selection and admission for tenant-based housing assistance through the CSRAP unless specified otherwise in this agreement. Only Households with incomes less than 60% AMI shall be issued CSRAP rental assistance subsidies. A Household can apply to participate in the CSRAP Program if individual(s) within the Household live or work within the City of Charlottesville at the time of the application; however, CSRAP rental assistance shall be issued only to subsidize rental payments owed by a Household for rental of a dwelling unit located within the City of Charlottesville, except as per the provision in Section V.B.iii.
- B. The CRHA shall issue the CSRAP rental assistance according to the following priorities:
 - (i) A minimum of fifteen (15) CSRAP rental assistance subsidies will be issued to Households who are homeless. (These recipients may or may not be enrolled in the CRHA HCV waiting list.)
 - (ii) A minimum of forty (40) CSRAP rental assistance subsidies will be issued to Households enrolled in a local self-sufficiency program. (These recipients may or may not be enrolled in the CRHA HCV waiting list.)
 - (iii) The remainder of the CSRAP funded rental assistance subsidies (i.e., those not issued in accordance with Sections IV.B(i) or IV.B(ii), above) shall be issued to HCVP eligible households, if the individual(s) within those Households live or work in the City of Charlottesville, and if the Household(s) is or are on the CRHA's HCVP waiting list at the time of the issuance of a CSRAP voucher.

**City of Charlottesville-
Charlottesville Supplemental Rental Assistance Program (CSRAP)**

- (iv) In the administration and issuance of CSRAP funded rental assistance subsidies described in Section IV.B(iii) above, CRHA will insure that vouchers will be issued to households with incomes less than 60% AMI.
- C. Households on the CRHA's HCVP waiting list who accept CSRAP voucher(s) shall remain on the HCVP waiting list, and shall retain their ranking on that list. If an individual or household on the HCVP waiting list is selected by CRHA for the HCVP program, CRHA shall offer that Household the opportunity to replace any CSRAP subsidy being received with an HCV.

V. TENANT-BASED HOUSING ASSISTANCE

- A. CSRAP rental assistance subsidies shall be administered as tenant-based housing assistance in a manner similar to CRHA's HCVP rules and regulations.
- B. Notwithstanding any CRHA HCVP rule or regulation to the contrary, (see Section V.A, above), the following rules apply specifically to the CSRAP:
 - (i) Rental assistance subsidies shall not be eligible for portability as such term is defined and utilized in 24 C.F.R. §§ 982.351 and 982.353, as amended.
 - (ii) Households receiving a CSRAP voucher shall have 60 days to locate, and lease, a rental housing unit within the City of Charlottesville.
 - (iii) Should a Household be unable to locate a rental unit that it can afford (based on the 30% required contribution referenced in subparagraph (iv), following below) within the City of Charlottesville within the initial 60-day CSRAP voucher term, the CRHA may grant one 120-day extension, during which time the recipient household may continue to search for rental housing in the City of Charlottesville or within Albemarle County.
 - (iv) Households receiving a CSRAP voucher shall be required to contribute 30% of the monthly gross income of that Household toward rent each month. The Household's required rent contribution shall be determined at the time the Household is accepted into the CSRAP, and thereafter shall not be increased more than once every 24 months; regardless of whether or not the rent contribution is increased during any 24 month period, CRHA shall continue to verify and keep records as to the Household income, report income to the City, and comply with the requirements within this Grant Agreement.
 - (v) CSRAP rental assistance shall be provided monthly. The monthly housing assistance payment shall be equal to the applicable HCVP payment standard for bedroom size for the Charlottesville area, as established annually by the Virginia Housing and Development Authority, minus the tenant's portion of the rent.

**City of Charlottesville-
Charlottesville Supplemental Rental Assistance Program (CSRAP)**

(vi) The CRHA shall reexamine the income and family composition of each Household receiving CSRAP rental assistance, at least once every 24 months. Any Household that experiences a decrease in income may request a reexamination and adjustment of the requirement for 30% monthly income participation (see subparagraph (iv), above) at any time.

VI. CONTINUING ELIGIBILITY FOR CSRAP FUNDING

- A. Subject to availability of CSRAP funds and the terms of this Grant Agreement, CSRAP rental assistance may be issued to a Household so long as the Household is in compliance with the CSRAP Program Rules.
- B. CSRAP-assisted Households shall be entitled to the Informal Hearing Procedures for Applicants and Participants of the Housing Choice Voucher and Moderate Rehabilitation Programs as defined by 24 CFR §982.54(d)(12) and (13) as amended, as administered by the CRHA.

VII. PROGRAM FUNDING

- A. The City's Housing Program CoordinatorOffice of Community Solutions has verified that funding in the amount of \$900,000 is available and has been appropriated by City Council to support the CSRAP. CSRAP will continue so long as funds from the initial funding allocation of \$900,000 plus carryforward program funds, if any, for support of the CSRAP remain unencumbered or additional funding has been appropriated by City Council in amounts sufficient to support continuation of the CSRAP in subsequent fiscal year(s).
- B. Each year, in accordance with a schedule established by the City's Budget Director, CRHA shall prepare and submit to the City an estimate of the amount of money needed during the ensuing fiscal year for the CSRAP, based on the Households then participating in the CSRAP at that time, and based on CRHA's estimate of any rent increases for those participating Households, and (at CRHA's option) CRHA's estimates of the cost of any desired expansion of the CSRAP to additional participants during the ensuing fiscal year. CRHA will be afforded at least 30 days within which to prepare and submit such annual funding estimate. This CSRAP Agreement may be renewed for succeeding fiscal years by written agreement of the parties, subject to the availability and appropriation of public funds.
- C. The City shall retain the existing program funding reserve of \$292,500 as a program reserve fund to ensure funding is available to cover any increases in rental assistance payments due to decreases in participant household income or increases in rent. All unused reserve funds shall be carried over in to the next year's program funding total.
- D. When the unencumbered funding balance within the Initial Operational Allocation reaches an amount equal to approximately one month of maximum program rental

**City of Charlottesville-
Charlottesville Supplemental Rental Assistance Program (CSRAP)**

expenses (or not to exceed \$80,000), CRHA shall request and the City shall immediately disperse, from the funds appropriated to CSRAP in the City's Capital Improvement Program an additional amount equal to approximately three months of maximum rental expenses (or not to exceed \$240,000) to CRHA to provide ongoing support for the program. In so doing, at all times during the term of the CSRAP, CRHA will maintain an unencumbered program Operational Allocation balance of no less than \$80,000 and no more than \$240,000.

E. CRHA may retain a portion of the program funding to be used for administration of the program. Administrative costs shall be equal to 7.5% of the annual program funding allocated by the City, or direct costs of administering the program if those costs exceed 7.5%. CRHA shall request and the City shall disperse an amount equal to one-fourth of administrative costs submitted with the rental expenses identified in paragraph (D) above, or on a quarterly basis. Administrative costs shall also be included in the Quarterly Report.

F. Initial Reporting Requirements:

- (i) Upon determining that a Household is eligible to participate in the CSRA Program, CRHA shall make available to the City's Housing Program Coordinator the following:
 - (a) A copy of the Household's rental assistance subsidy agreement, lease approval form, rent portions notice, rental unit information (including address and monthly rent), unit inspection report, and Household information (including income, size, composition), and
 - (b) A copy of an invoice or other statement of rent from the Household's landlord, identifying the monthly rental amount for that Household, at time of initial lease-up.

G. Ongoing Reporting Requirements.

- (i) 30 days following the end of each calendar year quarter (specifically: on October 31, January 31, April 30, and July 31 each calendar year), the CRHA will submit to the City of Charlottesville, an itemized Quarterly Report, listing each recipient Household participating in the CSRA Program as of the date of such Report, and specifying the amount of monthly rent required for each Household (both household rent portion and rental assistance amount) for the calendar year quarter next succeeding the date of the Quarterly Report. Each such Quarterly Report shall add up each of the amounts required for the CSRA Program for the upcoming quarter, and shall give a total amount necessary to satisfy the Program commitments for that upcoming calendar year quarter.

**City of Charlottesville-
Charlottesville Supplemental Rental Assistance Program (CSRAP)**

H. Each itemized Quarterly Report referenced in Paragraph (G)(i), above, shall be accompanied by the following information (in addition to the information required by paragraph (D), above) and this information shall be presented in an Excel Spreadsheet or other format mutually acceptable to both CRHA and the City's Housing Program Coordinator. Each Quarterly Report shall provide program and household statistics, including but not necessarily limited to:

- Date voucher issued
- Date voucher extended (if applicable)
- Date unit leased
- Name (head of household)
- Unit Address
- Total Monthly Rent
- Amount of Monthly Rental Assistance Provided
- Household Income
 - %AMI
- Employment Status
- Number of Wage Earners
- Household Composition
 - Number of Adults
 - Number of Children
 - Number of Children Under 5-years
 - Number of Elderly (65 years+)
 - Number of Disabled
 - Race/Ethnicity
- Refugee status (if applicable)
- Compliance with admissions preference priorities as defined in Section IV.B.
- Administrative costs

- (i) Following the Initial Operational Allocation, no funds will be released to CRHA, unless and until all required reporting pursuant to Section (E), Section (F) and Section (G) have been properly completed and submitted to the Housing Program Coordinator.
- (ii) The ~~Housing Program Coordinator~~Office of Community Solutions shall have 14 days from the date of report submittal to review and certify to CRHA that the reports provided meet the CSRAP reporting standards defined in Section (E), Section (F), & Section (G) above. After 14 days following report submittal (unless otherwise notified), CRHA and the ~~Housing Program Coordinator~~Office of Community Solutions will consider all reports submitted to be complete, proper and certified.
- (iii) All reports shall be submitted to the City of Charlottesville's ~~Housing Program Coordinator~~Interim Director of the Office of Community Solutions.

**City of Charlottesville-
Charlottesville Supplemental Rental Assistance Program (CSRAP)**

OFFERED BY: City of Charlottesville

By: _____

Date: _____

ACCEPTED BY: Charlottesville Redevelopment and Housing Authority

By: _____

Date: _____

**City of Charlottesville-
Charlottesville Supplemental Rental Assistance Program (CSRAP)**

**Fifth Amended GRANT AGREEMENT
Charlottesville Supplemental Rental Assistance Program
(CSRAP)**

This grant agreement provides the terms and conditions upon which the City of Charlottesville ("City") will provide funding to the Charlottesville Redevelopment and Housing Authority ("CRHA") for the purpose of administering the "Charlottesville Supplemental Rental Assistance Program" ("CSRAP"). The CSRAP represents a partnership between the City of Charlottesville and the Charlottesville Redevelopment and Housing Authority. Approval of the program to support CRHA's administration of the CSRAP was provided by City Council on October 16, 2017.

Section 1. Time for Performance: July 1, 2021 through June 30, 2023.

Section 2. City Funding Amount: \$900,000 (FY22/23)

· **Section 3. Conditions of City Funding:**

I. PURPOSE OF THE PROGRAM

- A. The City has authorized the transfer of carryforward program funding and FY22/23 funding, if any, to the Charlottesville Redevelopment and Housing Authority (CRHA) for use within the Fiscal Year ending June 30, 2023, upon the following conditions: (i) the funding shall be used exclusively by CRHA to provide rental assistance subsidies to individuals who are part of Extremely Low-Income to Low-Income Households, defined as those households earning less than 60% of Area Median Income (Area Median Income) as determined by the US Department of Housing and Urban Development (HUD) annually within the City of Charlottesville, including, but not limited to, those who are homeless, elderly and/or disabled individuals, or those enrolled in a self-sufficiency program; and (ii) the administration of this funding by CRHA shall be in accordance with the terms of this document.
- B. The City is authorized by Va. Code §36-7 to provide money to a housing authority, to enable or assist the authority to carry out its purposes.

II. FUNDING

The CSRAP shall be funded through the City's Capital Improvement Program (CIP) fund.

III. ADMINISTRATION

The CSRAP represents a partnership between the City of Charlottesville and the Charlottesville Redevelopment and Housing Authority. The City and CRHA

**City of Charlottesville-
Charlottesville Supplemental Rental Assistance Program (CSRAP)**

recognize that program funding is required to cover the administrative burden associated with the program. CRHA agrees to administer the CSRAP in a manner similar to the federal Housing Choice Voucher Program (HCVP) rules and regulations, as amended, and the City of Charlottesville's Housing Policy 1, as amended (attached hereto as Appendix A). Exceptions to the administration of the program will be permitted to allow:

- (i) for single room housing that might not otherwise meet HUD rules and regulations, in limited circumstances.
- (ii) for rent rates up to 125% of the federally-designated HUD fair market rents.

For purposes of administration of the CSRAP, the term "household" shall mean and include any one (1) or more individual(s) who comprise a single housekeeping unit.

IV. ADMISSIONS/PREFERENCES AND THE WAITING LIST

- A. Eligible Households shall be selected and admitted from the CRHA's existing HCVP waiting list in accordance with the HCVP rules and regulations established by the CRHA for selection and admission for tenant-based housing assistance through the CSRAP unless specified otherwise in this agreement. Only Households with incomes less than 60% AMI shall be issued CSRAP rental assistance subsidies. A Household can apply to participate in the CSRAP Program if individual(s) within the Household live or work within the City of Charlottesville at the time of the application; however, CSRAP rental assistance shall be issued only to subsidize rental payments owed by a Household for rental of a dwelling unit located within the City of Charlottesville, except as per the provision in Section V.B.iii.
- B. The CRHA shall issue the CSRAP rental assistance according to the following priorities:
 - (i) A minimum of fifteen (15) CSRAP rental assistance subsidies will be issued to Households who are homeless. (These recipients may or may not be enrolled in the CRHA HCV waiting list.)
 - (ii) A minimum of forty (40) CSRAP rental assistance subsidies will be issued to Households enrolled in a local self-sufficiency program. (These recipients may or may not be enrolled in the CRHA HCV waiting list.)
 - (iii) The remainder of the CSRAP funded rental assistance subsidies (i.e., those not issued in accordance with Sections IV.B(i) or IV.B(ii), above) shall be issued to HCVP eligible households, if the individual(s) within those Households live or work in the City of Charlottesville, and if the Household(s) is or are on the CRHA's HCVP waiting list at the time of the issuance of a CSRAP voucher.

**City of Charlottesville-
Charlottesville Supplemental Rental Assistance Program (CSRAP)**

- (iv) In the administration and issuance of CSRAP funded rental assistance subsidies described in Section IV.B(iii) above, CRHA will insure that vouchers will be issued to households with incomes less than 60% AMI.
- C. Households on the CRHA's HCVP waiting list who accept CSRAP voucher(s) shall remain on the HCVP waiting list, and shall retain their ranking on that list. If an individual or household on the HCVP waiting list is selected by CRHA for the HCVP program, CRHA shall offer that Household the opportunity to replace any CSRAP subsidy being received with an HCV.

V. TENANT-BASED HOUSING ASSISTANCE

- A. CSRAP rental assistance subsidies shall be administered as tenant-based housing assistance in a manner similar to CRHA's HCVP rules and regulations.
- B. Notwithstanding any CRHA HCVP rule or regulation to the contrary, (see Section V.A, above), the following rules apply specifically to the CSRAP:
 - (i) Rental assistance subsidies shall not be eligible for portability as such term is defined and utilized in 24 C.F.R. §§ 982.351 and 982.353, as amended.
 - (ii) Households receiving a CSRAP voucher shall have 60 days to locate, and lease, a rental housing unit within the City of Charlottesville.
 - (iii) Should a Household be unable to locate a rental unit that it can afford (based on the 30% required contribution referenced in subparagraph (iv), following below) within the City of Charlottesville within the initial 60-day CSRAP voucher term, the CRHA may grant one 120-day extension, during which time the recipient household may continue to search for rental housing in the City of Charlottesville or within Albemarle County.
 - (iv) Households receiving a CSRAP voucher shall be required to contribute 30% of the monthly gross income of that Household toward rent each month. The Household's required rent contribution shall be determined at the time the Household is accepted into the CSRAP, and thereafter shall not be increased more than once every 24 months; regardless of whether or not the rent contribution is increased during any 24 month period, CRHA shall continue to verify and keep records as to the Household income, report income to the City, and comply with the requirements within this Grant Agreement.
 - (v) CSRAP rental assistance shall be provided monthly. The monthly housing assistance payment shall be equal to the applicable HCVP payment standard for bedroom size for the Charlottesville area, as established annually by the Virginia Housing and Development Authority, minus the tenant's portion of the rent.

**City of Charlottesville-
Charlottesville Supplemental Rental Assistance Program (CSRAP)**

(vi) The CRHA shall reexamine the income and family composition of each Household receiving CSRAP rental assistance, at least once every 24 months. Any Household that experiences a decrease in income may request a reexamination and adjustment of the requirement for 30% monthly income participation (see subparagraph (iv), above) at any time.

VI. CONTINUING ELIGIBILITY FOR CSRAP FUNDING

- A. Subject to availability of CSRAP funds and the terms of this Grant Agreement, CSRAP rental assistance may be issued to a Household so long as the Household is in compliance with the CSRAP Program Rules.
- B. CSRAP-assisted Households shall be entitled to the Informal Hearing Procedures for Applicants and Participants of the Housing Choice Voucher and Moderate Rehabilitation Programs as defined by 24 CFR §982.54(d)(12) and (13) as amended, as administered by the CRHA.

VII. PROGRAM FUNDING

- A. The City's Office of Community Solutions has verified that funding in the amount of \$900,000 is available and has been appropriated by City Council to support the CSRAP. CSRAP will continue so long as funds from the initial funding allocation of \$900,000 plus carryforward program funds, if any, for support of the CSRAP remain unencumbered or additional funding has been appropriated by City Council in amounts sufficient to support continuation of the CSRAP in subsequent fiscal year(s).
- B. Each year, in accordance with a schedule established by the City's Budget Director, CRHA shall prepare and submit to the City an estimate of the amount of money needed during the ensuing fiscal year for the CSRAP, based on the Households then participating in the CSRAP at that time, and based on CRHA's estimate of any rent increases for those participating Households, and (at CRHA's option) CRHA's estimates of the cost of any desired expansion of the CSRAP to additional participants during the ensuing fiscal year. CRHA will be afforded at least 30 days within which to prepare and submit such annual funding estimate. This CSRAP Agreement may be renewed for succeeding fiscal years by written agreement of the parties, subject to the availability and appropriation of public funds.
- C. The City shall retain the existing program funding reserve of \$292,500 as a program reserve fund to ensure funding is available to cover any increases in rental assistance payments due to decreases in participant household income or increases in rent. All unused reserve funds shall be carried over in to the next year's program funding total.
- D. When the unencumbered funding balance within the Initial Operational Allocation reaches an amount equal to approximately one month of maximum program rental

**City of Charlottesville-
Charlottesville Supplemental Rental Assistance Program (CSRAP)**

expenses (or not to exceed \$80,000), CRHA shall request and the City shall immediately disperse, from the funds appropriated to CSRAP in the City's Capital Improvement Program an additional amount equal to approximately three months of maximum rental expenses (or not to exceed \$240,000) to CRHA to provide ongoing support for the program. In so doing, at all times during the term of the CSRAP, CRHA will maintain an unencumbered program Operational Allocation balance of no less than \$80,000 and no more than \$240,000.

E. CRHA may retain a portion of the program funding to be used for administration of the program. Administrative costs shall be equal to 7.5% of the annual program funding allocated by the City, or direct costs of administering the program if those costs exceed 7.5%. CRHA shall request and the City shall disperse an amount equal to one-fourth of administrative costs submitted with the rental expenses identified in paragraph (D) above, or on a quarterly basis. Administrative costs shall also be included in the Quarterly Report.

F. Initial Reporting Requirements:

- (i) Upon determining that a Household is eligible to participate in the CSRA Program, CRHA shall make available to the City's Housing Program Coordinator the following:
 - (a) A copy of the Household's rental assistance subsidy agreement, lease approval form, rent portions notice, rental unit information (including address and monthly rent), unit inspection report, and Household information (including income, size, composition), and
 - (b) A copy of an invoice or other statement of rent from the Household's landlord, identifying the monthly rental amount for that Household, at time of initial lease-up.

G. Ongoing Reporting Requirements.

- (i) 30 days following the end of each calendar year quarter (specifically: on October 31, January 31, April 30, and July 31 each calendar year), the CRHA will submit to the City of Charlottesville, an itemized Quarterly Report, listing each recipient Household participating in the CSRA Program as of the date of such Report, and specifying the amount of monthly rent required for each Household (both household rent portion and rental assistance amount) for the calendar year quarter next succeeding the date of the Quarterly Report. Each such Quarterly Report shall add up each of the amounts required for the CSRA Program for the upcoming quarter, and shall give a total amount necessary to satisfy the Program commitments for that upcoming calendar year quarter.

**City of Charlottesville-
Charlottesville Supplemental Rental Assistance Program (CSRAP)**

H. Each itemized Quarterly Report referenced in Paragraph (G)(i), above, shall be accompanied by the following information (in addition to the information required by paragraph (D), above) and this information shall be presented in an Excel Spreadsheet or other format mutually acceptable to both CRHA and the City's Housing Program Coordinator. Each Quarterly Report shall provide program and household statistics, including but not necessarily limited to:

- Date voucher issued
- Date voucher extended (if applicable)
- Date unit leased
- Name (head of household)
- Unit Address
- Total Monthly Rent
- Amount of Monthly Rental Assistance Provided
- Household Income
 - %AMI
- Employment Status
- Number of Wage Earners
- Household Composition
 - Number of Adults
 - Number of Children
 - Number of Children Under 5-years
 - Number of Elderly (65 years+)
 - Number of Disabled
 - Race/Ethnicity
- Refugee status (if applicable)
- Compliance with admissions preference priorities as defined in Section IV.B.
- Administrative costs

- (i) Following the Initial Operational Allocation, no funds will be released to CRHA, unless and until all required reporting pursuant to Section (E), Section (F) and Section (G) have been properly completed and submitted to the Housing Program Coordinator.
- (ii) The Office of Community Solutions shall have 14 days from the date of report submittal to review and certify to CRHA that the reports provided meet the CSRAP reporting standards defined in Section (E), Section (F), & Section (G) above. After 14 days following report submittal (unless otherwise notified), CRHA and the Office of Community Solutions will consider all reports submitted to be complete, proper and certified.
- (iii) All reports shall be submitted to the City of Charlottesville's Interim Director of the Office of Community Solutions.

**City of Charlottesville-
Charlottesville Supplemental Rental Assistance Program (CSRAP)**

OFFERED BY: City of Charlottesville

By: _____

Date: _____

ACCEPTED BY: Charlottesville Redevelopment and Housing Authority

By: _____

Date: _____

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



Agenda Date: September 6, 2022

Action Required: Approve Resolution

Presenter: Samuel Sanders, Jr., Deputy City Manager

Staff Contacts: Alexander Ikekuna, Interim Director
Samuel Sanders, Jr., Deputy City Manager
John Sales - CRHA Executive Director

Title: Appropriating \$675,000 in Charlottesville Supplemental Rental Assistance program (CSRAP) Funding (FY23) for use in acquisition of property (1 of 2 readings)

Background

CRHA has an opportunity to acquire multiple units of naturally occurring affordable housing that were on the market and likely would no longer be affordable after purchase. CRHA is requesting that \$675,000 from its FY23 CSRAP appropriation be re-appropriated to be used for acquisition of duplexes (2BR/1BA per unit) located at 1016 and 1020 Coleman Street. Currently units within the duplexes are renting for \$760 per month and \$840 per month.

Discussion

Council provides \$900,000 per year for CSRAP. There was a surplus in FY22 that leaves the current balance at \$1.9 million currently. CRHA projects the current monthly rental subsidy requires \$50,000 per month. That figure annualized is \$550,000 through June 2023. Based on this projection, the CSRAP account is sufficient to cover the \$675,000 Coleman Street acquisition, \$550,000 FY23 rental assistance subsidies with a remaining balance of \$750,000.

Alignment with City Council's Vision and Strategic Plan

Affordable Housing Plan Guiding principles: Racial equity, regional collaboration and comprehensive approach,

Comprehensive Plan Guiding Principles

- Equity & Opportunity – All people will be able to thrive in Charlottesville.
- Community Culture and Unity – Charlottesville's rich and diverse culture and form will be celebrated, and the entire community will feel welcomed, valued and respected.

Strategic Plan (2018-2020) Goals: Goal 1.3 to increase affordable housing options, Goal 1.5 to

intentionally address issues of race and equity; and Goal 5.4 to foster effective community engagement.

Community Engagement

There have been several community engagement meetings and activities conducted as part of the comprehensive plan update and affordable housing planning process. City staff has also been engaged with CRHA on a regular basis regarding redevelopment activities, including exploring proactive ways to spur affordable housing; one of which is this proposal to acquire 1016 and 1020 Coleman Street for sustainable and permanent affordable housing.

Budgetary Impact

The requested \$675,000 has been approved within City Council's FY23 Budget for use by CRHA in the CSRAP Program. The attached Resolution would allow the FY23 budgeted CSRAP funding to be reduced by \$675,000 and allow that same amount of money to be transferred to CRHA for use in acquisition of duplexes located at 1016 and 1020 Coleman Street.

Recommendation

The City Manager and staff recommend that the City Council approve the proposed request to use part of CSRAP fund for the acquisition of 1016 and 1020 Coleman Street by CRHA, to be deed-restricted permanently, as units of affordable housing.

Recommended motion: “I move the RESOLUTION appropriating \$675,000 of the FY2023 CSRAP budget allocation to be used by CRHA for acquisition of 1016 and 1020 Coleman Street as permanent units of affordable housing.

Alternatives

Council may elect not to approve the recommendations, which would forego the opportunity to ensure that these four currently-affordable units of rental housing could be permanently dedicated as units of affordable housing.

Attachments

1. Resolution Reallocating CSRAP Funds

RESOLUTION

Appropriating \$675,000 OF THE FY23 CSRAP budget allocation to be used by CRHA for acquisition of 1016 and 1020 Coleman Street as permanent units of affordable housing

WHEREAS pursuant to Virginia Code §36-19 (2) and (4) the Charlottesville Redevelopment and Housing Authority has the power and authority to acquire real estate for residential use, and to operate buildings for residential occupancy; and

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

WHEREAS CRHA is requesting the City Council to provide the amount of \$675,000 to fund the acquisition of residential buildings located at 1016 and 1020 Coleman Street, and the requested amount of funding is available within the City's FY23 budget for the CSRAP Program; and

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

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE
THAT the amount of \$675,000 is hereby appropriated from the FY23 Budget for the CSRAP Program, to be donated to the Charlottesville Redevelopment and Housing Authority ("CRHA") for use in acquiring land and buildings (together, "Real Estate") located at 1016 and 1020 Coleman Street. It shall be a condition of this donation that, immediately following the recordation of an instrument conveying title to the Real Estate to CRHA, CRHA shall record a covenant restricting the use of the Real Estate to residential uses, and requiring that all dwelling units located on the Real Estate will be affordable dwelling units. The City Manager will provide CRHA with a declaration of covenants to accomplish the land use restriction, which shall be executed by CRHA and recorded on the same date as the instrument by which CRHA obtains title to the Real Estate.

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



| | |
|------------------|--------------------------------------------------------------------------------------------------------------------------|
| Agenda Date: | September 6, 2022 |
| Action Required: | Approve Resolution |
| Presenter: | Samuel Sanders, Jr., Deputy City Manager |
| Staff Contacts: | Brenda Kelley, Redevelopment Manager Krisy Hammill, Director of Budget |
| Title: | Appropriating \$107,203.32 for Jefferson School African American Heritage Center Rent Agreement (1 of 2 readings) |

Background

The Jefferson School African American Heritage Center (JSAAHC) currently occupies and rents 11,065 SF of space at the Jefferson School City Center located 223 4th Street NW, Suite A. The rent has been paid by JSAAHC using prior grants by the City Council of funding from what was formerly known as the "Equity Fund". The grant resources were placed in an escrow account and used monthly to cover JSAAHC's rent from December 2012 – November 2017 and again over a 5-yr renewal option that was exercised for the period of October 5, 2017 - November 30, 2022. JSAAHC intends to execute a new lease for a 5-year period of December 1, 2022 – November 30, 2027 with an option.

Discussion

The new lease rate beginning December 1, 2022, will be \$15,314.76 per month. During the FY23 Budget discussions, JSAAHC requested consideration from council to provide ongoing grant funds to ensure continued operations. At that time, council did not add any grant funds, but instead indicated a willingness to revisit the matter, while determining how best to evaluate its agreements with external organizations. That work concluded in early summer with work sessions on City Leases and City-Owned Properties that have provided staff with direction on how to organize a consistent process for following in the development, execution, and management of these types of agreements. This arrangement with JSAAHC is different and requires additional consideration as it is the direct payment of rent on behalf of a private entity, which may only be done in the nature of a "donation", pursuant to the enabling authority set forth within Virginia Code 15.2-953.

The City Manager has reviewed the matter and JSAAHC is a nonprofit organization to which City Council may make gifts and donations under the provisions of Virginia Code SEc. 15.2-953.

Alignment with City Council's Vision and Strategic Plan

This item aligns with Strategic Plan Goal: 1.5 Intentionally address issues of race and equity.

Community Engagement

City Council will resume discussions of special investment agreements as a part of their upcoming strategic planning process.

Budgetary Impact

This item will use \$107,203.32 from the existing Council Strategic Initiatives Account.

Recommendation

With City Council's approval, staff will remit the equivalent of 7 months of payments from the Council Strategic Investments account to the Jefferson School Foundation's Operations Account for continued processing by JSAAHC as an ACH payment for the monthly rent. This would make the new grant award: \$107,203.32.

Recommended motion: *"I move the RESOLUTION approving a gift or donation in the amount of \$107,203.32 to the Jefferson School African American Heritage Center"*

Alternatives

City Council could choose to approve at a different amount or choose to not fund at this time.

Attachments

1. Resolution_\$107,203.32_JSAAHC

RESOLUTION
Approving a gift or donation in the amount of \$107,203.32 to the
Jefferson School African American Heritage Center

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a gift or donation is hereto approved in the amount of **\$107,203.32** to the Jefferson School African American Heritage Center, to be used for payment of rent for the Center's lease of premises located at 223 4th Street NW, Suite A, in Charlottesville, Virginia.

This gift or donation shall be paid from the Strategic Initiatives account within the FY2023 Budget for City Council expenditures.