
Sec. 2-453. Board membership appointment, and terms.

- (a) ~~Appointment process.~~ The city council shall appoint the members of the board. The council shall announce a public application process with applications available online and by hardcopy in English and Spanish for individuals interested in serving on the board. Council will seek to appoint fair-minded and objective members with a demonstrated commitment to community service who have training and experience, including lived experience, with topics relevant to the business of the board, including law, police practices, human resources practices and procedures, trauma-informed mental health issues, and the sociology of historically overpoliced communities.
- (a) Appointment process. The city council shall appoint members of the board through an open and transparent public process and shall notify the Executive Director whenever an opening on the Board has been announced. The council shall widely publicize board vacancies and accept applications online and in hardcopy format, available in both English and Spanish. The Executive Director shall participate in reviewing applications, the interview process and may provide recommendations to the council. Council will seek to appoint fair-minded and objective members who demonstrate a commitment to community service and public oversight of law enforcement. Should an applicant be rejected for appointment to the Board, the Board and the Executive Director shall be provided the reason why the applicant was not selected.
- (b) ~~Board composition.~~ The board shall reflect the demographic diversity of the City of Charlottesville. The board shall be composed of seven (7) voting members and one (1) non-voting member appointed by the city council. The members shall be removable by the city council for cause as specified in the board code of ethics, violating the duty of confidentiality, failing to participate in required training, or other good cause.
- (b) Board composition. The seven-member voting board and one non-voting member, appointed by the city council, shall reflect Charlottesville's demographic diversity. Members are removable by the City Council for cause, including ethics violations, confidentiality breaches, training non-compliance, or other justified reasons.

Membership requirements:

- (1) ~~Council shall appoint at least three (3) members who are residents of public housing or who come from historically disadvantaged communities that have traditionally experienced disparate policing.~~
- (1) At least three members shall reside in public housing or be members historically disadvantaged groups.
- (2) ~~Council may appoint one (1) member who represents an organization that seeks racial or social justice on behalf of historically disadvantaged communities.~~
- (2) One member shall represent an organization pursuing racial or social justice for disadvantaged groups.
- (3) ~~The non-voting member of the board shall be an individual with policing expertise or experience. The non-voting member may be a retired law enforcement officer who prior to his or her retirement was employed in a locality similar to the City of Charlottesville. The non-voting member need not be a resident of the City of Charlottesville.~~
- (3) Non-voting member: Individual with policing or similar law enforcement related expertise, potentially a retired officer from a similar locality.
- (4) ~~The seven (7) voting members of the board shall be residents of the City of Charlottesville, except that if council has appointed someone who represents an organization that seeks racial or social justice on behalf of historically disadvantaged communities, that person shall either be a resident of the City of Charlottesville or the organization they represent shall perform advocacy on behalf of City of Charlottesville residents.~~
- (4) Voting members must be Charlottesville residents, with one exception:

a) The social justice organization representative may be a non-resident if their organization serves city residents.

~~(5) No board member shall be a current candidate for public office, a former member of the department, an immediate family member of a current department employee, or a current employee of a law enforcement agency, the fire department, the emergency communications center, or the sheriff's office. If council considers appointing a board member who is employed by the City of Charlottesville, council will seek to avoid potential conflicts of interest.~~

(5) Excluded: Current public office candidates, former department members, immediate family of current department employees, and current law enforcement, fire department, emergency communications, or sheriff's office employees. City employees may be considered with conflict-of-interest precautions.

~~(c) Terms. Each board member shall be appointed for a term of three (3) years. Appointments and terms shall be subject to the provisions of section 2-8 of this Code. The membership of the board, and the terms of each board member, shall be the same as for the police civilian review board that was serving as of December 20, 2021, and that membership shall continue as the police civilian oversight board established by this article, with no change in the date of appointment, or length of term, for any member.~~

(c). Terms and Officers.

1. Board Member Terms

- Each board member shall be appointed for a term of two (2) years.
- Appointments and terms shall be subject to the provisions of the Administrative Code, Chapter 2, Article I, Section 2-8 "Limitations on terms of members of boards and commissions".

2. Board Officers

- The board shall elect from its members a Chair and Vice Chair. The Board, at their discretion, should consider appointing a Secretary and Parliamentarian.
- Elections shall be held annually at the first regular meeting of each calendar year.
- Officers shall serve one-year terms.

3. Officer Term Limits

- The Chair and Vice Chair may serve no more than two consecutive one-year terms in their respective positions.
- After serving two consecutive terms, an officer must wait at least one year before being eligible to serve again in the same position.
- There are no term limits for the positions of Secretary and Parliamentarian, should those positions be appointed, and are held at the discretion of the Board.

4. Officer Duties

- The Chair shall preside at all meetings of the board and perform such other duties as prescribed in this article or by Board procedures.
- The Vice Chair shall perform the duties of the Chair in the absence or disability of the Chair.
- The Secretary, if appointed, shall:
 - Record and maintain accurate minutes of all board meetings
 - Ensure proper documentation of all board proceedings

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- Maintain records of attendance
 - In the absence of a secretary the above responsibilities shall be undertaken by the Executive Director or their designee.
 - The Parliamentarian, if appointed, shall:
 - Advise the Chair and board members on matters of parliamentary procedure
 - Assist in ensuring meetings are conducted in accordance with Robert's Rules of Order and applicable Board procedures
 - In the absence of a parliamentarian the above responsibilities shall be undertaken by the Executive Director or their designee.

5. **Vacancy in Office**

- If a vacancy occurs in any officer position, the board shall elect a successor to serve the remainder of the unexpired term at its next regular meeting.
- Service of an unexpired term shall not count toward the term limits specified in subsection 3.

6. **Removal from Office**

- Any officer may be removed from their officer position by a two-thirds vote of the board members present at a regular meeting where a quorum is present.
- Removal from an officer position does not affect the member's status on the board.

- (d) ~~*Conflicts of interest.* No board member may participate in any matter before the board under circumstances in which the objectivity of the board member could reasonably be questioned, including, without limitation, the consideration of a complaint of someone who is a family member. For purposes of the Virginia State and Local Government Conflict of Interests Act, the board shall be deemed a "governmental agency" and each board member shall be an "officer," as those terms are defined in Virginia Code § 2.2-3101. All board members shall comply with the requirements of the Virginia State and Local Government Conflict of Interests Act.~~

Board members shall recuse themselves from any matter where their objectivity may reasonably be questioned, including matters involving family members. The board constitutes a "governmental agency" and board members are "officers" under Virginia Code § 2.2-3101. All members shall comply with the Virginia State and Local Government Conflict of Interests Act.

- (e) ~~*Confidentiality.* Each member shall maintain the confidentiality of all confidential or privileged information, including, but not limited to:~~

- ~~(1) Materials from police internal investigative files;~~
- ~~(2) Disciplinary actions, memos and reports;~~
- ~~(3) Statements of any police officer or civilian employee who was required by the department to give a statement;~~
- ~~(4) Criminal investigative files; or~~
- ~~(5) Any other information that the board has deemed confidential.~~

- ~~(f) *Records to remain department records.* The chief of police, as the custodian of the original records of which copies may be provided to the board by the department, shall be responsible for decisions as to whether~~

~~copies of such records (or information contained in such records) may be publicly disclosed, subject to the direction and control of the city manager. Nothing in this paragraph shall preclude the city manager from including with the standard operating procedure required by subsection 2-452(e) guidelines for public disclosure of certain types of information contained within department records. In the standard operating procedure required by subsection 2-452(e), the city manager shall issue guidelines for what information may be included in board reports or otherwise publicly disclosed.~~

(Ord. No. O-21-183, §§ 1, 2, 12-20-21)

Sec. 2-454. Meetings.

- (a) *Number of meetings.* The board shall hold public meetings at least once per calendar quarter. Additional meetings may be called by the chair or any two (2) board members.
- (b) *FOIA.* The board shall comply with all applicable requirements of the Virginia Freedom of Information Act ("FOIA") pertaining to disclosure of public records and the conduct of its meetings, including the requirement that all meetings shall be open to the public except under circumstances when the topic is authorized by FOIA to be discussed in a closed meeting.
- (c) *Quorum.* A quorum of the board shall be four (4) voting members.
- (d) *Minutes.* The board shall keep minutes of its meetings, which shall include:
 - (1) The date, time, and location of the meeting;
 - (2) The members present and absent;
 - (3) A summary of the discussion on matters proposed, deliberated, or decided;
 - (4) A record of any votes taken.
- (e) *Rules and procedures.* Meetings of the board shall be conducted in accordance with Robert's Rules of Order or such other procedures as the board may adopt. ~~Hearings of the board shall be conducted in accordance with the operating procedures approved by city council for the board.~~