

December 14, 2023

MOTION OF THE POLICE CIVILIAN OVERSIGHT BOARD

Whereas, the Charlottesville City Council, on November 4, 2019, approved an Ordinance adding Article XVI to Chapter 2 of the Code of the City of Charlottesville and establishing this Police Civilian Oversight Board and, by resolution, approved the Bylaws governing the Board's internal operations.

Whereas, since that time, the Board, in consultation with outside counsel and the City Attorney's Office, has developed comprehensive Operating Procedures governing the Board's internal operations and the performance of its powers and duties;

Whereas, those Operating Procedures were approved by the Charlottesville City Council by resolution on December 19, 2022;

Whereas, there are certain inconsistencies between the Bylaws and the Operating Procedures, which promotes confusion;

Whereas, the Operating Procedures provide all necessary information, procedures, and principles governing the Board's internal operations and the performance of its powers and duties;

Whereas, to promote clarity, the Board deems it necessary and beneficial to provide one source of procedures to govern its internal operations and the performance of its powers and duties;

Whereas, Article 13 of the Board's Bylaws provides: "These Bylaws may be amended by the Board. Any proposed amendment must be presented by a Board member in writing at a regular Board meeting. The Board may adopt the amendment at its next regular meeting upon an affirmative vote of four Board members.";

Whereas, the Board's Operating Procedure Number 1 permits the Board to take any action, including action regarding the Bylaws, so long as the action does not "exceed [] its authority expressly set forth within the enabling legislation" codified at Virginia Code § 9.1-601 et seq.;

THEREFORE, I hereby move that this Police Civilian Oversight Board rescind, repeal, and permanently extinguish the Bylaws in their entirety.

Motion by:

Second by:

Ayes:

Absent: