



CITY COUNCIL AGENDA
January 6, 2025
City Hall Council Chamber

Juandiego R. Wade, Mayor
Brian R. Pinkston, Vice Mayor
Natalie Oschrein
Michael K. Payne
J. Lloyd Snook, III
Kyna Thomas, Clerk

Meeting continued to January 21 because of inclement weather event. Agenda subject to change.

4:00 PM OPENING SESSION

This is an in-person meeting with an option for the public to participate electronically by registering in advance for the Zoom webinar at www.charlottesville.gov/zoom. The meeting may also be viewed on the City's streaming platforms and local government Channel 10. Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call (434) 987-1267 or submit a request via email to ada@charlottesville.gov. The City of Charlottesville requests that you provide 48 hours' notice so that proper arrangements may be made.

Call to Order/Roll Call

Agenda Approval

Reports

1. Report: MicroCAT Presentation
2. Report: Charlottesville City Schools CIP (Capital Improvement Projects)

5:30 PM CLOSED MEETING (if called)

6:30 PM BUSINESS SESSION

Moment of Silence

Announcements

Recognitions/Proclamations

Community Matters

Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration available for first 8 spaces at <https://www.charlottesville.gov/692/Request-to-Speak>; speakers announced by Noon on meeting day (9:00 a.m. sign-up deadline). Additional public comment at end of meeting. Comments on Public Hearing items are heard during the public hearing only.

Consent Agenda*

The consent agenda consists of routine, non-controversial items whereby all items are passed with a single motion and vote. Individuals speaking during Community Matters may address items on the Consent Agenda.

3. Minutes: December 16, 2024 regular meeting
4. Resolution: Resolution to appropriate grant funds from the Virginia Department of Conservation and Recreation in the amount of \$393,456.60 for the Pollocks Branch Pedestrian/Trail Bridge (2nd reading)
5. Resolution: Resolution for supplemental appropriation of \$7,571,300 in Federal, State, and Local Capital Grant funding for Charlottesville Area Transit (2nd reading)
6. Resolution: Resolution to Appropriate Edward Byrne Memorial Justice Assistance Grant (JAG) - \$25,375 (1 of 2 readings)
7. Resolution: Resolution for Charlottesville-Albemarle Health Department Carryover Request - \$74,625
8. Resolution: Resolution to allocate additional funds to Meadow Creek Valley Trail and Bridges CIP project - \$15,000
9. Resolution: Refund of Business License Tax - \$10,679.96

City Manager Report

- Report: City Manager Report

Action Items

10. Ordinance: Charlottesville Human Rights Ordinance - proposed amendments (1 of 2 readings)
11. Report: Report on the FY24 Audit results
12. Report: Report on Neighborhood Development Services Work Plan
13. Resolution: Resolution to establish days, times and places of Regular Meetings of the Charlottesville City Council during Calendar Year 2025

General Business**Community Matters (2)****Adjournment**

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



Agenda Date:	January 6, 2025
Action Required:	
Presenter:	Garland Williams, Director of Transit
Staff Contacts:	Garland Williams, Director of Transit James Freas, Deputy City Manager
Title:	MicroCAT Presentation

Background

Discussion

Alignment with City Council's Vision and Strategic Plan

Community Engagement

Budgetary Impact

Recommendation

Alternatives

Attachments

None

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



Agenda Date:	January 6, 2025
Action Required:	No Action Required
Presenter:	Michael Goddard, Facilities Development Manager
Staff Contacts:	Michael Goddard, Facilities Development Manager Steven Hicks, Director of Public Works James Freas, Deputy City Manager
Title:	Charlottesville City Schools CIP (Capital Improvement Projects)

Background

Discussion

Alignment with City Council's Vision and Strategic Plan

Community Engagement

Budgetary Impact

Recommendation

Alternatives

Attachments

None



CHARLOTTESVILLE CITY COUNCIL MEETING MINUTES
December 16, 2024 at 4:00 PM
Council Chamber

The Charlottesville City Council met on Monday, December 16, 2024. Mayor Juandiego Wade called the meeting to order and Clerk of Council Kyna Thomas called the roll, noting the following councilors present: Mayor Juandiego Wade, Vice Mayor Brian Pinkston, and Councilors Natalie Oschrein and Lloyd Snook. Councilor Michael Payne arrived at 4:06 p.m. during the presentation of Item #1.

On motion by Pinkston, seconded by Snook, Council unanimously approved the meeting agenda.

REPORTS

1. REPORT: Budget Briefing: Public Safety and Transportation

City Manager Sam Sanders provided a briefing on the Fiscal Year 2026 City Budget, with specific attention to public safety and public transportation. The purpose of budget briefings is to share trends that impact the budget, to highlight fiscal demands, to identify this budget's fiscal drivers, and to confirm that priorities are captured. The presentation included budget drivers for Fire Service, Police, Emergency Management, and Transit. Mr. Sanders stated that there may be a need for a work session to discuss transit in January. Council engaged in discussion.

CLOSED MEETING

On motion by Pinkston, seconded by Snook, Council voted 5-0 (Ayes: Oschrein, Payne, Pinkston, Snook, Wade; Noes: none) to meet in closed session as authorized by Virginia Code Section 2.2-3711(A)(1) for discussion and consideration of prospective candidates to be appointed to the following boards and/or committees:

- i. Charlottesville-Albemarle Airport Commission
- ii. Housing Advisory Committee
- iii. Piedmont Family YMCA Board of Directors
- iv. Rivanna Solid Waste Authority Board
- v. Rivanna Water and Sewer Authority Board.

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

BUSINESS SESSION

City Council began the business meeting by observing a moment of silence.

ANNOUNCEMENTS

Councilor Payne announced city board and commission vacancies.

On motion by Pinkston, seconded by Payne, Council voted 5-0 to appoint the following individuals to boards and commissions:

- Charlottesville-Albemarle Airport Commission – Susan Pace Lochte
- Housing Advisory Committee – Peppy Linden, Sunshine Mathon, Mike Parisi, and Nicole Scro
- Piedmont Family YMCA Board of Directors – Melissa Carter
- Rivanna Solid Waste Authority Board – Mike Gaffney
- Rivanna Water and Sewer Authority Board – Mike Gaffney

RECOGNITIONS/PROCLAMATIONS

- **PROCLAMATION OF RECOGNITION: Honoring Rosalind Collins for her recognition by the Commissioners of the Revenue Association of Virginia as the Margaret Anderson Outstanding Deputy for 2024**

Councilor Snook presented the proclamation of recognition to Rosalind Collins. Commissioner of the Revenue Todd Divers explained the Margaret Anderson Outstanding Deputy Award. Each year at its annual conference, the Commissioners of the Revenue Association of Virginia chooses one Deputy from across the Commonwealth to receive the Margaret Ann Anderson Outstanding Deputy Commissioner Award. This is the highest honor that our Association confers on a Deputy.

COMMUNITY MATTERS

City Manager Sanders made remarks about recent community input regarding a proposed low-barrier shelter. Mayor Wade opened the floor for comments from the public.

1. Lisa Custalow, city resident, stated that there were seven deaths of homeless people in the community this year. She ceded her time to Robin Hoffman who spoke about homelessness in the city. Ms. Hoffman also spoke about the need for bus stop canopies and improved pedestrian crossings. She commended the Grand Illumination event and the ReLeaf program.
2. Matthew Gillikin, city resident, spoke on behalf of Livable Cville in support of plans expressed by City Manager Sanders to provide housing access to homeless individuals. He spoke about a variety of struggles experienced by people dealing with homelessness.
3. Dede Smith, city resident, spoke about segregation through the lens of housing and education. She referenced differences in demographics relative to the train tracks.
4. Em Gunter, city resident, spoke about homelessness and in support of the proposed low-barrier shelter on Cherry Avenue.
5. Benjamin Efferd, city resident, spoke about the recent Fifeville Neighborhood Meeting regarding the proposed low barrier shelter, and he made a suggestion to swap the locations of the proposed low-barrier shelter and the high-barrier shelters.
6. Louis Desibri, city resident, spoke about a program that he provides to give computers to low-income individuals and the group would like to help more people.
7. Susan Kruse, Executive Director of the Community Climate Collaborative, recapped city successes in the area of sustainability this past year and encouraged Council to vote in favor of joining a Regional Transit Authority. She acknowledged the growing need for energy solutions and energy efficiency incentives.
8. Karen Waters, city resident and Co-Chair of Cultivate Charlottesville, acknowledged the city's investment in the program and asked for continued consideration of a community garden in Washington Park.
9. Jessica Jackson, city resident and member of the Parks and Recreation Advisory Board, expressed concerns about equity in the rental program for garden plots and the need for term limits to avoid monopolization of garden plots.

10. Aleen Carey, Cultivate Charlottesville Co-executive Director, spoke about the organization's initiatives and she expressed interest in hearing the update report on the Parks and Recreation Master Plan, particularly regarding a garden space at Booker T. Washington Park. She stated that the organization is in a funding gap.

CONSENT AGENDA*

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

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

2. MINUTES: December 2, 2024 regular meeting
3. RESOLUTION to appropriate funding from the Virginia Department of Housing and Community Development, Housing Opportunities for Persons with AIDS/HIV (HOPWA) grant 24-HOPWA-303 in the amount of \$389,312 (2nd reading)

RESOLUTION APPROPRIATING FUNDS Housing Opportunities for Persons with AIDS/HIV (HOPWA) Grant \$389,312

WHEREAS, The City of Charlottesville, through the Office of Community Solutions, has received the H.O.P.W.A. Grant from the Virginia Department of Housing and Community Development in the amount of \$389,312;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$389,312 is hereby appropriated in the following manner:

Revenues

\$389,312 Fund: 209 IO: 1900576 G/L: 430120 Federal Pass-Thru State

Expenditures

\$389,312 Fund: 209 IO: 1900576 G/L: 530550 Contracted Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$389,312 in funds from the Virginia Department of Housing and Community Development.

4. RESOLUTION to appropriate BAMA Works Special Event Funding - \$38,700 (2nd reading)

Resolution To Appropriate a Financial Sponsorship from BAMA Works for Special Events \$38,700

WHEREAS, the City of Charlottesville Parks and Recreation, through a partnership with the BAMA Works Fund, has received generous financial sponsorship to host two Sunday Sundown events at Washington Park, two Sounds of Summer events, and the annual Downtown Safe Halloween festival on the downtown mall;

Revenues - \$38,700

Fund: 105

Internal Order: 2000121

G/L Account: 451020

Expenditures - \$38,700

Fund: 105

Internal Order: 2000121

G/L Account: 599999

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a total of \$38,700 be appropriated in the following manner:

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

5. RESOLUTION to appropriate grant funds from the Virginia Department of Conservation and Recreation in the amount of \$393,456.60 for the Pollocks Branch Pedestrian/Trail Bridge (Carried)
6. RESOLUTION to allocate funds from the CIP Contingency Fund for emergency repairs to the Fontaine Fire Station Parking Lot - \$200,000

RESOLUTION

Allocating \$200,000 from the Capital Improvement Program Contingency Account for the Fontaine Fire Station Drive Apron Repair

WHEREAS, the City of Charlottesville needs to make an emergency repair to stabilize the drive apron at the Fontaine Fire Station, which was found to be undermined after a recent storm event;

WHEREAS, the City of Charlottesville requires appropriation of \$200,000 for the emergency repair of City property such that the City can continue governmental operations; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that funds needed for the drive apron repairs will be paid from the Capital Improvement Program Contingency Account:

Transfer From:

\$200,000

Fund: 426

WBS: CP-080

G/L Account: 599999

Transfer To:

\$200,000

Fund: 426

Funded Program: P-01118

G/L Account: 599999

CITY MANAGER REPORT

City Manager Sam Sanders announced that the sidewalk on Monticello Road, leading to Quarry Road, will be open soon. He stated that he received a staff request to apply for two more battery electric school buses, and he is hoping to make a determination before the January application deadline.

Responding to Councilor Pinkston, Mr. Sanders stated that the Urgent Infrastructure list will be provided at a meeting in January.

- **REPORT: Parks & Recreation Master Plan: Key Technical Findings, Preliminary Recommendations and Concept Plans**

William Bassett, Parks and Recreation Department, introduced Mike Smith from Pros Consulting, who provided an update on the Parks and Recreation Master Plan which is scheduled for completion in early 2025. The presentation focused on a Trail Connectivity Analysis update, Framework Plan update, cost estimating for capital improvements, and next steps.

Mr. Smith announced a Concept Plan/Connectivity Analysis Open House at Carver Recreation Center on Tuesday, December 17, answered questions for Council, and announced the following planned meetings in 2025:

- February 6 - Parks and Recreation Advisory Board
- February 11 - Planning Commission
- March 17 - City Council (first reading)
- April 7 – City Council (second reading)

ACTION ITEMS

7. PUBLIC HEARING and RESOLUTION for supplemental appropriation of \$7,571,300 in Federal, State, and Local Capital Grant funding for Charlottesville Area Transit (Carried)

Garland Williams, Director of Charlottesville Area Transit, presented the resolution. The Federal Transit Administration (FTA) and the Virginia Department of Rail and Public Transportation (VDRPT) have awarded the Transit Division of the City of Charlottesville federal and state assistance to support capital projects in the operations of public transit services. The FY24 Grant Award of \$2.1 million will support the purchase of battery electric vehicles and the FY23 Grant Award of \$5.1 million will support the purchase of diesel buses, equipment, support vehicles, and software.

Mayor Wade opened the public hearing. With no speakers, Mayor Wade closed the public hearing.

Council agreed unanimously to carry the item forward to the January 6 meeting for second reading and vote on the consent agenda.

8. REPORT on Annual Financial Audit for Fiscal Year 2024 from the City's Auditors

Chris Cullinan, Director of Finance, introduced the city's new Comptroller, Charles Clemmer, before presenting the audit rationale.

Michael Lupton of Robinson, Farmer, Cox, and Associates, made the audit presentation, stating that the firm will render an Unmodified (Clean) Opinion. He recommended keeping in mind the timing for state and federal reimbursement requests.

Mr. Cullinan advised that once the written audit opinion is received, the CAFR (Comprehensive Annual Financial Report) will be made available online.

9. RESOLUTION to reallocate remaining unspent/unobligated American Rescue Plan Act (ARPA) funds for eligible uses.

Mr. Cullinan presented the agenda item with a resolution intended to obligate the City's remaining American Rescue Plan Act (ARPA) funds by the December 31, 2024 deadline from the US Treasury Department.

On motion by Pinkston, seconded by Payne, Council by the following vote approved the resolution: 5-0 (Ayes: Oschrin, Payne, Pinkston, Snook, Wade; Noes: none).

RESOLUTION

American Rescue Plan Act (ARPA) Funds –Reallocation of Unspent/Unobligated Funds

WHEREAS, the Charlottesville City Council previously appropriated \$19,609,708 of American Rescue Plan Act (ARPA) funds to be spent on a number of eligible projects to mitigate the impacts of the coronavirus pandemic on individuals, businesses, and the City organization; and

WHEREAS, ARPA funds are required to be obligated (not just appropriated) by December 31, 2024 or be returned to the US Treasury Department; and

WHEREAS, the City will have unobligated ARPA funds it desires to fully obligate by the December 31, 2024 deadline; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the balance of unspent/unobligated ARPA funds as of December 31, 2024 be allocated to the Salvation Army Center of Hope expansion and for public safety payroll expenses incurred by the City since July 1, 2024.

From Fund 207:

Internal Order	Project Description	Unspent/Unobligated Balance
1900421	ARPA 1 OED Economic Recovery Roadmap	\$29,338.74
1900437	ARPA 1 City Technology Improvements	\$673.43
1900439	ARPA 1 DSS Sheltering for COVID Positive Individuals	\$9,743.04
1900440	ARPA 1 COVID Testing for Employees	\$203,757.75
1900450	ARPA 1 Take Home COVID Tests	\$20,000.00
1900452	ARPA 1 Café Fee Waiver	\$169,745.95
1900457	ARPA 1 CFD Uses 1	\$534.78
1900458	ARPA 1 CM Office Improvements	\$73.55
1900459	ARPA 1 City Council Chamber Improvements	\$9,782.17
1900460	ARPA 1 City Hall Lobby Improvements	\$2,652.29
1900480	ARPA 1 Unallocated Contingency	\$1,449,565.00
1900481	ARPA 1 Contingency (Revenue Recovery)	\$195,146.00
1900482	ARPA 2 CFD Accreditation (Revenue Recovery)	\$50.00
1900484	ARPA 2 Sheriff Bonus (Revenue Recovery)	\$34.00
1900492	ARPA 2 Arts Festival (Revenue Recovery)	\$1,000.00
1900506	ARPA 1 Automated External Defibrillators	\$38.51
1900507	ARPA 1 City Badge/Access Project	\$15,000.00
1900545	ARPA 2 Avon/Levy Lot Purchase (Revenue Recovery)	\$159,831.06
1900488	ARPA 2 Shelter Generator (Revenue Recovery)	\$40,000.00
1900523	ARPA 1 CFD Uses 2	\$1,551.53
1900485	ARPA 2 Downtown Mall Improvements	\$18,697.10
1900486	ARPA 2 Wayfinding Improvements	\$43,341.47
1900491	ARPA 2 Strategic Initiatives (Revenue Recovery)	\$400,000.00
1900494	ARPA 2 Strategic Planning (Revenue Recovery)	\$107,000.00
1900522	ARPA 2 Success Factors HRMIS System (Revenue Recovery)	\$379,518.06

1900524	ARPA 1 ADA Transition Plan	\$2,700.00
1900479	Meadowcreek Trail Project	\$500,000.00
TOTAL		\$3,759,774.43

To Fund 207:

Internal Order	Project Description	Amount
TBD	Salvation Army Center of Hope	\$3,000,000.00
TBD	Reimbursement for Public Safety Payroll Expenses	\$759,774.43
TOTAL		\$3,759,774.43

10. RESOLUTION to approve the City of Charlottesville's Initial Membership in the Charlottesville-Albemarle Regional Transit Authority

Ben Chambers, Transportation Planning Manager, and Ann Wall, Deputy County Executive for Albemarle County, presented the agenda item. In 2009, the General Assembly provided the ability to the City of Charlottesville, Albemarle County, and the surrounding counties to form a regional transit authority, called the Charlottesville-Albemarle Regional Transit Authority (CARTA). CARTA's enabling legislation identifies the City and Albemarle County as initial members and identifies its purpose as a regional forum to conduct transit planning. On August 22, 2024, the Regional Transit Partnership received a presentation on the formation of a regional transit authority and unanimously endorsed its formation. On September 17, 2024, the Charlottesville City Council and the Albemarle County Board of Supervisors met jointly, received a presentation, and indicated support for the formation of a regional transit authority. On December 11, 2024, the Albemarle County Board of Supervisors approved their initial membership in CARTA through a resolution that mirrors the resolution presented to Council.

On motion by Oschrin, seconded by Pinkston, Council by the following vote approved the resolution for the City of Charlottesville's Initial Membership in the Charlottesville-Albemarle Regional Transit Authority: 5-0 (Ayes: Oschrin, Payne, Pinkston, Snook, Wade; Noes: none).

RESOLUTION

TO APPROVE THE CITY OF CHARLOTTESVILLE'S INITIAL MEMBERSHIP IN THE CHARLOTTESVILLE-ALBEMARLE REGIONAL TRANSIT AUTHORITY

WHEREAS, *Virginia Code* §33.2-2800 establishes the political subdivision of the Commonwealth known as the Charlottesville-Albemarle Regional Transit Authority ("the Authority");

WHEREAS, the City of Charlottesville ("City") is committed to enhancing transportation services within the community and recognizes the benefits in collaborating with the Authority to provide efficient and effective transit solutions; and

WHEREAS, *Virginia Code* §33.2-2802 provides that City shall be an initial member of the Authority upon adoption of an approving ordinance or resolution by the governing body;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlottesville, Virginia hereby adopts this resolution to approve the City's initial membership in the Authority, pursuant to *Virginia Code* §33.2-2802; and

BE IT FURTHER RESOLVED that the City Manager is authorized to take any other necessary actions to complete or confirm the City's initial membership in the Authority.

11. ORDINANCE amending City Code Section 15-144 (Parking of buses, trucks, etc. between midnight and 6:00 a.m.) (2nd reading)

Brennen Duncan, City Engineer, presented a copy of the proposed amended ordinance incorporating feedback from City Council since the item was introduced on November 8, 2024. Council engaged in discussion and Councilor Payne suggested that a better approach would have been to consider parking zones to impact areas where parking is an issue rather than a blanket city ordinance.

On motion by Pinkston, seconded by Snook, Council by a vote of 4-1 adopted the following ordinance (Ayes: Oschrin, Pinkston, Snook, Wade; Noes: Payne):

ORDINANCE AMENDING CITY CODE SECTION 15-144 (PARKING OF BUSES, TRUCKS, ETC. BETWEEN MIDNIGHT AND 6:00 A.M.)

12. RESOLUTION for revisions to Architecture Design Control District Design Guidelines: Chapter 5, Section E. Outdoor Cafes (2nd reading)

Councilor Oschrin delineated her proposed ordinance amendments.

On motion by Pinkston, seconded by Oschrin, Council by the following vote approved the Resolution for revisions to Architecture Design Control District Design Guidelines: Chapter 5, Section E. Outdoor Cafes, with amendments as discussed: 5-0 (Ayes: Oschrin, Pinkston, Snook, Wade; Noes: Payne).

COMMUNITY MATTERS (2)

Mayor Wade opened the floor for comments from the public.

- Matt Daring, Cultivate Charlottesville, expressed support for the items presented in the Parks and Recreation Master Plan report.
- Kitter Bishop, city resident, spoke about stormwater management issues near Cherry Avenue. May need to be addressed with consideration of updates to the Salvation Army building.
- Dave Stackhouse, city resident, spoke about paved connectivity in the Parks and Recreation Master Plan. He stated that connectivity is needed with to the County and that the Plan appeared to pave over a substantial amount of the Rivanna Trail, which is in-demand and used as an off-road rustic trail for various activities. He suggested that the City and County create a joint Regional Recreation Association.

ADJOURNMENT

On motion by Payne, seconded by Pinkston, Council voted unanimously to adjourn at 9:49 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

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



Agenda Date:	January 6, 2025
Action Required:	Approve Resolution
Presenter:	Brenda Kelley, Redevelopment Manager, Chris Gensic, Park and Trail Planner
Staff Contacts:	Brenda Kelley, Redevelopment Manager Chris Gensic, Park and Trail Planner Taylor Harvey-Ryan, Grants Program Manager Riaan Anthony, Director of Parks & Recreation
Title:	Resolution to appropriate grant funds from the Virginia Department of Conservation and Recreation in the amount of \$393,456.60 for the Pollocks Branch Pedestrian/Trail Bridge (2nd reading)

Background

The City of Charlottesville has received notification of award in the total amount of \$393,456.60 from the Virginia Department of Conservation and Recreation for the construction of the Pollocks Branch Pedestrian Bridge. Of this total amount, \$314,765.28 is funding from the Virginia Department of Conservation and Recreation's Recreational Trails Program (RTP) and \$78,691.32 is the City's match from previously approved project CIP funds.

This new Pollocks Branch Pedestrian Bridge will provide residents and visitors new safe, stable and accessible pedestrian connectivity to the creek and the emerging Rivanna Trails network, crossing the water at the end of Rockland Avenue and leading directly into CRHA's South First Street residential community. This new bridge also supports the city's walkable watershed concept with the ideas of clean water, healthy communities, and connected, vibrant neighborhood places in an effort to improve urban creeks, preserve community assets, and generate community pride. When completed, the Pollocks Branch Pedestrian Bridge will become part of the ever-expanding Pollocks Branch trail network and will provide an important link to the city's trails system. Building this bridge over the Pollocks Branch waterway will create a much needed, centrally located east-west bicycle and pedestrian link within the six-block long urban area separated by the waterway between Elliot Avenue and Rougemont Avenue.

In addition, this neighborhood is expected to experience a significant growth in population with the redevelopment of the Charlottesville Redevelopment and Housing Authority's (CRHA) nearby South First Street residential complex.

The proposed bridge will also provide new and safe access to the developing Pollocks Branch greenway to Jordan Park. This greenway is planned to connect the downtown area with Moores Creek and the Rivanna Trails system. The bridge will traverse the Pollocks Branch waterway at the

end of Rockland Avenue connecting to the Pollocks Branch Trail that traverses the eastern boundary of the CRHA South First Street community.

Discussion

At its November 4, 2024 meeting, the City Council approved Community Development Block Grant (CDBG) funds to fill a shortfall of estimated funding for the construction of the Pollocks Branch Pedestrian Bridge. Through that agenda item and during that presentation it was reported that the City was awarded \$307,639.69 in funding from the Commonwealth of Virginia Department of Conservation and Recreation following submittal of a competitive application through the Recreational Trails Program (RTP). Staff also reported that they had just been notified of an additional award of funds under the RTP program in the amount of \$7,125.59.

Approval of this request will appropriate the full amount of funding from the Virginia Department of Conservation and Recreation totaling \$314,765.28, to facilitate construction of the new bridge.

Alignment with City Council's Vision and Strategic Plan

This request is closely aligned to City Council's vision of the City of Charlottesville as a community in which everyone can thrive, stemming in part from its contributions to enhancing public access to Recreation and the city's abundant greenspaces.

Community Engagement

This proposal benefits from a high degree of community engagement in that numerous community groups and organizations have been involved in the planning of the Walkable Watershed concept since as early as 2015. The Redevelopment Committee of the Charlottesville Redevelopment and Housing Authority (CRHA) and the Charlottesville Public Housing Association of Residents (PHAR) envisioned this bridge as part of the redevelopment of South First Street, and were the primary planning group for this overall project.

Budgetary Impact

There is no impact to the General Fund as the project will be funded using a combination of grant funds and funds previously appropriated for SIA Immediate Implementation in the City's Capital Improvement Fund.

Recommendation

Staff recommends approval of the attached Resolution to appropriate the grant funds awarded by the Virginia Department of Conservation and Recreation.

Alternatives

If grant funds are not appropriated, the grant funds awarded will have to be forfeited and returned to the Virginia Department of Conservation and Recreation. If this were to happen, there would not be enough funding available to proceed with the project.

Attachments

1. RESOLUTION appropriate grant funds RTP 121624

RESOLUTION
Appropriation of Virginia Department of Conservation and Recreation grant funds in the amount of \$393,456.60 for the Pollocks Branch Pedestrian/Trail Bridge

WHEREAS, the City of Charlottesville seeks to expand access to the city’s network of parks and trails, support recreational enjoyment, and promote forest and stream preservation and restoration purposes; and

WHEREAS, following a competitive application process, the Virginia Department of Conservation and Recreation notified the City of Charlottesville of award of grant funding in the total amount of \$393,456.60 to assist with the construction of the Pollocks Branch Pedestrian/Trail Bridge; and

WHEREAS, the grant award covers the period August 21, 2024 through August 31, 2027; and

WHEREAS, the City Manager, or their designee, is hereby authorized to sign the necessary documents to effectuate acceptance of the grants; now, therefore,

BE IT RESOLVED, by the Council of the City of Charlottesville, that the sum of \$393,456.60, received as a grant from the Virginia Department of Conservation and Recreation, is hereby appropriated in the following manner:

<u>Revenues</u>			
\$314,765.28	Fund: 209	Order: 2600050	G/L: 430120 State/Fed Pass-thru
\$ 78,691.32	Fund: 209	Order: 2600050	G/L: 498010 Transfer from Other
<u>Expenditures</u>			
\$314,765.28	Fund: 209	Order: 2600050	G/L: 541080 Acq Bridge
<u>Transfer From</u>			
\$ 78,691.32	Fund: 426	WBS: P-00818	G/L: 561209 Transfer to Grants

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$314,765.28 from the Virginia Department of Conservation and Recreation.

Approved by Council
December 16, 2024

Kyna Thomas, CMC
Clerk of Council

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



Agenda Date: December 2, 2024

Action Required: Approve the appropriation through a resolution

Presenter: Garland Williams, Director of Transit

Staff Contacts: Garland Williams, Director of Transit

Title: Resolution for supplemental appropriation of \$7,571,300 in Federal, State, and Local Capital Grant funding (1 of 2 readings)

Background

The Federal Transit Administration (FTA) and the Virginia Department of Rail and Public Transportation (VDRPT) have awarded the Transit Division of the City of Charlottesville federal and state assistance to support capital projects in the operations of public transit services. The FY24 Grant Award of \$2.1 million will support the purchase of battery electric vehicles and the FY23 Grant Award of \$5.1 million will support the purchase of diesel buses, equipment, support vehicles, and software.

FTA FY23 and FY24 approved capital projects include the purchase of automated vehicle locating (AVL) software, four (4) replacement engines, vehicle support equipment, three (3) support vehicles, and ten (10) buses: Two 35-foot battery-electric buses (Expansion for Pilot Program), four 35-foot diesel buses (Replacement Vehicles), and four 29-foot diesel buses (Replacement Vehicles).

The Transit Division has sufficient funds in the budget for the required match of these procurements due to an unallocated balance held in the Capital Improvements Program (CIP).

Discussion

Appropriation of Funds: Capital - \$7,571,300: The FTA has awarded \$2,119,964; VDRPT has awarded \$5,148,484, with a local match of \$302,852.

Transit Grants by Type	FY2025 Budget	Grants Awarded	Change to Appropriation
State Capital Award	\$ -	\$ 5,148,484	\$ 5,148,484
Federal Capital Award	\$ -	\$ 2,119,964	\$ 2,119,964
Local CIP Match	\$ -	\$ 302,852	\$ 302,852

Local County Match	\$ -	\$	\$
Total Capital Change	\$ -	\$ 7,571,300	\$ 7,571,300
Total Appropriation Request			\$ 7,571,300

Alignment with City Council's Vision and Strategic Plan

Approval of this agenda item aligns directly with City Council's vision for Charlottesville as a Connected Community, where the City is part of a comprehensive transportation system that enables citizens of all ages and incomes to easily navigate our community. It also aligns with Strategic Plan Goal 3: A Beautiful and Sustainable Natural and Built Environment, Objective 3.3: Provide a variety of transportation and mobility options.

Community Engagement

Charlottesville Area Transit utilizes the Metropolitan Planning Organization's Public Participation Plan to fulfill its public engagement requirements. This includes an opportunity for members of the public to request a public hearing on Charlottesville Area Transit's Program of Projects. No public hearing was requested through those means. However, due to the amount of change to the Charlottesville Area Transit budget, a public hearing is required prior to appropriation.

Budgetary Impact

There is no impact to the General Fund. Local match requirements for the Capital Assistance are covered through the previously appropriated City contribution from the General Fund. Local capital contributions are required in the amount of \$302,852. Matching requirements for these funds are 4% percent. The Transit division has sufficient funds in the unallocated CIP budget to accommodate the 4% match requirement without additional City funding.

Recommendation

Staff recommends approval and appropriation of funds.

Alternatives

City Council may choose not to appropriate the match funds. Without this appropriation, CAT will not be able accept the federal capital funding as the local match is required for this Federal funding award.

Attachments

Resolution Approving Supplemental Appropriation of Federal and State Grant Funds for Charlottesville Transit Projects

**RESOLUTION APPROVING SUPPLEMENTAL APPROPRIATION OF FEDERAL
AND STATE GRANT FUNDS FOR TRANSIT PROJECTS
\$7,571,300**

WHEREAS, the FY23 and FY24 Federal Capital Grant in the amount of **\$2,119,964**, and the State Capital Grant in the amount of **\$5,148,484**, have been awarded to the City of Charlottesville with a local match of **\$302,852**, for a total of **\$7,571,300**; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following is hereby appropriated in the following manner, contingent upon receipt of the grant funds:

Revenue (Capital)

\$2,119,964	Fund: 245	Cost Center: 2804001000	GIL: 431010 Federal Grants
\$5,148,484	Fund: 245	Cost Center: 2804001000	GIL: 430110 State Grants
\$ 302,852	Fund: 245	Cost Center: 2804001000	GIL: 498010 Local Match

Expenditures (Operating)

\$6,473,420	Fund: 245	Cost Center: 2804001000	GIL: 541040 Vehicles
\$1,097,880	Fund: 245	Cost Center: 2804001000	GIL: 541090 Equipment

BE IT FURTHER RESOLVED, that this appropriation is conditional upon the receipt of \$2,119,964 from the Federal Transit Administration, \$5,148,484 from the Virginia Department of Rail and Public Transportation, and \$302,852 from local sources.

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



Agenda Date:	January 6, 2025
Action Required:	Appropriation of Funding
Presenter:	Michael Kochis, Police Chief
Staff Contacts:	Holly Bittle, Budget and Management Analyst Ross Cundiff
Title:	Resolution to Appropriate Edward Byrne Memorial Justice Assistance Grant (JAG) - \$25,375 (1 of 2 readings)

Background

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

Discussion

To support its mission, the Charlottesville Police Department (CPD) is committed to better the treatment, safety, and well-being of all those who work within the Charlottesville Police Department.

If appropriated, these grant funds will allow CPD to equip the department's Special Response Team (SRT) members with Avon Protection C50 protective masks, as well as a KBT Powder Actuated Kinetic Energy Forced Entry Tool. These items will increase the SRT's operational readiness, capabilities, and equip the team with tools that will increase officer safety and prioritize the preservation of all life. The Avon Protection C50 protective mask would enable officers assigned to SRT to more effectively communicate verbally with other SRT members as well as any other individuals during an active incident. This capability greatly exceeds the current capabilities of the older traditional protective masks currently issued to officers assigned to SRT. The KBT forced entry tool would allow SRT members to make entry more quickly through a locked or barricaded doorway. This is especially important where there is an imminent or immediate threat to the safety of innocent life. In addition, the more time spent in this danger area can potentially lead to a higher chance of injury or death to an officer.

Notification of the award approval was received on December 5, 2024 for reimbursement up to \$25,375.00.

Alignment with City Council's Vision and Strategic Plan

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

Community Engagement

The requested equipment will increase the Police Department's Special Response Team (SRT) operational readiness. In the event the SRT is deployed, this equipment will improve communications between the team and any other individuals involved in the event the SRT is deployed to an active incident.

Budgetary Impact

This has no impact on the General Fund. No local match is required. The funds will be expensed and reimbursed to a Grants Fund.

Recommendation

Staff recommends approval and appropriation of grant funds.

Alternatives

If grants funds are not appropriated, the Police Department will be unable to purchase this updated equipment and improve officer and community safety.

Attachments

1. Resolution - JAG Grant_15PBJA-24-GG-04876
2. Certifications and Assurances by the Chief Executive of the Applicant Government

**RESOLUTION APPROPRIATING FUNDS FOR
Edward Byrne Memorial Justice Assistance Grant (JAG) Grant
15PBJA-24-GG-04876-JAGX
\$25,375**

WHEREAS, the Office for Civil Rights, Office of Justice Programs, Department of Justice Edward Byrne Memorial Justice Assistance Grant Program Fiscal Year 2024 Local Formula awarded a grant to the Police Department, through the City of Charlottesville, to equip the department's Special Response Team (SRT) members with Avon Protection C50 protective masks, as well as a KBT Powder Actuated Kinetic Energy Forced Entry Tool;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that a total of \$25,375.00 be appropriated in the following manner:

Revenues – \$25,375

\$25,375 Fund: 211 Internal Order 1900577 G/L Account: 431110

Expenditures – \$25,375

\$25,375 Fund: 211 Internal Order 1900577 G/L Account: 525270

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the reimbursement of funds or goods as supplied from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Justice Edward Byrne Memorial Justice Assistance Grant Program;

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

Edward Byrne Memorial Justice Assistance Grant Program FY 2024 Local Solicitation

Certifications and Assurances by the Chief Executive of the Applicant Government

On behalf of the applicant unit of local government named below, in support of that locality's application for an award under the FY 2024 Edward Byrne Memorial Justice Assistance Grant ("JAG") Program, and further to 34 U.S.C. § 10153(a), I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant unit of local government named below, and I have the authority to make the following representations on my own behalf as chief executive and on behalf of the applicant unit of local government. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant unit of local government.
2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant local funds but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.
3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the unit of local government (e.g., city council or county commission), or to an organization designated by that governing body, not less than 30 days before the date of this certification.
4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.
5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant unit of local government will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.
6. I have carefully reviewed 34 U.S.C. § 10153(a)(5), and, with respect to the programs to be funded by the award (if any), I hereby make the certification required by section 10153(a)(5), as to each of the items specified therein.
7. If the applicant named below is not the unit of local government itself, I certify that it is an instrumentality of the unit of local government and is approved to serve as the applicant and recipient of FY 2024 JAG funding on behalf of the unit of local government.

Signature of Chief Executive of the Applicant Unit of
Local Government

Date of Certification

Printed Name of Chief Executive

Title of Chief Executive

Name of Applicant Unit of Local Government

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



Agenda Date:	January 6, 2025
Action Required:	Approve Authorization Resolution
Presenter:	Ryan McKay, MPA, Health Director, Blue Ridge Health District
Staff Contacts:	Taylor Harvey-Ryan, Grants Program Manager Krisy Hammill, Director of Budget
Title:	Resolution for Charlottesville-Albemarle Health Department Carryover Request - \$74,625

Background

The FY 2024 year-end settlement process for the Charlottesville-Albemarle Health Department resulted in a \$74,625 surplus to be potentially returned to the City. This resulted from (1) vacancy savings for several positions (2) higher than projected revenue. Ryan McKay, Health Department Director, is now requesting the City's permission to carry over those surplus funds into the current year's Health Department budget.

Discussion

The Health Department would like to use these carryover funds to cover the costs of Sexually Transmitted Infection (STI) testing kits. Grant funds previously used to purchase the kits are no longer available to local health departments. Test kits will be used at key locations and events throughout the City of Charlottesville.

STI lab test expenses: like the grant funding for kits, lab expenses are no longer supported by grant dollars. Funds will be used to support lab test expenses for City of Charlottesville residents

The Health Department is also seeking to use a portion of the carry over funds to make facility enhancements:

- Painting for the facility's clinical and Women, Infant, and Children (WIC) exam rooms; two lobby areas; and office spaces
- Renovations and upgrades for the two public-facing restrooms

Alignment with City Council's Vision and Strategic Plan

This request aligns with City Council's vision to be a place where everyone thrives by increasing resources for the health department to increase STI testing. In addition, this request aligns with the Strategic Outcome Area of Partnership as this request stems from an existing partnership between the City of Charlottesville and the Health Department.

Community Engagement

N/A

Budgetary Impact

This expenditure refund would come back as a revenue (refund of prior year's expenditures) to the General Fund in this year's budget (FY 2025). There would, however, be no direct impact on the City's appropriated budget this year, as the \$74,625 has already been appropriated and accounted for as an expenditure in last year's budget (FY 2024).

Recommendation

Staff recommends approval of the Health Department's request to use FY 2024 surplus local funds of \$74,625. The Health Department is making a similar request to Albemarle County.

Alternatives

City Council may elect to deny this request, which would result in the Health Department returning the funds to the City.

Attachments

1. Health Dept Carry Over_\$74,625_FY24 (1)

RESOLUTION
Authorization of Carryover for Charlottesville-Albemarle Health Department
\$74,625

WHEREAS, the Charlottesville-Albemarle Health Department ended the 2024 fiscal year with a surplus of \$74,625; and that this surplus is due to vacancy savings for several positions, as well as higher than projected revenue; and

WHEREAS, the Health Department intends to use these surplus funds to cover the costs of Sexually Transmitted Infection (“STI”) testing kits, as previous grant funds intended for this purpose are no longer available to local health departments; and that these test kits would be available at key locations and events throughout the City of Charlottesville; and

WHEREAS, previous grant funds are no longer available to cover the expense of processing STI testing kits, and other related laboratory expenses; and the Health Department intends to use surplus funds for this purpose; and

WHEREAS, the Health Department also seeks to use a portion of the surplus funds to make improvements to its facility, specifically by painting the facility’s lobby areas, office spaces, and examination rooms, and renovating two public-facing restrooms;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the Charlottesville-Albemarle Health Department is authorized to carry over the sum of \$74,625 from Fiscal Year 2024 for the above-stated purpose.

	<u>Aye</u>	<u>No</u>
Payne		
Pinkston		
Snook		
Wade		
Oschrin		

Approved by Council
December ____, 2024

Kyna Thomas, MMC
Clerk of Council

Suggested Motion: I move that the resolution is APPROVED and the requested funds are carried over.

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



Agenda Date:	January 6, 2025
Action Required:	Approve Resolution
Presenter:	Chris Gensic, Park and Trail Planner
Staff Contacts:	Chris Gensic, Park and Trail Planner Riaan Anthony, Director of Parks & Recreation
Title:	Resolution to allocate additional funds to Meadow Creek Valley Trail and Bridges CIP project - \$15,000

Background

The Department of Parks and Recreation is requesting additional funds be appropriated to the Meadow Creek Trail and Bridges project. The additional funds are being requested from the Parks and Recreation lump sum account for project contingencies.

Discussion

The Meadow Creek Trail and Bridge Project will construct a major new ADA trail and bridge along Meadow Creek between Greenbrier Park and the Virginia Institute for Autism. This project is part of the development of the Meadow Creek Valley trail system. Recent construction estimates indicate that the costs to complete the project will exceed the amount originally allocated in the City's Capital Improvement Plan (CIP) for the project. This resolution requests that Council reallocate funds previously appropriated as a lump sum for project contingencies to this project.

Alignment with City Council's Vision and Strategic Plan

Charlottesville provides a regional transportation system that increases mobility options and is reliable and affordable for all.

Community Engagement

This trail is part of the City Bicycle, Pedestrian and Trails chapter of the Comprehensive Plan and also in the approved Meadow Creek Valley Master Plan.

Budgetary Impact

This resolution will transfer previously appropriated funds from one CIP project to another. No new funds are being requested.

Recommendation

Staff recommends approving the resolution to appropriate the funds.

Alternatives

Find new funding to add to the project account before releasing bid.

Attachments

1. RES_Dec 2024 -CIP Transfer Appropriation - McIntire Bridge to MeadowCreek

RESOLUTION
Funding Transfer for McIntire Park Trail Bridge
\$15,000

WHEREAS, the City of Charlottesville, through Parks and Recreation, has a CIP account fund and plans for construction of a bridge over a tributary to Schenks Branch at East McIntire Park; and

WHEREAS, the City of Charlottesville, through Parks and Recreation, has a Lump Sum CIP account for project contingencies; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$15,000.00 is hereby appropriated in the following manner:

Transfer From:

\$15,000	Fund: 426	WBS: P-00662	G/L Account:
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Transfer to:

\$15,000	Fund: 426	WBS: P-00995	G/L Account:
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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	January 6, 2025
Action Required:	Approval of Refund of Business License Tax
Presenter:	Todd Divers, Commissioner of the Revenue
Staff Contacts:	Jason Vandever, City Treasurer Robinson Hubbard, Deputy City Attorney
Title:	Refund of Business License Tax - \$10,679.96

Background

In March of 2023, a Charlottesville business closed its City location and moved to another jurisdiction in Virginia without notifying this office of its closure. Upon the failure of the business to renew its business license for 2024 (due on March 1, 2024), this office issued a statutory business license tax assessment based on the best available information, in accordance with Sec. 14-14 of the Charlottesville City Code. The assessment was subsequently paid on October 21, 2024.

On November 8, 2024, our office received notification that the business had moved to another jurisdiction in March of the prior year, necessitating a correction of assessment and refund of the taxes paid in error, with interest, in accordance with Sec. 14-12 of the Charlottesville City Code and § 58.1-3703.1 of the Code of Virginia.

Discussion

The amount of tax paid in error is \$10,679.96. It is the determination of the Commissioner of the Revenue that this amount, along with interest (as determined by the date of the refund - approximately \$150), should be refunded to the taxpayer.

City Code requires Council approval for any tax refunds resulting from an erroneous assessment in excess of \$10,000 (City Code Sec. 30-6b).

Per City Code Sec. 30-6(b), the Commissioner of the Revenue has provided to the City Attorney information necessary to enable him 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 with interest. The City Attorney, Commissioner of the Revenue, and City Treasurer have therefore approved the refund for presentment to Council.

Alignment with City Council's Vision and Strategic Plan

NA

Community Engagement

NA

Budgetary Impact

The refund will reduce current year Business License Tax revenue (GL 400150) by \$10,679.96 and current year Interest revenue (GL 400120) by approximately \$150.

Recommendation

Approval of the tax refund.

Suggested Motion: *“I move the RESOLUTION authorizing a refund of \$10,679.96 plus interest to a taxpaying entity or business, for business license tax paid in error for 2024.”*

Alternatives

None

Attachments

1. Refund Resolution

Suggested Motion: “I move the RESOLUTION authorizing a refund of \$10,941.56 plus interest to a taxpaying entity or business, for business licenses taxes paid in error for 2024”

RESOLUTION

Authorizing a refund of \$10,941.56, plus an as yet to be determined amount of interest, to a taxpaying entity or business, for business license taxes paid in error for 2024

WHEREAS, the Commissioner of the Revenue has determined that a taxpaying entity or business paid 2024 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 \$10,941.56; and

WHEREAS, an amount of interest that is dependent on the actual date of the refund will also be due; and

WHEREAS, City Code Section 30-6(b) requires City Council approval for any tax refund exceeding \$10,000.00; 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 \$10,941.56, plus an as yet to be determined amount of interest (approximately \$150), payable to that taxpaying entity or business.

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



Agenda Date:	January 6, 2025
Action Required:	Review proposed amendments to the Charlottesville Human Rights Ordinance and consider for adoption after first reading or after second reading during the January 21, 2025, Council meeting.
Presenter:	Todd Niemeier, Director of Human Rights
Staff Contacts:	Todd Niemeier, Director of Human Rights
Title:	Charlottesville Human Rights Ordinance - proposed amendments (1 of 2 readings)

Background

Per the Charlottesville Human Rights Ordinance, Code of the City of Charlottesville, Chapter 2, Article XV, Sec. 2-433.(d), it is the role of the Human Rights Commission to seek a Fair Employment Practices Agency (FEPA) workshare agreement with the Equal Employment Opportunity Commission (EEOC) and a Fair Housing Assistance Program (FHAP) workshare agreement with the Department of Housing and Urban Development (HUD) to conduct investigations of employment and housing discrimination on their behalf, and enter into such agreement(s) subject to approval of City Council upon a finding that the agreement(s) would be in the best interest of the City.

Discussion

The proposed amendments incorporate feedback from the U.S. Department of Housing and Urban Development (HUD) Office of General Counsel, Fair Housing Enforcement Division. HUD has reviewed the attached draft and confirmed that the proposed changes satisfy the requirement of substantial equivalence to federal fair housing law, a prerequisite for FHAP interim certification.

The included presentation summarizes the major changes to the ordinance generally and section by section. The attached ordinance includes all the detailed changes with proposed new content underlined and content suggested for removal stricken through.

Alignment with City Council's Vision and Strategic Plan

The HRC and OHR are tasked with addressing unlawful discrimination at both the individual and systemic level. By working to dismantle unlawful discrimination, the HRC and OHR help to ensure that opportunities in employment, housing, public accommodation, credit, and private education are available to all, thereby promoting equity and an excellent quality of life in our community and helping to make Charlottesville a place where everyone thrives.

The HRC and OHR's work aligns with the following goals and objectives in the strategic plan adopted September 5, 2023:

- Economic Prosperity
- Housing
- Organizational Excellence
- Partnerships
- Public Safety

Community Engagement

The proposed ordinance amendments were presented, discussed, and adopted for recommendation to City Council during the Human Rights Commission's regular meeting on December 19, 2024. This meeting was publicly noticed, the meeting was open to the public with two opportunities for public comment, and the agenda packet was posted on the City website and remains available to the public.

Budgetary Impact

The proposed amendments to the Charlottesville Human Rights Ordinance create no immediate budgetary impacts within fiscal year 2025. Should fair housing investigation caseloads increase over time beyond current staff capacity, the OHR may request additional personnel.

Recommendation

Staff recommends that Council adopt the proposed amendments to the Charlottesville Human Rights Ordinance.

Alternatives

Adoption of the proposed amendments to the Charlottesville Human Rights Ordinance is a required next step for pursuit for FHAP interim certification.

Attachments

1. 20241218 Charlottesville Human Rights Ordinance - B&W
2. 20241218 CHRO Presentation

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

WHEREAS, by recorded vote, the Human Rights Commission initiated certain Proposed Text Amendments to the City's Human Rights Ordinance; and

WHEREAS, ~~a public meeting was held to discuss and receive comments on the Proposed Text Amendments on May 16, and June 20, 2024, and the proposed amendments were presented to, discussed and approved on June 27, 2024, at a public meeting of the Human Rights Commission for recommendation to Charlottesville City Council~~ a public meeting was held by the Human Rights Commission on December 19, 2024, for the purpose of receiving comments on, discussing, and approving the Proposed Text Amendments for recommendation to Charlottesville City Council; and

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

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that: Chapter 2, Article XV of the Code of the City of Charlottesville (1990), as amended, is hereby amended and reenacted as follows:

Article XV. Human Rights

- Sec. 2-430.1. Short title.
- Sec. 2-430.2. Definitions.
- Sec. 2-431. Unlawful discrimination prohibited generally.
- Sec. 2-431.1. Unlawful employment discrimination prohibited.
- Sec. 2-431.2. Unlawful housing discrimination prohibited.
- Sec. 2-431.3. Unlawful public accommodation, credit, and private education discrimination prohibited.
- Sec. 2-432. Human Rights Commission.
- Sec. 2-433. Role of the Human Rights Commission.
- Sec. 2-434. Office of Human Rights.
- Sec. 2-435. Role of the Office of Human Rights.
- Sec. 2-436. Reserved.
- Sec. 2-437.1. Investigation of individual employment discrimination complaints and issuance of findings.
- Sec. 2-437.2. Investigation of individual housing discrimination complaints and issuance of findings.
- Sec. 2-437.3. Investigation of individual public accommodation, credit, or private education discrimination complaints and issuance of findings.
- Sec. 2-438. Interference, coercion, intimidation, or retaliation prohibited.
- Sec. 2-439.1. Enforcement authority – The role of the Commission regarding individual complaints of discrimination.
- Sec. 2-439.2. Enforcement authority – The role of the Commission regarding Court enforcement of individual complaints of employment, public accommodation, credit, or private education discrimination.
- Sec. 2-440. Confidentiality.
- Sec. 2-441. ~~Severability.~~ Annual Report.
- Sec. 2-442. ~~Reserved.~~ Severability.
- Sec. 2-443. ~~Reserved.~~ No waiver of other legal rights.

Sec. 2-430.1. Short title.

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

Sec. 2-430.2. Definitions.

- (a) Terms used in this ordinance to describe prohibited discrimination in employment shall have the meanings as ascribed to them under Virginia Human Rights Act, Va. Code §§ 2.2-3900-3909., Va. Code § 15.2-965 as it relates to “Gender identity” “Military status” “Religion” and “Sexual orientation”, and 42 U.S.C. §§ 1981-2000h-6., as amended.
- (b) Terms used in this ordinance to describe prohibited discrimination in housing shall have the meanings as ascribed to them under the Virginia Human Rights Act, Va. Code §§ 2.2-3900-3909., Va. Code § 15.2-965 as it relates to “Gender identity” “Military status” “Religion” “Sexual orientation”, and Virginia Fair Housing Law, Va. Code § 36-96.1:1., and 42 U.S.C. § 3602, as amended.
- (c) Terms used in this ordinance to describe prohibited discrimination in public accommodations, credit, and private education shall have the meanings as ascribed to them under the Virginia Human Rights Act., Va. Code §§ 2.2-3900-3909. and Va. Code § 15.2-965. as it relates to “Gender identity” “Military status” “Religion” and “Sexual orientation, and for public accommodation under 42 U.S.C. § 2000a., as amended.
- (d) The term “jurisdictional” as used in this ordinance shall mean that an allegation of discrimination is timely, the person who experienced harm is the person bringing forth the allegation and falls within a covered group under this ordinance, the respondent falls within a covered group under this ordinance, the alleged discriminatory act is covered by this ordinance, and the alleged discriminatory act took place within the geographical boundary of the City of Charlottesville and/or the alleged respondent is registered within the corporate jurisdiction of the City of Charlottesville.
- (e) The term “inquiry” as used in this ordinance shall mean an incoming contact requesting services provided to an individual by the Office of Human Rights and/or an individual allegation of discrimination that falls outside the jurisdiction of the Human Rights Commission and Office of Human Rights, as defined by this ordinance.
- (f) The term “complaint” as used in this ordinance shall mean a timely filing of a jurisdictional allegation of unlawful discrimination, as defined by this ordinance ~~and as authorized for filing by the Director of the Human Rights Commission.~~
- (g) The phrase “alternative dispute resolution” as used in this ordinance shall mean an attempt to resolve a complaint through informal dialogue, mediation, or conciliation.

Sec. 2-431. Unlawful discrimination prohibited generally.

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

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

Sec. 2-431.1. Unlawful employment discrimination prohibited.

It shall be unlawful and a violation of this ordinance for any person, partnership, corporation, or other entity to engage in discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, military status, or disability. The prohibited actions in this section shall include and have the meanings ascribed to them in Virginia Human Rights Act, Va. Code §§ 2.2-3900-3909., Va. Code § 15.2-965 and 42 U.S.C. §§ 1981-2000h-6., as amended.

Sec. 2-431.2. Unlawful housing discrimination prohibited.

In accordance with 42 U.S.C. § 3604, 42 U.S.C. § 3605, and 42 U.S.C. § 3606, it shall be unlawful and a violation of this article for any person, partnership, corporation or other entity:

- (a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, national origin, sex, elderliness, familial status, source of funds, marital status, sexual orientation, gender identity, military status, or disability.
- (b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, sex, elderliness, familial status, source of funds, marital status, sexual orientation, gender identity, military status, or disability.
- (c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based race, color, religion, national origin, sex, elderliness, familial status, source of funds, marital status, sexual orientation, gender identity, military status, or disability, or an intention to make any such preference, limitation, or discrimination.
- (d) To represent to any person because of race, color, religion, national origin, sex, elderliness, familial status, source of funds, marital status, sexual orientation, gender identity, military status, or disability, that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- (e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, sex, elderliness, familial status, source of funds, marital status, sexual orientation, gender identity, military status, or disability.
- (f) Furthermore, it shall be unlawful and a violation of this article for any person, partnership, corporation or other entity:
 - (1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of the following:
 - (A) that buyer or renter;
 - (B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - (C) any person associated with that buyer or renter.
 - (2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:
 - (A) that person; or
 - (B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - (C) any person associated with that person.

- (3) For purposes of this subsection, discrimination includes:
- (A) a refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
 - (B) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
 - (C) in connection with the design and construction of covered multifamily dwellings for a failure to design and construct those dwellings in such a manner that:
 - (i) the public use and common use portions of such dwellings are readily accessible to and usable by people with disabilities;
 - (ii) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by people with disabilities requiring the use of wheelchairs; and
 - (iii) all premises within such dwellings contain the following features of adaptive design:
 - a. an accessible route into and through the dwelling;
 - b. light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - c. reinforcements in bathroom walls to allow later installation of grab bars; and
 - d. usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.
- (4) Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as “ANSI A117.1”) suffices to satisfy the requirements of Sec. 2-431.2.(3).(C).(iii).
- (A) As used in this subsection, the term “covered multifamily dwellings” means:
- (i) buildings consisting of 4 or more units if such buildings have one or more elevators; and
 - (ii) ground floor units in other buildings consisting of 4 or more units.
- (5) Nothing in this ordinance shall be construed to invalidate or limit any state or federal law or City ordinance that requires dwellings to be designed and constructed in a manner that affords people with disabilities greater access than is required by this subchapter.
- (6) Nothing in this ordinance requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
- (7) In general, it shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or

conditions of such a transaction, because of race, color, religion, national origin, sex, elderliness, familial status, source of funds, marital status, sexual orientation, gender identity, military status, or disability.

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

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

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

(ii) secured by residential real estate.

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

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

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

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

It shall be unlawful and a violation of this article for any person, partnership, corporation or other entity to engage in discrimination in public accommodations, credit, and private education on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, military status, or disability. The prohibited actions in this section shall include and have the meanings ascribed to them in Virginia Human Rights Act, Va. Code §§ 2.2-3900-3909., Va. Code § 15.2-965 as it relates to “Gender identity” “Military status” “Religion” “Sexual orientation”, and 42 U.S.C. §§ 1981-2000h-6., as amended.

Sec. 2-432. Human Rights Commission.

(a) There is hereby created in the City of Charlottesville a Human Rights Commission (“Commission”), the members of which shall be appointed by the City Council. Effective March 1, 2022, the appointed membership of the Commission shall consist of nine (9) members. The Commission membership shall be broadly representative of the City’s demographic composition, with consideration of racial, gender (including gender identity, transgender status, and sexual orientation), religious, ethnic, disabled, socio-economic, geographic neighborhood, and age groups; with priority given to City residents and to applicants with significant and demonstrable ties to the City. At least two members will have professional expertise in employment or housing discrimination, have personal experience with employment or housing discrimination, or identify as a member of a group that experiences discrimination. Of the members first appointed, at least three shall be appointed for terms of three years, at least three shall be appointed for terms of two years, and at least three shall be appointed for terms of one year. Thereafter members shall be appointed for terms of three years each. Any vacancy shall be filled by the City Council for the unexpired portion of a term. Following notice to the member, any member of the

Commission may be removed for good cause by a majority vote of City Council.

- (b) The Commission shall elect from its members a chair, a vice-chair, and such other officers as the Commission may deem appropriate.
- (c) Members of the Commission shall serve without compensation, but funds may be appropriated in the City's annual budget for reasonable and necessary expenses to be incurred by Commission in the conduct of its prescribed functions.
- (d) All meetings of the Commission shall be advertised in advance and in the manner required by law and shall be open to the public except for meetings lawfully closed pursuant to the Virginia Freedom of Information Act. The Commission may adopt bylaws and procedures to govern the conduct of its meetings; provided, however, that at the beginning and at the end of each of its public meetings the Commission will receive public comment in accordance with City Council's adopted "Rules for Public Participation."
- (e) The Commission may, in its discretion, delegate any of its duties or responsibilities hereunder to a panel of not less than three Commissioners.
- (f) There shall be a full-time Director of the Commission, who shall be appointed by the City Manager with the advice and consent of the Commission and who shall serve full time in that capacity. A candidate proposed for appointment as the Director must demonstrate significant prior professional experience performing one or more of the activities or roles described in the code of the City of Charlottesville, Chapter 2, Article XV. The Director shall be responsible for and report to the Commission on the day-to-day operational conduct of the Human Rights Commission. The Director shall report directly to the Deputy City Manager for Social Equity for administrative and fiscal matters. The City Manager shall delegate to the Director the authority to employ such additional staff as authorized and funded by the City Council to allow the Commission to fulfill effectively its obligations under this Ordinance. In the absence of a Director, the City Manager shall transfer the Director's duties to qualified professional staff within the City to ensure the continuity of services provided by the Human Rights Commission and Office of Human Rights.
- (g) The City Council shall establish policies and procedures for the performance by the Commission of the roles, duties and responsibilities set forth within this article ("operating procedures"). All City departments, boards and commissions shall cooperate with and assist the Commission, including the provision of information in response to reasonable requests from the Commission.
- (h) Legal counsel shall be provided to the Commission and its staff through the Office of the City Attorney. The City Council hereby authorizes retention of outside counsel for the prosecution of civil action regarding a finding of reasonable cause under this ordinance, ~~where deemed appropriate~~ upon recommendation of the City Attorney.
- (i) The Commission shall make quarterly reports to the City Council concerning the operation of the Commission and the status of the Commission's performance of the duties, responsibilities and roles set forth within this article. One of the required quarterly reports shall be an annual report. The schedule for submission of these reports, and the required contents of the reports, shall be as specified within the Commission's operating procedures.

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

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

- (a) Assist individuals who believe they are the victim of an act of unlawful discrimination within

the jurisdiction of the City;

- (b) Collaborate with the public and private sectors to provide awareness, education and guidance on methods to prevent and eliminate discrimination citywide;
 - (1) The Commission shall serve as a forum for the discussion of human rights issues and be responsible for conducting ongoing efforts to engage community members in an open, honest, and creative dialogue regarding issues of equity and opportunity, including but not limited to issues considered by the City's Dialogue on Race initiative.
 - (2) The Commission shall conduct or engage in educational and informational programs for the promotion of mutual understanding, reconciliation, and respect between all classes of individuals protected by this ordinance and the larger Charlottesville community.
- (c) Identify and review systemic issues, policies, and practices of the City of Charlottesville and advise its boards, commissions, and other public agencies within the City on issues related to human rights;
 - (1) Such policies, practices, and systems may include those of an institutional nature that:
 - (A) May be unlawful discriminatory practices; or
 - (B) May not constitute unlawful discriminatory practices but nevertheless produce disparities that adversely impact individuals in accordance with the protected classes identified within this ordinance.
 - (2) Any review undertaken pursuant to this section may be initiated at the request of any other public or private entity, or by the Commission on its own initiative.
 - (3) The Commission may conduct its own research and review of existing studies and literature, collaborate with other research organizations, organize public focus groups, and hold such hearings as may be necessary to identify policies, practices and systems as referenced above. For each such identified policy, practice or system, the goal of the Commission will be to formulate recommendations and to propose to City Council concrete, actionable reforms that will eliminate discriminatory practices or the adverse effects of lawful other practices. The Commission will report the status of its ongoing project(s) or review(s) to City Council within its quarterly and annual reports.
- (d) Seek a Fair Employment Practices Agency (FEPA) workshare agreement with the Equal Employment Opportunity Commission (EEOC) and a Fair Housing Assistance Program (FHAP) workshare agreement with the Department of Housing and Urban Development (HUD) to conduct investigations of employment and housing discrimination on their behalf and enter into such agreement(s) subject to approval of City Council upon a finding that the agreement(s) would be in the best interest of the City;
- (e) Make recommendations regarding the City's annual legislative program, with an emphasis on enabling legislation that may be needed to implement programs and policies that will address discrimination; and
- (f) Prepare policy or procedure recommendations to City Council which the Commission believes are necessary for the performance of the roles, duties, and responsibilities assigned to the Commission within this article, and for modifications of operating procedures approved by City Council.

Sec. 2-434. Office of Human Rights.

- (a) There is hereby created in the City of Charlottesville an Office of Human Rights (“Office”), which is a division of the City Manager’s Office.
- (b) The Director of the Human Rights Commission will be responsible for, and report to the Commission on, the day-to-day operational conduct of the Office of Human Rights.
- (c) The Director may hire additional staff, as approved by the City Manager and funded by City Council, to fulfill the roles designated within this ordinance. Such staff shall report to the Director.

Sec. 2-435. Role of the Office of Human Rights.

The role of the Office of Human Rights is to:

- (a) Provide administrative support to the Human Rights Commission;
- (b) Receive individual complaints of discrimination within the jurisdiction of the City of Charlottesville, and attempt to resolve such complaints through alternative dispute resolution or by investigating and issuing findings on whether there is reasonable cause to believe a violation of this ordinance has occurred;
 - (1) Provide referrals to appropriate services for inquiries that do not involve a jurisdictional complaint of discrimination.
- (c) Conduct community outreach related to human rights. Such outreach may include:
 - (1) Providing information to the public regarding the services provided by the Office of Human Rights and the Human Rights Commission;
 - (2) Hosting or participating in educational events for the purpose of raising public awareness around issues of human rights, discrimination, and/or equity;
 - (3) Facilitating, leading, or participating in collaborative meetings and events with community partners for the purpose of addressing issues of human rights, discrimination, and/or equity.

Sec. 2-436. Reserved.

Sec. 2-437.1. Investigation of individual employment discrimination complaints and issuance of findings.

- (a) Complaints and answers
 - (1) The Director shall develop and implement a central intake procedure to be used by the Office of Human Rights for receiving and processing individual inquiries that allege an unlawful, discriminatory employment practice ~~within the jurisdiction of the City.~~
 - (2) Upon the receipt of such inquiry, the Director or other designated professional staff shall conduct an initial assessment to determine if the inquiry is jurisdictional ~~and presents a prima facie case of discrimination.~~ The inquiry may be dismissed by the Director without further action if it ~~fails to adequately allege a violation of this ordinance, is non-jurisdictional, or is otherwise deficient on its face.~~
 - (3) If the inquiry is not dismissed, ~~the Director shall authorize the aggrieved individual to file a formal complaint of discrimination with the Office of Human Rights.~~
 - (4) ~~Upon receiving authorization from the Director to file,~~ any person claiming to be

aggrieved by an unlawful discriminatory employment practice may file a complaint in writing with the Office of Human Rights not more than 180 calendar days following the alleged discriminatory act. The complaint shall be in such detail as to substantially apprise any party properly concerned as to the time, place, and facts surrounding the alleged unlawful discrimination.

- (5) For complaints alleging an unlawful discriminatory employment practice within the jurisdiction of the City, ~~defined herein as within the corporate limits of the City and as authorized by state and federal statutes,~~ the Director or other designated professional staff are authorized to undertake further action as detailed in Sec. 2-437.1.(b).
- (6) For inquiries alleging an unlawful discriminatory employment practice that falls outside the jurisdiction of the City, the Director or other designated professional staff shall dismiss the inquiry as non-jurisdictional and inform the aggrieved individual of the option to file with an appropriate state or federal agency.
- (7) If the City of Charlottesville is the named respondent in an inquiry of employment discrimination received by Office of Human Rights, the Director or other designated professional staff shall dismiss the inquiry as non-jurisdictional and inform the aggrieved individual of the option to file with an appropriate state or federal agency.
- (8) If a current or former City of Charlottesville Human Rights Commissioner is a party to an inquiry of employment discrimination received by the Office of Human Rights, and the case is jurisdictional ~~and presents a prima facie case of discrimination,~~ the Director may ~~authorize the filing of a complaint and attempt to resolve it~~ the complaint through alternative dispute resolution, ~~and/or. If the complaint cannot be resolved through alternative dispute resolution, the Director shall administratively close the case and~~ inform the aggrieved individual of the option to file with an appropriate state or federal agency.
- (9) Upon the filing of a ~~formal~~ complaint of discrimination, ~~if the complainant wishes to pursue further action, and further action is authorized by the Director,~~ the Director shall serve notice of the complaint on the complainant and each respondent named therein. Said notice shall be served in a timely manner specifying the allegation, citing the evidence that supports further action, ~~and~~ advising ~~the complainant~~ all parties of the time limits and choice of forums under this ordinance, and indicating the action to be taken.

(b) Further action

- (1) Further action for employment discrimination complaints, as authorized by this ordinance, may include informal dialogue, mediation, and/or ~~formal~~ investigation of the complaint, ~~as deemed appropriate by the Director.~~
- (2) ~~If the Director determines that further action on a complaint is appropriate, during the period beginning with the filing of such complaint and ending with the rendering of a determination or a dismissal by the Director, the Director or their designee shall, to the extent feasible, engage in informal dialogue or mediation with respect to such complaint.~~
- (3) It shall be the responsibility of the aggrieved individual to provide current and updated contact information to the Office of Human Rights from the date of filing through the completion of any further action.
- (4) If, during the process of informal dialogue, mediation, or investigation, the

complainant does not respond to communication or requests for information from the Investigator for a period of thirty (30) calendar days, the Director shall serve written notice on the complainant that the case will be administratively closed if the complainant does not respond within thirty (30) calendar days of the date written notice is issued.

- (5) The complainant may, following the administrative closure of the case, re-file the complaint at a future date, provided that the complaint is filed within one hundred and eighty (180) calendar days of the alleged discriminatory event detailed in the original complaint.
- (6) If, during the process of informal dialogue, mediation, or investigation, the respondent does not respond to communication or requests for information from the Investigator for a period of thirty (30) calendar days, the Director may serve written notice on the respondent that the investigation may proceed without the requested information and that a determination on the case shall be rendered upon completion of the investigation.

(c) Alternative dispute resolution

- (1) During the period beginning with the filing of such complaint and ending with the rendering of a determination or a dismissal by the Director, the Director or their designee shall, to the extent feasible, engage in informal dialogue or mediation with respect to such complaint.
- (2) The Director shall propose an initial meeting between the parties for the purpose of exploring alternative dispute resolution of the complaint through voluntary informal dialogue or mediation.
 - (A) For the purposes of this section, informal dialogue shall refer to a voluntary meeting between the complainant and respondent to explore resolution that does not result in a written settlement agreement.
 - (B) For the purposes of this section, mediation shall refer to a facilitated dialogue resulting in a written settlement agreement between the respondent and complainant.
- (3) Nothing herein shall be interpreted as requiring any party to participate in informal dialogue, mediation, or any other resolution efforts.
- (4) Materials used and communications made during informal dialogue or mediation concerning a complaint of unlawful discrimination shall be confidential and shall not be disclosed to the public by the Director, the Commission, or Office of Human Rights staff unless disclosure is authorized in writing by all parties to the dispute.
- (5) If informal dialogue is concluded, the complaint shall be considered resolved upon the complainant's written or verbal withdrawal of the complaint.
- (6) If the mediation is concluded to the satisfaction of both parties, the complaint shall be considered resolved upon the parties' execution of a written settlement agreement. Unless all parties agree otherwise, the execution of a written agreement is solely for the purpose of settling a disputed claim and does not constitute an admission by any party that the law or this ordinance has been violated. No further action on the initial complaint shall be taken by the Commission or the Office of Human Rights staff once the agreement is executed.
- (7) If informal dialogue or mediation is not successful, ~~and the complainant wishes to~~

~~pursue further action,~~ the Director or designee ~~may~~ shall conduct an formal investigation.

- (8) ~~If further investigation is not warranted, the Director may dismiss the complaint as not constituting a violation and promptly serve written notice of the dismissal on the complainant and respondent.~~

(d) Investigation

- (1) ~~If the Director determines that a formal investigation into the complaint is warranted,~~ Upon the filing of a complaint under this section, the Director shall assign an Investigator to make an investigation of the alleged discriminatory practice for the purpose of rendering a written determination as to whether there is reasonable cause to believe a violation of this ordinance occurred and the facts supporting such determination.
- (2) The Investigator shall complete such investigation within one hundred and eighty (180) calendar days after the filing of the complaint unless it is impracticable to do so. If the Investigator is unable to complete the investigation within one hundred and eighty (180) calendar days after the filing of the complaint, the Director shall notify the complainant and respondent in writing of the reasons for not doing so.
- (3) Statements received by the Investigator from the complainant, respondents, and witnesses as part of ~~a formal~~ an investigation shall be under oath or affirmation and may be reasonably and fairly amended at any time.
- (4) When conducting an investigation of a complaint filed under this ordinance, the Investigator shall have the right to interview any person who may have any information which may further ~~its~~ the investigation and to request production of any records or documents for inspection and copying in the possession of any person which may further the investigation. Such persons shall be interviewed under oath. The Director or ~~its~~ designated subordinates shall have the authority to collect, inspect, and copy records under this ordinance.
- (5) If during an investigation any person refuses to comply with a request by the Director or Office staff to produce data, information, documents, or other tangible evidence or refuses to appear as a witness for the gathering of evidence necessary to determine whether a violation of this ordinance has occurred, the Director, after a good faith effort to obtain such evidence or attendance of witnesses, may ~~request the City Attorney to~~ petition a court of appropriate jurisdiction for a subpoena against any such person refusing to produce such evidence or refusing to appear as a witness, and such court may, upon good cause shown, cause the subpoena to be issued.
- (A) Said subpoenas and requests for information may be ordered to the same extent and subject to the same limitations as would apply if the subpoenas or requests for information were ordered or served as part of a civil action in the Commonwealth of Virginia.
- (B) For purposes of this section, "person" includes any individual, partnership, corporation, association, legal representative, mutual company, joint stock company, trust, unincorporated organization, employee, employer, employment agency, labor organization, joint labor-management committee, or an agent thereof.
- ~~(C) Neither the Commission nor the Office shall have the power itself to issue~~

~~subpoenas under this article.~~

- (D) Neither the complainant nor the respondent shall have the right to demand that a subpoena be issued.
 - (E) Any witness subpoena issued under this section shall include a statement that any statements made will be under oath and that the respondent or other witness is entitled to be represented by an attorney.
 - (F) Any person failing to comply with a subpoena issued under this section shall be subject to punishment for contempt by the court issuing the subpoena. Any person so subpoenaed may petition the Charlottesville Circuit Court ~~court~~ to quash the subpoena.
 - (G) In case of refusal or neglect to obey a subpoena, the Director may petition for its enforcement in the Circuit Court of the City of Charlottesville. The Circuit Court of the City of Charlottesville will be requested to give these cases priority on the court docket.
- (6) Upon the conclusion of the ~~formal~~ investigation, the Investigator shall prepare an investigative report for submission to the Director.
- (e) Reasonable cause determination and effect
- (1) Upon completion of a ~~formal~~ an investigation and submission of the investigative report, the Director shall render a written determination of whether there is reasonable cause to believe a violation of this ordinance has been committed and the facts supporting such determination. The written determination shall promptly be served on the parties.
 - (2) If the Director determines that there is reasonable cause to believe that a violation of this ordinance has been committed, the Director shall immediately endeavor to eliminate any alleged unlawful discriminatory practice through informal dialogue or mediation.
 - (3) If the complaint cannot be resolved through informal dialogue or mediation, the Director shall proceed with the preparation of materials for consideration by the Commission for the purpose of holding a vote on whether to conduct a public administrative hearing on the complaint.
 - (4) Such materials shall include a copy of the written determination with the names and identifying information of the complainant, respondent, respondent's agents, and any witnesses redacted.
 - (5) Upon request by the Commission, the Director shall provide a copy of the full investigative report with the names and identifying information of the complainant, respondent, respondent's agents, and any witnesses redacted.
 - (6) If the Director determines that there is insufficient reasonable cause to believe a violation of this ordinance has been committed, the Director shall dismiss the complaint and advise the complainant in writing that such dismissal shall become final unless, within ten (10) calendar days of receipt of the notice of dismissal, the complainant files with the Commission a request for a review of the determination of the Director.
- (f) Contracted services
- (1) In order to fulfill the requirements of this section, the City Manager or their designee is authorized to contract on behalf of the City with any objective, neutral

third party qualified to assess allegations of discrimination under this section for the purpose of receiving complaints, conducting investigations, rendering written determinations of whether there is reasonable cause to believe a violation of this ordinance has occurred, conducting informal dialogues or mediations of complaints, and advising the Director of the Commission of the results of any investigation, informal dialogue, or mediation of complaints.

Sec. 2-437.2. Investigation of individual housing discrimination complaints and issuance of findings.

(a) Complaints and Answers (in accordance with 42 U.S.C. § 3610 and 24 C.F.R. § 115.204)

- (1) The Director shall develop and implement a central intake procedure to be used by the Office of Human Rights for receiving and processing individual inquiries that allege an unlawful, discriminatory housing practice ~~within the jurisdiction of the City.~~
- (2) Upon the receipt of such inquiry, the Director or other designated professional staff shall conduct an initial assessment to determine if the inquiry is jurisdictional ~~and presents a prima facie case of discrimination.~~ The inquiry may be dismissed by the Director without further action if it ~~fails to adequately allege a violation of this ordinance, is non-jurisdictional, or is otherwise deficient on its face.~~
- (3) If the inquiry is not dismissed, ~~the Director shall authorize the aggrieved individual to file a formal complaint of discrimination with the Office of Human Rights.~~
- (4) ~~Upon receiving authorization from the Director to file,~~ any person claiming to be aggrieved by an unlawful discriminatory housing practice may file a complaint in writing with the Office of Human Rights not more than one year (365 calendar days) following the alleged discriminatory act. The complaint shall be in such detail as to substantially apprise any party properly concerned as to the time, place, and facts surrounding the alleged unlawful discrimination.
- (5) ~~Upon a majority vote of its members, the Human Rights Commission may request the Director of the Commission to file a complaint of an identified systemic, discriminatory housing practice despite there being no named complainant, but factual evidence exists to support a prima facie case of practice to have occurred. The Director shall follow the complaint and investigation procedures for fair housing complaints under this section. Where the Commission identifies a systemic, discriminatory housing practice, the Commission may, upon majority vote of its members, request that the Director file a complaint of housing discrimination in situations where there is no named complainant. The Director, on the Director's own initiative, may also file such a complaint.~~
- (6) The Director may also investigate housing practices to determine whether a complaint should be brought under this section.
- (7) If the City of Charlottesville is the named respondent in an inquiry of housing discrimination received by Office of Human Rights, the Director shall dismiss the inquiry as non-jurisdictional and inform the aggrieved individual of the option to file with an appropriate state or federal agency.
- (8) If a current or former City of Charlottesville Human Rights Commissioner is a party to an inquiry of housing discrimination received by the Office of Human Rights, and the case is jurisdictional ~~and presents a prima facie case of discrimination,~~ the Director may ~~authorize the filing of a complaint and attempt to resolve it~~ the complaint through alternative dispute resolution, and/or, If the complaint cannot be

resolved through alternative dispute resolution, the Director shall administratively close the case and inform the aggrieved individual of the option to file with an appropriate state or federal agency.

(9) Upon the filing of such a complaint,

(A) ~~If the complaint is not dismissed, the complainant wishes to pursue further action, and further action is authorized by the Director, the~~ The Director shall serve notice upon the aggrieved person acknowledging such filing and advising the aggrieved person of the time limits and choice of forums provided under this ordinance.

(B) The Director shall, not later than ten (10) calendar days after such filing or the identification of an additional respondent ~~under section 2-437.2(a)(10),~~ serve on the respondent a notice identifying the alleged discriminatory housing practice and advising such respondent of the procedural rights and obligations of respondents under this ordinance, together with a copy of the original complaint.

(C) Each respondent may file, not later than ten (10) calendar days after receipt of notice from the Director, an answer to such complaint.

(D) The Office of Human Rights shall commence proceedings with respect to the complaint before the end of the thirtieth (30th) calendar day after receipt of the complaint.

(10) Complaints and answers shall be under oath or affirmation and may be reasonably and fairly amended at any time.

(11) A person who is not named as a respondent in a complaint, but who is identified as a respondent in the course of investigation, may be joined as an additional or substitute respondent upon written notice to such person, from the Director. Such notice shall explain the basis for the Director's belief that the person to whom the notice is addressed is properly joined as a respondent.

(12) Under this section, all decision-making authority with respect to acceptance and investigation of a complaint, approval of a conciliation agreement, dismissal of a complaint, final administrative disposition of a complaint, and/or decision-making regarding whether a particular matter will or will not be pursued shall be held by staff of the Office of Human Rights.

(b) Further action

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

(2) It shall be the responsibility of the aggrieved individual to provide current and updated contact information to the Office of Human Rights from the date of filing through the completion of any further action.

(3) If, during the process of informal dialogue, mediation, conciliation, or investigation, the complainant does not respond to communication or requests for information from the Investigator for a period of thirty (30) calendar days, the Director shall serve written notice on the complainant that the case will be administratively closed if the complainant does not respond within thirty (30) calendar days of the date the written notice is issued.

- (4) The complainant may, following the administrative closure of the case, re-file the complaint at a future date, provided that the complaint is filed within three hundred sixty-five (365) calendar days of the alleged discriminatory event detailed in the original complaint.
 - (5) If, during the process of informal dialogue, mediation, conciliation, or investigation, the respondent does not respond to communication or requests for information from the Investigator for a period of thirty (30) calendar days, the Director may serve written notice on the respondent that the investigation may proceed without the requested information and that a determination on the case shall be rendered upon completion of the investigation.
- (c) Alternative dispute resolution (in accordance with 42 U.S.C. § 3610 and 24 C.F.R. §115.204)
- (1) ~~If the Director determines that further action on a complaint is appropriate, during~~ During the period beginning with the filing of such complaint and ending with the filing of a charge or a dismissal by the Director, the Director ~~or their designee~~ shall, to the extent feasible, engage in informal dialogue, mediation, or conciliation with respect to such complaint.
 - (A) For the purposes of this section, informal dialogue shall refer to a voluntary meeting between the complainant and respondent to explore resolution that does not result in a written settlement agreement.
 - (B) For the purposes of this section, mediation shall refer to a facilitated dialogue resulting in a written settlement agreement between the respondent and complainant.
 - (C) For the purposes of the section, conciliation shall refer to a facilitated dialogue resulting in a written settlement agreement between the respondent, complainant, and the City, and such agreement shall be subject to approval by the Director.
 - (2) The Director shall propose an initial meeting between the parties for the purpose of exploring a resolution of the complaint through voluntary informal dialogue, mediation, or conciliation.
 - (3) Nothing herein shall be interpreted as requiring any party to participate in informal dialogue, mediation, conciliation, or any other resolution efforts.
 - (4) Materials used and communications made during informal dialogue, mediation, or conciliation concerning a complaint of unlawful discrimination shall be confidential and shall not be disclosed to the public by the Director, the Commission, or Office of Human Rights staff unless disclosure is authorized in writing by all parties to the dispute.
 - (5) If informal dialogue is concluded to the satisfaction of the complainant, the complaint will be considered resolved upon the complainant's written or verbal withdrawal of the complaint.
 - (6) If the mediation or conciliation is concluded to the satisfaction of both parties, the complaint will be considered resolved upon the parties' execution of a written settlement agreement. Unless all parties agree otherwise, the execution of a written agreement is solely for the purpose of settling a disputed claim and does not constitute an admission by any party that the law or this ordinance has been violated. No further action on the initial complaint will be taken by the Commission or the Office of Human Rights staff once the agreement is executed.

- (7) If informal dialogue, mediation, or conciliation is not successful ~~and the complainant wishes to pursue further action~~, the Director or designee ~~may~~ shall conduct a ~~formal~~ an investigation.
- (8) ~~If further investigation is not warranted, the Director may dismiss the complaint as not constituting a violation and promptly serve written notice of the dismissal on the complainant and respondent.~~
- (9) Concurrent with the investigation or after release of the investigative report, a conciliation agreement arising out of such complaint shall be an agreement between the respondent, the complainant, and the City of Charlottesville, and shall be subject to approval by the Director.
 - (A) Each conciliation agreement shall be made public unless the parties otherwise agree and the Director determines that disclosure is not required to further the purposes of this Ordinance.
 - (B) Notwithstanding the foregoing requirements for mutual agreement to publication of a conciliation agreement, the City of Charlottesville may provide a copy of the conciliation agreement as otherwise required by operation of law.
- (d) Failure to comply with conciliation agreement (in accordance with 42 U.S.C. § 3610 and 24 C.F.R. §115.204)
 - (1) Whenever the Director has reasonable cause to believe that a respondent has breached a conciliation agreement, the Director shall refer the matter to the City Attorney's Office for enforcement. The City Attorney is authorized by City Council to take such action as is necessary to enforce the agreement, including the hiring of an Attorney to enforce the rights granted under this ordinance in a Court of competent jurisdiction at the City's sole expense.
- (e) Investigation (in accordance with 42 U.S.C. § 3610 and 24 C.F.R. §115.204)
 - (1) ~~If the Director determines that a formal investigation into the complaint is warranted,~~ Upon the filing of a complaint under this section, the Director shall assign an Investigator to make an investigation of the alleged discriminatory housing practice and complete such investigation within one hundred (100) calendar days after the filing of the complaint, unless it is impracticable to do so.
 - (2) If the Investigator is unable to complete the investigation within one hundred (100) calendar days after the filing of the complaint, the Director shall notify the complainant and respondent in writing of the reasons for not doing so.
 - (3) Statements received by the Investigator from the complainant, respondents, and witnesses as part of a ~~formal~~ an investigation shall be under oath or affirmation and may be reasonably and fairly amended at any time.
 - (4) When conducting an investigation of a complaint filed under this ordinance, the Investigator shall have the right to interview any person who may have any information which may further ~~its~~ the investigation and to request production of any records or documents for inspection and copying in the possession of any person which may further the investigation. Such persons shall be interviewed under oath. The Director or ~~its~~ designated subordinates shall have the authority to collect, inspect, and copy records under this ordinance.
 - (5) In accordance with 42 U.S.C. §3611, if during an investigation any person refuses to comply with a request by the Director or Office staff to produce data, information,

documents, or other tangible evidence or refuses to appear as a witness for the gathering of evidence necessary to determine whether a violation of this ordinance has occurred, the Director, after a good faith effort to obtain such evidence or attendance of witnesses, may ~~request the City Attorney to~~ petition a court of appropriate jurisdiction for a subpoena against any such person refusing to produce such evidence or refusing to appear as a witness, and such court may, upon good cause shown, cause the subpoena to be issued.

- (A) Said subpoenas and requests for information may be ordered to the same extent and subject to the same limitations as would apply if the subpoenas or requests for information were ordered or served as part of a civil action in the Commonwealth of Virginia.
 - (B) For purposes of this section, “person” includes any individual, partnership, corporation, association, legal representative, mutual company, joint stock company, trust, unincorporated organization, employee, employer, employment agency, labor organization, joint labor-management committee, or an agent thereof.
 - (C) ~~Neither the Commission nor the Office shall have the power itself to issue subpoenas under this article.~~
 - (D) Neither the complainant nor the respondent shall have the right to demand that a subpoena be issued.
 - (E) Any witness subpoena issued under this section shall include a statement that any statements made will be under oath and that the respondent or other witness is entitled to be represented by an attorney.
 - (F) Any person failing to comply with a subpoena issued under this section shall be subject to punishment for contempt by the court issuing the subpoena. Any person so subpoenaed may petition the Charlottesville Circuit Court ~~court~~ to quash the subpoena.
 - (G) In case of refusal or neglect to obey a subpoena, the Director may petition for its enforcement in the Circuit Court of the City of Charlottesville. The Circuit Court of the City of Charlottesville will be requested to give these cases priority on the court docket.
- (6) At the end of each investigation under this section, the Investigator shall prepare a final investigative report containing:
- (A) the names and dates of contacts with witnesses;
 - (B) a summary and the dates of correspondence and other contacts with the aggrieved person and the respondent;
 - (C) a summary description of other pertinent records;
 - (D) a summary of witness statements; and
 - (E) answers to questions submitted during the course of the investigation, where applicable.
- (7) A final report under this paragraph may be amended if additional evidence is later discovered.
- (f) Prohibitions and requirements with respect to disclosure of information (in accordance with 42 U.S.C. § 3610 and 24 C.F.R. §115.204)

- (1) Nothing said or done in the course of conciliation under this subchapter may be made public or used as evidence in a subsequent proceeding under this subchapter without the written consent of the parties to the conciliation.
 - (2) Notwithstanding Sec. 2-440., the Director shall make available to the aggrieved person and the respondent, at any time, upon request following completion of the investigation, information derived from an investigation and any final investigative report relating to that investigation, such information shall be redacted to exclude any personal identifying information protected from disclosure by state or federal law.
- (g) Prompt judicial action (in accordance with 42 U.S.C. § 3610 and 24 C.F.R. §115.204)
- (1) If the Director, in consultation with the City Attorney, concludes at any time following the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this subchapter, the Director may refer the matter to the City Attorney with a request for appropriate temporary or preliminary relief pending final disposition of the complaint under this section. Upon receipt of authorization from the City Manager, the City Attorney shall promptly commence and maintain such an action, as needed. Any temporary restraining order or other order granting preliminary or temporary relief shall be issued in accordance with the authority granted by a Court of competent jurisdiction. The commencement of a civil action under this subsection does not affect the initiation or continuation of further action, as authorized by the Director under this ordinance.
 - (2) Whenever the Director, in consultation with the City Attorney, has reason to believe that a basis may exist for the commencement of proceedings against any respondent by any governmental licensing or supervisory authorities, the Director shall transmit the information upon which such belief is based to the City Attorney or to such other agency or authority with appropriate jurisdiction.
- (h) Reasonable cause determination and effect (in accordance with 42 U.S.C. § 3610 and 24 C.F.R. §115.204)
- (1) The Director shall, within one hundred (100) calendar days after the filing of the complaint, determine based on the facts whether reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, unless it is impracticable to do so, or unless the Director has approved a conciliation agreement with respect to the complaint. If the Director is unable to make the determination within one hundred (100) calendar days after the filing of the complaint, the Director shall notify the complainant and respondent in writing of the reasons for not doing so.
 - (A) The Commission and/or Office shall make a final administrative disposition of a complaint filed under this section within one year (365 calendar days) of the date of receipt of a complaint, unless it is impracticable to do so. If the Commission and/or Office is unable to do so, it shall notify the parties, in writing, of the reasons for not doing so.
 - (2) If the Director determines that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the Director shall, unless a resolution has been reached through informal dialogue, mediation, or conciliation, immediately render a determination on behalf of the aggrieved person.
 - (3) If the Director, in consultation with the City Attorney, renders a determination of reasonable cause on behalf of the aggrieved person, the Director shall issue a charge on behalf of the aggrieved person for further civil action proceedings. Such charge:

- (A) shall consist of a short and plain statement of the facts upon which the Director has found reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur;
 - (B) shall be based on the final investigative report; and
 - (C) need not be limited to the facts or grounds alleged in the complaint filed under Sec. 2-437.2.(a).
- (4) If the Director, in consultation with the City Attorney, determines that the matter involves the legality of any State or local zoning or other land use law or ordinance, the Director shall immediately refer the matter to the City Attorney with a recommendation for appropriate civil action instead of issuing such charge.
- (5) If the Director determines that there is insufficient reasonable cause to believe a violation of this ordinance has been committed, the Director shall dismiss the complaint and advise the complainant in writing that such dismissal shall become final unless, within ten (10) calendar days of receipt of the notice of dismissal, the complainant files with the Commission a request for a review of the determination of the Director.
- (6) The Director may not issue a charge under this section regarding an alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under an Act of Congress or a State law, seeking relief with respect to that discriminatory housing practice.
- (i) Service of copies of charge (in accordance with 42 U.S.C. § 3610 and 24 C.F.R. §115.204)
 - (1) After the Director issues a charge under this section, the Director shall cause a copy thereof, together with information as to how to make an election of judicial determination under this ordinance and the effect of such an election, to be served:
 - (A) on each respondent named in such charge, together with a notice of opportunity for ~~an appeal~~ a public administrative hearing by the Commission, under section 2-439.1 of this ordinance, at a time and place specified in the notice, unless that election is made; and
 - (B) on each aggrieved person on whose behalf the complaint was filed.
- (j) Election of judicial determination (in accordance with 42 U.S.C. § 3612)
 - (1) When a charge is filed under section 2-437.2. of this ordinance, a complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed, may elect to have the claims asserted in that charge decided in a civil action in lieu of a public administrative hearing by the Commission under Sec. 2-439.1. The election must be made not later than twenty (20) calendar days after the receipt by the electing person of service of copies of the charge or, in the case of the Director, not later than twenty (20) calendar days after such service. The person making such election shall give notice of doing so to the Director and to all other complainants and respondents to whom the charge relates.
- (k) Civil action for enforcement when a charge is issued or election is made for such civil action (in accordance with 42 U.S.C. § 3612)
 - (1) If an election of judicial determination is made, ~~the Director shall authorize, not later than thirty (30) calendar days after the authorization or election is made,~~ the City Attorney ~~to~~ shall commence and maintain; a civil action on behalf of the aggrieved person in a Court of competent jurisdiction seeking relief to this subsection, not later

than thirty (30) calendar days after the authorization or election is made.

(A) For the purposes of pursuing a civil action under this section, the City Attorney is authorized to contract qualified legal counsel on behalf of the City at the City's sole expense.

- (2) Any aggrieved person with respect to the issues to be determined in a civil action under this subsection may intervene as of right in that civil action.
- (3) In a civil action under this subsection, if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may grant as relief any relief with respect to such discriminatory housing practice in a civil action under 42 U.S.C. § 3613. Any relief so granted that would accrue to an aggrieved person in a civil action commenced by that aggrieved person under 42 U.S.C. § 3613 shall also accrue to that aggrieved person in a civil action under this subsection.

(l) Civil action by private persons (in accordance with 42 U.S.C. § 3613)

- (1) An aggrieved person, regardless of the status of the complaint, may commence a civil action in a Court of competent jurisdiction within the City of Charlottesville not later than two (2) years after the occurrence or the termination of an alleged discriminatory housing practice, or the breach of a conciliation agreement entered into under this subchapter, whichever occurs last, to obtain appropriate relief with respect to such discriminatory housing practice or breach.
- (2) The computation of such 2-year period shall not include any time during which an administrative proceeding under this subchapter was pending with respect to a complaint or charge under this subchapter based upon such discriminatory housing practice. This subparagraph does not apply to actions arising from a breach of a conciliation agreement.
- (3) An aggrieved person may commence a civil action under this subsection whether or not a complaint has been filed under Sec. 2-437.2.(a) of this ordinance and without regard to the status of any such complaint, but if the Director has obtained a mediation or conciliation agreement with the consent of an aggrieved person, no action may be filed under this subsection by such aggrieved person with respect to the alleged discriminatory housing practice which forms the basis for such complaint except for the purpose of enforcing the terms of such an agreement.

(m) Relief which may be granted (in accordance with 42 U.S.C. § 3612 and 24 C.F.R. § 115.204)

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

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

- (i) in an amount not exceeding \$10,000 if the respondent has not been adjudged to have committed any prior discriminatory housing practice;
- (ii) in an amount not exceeding \$25,000 if the respondent has been adjudged to have committed one other discriminatory housing

practice during the 5-year period ending on the date of the filing of this charge; and

(iii) in an amount not exceeding \$50,000 if the respondent has been adjudged to have committed 2 or more discriminatory housing practices during the 7-year period ending on the date of the filing of this charge; except that if the acts constituting the discriminatory housing practice that is the object of the charge are committed by the same natural person who has been previously adjudged to have committed acts constituting a discriminatory housing practice, then the civil penalties may be imposed without regard to the period of time within which any subsequent discriminatory housing practice occurred.

(2) In a civil action, the court, in its discretion, may allow the prevailing party, other than the City of Charlottesville, a reasonable attorney's fee and costs.

(3) Relief granted under this section shall not affect any contract, sale, encumbrance, or lease consummated before the granting of such relief and involving a bona fide purchaser, encumbrancer, or tenant, without actual notice of the filing of a complaint with the Director or civil action under this subchapter.

(n) Intervention by the City

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

(o) Contracted services

(1) In order to fulfill the requirements of this section, the City Manager or their designee is authorized to contract on behalf of the City with any objective, neutral third party ~~qualified to assess allegations of discrimination under this section~~ for the purpose of conducting informal dialogue or mediation with respect to resolution of alternative dispute resolution of complaints and advising the Director of the Commission of the results of such proceedings.

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

(a) Complaints and answers

(1) The Director shall develop and implement a central intake procedure to be used by the Office of Human Rights for receiving and processing individual inquiries that allege an unlawful, discriminatory public accommodation, credit, or private education practice ~~within the jurisdiction of the City.~~

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

(3) If the inquiry is not dismissed, ~~the Director shall authorize the aggrieved individual to file a formal complaint of discrimination with the Office of Human~~

~~Rights.~~

- (4) ~~Upon receiving authorization from the Director to file,~~ any person claiming to be aggrieved by an unlawful, discriminatory public accommodation, credit, or private education practice may file a complaint in writing with the Office of Human Rights not more than 180 calendar days following the alleged discriminatory act. The complaint shall be in such detail as to substantially apprise any party properly concerned as to the time, place, and facts surrounding the alleged unlawful discrimination.
- (5) For complaints alleging an unlawful, discriminatory public accommodation, credit, or private education practice within the jurisdiction of the City, ~~defined herein as within the corporate limits of the City and as authorized by state and federal statutes,~~ the Director or other designated professional staff are authorized to undertake further action as detailed in Sec. 2- 437.3.(b).
- (6) For inquiries alleging an unlawful, discriminatory public accommodation, credit, or private education practice that falls outside the jurisdiction of the City, the Director or other designated professional staff shall dismiss the inquiry as non-jurisdictional and inform the aggrieved individual of the option to file with an appropriate state or federal agency.
- (7) If the City of Charlottesville is the named respondent in an inquiry of public accommodation, credit, or private education discrimination received by Office of Human Rights, the Director or other designated professional staff shall dismiss the inquiry as non-jurisdictional and inform the aggrieved individual of the option to file with an appropriate state or federal agency.
- (8) If a current or former City of Charlottesville Human Rights Commissioner is a party to an inquiry of public accommodation, credit, or private education discrimination received by the Office of Human Rights, and the case is jurisdictional ~~and presents a prima facie case of discrimination,~~ the Director may ~~authorize the filing of a complaint and attempt to resolve it~~ the complaint through alternative dispute resolution, ~~and/or. If the complaint cannot be resolved through alternative dispute resolution, the Director shall administratively close the case and~~ inform the aggrieved individual of the option to file with an appropriate state or federal agency.
- (9) Upon the filing of a ~~formal~~ complaint of discrimination, ~~if the complainant wishes to pursue further action, and further action is authorized by the Director,~~ the Director shall serve notice of the complaint on the complainant and each respondent named therein. Said notice shall be served in a timely manner and specify the allegation, citing the evidence that supports further action, advising all parties ~~the complainant~~ of the time limits and choice of forums under this ordinance, and indicating the action to be taken.

(b) Further action

- (1) Further action for public accommodation, credit, or private education discrimination complaints, as authorized by this ordinance, may include informal dialogue, and/or ~~formal~~ investigation of the complaint, ~~as deemed appropriate by the Director.~~
- (2) ~~If the Director determines that further action on a complaint is appropriate, during the period beginning with the filing of such complaint and ending with the rendering of a determination or a dismissal by the Director, the Director or their designee~~

~~shall, to the extent feasible, engage in informal dialogue or mediation with respect to such complaint.~~

- (3) It shall be the responsibility of the aggrieved individual to provide current and updated contact information to the Office of Human Rights from the date of filing through the completion of any further action.
- (4) If, during the process of informal dialogue, mediation, the Director shall serve written notice on the complainant that the case will be administratively closed if the complainant does not respond within thirty (30) calendar days of the date written notice is issued.
- (5) The complainant may, following the administrative closure of the case, re-file the complaint at a future date, provided that the complaint is filed within one hundred and eighty (180) calendar days of the alleged discriminatory event detailed in the original complaint.
- (6) If, during the process of informal dialogue, mediation or investigation, the respondent does not respond to communication or requests for information from the Investigator for a period of thirty (30) calendar days, the Director may serve written notice on the respondent that the investigation may proceed without the requested information and that a determination on the case shall be rendered upon completion of the investigation.

(c) Alternative dispute resolution

- (1) During the period beginning with the filing of such complaint and ending with the rendering of a determination or a dismissal by the Director, the Director or their designee shall, to the extent feasible, engage in informal dialogue or mediation with respect to such complaint.
- (2) The Director shall propose an initial meeting between the parties for the purpose of exploring alternative dispute resolution of the complaint through voluntary informal dialogue or mediation.
 - (A) For the purposes of this section, informal dialogue shall refer to a voluntary meeting between the complainant and respondent to explore resolution that does not result in a written settlement agreement.
 - (B) For the purposes of this section, mediation shall refer to a facilitated dialogue resulting in a written settlement agreement between the respondent and complainant.
- (3) Nothing herein shall be interpreted as requiring any party to participate in informal dialogue, mediation, or any other resolution efforts.
- (4) Materials used and communications made during informal dialogue or mediation concerning a complaint of unlawful discrimination shall be confidential and shall not be disclosed to the public by the Director, the Commission, or Office of Human Rights staff unless disclosure is authorized in writing by all parties to the dispute.
- (5) If informal dialogue is concluded, the complaint shall be considered resolved upon the complainant's written or verbal withdrawal of the complaint.
- (6) If the mediation is concluded to the satisfaction of both parties, the complaint shall be considered resolved upon the parties' execution of a written settlement agreement. Unless all parties agree otherwise, the execution of a written agreement

is solely for the purpose of settling a disputed claim and does not constitute an admission by any party that the law or this ordinance has been violated. No further action on the initial complaint shall be taken by the Commission or the Office of Human Rights staff once the agreement is executed.

- (7) If informal dialogue or mediation is not successful, ~~and the complainant wishes to pursue further action,~~ the Director or designee ~~may~~ shall conduct ~~an~~ formal investigation.
- (8) ~~If further investigation is not warranted, the Director may dismiss the complaint as not constituting a violation and promptly serve written notice of the dismissal on the complainant and respondent.~~

(d) Investigation

- (1) ~~If the Director determines that a formal investigation into the complaint is warranted,~~ Upon the filing of a complaint under this section, the Director shall assign an Investigator to make an investigation of the alleged discriminatory practice for the purpose of rendering a written determination as to whether there is reasonable cause to believe a violation of this ordinance occurred and the facts supporting such determination.
- (2) The Investigator shall complete such investigation within one hundred and eighty (180) calendar days after the filing of the complaint unless it is impracticable to do so. If the Investigator is unable to complete the investigation within one hundred and eighty (180) calendar days after the filing of the complaint, the Director shall notify the complainant and respondent in writing of the reasons for not doing so.
- (3) Statements received by the Investigator from the complainant, respondents, and witnesses as part of ~~a formal~~ an investigation shall be under oath or affirmation and may be reasonably and fairly amended at any time.
- (4) When conducting an investigation of a complaint filed under this ordinance, the Investigator shall have the right to interview any person who may have any information which may further ~~its~~ the investigation and to request production of any records or documents for inspection and copying in the possession of any person which may further the investigation. Such persons shall be interviewed under oath. The Director or ~~its~~ designated subordinates shall have the authority to collect, inspect, and copy records under this ordinance.
- (5) If during an investigation any person refuses to comply with a request by the Director or Office staff to produce data, information, documents, ~~or~~ or other tangible evidence or refuses to appear as a witness for the gathering of evidence necessary to determine whether a violation of this ordinance has occurred, the Director, after a good faith effort to obtain such evidence or attendance of witnesses, ~~may request the City Attorney to~~ petition a court of appropriate jurisdiction for a subpoena against any such person refusing to produce such evidence or refusing to appear as a witness, and such court may, upon good cause shown, cause the subpoena to be issued.
 - (A) Said subpoenas and requests for information may be ordered to the same extent and subject to the same limitations as would apply if the subpoenas or requests for information were ordered or served as part of a civil action in the Commonwealth of Virginia.
 - (B) For purposes of this section, “person” includes any individual, partnership,

corporation, association, legal representative, mutual company, joint stock company, trust, unincorporated organization, employee, employer, employment agency, labor organization, joint labor-management committee, or an agent thereof.

~~(C) Neither the Commission nor the Office shall have the power itself to issue subpoenas under this article.~~

(D) Neither the complainant nor the respondent shall have the right to demand that a subpoena be issued.

(E) Any witness subpoena issued under this section shall include a statement that any statements made will be under oath and that the respondent or other witness is entitled to be represented by an attorney.

(F) Any person failing to comply with a subpoena issued under this section shall be subject to punishment for contempt by the court issuing the subpoena. Any person so subpoenaed may petition the Charlottesville Circuit Court ~~court~~ to quash the subpoena.

(G) In case of refusal or neglect to obey a subpoena, the Director may petition for its enforcement in the Circuit Court of the City of Charlottesville. The Circuit Court of the City of Charlottesville will be requested to give these cases priority on the court docket.

(6) Upon the conclusion of the ~~formal~~ investigation, the Investigator shall prepare an investigative report for submission to the Director.

(e) Reasonable cause determination and effect

(1) Upon completion of a ~~formal~~ an investigation and submission of the investigative report, the Director shall render a written determination of whether there is reasonable cause to believe a violation of this ordinance has been committed and the facts supporting such determination. The written determination shall promptly be served on the parties.

(2) If the Director determines that there is reasonable cause to believe that a violation of this ordinance has been committed, the Director shall immediately endeavor to eliminate any alleged unlawful discriminatory practice through informal dialogue or mediation.

(3) If the complaint cannot be resolved through informal dialogue or mediation, the Director shall proceed with the preparation of materials for consideration by the Commission for the purpose of holding a vote on whether to conduct a public administrative hearing on the complaint.

(4) Such materials shall include a copy of the written determination with the names and identifying information of the complainant, respondent, respondent's agents, and any witnesses redacted.

(5) Upon request by the Commission, the Director shall provide a copy of the full investigative report with the names and identifying information of the complainant, respondent, respondent's agents, and any witnesses redacted.

(6) If the Director determines that there is insufficient reasonable cause to believe a violation of this ordinance has been committed, the Director shall dismiss the complaint and advise the complainant in writing that such dismissal shall become final unless, within ten (10) calendar days of receipt of the notice of dismissal, the

complainant files with the Commission a request for a review of the determination of the Director.

(f) Contracted services

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

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

- (a) In accordance with 42 U.S.C. § 3617, it shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of having exercised or enjoyed, or on account of having aided or encouraged any other person in the exercise or enjoyment of, or on account of having filed a complaint of discrimination regarding any right granted or protected by this ordinance.
- (b) Any person experiencing such interference, coercion, intimidation, or retaliation in connection with a complaint of unlawful discrimination received or in process under this ordinance may file a retaliation complaint with the Office of Human Rights. The complaint shall be in such detail as to substantially apprise any party properly concerned as to the time, place, and facts surrounding the alleged unlawful retaliation.
- (c) Retaliation complaints shall be processed in the same manner as complaints of unlawful discrimination and such process shall be determined by the protected activity named in the original complaint to which the alleged retaliation is linked or by the protected activity in which the complainant was engaged and which was impacted by the alleged retaliation.

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

(a) ~~Public~~ Administrative hearings generally

- (1) The Commission shall serve as a ~~public~~ an administrative hearing body with the authority to review appeals and reasonable cause determinations for complaints of individual discrimination received and investigated by the Office of Human Rights.
- (2) In complaints of housing discrimination, if the Director determines that there is reasonable cause to believe a violation did occur, a charge is filed, and either party elects to pursue judicial determination through a civil action in a court of competent jurisdiction, under Sec. 2-437.2. of this ordinance, the Commission shall not hold a ~~public~~ an administrative hearing and any proceedings in process shall cease. If an election is not made, the Commission shall hold an administrative hearing on behalf of the complainant.
- (3) If a an administrative hearing is to be held, the Commission shall promptly notify the parties of the time, date, and location of the hearing and serve upon them a statement of the charges against the respondent, the Director's summary of the evidence and recommended remedies, and the issues to be considered at the hearing. The notice and statement shall be served no later than fourteen (14) calendar

days prior to the date of the hearing.

- (4) The Commission shall have the option to consider all of the allegations and issues set forth in the complaint or, in its discretion, may limit the scope of the administrative hearing to one or more of the allegations or issues.
- (5) ~~Hearings~~ Administrative hearings of the Commission may be held before the entire Commission or before designated hearing panels, consisting of three or more members of the Commission, as the Commission in its discretion may determine. The Chair or a Commissioner designated by the Chair shall preside over the ~~public~~ hearing, which shall be open to the public.
- (6) Prior to the ~~public~~ administrative hearing, the Director shall provide the Commission with a copy of the investigative report and any findings or determinations resulting from the investigation. During ~~a public~~ an administrative hearing, the Commission shall base its findings and recommendations on a review of the existing record and any additional evidence acquired by the Commission, at its discretion through the Office of Human Rights, prior to the hearing. Neither party to the complaint shall be entitled to submit unsolicited written statements or arguments, present oral defense or documentary evidence, or conduct cross examinations during the ~~public~~ administrative hearing.
- (7) Any investigative report, findings, determinations, or additional evidence provided to the Commission by the Office of Human Rights for purposes of ~~a public~~ an administrative hearing shall be redacted to remove any personal identifying information in accordance with Va. Code Ann. § 2.2-3800 et seq.
- (8) The Commission shall keep a full record of the administrative hearing, and such record shall be public and open to inspection by any person unless otherwise provided by any applicable law or regulations. Any party may request that the Commission furnish such party a copy of the hearing record and shall reimburse the Commission for the cost of producing the copy.
- (9) In matters where any party is represented by counsel, the office of the City Attorney shall provide an attorney as counsel to the Commission who will also assist the Director in preparing the case.
- (10) Whenever the Commission requires additional evidence to determine whether reasonable cause exists to believe any person has engaged in or is engaging in any unlawful discriminatory practice, and the Commission, after a good faith effort to obtain such evidence or attendance of witnesses through the Office of Human Rights, may ~~request the City Attorney to~~ petition a court of appropriate jurisdiction for a subpoena against any such person refusing to produce such evidence or refusing to appear as a witness, and such court may, upon good cause shown, cause the subpoena to be issued.
 - (A) Said subpoenas and requests for information may be ordered to the same extent and subject to the same limitations as would apply if the subpoenas or requests for information were ordered or served as part of a civil action in the Commonwealth of Virginia.
 - (B) For purposes of this section, “person” includes any individual, partnership, corporation, association, legal representative, mutual company, joint stock company, trust, unincorporated organization, employee, employer, employment agency, labor organization, joint labor-management committee, or an agent thereof.

- (C) ~~Neither the Commission nor the Office shall have the power itself to issue subpoenas under this article.~~
- (D) Neither the complainant nor the respondent shall have the right to demand that a subpoena be issued.
- (E) Any witness subpoena issued under this section shall include a statement that any statements made will be under oath and that the respondent or other witness is entitled to be represented by an attorney.
- (F) Any person failing to comply with a subpoena issued under this section shall be subject to punishment for contempt by the court issuing the subpoena. Any person so subpoenaed may petition the Charlottesville Circuit Court ~~court~~ to quash the subpoena.
- (G) In case of refusal or neglect to obey a subpoena, the Commission may petition for its enforcement in the Circuit Court of the City of Charlottesville. The Circuit Court of the City of Charlottesville will be requested to give these cases priority on the court docket.
- (11) The Commission shall have the authority to grant relief, as permitted under Virginia law, or to issue recommendations for appropriate remedies, for complaints reviewed during ~~a public~~ an administrative hearing. If, after the hearing, the Commission determines by a preponderance of the evidence that the respondent has committed or is committing the alleged violation(s) of this ordinance, the Commission shall state its findings in a written resolution and may issue recommendations, to be served promptly on the parties. Such recommendations may include:
- (A) the pursuit of remedies through alternative dispute resolution.
 - (B) a referral to the City Attorney for the consideration of potential civil action.
 - (C) notice to the respondent to cease and desist from such violation(s) and to take such action as may be authorized by law to effectuate the purpose of this ordinance, including but not limited to the payment by respondent of compensatory damages to any person or persons found by the Commission to be so entitled by reason of the violation(s) of this ordinance, or the placement or restoration of any person in or to such status in which the Commission finds they would be but for respondent's violation(s) of this ordinance.
- (12) If, after receiving the evidence presented at the administrative hearing, the Commission finds that the respondent has not engaged in the alleged violation(s) of this ordinance, the Commission shall state its findings in a written resolution and shall dismiss the complaint. Prompt notice of such action shall be given to the parties, and such dismissal shall be final.
- (13) Nothing herein shall be construed as authorizing the Commission to ~~issue subpoenas~~, award damages, or grant injunctive relief.
- (b) ~~Public~~ Administrative appeal hearings for ~~complainant appeals~~ determinations of no reasonable cause ~~determinations~~
- (1) The Commission shall serve as a due process appellate body with the authority to hear appeals of determinations of no reasonable cause rendered by the Director on complaints of individual discrimination received and investigated by the Office of Human Rights.

- (2) If the Director determines that there is insufficient reasonable cause to believe a violation of this ordinance has occurred, the Director shall dismiss the complaint and advise the complainant in writing that such dismissal shall become final unless, within ten (10) calendar days of receipt of notice of the dismissal, the complainant files with the Commission a request for a review of the determination of the Director.
- (3) On written petition of the complainant, the Commission shall hold ~~a public~~ an administrative appeal hearing to review the Director's conclusion and shall either overrule or affirm the finding of no reasonable cause.
- (4) If, at the conclusion of an administrative appeal hearing, the Commission determines by majority vote that reasonable cause exists, it shall prepare a written resolution that includes a summary of the evidence upon which the reversal of the Director's finding is based and recommendations for further action. The Director shall serve notice on both parties of the Commission's finding and pursue appropriate further action, per the Commission's resolution.
- (5) If, at the conclusion of an administrative appeal hearing, the Commission determines by majority vote that no reasonable cause exists, it shall prepare a written resolution upholding the Director's dismissal of the complaint, and such dismissal shall be final.

(c) ~~Public~~ Administrative hearings for determinations of reasonable cause

- (1) If the Director determines that there is reasonable cause to believe a violation did occur and either party declines to participate in alternative dispute resolution, or if such efforts are attempted but unsuccessful, the Director shall prepare a written summary of the evidence on which the determination of reasonable cause is based and shall recommend appropriate remedies for the discriminatory actions in a report to the Commission.
- (2) For determinations of reasonable cause regarding complaints of employment, public accommodation, credit, or private education discrimination, The the Commission shall determine by majority vote whether to hold ~~a public~~ an administrative hearing on the complaint. The Commission shall base its determination on its judgment as to how enforcement of this ordinance would be best served. If the Commission determines not to hold ~~a public~~ an administrative hearing, it shall either dismiss the complaint or take such action as it deems appropriate and consistent with the purposes of this ordinance and the powers of the Commission hereunder.
- (3) For determinations of reasonable cause regarding complaints of housing discrimination, the Commission shall proceed with an administrative hearing on behalf of the complainant if neither party elects to pursue judicial determination through a civil action in a court of competent jurisdiction.

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

- (a) If the Commission finds that a respondent has committed a violation of this ordinance and determines that appropriate remedial measures have not been taken, the Commission, through the City Attorney, and subject to approval by the City Council, may file an appropriate action in any court of competent jurisdiction to prove, *de novo*, that the respondent violated this chapter; secure compliance with this chapter; and/or obtain

appropriate relief available under any applicable federal or state statute or regulation including, but not limited to an award of injunctive relief, compensatory and / or punitive damages and a recovery of costs and attorney's fees for any person, including the City, injured as a result of a violation of this chapter.

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

Sec. 2-440. Confidentiality.

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

Sec. 2-441. Annual Report.

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

Sec. 2-442. Severability.

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

Sec. 2-443. ~~Reserved.~~ No waiver of other legal rights.

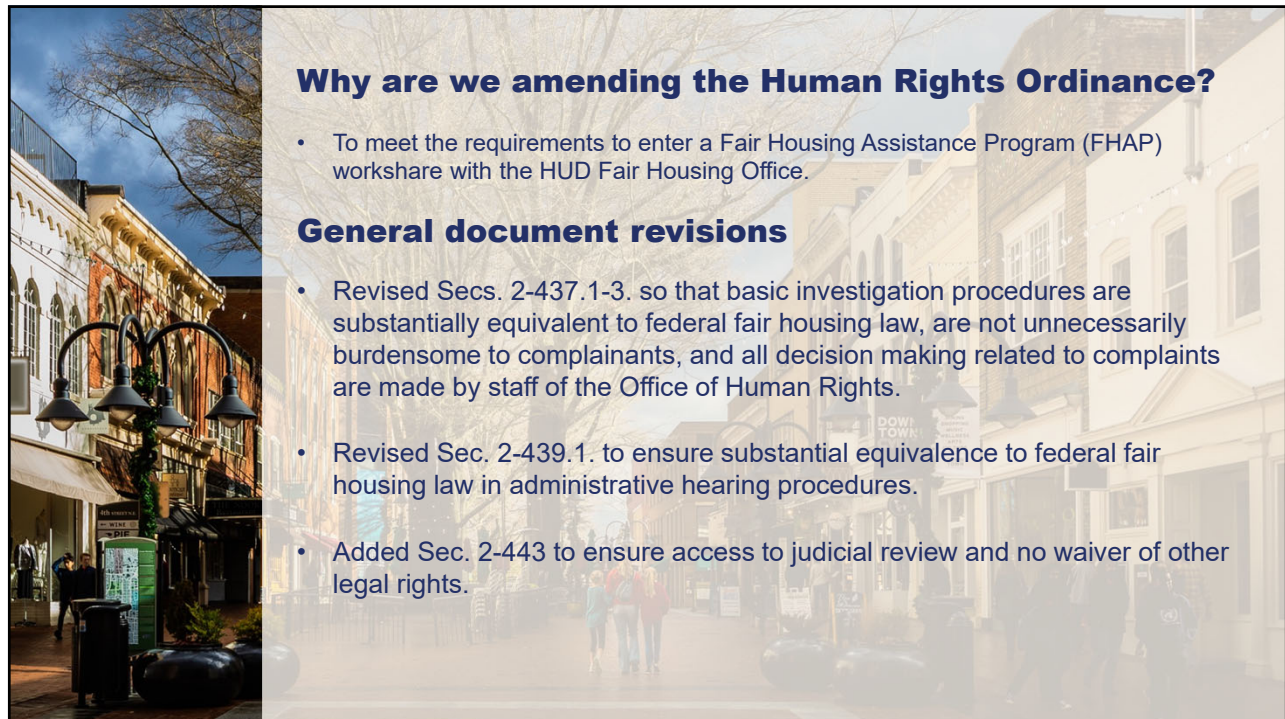
- (a) Any person who is aggrieved by an unlawful discriminatory practice may bring an appropriate action in a court of competent jurisdiction, including but not limited to a judicial review of a final decision made by the Commission or Office, as provided for by any other applicable law.
- (b) Nothing in this Chapter shall prevent any person from exercising any right or seeking any remedy to which the person might otherwise be entitled; nor shall any person be required to pursue any remedy set forth herein as a condition of seeking relief from any court or other agency, except as is otherwise provided by applicable Virginia or federal law.

Proposed Amendments to the Charlottesville Human Rights Ordinance

Presented by Todd Niemeier
Director, Human Rights Commission

City Council Regular Meeting January 6, 2024

1



Why are we amending the Human Rights Ordinance?

- To meet the requirements to enter a Fair Housing Assistance Program (FHAP) workshare with the HUD Fair Housing Office.

General document revisions

- Revised Secs. 2-437.1-3. so that basic investigation procedures are substantially equivalent to federal fair housing law, are not unnecessarily burdensome to complainants, and all decision making related to complaints are made by staff of the Office of Human Rights.
- Revised Sec. 2-439.1. to ensure substantial equivalence to federal fair housing law in administrative hearing procedures.
- Added Sec. 2-443 to ensure access to judicial review and no waiver of other legal rights.

2



Sec. 2-437.1. Investigation of individual employment discrimination complaints

- Removed language that placed undue burden on complainants.
- Made minor revisions to text organization.
- Modified the subpoena clause to match Sec. 2-437.2.

3



Sec. 2-437.2. Investigation of individual housing discrimination complaints

- Removed language that placed undue burden on complainants.
- Modified clause regarding agency-initiated complaints.
- Added additional timeframes and procedures required for substantial equivalence.
- Made minor revisions to text organization.
- Modified the subpoena clause for substantial equivalence.
- Clarified circumstances under which services can be contracted vs. internal

4



Sec. 2-437.3. Investigation of individual public accommodation, credit, and private education discrimination complaints

- Removed language that placed undue burden on complainants.
- Made minor revisions to text organization.
- Modified the subpoena clause to match Sec. 2-437.2.

5



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

- Added “administrative” as a descriptor for hearings by the Commission.
- Clarified that a public hearing shall proceed for findings of reasonable cause in housing cases when neither party elects judicial determination.
- Amended subpoena clauses for substantial equivalence.

Sec. 2-443. No waiver of other legal rights.

- Clarified that the ordinance does not preclude anyone from pursuing judicial review of an unlawful discriminatory practice.

6



7

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



Agenda Date:	January 6, 2025
Action Required:	No Action Required
Presenter:	Samuel Sanders, Jr., City Manager
Staff Contacts:	Samuel Sanders, Jr., City Manager Chris Cullinan, Director of Finance
Title:	Report on the FY24 Audit results

Background

Discussion

Alignment with City Council's Vision and Strategic Plan

Community Engagement

Budgetary Impact

Recommendation

Alternatives

Attachments

None

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



Agenda Date:	January 6, 2025
Action Required:	No Action Required
Presenter:	Kellie Brown, Director of NDS
Staff Contacts:	Kellie Brown, Director of NDS James Freas, Deputy City Manager
Title:	Report on Neighborhood Development Services Work Plan

Background

With multiple priorities emerging from adoption of the Development code in December 2024, this report provides a mid-year update on the FY25 NDS workplan and look ahead to potential priorities to plan for FY26.

Discussion

The presentation will provide an overview of the NDS organizational structure, accomplishments, key workplan considerations, workplan priorities, a look ahead to potential items for plan for in FY26.

Alignment with City Council's Vision and Strategic Plan

The NDS workplan is focused on achieving the goals of the Comprehensive Plan. while NDS engages in efforts that touch all strategic outcome areas, specific priorities are grouped by strategic outcome areas including organizational excellence, economic prosperity, climate and sustainability, housing, and transportation.

Community Engagement

Staff presented this work plan to Planning Commission on December 10, 2024. Comments and questions focused on monitoring development trends following adoption of the new Development Code.

Budgetary Impact

The NDS workplan includes potential consulting needs accounted for in the FY25 and FY26 budget.

Recommendation

Alternatives

Attachments

None

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



Agenda Date:	January 6, 2025
Action Required:	Establish regular meeting dates for 2025
Presenter:	Mayor
Staff Contacts:	Kyna Thomas, Clerk of Council
Title:	Resolution to establish days, times and places of Regular Meetings of the Charlottesville City Council during Calendar Year 2025

Background

Pursuant to Virginia Code Sec. 15.2-1416 local governing bodies shall convene in open meeting to approve a regular meeting schedule for the ensuing months, establishing the dates, times, and place(s) for regular meetings. Future meetings shall be held on such days as may be prescribed by resolution of the governing body but in no event shall less than six meetings be held in each fiscal year.

Discussion

Regularly scheduled Charlottesville City Council meetings take place on the first and third Mondays of each month in Council Chamber at City Hall, 605 E. Main Street. If a regularly scheduled Council meeting falls on a holiday, then the meeting will take place on Tuesday, the following business day. Meetings generally begin at 4:00 p.m. with a work session for hearing reports and presentations that do not require a vote, followed by a closed session (if needed), and a 6:30 p.m. business meeting.

The proposed schedule includes variances according to holidays, and Council may choose to make adjustments. Council in prior years chosen to take a summer break and has discussed holding only one meeting in months with major holidays such as November and December. The regular Council meeting schedule for 2025 may be modified after Council discussion. The approved schedule will be posted on the city website, in the local newspaper as the official public notice for City Council meetings, as well as at the Office of the Clerk of Council in City Hall.

Alignment with City Council's Vision and Strategic Plan

The timely discussion and public notice of meeting dates, times and location(s) aligns with the City's strategic outcome area of Organizational Excellence.

Community Engagement

n/a

Budgetary Impact

n/a

Recommendation

"I move the RESOLUTION establishing days, times and places of Regular Meetings of the Charlottesville City Council during Calendar Year 2025 with amendments as discussed."

Alternatives

none

Attachments

1. RES_2025 Regular CC Meeting Dates

RESOLUTION
Establishing Days, Times and Places of Regular Meetings of the
Charlottesville City Council During Calendar Year 2025

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA, THAT pursuant to Virginia Code Sec. 15.2-1416, the regular meetings of the Charlottesville City Council shall be conducted on the following days, times, and places during calendar year 2025:

DATES		
January 6, 2025	May 5, 2025	September 2, 2025 (<i>Tuesday</i>)
January 21, 2025 (<i>Tuesday</i>)	May 19, 2025	September 15, 2025
February 3, 2025	June 2, 2025	October 6, 2025
February 18, 2025 (<i>Tuesday</i>)	June 16, 2025	October 20, 2025
March 4, 2025 (<i>Tuesday</i>)	July 7, 2025	November 3, 2025
March 17, 2025	July 21, 2025	November 17, 2025
April 7, 2025	August 4, 2025	December 1, 2025
April 21, 2025	August 18, 2025	December 15, 2025

TIME: 4:00 p.m. work session
5:30 p.m. closed meeting (if called)
6:30 p.m. business meeting upon conclusion of the closed meeting agenda

LOCATION: City Hall Council Chamber
605 E. Main Street, 2nd Floor
Charlottesville, VA

BE IT FURTHER RESOLVED THAT any regular meeting may be adjourned from day to day, or from time to time, or from place to place, not beyond the day and time fixed by this resolution for the next regular meeting, until the business before this City Council is completed. Notice of any regular meeting continued in this manner shall be reasonable under the circumstances and shall be given as provided in subsection D of Virginia Code Section 2.2-3707.

BE IT FURTHER RESOLVED THAT, in the event that the Mayor, or the Vice Mayor if the Mayor is unavailable or otherwise unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend a regular meeting, that regular meeting shall be continued to the next business day on which the said hazardous conditions no longer exist. Such finding and declaration shall be communicated to all city councilors and to the

press as promptly as possible, along with the date and time on which the continued meeting will commence. All public hearings and other agenda matters previously advertised shall be conducted at the continued meeting with no further advertisement.