



CITY COUNCIL AGENDA October 3, 2022

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

4:00 PM OPENING SESSION

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

Call to Order/Roll Call

Agenda Approval

Reports

1. Report: Piedmont Virginia Community College update and introduction of President Runyon
2. Report: Charlottesville Climate Action Plan

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

6:30 PM BUSINESS SESSION

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

Moment of Silence

Announcements

Recognitions/Proclamations

Board/Commission

Appointments

Consent Agenda*

3. Minutes: August 15 Council meeting
4. Resolution: Virginia Department of Social Services (VDSS) Temporary Aid to Needy Families Grants - \$100,000 (2nd reading)
5. Resolution: Housing Opportunities for People with AIDS/HIV Grant Amendment - \$3,981 (2nd reading)
6. Resolution: Blue Ridge Area Coalition for the Homeless (BRACH) reimbursement of funds for staff costs to support the Homeless Information Line - \$15,381.60 (2nd reading)
7. Resolution: Appropriation of \$656,000 of CARES funding for Charlottesville Area Transit (2nd reading)

8. Resolution: Appropriation from Charlottesville Area Transit local funding to Thomas Jefferson Planning District Commission to support the Governance Study - \$30,000 (2nd reading)
9. Resolution: Appropriating Charlottesville Supplemental Rental Assistance Program (CSRAP) funding for the acquisition of 818 Montrose Avenue - \$355,000 (2nd reading)
10. Resolution: Appropriating Fiscal Year 2023 Fire Programs Aid to Locality (Firefund) - \$186,776.00 (1 of 2 readings)
11. Resolution: Appropriating Funding from the Virginia Department of Social Services for the Supplemental Nutrition Assistance Program Education & Training Program (SNAP E&T) Laptop Loaner Program (1 of 2 readings)
12. Resolution: Appropriating American Rescue Plan funds from the Commonwealth for Utility Bill Assistance - \$29,524.18 (1 of 2 readings)

City Manager Report

- Report: October update

Community Matters

Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration is available for the first 8 spaces at <https://www.charlottesville.gov/692/Request-to-Speak>. Speakers announced by Noon on meeting day (9:00 a.m. sign-up deadline). Additional public comment at end of meeting. Virtual participants must register to attend the meeting at www.charlottesville.gov/zoom.

Action Items

13. Public Hearing/Ord.: Air Rights Conveyance to University of Virginia for Pedestrian Bridge over Emmet Street (2nd reading)
14. Ordinance: Request for Vacation of Unaccepted Right-of-Way for Oak Street at 321 6th Street (3rd reading; deferred from August 15)
15. Public Hearing/Ord.: City Manager's Proposed Collective Bargaining Ordinance (2nd reading)



General Business

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

Other Business

Community Matters (2)

Adjournment



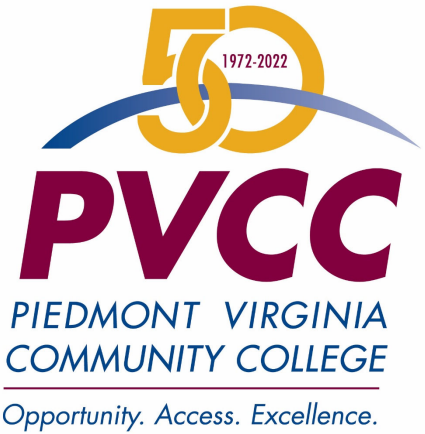
**Charlottesville City
Council**

October 3, 2022

**Jean Runyon
President
jrunyon@pvcc.edu**

Opportunity. Access. Excellence.

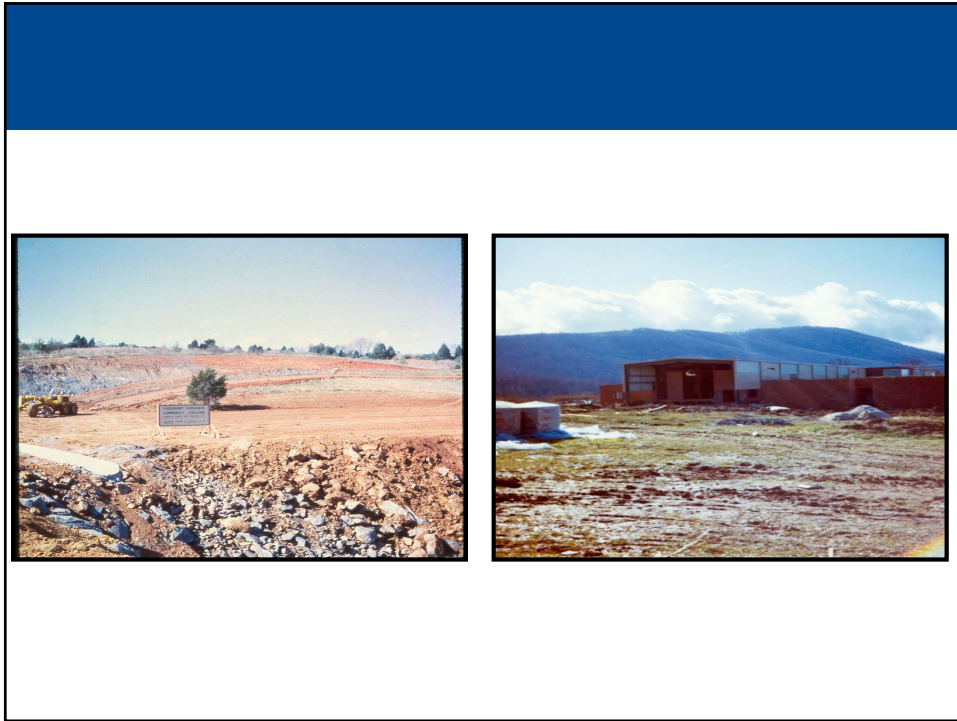
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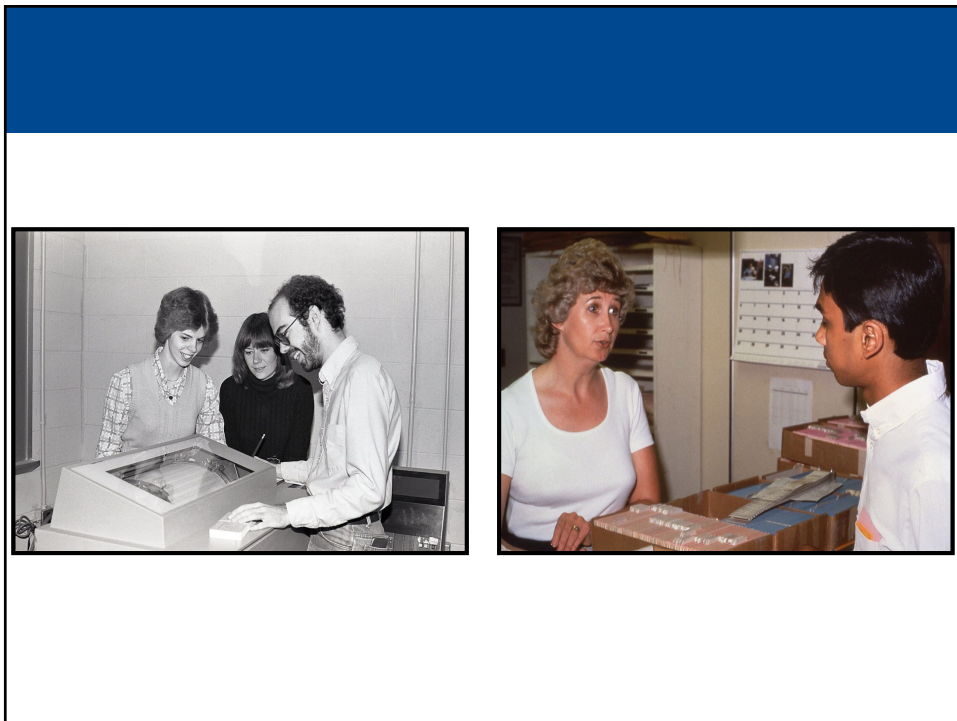
PVCC
PIEDMONT VIRGINIA
COMMUNITY COLLEGE

Opportunity. Access. Excellence.

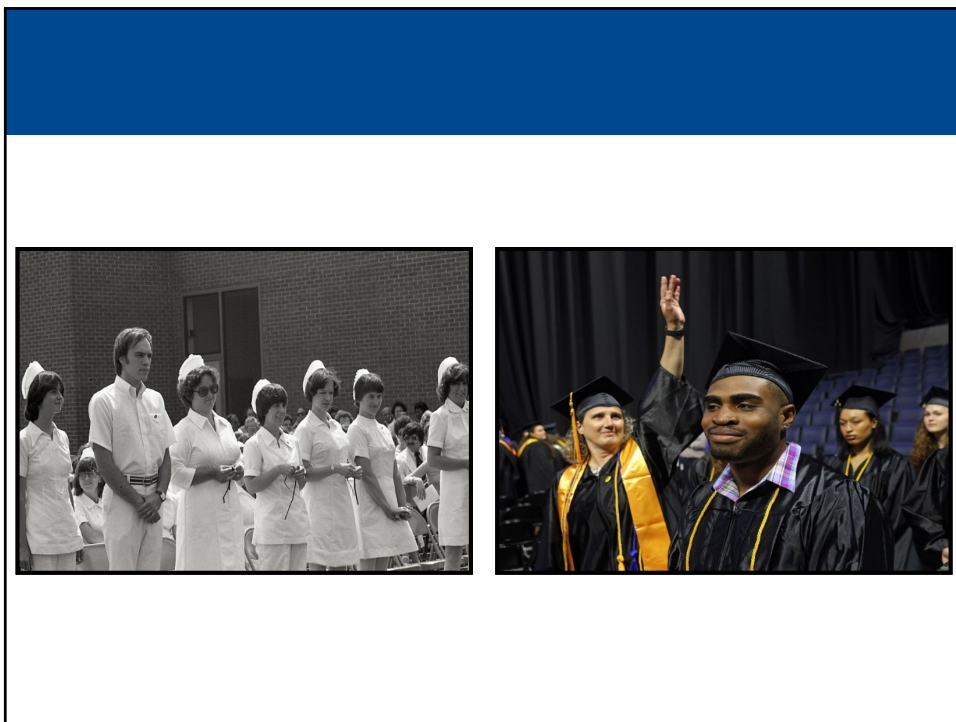
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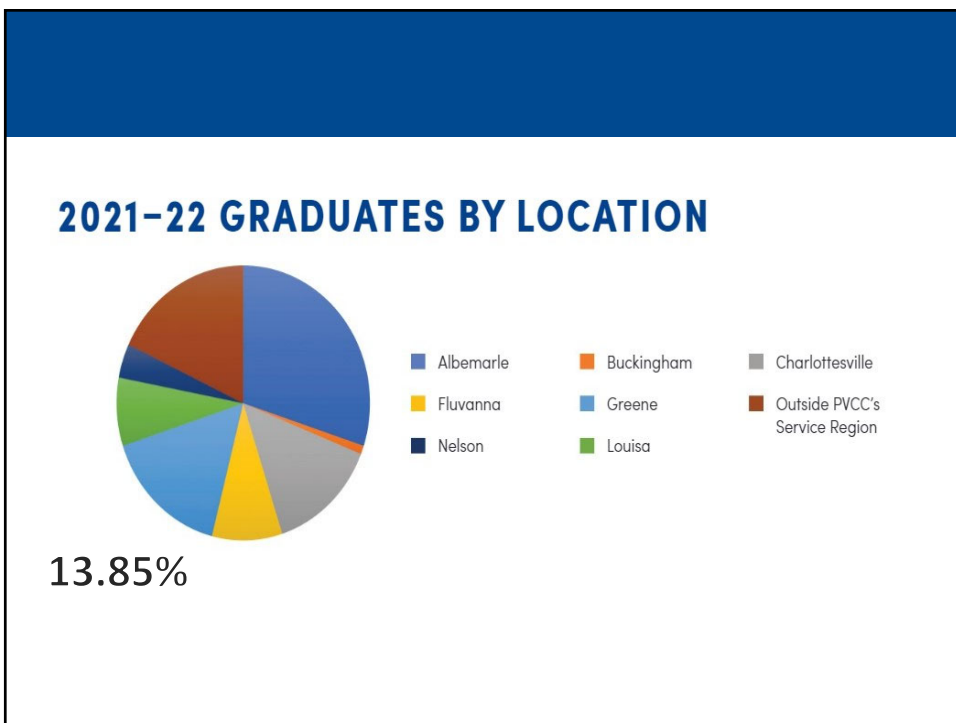
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4



5



6

Dual Enrollment (2021-2022)

- 192 students
- 21 course sections
- 1,081 credit hours



Charlottesville High School

7

Dual Enrollment (2021-2022)

- 66 students
- 18 course sections
- 435 credit hours



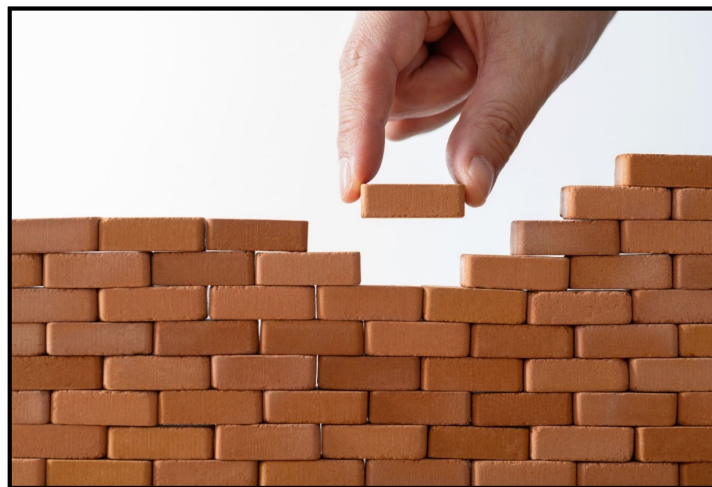
CATEC

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PVCC Workforce Services



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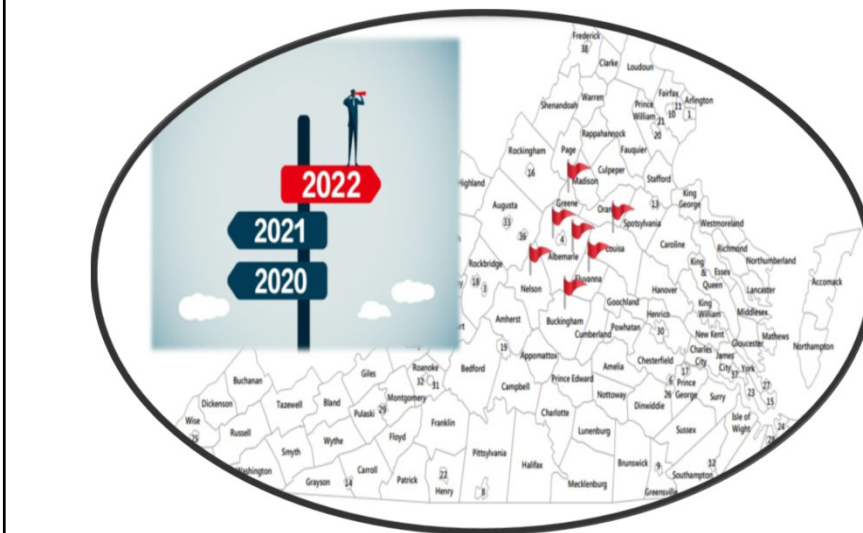
Bolick Advanced Technology & Student Success Center

*thank
you*



Opening January 2024

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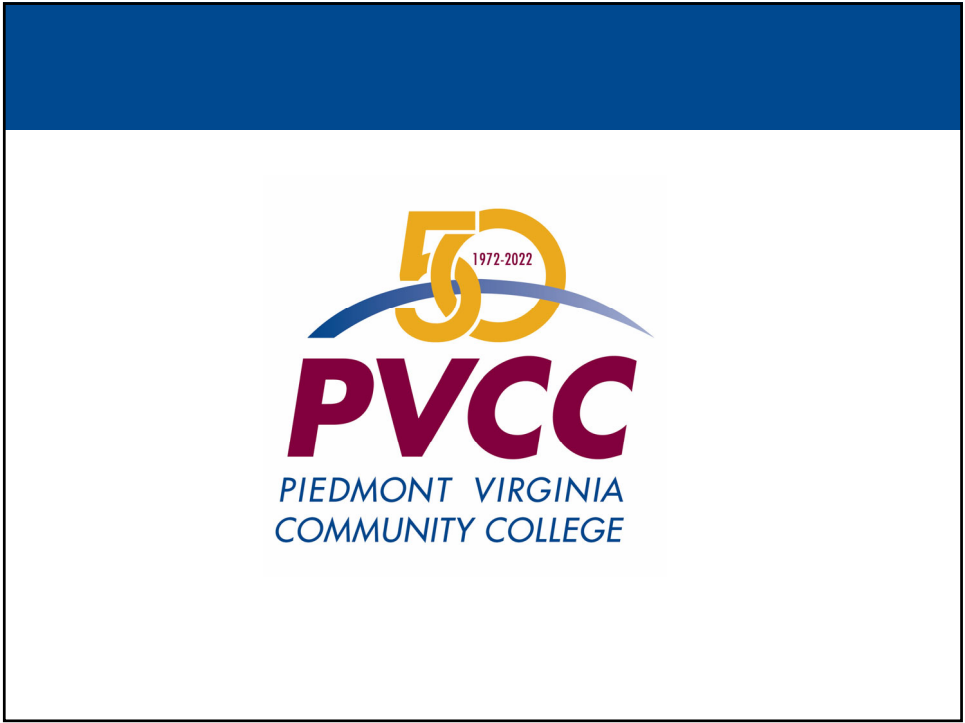


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We remain committed to our mission to offer accessible, affordable, high-quality educational programs that promote student success and community vitality.

14



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



Agenda Date:	October 3, 2022
Action Required:	Agreement to move forward with CAP rollout
Presenter:	Susan Elliott, Climate Program Manager
Staff Contacts:	Kristel Riddervold, Environmental Sustainability Manager Stacey Smalls, Director of Public Works
Title:	Charlottesville Climate Action Plan

Background

The City of Charlottesville committed to developing a Climate Action Plan (CAP) aimed to achieve its greenhouse gas (GHG) emissions reduction goals of 45% by 2030 and carbon neutrality by 2050. The CAP presents a strategic framework aimed to meet the 2030 goal, position Charlottesville to achieve its 2050 goal, and identify key actions to accomplish over the next 3-5 years.

Discussion

In April 2022, staff delivered to City Council a two-part presentation: an overview of the Climate Program's current and ongoing activities, and an update on the CAP's development, including preliminary plan content. Following that presentation, staff was directed to push forward with the development of the CAP, aiming for completion prior to commencement of this year's budget development process.

Charlottesville's CAP is the result of a multi-layered approach to inform the plan, including:

- Internal programmatic experience and expertise
- Greenhouse gas (GHG) inventory data and areas of impact
- Progress on GHG emission reduction goals
- City Council direction in the form of two resolutions listing items to ensure were included Past planning efforts such as the Local Climate Action Planning Process
- Public input on other City planning efforts, including Cville Plans Together (Affordable Housing Plan, Comprehensive Plan, and Zoning Ordinance Update)
- Review of peer communities' CAPs
- Professional networks / Best practices
- Policy guidance
- Staff input
- Direct community engagement in the form of:
 - Small group stakeholder sessions
 - Community workshops

- Community conversation on equity in climate action
- Community survey
- Listening sessions aimed at bringing new voices into the conversation
- Community town hall event
- Comments and recommendations submitted directly to staff by individuals and community organizations

The CAP document is organized into multiple chapters addressing the following topics:

- Introduction to climate planning and the role of GHG emissions in climate change
- Plan background and policy context
- Plan structure, reporting, and accountability mechanisms
- Charlottesville's GHG Emissions and opportunities for reductions
- Guides for action – including consideration of equity, co-benefits, and community involvement
- Strategies for Community Emissions and Municipal Emissions Sectors
- Leadership opportunities
- Emissions draw down and action areas beyond Charlottesville's GHG inventory
- Looking ahead to implementation, project/resource needs, and alignment with the City's concurrent Zoning Update

These sections include equity considerations, sub-goals, identified strategies with associated key actions for the next 3-5 years, climate action Fact Sheets to break down some of the more technical aspects, and an Abbreviations and Definitions reference.

[CLICK HERE to access the Charlottesville Climate Action Plan.](#)

Alignment with City Council's Vision and Strategic Plan

These efforts are in alignment with City Council's Green City Vision, the Strategic Plan: Goal 3 – A Beautiful and Sustainable Natural and Built Environment; and the Comprehensive Plan: Chapter 7 (Environment, Climate, and Food Equity).

Community Engagement

Since the initiation of the Climate Action Plan development process in the fall of 2020, the City has actively engaged with community members through a variety of means (summarized in Chapter 2 of the plan).

Budgetary Impact

While there are no immediate budgetary impacts associated with the adoption of this CAP, there are budgetary impacts associated with several of the Strategies and Key Actions. Some of these are summarized in Chapter 10 of the CAP. Annual assessments of which projects, programs, and other resources to pursue will be required.

Recommendation

Staff recommends that City Council support moving forward into implementation of the CAP, continuing to receive input and provide updates as a living document, and to pursue adoption as part of the Comprehensive Plan amendment process.

Alternatives

City Council could request additional development of the plan; this would result in further delay both regarding delivery of a plan document and implementation/action efforts.

Attachments

None

CHARLOTTESVILLE CITY COUNCIL MEETING

August 15, 2022 at 4:00 PM

In person: Council Chamber, 605 E. Main Street

Virtual/electronic: Zoom

The Charlottesville City Council met in regular session using a hybrid meeting format with limited public seating in Council Chamber and full electronic access via Zoom on Monday, August 15, 2022, in accordance with a local ordinance amended and re-enacted on March 7, 2022, to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency. Mayor Lloyd Snook called the meeting to order, noting all members present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade and Councilors Sena Magill, Michael Payne and Brian Pinkston.

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

REPORTS

1. Presentation: City Manager's Proposed Collective Bargaining Ordinance

Interim City Manager Michael C. Rogers introduced the presentation and individuals who helped to develop the proposed Collective Bargaining Ordinance.

Claude Bailey and Robin Burroughs representing Venable LLP provided a brief history of collective bargaining, a summary of the scope of collective bargaining for local jurisdictions, and a presentation of the proposed ordinance.

Per Virginia Code§ 40.1-57.2:

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

Mr. Rogers acknowledged this Ordinance as a first step and committed to a review of the collective bargaining process, and to submitting recommendations for improvement (including potential expansion of the collective bargaining program) to the City Council

after the City has gained experience with these initial stages of collective bargaining. This review would include collaboration with any certified unions to note their recommendations and any challenges encountered under the Ordinance.

Ms. Burroughs and Mr. Rogers answered questions for Council regarding specific circumstances faced by Charlottesville.

CLOSED SESSION

On motion by Pinkston, seconded by Magill, Council voted 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none) to convene in closed session as authorized by Virginia Code Sections 2.2-3711 and 2.2- 3712, specifically:

- Section 2.2-3711(A)(1), (A)(7), and (A)(8), for discussion and consideration of appointments by Council to various boards and commissions, and also for consultation with legal counsel regarding litigation, civil case number CL17-203 (Albemarle County Circuit Court), where discussion in open meeting would adversely affect the negotiating or litigating posture of the City.

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

On motion by Payne, seconded by Pinkston, Council by the following vote REAPPOINTED Laura Goldblatt to Charlottesville Redevelopment and Housing Authority and APPOINTED Dr. Aaron Mills to the Thomas Jefferson Water Resources Protection Foundation Board: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

BUSINESS SESSION

City Council observed a moment of silence.

ANNOUNCEMENTS

Councilor Pinkston thanked the Clergy Collective for efforts in commemoration of August 11-12, 2017 (A11/12) events.

Mayor Snook commended community members for other events to honor the commemoration of A11/12.

Vice Mayor Wade thanked Council and City for work done during his time in Ethiopia on a mission trip. He attended Westhaven Community Day and Greenstone on 5th and helped with the unveiling of the Honorary CH Brown Way. He shared that the Tourism Board was recognized nationally for promotion of Black businesses.

Councilor Magill thanked the community and encouraged everyone to view the photographs on the Downtown Mall. As follow-up to previous meetings, she assured the public that they are being heard regarding rent and mortgage relief, equity for the housing-challenged, the definition of affordable housing, telemedicine in schools as a school issue, and the Midway Manor Tenants Association.

RECOGNITIONS/PROCLAMATIONS

- **Proclamation: Kiwanis Club of Charlottesville Centennial**

Mayor Snook presented the proclamation to James Hart, Kiwanis Club of Charlottesville.

CONSENT AGENDA*

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

2. MINUTES: July 18 Council meeting

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

AN ORDINANCE REZONING LAND FRONTING ON 10th STREET N.W. AND GRADY AVENUE FROM R-1S (RESIDENTIAL, SINGLE-FAMILY) TO B-2 (COMMERCIAL) SUBJECT TO PROFFERED DEVELOPMENT CONDITIONS

4. ORDINANCE: 415 and 415-B 10th Street NW - Designation of Property as an Individually Protected Property (2nd reading)

AN ORDINANCE AMENDING AND REENACTING CHAPTER 34 (ZONING), ARTICLE II (OVERLAY DISTRICTS), DIVISION 2 (HISTORICAL PRESERVATION AND ARCHITECTURAL DESIGN CONTROL OVERLAY DISTRICTS, TO DESIGNATE TAX MAP 4 PARCEL 46 (414 AND 415-B TENTH STREET, N.W.) AS AN INDIVIDUALLY PROTECTED PROPERTY AND MINOR DESIGN CONTROL DISTRICT

5. RESOLUTION: Refund of Business License Tax - \$5,719.45 (carried)

6. RESOLUTION: Virginia Homeless Solutions Program (V.H.S.P.) Grant Award - \$539,369 (carried)

Mayor Snook invited comments on the Consent Agenda. The following members of the public spoke:

- Rosia Parker, city resident, stated that she was discouraged over the weekend by seeing the situation of unhoused residents on the Downtown Mall.
- Joy Johnson, city resident, spoke about The Haven and PACEM and the barriers that need to be broken down in each of those programs that serve the unhoused population.

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

CITY MANAGER REPORT

Interim City Manager Michael Rogers stated that the police chief search is underway and that a community survey is available on the [www.charlottesville.gov website](http://www.charlottesville.gov) until August 22. The remainder of the report was provided in writing as part of the agenda packet.

Deputy City Manager Sam Sanders provided an update on Safe Routes to Schools efforts in response to expanded walking zones.

Mayor Snook highlighted the deadline to apply for the Charlottesville Housing Affordability Program and the deadline to register for the Town Hall Community Workshop on Greenhouse Gases. Regarding elections, he mentioned that Virginia now allows ranked choice voting and he encouraged residents to reach out to councilors if they are interested in starting rank choice voting.

COMMUNITY MATTERS

Mayor Snook opened the floor for comments from the public.

1. David Koenig, city resident, teacher and Teachers Collective Bargaining representative, spoke in support of a collective bargaining ordinance for all city employees. He suggested several amendments to the proposed ordinance discussed in the work session earlier in the meeting.
2. Mary Carey, city resident, spoke about issues at Midway Manor and she thanked Councilors Payne and Pinkston for meeting with residents. She asked Council follow up with non-responsive management at Midway Manor. She stated that she doesn't want Charlottesville to become a haven for white supremacists following the City Manager's statement from a prior meeting.
3. Matthew Ray, Charlottesville Area Transit (CAT) Operator, spoke in support of a strong collective bargaining ordinance.
4. John Ertl, city resident and representative for the ATU (Amalgamated Transit Union),

spoke in support of a strong collective bargaining ordinance for city employees, CAT in particular and suggested amendments to the proposed ordinance discussed in the work session earlier in the meeting.

5. Jeffrey Fogel spoke about racialized policing in Charlottesville. He shared data about disproportionate minority contact. He made statements about the handling of the city employee who attended the January 6, 2021 insurrection on the US Capitol.
6. Nancy Carpenter, city resident, spoke about the needs of people who are homeless.
7. Gregory Weaver, city resident, shared his positive public transit experience in Vancouver. He recommended prioritizing non-car-centric transportation to impact climate, starting with the closure of Heather Heyer Way to car traffic.
8. Tanesha Hudson spoke about a city employee who entered the US Capitol on January 6, 2021. She stated that he should not continue to be employed. She spoke in support of a Fire Union and a Transportation Union.
9. Rosia Parker spoke about feeling disrespected when seeing some councilors and the Interim City Manager at public events. She requested paper surveys for equitable engagement for the police chief survey. She requested a meeting with Mr. Rogers.
10. George Davis, city resident, spoke about collective bargaining and the desire to have the union to help transit workers keep the benefits that they have. He spoke about the impact of benefits on paychecks with a disproportionate increase in benefit cost to pay increases.
11. Elizabeth Stark, city resident, suggested changes to the proposed collective bargaining ordinance. She spoke about challenges with the school bus driver shortage.
12. Katrina Turner, city resident, expressed concern about the handling of the situation involving a city employee who attended the January 6, 2021 riot at the US Capitol. She asked when there would be a town hall for the people of the community who were impacted by August 11-12, 2017.
13. Daniel Summers, CAT, spoke in support of the collective bargaining ordinance and suggested proper structure for new drivers moving forward. He stated that a strong ordinance is needed for arbitration on behalf of drivers.
14. Peter Krebs, city resident, spoke in support of the American Rescue Plan item on the agenda, specifically regarding the Meadowcreek Trail and Safe Routes to Schools.
15. Connie Rosenbaum requested that Council meet with residents at Midway Manor on August 16. She spoke about various infrastructure issues including potholes, road repairs and bumps in roads.
16. Bill Goldeen stated that he resigned from his job as a school bus driver because of constantly changing rules. He spoke in support of unionizing.

ACTION ITEMS

7. PUBLIC HEARING/ORDINANCE: Preston Place Utility Easements

City Attorney Lisa Robertson presented the request. Councilors asked clarifying questions.

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

a. ORDINANCE: Vacating existing public utility easements and altering the right-of-way boundary line for Preston Place

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

**ORDINANCE VACATING EXISTING PUBLIC UTILITY EASEMENTS
AND ALTERING THE RIGHT-OF-WAY BOUNDARY LINE FOR PRESTON
PLACE ALONG THE FRONTAGE OF PROPERTY IDENTIFIED ON CITY TAX
MAP 5 AS PARCEL 118.003**

b. RESOLUTION: Accepting a dedication and conveyance of an additional 1,227 square feet of public street right-of-way to be added to Preston Place

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

RESOLUTION

Accepting a dedication and conveyance of an additional 1,227 square feet of public street right-of-way to be added to Preston Place

BE IT RESOLVED by the Council of the City of Charlottesville THAT the following area, identified within a plat dated June 1, 2021, last revised March 28, 2022, titled “Boundary Line Adjustment and Private Easement Plat” prepared by Roudabush, Gale & Associates, Inc. (“Plat”) is hereby accepted into the City’s public street system for maintenance, to be added to the right-of-way for Preston Place:

Approximately 1277 square feet, more or less, adjoining City Tax Map 5, Parcels 118.001, 118.002, 118.03, and labeled on the aforesaid Plat as “Parcel X Hereby Dedicated to Public R.O.W. 0.006 AC. 231 SF, Parcel Y Hereby Dedicated to Public R.O.W. 0.007 AC. 322 SF, Parcel Z Hereby Dedicated to Public R.O.W. 0.016 AC. 724 SF.

BE IT FURTHER RESOLVED that the City Attorney is hereby authorized to prepare any legal instruments required for or in connection with the conveyance of title to this right-of-way area to the City.

8. PUBLIC HEARING/RESOLUTION: Belmont Bridge Replacement Project-Appropriation of \$2,697,398 (carried)

Jeanette Janiczek, UCI Program Manager provided an update on Belmont Bridge project and additional funding received from Virginia Department of Transportation, and she answered clarifying questions from Council, stating that the expected completion date of the project is January 25, 2024.

Mayor Snook opened the public hearing. With no speakers coming forward, the public hearing was closed. Council carried the item to the September 6 Consent Agenda.

9. RESOLUTION: Honorary Street Designation requests

Deputy City Manager Sam Sanders presented two honorary street naming requests. He also highlighted the need to bring forward a renewed honorary street designation policy.

Ms. Magill suggested adding a process for neighborhood engagement. Mr. Payne suggested using the recommendations provided by the Historic Resources Committee, and other councilors agreed.

a. Dr. Alvin Edwards Drive

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

RESOLUTION

TO APPROVE HONORARY STREET NAME DESIGNATION

WHEREAS, City Council adopted a policy to establish procedures by which requests may be submitted and considered for approval of honorary street name designations; and

WHEREAS, the Charlottesville City Code Section 28-4 reserves to City Council the authority to modify the names of City streets;

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

1. Lankford Avenue (between 1st South and Ridge Street) shall be given the honorary name “Dr. Alvin Edwards Drive”.

b. Vinegar Hill Boulevard

On motion by Wade, seconded by Pinkston, Council by the following vote APPROVED the following resolution: 4-1 (Ayes: Magill, Pinkston, Snook, Wade; Noes: Payne). Councilor Payne stated that he preferred to refer the item to the Historic Resources Committee for a

comprehensive review.

**RESOLUTION
TO APPROVE HONORARY STREET NAME DESIGNATION**

WHEREAS, City Council adopted a policy to establish procedures by which requests may be submitted and considered for approval of honorary street name designations; and

WHEREAS, the Charlottesville City Code Section 28-4 reserves to City Council the authority to modify the names of City streets;

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

1. Ridge-McIntire Road (between West Main Street and Preston Avenue) shall be given the honorary name “Vinegar Hill Boulevard”.

10. ORDINANCE: Amend City Code Section 30-6 to increase the threshold under which the City Treasurer may issue a refund for an erroneous assessment without direction from Council (carried)

City Treasurer Jason Vandever summarized the request and Commissioner of the Revenue Todd Divers answered Council questions. Council agreed to carry the item to the September 6 Consent Agenda.

11. ORDINANCE: Request for Vacation of Unaccepted Right-of-Way for Oak Street at 321 6th Street (2nd reading deferred from 7/18/22)

Councilors reviewed discussion from the first reading on July 18, 2022. Councilor Magill recommended that Council decide whether to charge for the right-of-way acquisition before voting on approval.

City Attorney Robertson, replying to Councilor Payne, stated that she is not aware of a pending real estate closing that would necessitate a rush to vote on this item. She stated that it does make a difference when streets are not maintained by the City and the City has not accepted them into the street maintenance program. She stated that staff could repackage the request with additional policy information to bring back to Council. Vice Mayor Wade shared that in his experience, rights of way have been handled on a case by case basis.

Council unanimously agreed to DEFER the item to the first Council meeting in October.

12. RESOLUTION: 1000 Monticello Road, Special Use Permit for additional

residential density (1 reading deferred from 7/18/22)

Mr. Sanders answered questions from Vice Mayor Wade regarding housing affordability and the affordability period.

On motion by Pinkston, seconded by Wade and following discussion, Council by the following vote APPROVED the special use permit: 3-2 (Ayes: Pinkston, Snook, Wade; Noes: Magill, Payne). Councilor Payne stated that granting the special use permit will result in a net loss of affordable housing and he expressed concern about past actions of the developer.

RESOLUTION

**Granting a Special Use Permit for Property Located at
1000 Monticello Road (City Tax Map 57, Parcel 36)**

WHEREAS Piedmont Realty Holdings III, LLC (“Landowner”) is the owner of certain land identified on Tax Map 57 as Parcel 36, currently addressed as “1000 Monticello Road” (the “Property”), and the Landowner, through its authorized representative, is requesting a Special Use Permit for increased residential density (the “Project”); and

WHEREAS the Applicant seeks a Special Use Permit under City Code Sec. 34-700 to increase residential density from the current 21 DUA up to 43 DUA; and

WHEREAS the Property is located within the Neighborhood Commercial Corridor, a district in which, according to the Use Matrix set forth within City Code 34-700 increased residential density up to 43 DUA may be authorized by City Council by means of a special use permit; and

WHEREAS the Project is described in more detail within the Landowner’s application materials submitted in connection with SP22-00005, as required by City Code §34-158 (collectively, the “Application Materials”); and

WHEREAS, the Planning Commission and City Council conducted a joint public hearing, after notice and advertisement as required by law, on June 14, 2022; and

WHEREAS the Planning Commission considered and recommended approval of this application at their June 14, 2022 meeting; and

WHEREAS upon consideration of the Planning Commission’s recommendation, the City Staff Report, comments received at the public hearing, as well as the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, this Council finds and determines that granting the proposed Special Use subject to suitable regulations and safeguards would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that a Special Use Permit is hereby granted to allow the Project to be established on the Property, subject to the following conditions:

- (1) Up to 42 dwelling units per acre (DUA), or a total of 34 residential units, are permitted within the Project.
- (2) The owner of the building(s) located within the Project shall provide affordable housing within the Project, as follows:
 - a. For the purposes of this Condition, the term “For-Rent Workforce Affordable Dwelling Unit” means a dwelling unit where the monthly cost of rent, including any tenant paid utilities, does not exceed 125% of the Fair Market Rent by unit bedrooms for the Charlottesville MSA, the aforementioned Fair Market Rent is established annually by the Federal Department of Housing and Urban Development (HUD).
 - i. For-Rent Workforce Affordable Dwelling Units shall be reserved for rental to low and moderate-income households having income less than 80 percent of the Area Median Income. Area Median income means the median income for Households within the Charlottesville, Virginia HUD Metropolitan FMR Area, as published annually by the U.S. Department of Housing and Urban Development.
 - b. For the purposes of this Condition, the term “For-Rent Affordable Dwelling Unit” means a dwelling unit where the monthly cost of rent, including any tenant paid utilities, does not exceed the Fair Market Rent by unit bedrooms for the Charlottesville MSA, the aforementioned Fair Market Rent is established annually by the federal Department of Housing and Urban Development (HUD).
 - i. For-Rent Affordable Dwelling Units shall be reserved for rental to low and moderate- income households having income less than 65 percent of the Area Median Income. Area Median income means the median income for Households within the Charlottesville, Virginia HUD Metropolitan FMR Area, as published annually by the U.S. Department of Housing and Urban Development.
 - c. Two (2) of the dwelling units constructed within the Project as a result of the approval of this special use permit request within the area of the property shall be For-Rent Workforce Affordable Dwelling Units and an

additional five (5) of the dwelling units constructed within the Project as a result of the approval of this special use permit request within the area of the property shall be For-Rent Affordable Dwelling Units (collectively, the “Required Affordable Dwelling Units”) for a total of seven of the dwelling units constructed within the area of the Property provided as Required Affordable Dwelling Units. The Required Affordable Dwelling Units shall be identified on a layout plan, by unit, prior to the issuance of any certificate of occupancy for a residential unit within the Property (“Initial Designation”). The owner of the building(s) reserves the right, from time to time after the Initial Designation, and subject to approval by the City, to change the unit(s) reserved as For-Rent Workforce-Affordable Dwelling Units and For-Rent Affordable Dwelling Units, and the City’s approval shall not unreasonably be withheld so long as a proposed change does not reduce the number of Required Affordable Dwelling Units and does not result in an Affordability Period shorter than required by these conditions with respect to any of the Required Affordable Dwelling Units.

- i. The Required Affordable Dwelling Units shall be reserved as such throughout a period of at least ten (10) years from the date on which the unit receives a certificate of occupancy from the City’s building official (“Rental Affordability Period”). All Rental Affordable Dwelling Units shall be administered in accordance with one or more written declarations of covenants within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney.
 - ii. On or before January 1 of each calendar year the then current owner of each Required Affordable Dwelling Unit shall submit an Annual Report to the City, identifying each Required Affordable Dwelling Unit by address and location, and verifying the Household Income of the occupant(s) of each Required Affordable Dwelling Unit.
- d. The land use obligations referenced in 2.c.i and 2.c.ii, above, shall be set forth within one or more written declarations of covenants recorded within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney, so that the Owner’s successors in right, title and interest to the Property shall have notice of and be bound by the obligations. The Required Affordable Dwelling Units shall be provided as for-rent units throughout the Rental Affordability Period.

- e. Following issuance of a certificate of occupancy authorizing the building to be occupied, the owner of the building(s) shall thereafter provide an annual report on affordability compliance for the affordable unit(s) on a template provided by the City.

(3) An acceptable marketing plan on how to market the designated affordable units should be provided to the City (to its Office of Community Solutions or other department which may hereafter be responsible for monitoring affordable housing requirements, in conjunction with the zoning administrator) prior to the issuance of any building permit for the Project. The marketing plan should provide detailed information on how the owner of the building(s) will market the units within the building(s), including non- discrimination of prospective tenants on the basis of race, creed, religion, color, sex, age, national origin, or source of income.

(4) The main building constructed within this Project shall be substantially similar to the building depicted within the exhibit(s) submitted with the Application

13. RESOLUTION: American Rescue Plan Fund Allocations (2nd reading)

Mr. Rogers provided a brief summary and Council engaged in discussion about various priorities.

On motion by Pinkston, seconded by Wade, Council by the following vote APPROVED the resolution appropriating funds: 4-1 (Ayes: Magill, Pinkston, Snook, Wade; Noes: Payne).

RESOLUTION APPROPRIATING FUNDING FOR American Rescue Plan for Eligible Local Activities - \$14,799,565

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of 14,799,565 from American Rescue Plan funding is hereby designated to be available for expenditure for costs associated with following eligible purposes and amounts:

Replace Lost Public Sector Revenue.	\$10,000,000.
Funding for CACVB.	\$750,000.
Pathways Fund Assistance.	\$700,000.
Community Health Initiative.	\$500,000.
Meadowcreek Trail.	\$500,000.
Unallocated Balance.	\$2,349,565.
TOTAL.	\$14,799,565.

OTHER BUSINESS

Mr. Wade asked about Region Ten and what happens to the portion of funds paid by the City when the program closes. Councilor Snook mentioned that Region Ten board vacancies have not been filled because of the lack of applicants. He encouraged people to apply.

COMMUNITY MATTERS (2)

Mayor Snook opened the floor for comments from the public.

- Nancy Carpenter, city resident, thanked Councilor Payne for his thoughts regarding the American Rescue Plan (ARP) funds. She stated that someone with lived experience should have input regarding preparation for the 50th anniversary of the Downtown Mall and that ARP funds could have paid for more mental health services or to buy housing.
- Brandon Collins, city resident, expressed frustration about the 1000 Monticello Road Special Use Permit request, and the affordability.
- Rosia Parker, city resident, asked about the status of the Police Civilian Oversight Board, specific to one member. She expressed concern that signage for the community related to the Small Investment Area has not been put up, and about the need to replace signage for Vinegar Hill and Black Lives Matter Boulevard. She expressed disappointment that the employee who participated in the January 6, 2021 insurrection at the US Capitol is still employed with the City.
- Dr. Emily Yen, city resident, spoke in support of a collective bargaining ordinance for all non-police city employees. She encouraged approving collective bargaining rights for clerical and administrative staff the ability to bargain for benefits.
- John Sales, Executive Director of the Charlottesville Redevelopment and Housing Authority (CRHA) expressed concern about the 1000 Monticello Road SUP. He suggested that Council needs to have a plan for how to achieve additional density. He supported comments from Nancy Carpenter to buy more land and stated that the CRHA should be the entity to buy the land on behalf of the City.
- Shelby Edwards, city resident and Executive Director of Public Housing Association of Residents, thanked Mary Carey for her comments regarding Midway Manor. She thanked Councilors Payne and Pinkston for meeting with Midway Manor residents. She expressed concerns about the SUP approved for 1000 Monticello Road and she encouraged the inclusion of specific and measurable resident engagement in the police chief search.

The meeting adjourned at 9:28 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

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



Agenda Date:	October 3, 2022
Action Required:	Appropriation of Grant Funds
Presenter:	Chris Engel, Director of Economic Development
Staff Contacts:	Chris Engel, Director of Economic Development
Title:	Virginia Department of Social Services (VDSS) Temporary Aid to Needy Families Grants - \$100,000 (2nd reading)

Background

Over the past several years, the City of Charlottesville, through the Office of Economic Development (OED), has been receiving matching grants from the Virginia Department of Social Services (VDSS) in order to provide workforce development training, business development training and supportive services to individuals residing in the City of Charlottesville living at or below 200% poverty. For fiscal year FY23 the following grant has been renewed:

1. ***VDSS Employment Advancement for TANF Participants Grant (BEN-19-113)*** - a \$100,000.00 grant awarded in 2022 for additional workforce development training programs including minority business/entrepreneurship training and supportive services.

The grant is set up on a reimbursable basis and there is no required local match for this particular grant.

Discussion

These grant funds go to support OED's ongoing workforce development training programs and the minority business/entrepreneurship training programs and supportive services. Specifically in FY23 the GO Cook program, which trains individuals in the culinary arts and prepares them for careers in local food and hospitality establishments, will be supported. GO Cook has been run 10 times, resulting in 45 individuals being trained and placed into employment. Additionally, the city's Minority Business Program, which is designed to promote the startup and growth and expansion of minority- and woman-owned businesses in the City will again conduct the GO Start-Up program. Go Start-Up teaches individuals how to start up their own business and provides seed money for essential business creation purposes (e.g., business license fees, websites, business cards, logos, inventory, equipment, etc.). Twenty individuals participated in the previous three programs, resulting in over a dozen new businesses in the Charlottesville community.

Alignment with City Council's Vision and Strategic Plan

This effort supports City Council's "Economic Sustainability" vision and aligns with the City's Strategic Plan, specifically, to create "A Strong, Creative and Diversified Economy" and "An inclusive Community of Self-sufficient Residents."

Community Engagement

OED engages a variety of partners in delivering the City's workforce development services and its employment training programs. These programs are supported by numerous community agencies and organizations and include: Albemarle County, Piedmont Virginia Community College, Virginia Career Works, and employer partners. Similarly, on the business development side, partners include the Chamber Minority Business Alliance, the Community Investment Collaborative, the Central Virginia Small Business Development Center, and private sector organizations.

Budgetary Impact

There is no impact to the General Fund. All funds will be budgeted and expensed in the Grants Fund

Recommendation

Staff recommends approval and appropriation of grant funds.

Recommended motion: "I move the RESOLUTION appropriating the amount of \$100,000 received from TANF Grants"

Alternatives

If grant funds are not appropriated, more local dollars will have to be used for training or fewer low-income, underemployed City residents will be able to be trained.

Attachments

1. Renewal Modification for Agreement #BEN-19-113-04 - signed
2. TANF Resolution

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF SOCIAL SERVICES
801 East Main Street, Richmond, Virginia 23219

MODIFICATION #4
TO
AGREEMENT #BEN-19-113-03
BETWEEN THE
VIRGINIA DEPARTMENT OF SOCIAL SERVICES
AND
CITY OF CHARLOTTESVILLE
OFFICE OF ECONOMIC DEVELOPMENT

This Modification is an Agreement between the Commonwealth of Virginia, Department of Social Services, hereinafter referred to as "VDSS," "DSS," or "Purchasing Agency" and City of Charlottesville, Office of Economic Development, hereinafter referred to as the "Subrecipient", relating to Agreement #BEN-19-113-03 as amended, herein after referred to as the "Contract" or "Agreement." This Modification is hereby incorporated into and made an integral part of the Agreement.

The purpose of this Modification is to document both parties' Agreement to: A. Renew the Agreement #BEN-19-113-03, B. Revise Compensation, and C. Add and/or Revise General Conditions, Reporting Requirements, and Attachments identified below.

All changes are effective on July 1, 2022, unless otherwise noted herein, and shall be included in any subsequent Modifications.

- A. Reference Section VIII. Administrative Requirements, Subsection A. Renewal of Agreement. The Commonwealth of Virginia, Department of Social Services wishes to renew the above referenced Agreement for a one (1) year period beginning on July 1, 2022 through June 30, 2023, with zero (0) optional renewal periods remaining.
- B. Reference Cover Page, Paragraph 5. Compensation and Method of Payment. Revise to read "The Subrecipient shall be paid by the VDSS a maximum reimbursement of \$100,000.00 upon submission of itemized invoices as specified in Section X. Payment Terms. This total dollar value may deescalate/escalate based on the Fiscal Year (FY) 23 Budget as approved by the Governor which will require a Modification to the Agreement.
- C. Reference Section XIII, Administrative Requirements, Subsection B. Modification of Agreement. All Modifications must be executed in writing and signed by a duly authorized representative of both organizations. Both parties hereby agree to:
 - 1. Reference Section VII. Reporting Requirements, Subsection D. Data Collection. Replace first sentence to read "Submit to VDSS Reports no later than November 15th (July, August, September); February 15th (October, November, December); May 15th (January, February, March); and August 15th (April, May, June).
 - 2. Reference Section IX, General Conditions, Subsection EE, Security and Transfer of Data. Revise to read as follows:

EE. SECURITY AND TRANSFER OF DATA: The following term and condition relates to the protection, sharing, and inspection of information. VDSS and its agents reserve the right to conduct any test/inspection it may deem advisable to assure goods and services conform to the specifications.

1. All sensitive information shall be encrypted at rest and in transit as required by Commonwealth Security Standards.
 - a. Encryption At-Rest refers to the storage medium for all servers and workstations containing VDSS sensitive information.
 - b. Encryption In-Transit refers to all network transmissions across LAN, WAN, or other point-to-point / point-to-multipoint technology.
2. VDSS may require the use of its own internal File Sharing/Data Sharing solution which is pre-approved for handling sensitive Commonwealth data.
 - a. If the partnering entity requires a user ID and Password, the user ID and password must not be shared. Multiple user IDs can be provided. VDSS system administrators will take measures to ensure the password meets Commonwealth standards.
 - b. VDSS can provide access to its File Sharing/Data Sharing solution via SSH protocol. This method allows for the use of a user ID and SSH key pair. SSH key pairs must:
 - i. Be owned and created by the partnering entity.
 - ii. Be renewed no less than annually.
 - iii. Be based on RSA 2048
 - iv. Include a public key that is intended to be shared with VDSS.

The Commonwealth of Virginia may require, at its sole discretion, the removal and replacement of any Contract Worker who the Commonwealth reasonably believes to have violated this Section.

This Section creates obligations solely on the part of the Contractor. Employees or other third parties may benefit incidentally from this Section and from training materials or other communications distributed on this topic, but the Parties to this agreement intend this Section to be enforceable solely by the Commonwealth and not by employees or other third parties.

3. Reference Attachment D. Work Plan and Expected Outcomes. Replace in its entirety with the attached document reflecting the Action period reading July 1, 2022 to June 30, 2023.
4. Reference Attachment F. Budget Summary. Replace in its entirety with the attached document reflecting the Grant Period reading July 1, 2022 to June 30, 2023.

The foregoing is the complete and final expression of the parties' Agreement to modify Agreement BEN-19-113-03 and cannot be modified, except by a writing signed by the duly authorized representative of both parties. All other terms and conditions remain unchanged.

PERSONS SIGNING THIS AGREEMENT ARE AUTHORIZED REPRESENTATIVES OF EACH PARTY TO THIS CONTRACT AND ACKNOWLEDGE THAT EACH PARTY AGREES TO BE BOUND BY THE TERMS AND CONDITIONS OF THE CONTRACT.

**City of Charlottesville
Office of Economic Development**

By: *Chris Engel*
Chris Engel (Jun 22, 2022 10:41 EDT)
(Signature)
Name: Chris Engel
(Print)
Title: Director of Economic Development
Date: Jun 22, 2022

**Commonwealth of Virginia
Department of Social Services**

By: *Adrienne D. Childress*
Adrienne D. Childress (Jun 22, 2022 12:12 EDT)
(Signature)
Name: Adrienne D. Childress
(Print)
Title: Strategic Sourcing Procurement Manager
Date: Jun 22, 2022

RESOLUTION

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

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

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

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

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

Revenue – \$100,000.00

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

Expenditures - \$100,000.00

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

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	October 3, 2022
Action Required:	Approval and Appropriation
Presenter:	Misty Graves, Director of Human Services
Staff Contacts:	Hunter Smith, Human Services Planner
Title:	Housing Opportunities for People with AIDS/HIV Grant Amendment - \$3,981 (2nd reading)

Background

The City's Department of Human Services, in coordination with the Blue Ridge Area Coalition for the Homeless (B.R.A.C.H.), received a grant of funding from the Virginia Department of Housing and Community Development, to support Housing Opportunities for People with AIDS/H.I.V. (H.O.P.W.A.). Recently, the City's DHS received notice of an additional (supplemental) award of H.O.P.W.A. funding, in the amount of \$3,981.

Discussion

The City of Charlottesville has staff from Human Services and Social Services taking leadership roles in the governance of B.R.A.C.H. H.O.P.W.A. is an important resource in our community's efforts to end homelessness. The grant provides services in four key areas.

Tenant-Based Rental Assistance (TBRA): The Blue Ridge Health District (B.R.H.D.) partners with The Haven to provide T.B.R.A. to eligible participants. The B.R.H.D. screens participants for eligibility and inspects the proposed property to ensure that it meets H.U.D. requirements. Upon successful screening, The Haven contacts the landlord to arrange monthly rent payment, similar to rapid re-housing.

Short-term Rental, Mortgage and Utility Assistance: B.R.H.D. screens eligible participants for short-term assistance including emergency utility payments to avoid shut-off.

Supportive Services: B.R.H.D. provides supportive services including crisis intervention, case management and service referrals.

Permanent Housing Placement: BRHD partners with The Haven to provide security deposit assistance to eligible participants.

Administration: The City of Charlottesville, as the award recipient, is eligible for an administrative fee. Staff proposes that we pass these dollars through to B.R.H.D. & The Haven to support the supervision of assigned staff.

Alignment with City Council's Vision and Strategic Plan

This grant advances the City of Charlottesville's Strategic Plan Goal #1 of enhancing the self sufficiency of our residents. Specifically, it will facilitate the objective of increasing affordable housing options. This item primarily aligns with Council's vision for Quality Housing Opportunities for All.

Community Engagement

This grant and plan are the product of extensive engagement of the service provider community for persons experiencing homelessness.

Budgetary Impact

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

Recommendation

Staff recommends approval and appropriation of grant funds.

Recommended Motion: "I move the RESOLUTION appropriating the amount of \$3,981 received from the Virginia Department of Housing and Community Development, for HOPWA"

Alternatives

Council may elect not to accept the funds and the community will not have the capacity to administer the following services to persons experiencing a housing crisis while managing AIDS/H.I.V: short-term rental assistance, utility assistance, rapid rehousing, H.M.I.S., and administration.

Attachments

1. FY23 HOPWA Amendment

RESOLUTION

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

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

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

Revenues

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

Expenditures

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

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



Agenda Date:	October 3, 2022
Action Required:	Approval and Appropriation
Presenter:	Misty Graves, Director of Human Services
Staff Contacts:	Misty Graves, Director of Human Services
Title:	Blue Ridge Area Coalition for the Homeless (BRACH) reimbursement of funds for staff costs to support the Homeless Information Line - \$15,381.60 (2nd reading)

Background

Blue Ridge Area Coalition for the Homeless (B.R.A.C.H) and the Department of Human Services in coordination with other service providers in Charlottesville participate in the areas Coordinated Entry System for Homelessness Services. The US Dept. of Housing and Urban Development (HUD) requires that each community receiving federal funds for homeless assistance programs must include a network of homeless service providers participating jointly to coordinate the access to and provision of homeless services. This Coordinated Entry System must be accessible, fair, and provide a consistent experience for all households seeking to access homeless services.

Discussion

Human Services will provide to the Charlottesville area Continuum of Care (C.o.C) and B.R.A.C.H in operating the phone entry point for the Coordinated Entry System. Human Services will provide staffing of the phone-line entry point for the Coordinated Entry System from 2:00 PM to 5:00 PM, Monday through Friday each week. The Human Services Community Resource Navigator staff member will utilize the local Homeless Management Information System (H.M.I.S) provided by B.R.A.C.H to document each call received and to provide electronic referrals for homeless assistance.

B.R.A.C.H will provide \$15,381.60 annually to Human Services to support the Community Resource Navigator position staffing the phone line for 15 hours per week. Disbursements will be made quarterly to Human Services in the amount of \$3,845.40.

Alignment with City Council's Vision and Strategic Plan

This grant advances the City of Charlottesville's Strategic Plan Goal #1 of enhancing the self sufficiency of our residents.

Community Engagement

The Homeless Information Line number is posted on the City website and flyers are distributed throughout the community. Service providers who are currently working with people experiencing homelessness refer them to the Homeless Information Line. The Community Resource Navigator attends regular coordination meetings to provide updates and feedback to the Coalition and its partners.

Budgetary Impact

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

Recommendation

Staff recommends approval and appropriation of funds.

Suggested Motion: "I move the RESOLUTION Appropriating the Amount of \$15,381.60 Received from Blue Ridge Area Coalition for the Homeless, as reimbursement of Homeless Information Line Staff Costs"

Alternatives

If funds are not approved and appropriated, the Homeless Information Line will operate and this would be detrimental to the Coordinated Entry System, its partners and most importantly, our community's most vulnerable citizens.

Attachments

1. RESOLUTION BRACH reimbursement Appropriation 9.19.22

RESOLUTION

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

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

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

Revenues

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

Expenditures

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

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



Agenda Date:	October 3, 2022
Action Required:	Appropriation of \$656,000 of CARES funding for Charlottesville Area Transit
Presenter:	Garland Williams, Director of Transit
Staff Contacts:	Juwhan Lee, Assistant Director-Operations
Title:	Appropriation of \$656,000 of CARES funding for Charlottesville Area Transit (2nd reading)

Background

In March 2020, Charlottesville Area Transit (hereinafter "CAT") received \$5,357,686 in CARES Act funds from the Federal Transit Administration. This appropriation allocates a portion of those funds to the following:

1. \$300,000 – To fund the hiring of a transit consultant to complete the state-required Transit Strategic Plan (TSP).
2. \$26,000 – To fund the hiring of a safety and security consultant to complete a Tabletop Safety Exercise per The US Department of Homeland Security/Transit Security Administration.
3. \$25,000 – To fund hiring Williams Mullen law firm to complete an internal payroll audit.
4. \$250,000 – To fund hiring AECOM to assist with project management and FTA compliance services to complete NEPA, capital, and amenities projects.
5. \$55,000 – To fund hiring Kimley-Horn and Associates, Inc. to assist with analysis and software selection required to launch micro-transit services in Albemarle County.

The funds do not require a local match. The funds may be used to support capital, operating, and other expenses to prevent, prepare for, and respond to COVID-19.

Discussion

Alignment with City Council's Vision and Strategic Plan

Approval of this agenda item aligns directly with 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 Objective 3.3 of the Strategic Plan Goal: to provide a variety of transportation and mobility option.

Community Engagement

Budgetary Impact

There is no impact to the General Fund as the FTA CARES Act grant requires no local match.

Recommendation

Staff recommends approval and appropriation of funds.

Alternatives

City Council may choose not to appropriate match funds. Without an appropriation, CAT will not receive grant funds to support its operations or planned capital projects.

Attachments

1. Resolution Appropriating CARES funding_\$656,000

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

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

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

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

- Engaging a transit consultant to complete a Transit Strategic Plan required by the Commonwealth of Virginia,
- Engaging a safety and security consultant to complete a tabletop safety exercise as required by the U.S. Department of Homeland Security,
- Engaging an outside law firm to complete an payroll audit of personnel within CAT (by authority of City Code 2-156),
- Engaging AECOM to provide project management services, FTA compliance services (including satisfaction of NEPA requirements) for capital and amenities projects,
- Engaging a consultant to assist with analysis and software selection required to launch micro-transit services in Albemarle County.

Revenue – \$656,000

\$656,000.00	Fund: 245	IO: 2200039	G/L: 431130 Federal COVID Rev
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Expenditures - \$656,000

\$656,000.00	Fund: 245	IO: 2200039	G/L: 599999 Lump Sum
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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	October 3, 2022
Action Required:	Appropriation of \$30,000 from CAT to TJPDC
Presenter:	Garland Williams, Director of Transit
Staff Contacts:	Juwhan Lee, Assistant Director-Operations
Title:	Appropriation from Charlottesville Area Transit local funding to Thomas Jefferson Planning District Commission to support the Governance Study - \$30,000 (2nd reading)

Background

The Thomas Jefferson Planning District Commission (TJPDC) will hire a transportation planning firm to conduct a governance study to examine the organizational structure of existing transit systems and governance options for a regional authority. The Thomas Jefferson Planning District is exploring mechanisms to support regional coordination and planning around transit operations and increase transportation investments and outcomes. The 2022 Regional Transit Vision Plan recommends forming a regional authority to collect additional revenue in support of regional transit planning and services.

This Governance Study will answer the following questions.

1. What is the appropriate governance structure to move the identified regional transit priorities forward?
2. What are the pros and cons of adopting the identified alternative governance structure? For example, how would the identified governance structure:
 - a. Support regional coordination and planning around transit operations, and
 - b. Increase transit investments for the region.
3. How can rural localities participate in the governance structure? For example, several of the rural counties have expressed an interest in expanding transit services in their area. However, they also expressed a desire to know what services will be provided for their investment.

Discussion

Alignment with City Council's Vision and Strategic Plan

Approval of this agenda item aligns directly with 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 Objective 3.3 of the Strategic Plan Goal: provide a variety of transportation and mobility options.

Community Engagement

Budgetary Impact

There is no impact to the General Fund as the \$30,000 was appropriated to CAT in the adoption of the FY23 budget. CAT will allocate \$30,000 of available 100% local funding to support the TJPDC's planning efforts.

Recommendation

Staff recommends approval and appropriation of funds.

Recommended Motion: "I move the RESOLUTION appropriating the amount of \$30,000 to the Thomas Jefferson Planning District Commission to study the possible formation of a regional transit authority"

Alternatives

City Council may choose not to appropriate match funds. Without an appropriation, the TJPDC will not be able complete the regional governance study.

Attachments

1. Resolution Appropriating Funds to TJPDC_\$30,000

RESOLUTION
Appropriating the amount of \$30,000
To the Thomas Jefferson Planning District Commission

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

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

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

Expenditures - \$30,000.00

\$30,000.00 Fund: 245

Cost Center: 2801001000

G/L: 540100

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



Agenda Date:	October 3, 2022
Action Required:	Approve Resolution
Presenter:	Samuel Sanders, Jr., Deputy City Manager
Staff Contacts:	Alexander Ikefuna, Director of Community Solutions Samuel Sanders, Jr., Deputy City Manager John Sales
Title:	Appropriating Charlottesville Supplemental Rental Assistance Program (CSRAP) funding for the acquisition of 818 Montrose Avenue - \$355,000 (2nd reading)

Background

CRHA has an opportunity to acquire multiple units of naturally occurring affordable housing that were on the market and will likely no longer be affordable after purchase. CRHA is requesting that \$355,000 from its CSRAP accumulated balance be re-appropriated to be used for acquisition of property located at 818 Montrose Avenue. Currently, the two units will be converted to three affordable units for rent. One of the units is currently rented at \$1200 a month and the other is vacant. All three will be retained as affordable dwellings upon completion of some basic property improvements.

Discussion

Council provides \$900,000 per year for CSRAP. There was a surplus in FY22 that leaves the current balance at \$2.09 million. CRHA projects the current monthly rental subsidy requires \$50,000 per month. That figure annualized is \$550,000 through June 2023. Based on this projection, the CSRAP account is sufficient to cover the \$355,000 Montrose Avenue acquisition, \$550,000 FY23 rental assistance subsidies, with a remaining balance of \$429,875.

Alignment with City Council's Vision and Strategic Plan

Affordable Housing Plan Guiding principles: Racial equity, regional collaboration and comprehensive approach

Comprehensive Plan Guiding Principles

- Equity & Opportunity - All people will be able to thrive in Charlottesville.
- Community Culture and Unity - Charlottesville's rich and diverse culture and form will be celebrated, and the entire community will feel welcomed, valued and respected.

Strategic Plan (2018-2020) Goals: Goal 1.3 to increase affordable housing options, Goal 1.5 to intentionally address issues of race and equity; and Goal 5.4 to foster effective community engagement.

Community Engagement

There have been several community engagement meetings and activities conducted as part of the comprehensive plan update and affordable housing planning process. City staff has also been engaged with CRHA on a regular basis regarding redevelopment activities, including exploring proactive ways to spur affordable housing one of which is this proposal to acquire 818 Montrose Avenue for sustainable and permanent affordable housing.

Budgetary Impact

The requested \$355,000 has been approved within City Council's FY23 Budget for use by CRHA in the CSRAP Program. The attached Resolution would allow the FY23 budgeted CSRAP funding to be reduced by \$355,000 and allow that same amount of money to be transferred to CRHA for use in the acquisition of property located at 818 Montrose Avenue.

Recommendation

The City manager and staff recommend that the City Council approve the proposed request to use part of CSRAP fund for the acquisition of 818 Montrose Avenue by CRHA, to be deed-restricted permanently, as units of affordable housing.

Recommended motion: *"I move the RESOLUTION appropriating \$355,000 of the FY2023 CSRAP budget allocation to be used by CRHA for the acquisition of 818 Montrose Avenue as permanent units of affordable housing."*

Alternatives

Council may elect not to approve the recommendations, which would forego the opportunity to ensure that these affordable units could be permanently dedicated as unit of affordable housing.

Attachments

1. Resolution Reallocating CSRAP Funds

Attachments

1. Resolution Reallocating CSRAP Funds

RESOLUTION

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

WHEREAS pursuant to Virginia Code §36-19 (2) and (4) the Charlottesville Redevelopment and Housing Authority has the power and authority to acquire real estate for residential use, and to operate buildings for residential occupancy; and

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

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

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

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

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



Agenda Date:	October 3, 2022
Action Required:	Approval of Appropriation Resolution
Presenter:	Mike Rogers, Deputy Chief of Business Services
Staff Contacts:	Mike Rogers, Deputy Chief of Business Services
Title:	Appropriating Fiscal Year 2023 Fire Programs Aid to Locality (Firefund) - \$186,776.00 (1 of 2 readings)

Background

Section **38.2-401** of the Code of Virginia authorizes the State Corporation Commission to annually levy against all licensed insurance companies doing business in Virginia an assessment in the amount of one percent of fire-related insurance premiums received by the companies. About seventy-five percent of this money goes directly to localities as Aid to Localities, paid from the Commonwealth's special, nonreverting fund known as the "Fire Programs Fund" (Firefund). The aid-to-locality monies distributed to localities by allocations based on population. These monies can be used for fire service based training, training supplies, training equipment, prevention activities, some response equipment, and other purposes listed in Va. Code 38.2-401(B). This is an annual allotment of funding. All usage and any carryovers are reported out to the Virginia Department of Fire Programs at the end of the fiscal year, before the next fiscal year monies will be allocated. The City of Charlottesville has been awarded the amount of \$186,776.00 as its Fire Programs Fund allocation for FY 2023.

Discussion

The Aid to Locality monies are distributed annually to aid departments in their training, prevention, and equipment efforts. While the monies cannot be used to directly/indirectly supplant or replace other locality funds, they help us to provide for additional firefighting training resources, logistics, courses, and equipment as outlined in the Department of Fire Programs Aid to Locality allowable uses chart.

Alignment with City Council's Vision and Strategic Plan

The Aid to Locality/Firefund allocation supports the City's mission "We provide services that promote equity and an excellent quality of life in our community" by providing supplemental training and equipment funding for fire prevention, firefighting, hazardous materials, and technical rescue. With this additional funding being put towards these purposes, we are better able to prepare our responders to deliver emergency services and/or information to the citizens, students, business community members, and guests of the City.

Community Engagement

N/A

Budgetary Impact

There is no impact on the General Fund, as these funds are in the nature of state aid, and do not require a City match. The FY 2023 funds will be budgeted for expenditure within the City's Fire Department .

Recommendation

Staff recommends approval and appropriation of the FY23 allocation of funding from the state's Fire Programs Fund.

Suggested motion: "I move the RESOLUTION appropriating the amount of \$186,776.00 received from the Virginia Fire Programs Fund for expenditure within Fiscal Year 2023"

Alternatives

If Aid to Locality funding is not appropriated, the Fire Department will not be able to utilize this supplemental funding to help support its training, prevention, and equipment efforts.

Attachments

1. Firefund FY 2023 Resolution Attachment

RESOLUTION

Appropriating the amount of \$186,776.00 received from the Virginia Fire Fund for Expenditure in Fiscal Year 2023

WHEREAS, the City's Fire Department has received notification that the City of Charlottesville has received an allocation of aid-to localities, in the amount of \$186,776.00, from the Virginia Fire Programs Fund, which may be used to pay for training, protective clothing and equipment, and other expenditures authorized within Code of Virginia Section 38.2-401(B);

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that, upon receipt of this aid from the Commonwealth, a total of \$186,776.00 is appropriated for expenditure in accordance with the provisions of Virginia Code Sec. 38.2-401(B), using the following funds and accounts:

Revenues - \$186,776

\$186,776	Fund: 209	I/O: 1900010	G/L Account: 430110
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Expenditures - \$186,776

\$186,776	Fund: 209	I/O: 1900010	G/L Account: 599999
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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	October 3, 2022
Action Required:	Approve resolution (Appropriation)
Presenter:	Sue Moffett, Director
Staff Contacts:	Mary Jane Skidmore Laura Morris
Title:	Appropriating Funding from the Virginia Department of Social Services for the Supplemental Nutrition Assistance Program Education & Training Program (SNAP E&T) Laptop Loaner Program - \$15,400 (1 of 2 readings)

Background

The Virginia Department of Social Services (VDSS) has provided funding to interested localities to establish a laptop loaner program for clients participating in the Supplemental Nutrition Assistance Program Education & Training (SNAP E&T) Program.

The Charlottesville Department of Social Services has received \$15,400 from this funding.

Discussion

The purpose of the SNAP E&T program is to ensure that participants achieve a living wage and attain economic independence. The laptop loaner program will give participants who do not have computers the opportunity to access education and training through virtual/online platforms. The department plans to purchase 20 laptops with this funding.

Alignment with City Council's Vision and Strategic Plan

Approval of this agenda item aligns with the City's mission to provide services that promote equity and an excellent quality of life in our community. It is consistent with Strategic Plan Goal 1: An Inclusive Community of Self-Sufficient Residents and Objective 1.2, prepare residents for the workforce and Objective 1.4, enhance the financial health of residents.

Community Engagement

Program staff will work directly with SNAP E&T participants.

Budgetary Impact

The Virginia Department of Social Services is providing 100% of the funding with no local, general fund match required.

Recommendation

Staff recommends approval and appropriation of these funds.

Recommended Motion: "I move the RESOLUTION appropriating funding in the amount of \$15,400, received from VDSS for the SNAP and E&T Loaner Program"

Alternatives

Funds that are not appropriated will need to be returned to the Virginia Department of Social Services. If funds are not appropriated, the department will be unable to provide laptops to SNAP E&T participants.

Attachments

1. SNAP E&T Laptop Loaner Program Resolution

RESOLUTION

Appropriating Funding Received from the Virginia Department of Social Services for the SNAP E&T Laptop Loaner Program In the amount of \$15,400

WHEREAS, the Charlottesville Department of Social Services has received an allocation of \$15,400 in the Fiscal Year 2023 budget from the Virginia Department of Social Services to be used for purchasing laptops for clients participating in the SNAP E&T program who do not have computers.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$15,400, upon receipt by the City, is hereby appropriated for expenditure within the FY23 budget in the following manner:

Revenue – \$15,400

Fund: 212	Cost Center: 9900000000	G/L Account: 430080	\$15,400
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Expenditures - \$15,400

Fund: 212	Cost Center: 3301009000	G/L Account: 520990	\$15,400
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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	October 3, 2022
Action Required:	Approval of resolution.
Presenter:	Chris Cullinan, Director of Finance
Staff Contacts:	Richard Palumbo - Utility Billing
Title:	Appropriating American Rescue Plan funds from the Commonwealth for Utility Bill Assistance - \$29,524.18 (1 of 2 readings)

Background

The Commonwealth of Virginia received \$4.3 billion of American Rescue Plan Funds. Of this total, \$120 million was dedicated toward residential utility bills that are more than 60 days overdue. The City received approximately \$360,000 in December 2021, which was applied to eligible accounts. The City recently received notice of a second award of funds in the amount of \$29,524.18.

Discussion

The guidance for the second award is the same as the first award, namely the assistance is limited to residential customers with arrearages greater than 60 days for the time period between March 12, 2020 and August 31, 2021. Customers do not need to take any action or provide information to receive these relief funds. The Utility Billing Office will distribute the funds on a proportionate basis as soon as possible.

Alignment with City Council's Vision and Strategic Plan

This resolution contributes to Goal 1 of the Strategic Plan, to be an inclusive community of self-sufficient residents; Goal 2 to be a healthy and safe City; and Goal 5 to be a well-managed and responsive organization.

Community Engagement

None.

Budgetary Impact

This has no impact on the General Fund or Utility Enterprise Funds. These funds will be appropriated to and expended from a designated fund. The funds will be distributed as credits towards a customer's bill.

Recommendation

Staff recommends approval and appropriation of funds.

Suggested Motion: “I move the RESOLUTION appropriating the amount of \$29,524.18 of American Rescue Plan funds received from the Commonwealth of Virginia for residential utility bill assistance.”

Alternatives

There are no alternatives. Funds must be used for utility bill arrearage assistance or be returned to the Commonwealth of Virginia Department of Accounts.

Attachments

1. 10.3.22 Resolution ARP Utility Bill Assistance

RESOLUTION

**Appropriating the Amount of \$29,524.18 of American
Rescue Plan Funds Received from the Commonwealth of
Virginia for Residential Utility Bill Assistance**

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of **\$29,524.18** is hereby appropriated in the following manner:

REVENUES = \$29,524.18

Fund	207	I/O	1900446	G/L Account	430127
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EXPENDITURES = \$29,524.18

Fund	207	I/O	1900446	G/L Account	599999
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City Manager's Report

October 2022

UPDATES FROM CITY MANAGER MICHAEL ROGERS

- The Interim City Manager attended the International City and County Management Association annual conference in Columbus Ohio along with Deputy City Managers Sam Sanders and Ashley Marshall. The conference held over 140 sessions with topics centered around community engagement, Police Community Relations, Diversity Equity and inclusion, homelessness, infrastructure, mental health, Budget and finance and many more topics pertinent to effective management of local government operation and public policy issues. The Conference also included a number of exhibitors offering services and products to local government.
- Attended Board meeting of Charlottesville Albemarle Airport Authority. CHO is still building to its pre pandemic activity. Although activity has not quite returned to pre-pandemic levels flights out of CHO are now 80% full, a very good sign as well as a Fiscal year budget closed with net income of \$129,446. Melinda Crawford was named Airport Executive of the year by Virginia Airport Agency. Airport is recognized as well managed regional airport.
- Attended the Rivanna Water and Sewer Authority meeting and Rivanna Solid Waste Authority.
- Meet with representative of Amalgamated Transit Union and Charlottesville Fire Department to discuss the Proposed Co90llecxtive Bargaining ordinance. It was a very productive meeting and resolved many differences in the different proposals that have been offered.
- Deputy Managers Sanders and Marshall attended Leadership Lab sponsored by the Charlottesville Chamber of Commerce. This new program is an important vehicle for connecting leaders and building productive networks in our community. It is the plan to have more of Department Directors participate in this program as a way of building greater connections between the leaders in City Hall and the community.
- As has been reported Fire Chief Smith will be leaving his post to return to Florida where he was in Fire Service for 24 years. He will become Chief of the Polk County Fire Department. I will work with Deputy City Manager Sanders to select an Acting Fire Chief and to determine the process and schedule for recruitment and appointment of a new chief. We are appreciative of the great work done by Chief Smith to move the department and to guide it through another successful accreditation process.
- The Police Chief search continues as POLIHIRE continues to reach-out to various community stakeholders to discuss what they want in a new police chief. The Interim City Manager has conducted conversations with representatives of the CPD as well to discuss what the department would like to see in a new chief. The target for interviews is late October with a recommendation by the Interim City Manager in early November.

UPDATES FROM DEPUTY CITY MANAGER ASHLEY MARSHALL

- **Staffing Update**

- Congratulations are in order for the Department of Human Resources' Organizational Development/Learning Coordinator Ms. Flora Kelly-Bertsche who presented a session entitled "Historical Influences on African-American Community Engagement" at the 2022 ICMA Conference in Columbus, Ohio on September 20, 2022.

- **2022 Employee Engagement Survey**

- The City of Charlottesville has re-engaged the University of Virginia Center for Survey Research within the Weldon Cooper Center for Public Service. The survey was opened to staff in the Spring of 2022. The Center for Survey Research is currently working on a presentation that will be given to Council during an upcoming public 4 pm reports meeting.

UPDATES FROM DEPUTY CITY MANAGER SAMUEL SANDERS

- **Staffing Update**

- We salute Chief Hezedeane Smith for his dedication and commitment to the Charlottesville Fire Department over the past two years; we wish him well in his new endeavor in Central Florida.
- Congratulations to CFD's Newest Leaders:
 - Battalion Chief Chad Bingler, Operations (C-Shift, BC 1)
 - Battalion Chief Lance Blakey, Professional Standards (TRNG 1 - 40 hr.)
 - Battalion Chief Marc Ellis, Operations (C Shift, BC 2)
 - *And we celebrate the historic milestone achieved by BC Blakey who is the first African American to serve in this rank in the history of CFD.*

- **Notice of Funding Availability**

- The City of Charlottesville will issue its first consolidated Notice of Funding Availability for all housing related grant-making; this NOFA will be issued in October with multiple RFP rounds to implement the various program redesign efforts identified in last year's analysis in support of the Affordable Housing Plan.

- **Emergency Management**

- Interviews have commenced in the city's pursuit of its first Emergency Management Coordinator; applicants have begun responding to situational response questions and interviews with a panel; we anticipate a candidate selection in October

CITY MANAGER'S OFFICE UPDATES

- **Office of the City Manager – Executive Assistant Terry Bentley (she/her)**

- The City Manager would like to remind the community to please take advantage of the MyCville app for the reporting of any issues identified across the city. This administration of this tool has been assigned to the Office of Community Solutions. OCS staff will ensure the timely assignment and resolution of items by designated staff in the departments. Where there are items unassigned, the OCS team will work to resolve them directly. This is intended to maximize the efficiency and effectiveness of this community resource.

- **Office of Budget and Management** – Director Krisy Hammill (she/her)
 - The new budget year is underway, and staff is busy working on the full process for the FY24 budget from CIP to Departments! The Office wishes to remind the public that they can view the FY23 budget at any time through the Budget Explorer tool at: <https://www.charlottesville.gov/1473/Budget-Explorer>. In addition, the FY24 Budget Development Public Meeting Calendar is being created in collaboration with the Clerk of Council and is scheduled to be posted shortly on the Budget Office webpage at: <https://www.charlottesville.gov/169/Budget>. A new opportunity for public engagement has been added to the calendar this year. The City Manager will be holding a Budget Forum in January. More information to come once we get closer to that time.
- **Office of Communications & Public Engagement** – Deputy Director David Dillehunt (he/him)
 - The Office of Communications and Public Engagement is already getting excited for the 25th Grand Illumination to be held on December 2nd! The staff has been working hard to make sure that our little piece of winter magic is wonderful. Staff is also currently working on continuing to support boards and commissions with virtual or hybrid meetings, ensuring public access to media recordings, working to provide quality programming on our Government television channel, and helping with internal communications.
- **Office of Community Solutions** – Director Alex Ikefuna (he/him)
 - We thank Erin Atak, Grants Planner, for her service to the City of Charlottesville in managing the HOME & CDBG programs; Erin departs later this month for a new opportunity in the DC Area.
 - OCS Staff is working with an internal cohort to define the bag distribution effort in association with the implementation of the Plastic Bag Tax in January 2023.
 - OCS Staff has continued to support residents of Midway Manor on their various issues with management; facilitated conversation with HUD that led to a meeting with the property owners to review the concerns expressed by residents.
 - Hosted the Quarterly Neighborhood Leaders Meeting on September 15, 2022 (See attached Q&A items)
 - Worked with CRHA to initiate reallocation of CSRAP funds to acquire existing affordable housing units in an effort to preserve them for long term affordability
- **Office of Economic Development** – Director Chris Engel (he/him)
 - The Office of Economic Development joined Bread & Roses for a ribbon-cutting ceremony to celebrate the addition of a new walk-in cooler. Bread & Roses is an outreach ministry of Trinity Episcopal Church that provides access to a commercial commissary kitchen for early-stage food and beverage start-ups. OED's Building Resilience Among Charlottesville Entrepreneurs or BRACE grant provided funding support for the addition of the cooler. Since its inception in 2015 – Bread & Roses has assisted 20 start-ups with access to a certified commercial kitchen with many of those same start-ups also receiving support from OED.
- **Office of Human Rights** – Director Todd Niemeier (he/him)
 - The Office of Human Rights continues to receive an increasing number of incoming requests for individual support. We are still entering service data for the month of August and September, but the current total incoming contacts for 2022 is 1,951. The total number of incoming contacts for

the entirety of 2021 was 1,962, the highest of any year since the opening of the office in 2014. We are set to surpass this number in 2022. The Office would like to remind the public that the *Human Rights Commission* holds its next regular meeting on September 15th. Included in the agenda packet for this meeting is the final version of the CY2021 HRC & OHR Annual Report as well as a draft of the amended Human Rights Ordinance containing revisions that include substantial equivalence to federal fair housing law. The current plan is to present both the CY2021 Annual Report and the amended Human Rights Ordinance at the City Council meeting scheduled for November 7, 2022. At its September 15th meeting, the Commission will also host Delegate Sally Hudson who will share information about current and upcoming legislation within the General Assembly that may relate to human rights. The Commission will use this information, along with community feedback, to present a set of legislative recommendations to City Council for consideration in its annual legislative agenda. In addition, Victoria McCullough -Community Outreach and Administrative Specialist for the Office is working with the Human Rights Commission and the Communications Department to develop a community survey and publicity campaign to solicit public feedback regarding the Commission's legislative recommendations to Council. The survey and publicity materials will be in both English and Spanish. The Office also continues to thank their Interns Lily Gates and Ginny Helmandollar for their continued excellence in service!

- **Office of Equity and Inclusion - Downtown Job Center & Home to Hope Program**— Employment & Financial Opportunity Manager Roy Fitch Jr. (he/him)
 - The Downtown Job Center - represented the department this weekend at Region Ten's 7th Annual CRANU Event. CRANU stands for Community Recovery for All Neighborhoods United. It was sponsored by their Community-based Peer Recovery Services Team. The event took place at Tonsler Park on Saturday, September 10th from 11am to 3pm. 30 contacts were made with community attendees/12 contacts were made with community agency partners. The Home to Hope program is sad to share that Peer Navigator Shadee Gilliam will be moving on, but excited to see his work continue with the City's Department of Human Services. We extend a large thank you to both Mr. Gilliam and Ms. Ramanda Jackson (an original Peer Navigator who also joined the Department of Human Services) for paving the way along with Stacey Washington and Whitmore Merrick from the inception of this program. They both are sorely missed, but we also are grateful they will continue to help serve and support the community with the City. To that end, we do encourage members of the community to consider applying to serve in the Home to Hope program as a Peer Navigator. The position closed to applications on September 15, 2022, and submissions are being reviewed currently.

CITY DEPARTMENTAL UPDATES

- **Charlottesville Area Transit** – Director Garland Williams (he/him)
 - Working to onboard a consultant to continue with project management efforts to support the desired expansion of our fleet with alternatively-fueled vehicles; beyond the actual busses, there are considerable infrastructure improvements needed to support such a major change to CAT operations
 - CAT is working to have a facilitated tabletop exercise that is aimed at ensuring preparedness for security events capable of impacting bus operations; this is a compliance requirement
 - CAT recently received approval to engage a firm to produce a Transit Develop Plan which informs the next years of operations to include innovation, operations, and investments
 - We continue to recruit drivers for both transit and pupil in hopes of reaching stable staffing levels to ensure complete service across all routes
 - We very much appreciate the patience of the community as we work through the current period of driver shortage and its impact on daily operations
- **Charlottesville Fire Department** – Chief Hezedeane Smith (he/him)
 - Fire Prevention Week coming up October 9th – 15th. This is also the 100th anniversary of the observance of Fire Prevention Week; this year's theme: *Fire won't wait. Plan your escape.*
- **Charlottesville Police Department** – Assistant Chief Major LaTroy Durette (he/him)
 - In August 2022, the Charlottesville Police Department responded to 3529 incidents. By way of a public service announcement the Department, due to the continued staffing shortages, is currently directing certain calls for service to be submitted directly to the online reporting portal. Online reporting options include the following calls for service: unsolicited phone calls, fraud, larceny, littering, lost or mislaid property, suspicious activity, and vandalism. Officers will continue to respond to emergency calls and crimes in progress. Officers will still respond in person to larcenies of firearms and vehicles. Online reports will be reviewed for assignment daily, however, there may be a delay in response due to staffing shortages. Based on the information provided, some online reports may be cleared out upon review without a return call a call back to the reporting party. In addition to these adjustments, police officers will not respond to civil matters that do not require emergency protection of an individual under Code of Virginia: 15.2-1704. We understand the frustrations of citizens wishing to speak with an officer in person about the incidents they are reporting. Unfortunately, our department is currently down 30 sworn positions. Shift supervisors are making every effort to manage the resources available and prioritize calls for service based on the severity of the incident and impact on the community.
- **Human Resources** – Director Mary Ann Hardie (she/her)
 - Organizational Development/Learning Coordinator Flora Kelly-Bertsche presented a session entitled "Historical Influences on African-American Community Engagement" at the 2022 ICMA Conference in Columbus, Ohio on September 20, 2022. In August the department announced an addition to our health insurance plan called 'Hinge Health' which is part of the Aetna Back and Joint Care Program. Employees and eligible family members have access to the personalized and innovative program at \$0 cost. Our goal in adding the program was that it would not only help employees feel better and increase productivity but also assist in the management of our growing

musculoskeletal insurance claims. Last week we received the following update from Hinge Health: “Our team recently pulled some cohort reporting and after review we noticed that the City of Charlottesville was among the best in member engagement and utilization. To provide some background, Hinge Health's gold standard member utilization annually is 2-3% and the City of Charlottesville is already more than halfway there with just one campaign!”

- Further, the Department would like to make sure the community knows that there are many open positions with multiple departments in the City. Please go to our website to see all openings and encourage eligible applicants to apply: <https://www.governmentjobs.com/careers/charlottesville>
- **Information Technology** – Director Steve Hawkes (he/him)
 - Internally, the department is very happy to announce that Nathan Newell, Senior Software Engineer, has accepted our offer to become the City’s Applications Manager. Nathan has been working in City IT for 21 years and has been an outstanding employee during his tenure. As he transitions into his new role we will start the process to hire a new Senior Software Engineer. The department continues to work on the H: Drive to Microsoft OneDrive migration project and is scheduled to complete the migration of all departments by the end of the year. Another project IT is working on is an alerting and notification system for staff. Initially, the system will be used to alert staff of City closings and delays with other use cases for the system coming onboard in the future. Further, the Department has been working with JMRL to ensure their staff has access to electronic paystubs from both PC and mobile devices. On the Applications Team side, our team has been working with Parks and Recreation to enhance their existing Time Clock system to allow time entry from a mobile device. The enhancement will provide a more efficient entry of time and provide a number of data validation steps to increase the accuracy of the time records. The IT Department’s Help Desk system version 3.0 was recently rolled out to IT staff. The system has a number of significant enhancements including allowing non-IT staff to enter tickets, view the status of tickets, etc. We anticipate the full rollout of the new Helpdesk System in October 2022.
- **Neighborhood Development Services** – Director James Freas (he/him)
 - Hosted Roundtable work sessions with Developers and Engineers to discuss improvements to the development review process; this is an ongoing effort aimed at transforming the process for long-term impact
 - The city has supported a Reconnecting Communities grant proposal being submitted by Albemarle County and focused on the 29 corridor; we were able to align efforts and while supporting their effort, they have joined in support of the city pursuit of Safe Streets and Roads for All funding
 - Our team has prepared and submitted a Safe Streets and Roads for All grant for the September deadline; we hope to secure these critical planning resources to help create a citywide Transportation Plan that will then be eligible for additional consideration of implementation funding; the grant will underwrite a host of activities to include community charrettes, data analysis, existing plan assembly and integration, and capacity and priority assessments
 - We are excited to have recently completed interviews for the new Transportation Planner role; an offer has been extended to a candidate and we look forward to announcing a new staff member who will lead our transportation planning efforts, something we have needed for a long time
- **Parks & Recreation** – Director Dana Kasler (he/him)
 - We continue to work to develop operational agreements with Bennetts’ Village, Botanical

Garden, and Dogwood Memorial to codify the relationships for long term management.

- Prioritizing development plans for the Meadowcreek Trail to continue moving toward a full realization of all three sections, including the connection to Michie Drive.
- Evaluating opportunities to restructure the department in an effort to optimize operations and better support the various business lines; this will be completed in advance of initiating the Master Plan to ensure the department is ready to shift into implementation upon completion of the study.

- **Public Works** – Director Stacey Smalls (he/him)

- Administration:
- Engineering: Continuing to work with VDOT on portfolio reboot; current priorities are resetting the plans for Emmet and Fontaine Streetscapes; project alignment with UVA has been critical and has ensured the projects can continue to move forward with aggressive planning for execution.
- Engineering: Interviewing candidates for Admin III position which will deliver critical work flow capacity for the division that we hope to expand with the addition of a financial analyst to enhance overall project management
- Environmental Sustainability: Staff has been reviewing recent recommendations for consideration to be integrated into the city's Climate Action Plan
- Environmental Sustainability: Onboarding new Climate Action Plan Specialist, Emily Irvine, who joined the team at the end of August.
- Environmental Sustainability: MS4 Annual Report being prepared and submitted to the state.
- Facilities Development: Project assessment underway for fuel station improvements at the Avon Yard to repair recent damage to bumps and replacing gas storage tanks with upgraded facilities.
- Facilities Development: Recently provided presentations on the General District Court and CHS Roof Replacement Projects to the City Manager's Office.
- Facilities Maintenance: Working to prepare for City Hall reopening on October 3rd with various projects, including the establishment of a new City Hall Ambassador workspace in the lobby of City Hall to assist visitors with appointment setting and offering information
- Facilities Maintenance: Preparing a justification analysis on work order management system needs and options for how to improve our response and tracking of ongoing asset management
- Fleet: Currently rolling out GPS tracking to the Parks & Recreation fleet and all sensors will be in place by November.
- Fleet: In addition to the project planning for the fuel station at the Avon Yard, the city has also added a fuel card program as a backup that we intend to maintain even with full restoration of city-managed fuel service
- Public Service: Internal efforts underway to rollout Leaf Collection Services at the end of October.
- Public Service: Snow Operations planning is underway as a preparation for winter activation.

- **Utilities** – Director Lauren Hildebrand (she/her)

- Since 2019 the Charlottesville Gas Energy Efficiency Program (CGEEP) has provided qualified households with free home weatherization improvements. These improvements include upgrading attic insulation, duct and air sealing, pipe insulation wrapping, and a number of other measures designed to increase a home's overall energy efficiency. CGEEP enters its third year with updated income qualification levels, expanding the program opportunity to more households. The program uses 80% of the Area Median Income (AMI) to determine household income eligibility, and 120% of

AMI for households with the Utilities account holder age 60 years or older. Now, a family of four qualifies for CGEEP with a combined total household income of \$83,850, and a family of two with the account holder over age 60 qualifies with a total combined household income of \$100,680. The program is available to home owners, as well as to renters who seek the program with landlord approval, and includes single-family homes, duplexes, and townhomes.

- The Department of Utilities takes the community's water quality seriously, and has applied for a grant from the Virginia Department of Health, Office of Drinking Water, to help in the process of a system-wide inventory of the materials used in the city's water lines. This inventory is required by the Environmental Protection Agency for all water providers, to ensure the delivery of clean, high quality drinking water nationwide. Access to clean, safe, and reliable water is the number one priority for the Department of Utilities, and the 2022 Water Quality Report confirms that the city's drinking water exceeds all safety standards and poses no threat to public health.
- **Social Services** – Director Sue Moffett (she/her)
 - The Department of Social Services was found to have zero (0) payment errors in their most recent IVE quarterly case review. Congratulations for stellar work to the team! The Department would like to ensure that the community knows that pandemic EBT benefits are continuing through the Department of Education. Eligible school age children will receive a one-time benefit amount of \$391. The Pandemic Electronic Benefit Transfer (P-EBT) program is a federal program created in the spring of 2020 to supplement school meals that students missed while schools were closed or placed on part-time attendance schedules due to COVID-19. To be eligible for P-EBT benefits, students must qualify for free or reduced-price school meals under the National School Lunch Program and meet certain conditions as defined by the United States Department of Agriculture (USDA). Should any member of the community need assistance please contact the Department of Social Services at 434-970-3400 for additional information/ Comuníquese con el Departamento de Servicios Sociales al 434-970-3400 para obtener información adicional.

APPOINTEES AND ELECTED OFFICIAL UPDATES

- **Circuit Court** – Honorable Lizelle Dugger, Clerk of Circuit Court (she/her)
 - For the first time since the early part of this year, my office is fully staffed.
- **Commissioner of the Revenue** – Commissioner Todd Divers (he/him)
 - The Commissioner of the Revenue thanks Citizens for their patience with technical difficulties in the CHAP application program. Due to those issues, the program application period was extended to September 16, 2022. The team will begin processing those applications at this time. For information on the Real Estate Tax Relieve programs offered by the Commissioner please go to: <https://www.charlottesville.gov/1513/Real-Estate-Tax-Relief>
- **Finance Office** – Director Chris Cullinan (he/him)
 - The Finance Department is continuing to close out the recently completed fiscal year in preparation for the annual audit. The City's auditors will be on-site in early October. Further, the Department would like to make sure the community knows that they are actively recruiting for accounting and procurement positions. Job descriptions and applications can be found on the City's jobs board at <https://www.governmentjobs.com/careers/charlottesville>
- **Treasurer's Office** - Treasurer Jason Vandever (he/him)
 - The Treasurer's Office would like to make sure that the community is aware that U.S. Passport services are in full swing! The office processed 20 passport applications in the first month since resuming the service. Due to demand, we have expanded the service to twice a week. This month we wrapped up the rush for zone parking permits, as the new permit season began on September 1st. Permits are still available to eligible residents. Our office is currently preparing tax accounts for second-half billing, and bills will be mailed towards the end of October.

**NEIGHBORHOOD LEDERS MEETING
SEPTEMBER 15, 2022, 5:30 PM – 7PM
QUESTIONS AND RESPONSES**

KELLYTOWN NEIGHBORHOOD

1. I'm interested in the strategy for improving pedestrian safety on the 1400-block of Rugby Avenue, listed in degree of importance to me (highest first).

Response: *This relates to the pedestrian safety improvements below.*

2. Light at Rosehill and Rugby Ave.

Response: *This project has been bid, and is in process of being awarded. Construction on the intersection should begin this fall.*

3. High vehicle speed on Rugby Avenue (seems to me like it's usually running 40mph in a 25mph zone)

Response: *For the time being, enforcement is probably the best course of action. We can take another look at speeds once the 4-way stop and new signal are in place as those should have some impact of travel speeds.*

4. Crossing at the Sherwood-to-Westwood end.

Response: *This should be addressed with the Parks trail project. It will turn the intersection into a 4-way stop and be much easier for bikes/peds to cross.*

5. Sidewalk on west side of 1400-block of Rugby Ave.

Response: *Assuming this means the North Side of Rugby (Rugby runs East/West). Currently no plans to finish this section of sidewalk. It would require removal/rework of several residents parking situation close to the Rosehill intersection.*

JPA NEIGHBORHOOD

One of our main concerns of Jefferson Park Avenue Neighborhood Association (JPANA)

1. Our Jefferson Park Neighborhood has serious Traffic concerns at JPA/Maury Avenue/Fontaine site; the City soon could be calculating just over 1,000 new people moving in.
2. Presently we have one Traffic Engineer to handle our cars, delivery trucks (add the frequent UPS, pizza /food orders as we are accustomed to) bikes, scooters and, Pedestrians. How is our one Charlottesville Traffic Engineer, Brenden Duncan, going to take care of all Charlottesville (and the Pedestrian/bike person has left)?

Response: *We are currently trying to hire 2 positions in the Traffic Engineering division.*

3. Our JPANA understands that our traffic count for our area is 5 years old – does it need an update? Is our infrastructure ready to handle our upcoming Traffic and Density?

Response: *The latest VDOT traffic counts are from 2021. We have no reason to believe that any of our current intersections will be unable to sustain our current or projected traffic volumes.*

4. Safety is our JPANA main concern – environmental (car fumes, noise, just livability when conditions create “too close for comfort.”)

Response: *The City will continue its ongoing effort to improve and maintain safety of its streets and the livability of city neighborhoods.*

5. Visitors coming into our entrance corridor to Charlottesville and to the University (UVA); –

for our special events, and just pleasure, let's show our Pretty Best.

Response: *I believe we are continuing to move forward with the Fontaine Corridor plan to help beautify and make the corridor more multimodal friendly.*

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



Agenda Date:	October 3, 2022
Action Required:	Granting of air rights to UVA for a pedestrian bridge over Emmet Street
Presenter:	James Freas, Director of NDS
Staff Contacts:	Lisa Robertson, City Attorney
Title:	Air Rights Conveyance to University of Virginia for Pedestrian Bridge over Emmet Street (2nd reading)

Background

The University of Virginia is currently constructing a new building on Emmet Street referred to as the Contemplative Commons project. One component of this project is a proposed pedestrian bridge that would cross Emmet street from this new building to the plaza area next to the UVA bookstore and Newcomb Hall as shown in the illustration below. The proposed pedestrian bridge would replace the existing pedestrian bridge to the south of this location, which is not ADA accessible and has significant maintenance needs.

Discussion

City staff have reviewed the plans for this bridge and found that the proposed design readily meets the requirements for road clearance (16' minimum) and the City's primary concern of keeping the bridge abutments out of the right-of-way. Further permit applications for curb cuts, street closure and similar construction period activity will need to be reviewed before work can commence. UVA is planning to construct the bridge this winter. The bridge will provide 23'4" of clearance and be 31' tall as shown on the submitted plans prepared by VMDO Architects and sealed August 26, 2022.

Staff's consideration of this request was supported by the resolution of an obstacle that had been holding up advancement of the Emmet Street streetscape project. Property acquisition costs, primarily those for University owned land along Emmet near the Ivy Road intersection, had placed that project well over budget. Given the University's strong interest in the completion of that project, they have agreed to providing the necessary easement at no cost so that the project can move forward in conjunction with their development in the Ivy corridor.

Alignment with City Council's Vision and Strategic Plan

The project supports City Council's vision for a "Green City" and a "Connected Community". It contributes to Goal 2 of the Strategic Plan, to be a healthy and safe city.

The proposed pedestrian bridge also supports the vision and goals of the Transportation Chapter of the 2021 Comprehensive Plan, which calls for a connected and well-maintained system of pedestrian

ways and for ensuring that everyone is able to make use of our pedestrian infrastructure through accessible, ADA consistent, design.

Community Engagement

Conveyance of the requested air rights requires that City Council conduct a public hearing

Budgetary Impact

No budgetary impact from this action

Recommendation

Staff recommends granting the requested conveyance of air rights for a new pedestrian bridge over Emmet Street.

Recommended Motion: "I move the ORDINANCE conveying air space over Emmett Street to the Rector and Visitors of the University of Virginia"

Alternatives

Council could decline to grant the air rights for a new pedestrian bridge. This action would force the University to redesign aspects of the "Contemplative Commons" project and retain the existing pedestrian bridge with the deficiencies identified above.

Attachments

1. CouncilMemo_091922
2. 2022 Emmet Air Rights for Pedestrian Bridge

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



Agenda Date:	September 19, 2022
Action Required:	Granting of air rights to UVA for a pedestrian bridge over Emmet Street.
Presenter:	James Freas, Director, Neighborhood Development Services
Staff Contacts:	Lisa Robertson, City Attorney
Title:	UVA Emmet Street Air Rights Conveyance Request

Background

The University of Virginia is currently constructing a new building on Emmet Street referred to as the Contemplative Commons project. One component of this project is a proposed pedestrian bridge that would cross Emmet street from this new building to the plaza area next to the UVA bookstore and Newcomb Hall as shown in the illustration below. The proposed pedestrian bridge would replace the existing pedestrian bridge to the south of this location, which is not ADA accessible and has significant maintenance needs.



Discussion

City staff have reviewed the plans for this bridge and found that the proposed design readily meets the requirements for road clearance (16' minimum) and the City's primary concern of keeping the bridge abutments out of the right-of-way.

Further permit applications for curb cuts, street closure and similar construction period activity will need to be reviewed before work can commence. UVA is planning to construct the bridge this winter. The bridge will provide 23'4" of clearance and be 31' tall as shown on the submitted plans prepared by VMDO Architects and sealed August 26, 2022.

Staff's consideration of this request was supported by the resolution of an obstacle that had been holding up advancement of the Emmet Street streetscape project. Property acquisition costs, primarily those for University owned land along Emmet near the Ivy Road intersection, had placed that project well over budget. Given the University's strong interest in the completion of that project, they have agreed to providing the necessary easement at no cost so that the project can move forward in conjunction with their development in the Ivy corridor.

Alignment with City Council's Vision and Strategic Plan

The project supports City Council's vision for a "Green City" and a "Connected Community". It contributes to Goal 2 of the Strategic Plan, to be a healthy and safe city.

The proposed pedestrian bridge also supports the vision and goals of the Transportation Chapter of the **2021 Comprehensive Plan**, which calls for a connected and well-maintained system of pedestrian ways and for ensuring that everyone is able to make use of our pedestrian infrastructure through accessible, ADA consistent, design.

Community Engagement

Conveyance of the requested air rights requires that City Council conduct a public hearing.

Budgetary Impact

No budgetary impact from this action.

Recommendation

Staff recommends granting the requested conveyance of air rights for a new pedestrian bridge over Emmet Street.

Alternatives

Council could decline to grant the air rights for a new pedestrian bridge. This action would force the University to redesign aspects of the "Contemplative Commons" project and retain the existing pedestrian bridge with the deficiencies identified above.

Attachments

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

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

WHEREAS the Rector and Visitors of the University of Virginia (the “University”) is the owner of certain land situated on both sides of the City-owned public street right-of-way for Emmet Street, within the City of Charlottesville; and

WHEREAS the University desires to construct a pedestrian walkway above Emmet Street, connecting the west side of University Grounds campus with Newcomb Hall and other parts of the east side of the campus, as an essential part of a University development project known as the “Contemplative Commons”, in the location as shown on a drawing prepared by Aidlin Darling Design and VMDO Architects dated August 26, 2022; and

WHEREAS pursuant to sections 15.2-2030 and 15.2-2204 of the Code of Virginia (1990), as amended, the City is authorized to convey rights in the airspace over any public street; following a public hearing after publication of newspaper notice; and

WHEREAS the University has represented that it will convey one or more easements to the City, to allow the use of lands owned by it adjacent to Emmet Street to be improved by the City in accordance with the construction plans for the Emmet Street Streetscape Project (UPC No. 109551); now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville that a conveyance of the airspace over the public street right of way for Emmet Street is hereby authorized, for the purpose of construction of a pedestrian walkway, in the location as shown on a drawing prepared by Aidlin Darling Design and VMDO Architects dated August 26, 2022, said conveyance expressly made subject to the following conditions:

(1) said air rights conveyed to the University shall begin at a height of sixteen feet six inches above the Emmet Street right of way and shall extend to a height of forty-five (45) feet above the said right of way;

(2) should the construction of any structure require relocation of any utility, the cost of the relocation shall be borne by the University;

(3) if a pedestrian bridge is not completed within five (5) years of the date of the approval of this ordinance, the University shall reconvey the airspace to the City, at no cost to the City; and

(4) neither this conveyance, or any provision within this ordinance, shall be construed to relieve the University of liability for negligence on their part, subject to any immunity that the University may enjoy under the laws of the Commonwealth of Virginia.

Ownership of the fee interest in the Emmet Street public street right of way and of all air rights other than those described within this ordinance shall be and remain with the City of Charlottesville.

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



Agenda Date:	October 3, 2022
Action Required:	Adoption of Ordinance (2nd Reading)
Presenter:	Lisa Robertson, City Attorney
Staff Contacts:	Brenda Kelley, Redevelopment Manager
Title:	Request for Vacation of Unaccepted Right-of-Way for Oak Street at 321 6th Street (3rd reading; deferred from August 15)

Background

The City has received a request from Portia Boggs and Vignesh Kuppusamy, the owners of a lot located at **321 6th Street, S.W.**, asking the City to convey to them a strip of property adjacent to their lot. The strip of property in question was platted (circa 1888) as a 20-foot right-of-way identified as "Oak Street" ("Subject Property"). The subdivision plat which created the right-of-way was recorded in the land records of Albemarle County at Deed Book 90 Page 52. (This area is part of an area that was annexed by the City in the distant past).

Previous 2010 Council Vacation: previously, in March 2010, City Council closed a seventy-seven (77) foot section of the old platted street, beginning at 6-1/2 Street S.W. and continuing up to the eastern property line of the lots currently identified as 316 and 322 6-1/2 Street S.W. In 2010 City Council did not require the landowners who requested vacation of the plat to pay for the extra square footage of land that was acquired. The 2010 Ordinance states that there were no utility "easements" within the portion of Oak Street that was previously vacated.

Per Virginia Code §15.2-2274, if this remaining portion of Oak Street is vacated by City Council, fee simple title to the centerline of the platted street will vest in the *two* adjacent landowners (i.e., Boggs/ Kuppusamy, who are requesting this, and their neighbors at 313 6th St., S.W.).

Discussion

Virginia Code §15.2-2272 authorizes City Council to vacate property lines shown within a recorded subdivision plat, upon the application of any interested person. The request has been reviewed by the following department heads, none of whom had any substantive comments or recommendations: Utilities; Public Works; Neighborhood Development Services; Office of Community Solutions; Economic Development; Parks and Recreation.

Alignment with City Council's Vision and Strategic Plan

Not indicated by any department head.

Community Engagement

A public hearing is required, per Va. Code §15.2-2272(2) and was conducted as part of the first reading of this proposed ordinance.

Budgetary Impact

None identified by any department director or the city manager's office.

Recommendation

The City Attorney's office recommends that any ordinance vacating the Subject Street should require a private easement in favor of the owner of 313 6th Street, S.W. There exists a utility service line within a portion of the Subject Street, connecting a house on that lot to a public main in 6th Street, S.W. Although the precise location is not known at this time, in relation to the centerline of the Subject Street area, requiring that the vacation be subject to a private easement in favor of 313 6th Street, S.W. will ensure that--to the extent, if any, that the existing utility line might be located in an area that crosses over the centerline of the Subject Street area, the homeowner on 313 6th Street, S.W. will not be placed at odds with the landowner(s) on the opposite side of the Subject Street.

Suggested Motion: "I MOVE THE ORDINANCE closing, vacating and discontinuing that portion of Oak Street, an unaccepted right of way, between 6th Street, S.W. and 6-1/2 Street, S.W., adjacent to Parcels 98 and 184 on City Real Estate Tax Map 29."

Alternatives

Council may (by verbal motion) deny the request. Council may also defer the request for action at a later date.

Attachments

1. ORDINANCE 321 6th Street Vacation

ORDINANCE
CLOSING, VACATING AND DISCONTINUING THAT PORTION OF OAK STREET, AN
UNACCEPTED RIGHT OF WAY, BETWEEN 6TH STREET S.W. AND 6-1/2 STREET, S.W.,
ADJACENT TO PARCELS 98 AND 184 ON CITY REAL ESTATE TAX MAP 29

WHEREAS Portia Boggs and Vignesh Kuppusamy, the owners of the property at 321 6th Street, S.W., have petitioned the City to close a portion of Oak Street, an unaccepted right-of-way running from 6th Street, S.W. in a westerly direction to the property line(s) for 316 and 322 6-1/2 Street, S.E., adjoining Parcels 98 and 184 on City Tax Map 29 (“Subject Street”); and

WHEREAS the portion of Oak Street that is the subject of this petition was created circa 1888, by a subdivision plat recorded in the Albemarle County land records at Deed Book 90 Page 52, and subsequently annexed into the City of Charlottesville; however, there is no known record of the City Council ever having formally accepted the area within the 20-foot Oak Street platted right-of-way; and

WHEREAS, by ordinance adopted March 15, 2010, this City Council previously vacated a different segment of the platted Oak Street right-of-way adjoining Parcels 97 and 185 on City Real Estate Tax Map 29 (316 and 322 6-1/2 Street, S.W., respectively); and

WHEREAS the owners of property adjoining the Subject Street (e.g., 313 and 321 6th Street, S.W.) have been notified of this petition, and notice has been given to the public pursuant to Virginia Code Sections 15.2-2204 and 15.2-2272, and a public hearing by the City Council was held on June 21, 2010; and

WHEREAS after due consideration of the petition this Council finds and determines that the petitioners’ request should be granted; now, therefore

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Subject Street is hereby closed, vacated and abandoned, subject to an easement for the benefit of the owner(s) of 313 6th Street, S.W., for an existing utility service line located within the area of the Subject Street, and the said area of the Subject Street being more particularly described as follows:

A twenty (20) foot platted street, designated as Oak Street, running from 6th Street, S.W. for the entire length of the adjoining lots identified on 2022 City Real Estate Tax Map 29 Parcels 98 and 184 (313 and 321 6th Street, S.W., respectively).

BE IT FURTHER ORDAINED that this ordinance shall take effect (i) 60 days after the date of City Council’s vote to approve this Ordinance, if no appeal from City Council’s enactment of this ordinance is filed of record within the Charlottesville Circuit Court, or (ii) if an appeal is filed, upon the entry of a final order by the circuit court disposing of the appeal (“Effective Date”). The City Attorney and City Manager are authorized to take all actions necessary to carry out the actions authorized by this ordinance, and, on or after the Effective Date, to record an attested copy of this ordinance within the Street Closing Book within the land records of the Charlottesville Circuit Court. Upon the recordation of this Ordinance within the said Street Closing Book, the owner(s) of the lots currently addressed as 313 and 321 6th Street, S.W., respectfully, shall acquire title to the centerline of the Subject Street adjoining their lot.

CITY OF CHARLOTTESVILLE, VIRGINIA

CITY COUNCIL AGENDA



Agenda Date:	October 3, 2022
Action Required:	Public hearing and second reading
Presenter:	Michael Rogers, City Manager, Robin Burroughs, Venable LLP
Staff Contacts:	Mary Ann Hardie, Director of Human Resources
Title:	City Manager's Proposed Collective Bargaining Ordinance (2nd reading)

Background

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

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

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

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

Discussion

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

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

Number of Bargaining Units and Bargaining Unit Composition: The Ordinance prioritizes providing bargaining rights to three groups of non-supervisory City employees: (i) sworn uniformed police officers, (ii) sworn uniformed firefighters, and (iii) certain operations and maintenance employees within Charlottesville Area Transit. A common approach within municipalities that engage in collective bargaining is to exclude supervisory personnel from the bargaining units, and that is the City Manager's proposal for each of these three units. It is important to understand,

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

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

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

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

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

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

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

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

Fairfax County (Annual Budget: \$4.2 BILLION)

Total employees: 12,000

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

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

Loudoun County (Annual Budget: \$3.5 BILLION)

Total employees: 4,672.76

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

Fire: 748 FTE (600 uniformed; 148 other)

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

Total employees: 2,765.34

Police: 432.63 FTE (335.13 uniformed; 97.5 other)

Fire: 321.50 FTE (274 uniformed; 47.5 other)

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

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

Alignment with City Council's Vision and Strategic Plan

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

Community Engagement

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

Budgetary Impact

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

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

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

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

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

Recommendation

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

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

Alternatives

City Council, at its sole option, may decide that it does not wish to establish a collective bargaining program at this time.

There exist many variations of the issues and procedures set forth within the proposed ordinance, all of which have operational impacts, budgetary impacts, or both. Council may explore variations, at its discretion.

Attachments

1. Charlottesville Draft Ordinance Outline(55914403.14) (002)
2. Charlottesville Ordinance Revisions Summary(56560389.4) (002)
3. Charlottesville Ordinance Revisions Summary(56560389.3)
4. Charlottesville Draft Ordinance (55914403.13) (Track Changes)
5. CBO_Charlottesville - City Council Revisions Presentation1032022

ORDINANCE

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

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

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

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

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

Article VII. Collective Bargaining

Sec. 19-201. Statement of Policy /Purpose

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

Sec. 19-202. Definitions

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

Administrative employee means an employee whose primary duty is the performance of office or non-manual work directly related to or in furtherance of the management or general business operations and services of the City.

Administratively acceptable evidence to support a petition for election or for decertification may consist of a combination of petition signatures, a membership roster signed by each employee, or a set of membership authorization cards. All signatures must be dated, and each signature must have been provided subsequent to any previously held election for the bargaining unit in question, if applicable. Any signature or authorization by an employee to support a petition for election or for decertification may be revoked in a dated writing by the employee at any time. A current authorization that satisfies the Uniform Electronic Transactions Act (Code of Virginia, § 59.1-479 et seq.) shall be valid for an employee's authorization for representation for purposes of a petition filed by an employee organization seeking an election or by an employee or group seeking decertification.

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

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

Benefits means all forms of non-wage compensation.

City means the City of Charlottesville, Virginia.

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

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

Confidential employee means any employee who works in or for:

- (1) Any office of a City Council member;
- (2) The Office of the City Manager;
- (3) The Office of the City Attorney;
- (4) The Department of Human Resources;
- (5) The Department of Finance and Budget;

The term “confidential employees” also includes:

(1) Those employees whose ~~work involves regular job duties require~~ authorized access to confidential ~~or privileged personnel management, fiscal, or labor policy~~ information ~~material pertaining~~ to the ~~City in~~ City's budgetary and financial data, emails between management staff and the City Council or City Manager, personnel data, or strategy, relevant to subjects within the scope of collective bargaining as set forth in this chapter, or those employees within the Information Technology department whose job duties require authorized access to confidential information pertaining to personnel data or management emails relevant to subjects within the scope of collective bargaining.

(2) A position in any department in which the employee assists in a confidential capacity, persons who formulate, determine, and effectuate management policies in the field of labor relations.

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

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

a confidential employee, as defined in this section;

a managerial employee, as defined in this section;

a supervisor, as defined in this section;

an intern or volunteer;

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

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

emergency services dispatchers; or

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

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

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

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

Insurance benefit options means the types and components of health and welfare insurance plans offered to employees, their dependents, and retirees, including but not limited to the structure and provider of insurance plans, the covered benefits of insurance plans, any plan exclusions, and any cost-controlling features such as prior approval requirements, prescription formularies, etc.

Labor-management dispute means a difference of position as between the City and an exclusive bargaining agent concerning administration or interpretation of the collective bargaining agreement between them; whether an act is a prohibited labor practice under sec. 19-214; and questions of eligibility of disputes for resolution by mediation or arbitration. It shall not mean disciplinary or other adverse personnel actions within the meaning of Code of Virginia, § 15.2-1506, et seq, as implemented by the uniformly applicable City grievance procedure and specialized state statutory procedures applicable to law enforcement officers and fire and emergency medical services employees.

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

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

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

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

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

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

Seasonal employee means ~~ana temporary employee who is hired into a position for which the customary annual employment is four (4) months or less, and, as defined in this section,~~ for which the period of

employment begins each calendar year in approximately the same part of the year, such as summer or winter, for reasons related to work demands that arise during those parts of the year.

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

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

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

Technical employee means an individual whose work requires a combination of basic scientific or technical knowledge and manual skill that can be obtained through specialized postsecondary school education or through equivalent on-the-job training.

Temporary employee means an employee who works variable hours, but fewer than 20 hours per week, and fewer than 36 weeks per year, on an as-needed basis.

Sec. 19-203. Authorized Subjects of Collective Bargaining

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

(1) wages, salaries, and other forms of monetary compensation,

~~(2) working health and dental insurance premiums (including employer contributions and premium cost sharing), deductibles, and co-payments for active employees and covered dependents;~~

~~(3) non-health and non-welfare benefits, such as paid and unpaid leave and holidays;~~

~~(4) retirement benefits for active employees;~~

~~(2)(5) other terms and conditions of employment, including hours of work, provided that matters reserved as City management rights in sec. 19-206 are not authorized subjects of bargaining, ~~or.~~~~

~~(3) non-health and non-welfare benefits, such as paid and unpaid leave and holidays.~~

~~(b)~~(b) Any procedure for resolution of grievances, as defined in Virginia Code § 15.2-1507(A)(1), negotiated as part of a collective bargaining agreement reached under this section shall conform to any requirements set forth in applicable state law, and the City may agree to arbitration as a component of any such negotiated procedure. Probationary employees, as that term is used in the City's personnel regulations, must be excluded from any such negotiated grievance procedure. A negotiated grievance procedure contained in a collective bargaining agreement shall be the exclusive procedure available to an employee of the bargaining unit covered by that procedure, unless another procedure is available as a matter of right provided by state, federal, or other applicable law. Where such alternate procedures are available, an employee's initial election of procedure made at the time of filing the grievance shall be binding and irrevocable.

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

~~(1) health and welfare benefits such as health, dental, life insurance, and similar benefit programs,~~

~~(2)(1) matters concerning the provisions of a retirement system including, but not limited to, the provider of the~~ City's existing retirement plan or any decision to replace any or all such plans with the retirement plan of the Virginia Retirement System,

~~(2) benefits established and administered in accordance with the Code of Virginia over which the City does not have discretion or control,~~

~~(3) insurance benefit options, insurance plan providers, and employer subsidies for insurance provided to non-individuals who are neither active employees nor their covered dependents, including retirees and/or survivors,~~

~~(3) matters concerning the provisions of the City's deferred compensation program,~~

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

~~Workers' compensation matters,~~

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

~~Occupational safety and health matters,~~

~~Equal employment opportunity matters,~~

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

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

~~Matters governed by this ordinance;~~

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

~~(6)(5) matters affecting the City's right to hire, promote, transfer, assign, retain, classify, and schedule employee take disciplinary actions up to and including termination for probationary employees, as that term is used in the City's personnel regulations;~~

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

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

~~(9)(6) matters affecting the City's right to establish policies or practices to respond to emergency situations; and~~

~~(10)(7) provisions, prohibited by state law, that restrict the City Council's authority to establish the budget or appropriate funds in its discretion.~~

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

Sec. 19-204. Authorized Bargaining Units

~~(a) (a) For at least two (2) years one year following the adoption of this ordinance, only employees the City shall recognize up to three of the potential bargaining units outlined in subsection (c) below for the purpose of collective bargaining. The units recognized by the City under this subsection shall be the first three to achieve certification under the procedures outlined in sec. 19-210.~~

~~(b) Beginning in the second year following adoption of this ordinance, additional bargaining units may be recognized by the City at a rate of one new bargaining unit per calendar year. New units will be recognized by the City under this subsection in the order in which they achieve certification under the procedures outlined in sec. 19-210. By the fourth year following adoption of this ordinance, all the potential bargaining units outlined in subsection (c) will be eligible for recognition by the City.~~

~~(a)(c) Employees in the following specified bargaining units shall may be authorized to engage in collective bargaining through an employee organization recognized by the City:~~

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

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

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

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

~~(e)(4) Labor and Trades: a unit consisting of all regular full-time and part-time employees associated with maintenance and skilled crafts, i.e., job classes of workers performing duties that result directly in the comfort and convenience of the general public, or contribute to the maintenance of capital assets, land and infrastructure of the City, excluding any otherwise eligible employees outlined for participation in the Transit unit and those excluded by definition under sec. 19-202.~~

~~(5) Administrative and Technical: a unit consisting of all regular full-time and part-time employees of the City who are administrative employees or technical employees or who perform office support work, except those excluded by definition under sec. 19-202.~~

~~(6) Professional: a unit consisting of non-supervisory and non-managerial employees within the definition of "professional employee" as set forth in sec. 19-202, except those excluded by definition under sec. 19-202.~~

~~(d) The City Manager or his/her designee shall, upon request, meet and confer with police and fire supervisor employees who supervise members of a certified bargaining unit who are themselves are ineligible to bargain collectively regarding matters within the scope of collective bargaining under this ordinance, with the specific intent to address salary compression, as commonly defined or understood, resulting from collective bargaining with eligible police and fire uniformed certified employees.~~

Sec. 19-205. Employee Rights

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

(b) Employees have the right to request representation by a representative of their certified bargaining unit and have such representative present during any investigative interview conducted by the City in its role as employer if the eligible employee reasonably believes that such interview involves a matter that could lead to the employee's discipline.

(c) Employees are not prohibited from, and shall not be penalized or retaliated against for, using City electronic mail, telephone, facsimile transmission, or other communication systems owned by the City to discuss employee organization business or activities or employee organizing activities; however, the City remains the owner of such communication systems, and no employee shall have any expectation of privacy in the use of such a communication system. The City's access to or disclosure of emails, voicemails, or other communications when required by law, for use in litigation or administrative hearings, for use in investigations, or for other proper business or governmental purposes shall not be considered a prohibited practice under sec. 19-214.

(d) Employee organizations have the right to meet with bargaining unit employees on the premises of the City in designated spaces during times when the employees are on break or in a non-duty status, in accordance with generally applicable City policies. This section shall not be applied or interpreted in a manner that prohibits casual nondisruptive conversation among or between employees in the workplace.

(e) Employees also shall have the right to refrain from any or all such activities.

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

(a) This ordinance shall not be deemed to limit or diminish the authority of the City Council and the City Manager to fully manage and direct the operations and activities of the City as authorized and permitted by law. ~~The City~~ Thus, unless the City elects to bargain regarding the following matters, the City and the City Manager retain their respective exclusive rights, including the following rights, subject to the terms agreed to in a collective bargaining agreement:

- (1) to determine the organization of City government and the purpose and mission of its constituent agencies, and to add, delete, modify, or suspend programs, functions, and units of government as the City determines to be necessary and appropriate;
- (2) to determine the type and scope of work to be performed by City employees, and the manner in which services are to be provided;
- (3) to direct the work of employees and determine the number of employees to perform any work or service;
- (4) to hire, classify, promote, transfer, assign, retain, and supervise all employees, and to suspend, demote, discharge, or take other disciplinary action against employees;

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

(b) No provision of this ordinance shall act to interfere with or impair the free speech and association rights of the City Manager or the members of the City Council. ~~This includes the right to advocate for or against employee organizations, and to speak on issues related to the City's labor policy without limitation. No prohibited practice charge may be brought against the City, the City Manager, or any City Council member because of such individual's or the City's collective exercise of the right of free speech and association so long as such expression or speech contains no threat of reprisal or promise of benefit.~~

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

Sec. 19-207. Labor Relations Administrator

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

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

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

Sec. 19-208. Selection of Administrator.

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

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

(c) If the administrator dies, resigns, becomes disabled, or otherwise becomes unable or ineligible to continue to serve within six (6) months of the date of appointment, the City Manager may either appoint a new administrator from the list from which that administrator was selected or request that a new list be created through the process outlined in this section. The newly selected administrator will serve the remainder of the previous administrator's term.

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

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

Sec. 19-209. Duties of Administrator

(a) The administrator shall:

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

procedure, absent a showing that the deferral results in the application of principles contrary to this ordinance. The administrator must defer to state law procedures in any matter where state law so requires;

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

(b) Any party aggrieved by any decision or order of the administrator may within 21 days from the date of such decision or order is filed, appeal to the circuit court to obtain judicial review pursuant to the provisions for judicial review set forth in the Uniform Arbitration Act, Code of Virginia, §§ 8.01-581.01—8.01-581.016, except that in addition to those grounds outlined in Code of Virginia, § 8.01-581.010, the court shall be empowered to vacate the administrator's decision upon a finding that the administrator manifestly disregarded applicable law.

Sec. 19-210. Recognition of Exclusive Bargaining Unit

(a) A bargaining agent shall be the exclusive representative of all employees in an appropriate bargaining unit described in sec. 19-204(a) if the employee organization is selected by a majority of the employees voting in an appropriate bargaining unit in a secret ballot election conducted pursuant to this section following a petition for election. Elections shall be conducted by secret ballot at the time and place that the administrator directs and in accordance with procedures adopted by the administrator. Mail in or other alternative ballots may be permitted if all parties agree. The cost of such election, including postage if applicable, shall be borne equally by the prospective employee organization(s) seeking recognition and the City.

~~(b) In the event that more than one employee organization files a petition for election within ten calendar days after a first petition for election or for election has been filed, an election to select an exclusive bargaining agent shall be held under the procedures adopted by the administrator. Any cost of such election shall be borne equally by the prospective employee organizations seeking recognition. If an employee organization receives a majority of the votes cast by the employees voting in an appropriate bargaining unit, it shall be recognized by the City as the exclusive bargaining agent, provided however, that the City Manager or an employee organization may file objections to the election with the administrator alleging that there has been misconduct which has affected the outcome of the election, and the City need not recognize the employee organization pending the resolution of any process to review those exceptions.~~

~~(c) “Administratively acceptable evidence” to support a petition for election or for decertification will consist of a petition or a set of authorization cards where all signatures must be dated and received by the employee organization, employee, or group within sixty (60) days prior to the date on which the petition for election has been filed. (b) A current authorization that satisfies the Uniform Electronic Transactions Act (Code of Virginia, § 59.1-479 et seq.) shall be valid for an employee’s authorization for representation for purposes of a petition filed by an employee organization seeking an election or by an employee or group seeking decertification.~~

(d) An employee organization may request an election be held by submitting a petition for an election to the administrator, who shall notify the City Manager in accordance with procedures established by the administrator, including but not limited to provisions for notice to bargaining unit employees and public notice of election. The City must furnish to the administrator no more than five (5) days after notification of the submission of the petition a list of all eligible employees in the bargaining unit. The petition must represent a showing of ~~uncoerced~~ interest by at least thirty (30) percent of the employees in a bargaining unit permitted by this ordinance based upon administratively acceptable evidence.

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

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

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

employee organization that has intervened in accordance with the provisions of this ordinance, and a choice of “no representation” by any of the named employee organizations.

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

(~~g~~) If an employee organization receives a majority of the valid ballots cast by the employees in a permitted bargaining unit, it shall be recognized by the City as the exclusive bargaining agent upon the administrator’s written certification of the results. In an election in which none of the choices on the ballot receives a majority, a runoff election shall be conducted in which the ballot shall provide for a selection between the two choices or parties receiving the highest and second highest number of ballots cast in the prior election. Any runoff election(s) shall be conducted in substantial conformity with the procedures set out by the administrator for the initial election.

(~~h~~) The administrator’s certification of results is final, unless within 14 days after service of ~~the election report and~~ the certification, any party serves on all other parties and files with the administrator objections to the election. Objections must be verified, and must contain a concise statement of facts constituting the grounds for the objections. The administrator must investigate the objections, and if substantial factual issues exist, must hold a hearing. Otherwise, the administrator may determine the matter without a hearing. The administrator may invite written or oral argument to assist ~~it~~them in determining the merits of the objections. If the administrator finds that the election was not held in substantial conformity with this ordinance, or if the administrator determines that the outcome of the election was affected, even if by third party interference, it shall require corrective action, and order a new election under this section. Otherwise, the administrator must confirm the certification initially issued. The City need not recognize the employee organization pending the resolution of any process to review objections. In any event, the administrator must make a determination as to whether or not to ~~certify~~confirm the certification of the election within 21 days of the filing of objections.

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

Sec. 19-211. Decertification of Bargaining Agent

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

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

(c) A petition for decertification of a recognized exclusive collective bargaining agent in an appropriate unit may be filed in the ~~thirty (30)~~^{sixty}~~thirty (360)~~-day period between the one hundred eightieth (180th) and one hundred ~~fiftieth (150th)~~^{twentieth}~~fiftieth (1520th)~~ day prior to expiration of any existing collective bargaining agreement for that bargaining unit. If a collective bargaining agreement expires and a successor agreement is not in place, a request for decertification may be filed at any time prior to the ratification of a successor agreement.

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

(e) If a majority of the employees in an appropriate bargaining unit vote in a secret ballot decertification election to no longer be represented by the employee organization, that organization no longer shall be recognized as the exclusive bargaining agent of the employees in the bargaining unit. The effect of a successful decertification election for the bargaining unit takes effect immediately upon final certification of the election results by the administrator. If the election results in a new exclusive representative, the new representative shall become a successor in interest to the existing or prior collective bargaining agreement. If the election results in no exclusive representative, the result will act as a revocation of any existing collective bargaining agreements for the bargaining unit.

Sec. 19-212. Rights Accompanying Exclusive Representation

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

- (1) permitted to speak on behalf of all members of the bargaining unit, and responsible for representing the interests of all members of the bargaining unit without discrimination based on any legally protected characteristic and without regard to employee organization membership; and

- (2) entitled to meet at reasonable times and places to engage in good faith collective bargaining on matters that, under this ordinance, may be the subject of collective bargaining, in an effort to reach an agreement, subject to the approval of the City Manager.

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

~~(e)(3) entitled to receive upon request a list of the names of all bargaining unit employees, provided that such a request shall occur no more than once per quartermonth, unless alternative arrangements are agreed to in a collective bargaining agreement.~~

~~(17) ——— Nothing in this ordinance requires either party to make any concessions or agree to the other party's proposals in collective bargaining.~~

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

Sec. 19-213. Negotiated Agreement and Impasse

~~(a)(a) The City or the bargaining agent may initiate a request to bargain by submitting a written request to the other party for any collective bargaining intended to result in a collective bargaining agreement to become effective for a given fiscal year in time for collective bargaining to begin on or before September 1 of the preceding fiscal year and conclude, including any impasse resolution procedures, with adequate time for inclusion in the City Manager's proposed budget for the given fiscal year.~~

~~(b) Prior to the adoption of a first collective bargaining agreement, eligible employees representing an exclusive bargaining representative who are directly involved in the negotiation of a collective bargaining agreement under this chapter may be authorized to engage in such negotiations during work time. Such official time shall be negotiated between the parties, and any negotiated agreement shall be set forth in writing between the City and the exclusive bargaining representative. After the ratification of a first collective bargaining agreement for a respective bargaining unit, official time shall be governed by the terms set forth in that collective bargaining agreement.~~

(c) The parties are strongly encouraged to reach a negotiated agreement on all items whenever possible. When the parties reach a tentative agreement, they shall reduce it to writing. The executed tentative agreement is then submitted to the exclusive bargaining representative for ratification in accordance with the bargaining representative's governing/ratification procedures. Upon the exclusive bargaining representative's ratification, the tentative agreement will be submitted to the City Manager for final approval. No collective bargaining agreement shall have any force or effect until the agreement is approved by the City Manager and (if necessary) funded by the City Council.

(d) If the exclusive bargaining representative does not ratify the tentative agreement, the City Manager does not approve the tentative agreement, or the City Council indicates its intention not to fund the tentative agreement, the parties shall meet promptly and re-open negotiations. If the City Council indicates its intention to reject any part of the tentative agreement, it shall designate a representative to meet with the parties and present the City Council's views for the parties' further negotiations.

(e) In the event that the City and the bargaining agent are unable to reach an agreement or contract within one hundred twenty (120) days after their first meeting, an impasse may be called by either party, ~~and. If the following procedure~~ parties have been unable to reach an agreement or contract as of January 31 of the year in which the collective bargaining agreement is intended to be effective, an impasse shall automatically be considered to have been reached. In the event of an impasse, the procedures below shall be followed.

(b)f) Any unresolved issues shall be submitted within five days of impasse being declared or reached by operation of law to the administrator for mediation which, at the parties' election, may be conducted by the administrator or arranged by the administrator pursuant to approved procedures which, at a minimum, shall set reasonable deadlines for the conduct of mediation and provide for joint selection of the mediator.

(e)g) The mediation process and any comments, statements, or suggestions from the mediator or the parties and any documents evidencing the same made or created during the mediation process shall not be disclosed except as required by law.

(d)h) If mediation fails to resolve the parties' impasse as to any issue at least ~~30~~forty-five (45) days prior to the deadline for the submission of the City Manager's proposed annual budget, the unresolved issues shall be submitted to fact-finding by a neutral fact-finder selected pursuant to procedures established by the administrator, providing for the parties' mutual agreement on the fact-finder choice. The parties shall jointly provide to the fact-finder ~~shall meet with the parties a memorandum of agreed issues that states all the terms and conditions on which they agree. On a date determined by the fact-finder, each party shall simultaneously exchange its final offers regarding all the proposed terms and conditions required for a final collective bargaining agreement. The fact-finder shall hold a hearing in order to define the areas in dispute and determine facts necessary to render a decision on any and all unresolved areas. Thereafter the fact-finder shall~~ make written findings of fact, and recommendations for resolution of all matters raised. The fact-finder will provide such findings and recommendations to the parties no later than twenty days

before the deadline for the submission of the City Manager's proposed annual budget. In making the findings, the fact-finder shall consider:

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

~~(b) The City Manager, after giving due consideration to~~ (i) The parties will discuss the fact-finder's recommendations, and each recommendation of the mediation results, fact-finder shall submit recommendations ~~be deemed approved by both parties unless specifically rejected by a party. A party may reject one or more findings of the fact-finder by providing written notice~~ to the City Council ~~by incorporation~~ and the other party within ten (10) calendar days of the date the party received the fact-finder's recommendation. The written notice must include a copy of the fact-finder's written findings of fact and recommendations, identification of the specific rejected issue(s), and a statement of the party's cause for rejection. The City Council shall convene a public hearing at which the parties shall both be required to explain their respective positions regarding any rejected recommendations of the fact-finder. In any such proceeding, the City Council shall give deference to the fact-finder's factual findings, but is not bound by the fact-finder's recommendations. The City Council shall then take the action it deems to be in the City Manager's proposed annual budget, or public interest in other proposed legislation as may

~~be appropriate order to resolve all disputed issues from the fact-finder's recommendation. The action of the City Council shall be final and shall be adopted by the parties as a part of the collective bargaining agreement.~~

~~(j) The City Council shall retain its legislative discretion with respect to action on any proposals so submitted under this section.~~

~~(ek) The parties shall share the costs of mediation and fact-finding equally, except that neither party shall be responsible for costs of legal representation or expert witnesses engaged by the other.~~

Sec. 19-214. Prohibited practices.

~~(a) Neither the City nor any exclusive bargaining agent shall refuse to negotiate in good faith with respect to matters within the scope of collective bargaining as defined in this ordinance.~~

~~(b) The City and its agents shall not:~~

~~(1) Interfere with, restrain or coerce employees in the exercise of rights granted by this ordinance.~~

~~(2) Dominate or interfere in the administration of any employee organization;~~

~~(3) Discharge or discriminate in regard to hire, tenure, or other terms and conditions of employment against any employee to encourage or discourage membership in any employee organization, committee, or association, or because an employee has formed, joined, supported, or chosen to be represented by any exclusive bargaining agent or exercised their right to refrain from any or all such activities;~~

~~(4) Discharge or discriminate in regard to hire, tenure, or other terms and conditions of employment against any employee because the employee has filed an affidavit, petition, or complaint or given any information or testimony under this ordinance;~~

~~(5) Deny the rights accompanying certification as the exclusive bargaining agent as conferred by this ordinance;~~

~~(6) Refuse to participate in good faith in any agreed-upon impasse resolution procedures set forth in this ordinance;~~

~~(7) Refuse to reduce a collective bargaining agreement to writing and sign such agreement provided all conditions for an enforceable agreement, as set forth in this ordinance, have been met.~~

~~(c) No employee organization or its agents shall:~~

- (1) Interfere with, restrain, or coerce any employee with respect to rights granted in this ordinance; including but not limited to their rights with respect to selecting or refraining from selecting an exclusive representative;
- (2) Fail to provide an employee who is in a bargaining unit exclusively represented by the employee organization with fair representation regarding matters within the scope of collective bargaining; or
- (3) Refuse to participate in good faith in or violate any agreed-upon impasse resolution procedures set forth in this ordinance.

Sec. 19-215. Prohibited practice charge procedures.

- (a) Proceedings against a party alleging a violation of section 19-214 shall be commenced by filing a charge with the administrator within 180 days of the alleged violation, or acquiring knowledge thereof, and causing a copy of the charge to be served upon the accused party in accordance with section 19-214. The accused party shall have ten days within which to file a written answer to the charge. The administrator may conduct a preliminary investigation of the alleged violation, and if the administrator determines that the charge has no legal or factual basis, they may dismiss the charge. If the charge is not dismissed, the administrator shall promptly thereafter set a time and place for a hearing. The parties shall be permitted to be represented by counsel or other designated representative, summon witnesses, and request the administrator to subpoena witnesses and the production of records on the requester's behalf. Compliance with the technical rules of pleading and evidence shall not be required.
- (b) The administrator may designate a hearing officer to conduct any hearing. The hearing officer shall have such powers as may be exercised by the administrator for conducting the hearing and shall follow procedures adopted by the administrator for conducting the hearing. The decision of the hearing officer may be appealed to the administrator and the administrator may hear the case de novo or upon the record as submitted before the hearing officer.
- (c) The administrator shall provide for an official written transcript to report the proceedings, the costs of which shall be borne equally by the parties.
- (d) The administrator shall file their findings of fact and conclusions. If the administrator finds that the party accused has violated any provision of this section, the administrator may issue an order directing the party to cease and desist engaging in the violation and may order such other reasonable affirmative relief as is necessary to remedy the violation.

Sec. 19-214.Sec. 19-216. Strikes and other Job Actions

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

Sec. 19-215.Sec. 19-217. Time Limits

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

Sec. 19-216.Sec. 19-218. Notices

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

Sec. 19-217. ~~Review of Ordinance~~

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

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

Executive Summary of Revisions to Draft Collective Bargaining Ordinance

No.	Description of Change	Relevant Sections
1	Revised definition of Administratively Acceptable Evidence to expand the timeline for signature collection to include signatures received subsequent to a previously conducted election and to allow employees the ability to revoke their signatures; moved language to the Definitions section of the ordinance.	Moved from Sec. 19-210 to Sec. 19-202
2	Revised definition of Confidential Employee to more closely align with definitions used by other Virginia jurisdictions with collective bargaining	Sec. 19-202
3	Revised definition of Temporary Employee and Seasonal Employee to better align with revised City personnel policies	Sec. 19-202
4	Addition of certain benefits as authorized subjects of collective bargaining <u>for active employees and their covered dependents</u> , including employer insurance contribution rates, premium cost sharing, deductibles, and co-payments <u>and retirement benefits for active employees</u> . Insurance plan structure and Pplan providers remain non-negotiable.	Sec. 19-203(a)(3), <u>(4)</u> (outlining negotiable benefits) Sec. 19-203(c) <u>(1)</u> , (2), (3) (outlining non-negotiable benefits) Sec. 19-202 (adding definition of “Insurance benefit options”)
5	Permitting the inclusion of probationary employees in a bargaining unit while retaining the ability to terminate and discipline probationary employees	Sec. 19-202 (removing probationary employees from exclusions in definition of “employee”) Sec. 19-203(b) (excluding probationary employees from prospective disciplinary grievance procedures) Sec. 19-203(c)(6) (retaining for the City the right to terminate and discipline probationary employees)

6	Adding language expressly permitting the negotiation of a grievance procedure, and describing requirements for negotiated grievance procedures, including the possibility of arbitration	Sec. 19-203(b)
7	Revised language to clarify certain illegal subjects of bargaining	Sec. 19-203(c)(4)
8	Defined three additional bargaining units (Labor and Trades, Administrative and Technical, and Professional). Permits any three of the six available bargaining units to be certified in the first year of the ordinance, while staggering the introduction of the last three units over three additional years.	Sec. 19-204 Sec. 19-202 (adding conforming definitions)
9	Expanded the obligation for the City to meet and confer to supervisory employees in all bargaining units	Sec. 19-204(d)
10	Added employee right to request a union representative when an investigatory interview with City management may lead to the employee's discipline	Sec. 19-205(b)
11	Added an employee right to use the City's communication systems for union business, subject to the understanding that such communications may not be private and could be accessed or disclosed for valid business reasons, such as in litigation	Sec. 19-205(c)
12	Added a right for employee organizations to meet in designated areas on City premises while the employees are off-duty	Sec. 19-205(d)
13	Added clarifying language regarding permissive subjects of bargaining	Sec. 19-206(a)
14	Addition of language clarifying the scope of judicial review of the administrator's decisions to include a	Sec. 19-209(b)

	decision that “manifestly disregarded applicable law.”	
15	Changed the bargaining unit election procedure so that costs of the election are split between the prospective unions and the City	Sec. 19-210(a)
16	Clarified language regarding the procedure for certifying a bargaining unit, including adding an explicit procedure for runoff elections	Sec. 19-210
17	Expanded the amount of time available for employees to move to decertify a bargaining unit and clarified the timeline for a successful election to decertify	Sec. 19-211
18	Provided for the exclusive representative to have the right to receive a quarterly <u>monthly</u> list of bargaining unit employees upon request	Sec. 19-212(a)(3)
19	Reorganized sections to collect and clarify procedures for reaching a negotiated collective bargaining agreement and to clarify procedures for the review and approval of a negotiated agreement	Sec. 19-212 (removing information regarding the initiation of negotiations) Sec. 19-213 (a) (adding information regarding the initiation of negotiations) Sec. 19-213 (c) (expressly providing for ratification and approval of tentative agreements) Sec. 19-213 (d) (providing procedures for renegotiation if a tentative agreement is not approved)
20	Revised timeline for conducting negotiations, including by allow unions additional time to request to negotiate and extending potential date for impasse	Sec. 13-213(a), (e)
21	Expressly authorized employees to engage in negotiation activities during work time, subject to negotiations between the parties	Sec. 19-213(b)

22	Revised negotiation impasse procedures, including: <ul style="list-style-type: none"> - Additional procedures for fact-finding - Adoption of the fact finder's recommendation is now the default outcome - Provided for a procedure to appeal the fact-finder's recommendations to the City Council - Provided the City Council with the final authority to resolve disputed issues in a negotiation impasse 	Sec. 19-213 (h), (i)
23	Clarified that neither party is responsible for the legal costs of the other during impasse resolution	Sec. 19-213(k)
24	Added new sections outlining prohibited practices by the City or any exclusive bargaining agent, including administrative procedures for resolving prohibited practice charges with the labor relations administrator	Sec. 19-214 Sec. 19-215 Sec. 19-202 (revising definition of labor-management dispute to include prohibited labor practice charges) Sec. 19-205(c) (specifying that the review of employee emails for a legitimate City purpose is not a prohibited labor practice) Sec. 19-206(b) (clarifying that general speech regarding labor issues by the City Council or City Manager is not a prohibited labor practice unless it contains a prohibited threat or promise)
25	Clarified that an employee organization must have sponsored, authorized, supported, or approved of an illegal strike in order to be decertified under this section	Sec. 19-216
26	Removed procedures for mandatory review of ordinance, as the ordinance now contains more fulsome provisions	Former Sec. 19-216

<u>27</u>	<u>Moved “matters related to the administration of pay and benefits...” from the list of items which the City may elect to bargain</u>	<u>Sec. 19-203(c)(6) (removing language)</u> <u>Sec. 19-206(a)(16) (adding language)</u>
<u>28</u>	<u>Broadened the description of the Transit unit to allow for a fact-driven determination of the unit composition by the labor relations administrator</u>	<u>Sec. 19-204(c)(3)</u>
<u>29</u>	<u>Removed language outlining specific topics subject to the free speech and association rights provision</u>	<u>Sec. 19-206(b)</u>
<u>30</u>	<u>Added language clarifying the circumstances under which the City’s rights may be considered subject to bargaining</u>	<u>Sec. 19-206(c)</u>

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4	Addition of certain benefits as authorized subjects of collective bargaining, including employer insurance contribution rates, premium cost sharing, deductibles, and co-payments. Insurance plan structure and plan providers remain non-negotiable.	Sec. 19-203(a)(3) (outlining negotiable benefits) Sec. 19-203(c)(2), (3) (outlining non-negotiable benefits) Sec. 19-202 (adding definition of “Insurance benefit options”)
5	Permitting the inclusion of probationary employees in a bargaining unit while retaining the ability to terminate and discipline probationary employees	Sec. 19-202 (removing probationary employees from exclusions in definition of “employee”) Sec. 19-203(b) (excluding probationary employees from prospective disciplinary grievance procedures) Sec. 19-203(c)(6) (retaining for the City the right to terminate and discipline probationary employees)

6	Adding language expressly permitting the negotiation of a grievance procedure, and describing requirements for negotiated grievance procedures, including the possibility of arbitration	Sec. 19-203(b)
7	Revised language to clarify certain illegal subjects of bargaining	Sec. 19-203(c)(4)
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9	Expanded the obligation for the City to meet and confer to supervisory employees in all bargaining units	Sec. 19-204(d)
10	Added employee right to request a union representative when an investigatory interview with City management may lead to the employee's discipline	Sec. 19-205(b)
11	Added an employee right to use the City's communication systems for union business, subject to the understanding that such communications may not be private and could be accessed or disclosed for valid business reasons, such as in litigation	Sec. 19-205(c)
12	Added a right for employee organizations to meet in designated areas on City premises while the employees are off-duty	Sec. 19-205(d)
13	Added clarifying language regarding permissive subjects of bargaining	Sec. 19-206(a)
14	Addition of language clarifying the scope of judicial review of the administrator's decisions to include a	Sec. 19-209(b)

	decision that “manifestly disregarded applicable law.”	
15	Changed the bargaining unit election procedure so that costs of the election are split between the prospective unions and the City	Sec. 19-210(a)
16	Clarified language regarding the procedure for certifying a bargaining unit, including adding an explicit procedure for runoff elections	Sec. 19-210
17	Expanded the amount of time available for employees to move to decertify a bargaining unit and clarified the timeline for a successful election to decertify	Sec. 19-211
18	Provided for the exclusive representative to have the right to receive a quarterly list of bargaining unit employees upon request	Sec. 19-212(a)(3)
19	Reorganized sections to collect and clarify procedures for reaching a negotiated collective bargaining agreement and to clarify procedures for the review and approval of a negotiated agreement	Sec. 19-212 (removing information regarding the initiation of negotiations) Sec. 19-213 (a) (adding information regarding the initiation of negotiations) Sec. 19-213 (c) (expressly providing for ratification and approval of tentative agreements) Sec. 19-213 (d) (providing procedures for renegotiation if a tentative agreement is not approved)
20	Revised timeline for conducting negotiations, including by allow unions additional time to request to negotiate and extending potential date for impasse	Sec. 13-213(a), (e)
21	Expressly authorized employees to engage in negotiation activities during work time, subject to negotiations between the parties	Sec. 19-213(b)

22	Revised negotiation impasse procedures, including: <ul style="list-style-type: none"> - Additional procedures for fact-finding - Adoption of the fact finder's recommendation is now the default outcome - Provided for a procedure to appeal the fact-finder's recommendations to the City Council - Provided the City Council with the final authority to resolve disputed issues in a negotiation impasse 	Sec. 19-213 (h), (i)
23	Clarified that neither party is responsible for the legal costs of the other during impasse resolution	Sec. 19-213(k)
24	Added new sections outlining prohibited practices by the City or any exclusive bargaining agent, including administrative procedures for resolving prohibited practice charges with the labor relations administrator	Sec. 19-214 Sec. 19-215 Sec. 19-202 (revising definition of labor-management dispute to include prohibited labor practice charges) Sec. 19-205(c) (specifying that the review of employee emails for a legitimate City purpose is not a prohibited labor practice) Sec. 19-206(b) (clarifying that general speech regarding labor issues by the City Council or City Manager is not a prohibited labor practice unless it contains a prohibited threat or promise)
25	Clarified that an employee organization must have sponsored, authorized, supported, or approved of an illegal strike in order to be decertified under this section	Sec. 19-216
26	Removed procedures for mandatory review of ordinance, as the ordinance now contains more fulsome provisions	Former Sec. 19-216

ORDINANCE

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

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

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

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

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

Article VII. Collective Bargaining

Sec. 19-201. Statement of Policy /Purpose

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

Sec. 19-202. Definitions

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

Administrative employee means an employee whose primary duty is the performance of office or non-manual work directly related to or in furtherance of the management or general business operations and services of the City.

Administratively acceptable evidence to support a petition for election or for decertification may consist of a combination of petition signatures, a membership roster signed by each employee, or a set of membership authorization cards. All signatures must be dated, and each signature must have been provided subsequent to any previously held election for the bargaining unit in question, if applicable. Any signature or authorization by an employee to support a petition for election or for decertification may be revoked in a dated writing by the employee at any time. A current authorization that satisfies the Uniform Electronic Transactions Act (Code of Virginia, § 59.1-479 et seq.) shall be valid for an employee's authorization for representation for purposes of a petition filed by an employee organization seeking an election or by an employee or group seeking decertification.

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

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

Benefits means all forms of non-wage compensation.

City means the City of Charlottesville, Virginia.

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

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

Confidential employee means any employee who works in or for:

- (1) Any office of a City Council member;
- (2) The Office of the City Manager;
- (3) The Office of the City Attorney;
- (4) The Department of Human Resources;
- (5) The Department of Finance and Budget;

The term “confidential employees” also includes:

(1) Those employees whose ~~work involves regular job duties require~~ authorized access to confidential ~~or privileged personnel management, fiscal, or labor policy~~ information ~~material pertaining~~ to the ~~City in~~ City's budgetary and financial data, emails between management staff and the City Council or City Manager, personnel data, or strategy, relevant to subjects within the scope of collective bargaining as set forth in this chapter, or those employees within the Information Technology department whose job duties require authorized access to confidential information pertaining to personnel data or management emails relevant to subjects within the scope of collective bargaining.

(2) A position in any department in which the employee assists in a confidential capacity, persons who formulate, determine, and effectuate management policies in the field of labor relations.

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

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

a confidential employee, as defined in this section;

a managerial employee, as defined in this section;

a supervisor, as defined in this section;

an intern or volunteer;

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

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

emergency services dispatchers; or

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

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

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

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

Insurance benefit options means the types and components of health and welfare insurance plans offered to employees, their dependents, and retirees, including but not limited to the structure and provider of insurance plans, the covered benefits of insurance plans, any plan exclusions, and any cost-controlling features such as prior approval requirements, prescription formularies, etc.

Labor-management dispute means a difference of position as between the City and an exclusive bargaining agent concerning administration or interpretation of the collective bargaining agreement between them; whether an act is a prohibited labor practice under sec. 19-214; and questions of eligibility of disputes for resolution by mediation or arbitration. It shall not mean disciplinary or other adverse personnel actions within the meaning of Code of Virginia, § 15.2-1506, et seq, as implemented by the uniformly applicable City grievance procedure and specialized state statutory procedures applicable to law enforcement officers and fire and emergency medical services employees.

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

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

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

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

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

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

Seasonal employee means ~~ana temporary employee who is hired into a position for which the customary annual employment is four (4) months or less, and, as defined in this section,~~ for which the period of

employment begins each calendar year in approximately the same part of the year, such as summer or winter, for reasons related to work demands that arise during those parts of the year.

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

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

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

Technical employee means an individual whose work requires a combination of basic scientific or technical knowledge and manual skill that can be obtained through specialized postsecondary school education or through equivalent on-the-job training.

Temporary employee means an employee who works variable hours, but fewer than 20 hours per week, and fewer than 36 weeks per year, on an as-needed basis.

Sec. 19-203. Authorized Subjects of Collective Bargaining

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

(1) wages, salaries, and other forms of monetary compensation,

~~(2) working health and dental insurance premiums (including employer contributions and premium cost sharing), deductibles, and co-payments for active employees and covered dependents;~~

~~(3) non-health and non-welfare benefits, such as paid and unpaid leave and holidays;~~

~~(2)(4) other terms and conditions of employment, including hours of work, provided that matters reserved as City management rights in sec. 19-206 are not authorized subjects of bargaining, or.~~

~~(3) non-health and non-welfare benefits, such as paid and unpaid leave and holidays.~~

~~(b)~~(b) Any procedure for resolution of grievances, as defined in Virginia Code § 15.2-1507(A)(1), negotiated as part of a collective bargaining agreement reached under this section shall conform to any requirements set forth in applicable state law, and the City may agree to arbitration as a component of any such negotiated procedure. Probationary employees, as that term is used in the City's personnel regulations, must be excluded from any such negotiated grievance procedure. A negotiated grievance procedure contained in a collective bargaining agreement shall be the exclusive procedure available to an employee of the bargaining unit covered by that procedure, unless another procedure is available as a matter of right provided by state, federal, or other applicable law. Where such alternate procedures are available, an employee's initial election of procedure made at the time of filing the grievance shall be binding and irrevocable.

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

~~(1) health and welfare benefits such as health, dental, life insurance, and similar benefit programs,~~

~~(2)~~(1) matters concerning the provisions of a retirement system including, but not limited to, the City's existing retirement plan or any decision to replace any or all such plans with the retirement plan of the Virginia Retirement System,

~~(2) benefits established and administered in accordance with the Code of Virginia over which the City does not have discretion or control,~~

~~(3) insurance benefit options, insurance plan providers, and employer subsidies for insurance provided to non-employees, including retirees and/or survivors,~~

~~(3)~~ matters concerning the provisions of the City's deferred compensation program,

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

Workers' compensation matters,

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

Occupational safety and health matters,

Equal employment opportunity matters,

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

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

~~Matters governed by this ordinance;~~

- (5) matters related to the administration of pay and benefits which are not directly related to monetary compensation or benefits;
- (6) matters affecting the City's right to ~~hire, promote, transfer, assign, retain, classify, and schedule employees~~ take disciplinary actions up to and including termination for probationary employees, as that term is used in the City's personnel regulations;
- (7) ~~matters affecting the City's right to take disciplinary actions up to and including termination, including but not limited to the procedures the City takes prior to administering discipline;~~
- (8) ~~matters governed by the City's uniformly applicable grievance procedures and any personnel rules related thereto;~~
- ~~(9)~~(7) matters affecting the City's right to establish policies or practices to respond to emergency situations; and
- ~~(10)~~(8) provisions, prohibited by state law, that restrict the City Council's authority to establish the budget or appropriate funds in its discretion.

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

Sec. 19-204. Authorized Bargaining Units

- ~~(a)~~ ~~(a)~~ For at least ~~two (2) years~~ one year following the adoption of this ordinance, ~~only employees~~ the City shall recognize up to three of the potential bargaining units outlined in subsection (c) below for the purpose of collective bargaining. The units recognized by the City under this subsection shall be the first three to achieve certification under the procedures outlined in sec. 19-210.
- ~~(b)~~ Beginning in the second year following adoption of this ordinance, additional bargaining units may be recognized by the City at a rate of one new bargaining unit per calendar year. New units will be recognized by the City under this subsection in the order in which they achieve certification under the procedures outlined in sec. 19-210. By the fourth year following adoption of this ordinance, all the potential bargaining units outlined in subsection (c) will be eligible for recognition by the City.
- ~~(a)~~(c) Employees in the following specified bargaining units ~~shall~~ may be authorized to engage in collective bargaining through an employee organization recognized by the City:
 - (1) Police: a unit consisting of all sworn uniformed employees of the Charlottesville Police Department, except those excluded by definition under sec. 19-202;

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

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

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

~~(e)(4) Labor and Trades: a unit consisting of all regular full-time and part-time employees associated with maintenance and skilled crafts, i.e., job classes of workers performing duties that result directly in the comfort and convenience of the general public, or contribute to the maintenance of capital assets, land and infrastructure of the City, excluding any otherwise eligible employees outlined for participation in the Transit unit and those excluded by definition under sec. 19-202.~~

~~(5) Administrative and Technical: a unit consisting of all regular full-time and part-time employees of the City who are administrative employees or technical employees or who perform office support work, except those excluded by definition under sec. 19-202.~~

~~(6) Professional: a unit consisting of non-supervisory and non-managerial employees within the definition of “professional employee” as set forth in sec. 19-202, except those excluded by definition under sec. 19-202.~~

~~(d) The City Manager or his/her designee shall, upon request, meet and confer with police and fire supervisor employees who supervise members of a certified bargaining unit who are themselves are ineligible to bargain collectively regarding matters within the scope of collective bargaining under this ordinance, with the specific intent to address salary compression, as commonly defined or understood, resulting from collective bargaining with eligible police and fire uniformed certified employees.~~

Sec. 19-205. Employee Rights

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

(b) Employees have the right to request representation by a representative of their certified bargaining unit and have such representative present during any investigative interview conducted by the City in its role as employer if the eligible employee reasonably believes that such interview involves a matter that could lead to the employee's discipline.

(c) Employees are not prohibited from, and shall not be penalized or retaliated against for, using City electronic mail, telephone, facsimile transmission, or other communication systems owned by the City to discuss employee organization business or activities or employee organizing activities; however, the City remains the owner of such communication systems, and no employee shall have any expectation of privacy in the use of such a communication system. The City's access to or disclosure of emails, voicemails, or other communications when required by law, for use in litigation or administrative hearings, for use in investigations, or for other proper business or governmental purposes shall not be considered a prohibited practice under sec. 19-214.

(d) Employee organizations have the right to meet with bargaining unit employees on the premises of the City in designated spaces during times when the employees are on break or in a non-duty status, in accordance with generally applicable City policies. This section shall not be applied or interpreted in a manner that prohibits casual nondisruptive conversation among or between employees in the workplace.

(e) Employees also shall have the right to refrain from any or all such activities.

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

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

- (1) to determine the organization of City government and the purpose and mission of its constituent agencies, and to add, delete, modify, or suspend programs, functions, and units of government as the City determines to be necessary and appropriate;
- (2) to determine the type and scope of work to be performed by City employees, and the manner in which services are to be provided;
- (3) to direct the work of employees and determine the number of employees to perform any work or service;
- (4) to hire, classify, promote, transfer, assign, retain, and supervise all employees, and to suspend, demote, discharge, or take other disciplinary action against employees;

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

(b) No provision of this ordinance shall act to interfere with or impair the free speech and association rights of the City Manager or the members of the City Council. This includes the right to advocate for or against employee organizations, and to speak on issues related to the City's labor policy without

limitation. No prohibited practice charge may be brought against the City, the City Manager, or any City Council member because of such individual's or the City's collective exercise of the right of free speech and association so long as such expression or speech contains no threat of reprisal or promise of benefit.

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

Sec. 19-207. Labor Relations Administrator

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

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

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

Sec. 19-208. Selection of Administrator.

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

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

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

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

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

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

Sec. 19-209. Duties of Administrator

(a) The administrator shall:

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

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

(b) Any party aggrieved by any decision or order of the administrator may within 21 days from the date of such decision or order is filed, appeal to the circuit court to obtain judicial review pursuant to the provisions for judicial review set forth in the Uniform Arbitration Act, Code of Virginia, §§ 8.01-581.01—8.01-581.016, except that in addition to those grounds outlined in Code of Virginia, § 8.01-581.010, the court shall be empowered to vacate the administrator's decision upon a finding that the administrator manifestly disregarded applicable law.

Sec. 19-210. Recognition of Exclusive Bargaining Unit

(a) A bargaining agent shall be the exclusive representative of all employees in an appropriate bargaining unit described in sec. **19-204(a)** if the employee organization is selected by a majority of the employees voting in an appropriate bargaining unit in a secret ballot election conducted pursuant to this section following a petition for election. Elections shall be conducted by secret ballot at the time and place that the administrator directs and in accordance with procedures adopted by the administrator. Mail in or other alternative ballots may be permitted if all parties agree. The cost of such election, including postage if applicable, shall be borne equally by the prospective employee organization(s) seeking recognition and the City.

~~(b) In the event that more than one employee organization files a petition for election within ten calendar days after a first petition for election or for election has been filed, an election to select an exclusive bargaining agent shall be held under the procedures adopted by the administrator. Any cost of such election shall be borne equally by the prospective employee organizations seeking recognition. If an employee organization receives a majority of the votes cast by the employees voting in an appropriate bargaining unit, it shall be recognized by the City as the exclusive bargaining agent, provided however, that the City Manager or an employee organization may file objections to the election with the administrator alleging that there has been misconduct which has affected the outcome of the election, and the City need not recognize the employee organization pending the resolution of any process to review those exceptions.~~

~~(c) "Administratively acceptable evidence" to support a petition for election or for decertification will consist of a petition or a set of authorization cards where all signatures must be dated and received by the employee organization, employee, or group within sixty (60) days prior to the date on which the petition for election has been filed. (b) A current authorization that satisfies the Uniform Electronic Transactions~~

~~Act (Code of Virginia, § 59.1-479 et seq.) shall be valid for an employee's authorization for representation for purposes of a petition filed by an employee organization seeking an election or by an employee or group seeking decertification.~~

(d) An employee organization may request an election be held by submitting a petition for an election to the administrator, who shall notify the City Manager in accordance with procedures established by the administrator, including but not limited to provisions for notice to bargaining unit employees and public notice of election. The City must furnish to the administrator no more than five (5) days after notification of the submission of the petition a list of all eligible employees in the bargaining unit. The petition must represent a showing of uncoerced interest by at least thirty (30) percent of the employees in a bargaining unit permitted by this ordinance based upon administratively acceptable evidence.

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

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

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

(hf) The City and each other party to the election may be represented by observers selected under conditions that the administrator prescribes. Observers may challenge for good cause the eligibility of any person to vote in the election. All challenged ballots must be impounded until either the parties agree on

the validity of each challenge or the administrator decides the validity of each challenge. However, if the number of challenges will not determine the outcome of the election, the challenged ballots must be destroyed. After the polls have been closed, the administrator must count all valid ballots cast in the presence of the observers.

(ig) If an employee organization receives a majority of the valid ballots cast by the employees in a permitted bargaining unit, it shall be recognized by the City as the exclusive bargaining agent upon the administrator's written certification of the results. In an election in which none of the choices on the ballot receives a majority, a runoff election shall be conducted in which the ballot shall provide for a selection between the two choices or parties receiving the highest and second highest number of ballots cast in the prior election. Any runoff election(s) shall be conducted in substantial conformity with the procedures set out by the administrator for the initial election.

(h) The administrator's certification of results is final, unless within 14 days after service of ~~the election report and~~ the certification, any party serves on all other parties and files with the administrator objections to the election. Objections must be verified, and must contain a concise statement of facts constituting the grounds for the objections. The administrator must investigate the objections, and if substantial factual issues exist, must hold a hearing. Otherwise, the administrator may determine the matter without a hearing. The administrator may invite written or oral argument to assist ~~it~~them in determining the merits of the objections. If the administrator finds that the election was not held in substantial conformity with this ordinance, or if the administrator determines that the outcome of the election was affected, even if by third party interference, it shall require corrective action, and order a new election under this section. Otherwise, the administrator must confirm the certification initially issued. The City need not recognize the employee organization pending the resolution of any process to review objections. In any event, the administrator must make a determination as to whether or not to ~~certify~~confirm the certification of the election within 21 days of the filing of objections.

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

Sec. 19-211. Decertification of Bargaining Agent

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

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

(c) A petition for decertification of a recognized exclusive collective bargaining agent in an appropriate unit may be filed in the ~~thirty (30)~~^{sixty (60)}-day period between the one hundred eightieth (180th) and one hundred ~~fiftieth (150th)~~^{twentieth (120th)} day prior to expiration of any existing collective bargaining agreement for that bargaining unit. If a collective bargaining agreement expires and a successor agreement is not in place, a request for decertification may be filed at any time prior to the ratification of a successor agreement.

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

(e) If a majority of the employees in an appropriate bargaining unit vote in a secret ballot decertification election to no longer be represented by the employee organization, that organization no longer shall be recognized as the exclusive bargaining agent of the employees in the bargaining unit. The effect of a successful decertification election for the bargaining unit takes effect immediately upon final certification of the election results by the administrator. If the election results in a new exclusive representative, the new representative shall become a successor in interest to the existing or prior collective bargaining agreement. If the election results in no exclusive representative, the result will act as a revocation of any existing collective bargaining agreements for the bargaining unit.

Sec. 19-212. Rights Accompanying Exclusive Representation

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

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

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

(e)(3) entitled to receive upon request a list of the names of all bargaining unit employees, provided that such a request shall occur no more than once per quarter.

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

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

Sec. 19-213. Negotiated Agreement and Impasse

(a)(a) The City or the bargaining agent may initiate a request to bargain by submitting a written request to the other party for any collective bargaining intended to result in a collective bargaining agreement to become effective for a given fiscal year in time for collective bargaining to begin on or before September 1 of the preceding fiscal year and conclude, including any impasse resolution procedures, with adequate time for inclusion in the City Manager's proposed budget for the given fiscal year.

(b) Prior to the adoption of a first collective bargaining agreement, eligible employees representing an exclusive bargaining representative who are directly involved in the negotiation of a collective bargaining agreement under this chapter may be authorized to engage in such negotiations during work time. Such official time shall be negotiated between the parties, and any negotiated agreement shall be set forth in writing between the City and the exclusive bargaining representative. After the ratification of a first collective bargaining agreement for a respective bargaining unit, official time shall be governed by the terms set forth in that collective bargaining agreement.

(c) The parties are strongly encouraged to reach a negotiated agreement on all items whenever possible. When the parties reach a tentative agreement, they shall reduce it to writing. The executed tentative agreement is then submitted to the exclusive bargaining representative for ratification in accordance with the bargaining representative's governing/ratification procedures. Upon the exclusive bargaining representative's ratification, the tentative agreement will be submitted to the City Manager for final approval. No collective bargaining agreement shall have any force or effect until the agreement is approved by the City Manager and (if necessary) funded by the City Council.

(d) If the exclusive bargaining representative does not ratify the tentative agreement, the City Manager does not approve the tentative agreement, or the City Council indicates its intention not to fund the tentative agreement, the parties shall meet promptly and re-open negotiations. If the City Council

indicates its intention to reject any part of the tentative agreement, it shall designate a representative to meet with the parties and present the City Council's views for the parties' further negotiations.

(e) In the event that the City and the bargaining agent are unable to reach an agreement or contract within one hundred twenty (120) days after their first meeting, an impasse may be called by either party, ~~and. If the following procedure~~ parties have been unable to reach an agreement or contract as of January 31 of the year in which the collective bargaining agreement is intended to be effective, an impasse shall automatically be considered to have been reached. In the event of an impasse, the procedures below shall be followed.

(b) Any unresolved issues shall be submitted within five days of impasse being declared or reached by operation of law to the administrator for mediation which, at the parties' election, may be conducted by the administrator or arranged by the administrator pursuant to approved procedures which, at a minimum, shall set reasonable deadlines for the conduct of mediation and provide for joint selection of the mediator.

(e) The mediation process and any comments, statements, or suggestions from the mediator or the parties and any documents evidencing the same made or created during the mediation process shall not be disclosed except as required by law.

(d) If mediation fails to resolve the parties' impasse as to any issue at least ~~30~~ forty-five (45) days prior to the deadline for the submission of the City Manager's proposed annual budget, the unresolved issues shall be submitted to fact-finding by a neutral fact-finder selected pursuant to procedures established by the administrator, providing for the parties' mutual agreement on the fact-finder choice. The parties shall jointly provide to the fact-finder ~~shall meet with the parties a memorandum of agreed issues that states all the terms and conditions on which they agree. On a date determined by the fact-finder, each party shall simultaneously exchange its final offers regarding all the proposed terms and conditions required for a final collective bargaining agreement. The fact-finder shall hold a hearing in order to define the areas in dispute and determine facts necessary to render a decision on any and all unresolved areas. Thereafter the fact-finder shall make written findings of fact, and recommendations for resolution of all matters raised. The fact-finder will provide such findings and recommendations to the parties~~ no later than twenty days before the deadline for the submission of the City Manager's proposed annual budget. In making the findings, the fact-finder shall consider:

- (1) the lawful authority of the City;
- (2) stipulations of the parties;
- (3) the interests and welfare of the public;
- (4) the financial ability of the City to meet the costs of any items to be included in the agreement;
- (5) the condition of the City's general operating fund;

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

~~(b) The City Manager, after giving due consideration to~~ (i) The parties will discuss the fact-finder's recommendations, and each recommendation of the mediation results, fact-finder shall submit recommendations be deemed approved by both parties unless specifically rejected by a party. A party may reject one or more findings of the fact-finder by providing written notice to the City Council by incorporation and the other party within ten (10) calendar days of the date the party received the fact-finder's recommendation. The written notice must include a copy of the fact-finder's written findings of fact and recommendations, identification of the specific rejected issue(s), and a statement of the party's cause for rejection. The City Council shall convene a public hearing at which the parties shall both be required to explain their respective positions regarding any rejected recommendations of the fact-finder. In any such proceeding, the City Council shall give deference to the fact-finder's factual findings, but is not bound by the fact-finder's recommendations. The City Council shall then take the action it deems to be in the City Manager's proposed annual budget, or public interest in other proposed legislation as may be appropriate order to resolve all disputed issues from the fact-finder's recommendation.

(j) The City Council shall retain its legislative discretion with respect to action on any proposals so submitted under this section.

(ek) The parties shall share the costs of mediation and fact-finding equally, except that neither party shall be responsible for costs of legal representation or expert witnesses engaged by the other.

Sec. 19-214. Prohibited practices.

(a) Neither the City nor any exclusive bargaining agent shall refuse to negotiate in good faith with respect to matters within the scope of collective bargaining as defined in this ordinance.

(b) The City and its agents shall not:

- (1) Interfere with, restrain or coerce employees in the exercise of rights granted by this ordinance.
- (2) Dominate or interfere in the administration of any employee organization;
- (3) Discharge or discriminate in regard to hire, tenure, or other terms and conditions of employment against any employee to encourage or discourage membership in any employee organization, committee, or association, or because an employee has formed, joined, or chosen to be represented by any exclusive bargaining agent or exercised their right to refrain from any or all such activities;
- (4) Discharge or discriminate in regard to hire, tenure, or other terms and conditions of employment against any employee because the employee has filed an affidavit, petition, or complaint or given any information or testimony under this ordinance;
- (5) Deny the rights accompanying certification as the exclusive bargaining agent as conferred by this ordinance;
- (6) Refuse to participate in good faith in any agreed-upon impasse resolution procedures set forth in this ordinance;
- (7) Refuse to reduce a collective bargaining agreement to writing and sign such agreement provided all conditions for an enforceable agreement, as set forth in this ordinance, have been met.

(c) No employee organization or its agents shall:

- (1) Interfere with, restrain, or coerce any employee with respect to rights granted in this ordinance; including but not limited to their rights with respect to selecting or refraining from selecting an exclusive representative;
- (2) Fail to provide an employee who is in a bargaining unit exclusively represented by the employee organization with fair representation regarding matters within the scope of collective bargaining; or
- (3) Refuse to participate in good faith in or violate any agreed-upon impasse resolution procedures set forth in this ordinance.

Sec. 19-215. Prohibited practice charge procedures.

(a) Proceedings against a party alleging a violation of section 19-214 shall be commenced by filing a charge with the administrator within 180 days of the alleged violation, or acquiring knowledge thereof, and causing a copy of the charge to be served upon the accused party in accordance with section 19-214. The accused party shall have ten days within which to file a written answer to the charge. The administrator may conduct a preliminary investigation of the alleged violation, and if the administrator determines that the charge has no legal or factual basis, they may dismiss the charge. If the charge is not dismissed, the administrator shall promptly thereafter set a time and place for a hearing. The parties shall be permitted to be represented by counsel or other designated representative, summon witnesses, and request the administrator to subpoena witnesses and the production of records on the requester's behalf. Compliance with the technical rules of pleading and evidence shall not be required.

(b) The administrator may designate a hearing officer to conduct any hearing. The hearing officer shall have such powers as may be exercised by the administrator for conducting the hearing and shall follow procedures adopted by the administrator for conducting the hearing. The decision of the hearing officer may be appealed to the administrator and the administrator may hear the case de novo or upon the record as submitted before the hearing officer.

(c) The administrator shall provide for an official written transcript to report the proceedings, the costs of which shall be borne equally by the parties.

(d) The administrator shall file their findings of fact and conclusions. If the administrator finds that the party accused has violated any provision of this section, the administrator may issue an order directing the party to cease and desist engaging in the violation and may order such other reasonable affirmative relief as is necessary to remedy the violation.

Sec. 19-214. Sec. 19-216. Strikes and other Job Actions

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

~~Sec. 19-215.~~ Sec. 19-217. **Time Limits**

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

~~Sec. 19-216.~~ Sec. 19-218. **Notices**

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

~~Sec. 19-217.~~ ~~Review of Ordinance~~

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

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

[Effective date to be determined at a later date]

Revisions to City Manager's Proposed Collective Bargaining Ordinance

October 3, 2022

Michael Rogers, City Manager

Robin L.S. Burroughs, Venable LLP

VENABLE LLP

Revision Process

The revised ordinance took into consideration:

- Thoughts and comments by members of the City Council
- Comments made by members of the public during periods of public comment
- Proposed revisions and other comments provided by the Amalgamated Transit Union (ATU)
- Additional input from City department leadership
- Meeting with ATU and Fire Department Representatives.

Bargaining Units

Original Ordinance

- 3 initial units
 - Police
 - Fire
 - Transit
- Opportunity to expand the number of bargaining units built in after 2 years
- Police and Fire supervisors excluded from their respective units had the right to meet and confer with the administration

Revised Ordinance

- 6 total units, adding:
 - Labor and Trades
 - Administrative and Technical
 - Professional
- Any three units can be certified initially; the first three to achieve certification will be recognized in the first year
- Additional units are phased in one per year after the initial year
- All supervisors excluded from their respective units have the right to meet and confer with the administration

Employee and Exclusive Representative Rights

Original Ordinance

- Employees have the right to organize, form, join, assist, and pay dues to employee organizations of their choosing
- Employees have the right to refrain from concerted activity
- Exclusive representatives are permitted to speak on behalf of all unit employees
- Exclusive representatives are entitled to engage in collective bargaining with the City

Revised Ordinance

- Employee right to request a representative during disciplinary interviews
- Employee option to use City technology for Union communications, subject to the understanding that communications are not private and may be accessed by the City for proper purposes
- Employees and employee organizations may meet on City premises in designated spaces at appropriate times when employees are off-duty
- Exclusive representatives have the right to periodically request a list of bargaining unit employees from the City

Prohibited Labor Practices

- Under the original ordinance, prohibited labor practices were implied in the language of the ordinance and were subject to judicial review
- The revised ordinance provides for a specific list of prohibited labor practices, including (for both parties) bargaining in good faith and a prohibition on discrimination based on union membership
- If one party alleges a prohibited practice against the other, it will be resolved in an administrative hearing by the administrator
- In general, proceedings before the administrator are appealable to the circuit court with a limited standard of review

Unit Certification and Decertification

Original Ordinance

- Provided that signatures in support of a petition for election or decertification were valid for 60 days
- Provided that prospective unions would be responsible for election costs

Revised Ordinance

- Provides that signatures in support of a petition for election must be submitted subsequent to any previously held election
- Provides that employees must be permitted to revoke their signatures on a petition for election or decertification
- Provides explicit procedures for runoff elections
- Provides that the City and the prospective unions will jointly share the cost of elections

Authorized Subjects of Bargaining

- Wages, hours, and terms and conditions of employment remain subject to bargaining
- The revised ordinance expands bargaining to include health and dental insurance premiums (including employer contributions and premium cost sharing), deductibles, and co-payments for active employees and covered dependents
- The revised ordinance expressly allows for negotiation of “official time” for union officials
- The revised ordinance expands bargaining to allow for negotiation of disciplinary procedures, including a grievance procedure which may be negotiated to include binding arbitration

Dispute Resolution – What is the difference?

Grievance Resolution

A collective bargaining agreement has already been negotiated, and the parties have a dispute about whether it was followed properly:

- Was this employee fired for cause?
- Did this employee receive proper progressive discipline?
- Did the Employer properly provide breaks to this group of employees as required by the contract?
- Should the Employer have offered overtime to Employee A before offering it to Employee B?

Impasse Resolution

The parties have tried to negotiate a collective bargaining agreement, but cannot agree about what terms it should contain:

- What should the minimum pay rate be for this position?
- What kind of raise can be offered for this position?
- How many breaks should an employee receive during their shift and how long should they be?
- How many steps should the grievance procedure have?
- How many holidays should the Employer recognize?

Impasse Resolution

Original Ordinance

- Parties engage in mediation
- If mediation fails, parties engage a neutral fact-finder who will hold a hearing and issue findings of fact and recommendations for resolution
- The City Manager, after considering the results of the mediation and fact-finding, would submit his recommendations to the City Council through his budget or other proposed legislation.
- The City Council retained legislative discretion on all proposals.

Revised Ordinance

- Mediation remains mandatory
- If mediation fails, the parties engage a neutral fact-finder who will hold a hearing and issue findings of fact and recommendations for resolution
- The fact-finder's recommendations are **automatically adopted** unless a party disputes the recommendation(s) with the City Council
- In the event of a dispute, the City Council will receive a copy of the fact-finder's report, and will hold a **public hearing** to decide how to resolve the disputed issue(s)
- City Council's decision on the disputed issue(s) is final and becomes part of the collective bargaining agreement
- The parties may negotiate an alternative resolution at any time during the impasse process

Questions?

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



Agenda Date:	October 3, 2022
Action Required:	No Council Action Required
Presenter:	Lauren Hildebrand, Director of Utilities
Staff Contacts:	Lauren Hildebrand, Director of Utilities
Title:	Land Use and Environmental Planning Committee Semi-Annual Report (written report only)

Background

In 1986, the Planning and Coordination Council (PACC) was established with the purpose of promoting cooperation in planning and community development among the City of Charlottesville, Albemarle County and the University of Virginia (UVA). As an advisory body, PACC fostered cooperative planning and provided guidance and recommendations for decisions made by the City, the County and UVA.

In November 2019, City Council, Albemarle County Board of Supervisors and UVA approved dissolution of the PACC and established the Land Use and Environmental Planning Committee (LUEPC) in order to broaden PACC's collaboration beyond land use and to include environmental topics and sustainability. Also, LUEPC would allow professional staff to develop solutions on a continuous basis with regularly scheduled reports to leadership of all three entities. LUEPC is intended to be a vehicle to collaborate and coordinate land use and development plans and projects and to consider environmental and infrastructure issues facing the community.

Discussion

LUEPC met virtually for the first half of 2022. The committee has continued concentrating on project discussion and coordination. The agendas for the monthly meeting are developed around themes – either geographical areas or specific topics. LUEPC's Semi-Annual Report for the first half of 2022 (attached) has been compiled and includes the highlights of the meetings.

Alignment with City Council's Vision and Strategic Plan

This contributes to Goal 3 of the Strategic Plan: A Beautiful and Sustainable Natural and Built Environment.

Community Engagement

The agenda and meeting minutes for the LUEPC's meetings are published on the Thomas Jefferson Planning District Commission's website for the community to review.

Budgetary Impact

There are no budget impacts.

Recommendation

There are no staff recommendations and the report is intended to inform City Council of the LUEPC's meetings.

Alternatives**Attachments**

1. FIRST HALF 2022 LUEPC FINAL (003)



Land Use and Environmental Planning Committee
Semi-Annual 2022 Report

The Land Use and Environmental Planning Committee (LUEPC) was established to replace the Planning and Coordination Council (PACC) by the County of Albemarle, the City of Charlottesville, and the University of Virginia in 2019. The Committee is intended as a vehicle to share and coordinate land use and development plans and projects; consider environmental and infrastructure issues facing the community; and, from time to time, advance ideas and solutions that support the mutual advantage of these entities. As part of its charge, the Committee shall, not less than twice each year, submit a report summarizing the group's work.

The County, City and the University face similar environmental planning and project challenges. The committee, by its nature, creates opportunities to address these shared challenges by coordinating community messaging and institutional practices. The first half of 2022 has focused on project discussions and coordination. The agendas for the monthly meeting are formed around themes - either geographical areas or specific topics. This report will focus on some of the key themes under discussion. The Committee's meeting agendas, minutes and presentations are posted on the LUEPC website which is hosted by the Thomas Jefferson Planning District Commission (TJPDC): <https://vapacc.org/>.

Charge Statement

The Land Use and Environmental Planning Committee is established as a vehicle to share and coordinate land use and development plans and projects; consider environmental and infrastructure issues facing the community; and, from time to time, advance ideas and solutions that support our mutual advantage. The LUEPC may also serve as an advisory committee to the City, County, and UVA. The Committee will meet regularly to discuss timely issues from each entity and share that information with the public and each entity's senior leadership at biannual updates of all three entities. Through its work, the Committee further seeks to ensure that the actions, policies, and processes of the Committee are reflective of an ongoing commitment by the entities to support an equitable and inclusive community. The Committee defines equity as all community members having access to community benefits and opportunities needed to reach their full potential and to experience optimal well-being and quality of life; inclusion means that all peoples shall be respected and valued as members of this community. The Three-Party Agreement dated May 5, 1986, remains in effect as to land use planning between the City, County and UVA.



Land Use and Environmental Planning Committee
First Half yearly report for 2022
(Virtual Meetings due to COVID-19)

January 21, 2022:

Discussion & Update on UVA Grounds Plan

Julia Monteith, UVA

Presentation link: [LUEPC UVA Grounds Presentation January 21, 2022](#)

Discussion & Update on UVA Housing

Alice Raucher, UVA

Presentation link: [LUEPC UVA Housing Presentation January 21, 2022](#)

March 18, 2022:

Discussion & Update on RWSA's Clean Fill Project at Ivy Landfill

Phil McKalips, RWSA

Presentation link: [LUEPC Large Clean Fill Project Presentation \(3-18-2022\)](#)

Discussion & Update on Albemarle County's FY23 Community Work Program

Jodie Filardo, Albemarle County

Presentation Link: [FY23 Work Program - SUMMARY FOR LUEPC 3-18-22](#)

May 20 2022:

Discussion & Update on RAISE grant application status

Jodie Filardo & Jessica Hersh-Ballering, Albemarle County

Presentation link: [RAISE grant application briefing - Three Notch'd Trail](#)

Discussion & Update on City Zoning Rewrite-Approach Report

James Freas, City of Charlottesville

Discussion & Update on Downtown Crozet Project

Lance Stewart, Albemarle County

Presentation link: [Downtown Crozet Public/Private Development](#)

June 17, 2022:

Discussion & Update on UVA 2030 Grounds Plan

Julia Monteith and Alice Raucher, UVA; Urban Strategies

Presentation link: [UVA 2030 Grounds Plan](#)

Discussion & Update on Urban Finished Water Master Plan

Jennifer Whitaker, RWSA

Presentation link: [Urban Finished Water Master Plan](#)



LUEPC Membership

City of Charlottesville

Neighborhood Development Services Director
Director of Public Works
Director of Utilities
Representative from the City Planning Commission

Albemarle County

Community Development Director
Facilities and Environmental Services Director
Representative from the County Planning Commission

University of Virginia

Architect for the University
Director of Facilities Management
Operations Director of Real Estate and Leasing Services

University of Virginia Foundation

Director of Design and Development
Director of Real Estate Asset Management

Rivanna Water and Sewer Authority

Executive Director

