

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



Agenda Date:	October 7, 2024
Action Required:	Ordinance amendment
Presenter:	Eden Ratliff, Deputy City Manager
Staff Contacts:	Maxicelia Robinson, Deputy Clerk of Council
Title:	Ordinance amending City Code Section 2-453(b.3-4) for Police Civilian Oversight Board composition (1 of 2 readings)

Background

In November 2019 City Council enacted the provisions of City Code Chapter 2, Article XVI (Police Civilian Review Board). Subsequently, in 2020, the Virginia General Assembly enacted Virginia Code §9.1-601, to provide express enabling legislation for the governing bodies of localities to establish law enforcement civilian oversight bodies. The state enabling legislation confers authority for City Council to assign seven categories of specific duties, and related duties as necessary to carry out effective oversight of the local law enforcement agency.

The board authorized by Chapter 2, Article XVI of the City Code was referred to as a “Review Board” because—prior to the state enabling legislation—there was a limited range of functionality a board created within a municipality could undertake, primarily the review of administrative/ internal investigations performed by the police department. The 2020 enabling legislation continued the existing authorization to review police administrative/internal investigations but goes further in providing for an expanded role referred to in the state legislation as “oversight”. On December 20, 2021, City Council amended Chapter 2, Article XVI of the City Code to dissolve the City’s Police Civilian Review Board and established a Charlottesville Police Civilian Oversight Board in conformity with Virginia Code § 9.1-601 and to empower the Police Civilian Oversight Board with certain additional oversight authority and duties enabled by the statute.

The Board is composed of seven (7) voting members and one (1) nonvoting member appointed by the City Council.

Sec. 2-453(b):

- **(1)** Council shall appoint at least three members who are residents of public housing or who come from historically disadvantaged communities that have traditionally experienced disparate policing.
- **(2)** Council may appoint one member who represents an organization that seeks racial or social justice on behalf of historically disadvantaged communities.

- **(3)** The non-voting member of the Board shall be an individual with policing expertise or experience. The non-voting member may be a retired law enforcement officer who prior to his or her retirement was employed in a locality similar to the City of Charlottesville. The non-voting member need not be a resident of the City of Charlottesville.
- **(4)** The seven voting members of the Board shall be residents of the City of Charlottesville, except that if Council has appointed someone who represents an organization that seeks racial or social justice on behalf of historically disadvantaged communities, that person shall either be a resident of the City of Charlottesville or the organization they represent shall perform advocacy on behalf of City of Charlottesville residents.
- **(5)** No Board member shall be a current candidate for public office, a former member of the Department, an immediate family member of a current Department employee, or a current employee of a law enforcement agency, the Fire Department, the Emergency Communications Center, or the Sheriff's Office. If Council considers appointing a Board member who is employed by the City of Charlottesville, Council will seek to avoid potential conflicts of interest.

Sec. 2-453(c): Terms. Each Board member shall be appointed for a term of three years.

Appointments and terms shall be subject to the provisions of City Code §2-8. The membership of the Board, and the terms of each board member, shall be the same as for the police civilian review board that was serving as of December 20, 2021, and that membership shall continue as the police civilian oversight board established by this article, with no change in the date of appointment, or length of term, for any member.

Discussion

City Council may wish to discuss the following provisions and make a motion to amend the language of the proposed amendment, if necessary, as the result of those discussions:

Sec. 2-453(b):

(3) The non-voting member of the board shall be an individual with policing expertise or experience. The non-voting member may be a retired law enforcement officer who prior to his or her retirement was employed in a locality similar to the City of Charlottesville. ~~The non-voting member need not be a resident of the City of Charlottesville.~~

(4) The seven (7) voting members of the board shall be residents of, or shall be employed in, the City of Charlottesville or Albemarle County, with priority given to City residents and those with significant and demonstrable ties to the City ~~except that if council has appointed someone who represents an organization that seeks racial or social justice on behalf of historically disadvantaged communities, that person shall either be a resident of the City of Charlottesville or the organization they represent shall perform advocacy on behalf of City of Charlottesville residents.~~

Alignment with City Council's Vision and Strategic Plan

Yes. City Council makes a number of appointments to boards and commissions required by law, and to other boards, committees, task forces and commissions established by the Council for the purpose of performing certain delegated functions or advising the City Council on matters of concern to the City. Council will seek to appoint fair-minded and objective members with a demonstrated commitment to community service who have training and experience, including lived experience, with

topics relevant to the business of the Board, including law, police practices, human resources practices and procedures, trauma-informed mental health issues, and the sociology of historically over-policed communities.

Community Engagement

City Council regularly seeks qualified individuals for appointment to fill upcoming and existing vacancies on the Police Civilian Oversight Board.

Budgetary Impact

No foreseeable budgetary impact.

Recommendation

It is recommended that Council should adopt the proposed changes to the ordinance.

Alternatives

City Council could leave the existing ordinance provisions in place.

Attachments

1. Current PCOB Sec. 2-453. Board membership appointment, and terms.
2. Ordinance - Amendment re residency requirements of PCOB board members - Redlined