

A G E N D A
City Council Meeting of May 25, 2021
Council Chamber | City Hall, 900 Church Street, Lynchburg, VA 24504

NO 4:00 P.M. WORK SESSION

7:30 P.M.
City Council Agenda Items

COUNCILMEMBER FARALDI WILL GIVE THE INVOCATION

GENERAL POLICY REGARDING PUBLIC PARTICIPATION AT CITY COUNCIL MEETINGS

Each speaker shall clearly state his or her name and locality of residence.

The City Council agenda is divided into four sections.

CONSENT AGENDA: This section includes routine items. All items may be approved by one vote.

PUBLIC HEARINGS: This section includes all public hearings as required by law or as Council may direct.

Procedure:

- Staff will make a presentation.
- For zoning petitions, the applicant or his or her representative shall have ten (10) minutes to make a presentation.
- Comments will then be solicited from those in favor.
- Comments will then be solicited from those in opposition.

During the public hearing, there shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify that group at the beginning of his or her remarks. A group may have only one spokesperson. After public comments have been received, for zoning petitions, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5)-minute time limit for rebuttal. Upon the conclusion of public comments or the applicant's rebuttal, the public hearing will be closed and the matter referred to Council for deliberation.

PUBLIC COMMENT: Public comment shall be for the purpose of allowing members of the public to present any matter, which, in their opinion, deserves the attention of the Council. They shall not serve as a forum for debate with the Council. Individuals may speak up to three (3) minutes; or group spokesperson up to five (5) minutes. Once Council has heard a presentation from a citizen or organization on a particular subject, the citizen or organization may not make another presentation on the same subject within three (3) months of the first presentation, except by a majority vote of the members of Council present and voting.

GENERAL BUSINESS: This section includes items of a general nature to be considered by Council.

City Council may make exceptions to these rules at its discretion. Prior to a meeting, any questions which citizens may have regarding any item on the agenda may be addressed to City Council or the City Administration. The following numbers are provided for the convenience of the citizens:

CITY COUNCIL 455-3995

MAYOR 455-3995

CITY MANAGER 455-3990

A reasonable charge may be made for copying and other activities related to responding to long and involved inquiries.

CITIZENS OFTEN EXPRESS CONFLICTING AND DIVERSE POSITIONS REGARDING SPECIFIC ISSUES UNDER CONSIDERATION. TO ENCOURAGE CITIZEN PARTICIPATION AND TO AVOID INTIMIDATION TO PERSONS WHO MAY EXPRESS SOMETIMES UNPOPULAR OPINIONS, APPLAUSE, CHEERS, OR JEERS FROM THE AUDIENCE ARE NOT PERMITTED. WHEN APPEARING BEFORE CITY COUNCIL, CITIZENS MAY NOT ENGAGE IN BEHAVIOR THAT INTIMIDATES OR INSULTS OTHERS, ENGAGE IN DISRUPTIVE BEHAVIOR, USE PROFANITY OR VULGAR LANGUAGE, PROMOTE PRIVATE BUSINESS VENTURES OR CAMPAIGN FOR PUBLIC OFFICE.

* **PREVIOUSLY DISCUSSED AND/OR CONSIDERED BY CITY COUNCIL**

- #1. Consideration of an appointment to the position of City Manager

#R-21-____

PUBLIC HEARING

- #2. Hold a public hearing to receive citizen input regarding appointments, or reappointments, to vacancies that will exist June 30, 2021, in School Board Districts I, II, III.

PUBLIC COMMENTS

- #3. Hear from a group representative regarding a concern. (Martha Brown)
- #4. Hear from a group representative regarding a concern. (J Salmon)
- #5. Hear from a group representative regarding a concern. (Marty Misjuns)
- #6. Hear from a citizen regarding a concern. (Robert Williams)

GENERAL BUSINESS

- #7. First Reading on the adoption of the FY 2022 Budget:

A: Consideration of introducing a resolution approving the FY 2022 General Fund Operating Budget (excluding External Service Providers) and appropriating \$204,023,769.

#R-21-____

B: Consideration of introducing a resolution approving the FY 2022 Mandated and Contractual External Service Providers Budget of \$8,289,338.

#R-21-____

C: Consideration of introducing a resolution approving the FY 2022 Discretionary External Service Providers Budget of \$30,484.

#R-21-____

D: Consideration of introducing a resolution approving FY 2022 Operating Fund Budgets for other funds and appropriating the sums of each fund.

#R-21-____

E: Consideration of adopting a resolution adopting the FY 2022 – 2026 Capital Improvement Program.

#R-21-____

F: Consideration of introducing a resolution approving the FY 2022 Capital Budget and appropriating funds in the total amount of \$20,896,242 for the City Capital Projects Fund, \$0 for the Schools Capital Projects Fund, \$11,750,000 for the Airport Capital Projects Fund, \$11,545,000 for the Water Capital Projects Fund, \$12,318,000 for the Sewer Capital Projects Fund, and \$3,320,000 for the Stormwater Capital Projects Fund.

#R-21-____

G: Consideration of introducing a resolution approving \$50,000 of the FY 2022 Reserve for Contingencies funding for use by the City Manager for the fiscal year beginning July 1, 2021 through June 30, 2022.

#R-21-____

May 25, 2021

H: Consideration of adopting a resolution approving the personal property tax relief rate for the fiscal year beginning July 1, 2021 through June 30, 2022 shall be set at 41.86%.

#R-21-___

- #8. Consideration of introducing a resolution amending the FY 2021 City/Federal/State Aid Fund budget and appropriate \$100,000 to purchase Axon Performance and Respond services for the LPD current Body-Worn Camera System.

#R-21-___

- #9(a). Consideration of adopting a resolution authorizing the City Manager to accept and execute a \$1,261,006 federal Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) on behalf of the City of Lynchburg.

#R-21-___

- #9(b). Consideration of introducing a resolution approving and appropriating CRRSAA grant funds to provide relief to the Lynchburg Regional Airport for increased operating expenses that are due to the COVID-19 Pandemic

#R-21-___

- #10. Consideration of adopting an ordinance amending several sections of the City Code plus the addition of a section to the City Code which involve motor vehicles.

#O-21-___

FINANCE COMMITTEE AGENDA

**Tuesday, May 25, 2021
11:30 a.m. – Council Chamber**

GENERAL BUSINESS

11:30 a.m.

1. Approval of the Draft Finance Committee Meeting Notes from March 23, 2021.

Contact: Donna Witt, Chief Financial Officer 455-3968

11:35 a.m.

2. Report on the General Fund Reserve for Contingencies.

Contact: Donna Witt, Chief Financial Officer 455-3968

11:40 a.m.

3. Consider a request to adopt a resolution to amend the FY 2021 City/Federal/State Aid Fund budget and appropriate \$100,000 with resources of \$50,000 from the Virginia Department of Criminal Justice Services (DCJS) 2021 Body-Worn Camera Grant and \$50,000 required match from the Lynchburg Police Department's (LPD) FY 2021 General Fund Budget to purchase Axon Performance and Respond services for the LPD current Body-Worn Camera (BWC) System.

Contact: Chief Ryan M. Zuidema, Police Department 455-6171

11:45 a.m.

4. Approve the submission of an application for the 2021 State Homeland Security Program (SHSP) Grant through the Virginia Department of Emergency Management (VDEM) in the amount of \$148,042 to purchase law enforcement equipment for the Lynchburg Police Department.

Contact: Chief Ryan M. Zuidema, Police Department 455-6171

11:50 a.m.

5. Consider a request to adopt resolutions to authorize the City Manager to accept and execute a \$1,261,006 federal Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) on behalf of the City of Lynchburg (Lynchburg Regional Airport sponsor) and appropriate the grant funds to provide relief to the Lynchburg Regional Airport for increased operating expenses that are due to the COVID-19 Pandemic.

Contact: Andrew LaGala, Airport Director 455-6089

11:55 a.m.

6. Review highlights of attached quarterly financial reports for the Greater Lynchburg Transit Company (GLTC) as well as the Regional Airport, Lynchburg Regional Juvenile

Detention Center, Children's Services Act, Water Operating, Sewer Operating, Stormwater Operating, and General Funds for the quarter ending March 31, 2021.

Fund	Preparer
GLTC	Brian Booth, General Manager, GLTC
Regional Airport Fund	Andrew LaGala, Airport Director
Lynchburg Regional Juvenile Detention Center	Preston Sellers, Interim Director, Human Services
Children's Services Act Fund (CSA)	Preston Sellers, Interim Director, Human Services
Water Operating Fund	Tim Mitchell, Director of Water Resources
Sewer Operating Fund	Tim Mitchell, Director of Water Resources
Stormwater Operating Fund	Tim Mitchell, Director of Water Resources
General Fund	Donna Witt, Chief Financial Officer

12:35 p.m.

7. Roll Call

The next Finance Committee meeting is Tuesday, June 22, 2021, at 11:30 a.m.

FINANCE COMMITTEE NOTES-- DRAFT
Tuesday, March 23, 2021

GENERAL BUSINESS

Meeting commenced at 11:30 a.m. in Council Chamber in order to allow for social distancing requirements due to COVID-19.

ATTENDEES

Committee Members: Council Member Jeff S. Helgeson, Chair; Council Member Randy Nelson; Council Member Beau Wright; Mayor MaryJane Dolan, Ex-Officio.

Others: Reid Wodicka, Interim City Manager; Kent White, Acting Deputy City Manager; Donna Witt, Chief Financial Officer; Rhonda Allbeck, Assistant Director of Financial Services; Reid Lanham, Accounting Manager; Starlette Early, Budget Analyst

1. Approval of the Draft Finance Committee Meeting Notes from February 23, 2021.

The Finance Committee meeting notes for February 23, 2021 were approved as submitted.

2. Report on the General Fund Reserve for Contingencies.

Donna Witt reported there were no new items; the FY 2021 General Fund Reserve for Contingencies has a balance of \$1,162,265 including \$22,210 in the Manager's Discretionary Fund.

3. Consider a request to adopt a resolution to amend the FY 2021 City/Federal/State Aid Fund budget and appropriate \$67,200 with resources of \$33,600 from the Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund (RSAF) and \$33,600 from the FY 2021 General Fund Fire Department budget to purchase eighteen (18) Pharm Guard Temperature Controls systems for pharmacy drug boxes carried on fire and EMS apparatus for the Fire Department.

Fire Chief Greg Wormser presented the item. This item was approved by the Committee and will be considered by Council at the March 23, 2021 meeting.

4. Approve the submittal of a grant application to the Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund (RSAF) for \$72,326 with resources of \$36,163 from the RSAF grant and \$36,163 from the FY 2022 General Fund Fire Department budget to purchase thirty (30) CAPS Active Air Purifiers to be installed in the emergency vehicle fleet.

Fire Chief Greg Wormser presented the item. This item was approved by the Finance Committee.

5. Approve the submission of an application for the Virginia Department of Criminal Justice Services (DCJS) 2021 Body-Worn Camera Grant Solicitation in the amount of \$100,000 to purchase Axon Performance and Respond services for the Lynchburg Police Department's (LPD) current Body-Worn Camera (BWC) System.

Police Chief Ryan Zuidema presented the item. This item was approved by the Finance Committee.

6. Review highlights of attached quarterly financial reports for Lynchburg Regional Juvenile Detention Center and Children's Services Act for the quarter ending December 31, 2020.

Lynchburg Regional Juvenile Detention Center: Preston Sellers, Interim Director of Human Services, presented the quarterly report. He reported revenues from Charges for Services was at \$399,681 (36.2% of the budget), Juvenile Justice Block Grant revenue was \$514,910, Community Placement Revenue was \$422,643 (46.1% of the budget), and revenue received from USDA was \$14,320. Expenditures overall are within budget at \$1,554,593 for the second quarter of FY 2021. The average number of juveniles being served is 19.91 for FY 2021 compared to 24.93 in FY 2020.

Children's Services Act (CSA): Preston Sellers, Interim Director of Human Services, presented the quarterly report. He reported revenues received for expenditures incurred through the second quarter from Public Assistance was \$2,005,538; \$921,824 and \$98,270 was received from local match funds from the General Fund and Schools respectively; and Miscellaneous revenues totaled \$25,915. Expenditures through the second quarter included: Administrative- \$29,092, Mandated Foster Care- \$1,556,716, Mandated Special Education- \$921,895, Non-Mandated Services- \$99,427, and Community Based Services- \$281,978.

7. Roll Call.

Finance Committee Chair Helgeson asked about maintenance by Parks and Recreation for the horseshoe court and possible addition of an electrical outlet.

Meeting adjourned at 11:55 a.m.

FY 2021 GENERAL FUND RESERVE FOR CONTINGENCIES

	<u>Reserve for Contingencies</u>	<u>City Manager's Discretionary Funding</u>
BEGINNING BALANCE, JULY 1, 2020	\$1,150,000	\$50,000
Carryforward to FY 2021 Reserve for Contingencies - FY 2021 Adopted Budget	0	0
BALANCE	<u><u>\$1,150,000</u></u>	<u><u>\$50,000</u></u>
 APPROPRIATIONS (Second Reading)		
City Manager's Discretionary Fund - Communications and Public Engagement - Everbridge Module Mass Notification Pro		(\$6,609)
City Manager's Discretionary Fund - Police - Rentals for Lynchburg Police Department (LPD) Listening Sessions		(\$1,181)
City Manager's Discretionary Fund - Council/Manager's Office - Training for Action for Change (A4C) Committee		(\$20,000)
Third Quarter Adjustments - 04/27/21 Council Meeting	(\$311,831)	
 TOTAL APPROPRIATIONS	<u><u>(\$311,831)</u></u>	<u><u>(\$27,790)</u></u>
 REMAINING BALANCE	<u><u>\$838,169</u></u>	<u><u>\$22,210</u></u>
 ITEMS INTRODUCED		
Sheriff's Office - Portable Radio Replacement Accessories (\$9,945)		
TOTAL INTRODUCED ITEMS	<u><u>\$0</u></u>	<u><u>\$0</u></u>
 REMAINING BALANCE	<u><u>\$838,169</u></u>	<u><u>\$22,210</u></u>
 PENDING ITEMS		
 TOTAL PENDING ITEMS	<u><u>\$0</u></u>	<u><u>\$0</u></u>
 PROJECTED BALANCE, JUNE 30, 2021	<u><u>\$838,169</u></u>	<u><u>\$22,210</u></u>

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 25, 2021**

AGENDA ITEM #: **3**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: 2021 Virginia Department of Criminal Justice Services (DCJS) Body-Worn Camera Grant Award

KEY ELEMENTS:

☐ Economic Development ☐ Excellent Government ☐ Natural and Built Environment ☒ Safe Community ☐ Vibrant Community

RECOMMENDATION: Adopt a resolution to amend the FY 2021 City/Federal/State Aid Fund budget and appropriate \$100,000 with resources of \$50,000 from the Virginia Department of Criminal Justice Services (DCJS) 2021 Body-Worn Camera Grant and \$50,000 required match from the Lynchburg Police Department's (LPD) FY2021 General Fund Budget to purchase Axon Performance and Respond services for the LPD current Body-Worn Camera (BWC) System.

SUMMARY: The LPD was awarded a grant through a competitive process with DCJS to purchase Axon Performance and Respond services. The LPD will use these two services as additional tools to enhance officer and community safety. Axon Respond integrates location data and video feeds to provide situational awareness for officers and supervisors. This service also notifies supervisors of weapon and light bar activation so they can view live-streamed video of critical incidents efficiently. It also has real-time GPS location capability allowing members of the department to immediately determine an officer's location. Axon Performance streamlines the supervisor BWC review process and reduces the time it takes to confirm officers are operating within agency policies. These services are imperative and provide critical information so supervisors can determine necessary actions to protect officers and the public.

The total cost of the BWC add-on services is \$129,536.

The grant award allows for a total project cost of \$100,000 with the grant covering \$50,000 and a 50% match of \$50,000 required from the locality. The locality match of \$50,000 will come from the LPD's FY 2021 General Fund Budget.

The remaining cost of the two add-on services that exceeds the grant funding is \$29,536. These funds will also come from the LPD's FY 2021 General Fund Budget and will be tracked separately from the grant so that all grant guidelines are followed.

PRIOR ACTION(S): March 23, 2021: Finance Committee approved grant application
May 25, 2021: Will be reviewed by Finance Committee

FISCAL IMPACT: \$79,536 total: \$50,000 required local match and an additional \$29,536 due to project cost (the \$29,536 must be kept separate from grant) as described above.

CONTACT(S): Chief Ryan M. Zuidema, 455-6171
Amy Lowe, Administrative Manager, Police Department, 455-6128

ATTACHMENT(S): Resolution

REVIEWED BY: raw

RESOLUTION:

BE IT RESOLVED that the FY 2021 City/Federal/State Aid Fund budget is amended and \$100,000 is appropriated with resources of \$50,000 from the Virginia Department of Criminal Justice Services (DCJS) 2021 Body-Worn Camera Grant, and \$50,000 from the Lynchburg Police Department FY 2021 General Fund Budget.

Introduced:

Adopted:

Certified:

Clerk of Council

FINANCE COMMITTEE

Agenda Item Summary

MEETING DATE: **May 25, 2021**

AGENDA ITEM #: **4**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: 2021 Virginia Department of Emergency Management (VDEM), State Homeland Security Program (SHSP) Grant

KEY ELEMENTS:

☐ Economic Development ☐ Excellent Government ☐ Natural and Built Environment ☒ Safe Community ☐ Vibrant Community

RECOMMENDATION: Approve the submission of an application for the 2021 State Homeland Security Program (SHSP) Grant through the Virginia Department of Emergency Management (VDEM) in the amount of \$148,042 to purchase law enforcement equipment for the Lynchburg Police Department.

SUMMARY: The Lynchburg Police Department seeks to apply for a \$148,042 grant through a competitive process with the VDEM SHSP to purchase air purifying respirators (gas masks) with voice projection unit and filters (respirator system) for all sworn officer positions in the department. The purchase of this equipment will replace our aging respirator system, which is more than 15 years old. Replacement of our current respirator with one specifically designed for use by law enforcement professionals will ensure our officers are adequately equipped to address critical incidents. The voice projection unit that is attached to the respirator enhances communication in these environments. The total equipment cost is \$148,042, which is fully reimbursable by the grant. The grant does not require any local matching funds.

PRIOR ACTION(S): None

FISCAL IMPACT: None – no local match is required.

CONTACT(S): Chief Ryan M. Zuidema, 455-6171
Amy Lowe, Administrative Manager, Police Department, 455-6128

ATTACHMENT(S): None

REVIEWED BY:

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 25, 2021**

AGENDA ITEM #: **5**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Airport Coronavirus Response and Relief Supplemental Appropriation Act (CRRSAA)

KEY ELEMENTS:

☐ Economic Development ☒ Excellent Government ☐ Natural and Built Environment ☐ Safe Community ☒ Vibrant Community

RECOMMENDATION: Adopt the following resolutions to authorize the City Manager to accept and execute a \$1,261,006 federal Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) on behalf of the City of Lynchburg (Lynchburg Regional Airport sponsor) and appropriate the grant funds to provide relief to the Lynchburg Regional Airport for increased operating expenses that are due to the COVID-19 Pandemic.

SUMMARY: This U.S. Department of Transportation/Federal Aviation Administration (FAA) grant was provided in accordance with the CRRSAA grant to assist eligible airports/Sponsors with funding to prevent, prepare for, and offset any operating expenses that arise due to the COVID-19 pandemic. CRRSAA Grant amounts to individual airports were derived by a federal legislative formula. The Airport may use these funds for any purpose for which Airport revenues may be lawfully used, provided the items that have not been reimbursed under another program.

PRIOR ACTION(S): Finance Committee, grant award, May 25, 2021;
On March 12, 2021, the City of Lynchburg/Lynchburg Regional Airport submitted a grant application for the \$1,261,006 in CRRSAA funds, as calculated by a federal legislative formula, to be awarded to Lynchburg Regional Airport as a result of the COVID-19 Pandemic. The Federal Award Offer date is May 4, 2021.

FISCAL IMPACT: This \$1,261,006 grant will provide 100% funding for operational expenses directly related to the airport incurred on or after January 20, 2020 and debt service payments directly related to the airport that are due on or after December 27, 2020.

CONTACT(S): Andrew LaGala, Airport Director, 455-6089

ATTACHMENT(S): Resolution
Airport Coronavirus Response Grant Program 3-51-0029-047-2021 – 23 pages

REVIEWED BY: klw

RESOLUTION:

BE IT RESOLVED that the Lynchburg City Council authorizes the City Manager to accept and execute a \$1,261,006 federal Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) Grants Agreement (#3-51-0029-045-2020) on behalf of the City of Lynchburg (Lynchburg Regional Airport sponsor) to provide relief to the Lynchburg Regional Airport for increased operating expenses that are due to the COVID-19 Pandemic.

Adopted:

Certified:

Clerk of Council

RESOLUTION:

BE IT RESOLVED that the FY 2021 Airport Fund budget is amended and \$1,261,006 is appropriated with resources from the Department of Transportation Federal Aviation Administration Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) grant to provide relief to the Lynchburg Regional Airport for increased operating expenses that are due to the COVID-19 Pandemic.

Introduced:

Adopted:

Certified:

Clerk of Council



U.S. Department
of Transportation
Federal Aviation
Administration

Airports Division
Eastern Region
District of Columbia, Maryland, Virginia

FAA WAS ADO
13873 Park Center Road
Suite 490S
Herndon, VA 20171

CRRSA Transmittal Letter

May 4, 2021

Mr. Andrew LaGala, Airport Director
Lynchburg Regional Airport
350 Terminal Drive, Suite 100
Lynchburg, Virginia 24502-5271

Dear Mr. LaGala:

Please find the following electronic Airport Coronavirus Response Grant Program (ACRGP) Grant Offer, Grant No. 3-51-0029-047-2021 for Lynchburg Regional/Preston Glenn Field Airport. This letter outlines expectations for success. Please read and follow the instructions carefully.

To properly enter into this agreement, you must do the following:

- a. The governing body must provide authority to execute the grant to the individual signing the grant; i.e. the sponsor's authorized representative.
- b. The sponsor's authorized representative must execute the grant, followed by the attorney's certification, no later than **June 4, 2021** in order for the grant to be valid.
- c. You may not make any modification to the text, terms or conditions of the grant offer.
- d. The grant offer must be digitally signed by the sponsor's legal signatory authority and then the grant offer will be routed via email to the sponsor's attorney. Once the attorney has digitally attested to the grant, an email with the executed grant will be sent to all parties.

Subject to the requirements in 2 CFR §200.305, each payment request for reimbursement under this grant must be made electronically via the Delphi eInvoicing System. Please see the attached Grant Agreement for more information regarding the use of this System. The terms and conditions of this agreement require you drawdown and expend these funds within four years.

An airport sponsor may use these funds for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments. Please refer to the [ACRGP Frequently Asked Questions](#) for further information.

With each payment request you are required to upload an invoice summary directly to Delphi. The invoice summary should include enough detail to permit FAA to verify compliance with the Coronavirus Response and Relief Supplemental Appropriations Act (Public Law 116-260).

For the final payment request, in addition to the requirement listed above for all payment requests, you are required to upload directly to Delphi:

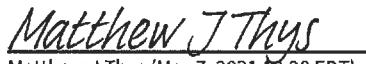
- A final financial report summarizing all of the costs incurred and reimbursed, and
- An SF-425, and.
- A closeout report (A sample report is available [here](#)).

Until the grant is completed and closed, you are responsible for submitting a signed/dated SF-425 annually, due 90 days after the end of each federal fiscal year in which this grant is open (due December 31 of each year this grant is open).

As a condition of receiving Federal assistance under this award, you must comply with audit requirements as established under 2 CFR part 200. Subpart F requires non-Federal entities that expend \$750,000 or more in Federal awards to conduct a single or program specific audit for that year. Note that this includes Federal expenditures made under other Federal-assistance programs. Please take appropriate and necessary action to assure your organization will comply with applicable audit requirements and standards.

I am readily available to assist you and your designated representative with the requirements stated herein. We sincerely value your cooperation in these efforts.

Sincerely,


Matthew J Thys (May 7, 2021 10:20 EDT)

Matthew J. Thys, Manager

Washington ADO

[ADO has discretion to delegate signature authority to Program Manager]



U.S. Department
of Transportation
Federal Aviation
Administration

AIRPORT CORONAVIRUS RELIEF GRANT PROGRAM (ACRGP)

GRANT AGREEMENT

Part I - Offer

Federal Award Offer Date May 4, 2021

Airport/Planning Area Lynchburg Regional/Preston Glenn Field Airport

ACRGP Grant Number 3-51-0029-047-2021

Unique Entity Identifier 010038073

TO: City of Lynchburg

(herein called the "Sponsor")

FROM: **The United States of America** (acting through the Federal Aviation Administration, herein called the "FAA")

WHEREAS, the Sponsor has submitted to the FAA an Airports Coronavirus Response Grant Program (herein called "ACRGP") Application dated March 12, 2021, for a grant of Federal funds at or associated with the Lynchburg Regional/Preston Glenn Field Airport, which is included as part of this ACRGP Grant Agreement; and

WHEREAS, the Sponsor has accepted the terms of FAA's ACRGP Grant offer;

WHEREAS, in consideration of the promises, representations and assurances provided by the Sponsor, the FAA has approved the ACRGP Application for the Lynchburg Regional/Preston Glenn Field Airport, (herein called the "Grant" or "ACRGP Grant") consisting of the following:

This ACRGP Grant is provided in accordance with the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA Act or "the Act"), Division M of Public Law 116-260, as described below, to provide eligible Sponsors with funding for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments. ACRGP Grant amounts to specific airports are derived by legislative formula (See Division M, Title IV of the Act).

The purpose of this ACRGP Grant is to prevent, prepare for, and respond to coronavirus. Funds provided under this ACRGP Grant Agreement must only be used for purposes directly related to the airport. Such purposes can include the reimbursement of an airport's operational and maintenance expenses or debt service payments in accordance with the limitations prescribed in the Act. ACRGP Grants may be used to

reimburse airport operational and maintenance expenses directly related to Lynchburg Regional/Preston Glenn Field incurred no earlier than January 20, 2020. ACRGP Grants also may be used to reimburse a Sponsor's payment of debt service where such payments occur on or after December 27, 2020. Funds provided under this ACRGP Grant Agreement will be governed by the same principles that govern "airport revenue." New airport development projects not directly related to combating the spread of pathogens and approved by the FAA for such purposes, may not be funded with this Grant.

NOW THEREFORE, in accordance with the applicable provisions of the CRRSA Act, Public Law 116-260, the representations contained in the Grant Application, and in consideration of (a) the Sponsor's acceptance of this Offer; and, (b) the benefits to accrue to the United States and the public from the accomplishment of the Grant and in compliance with the conditions as herein provided,

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay 100% percent of the allowable costs incurred as a result of and in accordance with this Grant Agreement.

Assistance Listings Number (Formerly CFDA Number): 20.106

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

CONDITIONS

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$1,261,006, allocated as follows:
 - \$29,023 Primary KC2021
 - \$1,231,983 Primary KQ2021
2. **Grant Performance.** This ACRGP Grant Agreement is subject to the following federal award requirements:
 - a. The Period of Performance:
 1. Shall start on the date the Sponsor formally accepts this agreement, and is the date signed by the last Sponsor signatory to the agreement. The end date of the period of performance is 4 years (1,460 calendar days) from the date of acceptance. The period of performance end date shall not affect, relieve or reduce Sponsor obligations and assurances that extend beyond the closeout of this Grant Agreement.
 2. Means the total estimated time interval between the start of an initial Federal award and the planned end date, which may include one or more funded portions, or budget periods. (2 Code of Federal Regulations (CFR) § 200.1)
 - b. The Budget Period:
 1. The budget period for this ACRGP Grant is 4 years (1,460 calendar days). Pursuant to 2 CFR § 200.403(h), the Sponsor may charge to the Grant only allowable costs incurred during the budget period.
 2. Means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which the Sponsor is authorized to expend the funds awarded, including any funds carried forward or other revisions pursuant to §200.308.
 - c. Close out and Termination.

1. Unless the FAA authorizes a written extension, the Sponsor must submit all Grant closeout documentation and liquidate (pay-off) all obligations incurred under this award no later than 120 calendar days after the end date of the period of performance. If the Sponsor does not submit all required closeout documentation within this time period, the FAA will proceed to close out the grant within one year of the period of performance end date with the information available at the end of 120 days. (2 CFR § 200.344)
2. The FAA may terminate this ACRGP Grant, in whole or in part, in accordance with the conditions set forth in 2 CFR § 200.340, or other Federal regulatory or statutory authorities as applicable.
3. **Unallowable Costs.** The Sponsor shall not seek reimbursement for any costs that the FAA has determined to be unallowable under the CRRSA Act.
4. **Indirect Costs - Sponsor.** The Sponsor may charge indirect costs under this award by applying the indirect cost rate identified in the Grant Application as accepted by the FAA, to allowable costs for Sponsor direct salaries and wages only.
5. **Final Federal Share of Costs.** The United States' share of allowable Grant costs is 100%.
6. **Completing the Grant without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the Grant without undue delays and in accordance with this ACRGP Grant Agreement, the CRRSA Act, and the regulations, policies, standards, and procedures of the Secretary of Transportation ("Secretary"). Pursuant to 2 CFR § 200.308, the Sponsor agrees to report to the FAA any disengagement from funding eligible expenses under the Grant that exceeds three months or a 25 percent reduction in time devoted to the Grant, and request prior approval from FAA. The report must include a reason for the stoppage. The Sponsor agrees to comply with the attached assurances, which are part of this agreement and any addendum that may be attached hereto at a later date by mutual consent.
7. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
8. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs unless this offer has been accepted by the Sponsor on or before June 4, 2021, or such subsequent date as may be prescribed in writing by the FAA.
9. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner, including uses that violate this ACRGP Grant Agreement, the CRRSA Act or other provision of applicable law. For the purposes of this ACRGP Grant Agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor, that were originally paid pursuant to this or any other Federal grant agreement(s). The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.
10. **United States Not Liable for Damage or Injury.** The United States is not responsible or liable for damage to property or injury to persons which may arise from, or relate to this ACRGP Grant

Agreement, including, but not limited to, any action taken by a Sponsor related to or arising from, directly or indirectly, this ACRGP Grant Agreement.

11. System for Award Management (SAM) Registration and Unique Entity Identifier (UEI).

- a. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).
- b. Unique entity identifier (UEI) means a 12-character alpha-numeric value used to identify a specific commercial, nonprofit or governmental entity. A UEI may be obtained from SAM.gov at <https://sam.gov/SAM/pages/public/index.jsf>.

12. Electronic Grant Payment(s). Unless otherwise directed by the FAA, the Sponsor must make each payment request under this agreement electronically via the Delphi eInvoicing System for Department of Transportation (DOT) Financial Assistance Awardees.

13. Air and Water Quality. The Sponsor is required to comply with all applicable air and water quality standards for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this agreement.

14. Financial Reporting and Payment Requirements. The Sponsor will comply with all Federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.

15. Buy American. Unless otherwise approved in advance by the FAA, in accordance with 49 United States Code (U.S.C.) § 50101 the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured goods produced outside the United States to be used for any project for which funds are provided under this grant. The Sponsor will include a provision implementing Buy American in every contract.

16. Audits for Sponsors.

PUBLIC SPONSORS. The Sponsor must provide for a Single Audit or program-specific audit in accordance with 2 CFR Part 200. The Sponsor must submit the audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/facweb/>. Upon request of the FAA, the Sponsor shall provide one copy of the completed audit to the FAA.

17. Suspension or Debarment. When entering into a "covered transaction" as defined by 2 CFR § 180.200, the Sponsor must:

- a. Verify the non-Federal entity is eligible to participate in this Federal program by:
 1. Checking the excluded parties list system (EPLS) as maintained within the System for Award Management (SAM) to determine if the non-Federal entity is excluded or disqualified; or
 2. Collecting a certification statement from the non-Federal entity attesting the entity is not excluded or disqualified from participating; or

3. Adding a clause or condition to covered transactions attesting the individual or firm is not excluded or disqualified from participating.
- b. Require prime contractors to comply with 2 CFR § 180.330 when entering into lower-tier transactions (e.g. sub-contracts).
- c. Immediately disclose to the FAA whenever the Sponsor (1) learns the Sponsor has entered into a covered transaction with an ineligible entity, or (2) suspends or debars a contractor, person, or entity.

18. Ban on Texting While Driving.

- a. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:
 1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to this ACRGP Grant or subgrant funded by this Grant.
 2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
 - A. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - B. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
- b. The Sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts, and subcontracts funded by this ACRGP Grant.

19. Trafficking in Persons.

- a. You as the recipient, your employees, subrecipients under this ACRGP Grant, and subrecipients' employees may not –
 1. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
 2. Procure a commercial sex act during the period of time that the award is in effect; or
 3. Use forced labor in the performance of the award or subawards under the ACRGP Grant.
- b. The FAA as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity –
 1. Is determined to have violated a prohibition in paragraph A of this ACRGP Grant Agreement term; or
 2. Has an employee who is determined by the agency official authorized to terminate the ACRGP Grant Agreement to have violated a prohibition in paragraph A.1 of this ACRGP Grant term through conduct that is either –
 - A. Associated with performance under this ACRGP grant; or

- B. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)," as implemented by the FAA at 2 CFR Part 1200.
- c. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph A during this ACRGP Grant Agreement.
- d. Our right to terminate unilaterally that is described in paragraph A of this section:
 - 1. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. § 7104(g)), and
 - 2. Is in addition to all other remedies for noncompliance that are available to the FAA under this ACRGP Grant.

20. Employee Protection from Reprisal.

- a. Prohibition of Reprisals —
 - 1. In accordance with 41 U.S.C. § 4712, an employee of a grantee or subgrantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in sub-paragraph (A)(2), information that the employee reasonably believes is evidence of:
 - a. Gross mismanagement of a Federal grant;
 - b. Gross waste of Federal funds;
 - c. An abuse of authority relating to implementation or use of Federal funds;
 - d. A substantial and specific danger to public health or safety; or
 - e. A violation of law, rule, or regulation related to a Federal grant.
 - 2. Persons and bodies covered: The persons and bodies to which a disclosure by an employee is covered are as follows:
 - a. A member of Congress or a representative of a committee of Congress;
 - b. An Inspector General;
 - c. The Government Accountability Office;
 - d. A Federal office or employee responsible for oversight of a grant program;
 - e. A court or grand jury;
 - f. A management office of the grantee or subgrantee; or
 - g. A Federal or State regulatory enforcement agency.
- 3. Submission of Complaint — A person who believes that they have been subjected to a reprisal prohibited by paragraph A of this ACRGP Grant Agreement may submit a complaint regarding the reprisal to the Office of Inspector General (OIG) for the U.S. Department of Transportation.
- 4. Time Limitation for Submittal of a Complaint — A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.
- 5. Required Actions of the Inspector General — Actions, limitations, and exceptions of the Inspector General's office are established under 41 U.S.C. § 4712(b).
- 6. Assumption of Rights to Civil Remedy — Upon receipt of an explanation of a decision not to conduct or continue an investigation by the Office of Inspector General, the person submitting a complaint assumes the right to a civil remedy under 41 U.S.C. § 4712(c).

21. **Limitations.** Nothing provided herein shall be construed to limit, cancel, annul, or modify the terms of any Federal grant agreement(s), including all terms and assurances related thereto, that have been entered into by the Sponsor and the FAA prior to the date of this ACRGP Grant Agreement.
22. **Face Coverings Policy.** The sponsor agrees to implement a face-covering (mask) policy to combat the spread of pathogens. This policy must include a requirement that all persons wear a mask, in accordance with Centers for Disease Control (CDC) and Transportation Security Administration (TSA) requirements, as applicable, at all times while in all public areas of the airport property, except to the extent exempted under those requirements. This special condition requires the airport sponsor continue to require masks until Executive Order 13998, Promoting COVID-19 Safety in Domestic and International Travel, is no longer effective.

SPECIAL CONDITIONS FOR USE OF ACRGP FUNDS

CONDITIONS FOR ROLLING STOCK/EQUIPMENT -

1. **Equipment or Vehicle Replacement.** The Sponsor agrees that when using funds provided by this grant to replace equipment, the proceeds from the trade-in or sale of such replaced equipment shall be classified and used as airport revenue.
2. **Equipment Acquisition.** The Sponsor agrees that for any equipment acquired with funds provided by this grant, such equipment shall be used solely for purposes directly related to the airport.
3. **Low Emission Systems.** The Sponsor agrees that vehicles and equipment acquired with funds provided in this grant:
 - a. Will be maintained and used at the airport for which they were purchased; and
 - b. Will not be transferred, relocated, or used at another airport without the advance consent of the FAA.

The Sponsor further agrees that it will maintain annual records on individual vehicles and equipment, project expenditures, cost effectiveness, and emission reductions.

CONDITIONS FOR UTILITIES AND LAND -

4. **Utilities Proration.** For purposes of computing the United States' share of the allowable airport operations and maintenance costs, the allowable cost of utilities incurred by the Sponsor to operate and maintain airport(s) included in the Grant must not exceed the percent attributable to the capital or operating costs of the airport.
5. **Utility Relocation in Grant.** The Sponsor understands and agrees that:
 - a. The United States will not participate in the cost of any utility relocation unless and until the Sponsor has submitted evidence satisfactory to the FAA that the Sponsor is legally responsible for payment of such costs;
 - b. FAA participation is limited to those utilities located on-airport or off-airport only where the Sponsor has an easement for the utility; and
 - c. The utilities must serve a purpose directly related to the Airport.
6. **Land Acquisition.** Where funds provided for by this grant are used to acquire land, the Sponsor shall record the grant agreement, including the grant assurances and any and all related requirements,

encumbrances, and restrictions that shall apply to such land, in the public land records of the jurisdiction in which the land is located.

The Sponsor's acceptance of this Offer and ratification and adoption of the ACRGP Grant Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor. The Offer and Acceptance shall comprise an ACRGP Grant Agreement, as provided by the CRRSA Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to this Grant. The effective date of this ACRGP Grant Agreement is the date of the Sponsor's acceptance of this Offer.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

Dated May 7, 2021

**UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION**

Matthew J Thys

Matthew J Thys (May 7, 2021 10:20 EDT)

(Signature)

Matthew J. Thys

(Typed Name)

Manager, Washington Airports District Office

(Title of FAA Official)

Part II - Acceptance

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the ACRGP Grant Application and incorporated materials referred to in the foregoing Offer under Part I of this ACRGP Grant Agreement, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the ACRGP Grant Application and all applicable terms and conditions provided for in the CRRSA Act and other applicable provisions of Federal law.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct. ¹

Dated May 10, 2021

City of Lynchburg

(Name of Sponsor)

Reid Wodicka

Reid Wodicka (May 10, 2021 08:19 EDT)

(Signature of Sponsor's Designative Official/Representative)

By: Reid Wodicka

(Type Name of Sponsor's Designative Official/Representative)

Title: Interim City Manager

(Title of Sponsor's Designative Official/Representative)

¹ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

CERTIFICATE OF SPONSOR'S ATTORNEY

I, Walter C. Erwin, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Virginia. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the CRRSA Act. The Sponsor understands funding made available under this Grant Agreement may only be used to reimburse for airport operational and maintenance expenses, and debt service payments. The Sponsor further understands it may submit a separate request to use funds for new airport/project development purposes, subject to additional terms, conditions, and assurances. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

Dated at May 10, 2021

By: Walter C. Erwin

Walter C. Erwin (May 10, 2021 09:31 EDT)

(Signature of Sponsor's Attorney)

AIRPORT CORONAVIRUS RELIEF GRANT PROGRAM (ACRGP) ASSURANCES

AIRPORT SPONSORS

A. General.

1. These Airport Coronavirus Relief Grant Program (ACRGP) Assurances are required to be submitted as part of the application by sponsors requesting funds under the provisions of the Coronavirus Response and Relief Supplemental Appropriations Act of 2020 (CRRSA Act or "the Act"), Public Law 116-260. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
2. Upon acceptance of this ACRGP Grant offer by the sponsor, these assurances are incorporated into and become part of this ACRGP Grant Agreement.

B. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this ACRGP Grant that:

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance, and use of Federal funds for this ACRGP Grant including but not limited to the following:

FEDERAL LEGISLATION

- a. 49 U.S.C. Chapter 471, as applicable
- b. Davis-Bacon Act — 40 U.S.C. 276(a), et. seq.
- c. Federal Fair Labor Standards Act — 29 U.S.C. 201, et. seq.
- d. Hatch Act — 5 U.S.C. 1501, et. seq. ²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et. seq.
- f. National Historic Preservation Act of 1966 — Section 106 — 16 U.S.C. 470(f).
- g. Archeological and Historic Preservation Act of 1974 — 16 U.S.C. 469 through 469c.
- h. Native Americans Grave Repatriation Act — 25 U.S.C. Section 3001, et. seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 — Section 102(a) — 42 U.S.C. 4012a.
- l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f)).
- m. Rehabilitation Act of 1973 — 29 U.S.C. 794.
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin).
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), prohibits discrimination on the basis of disability).

- p. Age Discrimination Act of 1975 — 42 U.S.C. 6101, et. seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968 — 42 U.S.C. 4151, et. seq.
- s. Power plant and Industrial Fuel Use Act of 1978 — Section 403- 2 U.S.C. 8373.
- t. Contract Work Hours and Safety Standards Act — 40 U.S.C. 327, et. seq.
- u. Copeland Anti-kickback Act — 18 U.S.C. 874.1.
- v. National Environmental Policy Act of 1969 — 42 U.S.C. 4321, et. seq.
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- x. Single Audit Act of 1984 — 31 U.S.C. 7501, et. seq. ²
- y. Drug-Free Workplace Act of 1988 — 41 U.S.C. 702 through 706.
- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).

EXECUTIVE ORDERS

- a. Executive Order 11246 – Equal Employment Opportunity
- b. Executive Order 11990 – Protection of Wetlands
- c. Executive Order 11998 – Flood Plain Management
- d. Executive Order 12372 – Intergovernmental Review of Federal Programs
- e. Executive Order 12699 – Seismic Safety of Federal and Federally Assisted New Building Construction
- f. Executive Order 12898 – Environmental Justice
- g. Executive Order 14005 – Ensuring the Future Is Made in All of America by All of America's Workers.

FEDERAL REGULATIONS

- a. 2 CFR Part 180 – OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. ^{3, 4}
- c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment.
- d. 28 CFR Part 35 – Discrimination on the Basis of Disability in State and Local Government Services.
- e. 28 CFR § 50.3 – U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.
- f. 29 CFR Part 1 – Procedures for predetermination of wage rates. ¹
- g. 29 CFR Part 3 – Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States. ¹

- h. 29 CFR Part 5 – Labor standards provisions applicable to contracts covering Federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).¹
- i. 41 CFR Part 60 – Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and Federally assisted contracting requirements).¹
- j. 49 CFR Part 20 – New restrictions on lobbying.
- k. 49 CFR Part 21 – Nondiscrimination in Federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- l. 49 CFR Part 23 – Participation by Disadvantage Business Enterprise in Airport Concessions.
- m. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Program.
- n. 49 CFR Part 27 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.¹
- o. 49 CFR Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Transportation.
- p. 49 CFR Part 30 – Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- q. 49 CFR Part 32 – Government-wide Requirements for Drug-Free Workplace (Financial Assistance).
- r. 49 CFR Part 37 – Transportation Services for Individuals with Disabilities (ADA).
- s. 49 CFR Part 41 – Seismic safety of Federal and Federally assisted or regulated new building construction.

FOOTNOTES TO ASSURANCE ACRGP ASSURANCE B.1.

- ¹ These laws do not apply to airport planning sponsors.
- ² These laws do not apply to private sponsors.
- ³ Cost principles established in 2 CFR Part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses
- ⁴ Audit requirements established in 2 CFR Part 200 subpart F are the guidelines for audits.

SPECIFIC ASSURANCES

Specific assurances required to be included in grant agreements by any of the above laws, regulations, or circulars are incorporated by reference in this Grant Agreement.

1. Purpose Directly Related to the Airport

It certifies that the reimbursement sought is for a purpose directly related to the airport.

2. Responsibility and Authority of the Sponsor.

a. Public Agency Sponsor:

It has legal authority to apply for this Grant, and to finance and carry out the proposed grant; that an official decision has been made by the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing

and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

b. Private Sponsor:

It has legal authority to apply for this Grant and to finance and carry out the proposed Grant and comply with all terms, conditions, and assurances of this Grant Agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Good Title.

It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.

4. Preserving Rights and Powers.

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this Grant Agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish, or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with this Grant Agreement.
- c. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations, and the terms and conditions of this Grant Agreement.

5. Consistency with Local Plans.

Any project undertaken by this Grant Agreement is reasonably consistent with plans (existing at the time of submission of the ACGRP application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

6. Consideration of Local Interest.

It has given fair consideration to the interest of communities in or near where any project undertaken by this Grant Agreement may be located.

7. Consultation with Users.

In making a decision to undertake any airport development project undertaken by this Grant Agreement, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

8. Pavement Preventative Maintenance.

With respect to a project undertaken by this Grant Agreement for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed, or repaired with Federal financial assistance at the airport, including ACRGP funds provided under this Grant Agreement. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

9. Accounting System, Audit, and Record Keeping Requirements.

- a. It shall keep all Grant accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this Grant, the total cost of the Grant in connection with which this Grant is given or used, and the amount or nature of that portion of the cost of the Grant supplied by other sources, and such other financial records pertinent to the Grant. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this Grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a Grant or relating to the Grant in connection with which this Grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

10. Minimum Wage Rates.

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

11. Veteran's Preference.

It shall include in all contracts for work on any project funded under this grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in Section 47112 of Title 49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

12. Operation and Maintenance.

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state and local agencies for maintenance and

operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for-

1. Operating the airport's aeronautical facilities whenever required;
 2. Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
 3. Promptly notifying airmen of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.
- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

13. Hazard Removal and Mitigation.

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

14. Compatible Land Use.

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft.

15. Exclusive Rights.

The sponsor shall not grant an exclusive right to use an air navigation facility on which this Grant has been expended. However, providing services at an airport by only one fixed-based operator is not an exclusive right if—

- a. it is unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide the services; and
- b. allowing more than one fixed-based operator to provide the services requires a reduction in space leased under an agreement existing on September 3, 1982, between the operator and the airport.

16. Airport Revenues.

- a. This Grant shall be available for any purpose for which airport revenues may lawfully be used to prevent, prepare for, and respond to coronavirus. Funds provided under this ACRGP Grant Agreement will only be expended for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport(s) subject to this agreement and all applicable addendums for costs related to

operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments as prescribed in the Act

- b. For airport development, 49 U.S.C. § 47133 applies.

17. Reports and Inspections.

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 - 1. all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 - 2. all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

18. Land for Federal Facilities.

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

19. Airport Layout Plan.

- a. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, it will keep up to date at all times an airport layout plan of the airport showing:
 - 1. boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
 - 2. the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities;
 - 3. the location of all existing and proposed non-aviation areas and of all existing improvements thereon; and
 - 4. all proposed and existing access points used to taxi aircraft across the airport's property boundary. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan

as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.

- b. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, if a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

20. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this Grant.

- a. Using the definitions of activity, facility, and program as found and defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR Part 21, the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by or pursuant to these assurances.
- b. Applicability
 - 1. Programs and Activities. If the sponsor has received a grant (or other Federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the sponsor's programs and activities
 - 2. Facilities. Where it receives a grant or other Federal financial assistance to construct, expand, renovate, remodel, alter, or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.
 - 3. Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of, real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.

- c. Duration

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

- 1. So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
- 2. So long as the sponsor retains ownership or possession of the property.

- d. Required Solicitation Language

It will include the following notification in all solicitations for bids, Requests for Proposals for work, or material under this Grant and in all proposals for agreements, including airport concessions, regardless of funding source:

“The City of Lynchburg, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

e. **Required Contract Provisions.**

1. It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT Acts and regulations.
2. It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
3. It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
4. It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin, creed, sex, age, or handicap as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:
 - A. For the subsequent transfer of real property acquired or improved under the applicable activity, grant, or program; and
 - B. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, grant, or program.
 - C. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
 - D. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

21. Foreign Market Restrictions.

It will not allow funds provided under this Grant to be used to fund any activity that uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

22. Policies, Standards and Specifications.

It will carry out any project funded under an Airport Coronavirus Relief Program Grant in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, current FAA Advisory Circulars for AIP projects, as of March 12, 2021, included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.

23. Access By Intercity Buses.

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

24. Disadvantaged Business Enterprises.

The sponsor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its Disadvantaged Business Enterprise (DBE) and Airport Concessions Disadvantaged Business Enterprise (ACDBE) programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1936 (31 U.S.C. 3801).

25. Acquisition Thresholds.

The FAA deems equipment to mean tangible personal property having a useful life greater than one year and a per-unit acquisition cost equal to or greater than \$5,000. Procurements by micro-purchase means the acquisition of goods or services for which the aggregate dollar amount does not exceed \$10,000, unless authorized in accordance with 2 CFR § 200.320. Procurement by small purchase procedures means those relatively simple and informal procurement methods for securing goods or services that do not exceed the \$250,000 threshold for simplified acquisitions.



GREATER LYNCHBURG TRANSIT COMPANY

We're Here To Get You There!

Finance Committee
City Council
City of Lynchburg

May 11th, 2021

RE: March 31st, 2021 (3rd Quarter – FY 2021) Financial Report – Greater Lynchburg Transit Company

The attached Greater Lynchburg Transit Company Quarterly Income Statement summarizes the financial activities for the third quarter and year-to-date financials for FY21.

REVENUE

Total revenue for the third quarter was approximately 15 % under budget for the quarter and 9 % underbudget year-to-date. Passenger Revenue for the third quarter is under budget approximately 14 % based on the estimates for how fare revenue would recover from the decline at the onset of the pandemic. CVCC contract revenue is under budget 40 % for the third quarter due to an adjustment in the rate as a result of CVCC administering a majority of classes virtually. Passenger Revenue and Access Contracts (CVCC & LU) remain significantly under budget year to date due waiving the monthly fee as a result of operating service fare free until November 16th, 2020. Non-Operating Revenue reflects being over budget significantly, approximately \$ 37,000, for the third quarter and year to date due to insurance proceeds received for vehicle related accidents. Advertising revenue is over budget 13 % for the third quarter and 2 % year to date.

Liberty University Revenue, City Operating, and County Operating Assistance all reflect being within budget for the third quarter and year-to-date. An additional revenue source has been added to the financial statement titled “City – CARES ACT Funding” and reflects \$ 75,000 in revenue received during the third quarter. This revenue was a one-time appropriation from the City’s allocation of CARES Act funds to cover direct expenses related to the operation of Sunday service in October, November, & December 2020.

State Operating Assistance reflects being over budget approximately 14 % due to the allocation of operating funds from the state increasing from what was budgeted for FY 2021. Federal Operating Assistance reflects being under budget 44 % for the third quarter as a result of finance staff adjusting the amount of revenue accrued monthly beginning in January based on updated projections for expenditures and revenue needs for the year. This Federal revenue is being provided by funds received by GLTC from the CARES Act and GLTC anticipates utilizing these funds to support operating expenditures in FY 2021 and FY 2022.

EXPENDITURES

On the expense side, total expenses were under budget 11 % for the quarter and 13 % year-to-date. Salaries are under budget approximately 14 % as a whole due to vacant positions that have been carried through the year. Overtime is over budget approximately 28 % companywide due to additional coverage necessary as a result of vacant positions. Fringe Benefits are approximately 11 % under budget and due in large part to health insurance premiums being lower than anticipated as well as vacant positions.





GREATER LYNCHBURG TRANSIT COMPANY

We're Here To Get You There!

Maintenance expenses (less wages and benefits) are under budget as a whole approximately 13 % for the quarter and 24 % year to date. This is due in large part to fuel expenses be lower than projected following the decline in fuel prices during the onset of the pandemic. Additionally, Tires and Tubes are significantly under budget due to the utilization rates of tires being less than projected.

Administrative expenses are under budget approximately 6 % for the third quarter and 10 % year-to-date; with Services approximately 6 % under budget, Casualty/Liability Expenses approximately 20 % under budget, and Information Technology approximately 4 % under budget. Casualty/Liability Expenses are underbudget as a result of a credit received after a reconciliation was completed for the estimated premium paid in the previous fiscal year. Utilities are approximately 18 % overbudget for the third quarter due to the greatest expense for utilities being heating costs during the winter months, however year-to-date Utilities remain under budget approximately 17 %. Other Materials and Supplies is over budget 44 % year to date due to a sewage back up experience and subsequent clean up necessary at the Transfer Station in November 2020. Miscellaneous expenses are under budget 71 % year-to-date due to the limited travel and public relations activities occurring during this time.

SUMMARY

GLTC is closing the third quarter with an approximate \$ 264,555 surplus, however this surplus has declined from what was reflected in the second quarter report and will continue to decline as a result of the adjustment made in January for the amount of Federal funds being accrued. This adjustment was made based on updated expense projections to maximize the amount of CARES Act funds available to support FY 2022 operating expenses.

Respectfully submitted,

Brian Booth
General Manager



CENTRAL VIRGINIA TRANSIT MANAGEMENT CO INC.

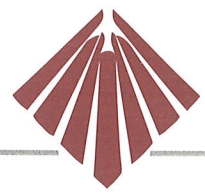
QUARTERLY INCOME STATEMENT

AS OF MARCH 31, 2021

	QTR TO DATE						
	FY2021	FY2021	%	FY2021	FY2021	%	
	QTD	QTD	VAR	YTD	YTD	of	
	ACTUAL	BUDGET		ACTUAL	BUDGET	Budget	
REVENUE							
FRT Passenger Revenue	\$ 89,414	\$ 100,361	-11%	\$ 137,474	\$ 301,084	46%	
DRT Passenger Revenue	7,755	12,371	-37%	10,346	37,112	28%	
Contracts (LU Access)	50,400	45,360	11%	75,600	120,960	63%	
Contracts (CVCC Access)	7,038	11,730	-40%	10,557	35,190	30%	
Liberty University Revenue	100,311	100,170	0%	267,496	267,120	100%	
Non-Operating Revenue	40,288	3,076	1210%	46,318	9,228	502%	
Advertising Revenue	16,278	14,381	13%	43,963	43,142	102%	
City Operating Assistance	125,000	125,000	0%	375,000	375,000	100%	
City - CARES ACT Funding	75,434	-	100%	75,434	-	100%	
County Operating Assistance	19,450	19,450	0%	58,350	58,350	100%	
State Operating Assistance	590,222	516,375	14%	1,608,398	1,549,124	104%	
Federal Operating Assistance	598,944	1,064,438	-44%	2,727,820	3,193,313	85%	
TOTAL REVENUE	\$ 1,720,532	\$ 2,012,711	-15%	\$ 5,436,755	\$ 5,989,622	91%	
EXPENSES							
FIXED ROUTE							
Operator Labor	\$ 310,499	\$ 391,666	-21%	\$ 935,590	\$ 1,174,998	80%	
Operator-Overtime	65,723	50,732	30%	178,535	152,197	117%	
Other Salaries & Wages	75,740	77,416	-2%	230,376	232,249	99%	
Supervisors-Overtime	5,446	3,775	44%	20,388	11,324	180%	
Fringe Benefits	232,801	269,408	-14%	712,195	808,225	88%	
TOTAL FIXED ROUTE	\$ 690,208	\$ 792,998	-13%	\$ 2,077,083	\$ 2,378,993	87%	
DEMAND RESPONSE							
Operator Labor	\$ 54,719	\$ 80,195	-32%	\$ 175,164	\$ 240,585	73%	
Operator-Overtime-PTS	2,856	2,382	20%	9,016	7,145	126%	
Other Salaries & Wages	17,042	16,955	1%	55,735	50,866	110%	
Fringe Benefits	37,865	52,530	-28%	125,187	157,591	79%	
TOTAL DEMAND RESPONSE	\$ 112,483	\$ 152,062	-26%	\$ 365,103	\$ 456,186	80%	
MAINTENANCE							
Other Salaries & Wages	\$ 153,868	\$ 167,593	-8%	\$ 464,061	\$ 502,778	92%	
Inspection&Maint,Srvc-Overtime	20,660	7,209	187%	39,359	21,626	182%	
Fringe Benefits	88,940	92,255	-4%	262,683	276,766	95%	
Fuel & Lubricants	107,739	140,379	-23%	265,775	421,137	63%	
Tires & Tubes	26,303	29,089	-10%	37,484	87,267	43%	
Other Materials & Supplies	124,936	128,804	-3%	375,947	386,412	97%	
TOTAL MAINTENANCE	\$ 522,445	\$ 565,329	-8%	\$ 1,445,308	\$ 1,695,986	85%	
ADMINISTRATION							
Other Salaries & Wages	\$ 94,992	\$ 103,859	-9%	\$ 299,304	\$ 311,576	96%	
Fringe Benefits	48,244	54,814	-12%	156,176	164,441	95%	
Services	105,510	117,560	-10%	332,721	352,680	94%	
Utilities	57,512	48,880	18%	121,899	146,639	83%	
Casualty & Liability Expenses	76,332	78,070	-2%	187,597	234,211	80%	
Information Technology	44,826	39,425	14%	113,242	118,276	96%	
Other Materials & Supplies	15,043	12,410	21%	53,709	37,229	144%	
Miscellaneous	8,241	23,050	-64%	20,058	69,151	29%	
TOTAL ADMINISTRATION	\$ 450,701	\$ 478,068	-6%	\$ 1,284,706	\$ 1,434,203	90%	
TOTAL EXPENSES	\$ 1,775,837	\$ 1,988,456	-11%	\$ 5,172,200	\$ 5,965,368	87%	
NET INCOME/(LOSS)	\$ (55,305)	\$ 24,255		\$ 264,555	\$ 24,256		

Lynchburg Regional Airport

A City of Lynchburg Enterprise Fund



350 Terminal Drive • Suite 100
Lynchburg, Virginia 24502
P 434-455-6090 • F 434-239-9027
www.lyncburgva.gov/airport

May 12, 2021

Finance Committee
City Council
City of Lynchburg
Lynchburg, Virginia

Re: March 31, 2021 – Quarterly Financial Summary - Lynchburg Regional Airport

REGIONAL AIRPORT FUND

The attached Lynchburg Regional Airport Operating Fund Financial Summary reflects the financial activity through the FY2021 third quarter ending March 31, 2021. I am pleased to report that operating revenues are continuing their slow but steady increase to pre-COVID levels as American Airlines continues to add flights as passenger traffic demand warrants. With the aid of our CARES “revenue replacement” grant, the Airport continues to project a FY2021 surplus of \$162,349 per our adopted budget.

REVENUE HIGHLIGHTS

- Airfield Revenue: Revenue is projected to be \$45,000 less than budget due to decreased landing fees as a result of having fewer daily flights than when budgeted because of the impact of COVID-19 on passenger travel.
- Terminal Revenue: Revenue is projected to be \$540,000 less than budget due mainly to the negative impact of COVID-19 on auto parking and rental car concession revenues (our two hardest hit revenues).
- General Aviation: Revenue is projected to be \$20,000 less than budget due to decreased revenue from the fuel farm lease/through-put fee on aviation fuel sales.
- Federal CARES Grant: Revenue is projected to be \$500,000 more than budget due to having more “revenue replacement” draw requests than expected.

EXPENSE HIGHLIGHTS

- Small Projects & Equipment: Expenses will be held to \$700,000 less than budget in order to offset the expected \$40,000 overall shortfall in revenues and to accommodate an estimated \$600,000 transfer to our capital fund for a planned pay-as-you-go partial funding contribution to a revenue-producing new corporate hangar project. This transfer was included as part of our "Third Quarter Budget Adjustments" request which was approved by City Council in April.
- Transfers to Other Airport Funds: As previously mentioned, the Airport is estimating that our CARES grant revenues will exceed our actual loss of normal revenue by roughly \$1,760,000. The airport requested in the recently approved "Third Quarter Budget Adjustments" that up to \$1,000,000 of this additional revenue be transferred to our capital fund for a pay-as-you-go partial funding contribution to a revenue-producing new corporate hangar project planned in FY2022.

SUMMARY

Operating revenues (including CARES revenue) for the year are projected to be an estimated \$40,000 less than budgeted while departmental expenses, other than those previously mentioned, are projected to be consistent with the budget. Based on projections of gradually increasing airline passenger traffic, revenues are expected to continue their slow but steady recovery to pre-COVID levels. With the CARES grant providing lost revenue replacement and a planned transfer to our capital fund later this fiscal year, the Airport continues to project an operating surplus for FY2021 of \$162,349 per our adopted budget.

Respectfully submitted,


Andrew LaGala, A.A.E.
Airport Director

cc: Reid Wodicka, Interim City Manager
Kent White, Interim Deputy City Manager
Donna Witt, Director of Financial Services

LYNCHBURG REGIONAL AIRPORT
OPERATING FUND FINANCIAL SUMMARY
March 31, 2021

	FY 2020 Amended Budget	FY 2020 Actual (thru 3/31/21)	FY 2020 % of Budget	*	FY 2021 Amended Budget	FY 2021 Actual (thru 3/31/21)	FY 2021 % of Budget	*	FY 2021 Amended Budget	FY 2021 Projected (to 6/30/21)	FY 2021 \$ Variance Projected vs. Amended Budget
BEGINNING NET ASSETS	\$ 250,000	\$ 34,170,038		*	\$ 250,000	\$ 34,307,200 (1)		*	\$ 250,000	\$ 34,307,200 (1)	
Less: Invested in Capital Assets, net of related debt		(34,864,543)		*		(34,908,540)		*		(34,908,540)	
BEGINNING UNRESTRICTED NET ASSETS	\$ 250,000	\$ (694,505)		*	\$ 250,000	\$ (601,341)		*	\$ 250,000	\$ (601,341)	\$ -
USE OF ENCUMBRANCES CARRIED FORWARD	\$ 31,927			*	\$ 73,130			*	\$ 73,130	\$ 73,130	
TRANSFER OF RESERVES TO CAPITAL FUND				*				*			
REVENUES				*				*			
Airfield	135,000	107,817	80%	*	135,000	72,358	54%	*	135,000	90,000	(45,000)
Terminal	1,582,783	1,190,954	75%	*	1,598,083	642,726	40%	*	1,598,083	1,058,083	(540,000)
General Aviation	617,500	474,194	77%	*	601,500	444,976	74%	*	601,500	581,500	(20,000)
Other Leased Property	389,400	295,122	76%	*	394,750	312,685	79%	*	394,750	394,750	0
State Airport Aid	397,500	119,710	30%	*	135,000	115,488	86%	*	135,000	200,000	65,000
Federal Security Aid	85,000	44,060	52%	*	85,000	51,320	60%	*	85,000	85,000	0
Federal CARES Grant	700,000	0	0%	*	1,800,000	1,687,772	94%	*	1,800,000	2,300,000	500,000
Interest & Other	36,000	34,967	97%	*	36,000	42,406	118%	*	36,000	36,000	0
TOTAL REVENUES	\$ 3,943,183	\$ 2,266,823		*	\$ 4,785,333	\$ 3,369,732		*	\$ 4,785,333	\$ 4,745,333	\$ (40,000)
EXPENSES				*				*			
Airfield Operations	311,812	185,517	59%	*	315,154	162,301	51%	*	315,154	315,154	0
Terminal Operations	621,862	474,274	76%	*	623,171	406,438	65%	*	623,171	623,171	0
General Aviation	152,517	113,165	74%	*	150,175	76,865	51%	*	150,175	150,175	0
Administration	893,751	713,286	80%	*	898,742	666,475	74%	*	898,742	933,742	(35,000)
Safety (ARFF & LEO)	428,647	335,852	78%	*	439,510	335,359	76%	*	439,510	454,510	(15,000)
Snow Removal	22,930	1,152	5%	*	24,030	36,488	152%	*	24,030	39,030	(15,000)
Debt Service	103,205	21,037	20%	*	103,479	19,469	19%	*	103,479	103,479	0
Small Projects & Equipment (State & CARES-Supported)	475,000	250,550	53%	*	2,035,159	422,870	21%	*	2,035,159	1,335,159	700,000
Transfers to Other Airport Funds	500,000	0	0%	*	5,000	0	0%	*	5,000	600,000	(595,000)
Other Airport Expenses	103,294	29,164	28%	*	101,694	28,176	28%	*	101,694	101,694	0
TOTAL EXPENSES	\$ 3,613,018	\$ 2,123,997		*	\$ 4,696,114	\$ 2,154,439		*	\$ 4,696,114	\$ 4,656,114	\$ 40,000
ENDING UNRESTRICTED NET ASSETS	\$ 612,092	\$ (551,679)		*	\$ 412,349	\$ 613,951		*	\$ 412,349	\$ (438,992) (2)	

FOOTNOTES:

1) Beginning Net Assets agrees with the Comprehensive Annual Financial Report (CAFR) with the following adjustment:

Total Net Assets per CAFR 6/30/20	\$ 40,245,846
Less: Net Assets in Capital & PFC Funds	\$ (5,938,646)
Total Beginning Net Assets	\$ 34,307,200

FY2021 Financial Summary	
Total Revenues	\$ 4,818,463
Total Expenses	\$ 4,656,114
FY2021 Surplus	\$ 162,349

2) FY 2021 Ending Unrestricted Net Assets is comprised of the following:

Des. for Maintenance (Rental Car Facility)	\$ 82,146	(\$82,146 + or - year=end change)
Reserve for Encumbrances at Year-end	\$ 73,130	(encumbrances carried forward to FY2021)
GASB68 Pension-related Accrual	\$ (1,031,524)	(net liability as of the end of FY2020)
GASB75 Other OPEB Obligations	\$ (1,121,104)	(net liability as of the end of FY2020)
Undesignated Retained Earnings	\$ 1,558,359	
	\$ (438,992)	

May 25, 2021

Finance Committee
City Council
City of Lynchburg
Lynchburg, Virginia

RE: March 31, 2021 Quarterly Financial Report - Lynchburg Regional Juvenile Detention Center

Lynchburg Regional Juvenile Detention Center

The attached Lynchburg Regional Juvenile Detention Center (Detention Center) financial report summarizes the financial activities through March 31, 2021 for FY 2021. The financial spreadsheet provides comparative year-to-date data for the same period of FY 2020. I'm pleased to report the Detention Center has hired a new Superintendent who will begin on May 12th. In addition, the Detention Center received its three-year review from the Department of Juvenile Justice and had a very successful report. We have also received approval from the Department of Juvenile Justice for continuation of the Community Placement Grant Program for FY 22.

REVENUES

Charges for Services

Revenue in this category for the third quarter of FY 2021 is \$585,102 or 52.9% of the budget. The COVID-19 pandemic continues to impact the utilization of the Detention Center.

Department of Juvenile Justice Block Grant

This revenue category represents allocations from the Virginia Department of Juvenile Justice (DJJ) for operational expenses of the Detention Center. Revenues received from the DJJ through the third quarter of FY 2021 are \$769,182.

Community Placement Program

This revenue category represents allocations from the Virginia Department of Juvenile Justice (DJJ) for operational expenses of the Community Placement Program (CPP). The CPP is a partnership between DJJ and local detention facilities to provide secure, highly structured, disciplined residential services for juvenile offenders committed to the Department of Juvenile Justice. The CPP focuses on skill development and competency in the areas of education, job readiness, life and social skills to ensure seamless transition back into the community. The goal is to place residents in the CPP closest to their home community in order to increase community connections and family visitation.

Revenues received from the DJJ through the third quarter of FY 2021 are \$635,093 or 69.2% of the budget.

Finance Committee

May 25, 2021

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United States Department of Agriculture (USDA)

This revenue category consists of reimbursements for meals served to juveniles at the Detention Center. Year-to-date revenues from USDA for FY 2021 are \$24,689.

EXPENDITURES

Overall expenditures for the third quarter of FY 2021 were \$2,239,671 and are within budget. The costs are allocated between the Community Placement Program and the contracting localities.

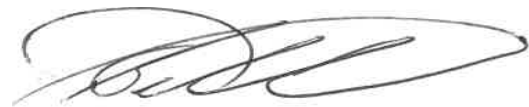
Juvenile Population

The average number of juveniles being served per day through the third quarter of FY 2021 is 19.38 as compared to 24.93 in FY 2020. The percentage of Lynchburg City's juveniles through the third quarter is 46% of the total juvenile population.

SUMMARY

The Lynchburg Regional Detention Center is an outstanding facility recognized by the juvenile judicial system for providing educational services, mental health services, physical health services, and partnerships with local area businesses.

Respectfully submitted,



Preston Sellers
Interim Director, Department of Juvenile
Services

c: Reid Wodicka, Interim City Manager
Donna Witt, Director, Financial Services
Robin Mamola, Accounting Supervisor, Human Services
Sherry McIntyre, Accountant, Juvenile Services

Lynchburg Regional Juvenile Detention Center
Special Revenue Fund
Financial Summary
Third Quarter: As of March 31, 2021

	FY 2020 Amended Budget	FY 2020 Actual 3rd QTR YTD	FY 2020 % of Budget	FY 2021 Amended Budget	FY 2021 Actual 3rd QTR YTD	FY 2021 % of Budget	FY 2021 Amended Budget	FY 2021 Actual 3rd QTR YTD	FY 2021 Actual to Amended
Beginning Funds at July 1		122,328			0			0	
Revenues:									
Charges for Services	1,179,941	692,865	58.7%	1,105,125	585,102	52.9%	1,105,125	585,102	520,023
Intergovernmental- Department of Juvenile Justice Block Grant	1,000,336	746,658	74.6%	1,000,336	769,182	76.9%	1,000,336	769,182	231,154
Intergovernmental- USDA	45,000	36,383	80.9%	48,000	24,689	51.4%	48,000	24,689	23,311
Community Placement Program (CPP)	937,478	687,606	73.3%	917,600	635,093	69.2%	917,600	635,093	282,507
Miscellaneous and State Ward Per Diem	0	2,000	0.0%	0	1,200	0.0%	0	1,200	(1,200)
Refunding Bond Proceeds	0	0	0.0%	72,625	72,625	0.0%	72,625	72,625	0
Refunding Bond Proc Prem	0	0	0.0%	15,965	15,965	0.0%	15,965	15,965	0
TrfFrmGF-Detention	0	0	0.0%	67,254	67,254	0.0%	67,254	67,254	0
Budget Designations	125,000	0	0.0%	0	0	0.0%	0	0	0
Total Revenues	3,287,755	2,165,512	65.9%	3,226,905	2,171,110	67.3%	3,226,905	2,171,110	1,055,795.00
Expenditures:									
Salaries	1,707,130	1,193,264	69.9%	1,661,092	1,178,651	71.0%	1,661,092	1,178,651	482,441
Employee Benefits	678,471	461,086	68.0%	751,891	467,184	62.1%	751,891	467,184	284,707
Contractual Services	82,819	27,525	33.2%	42,595	32,607	76.6%	42,595	32,607	9,988
Fleet Services	16,958	10,337	61.0%	16,958	8,973	52.9%	16,958	8,973	7,985
Supplies and Materials	208,917	136,192	65.2%	180,877	109,885	60.8%	180,877	109,885	70,992
Utilities	80,750	53,865	66.7%	80,750	50,594	62.7%	80,750	50,594	30,156
Training and Conferences	4,550	4,542	99.8%	4,550	786	17.3%	4,550	786	3,764
Telephone Services	4,200	1,841	43.8%	4,994	2,171	43.5%	4,994	2,171	2,823
Cable/Satellite TV Service	0	122	0.0%	0	974	0.0%	0	974	(974)
Postage and Mailing	850	275	32.4%	850	243	28.6%	850	243	607
Indirect Costs	246,102	184,577	75.0%	285,626	214,220	75.0%	285,626	214,220	71,406
Self Insurance	16,961	12,721	75.0%	19,402	14,552	75.0%	19,402	14,552	4,850
Dues and Memberships and Miscellaneous	500	694	138.8%	500	870	174.0%	500	870	(370)
Rentals and Leases	2,718	1,331	49.0%	2,409	1,713	71.1%	2,409	1,713	696
Health and Dental Benefits for Retirees	74,580	42,624	57.2%	65,856	42,624	64.7%	65,856	42,624	23,232
Unemployment Compensation	1,000	0	0.0%	0	3,988	0.0%	0	3,988	(3,988)
Workers Comp Indemnity Pymt	12,161	0	0.0%	5,000	0	0.0%	5,000	0	5,000
Professional Services	5,301	4,863	91.7%	12,558	4,572	36.4%	12,558	4,572	7,986
Specific Use Equipment	18,700	10,100	0.0%	0	8,600	0.0%	0	8,600	(8,600)
Refunded Bond Principal Retirement	0	0		87,500	87,500	0.0%	87,500	87,500	0
Refunded Bond Loss on Retirement	0	0		926	926	0.0%	926	926	0
Serial Bond Principal	30,555	0	0.0%	8,575	7,875	91.8%	8,575	7,875	700
Serial Bond Interest	2,771	1,385	50.0%	2,232	0	0.0%	2,232	0	2,232
Fiscal Services	0	0		163	163	100.0%	163	163	0
Transfer to General Fund for HVAC Replacement	100,000	100,000	0.0%	0	0	0.0%	0	0	0
Total Expenditures	3,295,994	2,247,344	68.2%	3,235,304	2,239,671	69.2%	3,235,304	2,239,671	995,633
TOTAL ASSIGNED FUND BALANCE/Purchase Orders carried forward		40,496			(68,561)			(68,561)	

May 25, 2021

Finance Committee
City Council
City of Lynchburg
Lynchburg, Virginia

Re: Children's Services Act (CSA) Fund Financial Report for the period ending March 31, 2021.

The attached CSA Fund Financial Summary summarizes the financial activity for this Fund through March 31, 2021. Under the State guidelines, CSA prior year obligations are paid through September 30th of each year. However, the annual budget is prepared on a fiscal year (July-June). Because of the State guidelines, expenditures for this fund are unique due to the overlap of grants each fiscal year.

REVENUES

- Public Assistance – Welfare and Administration

The Public Assistance revenue source is the reimbursement received from the State for local expenses incurred under CSA for providing services to troubled and at-risk youth and their families. The current rate of reimbursement for community-based services is 86.32%, residential services is 65.8%, and for all other services, 72.64%. Funds to assist in administering the grant, (\$35,322) for FY 2021 are provided by the State. Reimbursements for expenditures incurred through the third quarter of 2021 are \$3,262,414.

- CSA Contribution – General Fund and Schools

These revenue sources are comprised of the required local match for all State funds received for the Children Services Act. Through the third quarter of FY 2021, local matching funds for programs in the amount of \$1,382,735 from the General Fund and \$147,406 from the Schools have been received.

- Miscellaneous Revenue/Budget Designations

Miscellaneous Special Welfare revenues in the amount of \$37,393 were collected through the third quarter of FY 2021. These revenues are mainly comprised of recoupments from children's social security payments for expenditures incurred on their behalf, and registered billings for CSA parental co-payments.

EXPENSES

- Administrative expenses

CSA Administrative funds are used for salaries, supplies, and materials. Budgeted funds for FY 2021 are \$71,241. Actual YTD administrative expenditures through the third quarter of FY 2021 are \$42,938 or 60.1% of the budget.

- Mandated – Foster Care

Foster care expenses include funds for residential facilities, day care, maintenance payments to foster parents, enhanced maintenance payments to foster parents and foster care prevention services. Year-to-date foster care expenditures through the third quarter of FY 2021 totaled \$2,471,183 or 91.1% of the total budget. Expenditures in this category have risen due to an increase in the number of children placed in foster care, and an increase in foster care prevention services. In addition, rising costs are also attributed to an addendum to the Virginia Enhanced Maintenance Tool, the mechanism that aids in determining financial support to foster families. Increased payments were made available for those families who were able to provide care in COVID circumstances.

- Mandated – Special Education

Special Education expenses include services for Special Education students from the Lynchburg City Schools. Licensed private day Special Education facilities include Rivermont Schools, Bridges, and New Vistas School. Expenditures through the third quarter of FY 2021 total \$1,652,858, or 67.4% of the total budget. Expenditures for this budget line continue to be high but have decreased slightly due to one child moving to a residential placement, a few children switching to a virtual learning platform, and a few others moving out of the locality.

- Non-Mandated Services

Non-mandated expenditures are for services such as counseling, mentoring, crisis intervention, and foster care prevention services. Non-mandated expenditures through the third quarter of FY 2021 total \$154,445, or 41.1% of the total budget. Non-mandated services are provided almost exclusively to youth involved in the court system. Decreases compared to budget for this category are attributed to the Court Services Unit accessing alternate funding for court-involved youth. It is now anticipated that this budget line will not be fully expended. Some of this population who are eligible for services have now been classified as mandated due to the severity of their needs.

- Community-Based Services

This category includes services to children while they are living at home, in the home of an extended family, in a regular foster family home, or in an independent living arrangement. Community services may include assessment, crisis stabilization, therapy, or intervention services provided for the child and their caregivers. Community-Based Services through the third quarter of FY 2021 total \$436,072, or 112.1% of the total budget. The rise in costs is attributed to more youth accessing Community Based support services in FY 2021. These services are intended to preserve and strengthen families whenever possible.

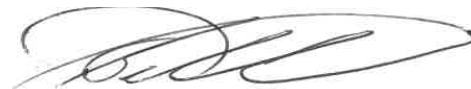
SUMMARY

The Children's Services Act Fund creates a collaborative system of services and funding that is child-centered, family-focused, and community-based when addressing the strengths and needs of at-risk youths and their families in the City of Lynchburg.

While the number of children currently in foster care fluctuates during the year, more children are now classified as mandated and can access CSA funds due to the severity of their needs. Other factors such as an increased number of children receiving more intensive services for longer periods of time, increased vendor rates, parental agreements, and special educational services continue to impact this budget.

The Community Policy and Management Team, in collaboration with the professional community, continues to work hard and is diligent and deliberate in efforts to reduce costs associated with CSA. We continue to work with the professional community to provide the most cost effective service to children and their families.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'P. Sellers', enclosed within a large, loopy oval shape.

Preston Sellers
Interim Director of Human Services

C:

Reid Wodicka, Interim City Manager
Ken White, Interim Deputy City Manager
Donna Witt, Director of Financial Services
Rhonda Allbeck, Assistant Director of Financial Services
Robin Mamola, Financial Professional IV
Kathy Collins, Financial Professional III

**Children's Services Act
Special Revenue Fund
Financial Summary
March 31, 2021**

	FY 2020	FY 2020	FY 2020	FY 2021	FY 2021	FY 2021
	Amended Budget	Actual 3 QTR YTD	% of Budget	Amended Budget	Actual 3 QTR YTD	% of Budget
<i>Beginning Fund Balance</i>		593,734		0	207,913	
<i>Revenues:</i>						
Public Assistance - Welfare and Administration	3,910,234	2,980,500	76.2%	3,910,234	3,262,414 *	83.4%
Transfer from Lynchburg City Schools	196,541	147,406	75.0%	196,541	147,406	75.0%
Transfer from General Fund	1,843,647	1,382,735	75.0%	1,843,647	1,382,735	75.0%
Miscellaneous/Budget Designations/Special Welfare	48,600	35,193	72.4%	50,430	37,393	74.1%
<i>Total Revenues</i>	5,999,022	4,545,834	75.8%	6,000,852	4,829,948	80.5%
<i>Expenses:</i>						
Administrative Expenses	67,931	46,425	68.3%	71,421	42,938	60.1%
Mandated - Foster Care	2,713,128	1,639,370	60.4%	2,711,614	2,471,183	91.1%
Mandated - Special Education	2,452,968	1,953,558	79.6%	2,452,968	1,652,858	67.4%
Non-Mandated Services	375,907	224,134	59.6%	375,907	154,445	41.1%
Community Based	389,088	511,490	131.5%	388,942	436,072	112.1%
Miscellaneous/Budget Designations/Transfer to GF	0	0		0	0	
<i>Total Expenditures</i>	5,999,022	4,374,977	72.9%	6,000,852	4,757,496	79.3%
<i>ENDING FUND BALANCE</i>	0	764,591		0	280,365	

*February'21 and March'21 reimbursements were received on April 30, 2021.

May 25, 2021

Finance Committee
City Council
City of Lynchburg
Lynchburg, Virginia

Re: March 31, 2021 Quarterly Financial Report – Water Operating Fund

The attached Water Operating Fund Financial Summary summarizes the financial activity for this fund through March 31, 2021. This quarterly report provides comparative financial information for the same period of the prior fiscal year. Projected variances between the FY 2021 Budget and the Department's year end projections are described below.

REVENUES

Following the completion of the third quarter, overall revenues for FY 2021 are projected to be below budget by \$130,800 (.8%). Explanations of this variance follow:

- **Charges for Services:**

Revenue in this category is expected to be \$457,000 (3.4%) below budget. \$380,000 is attributable to less than expected water consumption from commercial and industrial customers and water purchases associated with the Wastewater Treatment Plant Combined Sewer Overflow (CSO) Upgrade Project. \$123,000 loss is related to the state's utility disconnection moratorium to halt billing of cut off charges, and interest and penalties on delinquent accounts. Water disconnections and billing of cut off charges, and interest and penalties on delinquent accounts were restarted March 1, 2021. The above-mentioned losses are offset by increased Availability Fees and Water Connection Charges are projected to be \$65,000 higher than budget.

- **Water Contracts:**

This revenue account reflects billing activity to counties of Amherst, Bedford, and Campbell, and the industries of WestRock and Frito-Lay. The net revenue in this category is projected to be \$301,400 (14.2%) greater than budget. \$236,000 is associated with Bedford County's water purchases are much higher than anticipated. This year's water purchases from Bedford County has been very much unlike previous year's history since Bedford County began using Smith Mountain Lake as its primary water source since October, 2016. Due to a water main break inside Bedford County and an easement issue with a landowner, Bedford County has purchased additional water from Lynchburg to supply Town of Bedford and Forest. This additional water supply from Lynchburg is expected to be needed at least through the end of June. Frito-Lay and WestRock combined is expected to be \$68,000 more than

anticipated. However, Campbell County is projected to be \$17,000 less than anticipated due to lower water consumption.

- **Interest and Other:**

Interest and Other is projected to be \$24,800 (14.7%) more than budget. Unbudgeted receipts of \$90,600 occurred from additional settlements for an antitrust lawsuit settlement for liquid aluminum sulfate pricing fixing. This is offset by \$69,100 projected decrease in interest earnings due to lower investment returns.

EXPENSES

Overall expenses for FY 2021 are projected to be \$792,900 (4.3%) less than budget. Explanations of this variance follow:

- **Departmental Operation and Maintenance:**

This category includes the Water Treatment Plant, Meter Operations, Water Line Maintenance and Administration. Expenses in this category are expected to be \$642,200 (5.9%) less than the FY 2021 budget (Water Treatment - \$196,200 savings, Meter Operations - \$104,500 savings, Water Line Maintenance - \$307,800 savings, Administration - \$33,700 savings). This variance is broken down as follows:

➤ Personnel Services and Benefits	\$215,000
➤ Contractual Services	69,100
➤ Chemicals	93,000
➤ Electricity	76,500
➤ Supplies and Materials	154,700
➤ All Other	<u>33,900</u>
Total	\$642,200

The savings in Personnel Service and Benefits is related to vacant positions. Contractual Services savings are mostly attributable to lower than anticipated data transmission charges due to timing of new cellular meters installations during the fiscal year. Wet weather during the first nine months of the fiscal year is expected to result in savings for Chemicals and Electricity. Additional savings in Supplies and Materials is related mostly to replacements parts in Water Line Maintenance and Meter Reading.

- **Non-Departmental Operation and Maintenance:**

Non-Departmental Operation and Maintenance expenses are projected to be \$44,000 (16.4%) less than budget. Combined savings in Interest on Customer Deposits and Workers Compensation of \$51,000 is projected. This is offset by anticipated increased expenses of \$12,000 for Allowance for Uncollectible Accounts that is related to impacts from COVID-19.

- **Capital Outlay**

Purchases in this category are expected to be \$20,000 (26.3%) less than budget due to deferred installation of duress emergency alert system for the College Hill Water Plant Campus.

- **Transfers to Capital**

Transfers to Capital are expected to be at budget.

- **Debt Service:**

Expenditures for debt service is \$86,700 (2.5%) less than budget. This is mostly due to less than expected month to month interest charges used on line of credit and refinancing of 2010 and 2015 bond issues.

SUMMARY

The third quarter report reflects a stable FY 2021 financial position for this fund. Under the Council financial policies, two important financial ratios, debt coverage and fund balance are above policy targets. The projected debt coverage ratio for the end of the fiscal year is 1.46 which is above Council's financial policy minimum target of 1.20. The fund balance ratio projected for the end of the fiscal year is 45% compared to target range of 25% - 40%.

Respectfully submitted,

Timothy A. Mitchell, P.E.
Director of Water Resources

cc: Reid Wodicka, Interim City Manager
Kent White, Deputy City Manager
Donna Witt, Director of Financial Services

WATER OPERATING FUND
FINANCIAL SUMMARY
Quarter Ending March 31, 2021

	FY 2020 Adopted Budget	FY 2020 Actual Q3 YTD	FY 2020 % of Budget	FY 2021 Adopted Budget	FY 2021 Actual Q3 YTD	FY 2021 % of Budget	FY 2021 Adopted Budget	FY 2021 Revised Projection	FY 2021 \$ Variance Adopted Budget vs. Projected
REVENUES:									
Charges for Services	\$13,202,040	\$9,327,136	71%	\$13,274,755	\$9,145,654	69%	\$13,274,755	\$12,817,755	(\$457,000)
Water Contracts	2,067,484	1,479,091	72%	2,122,368	1,711,965	81%	2,122,368	2,423,768	301,400
Interest and Other	334,496	670,832	201%	168,600	180,529	107%	168,600	193,400	24,800
	\$15,604,020	\$11,477,059		\$15,565,723	\$11,038,147		\$15,565,723	\$15,434,923	(\$130,800)
EXPENSES									
Departmental O&M	\$10,706,269	\$7,374,292	69%	\$10,896,528	\$6,862,936	63%	\$10,896,528	\$10,254,328	\$642,200
Non-Departmental O&M	261,341	140,766	54%	268,940	347,517	129%	268,940	224,940	44,000
Capital Outlay/Purchases	133,500	107,125	80%	76,000	38,792	51%	76,000	56,000	20,000
Transfers to Capital	3,800,000	2,850,000	75%	3,500,000	2,625,000	75%	3,500,000	3,500,000	-
Debt Service	3,870,240	2,659,203	69%	3,526,688	2,591,536	73%	3,526,688	3,439,988	86,700
	\$18,771,350	\$13,131,386		\$18,268,156	\$12,465,780		\$18,268,156	\$17,475,256	\$792,900
Adjustment for Expenses from Capital Projects		\$0			\$0			\$25,000	

KEY RATIOS:

Unrestricted cash target range as a % of operating expenses & debt service:	25% - 40%
Unrestricted cash as a % of operating expenses & debt service:	45%
Financial Policy targeted debt coverage ratio minimum:	1.20
Ending debt coverage ratio:	1.46 (a)

Note (a) Calculation of debt coverage includes \$85,000 of estimated capitalizable costs for internal labor charges applicable to time spent on capital project activities.

May 25, 2021

Finance Committee
City Council
City of Lynchburg
Lynchburg, Virginia

Re: March 31, 2021 Quarterly Financial Report – Sewer Operating Fund

The attached Sewer Operating Fund Financial Summary summarizes the financial activity for this fund through March 31, 2021. This quarterly report provides comparative financial information for the same period of the prior fiscal year. Projected variances between the FY 2021 Budget and the Department's year end projections are described below.

REVENUES

Following the completion of the third quarter, overall revenues for FY 2021 are projected to be \$1,742,400 (7.4%) higher than budget. Explanations of this variance follow:

- **Charges for Services:**

Revenue in this category in this category is expected to be \$1,069,000 (5.5%) over budget. Due to wet weather, Septic Hauler Chargers are \$1,300,000 higher than anticipated. Combined Availability Fees and Sewer Connection Charges are \$100,000 more than budget This increase in projected revenue is offset by COVID-19 economic impacts that have projected decreased revenues on the following accounts: (1) Inside City Sewer Sales revenue decrease of \$200,000 is mostly attributable from institutional and commercial customers. (2) Cut-Off Charges revenue decrease of \$59,000 is related to the state's utility disconnection moratorium to halt billings of interest and penalties on delinquent accounts. Water disconnections and billing of cut off charges, and interest and penalties on delinquent accounts were restarted March 1, 2021. 3) Industrial Surcharges is estimated to be \$66,000 less than expected.

- **Sewer Contracts:**

Revenue in this category reflects billing activity in counties of Amherst, Bedford, and Campbell and industries of WestRock and Frito-Lay. Revenue is projected to be \$779,400 (21.2%) higher than budget. \$600,000 is related to West-Rock's higher than expected water purchases and industrial surcharges. County settlements for FY 2020 Regional Wastewater Treatment Plant sewer operating costs and completed projects resulted in \$141,000 higher than budgeted. This was mostly attributable to Campbell County opting not to finance any projects completed in FY 2020 and instead use PAYGO monies.

- **Interest and Other:**

Revenue in this category is expected to be \$106,000 (50.6%) lower than budget. This is directly related to decreased interest earnings from lower investment returns.

EXPENSES

Overall expenses for FY 2021 are projected to be 49,000 (.2%) less than budget. Explanations of this variance follow:

- **Departmental Operation and Maintenance:**

This category includes the Wastewater Treatment Plant and Sewer Line Maintenance. Expenses in this category are expected to be \$206,100 (1.6%) less than budget (Wastewater Treatment Plant - \$207,600 over budget and Sewer Line Maintenance - \$1,500 savings). This variance is broken down as follows:

➤ Personnel Services and Benefits	\$239,000
➤ Contractual Service	(311,050)
➤ Utilities	125,300
➤ Sludge Disposal	(122,000)
➤ Supplies and Materials	(120,500)
➤ All Other	<u>(16,850)</u>
Total	(\$206,100)

The savings in Personnel Services and Benefits is related to vacant positions. The savings in cost in Utilities is attributable to the construction of the Wastewater Treatment Plant Combined Sewer Overflow (CSO) Upgrade Project. Original construction schedule had planned potable water to be used in both FY 2020 and early months of FY 2021. Due to shifting of the construction schedule, actual potable water used in FY 2021 was significantly less. Increased costs of Contractual Services are mostly due to the following: (1) Unplanned debris removal around sewer mains in creeks associated with recent months of heavy rains. (2) Increased cost in Temporary Personnel to cover work tasks assigned to vacant positions. (3) Updates to the operations and maintenance manual associated with the Wastewater Treatment Plant CSO Upgrade Project planned in FY 2020 is being performed in FY 2021. Sludge Disposal cost increase is a result of impacts of the Wastewater Treatment Plant CSO Project. Increased sludge moisture has occurred thus increasing tipping fees at Region 2000 Landfill. Calibration of new wastewater equipment is normally a lengthy effort to produce sludge at minimum moisture levels. Additional costs in Supplies and Materials are mostly related to higher than expected parts for waste water equipment.

Non-Departmental Operation and Maintenance:

Non-Departmental Operation and Maintenance expenses are expected to under budget by \$54,000 (16.1%) mostly due to less than expected workers compensation expenses.

- **Capital Outlay:**

Purchases in Capital Outlay are expected to be at budget.

- **Transfers to Capital:**

Transfers to Capital are expected to be at budget.

- **Debt Service:**

Expenditures in debt service is \$103,100 (1.2%) less than budget mostly due to less than expected month to month interest rates charged on line of credit and refinancing of 2010 and 2015 bond issues.

SUMMARY

This third quarter report reflects a stable FY 2021 financial position for this fund. Under the Council adopted financial policies, the two important financial ratios, debt coverage and fund balance exceed or within policy targets. The debt coverage ratio projected for the end of the fiscal year is 1.40 compared to a target range of 1.20 to 1.50. The fund balance ratio projected for the end of the fiscal year is 41% compared to a target range 25% - 40%.

Respectfully submitted,

Timothy A. Mitchell, P.E.
Director of Water Resources

cc: Reid Wodicka, Interim City Manager
Kent White, Interim Deputy City Manager
Donna Witt, Director of Financial Services

SEWER OPERATING FUND
FINANCIAL SUMMARY
Quarter Ending March 31, 2021

	FY 2020 Adopted Budget	FY 2020 Actual Q3 YTD	FY 2020 % of Budget	FY 2021 Adopted Budget	FY 2021 Actual Q3 YTD	FY 2021 % of Budget	FY 2021 Adopted Budget	FY 2021 Revised Projection	FY 2021 \$ Variance Adopted Budget vs. Projection
REVENUES:									
Charges for Services	\$18,585,064	\$13,524,496	73%	\$19,519,256	\$14,173,118	73%	\$19,519,256	\$20,588,256	\$1,069,000
Sewer Contracts	4,400,670	3,249,645	74%	3,683,367	2,961,031	80%	3,683,367	4,462,767	779,400
Interest and Other	209,460	388,233	185%	209,500	80,692	39%	209,500	103,500	(106,000)
	\$23,195,194	\$17,162,374		\$23,412,123	\$17,214,841		\$23,412,123	\$25,154,523	\$1,742,400
EXPENSES:									
Departmental O&M	\$12,382,634	\$8,266,880	67%	\$12,870,111	\$9,160,160	71%	\$12,870,111	\$13,076,211	(\$206,100)
Non-Departmental O&M	245,861	212,558	86%	335,716	143,873	43%	335,716	281,716	54,000
Capital Outlay/Purchases	545,000	245,027	45%	450,000	242,418	54%	450,000	450,000	-
Transfers to Capital	2,500,000	1,875,000	75%	3,200,000	1,500,000	47%	3,200,000	3,200,000	-
Debt service	8,355,088	5,173,833	62%	8,556,457	5,155,062	60%	8,556,457	8,453,357	103,100
	\$24,028,583	\$15,773,298		\$25,412,284	\$16,201,513		\$25,412,284	\$25,461,284	(\$49,000)
Adjustment for Expenses from Capital Projects		\$0			\$0			\$75,000	

KEY RATIOS:

Unrestricted cash target range as a % of operating expenses & debt service:	25% - 40%
Unrestricted cash as a % of operating expenses & debt service:	41%
Financial Policy targeted debt coverage ratio minimum:	1.20
Ending debt coverage ratio:	1.40 (a)

Note (a) Calculation of debt coverage includes estimated \$106,000 of capitalizable costs for internal labor charges applicable to time spent on capital project activities.

May 25, 2021

Finance Committee
City Council
City of Lynchburg
Lynchburg, Virginia

Re: March 31, 2021 Quarterly Financial Report – Stormwater Operating Fund

The attached Stormwater Operating Fund Financial Summary summarizes the financial activity for this fund through March 31, 2021. This quarterly report provides comparative financial information for the same period of the prior fiscal year. Projected variances between the FY 2021 Budget and the Department's year end projections are described below.

REVENUES

Following the completion of the third quarter, the overall revenues for FY 2021 are projected to exceed budget by \$34,600 (1.0%). Explanations of this variance follow:

- **Charges for Services:**

Revenue in this category reflects billing activity for all known impervious areas, Virginia Stormwater Management Program (VSMP) permits, delinquent charges on past due accounts, and cost plus charges for installing new stormwater systems. Charges for services are projected to exceed budget by \$47,300 (1.5%). Most of this higher than projected revenues are associated with budgeted refunds allowed to property owners were \$50,000 less than estimated. Refunds were calculated based on recent measurements of impervious areas using updated technology and current ownership of property as of June 30, 2020. This revenue increase is offset by \$9,500 is based on the state's utility disconnection moratorium to halt billing of interest and penalties on delinquent accounts. Water disconnections and billing of interest and penalties on delinquent accounts were restarted on March 1, 2021.

- **Interest and Other:**

Interest and Other is expected to be at \$12,700 (43.9%) less than budget due to lower than expected interest earnings of \$22,300 offset by higher than expected miscellaneous revenues and grants of \$9,600.

- **Transfers from Other Funds:**

Transfers from General Fund are expected to be at budget.

EXPENSES

Overall expenses for FY 2021 are expected to be \$233,900 (5.8%) less than budget. Explanations of this variance follow:

- **Departmental Operation and Maintenance:**

Departmental Operation and Maintenance is expected to be less than budget by \$223,900 (6.8%). This variance is broken down as follows:

➤ Personnel Services and Benefits	\$143,200
➤ Contractual Services	36,200
➤ Public Works and Community Development	13,500
➤ Internal Service Charges	11,000
➤ Other	<u>20,000</u>
Total	\$223,900

The savings in Personnel Services and Benefits is attributable to vacant positions. Contractual Services savings are related to deferral of updating pollution prevention and good housekeeping management plan. Costs associated with reimbursement to Public Works for leaf collection is projected to be less than budget.

Non-Departmental Operation and Maintenance:

Non-Departmental Operation and Maintenance expenses are projected to be \$15,000 (75.9%) over budget due to the increase of Allowance for Uncollectible Accounts expenses related to COVID-19 impacts.

- **Capital Outlay:**

Purchases in Capital Outlay are expected to be at budget.

- **Transfers to Capital:**

Transfers to Capital are expected to be at budget.

- **Debt Service:**

Debt Service expenditures have projected savings of \$25,000 (15.8%) due to less than expected month to month interest rates charged on the line of credit and deferred start-up of several infrastructure projects.

SUMMARY

The third quarter report reflects a stable FY 2021 financial position for this fund. Under the Council financial policies, two important financial ratios, debt coverage and fund balance are above policy targets. The projected debt coverage ratio for end of the fiscal year is 3.25 which is above Council's

Finance Committee

May 25, 2021

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financial policy minimum target of 1.20. The fund balance ratio projected for the end of the fiscal year is 34% compared to target range of 15%- 20%.

Respectfully submitted,

Timothy A. Mitchell, P.E.
Director of Water Resources

cc: Reid Wodicka, Interim City Manager
Kent White, Interim Deputy City Manager
Donna Witt, Director of Financial Services

STORMWATER OPERATING FUND
FINANCIAL SUMMARY
Quarter Ending March 31, 2021

	FY 2020 Adopted Budget	FY 2020 Actual Q3YTD	FY 2020 % of Budget	FY 2021 Adopted Budget	FY 2021 Actual Q3YTD	FY 2021 Revised Projection	FY 2021 % of Budget	FY 2021 \$ Variance Adopted Budget vs. Projected
REVENUES:								
Charges for Services	\$3,209,536	\$2,259,355	70%	\$3,155,200	\$2,155,384	\$3,202,500	68%	\$47,300
Interest and Other	15,000	35,571	237%	28,900	14,110	16,200	49%	(12,700)
Transfers from Other Funds	275,000	206,250	75%	275,000	206,250	275,000	75%	-
	\$3,499,536	\$2,501,176		\$3,459,100	2,375,745	\$3,493,700		\$34,600
EXPENSES:								
Departmental O&M	\$3,069,006	\$2,142,046	70%	\$3,286,245	\$2,147,114	\$3,062,345	65%	\$223,900
Non-Departmental O&M	34,368	13,141	38%	19,760	16,328	34,760	83%	(15,000)
Capital Outlay/Purchases	35,000	-	0%	40,000	-	40,000	0%	-
Transfers to Capital	300,000	225,000	75%	500,000	375,000	500,000	75%	-
Debt Service	107,675	4,245	4%	158,428	131,460	133,428	83%	25,000
	\$3,546,049	\$2,384,432		\$4,004,433	\$2,669,902	\$3,770,533		\$233,900
Adjustment for Expenses from Capital Projects		\$0			\$0			

KEY RATIOS:

Unrestricted cash target range as a % of operating expenses & debt service 15% - 20%
 Projected unrestricted cash as a % of operating expenses at year end 34%

Financial Policy targeted debt coverage ratio minimum: 1.20
 Ending debt coverage ratio: 3.25 (a)

Note (a) Calculation of debt coverage includes estimated \$37,000 of capitalizable costs for internal labor charges applicable to time spent on capital project activities.

May 25, 2021

Finance Committee
City Council
City of Lynchburg
Lynchburg, Virginia

Re: March 31, 2021 Quarterly Report - General Fund

Attached is the Financial Summary for the General Fund (Fund) for the period ending March 31, 2021.

This quarterly report provides comparative information for the same period of the prior fiscal year and an annualized projection through the end of the current fiscal year.

NON-DEDICATED REVENUES

- Real Estate Taxes:

Real Estate taxes are due in four quarterly installments on November 15, January 15, March 15, and May 15. As of the date of this report, there have been three installments for FY 2021 billed, and revenue of \$49,251,948 (net of tax relief) collected. This revenue is 85.0% of the FY 2021 amended budget of \$57,956,996. Economic Development tax incentive payments totaling \$44,866 have been paid during the fiscal year.

- Personal Property Taxes:

Revenue of \$10,129,143 is slightly less than the amount collected at the end of the third quarter of FY 2020 by \$252,018, but remains on track with 56.3% collected. Personal property taxes are payable in two equal installments on June 5 and December 5. Additional billings for personal property acquisitions are due March 5 and September 5. Economic Development tax incentive payments totaling \$27,061 have been paid during the fiscal year.

In 1998, the Virginia General Assembly enacted the Personal Property Tax Relief Act (PPTRA) to reimburse citizens for a portion of the local personal property tax. In the 2004 Virginia General Assembly, the State capped the amount reimbursed to localities at \$950 million for FY 2021. This action eliminates the 70% reimbursement. Lynchburg's share of this reimbursement is \$5,543,584. During the third quarter of FY 2021, the State reimbursed the City \$831,538 (15%) as scheduled, bringing the YTD amount to \$5,266,405. The final payment of \$277,179 is due in May 2021 (5%).

- Consumer Utility Taxes – Electric:

Revenue of \$2,511,435 is behind budget projections by \$154,024, or 5.8% based on collections for 8 months, and is attributable to a very mild winter. Staff is monitoring this revenue and providing the Finance Committee with monthly updates related to Consumer Utility Taxes.

- Communication Sales and Use Taxes:

Revenue of \$1,484,715 is slightly behind budget projections by \$390,285, or 20.8%.

- Local Sales Tax:

Revenue of \$10,677,839 is ahead of budget projections by \$1,921,702, or 22.0%, based on collections for 7 months.

- Business License

Revenue collected through the third quarter of FY 2021 is \$2,179,713. Since this tax is due May 1, the collection percentage is currently only a small part of the annual budget. The majority of the tax will be collected from March to May. Collections are ahead of the amount collected through the third quarter of FY 2020 by \$63,222.

- Meals Tax

Revenue of \$9,283,572 is slightly behind budget projections by \$222,382, or 2.3%, based on collections for 8 months. Staff is monitoring this revenue and providing the Finance Committee with monthly updates.

- Lodging Tax

Revenue of \$1,434,206 is slightly behind budget projections by \$207,700, or 12.6%, based on collections for 8 months. Staff is monitoring this revenue and providing the Finance Committee with monthly updates.

- Permit, Fees, and Licenses:

Revenue of \$653,401 is slightly behind budget projections by \$167,062, or 20.4%.

- Fines and Forfeitures:

Revenue of \$185,901 is slightly behind budget projections by \$24,099, or 11.5%.

- Interest on Investments:

Investment income of \$450,873 is behind budget projections by \$476,104, or 51.4% due to deflated investment performance due to the pandemic.

- Charges for Services

Revenue of \$7,758,964 is on pace with 69.6% collected.

DEDICATED REVENUES

Intergovernmental Revenue consisting of Constitutional Officers, Health and Human Services, and State subsidies totals \$28,772,536 and is behind budget projections by \$268,515, or 0.9%. This is due to the timing of submitting and receiving reimbursements for constitutional offices.

EXPENDITURES

- Operating Expenditures:

Expenditures of \$117,321,658 spent through the third quarter of FY 2021, 67.7%, is on target with budget projections.

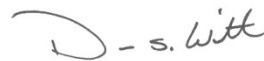
- Debt Service

Debt Service expenditures are on pace with FY 2021 budget projections.

SUMMARY

This report represents nine months of fiscal activity. As the year progresses, revised estimates for revenues and expenditures will be presented to reflect the impact of changes.

Respectfully submitted,



Donna S. Witt
Chief Financial Officer

cc: Reid Wodicka, Interim City Manager
Kent White, Interim Deputy City Manager
Rhonda Allbeck, Assistant Director of Financial Services

Fiscal Year	Fiscal Calendar 2021
Fiscal Quarter of Year	(Multiple Items)
Fiscal Month of Year	(Multiple Items)
Fund	1001 General Fund
Account Type	Revenue
Process Status	Posted

Revenues	Adopted Budget	Budget Amendment	Amended Budget	Actual Amount 3/31/21	Remaining Budget w/o Encumbrances	Percentage of Amended Budget	Actual Amount 3/31/20
100 Taxes							
02110.0100 - Current Real Property Tax	59,632,876	-	59,632,876	50,992,341	8,640,535	85.5%	49,316,516
02110.0105 - Tax Relief For Elderly	(610,000)	-	(610,000)	(493,342)	(116,658)	80.9%	(557,021)
02110.0110 - Tax Relief-Rehabilitation Real Property	(1,065,880)	-	(1,065,880)	(1,247,051)	181,171	117.0%	(975,059)
02110.0200 - Delinquent Real Property Tax	700,000	-	700,000	689,087	10,913	98.4%	533,481
02110.0900 - Real Estate Tax- Economic Development Incentive	(32,200)	-	(32,200)	(44,866)	12,666	139.3%	(11,589)
02120.0100 - Current PSC Tax	2,596,128	-	2,596,128	2,737,711	(141,583)	105.5%	2,608,505
02130.0101 - Current Personal Property Tax PCI	17,985,749	-	17,985,749	10,129,143	7,856,606	56.3%	10,381,161
02130.0201 - Delinquent Personal Property Tax PCI	1,260,000	-	1,260,000	990,412	269,588	78.6%	1,063,873
02130.0205 - Recovery-C/O Personal Property Tax	-	-	-	12	(12)	0.0%	552
02130.0900 - Personal Property Tax- Economic Development Incentive	(20,739)	-	(20,739)	(27,061)	6,322	130.5%	(19,600)
02170.0100 - Penalty-PSC Tax	-	-	-	8,602	(8,602)	0.0%	3,482
02170.0105 - Penalty-Delinquent Tax	666,958	-	666,958	532,278	134,680	79.8%	493,168
02170.0200 - Interest-PSC Tax	-	-	-	246	(246)	0.0%	12
02170.0205 - Interest-Delinquent Tax	369,812	-	369,812	208,564	161,248	56.4%	225,970
02510.0000 - Local Sales And Use Tax	15,454,579	-	15,454,579	10,677,840	4,776,739	69.1%	9,945,267
02510.0900 - Local Sales & Use Tax- Economic Development Incentive	(78,635)	-	(78,635)	(60,103)	(18,532)	76.4%	(74,256)
02515.0100 - Consumer Utility Tax-Electric	3,800,000	-	3,800,000	2,511,435	1,288,565	66.1%	2,519,100
02515.0105 - Consumer Utility Tax-Gas	647,354	-	647,354	419,239	228,116	64.8%	411,822
02515.0120 - Right of Way Fees	174,426	-	174,426	196,140	(21,714)	112.4%	167,392
02515.0900 - Pen & Int - Consumer Utility Tax, None	-	-	-	-	-	0.0%	133
02517.0000 - Communication Sales & Use Tax	2,500,000	-	2,500,000	1,484,715	1,015,285	59.4%	1,647,903
02520.0000 - Business License Tax	8,207,121	-	8,207,121	2,179,713	6,027,408	26.6%	2,116,491
02520.0010 - Consumption Tax-Electric	320,779	-	320,779	211,750	109,029	66.0%	211,027
02520.0015 - Consumption Tax-Gas	30,819	-	30,819	20,755	10,064	67.3%	20,388
02520.0030 - Pen & Int-Business License	96,072	-	96,072	56,082	39,990	58.4%	42,961
02520.0900 - Business License Tax- Economic Development Incentive	(22,778)	-	(22,778)	(22,409)	(369)	98.4%	(21,729)
02530.0001 - Motor Vehicle Licenses PCI	1,605,000	-	1,605,000	192,206	1,412,794	12.0%	219,385
02530.0201 - Delinquent Motor Vehicle License	190,000	-	190,000	117,848	72,152	62.0%	130,546
02535.0000 - Bank Stock Tax	750,000	-	750,000	-	750,000	0.0%	1,341
02540.0100 - Recordation Tax-City	650,000	-	650,000	560,640	89,360	86.3%	384,837
02540.0200 - Probate Tax	21,027	-	21,027	21,224	(197)	100.9%	14,982
02545.0000 - Tobacco Tax	825,000	-	825,000	567,623	257,377	68.8%	650,582
02550.0000 - Amusement Tax	795,190	-	795,190	152,009	643,181	19.1%	583,656
02550.0005 - Pen & Int - Amusement Tax	-	-	-	262	(262)	0.0%	4,323
02555.0000 - Lodging Tax	2,725,636	-	2,725,636	1,434,205	1,291,431	52.6%	1,891,588
02555.0005 - Pen & Int - Lodging Tax	-	-	-	7,697	(7,697)	0.0%	1,725
02555.0900 - Lodging Tax- Economic Development Incentive	(268,418)	-	(268,418)	(218,963)	(49,455)	81.6%	(245,946)
02560.0000 - Meals Tax	14,932,599	-	14,932,599	9,283,572	5,649,027	62.2%	10,073,252
02560.0005 - Pen & Int - Meals Tax	49,793	-	49,793	41,992	7,801	84.3%	42,796
02560.0900 - Meals Tax- Economic Development Incentive	(259,134)	-	(259,134)	(164,943)	(94,191)	63.7%	(250,085)
100 Taxes Total	134,629,134	-	134,629,134	94,146,602	40,482,532	69.9%	93,552,934
110 Permits, Fees, & Licenses							
03005.0000 - Animal Licenses	8,000	-	8,000	4,990	3,010	62.4%	7,040
03010.0100 - Bicycle Licenses, None	-	-	-	-	-	0.0%	-
03010.0200 - Permit Parking Fees	195,000	-	195,000	158,054	36,946	81.1%	172,027
03010.0400 - Land Disturbing Fees	18,000	-	18,000	14,728	3,273	81.8%	24,215
03010.0600 - Transfer Fees	1,600	-	1,600	1,927	(327)	120.4%	1,658
03010.0700 - Zoning Appeal Fees-Inspc	1,000	-	1,000	1,075	(75)	107.5%	400
03010.0701 - Letter of Approval-Zoning, None	3,000	(3,000)	-	-	-	0.0%	-
03010.0702 - Zoning Certification Letter	-	3,000	3,000	3,000	-	100.0%	2,200
03010.0705 - Legal Notice Advertising	12,000	-	12,000	5,963	6,037	49.7%	13,767
03010.0710 - Site Plan Reviews	15,000	-	15,000	9,553	5,447	63.7%	11,447
03010.0715 - Conditional Use Permits	4,000	-	4,000	1,272	2,729	31.8%	3,740
03010.0720 - Re-zoning Fees	8,700	-	8,700	5,861	2,839	67.4%	4,672
03010.0800 - Subdivision Plat Review	10,000	-	10,000	16,575	(6,575)	165.8%	7,245
03010.0900 - Building Insp Permit Fee	500,600	-	500,600	247,173	253,427	49.4%	402,215
03010.0901 - Elevator Inspect Admin Fee	21,000	-	21,000	18,893	2,107	90.0%	16,551
03010.0902 - Elevator Inspect Admin Fee Pen & Int	-	-	-	740	(740)	0.0%	160
03010.0920 - Sign Inspect Permit Fee	6,000	-	6,000	2,900	3,100	48.3%	3,002
03010.0925 - Demolition Fees	8,000	-	8,000	4,100	3,900	51.3%	3,650
03010.0927 - Building Plan Review	44,000	-	44,000	19,613	24,387	44.6%	32,715
03010.0928 - Vacant Building Registration Fee	35,000	-	35,000	20,679	14,321	59.1%	18,112
03010.0929 - Pen & Int-Vacant Building Registration Fee	-	-	-	1,827	(1,827)	0.0%	1,184
03010.0930 - Certificate of Occupancy for Existing Building	-	-	-	3,225	(3,225)	0.0%	2,925
03010.0931 - Temporary Certificate of Occupancy, None	-	-	-	8,700	(8,700)	0.0%	6,750
03010.0932 - Working Without a Building Permit	-	-	-	300	(300)	0.0%	900
03010.0933 - Short Term Rental Fee, None	24,450	-	24,450	-	24,450	0.0%	-
03010.0934 - Vacant Property Registration- Civil Penalties, None	-	-	-	16,492	(16,492)	0.0%	8,410
03010.1000 - False Alarm Service Assessment	118,500	-	118,500	28,608	89,892	24.1%	26,753
03010.1100 - Concealed Weapon Permit	30,000	-	30,000	44,555	(14,555)	148.5%	23,009
03010.2005 - Taxicab Application Fees	4,500	-	4,500	1,450	3,050	32.2%	2,600
03010.2010 - Precious Metal Permits	1,600	-	1,600	400	1,200	25.0%	1,200
03010.2011 - Rental Reinspect/FollowUp	-	-	-	650	(650)	0.0%	2,500
03010.2012 - Rental Intial Inspection	-	-	-	600	(600)	0.0%	8,650
03010.2013 - Annual/Periodic Inspect Fee	22,000	-	22,000	700	21,300	3.2%	4,350
03010.2014 - Rental Intial Inspect-No Show	-	-	-	650	(650)	0.0%	2,010
03010.2015 - Rental Inspect- Pre Court	-	-	-	750	(750)	0.0%	200
03010.2016 - Rental Inspect-Annual No Show	-	-	-	50	(50)	0.0%	700
03010.2027 - Right of Way Permit Fees, None	-	-	-	(100)	100	0.0%	-
03010.2028 - Dumpster Permit Fee , None	-	-	-	300	(300)	0.0%	500
03010.2029 - Dumpster Permit Fee- 30 Day Extension, None	-	-	-	900	(900)	0.0%	1,050
03010.2050 - Misc Permit Fee & License	2,000	-	2,000	6,251	(4,251)	312.5%	10,276
110 Permits, Fees, & Licenses Total	1,093,950	-	1,093,950	653,401	440,549	59.7%	828,783
120 Fines & Forfeitures							
03510.0100 - Court Fines And Forfeitures, None	187,500	-	187,500	120,435	67,065	64.2%	141,870
03510.0105 - Criminal Court Fees	2,500	-	2,500	1,502	998	60.1%	1,607

Revenues	Adopted Budget	Budget Amendment	Amended Budget	Actual Amount 3/31/21	Remaining Budget w/o Encumbrances	Percentage of Amended Budget	Actual Amount 3/31/20
03510.0200 - Parking Fines	90,000	-	90,000	63,963	26,037	71.1%	74,251
120 Fines & Forfeitures Total	280,000	-	280,000	185,901	94,099	66.4%	217,727
130 Use of Money & Property							
04010.0100 - Interest on Investment	572,499	-	572,499	178,303	394,196	31.1%	489,006
04010.0101 - Interest-City Capital	150,000	-	150,000	76,832	73,168	51.2%	204,406
04010.0123 - Interest-Health Ins Resrv	17,000	-	17,000	8,749	8,251	51.5%	20,669
04010.0124 - Interest-OPEB	20,000	-	20,000	4,146	15,854	20.7%	75,107
04010.0129 - Interest Income- US Bank Escrow (Crossover Refunding)	-	-	-	-	-	0.0%	4,524
04010.0156 - Interest-MktValueGain/Loss	-	-	-	(168,556)	168,556	0.0%	186,426
04010.0157 - Interest-SNAP Income	50,000	-	50,000	39,380	10,620	78.8%	101,382
04020.0105 - Gen Govt Property Rental	75,000	-	75,000	92,581	(17,581)	123.4%	68,506
04020.0115 - Public Safety Prop Rent	36,250	-	36,250	36,250	-	100.0%	36,250
04020.0125 - Human Services Prop Rent	100,000	-	100,000	75,000	25,000	75.0%	75,000
04020.0126 - 1517 Jackson Street Property Rental to LCS, None	-	-	-	3,720	(3,720)	0.0%	-
04020.0135 - Dwntrwn Parking Deck Lease	90,000	-	90,000	55,200	34,800	61.3%	62,162
04020.0200 - Culture & Rec. Prop Rent	15,070	-	15,070	15,070	-	100.0%	11,303
04020.0201 - Prop Rental-Stadium	3,500	-	3,500	2,295	1,205	65.6%	2,123
04020.0202 - Prop Rental-Market/Park.	106,000	-	106,000	30,130	75,870	28.4%	74,404
04020.0205 - Market Rent- Pen & Int	650	-	650	561	89	86.3%	384
04020.0207 - Rental of Museum Facilities, None	-	-	-	1,210	(1,210)	0.0%	-
130 Use of Money & Property Total	1,235,969	-	1,235,969	450,873	785,096	36.5%	1,411,649
140 Charges for Services							
04510.0900 - Collection & Tax Lien Fees	35,000	-	35,000	31,932	3,068	91.2%	34,481
04510.0901 - DMV Admin Fee	278,000	-	278,000	224,476	53,524	80.7%	227,989
04510.0902 - DMV Select Agency	35,000	-	35,000	-	35,000	0.0%	36,131
04510.0911 - Sale of GIS Maps & Data	-	-	-	-	-	0.0%	26
04510.0915 - Processng Fee - Payroll deduction	5,000	-	5,000	2,970	2,030	59.4%	3,935
04510.0916 - Indirect Cost&Svc DetHome	285,626	-	285,626	214,220	71,407	75.0%	184,577
04510.0918 - Indirect Cost&Srvs Water	1,088,944	-	1,088,944	816,709	272,235	75.0%	831,534
04510.0919 - Indirect Cost&Srvs Sewer	290,677	-	290,677	218,008	72,669	75.0%	205,109
04510.0920 - Indirect Cost&Srvs WWTP	689,142	-	689,142	516,857	172,286	75.0%	444,681
04510.0921 - Indirect Cost&Srvs Airprt	171,801	-	171,801	128,851	42,950	75.0%	121,937
04510.0922 - Indirect Cost&Svc Strmwtr	318,073	-	318,073	238,555	79,518	75.0%	210,971
04515.0101 - Document Reprod Costs	7,000	-	7,000	4,446	2,554	63.5%	4,456
04515.0200 - Court Room Sheriff Fee, None	60,000	-	60,000	43,767	16,233	72.9%	36,379
04515.0300 - Fees For Court Officers	7,244	-	7,244	7,244	(0)	100.0%	7,244
04515.0301 - Legal Service Charges	40,000	-	40,000	40,000	-	100.0%	-
04515.0303 - Probation Supervisor Fee	13,789	-	13,789	7,550	6,239	54.8%	9,148
04515.0304 - Jail Fee, None	14,624	-	14,624	812	13,812	5.6%	-
04515.0305 - E-Summons Fee, None	5,300	-	5,300	9,702	(4,402)	183.1%	-
04515.0400 - Commonwealth Atty.Fees	7,000	-	7,000	3,314	3,686	47.3%	4,168
04515.0401 - CA Coll Fees- Gen Dist Ct	28,293	-	28,293	26,186	2,107	92.6%	16,081
04515.0402 - CA Coll Fees- J&D Court	5,170	-	5,170	4,125	1,045	79.8%	1,907
04515.0403 - CA Coll Fees- Circuit Crt	30,866	-	30,866	28,431	2,435	92.1%	25,228
04520.0300 - Fire Prevention Fees	3,100	-	3,100	1,850	1,250	59.7%	2,625
04520.0301 - Ambulance Service Fees	2,500,000	-	2,500,000	2,017,997	482,003	80.7%	1,853,887
04520.0304 - Delinq Ambulance>120 Days	175,000	-	175,000	204,917	(29,917)	117.1%	163,278
04520.0901 - PIER Contract Payments	26,500	-	26,500	26,500	-	100.0%	26,500
04520.0903 - Police-Schools Resource Officer (SRO) Prog	140,000	-	140,000	103,334	36,666	73.8%	93,521
04520.0904 - Local Reimb-COL Confined Space	50,000	-	50,000	37,500	12,500	75.0%	37,500
04520.0905 - Police Report Sales	3,000	-	3,000	1,540	1,460	51.3%	1,960
04520.0906 - Range Use Fee	13,800	-	13,800	12,800	1,000	92.8%	13,000
04520.0908 - DUI Fees, None	-	-	-	4,060	(4,060)	0.0%	7,300
04520.0909 - LPD Off Duty	1,026,182	-	1,026,182	554,061	472,121	54.0%	764,656
04525.0103 - Curb & Gutter Charges, None	-	-	-	2,525	(2,525)	0.0%	-
04525.0106 - Downtown Parking Fees	35,000	-	35,000	24,413	10,587	69.8%	33,067
04525.0107 - PW Admin Stormwater Charges	101,356	-	101,356	93,387	7,969	92.1%	125,728
04525.0108 - PW Eng Stormwater Charges	10,500	-	10,500	15,860	(5,360)	151.0%	9,124
04525.0109 - PW Streets Stormwater Charges	147,035	-	147,035	91,379	55,656	62.1%	149,541
04525.0206 - Residential Disposal-Decals	1,388,980	-	1,388,980	935	1,388,045	0.1%	1,198,225
04525.0218 - Trash Bag Srvs-Waste Zero	278,240	-	278,240	128,088	150,152	46.0%	125,758
04525.0219 - Landlord Set Out Program , None	-	-	-	1,005	(1,005)	0.0%	-
04525.0220 - Refuse Disposal Fee, None	-	-	-	984,840	(984,840)	0.0%	-
04525.0221 - Penalty- Refuse Disposal Fee, None	-	-	-	1,380	(1,380)	0.0%	-
04525.0300 - Bldg Maint Charge-Other	10,142	-	10,142	10,142	-	100.0%	7,607
04530.0401 - CSA Service Providers	-	-	-	-	-	0.0%	20,380
04530.0409 - Human Services Court Order Fees	-	-	-	3,601	(3,601)	0.0%	2,264
04530.0410 - Lynchburg Youth Group Home Charges	650,000	-	650,000	186,945	463,055	28.8%	346,505
04530.0412 - Horizon Contribution for Outstationed Benefit Workers, None	17,500	-	17,500	-	17,500	0.0%	17,500
04530.0413 - Local Reimb- Other Localities, None	-	-	-	-	-	0.0%	133
04535.0100 - Swimming Pool Fees	11,300	-	11,300	-	11,300	0.0%	18,192
04535.0150 - Recreation Program Fees	424,000	-	424,000	177,322	246,678	41.8%	305,770
04535.0200 - Point of Honor Admission Fees	10,000	-	10,000	-	10,000	0.0%	10,443
04535.0300 - Library Fines & Fees	40,000	-	40,000	8,327	31,673	20.8%	28,459
04535.0301 - Law Library Fees	30,000	-	30,000	17,277	12,723	57.6%	28,249
04535.0303 - Lost/Damaged Library Prop	4,000	-	4,000	1,760	2,240	44.0%	2,837
04535.0304 - Delinq Library Fines & Fees	1,500	-	1,500	1,390	110	92.7%	1,575
04535.0305 - Delinq Library Lost/Damaged	3,200	-	3,200	5,755	(2,555)	179.8%	2,239
04535.0306 - Delinq Library Pen & Int	1,000	-	1,000	2,683	(1,683)	268.3%	703
04540.0105 - Comm Develop Stormwater Charges	603,501	-	603,501	452,626	150,875	75.0%	383,935
04599.0002 - Secure Vacant Stru Reimb	-	-	-	1,696	(1,696)	0.0%	607
04599.0004 - Weed Ordinance Program	28,000	-	28,000	12,821	15,179	45.8%	12,833
04599.0009 - Penalty and Interest- Neighborhood Services Receivables, None	-	-	-	94	(94)	0.0%	-
140 Charges for Services Total	11,149,385	-	11,149,385	7,758,964	3,390,421	69.6%	8,201,878
150 Miscellaneous Revenue							
05030.0105 - Suspense Revenue/Exp Ref	-	-	-	26,192	(26,192)	0.0%	-
05050.0105 - Pmt In Lieu Tax-WestCntbr	52,900	-	52,900	53,799	(899)	101.7%	53,799
05050.0110 - Pymt In Lieu of Tax-LRHA	25,000	-	25,000	85,742	(60,742)	343.0%	-
05050.0230 - Friends of Lynchburg Library	17,130	-	17,130	6,348	10,782	37.1%	7,655
05050.0232 - Digg's Trust Rec-Pt Honor	29,600	-	29,600	37,000	(7,400)	125.0%	18,500
05050.0251 - Contributions-Adopt-A-Bed	-	-	-	-	-	0.0%	705
05050.0278 - Donations for Rotary Centennial Skate Park, None	-	-	-	-	-	0.0%	1,700
05050.0290 - Gifts And Misc.	2,000	-	2,000	-	2,000	0.0%	100
05050.0400 - Sale-Salvage/Surplus Prop	-	-	-	4,191	(4,191)	0.0%	1,984

Revenues	Adopted Budget	Budget Amendment	Amended Budget	Actual Amount 3/31/21	Remaining Budget w/o Encumbrances	Percentage of Amended Budget	Actual Amount 3/31/20
05050.0415 - Proceeds frm PropRoom.com	-	-	-	169	(169)	0.0%	566
05050.0500 - Sale-Real Property	-	-	-	9,500	(9,500)	0.0%	-
05050.2001 - Cash Overage And Shortage	-	-	-	(3,796)	3,796	0.0%	(199)
05050.2011 - Reimb.POH Carriage House	21,040	-	21,040	27,750	(6,710)	131.9%	13,875
05050.2013 - Photo Reprod And Royalty	-	-	-	10	(10)	0.0%	40
05050.2016 - Dedicated Misc Rev HumSvc	-	-	-	-	-	0.0%	0
05050.2022 - Trash Cart Sales	4,000	-	4,000	-	4,000	0.0%	3,286
05050.2025 - Credit Card Rebate	110,000	-	110,000	90,426	19,574	82.2%	117,997
05050.2028 - WardsCrossingWestSvcFee	143,277	-	143,277	143,277	-	100.0%	143,277
05050.2033 - PointOfHonnr-GiftShopSales	-	-	-	-	-	0.0%	-
05050.2034 - P&R Spec Event Sponsorship, None	20,000	-	20,000	4,542	15,458	22.7%	7,450
05050.2037 - RSA Profit Sharing	-	-	-	-	-	0.0%	-
05050.2046 - Visitor Ctr Merchandise	5,000	-	5,000	115	4,885	2.3%	5,088
05050.2049 - Trash Bag&Decal Violation	4,000	-	4,000	1,520	2,480	38.0%	246
05050.2052 - Parking Lease Agreement	105,000	-	105,000	77,803	27,197	74.1%	85,172
05050.2055 - Hillcats - Donation Youth Athletic Programs	10,000	-	10,000	-	10,000	0.0%	10,000
05050.2056 - Commission on City Vending Machine Sales	-	-	-	1,837	(1,837)	0.0%	2,609
05050.2059 - Court Restitution, None	-	-	-	5,395	(5,395)	0.0%	207
05050.2060 - Community Market Retail Sales, None	-	-	-	431	(431)	0.0%	34
05050.2061 - Main St Alt CARES Funding for Project Accounting, None	-	-	-	-	-	0.0%	-
05050.2090 - Miscellaneous Revenue	51,200	-	51,200	25,446	25,754	49.7%	34,363
150 Miscellaneous Revenue Total	600,147	-	600,147	597,695	2,452	99.6%	508,454
300 State Non-Categorical Aid							
06100.0300 - Rolling Stock Taxes	90,000	-	90,000	88,947	1,053	98.8%	90,863
06100.0400 - Mobile Home Titling Taxes	1,000	-	1,000	2,955	(1,955)	295.5%	1,455
06100.0600 - Deeds Of Conveyance	150,000	-	150,000	142,386	7,614	94.9%	102,294
06100.0800 - Recordation Taxes-State	150,000	-	150,000	-	150,000	0.0%	94,721
06100.0900 - Auto Rental Tax-DMV	336,400	-	336,400	309,349	27,051	92.0%	301,727
06100.1108 - Personal Prop Tax Relief	5,543,584	-	5,543,584	5,266,405	277,179	95.0%	5,266,405
06100.8001 - Games of Skill Tax, None	-	-	-	140,256	(140,256)	0.0%	-
300 State Non-Categorical Aid Total	6,270,984	-	6,270,984	5,950,298	320,686	94.9%	5,857,464
310 State Shared Exp (Cat.)							
06510.0200 - Commissioner of Revenue	191,558	-	191,558	126,388	65,170	66.0%	119,868
06510.0300 - Treasurer	116,703	-	116,703	74,001	42,702	63.4%	76,458
06510.1000 - Registrar/Electoral Board	47,000	-	47,000	-	47,000	0.0%	-
06515.0100 - Clerk of Cir Crt-Fringes	610,467	-	610,467	391,198	219,269	64.1%	395,395
06515.0200 - Sheriff	1,138,494	-	1,138,494	733,075	405,419	64.4%	743,933
06515.0400 - Commonwealth Attorney	1,079,000	-	1,079,000	723,043	355,957	67.0%	704,367
310 State Shared Exp (Cat.) Total	3,183,222	-	3,183,222	2,047,705	1,135,517	64.3%	2,040,020
320 State Categorical Aid							
06820.0200 - Juvenile Correct-Block Gt	247,716	-	247,716	185,787	61,929	75.0%	185,787
06820.0201 - Wireless E911	380,000	-	380,000	276,754	103,246	72.8%	265,508
06820.0203 - HB 599 Law Enforc.Asst	3,137,083	-	3,137,083	2,623,476	513,607	83.6%	2,444,571
06825.0100 - Street And Highway Maint.	9,001,148	-	9,001,148	6,955,256	2,045,892	77.3%	6,419,909
06830.0412 - Health Department	-	-	-	-	-	0.0%	32,605
06830.0413 - SS State Adm Sub 0901	2,470,027	-	2,470,027	1,583,963	886,064	64.1%	1,401,478
06830.0414 - SS State Prog Sub 0902	5,128,759	-	5,128,759	2,592,916	2,535,843	50.6%	2,870,265
06835.0102 - SNAP Program Reimb	13,000	-	13,000	16,092	(3,092)	123.8%	8,590
06835.0104 - VDH- We Got the Beet Campaign	-	-	-	-	-	0.0%	450
06835.0300 - Finan Asst-Public Library	165,384	5,688	171,072	133,323	37,750	77.9%	124,038
320 State Categorical Aid Total	20,543,117	5,688	20,548,805	14,367,567	6,181,238	69.9%	13,753,201
330 State Aid in Suspense							
05030.0100 - Suspense Rev-Va EDI Pmts	-	-	-	73	(73)	0.0%	27
330 State Aid in Suspense Total	-	-	-	73	(73)	0.0%	27
510 Federal Direct Cat. Aid							
07540.1001 - IRS Int Subsidy 8/09 BABs	-	-	-	-	-	0.0%	40,838
07540.1002 - IRS Int Subs 8/09 BABsSCH	-	-	-	-	-	0.0%	96,898
510 Federal Direct Cat. Aid Total	-	-	-	-	-	0.0%	137,736
520 Fed Cat Aid- Pass Thru							
07825.0300 - B&G Chrgs Commerce St Bld	55,000	-	55,000	33,720	21,280	61.3%	38,114
07830.0420 - Fed Pass Thru:Cost AIDMG	550,000	-	550,000	-	550,000	0.0%	-
07830.0421 - SS Fed Adm Sub 0901	4,285,965	-	4,285,965	3,606,610	679,355	84.1%	3,506,027
07830.0422 - SS Fed Prog Sub 0902	3,576,904	-	3,576,904	2,570,669	1,006,235	71.9%	2,303,290
07830.0430 - USDA Funding - Group Home, None	15,000	-	15,000	8,795	6,205	58.6%	12,281
07875.0003 - Human Service Lease	147,091	-	147,091	98,060	49,031	66.7%	93,734
07875.0021 - FINI Double-Dollars	12,000	-	12,000	12,609	(609)	105.1%	9,489
07875.0024 - CARES Act Funding for 2020 Presidential Election, None	-	76,430	76,430	76,430	-	100.0%	-
520 Fed Cat Aid- Pass Thru Total	8,641,960	76,430	8,718,390	6,406,894	2,311,496	73.5%	5,962,934
700 Proceed From Indebtedness							
08510.0001 - Proceeds From Bond Sale	-	-	-	-	-	0.0%	2,476,011
08510.0004 - Proceeds From Bonds-Sch, None	-	-	-	-	-	0.0%	3,571,207
08510.0005 - Refunding Bond Proceeds	-	5,235,544	5,235,544	5,235,544	-	100.0%	-
08510.0006 - Refunding Bond Proc Prem	-	1,150,587	1,150,587	1,150,587	-	100.0%	-
08510.0007 - Refunding Bnd Proceeds Sch	-	3,888,572	3,888,572	3,888,572	-	100.0%	-
08510.0008 - Refndng Bds Proc Prem Sch	-	851,518	851,518	851,518	-	100.0%	-
08510.0009 - Bond Proceeds Premium, None	-	-	-	-	-	0.0%	232,695
08510.0010 - Bond Proceeds Prem School, None	-	-	-	-	-	0.0%	361,127
700 Proceed From Indebtedness Total	-	11,126,220	11,126,220	11,126,220	-	100.0%	6,641,039
Grand Total	187,627,868	11,208,338	198,836,206	143,692,193	55,144,013	72.3%	139,113,847

Fiscal Year	Fiscal Calendar 2021
Fiscal Quarter of Year	(Multiple Items)
Fund	1001 General Fund
Account Type	Expenses
Process Status	Posted

Expenditures	Adopted Budget	Budget Amendment	Amended Budget	Actual Amount 3/31/21	Remaining Budget w/ Encumbrances	Percentage Used w/ Encumbrances	Actual Amount 3/31/20
2022 Communications/Public Engagement							
0021 Public Information	499,937	12,099	512,036	333,821	115,008	77.5%	362,160
0022 Customer Service Center	147,109	3,868	150,977	106,222	44,547	70.5%	99,628
0029 Local Government Channel	178,378	3,660	182,038	119,810	62,228	65.8%	124,624
2022 Communications/Public Engagement Total	825,424	19,627	845,051	559,853	221,783	73.8%	586,412
2023 Council / Manager							
0028 Council / Manager	1,198,940	16,849	1,215,789	596,156	619,633	49.0%	835,749
0033 Parking Division	560,031	6,826	566,857	291,822	275,035	51.5%	321,152
2023 Council / Manager Total	1,758,971	23,675	1,782,646	887,978	894,668	49.8%	1,156,900
2027 Tourism							
0044 Tourism	-	-	-	-	-	0.0%	12,500
2027 Tourism Total	-	-	-	-	-	0.0%	12,500
2030 City Attorney							
0050 City Attorney	850,894	10,248	861,142	555,474	305,668	64.5%	521,060
0051 Risk Management	672,791	-	672,791	672,791	-	100.0%	456,086
2030 City Attorney Total	1,523,685	10,248	1,533,933	1,228,265	305,668	80.1%	977,146
2035 State Treasurer							
0060 State Treasurer	200,146	3,660	203,806	127,438	76,368	62.5%	138,937
2035 State Treasurer Total	200,146	3,660	203,806	127,438	76,368	62.5%	138,937
2040 Commissioner Of Revenue							
0070 Com Rev-State/Loc Budget	825,187	21,364	846,551	592,678	235,074	72.2%	551,782
2040 Commissioner Of Revenue Total	825,187	21,364	846,551	592,678	235,074	72.2%	551,782
2045 City Assessor							
0080 City Assessor	786,873	15,963	802,836	539,024	261,511	67.4%	548,528
2045 City Assessor Total	786,873	15,963	802,836	539,024	261,511	67.4%	548,528
2050 Finance							
0090 Office of Management & Budget	693,230	10,744	703,974	509,294	190,416	73.0%	493,537
0093 Billings And Collections	1,424,287	67,904	1,492,191	988,951	370,198	75.2%	795,095
0094 Procurement	375,215	8,083	383,298	266,879	114,359	70.2%	261,976
0095 Accounting	1,081,237	41,111	1,122,348	769,486	348,450	69.0%	711,774
2050 Finance Total	3,573,969	127,842	3,701,811	2,534,611	1,023,422	72.4%	2,262,381
2055 Human Resources							
0110 Human Resources	780,426	45,499	825,925	516,871	295,413	64.2%	569,814
0111 Occupational Health Svs	216,347	-	216,347	82,216	134,131	38.0%	122,310
2055 Human Resources Total	996,773	45,499	1,042,272	599,087	429,544	58.8%	692,124
2057 Information Technology							
0115 Application Services	1,377,821	19,399	1,397,220	951,646	445,574	68.1%	930,815
0116 Network Services	1,724,554	25,621	1,750,175	1,140,107	610,068	65.1%	1,150,496
0117 I T Administration	461,716	5,808	467,524	316,638	145,452	68.9%	344,638
0125 GIS	352,729	5,490	358,219	256,299	92,260	74.2%	234,219
2057 Information Technology Total	3,916,820	56,318	3,973,138	2,664,689	1,293,354	67.4%	2,660,169
2065 Registrar							
0150 Registrar	238,532	21,652	260,184	187,711	72,077	72.3%	130,569
0151 Electoral Board	99,918	62,132	162,050	104,915	57,135	64.7%	77,978
2065 Registrar Total	338,450	83,784	422,234	292,626	129,212	69.4%	208,547
2090 Education							
0200 Lcl Sch Oper Contribution	39,828,498	2,521,564	42,350,062	24,128,683	18,221,379	57.0%	24,898,317
2090 Education Total	39,828,498	2,521,564	42,350,062	24,128,683	18,221,379	57.0%	24,898,317
2105 Circuit Court-Judge							
0300 Circuit Court-Judge	161,579	6,573	168,152	104,661	59,287	64.7%	101,556
2105 Circuit Court-Judge Total	161,579	6,573	168,152	104,661	59,287	64.7%	101,556
2110 General District Court							
0310 General District Court	55,373	2,615	57,988	22,711	30,901	46.7%	23,988
2110 General District Court Total	55,373	2,615	57,988	22,711	30,901	46.7%	23,988
2115 Juvenile & Dr Dist Court							
0320 Juvenile & Dr Dist Court	21,273	-	21,273	14,417	5,797	72.7%	11,501
2115 Juvenile & Dr Dist Court Total	21,273	-	21,273	14,417	5,797	72.7%	11,501
2120 24th Court Service Unit							
0330 24th Court Service Unit	1,472	-	1,472	565	907	38.4%	153
2120 24th Court Service Unit Total	1,472	-	1,472	565	907	38.4%	153
2125 Commonwealth's Attorney							
0340 Commonwealth Attorney	1,706,182	31,338	1,737,520	1,227,674	494,426	71.5%	1,185,970
0343 Com Aty Fines & Fees Coll	64,329	1,951	66,280	47,138	17,873	73.0%	44,512
2125 Commonwealth's Attorney Total	1,770,511	33,289	1,803,800	1,274,812	512,299	71.6%	1,230,482
2130 Magistrate's Office							
0350 Magistrate's Office	4,144	50	4,194	2,662	1,456	65.3%	2,665

Expenditures	Adopted Budget	Budget Amendment	Amended Budget	Actual Amount 3/31/21	Remaining Budget w/ Encumbrances	Percentage Used w/ Encumbrances	Actual Amount 3/31/20
2130 Magistrate's Office Total	4,144	50	4,194	2,662	1,456	65.3%	2,665
2135 Circuit Court-Clerk							
0360 Circuit Court-Clerk	960,616	26,408	987,024	678,140	308,883	68.7%	660,822
2135 Circuit Court-Clerk Total	960,616	26,408	987,024	678,140	308,883	68.7%	660,822
2200 City Sheriff							
0400 City Sheriff And Jail	2,390,360	40,201	2,430,561	1,628,642	801,919	67.0%	1,642,390
2200 City Sheriff Total	2,390,360	40,201	2,430,561	1,628,642	801,919	67.0%	1,642,390
2240 Police							
0420 Police Operations	17,973,292	(1,220,631)	16,752,661	11,359,848	5,325,408	68.2%	12,708,975
0421 Animal Warden	339,881	5,088	344,969	236,937	108,032	68.7%	194,450
0429 Range Operations	13,800	728	14,528	7,945	6,193	57.4%	11,945
0430 Police Off Duty Employmnt	1,026,182	1,336	1,027,518	517,782	509,736	50.4%	695,961
2240 Police Total	19,353,155	(1,213,480)	18,139,675	12,122,511	5,949,369	67.2%	13,611,332
2245 Emergency Services							
0422 Emergency Communications	2,858,067	59,677	2,917,744	2,030,094	881,020	69.8%	1,951,280
2245 Emergency Services Total	2,858,067	59,677	2,917,744	2,030,094	881,020	69.8%	1,951,280
2270 Fire							
0444 Fire Operations And Ems	16,490,750	(1,268,146)	15,222,604	9,750,092	5,446,119	64.2%	11,789,554
0446 TRT- PIER Program	76,500	44,307	120,807	89,104	31,703	73.8%	98,159
2270 Fire Total	16,567,250	(1,223,839)	15,343,411	9,839,196	5,477,823	64.3%	11,887,713
2400 Public Works							
0600 Public Works Administrat.	988,201	18,341	1,006,542	739,200	266,621	73.5%	714,676
0605 Engineering	4,322,318	102,566	4,424,884	2,721,457	1,421,902	67.9%	2,696,201
0632 Street Maintenance,Il	3,621,805	2,166,450	5,788,255	1,843,046	764,653	86.8%	1,987,658
0635 Snow Removal	318,638	37,082	355,720	234,728	83,910	76.4%	217,963
0640 Refuse Collection	3,303,872	558,343	3,862,215	2,692,713	409,746	89.4%	2,343,976
0645 Parks/Grounds Maintenance	3,557,139	392,342	3,949,481	2,186,503	1,346,328	65.9%	2,398,750
0649 Baseball Stadium Maint	117,823	2,016	119,839	58,363	60,219	49.7%	70,435
0650 Building Maintenance	3,916,727	173,608	4,090,335	2,603,652	1,374,063	66.4%	2,631,644
0660 Human Services Maint.	243,090	2,054	245,144	157,338	80,578	67.1%	174,111
2400 Public Works Total	20,389,613	3,452,803	23,842,416	13,237,001	5,808,020	75.6%	13,235,413
2555 Health							
0800 Health Operations	747,685	-	747,685	726,695	20,990	97.2%	747,685
2555 Health Total	747,685	-	747,685	726,695	20,990	97.2%	747,685
2561 Juvenile Services							
0904 Juvenile Service Admin.	-	-	-	-	-	0.0%	134,948
0905 Juvenile Detention Home	500,000	-	500,000	428,624	71,376	85.7%	462,778
0906 Juvenile Services	1,794,489	56,562	1,851,051	1,248,335	594,626	67.9%	895,379
0915 Csa Service Providers	1,843,647	-	1,843,647	1,382,735	460,912	75.0%	1,432,787
0929 Lynchburg Outreach Prog	-	-	-	-	-	0.0%	144,513
2561 Juvenile Services Total	4,138,136	56,562	4,194,698	3,059,695	1,126,914	73.1%	3,070,405
2562 Social Services							
0901 Social Services Admin.	9,236,499	254,546	9,491,045	6,561,338	2,905,490	69.4%	6,452,518
0902 Public Assistance	8,869,737	54,035	8,923,772	5,942,774	2,926,963	67.2%	6,497,253
2562 Social Services Total	18,106,236	308,581	18,414,817	12,504,112	5,832,453	68.3%	12,949,770
2563 Recreation Services							
0116 Network Services	12,750	-	12,750	7,151	5,599	56.1%	54,625
1002 Parks/Rec/Market	418,298	12,096	430,394	306,403	120,601	72.0%	282,639
1010 Recreation, General Admin	668,361	22,830	691,191	473,997	214,179	69.0%	401,367
1011 Recreation Services	147,152	3,660	150,812	105,880	44,932	70.2%	102,069
1013 Recreation, Athletic	157,758	6,607	164,365	105,007	59,358	63.9%	116,913
1015 Recreation, Park Services	757,943	24,506	782,449	558,334	224,115	71.4%	516,073
1022 Recreation, Aquatics	48,200	-	48,200	175	48,025	0.4%	39,698
1023 Recreation, Naturalist	187,964	5,490	193,454	138,510	54,944	71.6%	110,727
1024 Special Events-Cty Sponsr	30,000	-	30,000	-	30,000	0.0%	27,001
1027 Recreation Programs	549,097	14,500	563,597	249,399	314,198	44.3%	354,495
1028 City-wide Centers	278,710	6,771	285,481	199,080	86,401	69.7%	182,843
1029 Neighborhood Centers	798,061	24,382	822,443	493,722	328,721	60.0%	476,127
2563 Recreation Services Total	4,054,294	120,843	4,175,137	2,637,658	1,531,072	63.3%	2,664,576
2610 Libraries							
1100 Public Library	1,587,621	62,268	1,649,889	1,050,668	594,611	64.0%	1,091,433
1120 Law Library	8,200	-	8,200	7,511	689	91.6%	6,842
2610 Libraries Total	1,595,821	62,268	1,658,089	1,058,179	595,300	64.1%	1,098,275
2611 Museum System							
1150 Museum	487,888	8,983	496,871	247,097	248,859	49.9%	350,755
2611 Museum System Total	487,888	8,983	496,871	247,097	248,859	49.9%	350,755
2715 Community Development							
1200 Director-Comm Plan/Dev	307,156	7,329	314,485	213,285	98,707	68.6%	212,949
1201 Planning	349,581	8,228	357,809	275,795	82,002	77.1%	257,511
1202 Inspections	996,465	22,838	1,019,303	646,578	372,251	63.5%	651,779
1205 Zoning	407,592	7,320	414,912	274,262	140,650	66.1%	222,692
2715 Community Development Total	2,060,794	45,715	2,106,509	1,409,921	693,609	67.1%	1,344,931

Expenditures	Adopted Budget	Budget Amendment	Amended Budget	Actual Amount 3/31/21	Remaining Budget w/ Encumbrances	Percentage Used w/ Encumbrances	Actual Amount 3/31/20
2720 Office Of Economic Devel							
1300 Economic Development	1,693,139	40,699	1,733,838	1,183,938	478,496	72.4%	1,292,434
2720 Office Of Economic Devel Total	1,693,139	40,699	1,733,838	1,183,938	478,496	72.4%	1,292,434
5000 Nondept Employee Benefits							
1430 Non-allocated Emp Benefit	4,088,072	-	4,088,072	2,981,955	1,106,117	72.9%	3,021,710
5000 Nondept Employee Benefits Total	4,088,072	-	4,088,072	2,981,955	1,106,117	72.9%	3,021,710
5050 Non-Departmental							
1506 Water Oper Fund Payments	864,215	-	864,215	648,161	216,054	75.0%	627,293
1508 Stormwater Fee-City Bldgs	88,500	-	88,500	59,007	29,493	66.7%	58,735
1509 Stormwater Fee-School Bld	70,200	-	70,200	46,666	23,534	66.5%	46,611
1512 College Lake Dam Repairs	-	119,869	119,869	1,216	(1,216)	101.0%	116,526
1513 Stormwater Detention Pond Repair	-	-	-	3,460	(3,860)	0.0%	-
1515 Alternative to CARES Funding	-	1,515,389	1,515,389	775,872	636,572	58.0%	-
1516 COVID Vaccinations	-	-	-	6,123	(6,123)	0.0%	-
1566 Managed Vacancy Program	(38,207)	-	(38,207)	-	(38,207)	0.0%	-
1567 Years of Service Awards	14,500	-	14,500	10,414	4,086	71.8%	9,175
1568 Retirement Recognition	5,000	-	5,000	-	5,000	0.0%	-
1569 Take Your Kids to Work Dy	1,000	-	1,000	-	1,000	0.0%	-
1570 Emp Appreciation Luncheon	3,000	-	3,000	3,000	-	100.0%	1,173
1573 Payment-Fleet Capital Chg	2,466,910	-	2,466,910	1,949,388	517,522	79.0%	1,859,752
1574 Health Management Program	15,000	-	15,000	(15,323)	30,323	-102.2%	(4,597)
1575 Employee Committee Funds	8,000	-	8,000	8,000	0	100.0%	348
1576 Line of Duty Act	254,057	-	254,057	207,236	46,821	81.6%	165,354
1578 Poverty Initiative	-	122,763	122,763	30,903	91,860	25.2%	3,919
1579 Recruitment	10,000	34,933	44,933	18,200	26,733	40.5%	13,852
1580 International Festival	500	6,860	7,360	-	7,360	0.0%	(4,250)
1581 Workplace Safety & Wellness	60,000	-	60,000	21,992	38,008	36.7%	36,062
1637 City Cemetery Master Plan	132,438	-	132,438	132,438	-	100.0%	132,438
5050 Non-Departmental Total	3,955,113	1,799,814	5,754,927	3,906,753	1,624,961	71.8%	3,062,391
5060 Support Local/State Organ							
1702 V.P.I. Extension Service	40,685	-	40,685	15,761	(9)	100.0%	19,652
1705 Lynchburg Humane Society	405,440	-	405,440	405,440	0	100.0%	405,440
1707 Cent Va Alli for Comm Liv	15,000	-	15,000	15,000	-	100.0%	15,000
1708 Horizon Behavioral Health	574,512	-	574,512	430,884	-	100.0%	472,500
1709 Cvcc Board & Related Oper	1,967	-	1,967	1,967	-	100.0%	1,955
1711 Cent Va Planning Dist Com	46,770	-	46,770	46,770	0	100.0%	46,219
1715 Greater Lynch. Transit Co	500,000	-	500,000	250,000	250,000	50.0%	1,728,785
1721 Blue Ridge Regional Jail	5,543,931	-	5,543,931	4,121,313	36,635	99.3%	3,881,813
1724 Legal Aid Society	12,167	-	12,167	12,167	-	100.0%	12,167
1739 Contrib- Amazement Square	267	-	267	-	267	0.0%	-
1743 Central Va Reg Radio Brd	684,741	-	684,741	684,740	1	100.0%	684,853
1748 Elizabeth's Early Learn Center	15,854	-	15,854	15,854	(0)	100.0%	15,854
5060 Support Local/State Organ Total	7,841,334	-	7,841,334	5,999,896	286,893	96.3%	7,284,238
7450 Debt Service							
5985 Refunded Debt Payments	-	11,003,401	11,003,401	11,003,401	-	100.0%	13,850,000
5990 Principal Bonds/BANS/LOC	11,210,430	52,740	11,263,170	6,351,422	4,911,748	56.4%	12,547,485
5994 Interest Bonds/BANS/LOC	6,865,447	(52,740)	6,812,707	4,506,419	2,306,288	66.1%	4,293,047
5996 Debt Issuance Costs	-	143,046	143,046	118,505	24,541	82.8%	283,543
5997 Debt - Misc. Charges	7,100	-	7,100	1,875	5,225	26.4%	3,667
7450 Debt Service Total	18,082,977	11,146,447	29,229,424	21,981,623	7,247,802	75.2%	30,977,742
7570 Other Financing Uses							
9710 Operating Transfers Out	7,037,910	2,472,241	9,510,151	6,486,975	3,023,177	68.2%	6,219,833
7570 Other Financing Uses Total	7,037,910	2,472,241	9,510,151	6,486,975	3,023,177	68.2%	6,219,833
Grand Total	192,997,608	20,175,998	213,173,606	139,294,841	66,746,305	68.7%	153,137,781

A G E N D A
City Council Meeting of May 25, 2021
Council Chamber | City Hall, 900 Church Street, Lynchburg, VA 24504

NO 4:00 P.M. WORK SESSION

7:30 P.M.
City Council Agenda Items

COUNCILMEMBER FARALDI WILL GIVE THE INVOCATION

GENERAL POLICY REGARDING PUBLIC PARTICIPATION AT CITY COUNCIL MEETINGS

Each speaker shall clearly state his or her name and locality of residence.

The City Council agenda is divided into four sections.

CONSENT AGENDA: This section includes routine items. All items may be approved by one vote.

PUBLIC HEARINGS: This section includes all public hearings as required by law or as Council may direct.

Procedure:

- Staff will make a presentation.
- For zoning petitions, the applicant or his or her representative shall have ten (10) minutes to make a presentation.
- Comments will then be solicited from those in favor.
- Comments will then be solicited from those in opposition.

During the public hearing, there shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify that group at the beginning of his or her remarks. A group may have only one spokesperson. After public comments have been received, for zoning petitions, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5)-minute time limit for rebuttal. Upon the conclusion of public comments or the applicant's rebuttal, the public hearing will be closed and the matter referred to Council for deliberation.

PUBLIC COMMENT: Public comment shall be for the purpose of allowing members of the public to present any matter, which, in their opinion, deserves the attention of the Council. They shall not serve as a forum for debate with the Council. Individuals may speak up to three (3) minutes; or group spokesperson up to five (5) minutes. Once Council has heard a presentation from a citizen or organization on a particular subject, the citizen or organization may not make another presentation on the same subject within three (3) months of the first presentation, except by a majority vote of the members of Council present and voting.

GENERAL BUSINESS: This section includes items of a general nature to be considered by Council.

City Council may make exceptions to these rules at its discretion. Prior to a meeting, any questions which citizens may have regarding any item on the agenda may be addressed to City Council or the City Administration. The following numbers are provided for the convenience of the citizens:

CITY COUNCIL 455-3995

MAYOR 455-3995

CITY MANAGER 455-3990

A reasonable charge may be made for copying and other activities related to responding to long and involved inquiries.

CITIZENS OFTEN EXPRESS CONFLICTING AND DIVERSE POSITIONS REGARDING SPECIFIC ISSUES UNDER CONSIDERATION. TO ENCOURAGE CITIZEN PARTICIPATION AND TO AVOID INTIMIDATION TO PERSONS WHO MAY EXPRESS SOMETIMES UNPOPULAR OPINIONS, APPLAUSE, CHEERS, OR JEERS FROM THE AUDIENCE ARE NOT PERMITTED. WHEN APPEARING BEFORE CITY COUNCIL, CITIZENS MAY NOT ENGAGE IN BEHAVIOR THAT INTIMIDATES OR INSULTS OTHERS, ENGAGE IN DISRUPTIVE BEHAVIOR, USE PROFANITY OR VULGAR LANGUAGE, PROMOTE PRIVATE BUSINESS VENTURES OR CAMPAIGN FOR PUBLIC OFFICE.

* **PREVIOUSLY DISCUSSED AND/OR CONSIDERED BY CITY COUNCIL**

- #1. Consideration of an appointment to the position of City Manager

#R-21-____

PUBLIC HEARING

- #2. Hold a public hearing to receive citizen input regarding appointments, or reappointments, to vacancies that will exist June 30, 2021, in School Board Districts I, II, III.

PUBLIC COMMENTS

- #3. Hear from a group representative regarding a concern. (Martha Brown)
- #4. Hear from a group representative regarding a concern. (J Salmon)
- #5. Hear from a group representative regarding a concern. (Marty Misjuns)
- #6. Hear from a citizen regarding a concern. (Robert Williams)

GENERAL BUSINESS

- #7. First Reading on the adoption of the FY 2022 Budget:

A: Consideration of introducing a resolution approving the FY 2022 General Fund Operating Budget (excluding External Service Providers) and appropriating \$204,023,769.

#R-21-____

B: Consideration of introducing a resolution approving the FY 2022 Mandated and Contractual External Service Providers Budget of \$8,289,338.

#R-21-____

C: Consideration of introducing a resolution approving the FY 2022 Discretionary External Service Providers Budget of \$30,484.

#R-21-____

D: Consideration of introducing a resolution approving FY 2022 Operating Fund Budgets for other funds and appropriating the sums of each fund.

#R-21-____

E: Consideration of adopting a resolution adopting the FY 2022 – 2026 Capital Improvement Program.

#R-21-____

F: Consideration of introducing a resolution approving the FY 2022 Capital Budget and appropriating funds in the total amount of \$20,896,242 for the City Capital Projects Fund, \$0 for the Schools Capital Projects Fund, \$11,750,000 for the Airport Capital Projects Fund, \$11,545,000 for the Water Capital Projects Fund, \$12,318,000 for the Sewer Capital Projects Fund, and \$3,320,000 for the Stormwater Capital Projects Fund.

#R-21-____

G: Consideration of introducing a resolution approving \$50,000 of the FY 2022 Reserve for Contingencies funding for use by the City Manager for the fiscal year beginning July 1, 2021 through June 30, 2022.

#R-21-____

May 25, 2021

H: Consideration of adopting a resolution approving the personal property tax relief rate for the fiscal year beginning July 1, 2021 through June 30, 2022 shall be set at 41.86%.

#R-21-___

- #8. Consideration of introducing a resolution amending the FY 2021 City/Federal/State Aid Fund budget and appropriate \$100,000 to purchase Axon Performance and Respond services for the LPD current Body-Worn Camera System.

#R-21-___

- #9(a). Consideration of adopting a resolution authorizing the City Manager to accept and execute a \$1,261,006 federal Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) on behalf of the City of Lynchburg.

#R-21-___

- #9(b). Consideration of introducing a resolution approving and appropriating CRRSAA grant funds to provide relief to the Lynchburg Regional Airport for increased operating expenses that are due to the COVID-19 Pandemic

#R-21-___

- #10. Consideration of adopting an ordinance amending several sections of the City Code plus the addition of a section to the City Code which involve motor vehicles.

#O-21-___

// A regular meeting of the Council of the City of Lynchburg was held on the 25th day of May, 2021, at 7:30 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy,
Sterling A. Wilder, Chris Faraldi 7

Absent: 0

Councilmember Faraldi gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of City Manager's Office, Agenda Item #1, Council considered adopting Resolution #R-21-039 approving the appointment of Mr. Wynter Benda to the position of City Manager. As Chair of the Executive Search Committee tasked with bringing finalists to the full Council, Vice Mayor Wright made the motion to approve the resolution. Councilmember Chris Faraldi, who served on the Executive Search Committee, seconded the motion.

With no other discussion from Council, the following vote was recorded approving Resolution #R-21-039:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of the School Board, Agenda Item #2, a public hearing was held to receive input regarding appointments or reappointments to vacancies that will exist June 30, 2021, in School Board Districts I, II, III. Section §22.1-29.1 of the Code of Virginia states that no applicant whose name is not considered at a public hearing can be appointed to the school board. Mayor Dolan then read the following names into the record:

- School District 1: Ms. Belle Evans, Ms. Sarah Smith, Mr. Taylor Robertson, Mr. Clifton Reed, Mr. James Hoover, and Ms. Rebecca Nelson.
- School District 2: Ms. Sharon Carter, Mr. Saudi Young, and Mr. Terrence Jarrett.
- School District 3: Dr. Atul Gupta, Mr. Garrett Wedemire, and Mr. Joshua Pratt.

Mayor Dolan then opened the floor for any candidates in attendance to speak.

Dr. Sharon Carter, current School Board member of School District 2, asked Council to consider reappointing her, stating that going into what could be her third term, she has a very clear idea of what makes for a good School Board member. Dr. Atul Gupta, current School Board member of School District 3, asked Council to consider reappointing him, stating that a lot of things have been achieved over the past few years, but more work needs to be done after the pandemic. Ms. Rebecca Nelson asked Council to consider appointing her to School District 1, stating that as a mother to five children, four in the Lynchburg City School system, she is invested in the school system and will be for a long time.

Mayor Dolan then asked to hear from any citizens present who would like to comment upon any name that was submitted or offer additional names for consideration. Mr. Andrew Glover, representative of the group Conservative Parents of Lynchburg, stated that the current design to appoint the school board is intended to work against the community. The community right now has no process other than the public hearing to provide input into the city school board position. He stated that the applications of the candidates are shielded from the public and the public can't weigh in on their qualifications.

Mayor Dolan outlined the options available to Council at this juncture. Council could either continue the public hearing at the June 8, 2021 meeting to allow more time to receive name of applicants, or close the public hearing and begin scheduling interviews. Council achieved a general consensus to continue the public hearing to the June 8, 2021 meeting.

// In the matter of Public Comment, Agenda Item #3, Ms. Martha Brown, representative of The Lighthouse, addressed Council regarding transitional homes and the services for people leaving either incarceration, homelessness, or rehabilitation; the security policing at James Crossing; and the increased mental health services. She commented on substance abuse and criminal background subgroups that need good affordable housing. Mr. Terrick Moyer with The Lighthouse also spoke and commented on Lynchburg's high poverty rate and with that comes a lot of residual effects. He stated that people don't have access to wraparound services and asked the city to address that in a way that is tangible and takes into consideration the needs of these groups.

// In the matter of Public Comment, Agenda Item #4, Dr. John Salmon, representative of MoveUp Lynchburg, addressed Council regarding the need for better public transportation and the proposed evolution of the Greater Lynchburg Transit Company. GLTC has a lack of better tools; MoveUp Lynchburg has implemented a model using cars instead of buses and a flexible system of connectivity instead of fixed routes. He asked the city to help with the effort submit a bid with the Virginia Department of Rail and Public Transportation for digital infrastructure.

// In the matter of Public Comment, Agenda Item #5, Mr. Marty Misjuns was not in attendance to address Council.

// In the matter of Public Comment, Agenda Item #6, Mr. Robert Williams, addressed Council requesting a rate increase for taxi cab fare. There has not been a rate increase since 2005 and surcharges on gas have increased. On behalf of all taxicab companies, he asked the City to consider increasing the starting rate from \$2.80 to \$3.20 and each of the one-half miles from \$0.25 to \$0.45. Mayor Dolan asked the City Manager to bring this item back for discussion.

// In the matter of Budget, Agenda Item #7, Council conducted its first reading on the adoption of the FY 2022 Budget. This will require the adoption of several resolutions.

In the matter of Budget, Agenda Item #7(a), Council considered adopting Resolution #R-21-040 approving the FY 2022 General Fund Operating Budget (excluding External Service Providers) and appropriating \$204,023,769. Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Wilder.

Councilmember Helgeson stated that he will be voting against the motion for several reasons. This budget does not equalize the Real Property Tax rate and the amount of money that is going to the school system continues to increase per pupil because of the decline in enrollment.

Councilmember Nelson stated that the budget does not ease the tax burden on citizens, does not increase the Debt Service Reserves, and he feels it does not adequately support public safety. However, he explained that there are some great features in the budget so he will compromise and will vote in favor of the budget.

Vice Mayor Wright stated that he will be voting in support of this budget because it aligns with Council's previously determined budget priorities and it gets a lot accomplished like; all City staff receiving a 5% raise, funding several public safety positions (3 in the Fire Department, 3 in the Police Department, and offering a shift differential to the Department of Emergency Services), and fully funds a DEI Strategist position.

Councilmember Faraldi stated that Council's top three budget priorities were *Implementation of a Public Safety Staffing Plan, Reinforcing the Innovative, Inclusive, and Competitive Public-School System, and Implementation of City-wide salary study with an emphasis on front-line workers*. He stated that the budget does not support public safety or the compression issues with front-line workers. First, the budget only adds administration positions and no sworn officers to the police department; it adds no dispatcher positions to the Department of Emergency Services; it adds only three positions to fire department when far more are needed to establish a proper relief pattern for staffing. In regards to the salary study, when more revenues became available, City staff proposed a 5% general wage increase instead of using those funds to tackle compressions issues. This budget also raises taxes on the citizens and Council would not even consider a debate about a lower rate. He cannot support the budget in its current form because there is still time to revisit these issues.

Councilmember Tweedy said that she will be supporting this budget stating that although she doesn't feel this budget is perfect, it supports public safety, City staff, and education. She asked Finance Committee to work on compression during this coming year.

Councilmember Wilder stated that he is in support of the staff recommendations of the budget because they are the subject-matter experts.

Mayor Dolan stated that she is in support of the budget because she feels it is the best thing to do for the City and for staff.

Vice Mayor Wright called the question and the following vote was recorded approving #R-21-040:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Noes: Helgeson, Faraldi 2

In the matter of Budget, Agenda Item #7(b), Council considered adopting Resolution #R-21-041 approving the FY 2022 Mandated and Contractual External Service Providers Budget of \$8,289,338. Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Wilder.

With no other discussion from Council, the following vote was recorded approving #R-21-041:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder 6

Noes: Faraldi 1

In the matter of Budget, Agenda Item #7(c), Council considered approving the FY 2022 Discretionary External Service Providers Budget of \$30,484. Councilmember Nelson made the motion to approve the resolution, seconded by Vice Mayor Wright.

Councilmember Helgeson asked for a friendly amendment to the motion to separate the vote for Legal Aid funds. With no objections, the following vote was recorded adopting Resolution #R-21-042(a) approving the FY 2022 Discretionary External Service Providers Budget less the Legal Aid funding:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder 6

Noes: Faraldi 1

Vice Mayor Wright made the motion to adopt Resolution #R-21-042(b) approving the FY 2022 Discretionary External Service Providers Budget for Legal Aid, seconded by Councilmember Nelson. Councilmember Helgeson thanked his colleagues for the division of the motion and commented that he could not in good faith support the funding for the Virginia Legal Aid Society. With no other discussion, the following vote was recorded:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Noes: Helgeson, Faraldi 2

In the matter of Budget, Agenda Item #7(d), Council considered adopting Resolution #R-21-043 approving FY 2022 Operating Fund Budgets for other funds and appropriating the sums of each fund. Councilmember Nelson made the motion, seconded by Councilmember Wilder.

Councilmember Helgeson stated that he will be voting in favor of this motion because there was not any increase on fees this year.

With no other discussion from Council, the following vote was recorded approving Resolution #R-21-043:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder 6

Noes: Faraldi 1

In the matter of Budget, Agenda Item #7(e), Council considered adopting Resolution #R-21-044 approving the FY 2022 – 2026 Capital Improvement Program. Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Nelson.

Councilmember Helgeson stated that he will be supporting this motion. He is glad to see some of the items that weren't critical this year were moved into the next year. He is glad to see that the schools funding is \$0 and that no school buildings are being built since there is a decline in enrollment.

With no other discussion from Council, the following vote was recorded approving Resolution #R-21-044:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder 6

Noes: Faraldi 1

In the matter of Budget, Agenda Item #7(f), Council considered adopting Resolution #R-21-045 approving the FY 2022 Capital Budget and appropriating funds in the total amount of \$20,896,242 for the City Capital Projects Fund, \$0 for the Schools Capital Projects Fund, \$11,750,000 for the Airport Capital Projects Fund, \$11,545,000 for the Water Capital Projects Fund, \$12,318,000 for the Sewer Capital Projects Fund, and \$3,320,000 for the Stormwater Capital Projects Fund. Councilmember Nelson made the motion to approve the resolution, seconded by Councilmember Tweedy.

With no other discussion from Council, the following vote was recorded approving Resolution #R-21-045:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder 6

Noes: Faraldi 1

In the matter of Budget, Agenda Item #7(g), Council considered adopting Resolution #R-21-046 approving \$50,000 of the FY 2022 Reserve for Contingencies funding for use by the City Manager for the fiscal year beginning July 1, 2021 through June 30, 2022. Councilmember Nelson made the motion to approve the resolution, seconded by Vice Mayor Wright.

Councilmember Helgeson stated that he normally votes in favor of this appropriation but he will be voting against it this time. Rather than giving this money for the discretion of the City Manager, he would like to see it be used by the Finance Committee to address the compression issues.

With no other discussion from Council, the following vote was recorded approving Resolution #R-21-046:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Noes: Helgeson, Faraldi 2

In the matter of Budget, Agenda Item #7(h), Council considered adopting Resolution #R-21-047 approving the personal property tax relief rate for the fiscal year beginning July 1, 2021 through June 30, 2022 shall be set at 41.86%. Councilmember Nelson made the motion to approve the resolution, seconded by Vice Mayor Wright.

Councilmember Helgeson asked staff to explain what this is; Ms. Donna Witt, Chief Financial Officer, explained that the Commissioner of the Revenue calculates this figure based on a state formula. She further explained that this is based on the number of vehicles and the set number of Personal Property Tax Relief Act (PPTRA) funds that come from the state.

With no other discussion from Council, the following vote was recorded approving the Resolution #R-21-047:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes:

0

// In the matter of Police, Agenda Item #8, Council considered adopting Resolution #R-21-048 amending the FY 2021 City/Federal/State Aid Fund budget and appropriating \$100,000 to purchase Axon Performance and Respond services for the LPD current Body-Worn Camera System. Police Chief Ryan Zuidema was in attendance and provided Council with a summary of the request. The LPD was awarded a grant through a competitive process with DCJS to purchase Axon Performance and Respond services. The LPD will use these two services as additional tools to enhance officer and community safety. Axon Respond integrates location data and video feeds to provide situational awareness for officers and supervisors. This service also notifies supervisors of weapon and light bar activation so they can view live-streamed video of critical incidents efficiently. It also has real-time GPS location capability allowing members of the department to immediately determine an officer's location. Axon Performance streamlines the supervisor BWC review process and reduces the time it takes to confirm officers are operating within agency policies. These services are imperative and provide critical information so supervisors can determine necessary actions to protect officers and the public. The total cost of the BWC add-on services is \$129,536. The grant award allows for a total project cost of \$100,000 with the grant covering \$50,000 and a 50% match of \$50,000 required from the locality. The locality match of \$50,000 will come from the LPD's FY 2021 General Fund Budget. The remaining cost of the two add-on services that exceeds the grant funding is \$29,536. These funds will also come from the LPD's FY 2021 General Fund Budget and will be tracked separately from the grant so that all grant guidelines are followed.

At its May 25, 2021 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the Resolution #R-21-048:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi

7

Noes:

0

// In the matter of the Airport, Agenda Item #9(a), Council considered adopting Resolution #R-21-049 authorizing the City Manager to accept and execute a \$1,261,006 Federal Coronavirus Response and

Relief supplemental Appropriations Act (CRRSAA) on behalf of the City of Lynchburg. Mr. Andrew LaGala was in attendance and provided Council with a summary of the request. This U.S. Department of Transportation/Federal Aviation Administration (FAA) grant was provided in accordance with the CRRSAA grant to assist eligible airports/Sponsors with funding to prevent, prepare for, and offset any operating expenses that arise due to the COVID-19 pandemic. CRRSAA Grant amounts to individual airports were derived by a federal legislative formula. The Airport may use these funds for any purpose for which Airport revenues may be lawfully used, provided the items that have not been reimbursed under another program.

At its May 25, 2021 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved Resolution #R-21-049 authorizing the City Manager to accept and execute the funds:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder 6

Noes: Faraldi 1

In the matter of the Airport, Agenda Item #9(b), Council considered adopting Resolution #R-21-050 approving and appropriating CRRSAA grant funds to provide relief to the Lynchburg Regional Airport for increased operating expenses that are due to the COVID-19 pandemic. At its May 25, 2021 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson brought the committee's recommendation for approval forward as a motion. No second was required, and Council by the following recorded vote approved Resolution #R-21-050 approving and appropriating the funds:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder 6

Noes: Faraldi 1

// In the matter of City Code, Agenda Item #10, Council considered adopting Ordinance #O-21-051 amending Sections § 25-16, 25-41, 25-147, 25-317, 25-320, 25-327, 25-328, 25-337, 25-344, 25-286, and 25-388 of Chapter 25 of the City Code plus the addition of a Section § 25-82.1 to the code which

involves motor vehicles. Local governments are permitted to adopt ordinances that parallel certain provisions of the Virginia Code. Local governments frequently adopt such ordinances because localities get to keep the fines imposed for violations of the same. Such ordinances must be kept up to date and amended as necessary to continue to parallel the Virginia Code. This ordinance 1) amends, adds, and reenacts certain sections of the City Code to be in line with state law and 2) makes minor wording and technical changes.

Councilmember Nelson made the motion to approve the ordinance, stating that these changes reflect the change to state code and enhances civil liberties in regards to these types of offenses. Vice Mayor Wright seconded the motion.

Councilmember Faraldi asked why it would make legal sense to state, "No law-enforcement officer shall..." instead of saying something to the effect of enforcement of this code is dictated by the state and shall reflect states penalties. He explained that he feels this would guard the City against having to change city code if the General Assembly later decides to change state code again. Deputy City Attorney Mr. Matthew Freedman explained that the proposed language would cover the scenario of having to change city code again, however, how the proposed ordinance is currently written is for the ease of enforcement. He further explained that if there is a city ordinance that cites a state code section, not only will law-enforcement have to look at the city ordinance, but they will also have to look to state code for the appropriate citation.

With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder	6
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Noes: Faraldi	1
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// The meeting adjourned at 9:12 p.m.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 25, 2021**

AGENDA ITEM #: **1**

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

ACTION: **X**

INFORMATION:

(Confidential)

ITEM TITLE: City Manager Appointment

KEY ELEMENTS:

___ Economic Development X Excellent Government ___ Natural and Built Environment ___ Safe Community ___ Vibrant Community

RECOMMENDATION: Adopt a resolution approving the appointment of the new City Manager and employment agreement

SUMMARY: Following a nationwide search, City Council has chosen a new City Manager. It is necessary for City Council to adopt the attached Resolution formally appointing the preferred candidate to the position of City Manager effective August 4, 2021, as well as approve their employment agreement.

PRIOR ACTION(S): n/a

FISCAL IMPACT: As noted in the employment agreement

CONTACT(S): Mayor MaryJane Dolan, 455-3990

ATTACHMENT(S): Resolution

REVIEWED BY: raw

RESOLUTION:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That _____, effective August 4, 2021 is hereby appointed as the City Manager of the City of Lynchburg, Virginia.
2. That the contract dated the same date as the adoption date of this Resolution, being specific to the appointment and/or employment of _____ as the City Manager of the City of Lynchburg, Virginia, is hereby accepted and explicitly incorporated herein by reference.
3. That the Mayor of the City of Lynchburg, Virginia is hereby authorized to execute the said contract on behalf of the said city and/or this council as applicable, and is further authorized to execute any and all other documents necessary to finalize such appointment and/or employment with the said city.
4. That this resolution shall become effective upon its adoption.

Adopted:

Certified:

Clerk of Council

RESOLUTION:

#R-21-039

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That Mr. Wynter Benda, effective August 4, 2021 is hereby appointed as the City Manager of the City of Lynchburg, Virginia.
2. That the contract dated the same date as the adoption date of this Resolution, being specific to the appointment and/or employment of Mr. Wynter Benda as the City Manager of the City of Lynchburg, Virginia, is hereby accepted and explicitly incorporated herein by reference.
3. That the Mayor of the City of Lynchburg, Virginia is hereby authorized to execute the said contract on behalf of the said city and/or this council as applicable, and is further authorized to execute any and all other documents necessary to finalize such appointment and/or employment with the said city.
4. That this resolution shall become effective upon its adoption.

Adopted: May 25, 2021

Certified: 
Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 25, 2021**

AGENDA ITEM #: **2**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: **Public Hearing – School Board Appointments**

KEY ELEMENTS:

☐ Economic Development ☒ Excellent Government ☐ Natural and Built Environment ☐ Safe Community ☐ Vibrant Community

RECOMMENDATION: Conduct a public hearing to receive citizen input regarding appointments, or reappointments, to vacancies that will exist June 30, 2021, in School Board Districts I, II, III.

SUMMARY: Section §22.1-50 of the Code of Virginia and Section §32-16 of the City Code provide that within thirty days preceding July 1st of each year, City Council shall appoint a successor for each school board member whose term expires on June 30th of that year. Section §22.1-29.1 of the Code of Virginia requires City Council to hold a public hearing on school board appointments at least seven days prior to making the appointments. It also provides that no nominee or applicant whose name has not been considered at a public hearing can be appointed to the school board.

City Council can choose to either continue the public hearing by laying the item over to the first meeting in June, or close the public hearing at the May 25th meeting. After the public hearing(s), Council will conduct a closed meeting(s) to consider all candidates and review the applications filed with the Clerk of Council to determine those individuals to interview. City Council shall also select a date/time to conduct interviews with the selected candidates in the closed meeting(s).

PRIOR ACTION(S): According to Section §22.1-29.1 of the Code of Virginia, notice of the public hearing must be given at least ten days prior to holding the public hearing. Notice of the public hearing was duly advertised in *The News and Advance* on May 11, 2021.

FISCAL IMPACT: N/A

CONTACT(S): Alicia L. Finney, Clerk of Council, (434) 455-3990

ATTACHMENT(S): School Board Appointment List

REVIEWED BY: raw

072A

LYNCHBURG CITY SCHOOL BOARD

APPOINTMENT LIST | May 25, 2021

Updated: 05/24/2021

School District 1

Ms. Belle Evans, current School Board Member – willing to serve again
Ms. Sarah Smith
Mr. Taylor Robertson
Mr. Clifton Reed
Mr. James Hoover
Ms. Rebecca Nelson

School District 2

Ms. Sharon Carter, current School Board Member – willing to serve again
Mr. Saudi Young
Mr. Terrence Jarrett

School District 3

Dr. Atul Gupta, current School Board Member – willing to serve again
Mr. Garrett Wedemire
Mr. Joshua Pratt

Finney, Alicia

From: Martha Brown <martham911@gmail.com>
Sent: Wednesday, May 5, 2021 3:35 PM
To: Finney, Alicia
Cc: Finny Mathew Gmail; oneaccordnetwork
Subject: May 11 agenda request

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: External Sender

Dear Alicia,

On behalf of The Lighthouse Community we respectfully request to be added to the agenda for the following topics:

1. Transitional Homes / Services for people leaving incarceration, homelessness, rehab 2. Security Policing at James Crossing 3. Gang hotline/cameras/artificial intelligence in order to bring a sense of safety 4. Possible solutions for drugs/prostitution/rehab/jobs 5. Increased mental health services

Best Regards,

Martha Brown

Co-founder and Executive Director

The Lighthouse Community

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.thelhcc.org%2F&data=04%7C01%7Clicia.finney%40lynchburgva.gov%7Cb9a07a12bd9645f8621308d90ffcd1a6%7C831981f934c74226b067bc3a3a7006fc%7C0%7C0%7C637558400794963507%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikh1hWwiLCJXVCi6Mn0%3D%7C1000&sdata=jBg5QzaMdBQ%2FBU0V0L0PM9TEae%2B54YfBcSoAKHYsZIA%3D&reserved=0>

Copy to:

Finny Mathew, President and Co-founder

Terrick Moyer, Director of Operations and Board Member

076A

Finney, Alicia

From: Meador, Alisha
Sent: Wednesday, May 5, 2021 3:44 PM
To: John
Cc: Finney, Alicia
Subject: Re: Addressing City Council

Follow Up Flag: Follow up
Flag Status: Flagged

Hi John,

I think this was meant for Alicia Finney, Clerk of Council. Believe me, it happens often! :) I've cc'd her on this email.

Best,
Alisha

Sent from my iPhone

On May 5, 2021, at 3:19 PM, John <john@unifiedpotential.org> wrote:

CAUTION: External Sender

Alisha,
I would like to address city council at the May 25th meeting as a spokesperson for MoveUP Lynchburg, a local 501c3 transportation solution. I would like to speak in regards to the need for better public transportation and the proposed evolution of the GLTC.
Please advise if this is possible. Also, please let me know of visitation restrictions for other members or interested parties.
Sincerely,
John M. Salmon IV, MD

Sent from [Mail](#) for Windows 10

075A

Finney, Alicia

From: Lynchburg FIREPAC <director@lynchburgfirst.org>
Sent: Tuesday, May 11, 2021 4:11 PM
To: Finney, Alicia
Subject: Re: 5/11/2021 City Council Meeting

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: External Sender

Good afternoon Alicia,

Please delay my address to city council for this evening and move it to the next meeting. I have a schedule conflict that has occurred and I will be unavailable to attend this evening.

Thank you!

-Marty Misjuns

On Fri, May 7, 2021 at 1:50 PM Finney, Alicia <Alicia.Finney@lynchburgva.gov> wrote:

Good Afternoon,

This email is to confirm that you are on the agenda to speak under Public Comment at the May 11, 2021 City Council meeting beginning at 7:30 p.m. Council Chamber is set up to allow for social distancing and we ask that participants wear masks but may remove them once speaking at the podium.

The agenda can be found here:
https://lynchburg.granicus.com/GeneratedAgendaViewer.php?view_id=4&event_id=517.

If you have any questions, please let me know.

Thank you!

ALICIA L. FINNEY – Clerk of Council

[City of Lynchburg](#)

[900 Church Street](#)

[Lynchburg, VA 24504](#)

P: (434) 455-3990 F: (434) 847-1536

*Formerly alicia.campbell@lynchburgva.gov

From: Lynchburg FIREPAC <director@lynchburgfirst.org>

Sent: Wednesday, May 5, 2021 10:16 AM

To: Finney, Alicia <Alicia.Finney@lynchburgva.gov>

Subject: 5/11/2021 City Council Meeting

CAUTION: External Sender

Good morning Alicia,

Please place me on the agenda for the 5/11/21 Council Meeting during public comment. I will be addressing City Council on behalf of the Lynchburg Firefighters Political Action Committee to thank Mayor Dolan for her efforts to cross the aisle last week.

Please let me know the details when I've been placed on the agenda. Thank you.

Marty Misjuns

Director

Lynchburg FIREPAC

077A

Finney, Alicia

From: Nanette W White <nanwwhite@hotmail.com>
Sent: Wednesday, May 19, 2021 12:00 PM
To: Finney, Alicia
Cc: Laura Williams
Subject: City Council Meeting May 25, 2021

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: External Sender

Ms. Finney. My name is Robert Williams and I am requesting the opportunity to speak before City Council on Tuesday, May 25, 2021 regarding increasing the taxi cab fares in the city of Lynchburg. I can be reached at 434.942.4731 or respond to this email. Thank you for your assistance with this request. Robert Williams

074A

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 25, 2021**

AGENDA ITEM #: **7**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: 1) Adopt and Appropriate the FY 2022 Operating Budget; 2) Adopt the FY 2022-2026 Capital Improvement Program; 3) Adopt and Appropriate the FY 2022 Capital Budget; 4) Adopt and Appropriate \$50,000 of the FY 2022 Reserve for Contingencies for use by the City Manager; and 5) Adopt a Resolution to set the Personal Property Tax Relief Rate.

KEY ELEMENTS:

☒ Economic Development ☒ Excellent Government ☒ Natural and Built Environment ☒ Safe Community ☒ Vibrant Community

RECOMMENDATION: Adopt and appropriate the FY 2022 Operating Budget; adopt the FY 2022-2026 Capital Improvement Program; adopt and appropriate the FY 2022 Capital Budget; adopt and appropriate \$50,000 of the FY 2022 Reserve for Contingencies for use by the City Manager; and adopt a resolution to set the Personal Property Tax Relief Rate.

SUMMARY: Following the March 30, 2021 Public Hearing and further discussion and deliberation on the FY 2022 Budget, Council balanced the Proposed FY 2022 General Fund Budget as follows:

General Fund

	FY 2022 Proposed Budget	Adjustments	FY 2022 Adopted Budget
Revenues and Use of Fund Balance			
Revenues	\$192,031,192	\$3,473,082	\$195,504,274
Use of (Additions to) Committed/Assigned Fund Balance Reserves	1,444,799		1,444,799
Use of Fund Balance	6,634,108	440,588	7,074,696
Total Revenues and Use of Fund Balance	\$200,110,099	\$3,913,670	\$204,023,769
Expenditures, Reserves, and Transfers			
Operations	\$131,076,494	\$3,483,670	\$134,560,164
Debt Service	17,630,597		17,630,597
Schools Operations	39,828,498		39,828,498
Greater Lynchburg Transit Company (GLTC) - City Operating	1,266,454		1,266,454
Greater Lynchburg Transit Company (GLTC) - Return of Fund Balance	375,892		375,892
Transfers to Other Funds	1,154,439	30,000	1,184,439
Addition to Reserve: General Fund Reserve for Contingencies	1,200,000		1,200,000
Addition to Reserve: Law Library	5,000		5,000
Addition to Reserve: Public Safety Building Reserve	73,818		73,818
Addition to Reserve: Concord Turnpike Maintenance Reserve	240,000		240,000
Addition to Reserve: Debt Service Reserve	200,000	200,000	400,000
Addition to Reserve: Community Corrections and Pretrial Services Reserve	13,789		13,789
Addition to Reserve: Fuel Reserve	0	200,000	200,000
Capital Improvements	7,045,118		7,045,118
Total Expenditures, Reserves, and Transfers	\$200,110,099	\$3,913,670	\$204,023,769

Based on City Council's Work Session decisions regarding the FY 2022 budget, as well as staff adjustments, the following changes have been made to the Proposed FY 2022 Budget:

BALANCING THE FY 2022 GENERAL FUND BUDGET

Revenues and Use of Fund Balance

\$192,031,192 *Proposed Revenues (from the FY 2022 Proposed Operating Budget)*
8,078,907 *Use of Fund Balance, Committed/Assigned Fund Balance, and Other*
\$200,110,099 *Total Proposed Revenues and Use of Fund Balance*

Increase/(Decrease) *Adjustments: Revenue Summary*

Non-dedicated Revenue Adjustments

\$43,880	Increase Dedicated State Revenue for 5% for Circuit Court Clerk's Office
10,200	Increase Dedicated State Revenue for 5% for Commissioner of the Revenue
55,955	Increase Dedicated State Revenue for 5% for Commonwealth's Attorney Office
33,211	Increase Dedicated State Revenue for 5% for Sheriff
1,986	Increase Dedicated State Revenue for 5% for Treasurer
43,748	Increase Dedicated State Revenue for Registrar changing salary structure similar to Treasurer based on population
277,160	Increase Dedicated State (\$80,360) and Federal (\$196,800) Revenue for 5% for Human Services
182,243	Increase Dedicated State (\$72,897) and Federal (\$109,346) Revenue for Human Services - for Families First Initiative to fund three (3) new full-time positions (first year funded at 100%, but a local match of 15.5% required thereafter)
723,338	Increase Real Property revised as of 04/06/2021
(67,879)	Reduce Real Property - Rehab Program revised as of 04/06/2021
(18,083)	Reduce Real Property - Allowance for Uncollectible 2.5% revised as of 04/06/2021
500,000	Increase Sales Tax revised as of 04/06/2021
253,645	Increase Lodging Tax revised as of 04/06/2021
900,000	Increase Meals Tax revised as of 04/06/2021
214,799	Increase Amusement Tax revised as of 04/06/2021
318,879	Increase Business License Tax revised as of 04/06/2021
\$3,473,082	Total Adjustments: Non-dedicated and Dedicated Revenues

Use of Fund Balance, Committed/Assigned Fund Balance, and Other

\$440,588 *Use of Fund Balance to balance revenues with expenditures and maintain a fund balance of 11.8%*
\$440,588 *Total Adjustments: Reserves*

3,913,670 *Total Adjustments: Revenue Summary*

\$204,023,769 **Revenues and Use of Fund Balance**

Expenditures, Reserves, and Transfers

\$200,110,099 *Proposed Expenditures, Reserves, and Transfers (from the FY 2022 Proposed Operating Budget)*

Increase/(Decrease) *Adjustments: Expenditures, Reserves, and Transfers (primarily related to COVID-19)*

56,024	Increase Non-Departmental Expenditures for State 5% for Circuit Court Clerk's Office
7,532	Increase Non-Departmental Expenditures for State 5% for Commissioner of the Revenue
64,739	Increase Non-Departmental Expenditures for State 5% for Commonwealth's Attorney Office
88,721	Increase Non-Departmental Expenditures for State 5% for Sheriff
5,196	Increase Non-Departmental Expenditures for State 5% for Treasurer
56,513	Increase Non-Departmental Expenditures for State changing Registrar salary structure similar to Treasurer based on population
328,000	Increase Non-Departmental Expenditures for State 5% for Human Services
182,243	Increase Expenditures for Human Services for Families First Initiative to fund three (3) new full-time positions (first year funded at 100% and second and subsequent years require a 15.5% local match)
200,000	Addition to Fuel Reserve for anticipated increase in fuel costs
200,000	Addition to Debt Service Reserve
3,013,605	Increase Non-Departmental Expenditures for 5% general wage increase
(288,903)	Eliminate Strategic Initiative 3 – Continued Implementation of the City-Wide Salary Study, Particularly for the lowest paid employees in the organization
(30,000)	Reduce Other Charges for Special Events Sponsorship in Economic Development
30,000	Increase transfer to City/Federal/State Aid Fund for Special Events Sponsorship for new process of tracking related expenses

3,913,670 *Total Adjustments: Expenditures, Reserves, and Transfers (primarily related to COVID-19)*

\$204,023,769 **Expenditures**

\$0 **Balance of Revised Revenues, Use of Fund Balance, and Expenditures**

Water Fund

The Water Fund has been amended by \$161,122 to reflect changes necessary to fund the 5% general wage increase.

Sewer Fund

The Sewer Fund has been amended by \$53,312 to reflect no increase in the sewer surcharge rate and changes necessary to fund the 5% general wage increase.

Stormwater Fund

The Stormwater Fund has been amended by \$270 to reflect changes necessary to fund the 5% general wage increase.

Children's Services Act (CSA) Fund

The Children's Services Act (CSA) Fund has been amended by \$200,000 to decrease expenditures.

City/Federal/State Aid (CFSA) Fund

The City/Federal/State Aid (CFSA) Fund has been amended by \$364,884 to reflect an increase to include two additional Temporary Assistance for Needy Families (TANF) grants and an increase for moving Special Event Sponsorships due to the new process of tracking related expenses.

Also, State code requires the Personal Property Tax Relief Rate be set at the time the budget is adopted.

Adopting all Resolutions except Resolution C, Discretionary External Service Providers, require a majority vote of all of the members of City Council in attendance, said vote to be taken by ayes and noes.

Adopting Resolution C requires a two – thirds majority vote (i.e. five of seven) among the members elected to City Council, said vote to be taken by ayes and noes.

Fund Balance

With the adjustments noted above, the General Fund undesignated fund balance as of June 30, 2022 is projected to be \$23,122,740 or 11.8% of revenues. Council's target for undesignated fund balance is a minimum of 10% of General Fund revenues with a goal of 15% as the City strives to grow incrementally each year subject to revenues available.

PRIOR ACTION(S): March 9, 23, 30; April 6, 13, 20, 27; and May 11, 2021 – City Council Work Sessions
March 30, 2021 – Public Hearing on the Proposed FY 2022 Budgets for General, Schools, Water, Sewer, Stormwater, Airport, Fleet, and Other Funds, and the FY 2022 - 2026 Capital Improvement Program

FISCAL IMPACT: See attached budget resolutions

CONTACT(S): Donna Witt, Chief Financial Officer, 455-3968
Reid A. Wodicka, PhD, Interim City Manager, 455-3990

ATTACHMENT(S): Resolutions to:
Adopt and Appropriation the FY 2022 Operating Budget (A-D)
Adopt the FY 2022-2026 Capital Improvement Program (E)
Adopt and Appropriation the FY 2022 Capital Budget (F)
Adopt and Appropriation \$50,000 of the FY 2022 Reserve for Contingencies for use by the City Manager (G)
Adopt a Resolution to set the Personal Property Tax Relief Rate (H)

RESOLUTION:

#R-21-__

- A. BE IT RESOLVED that by majority vote the FY 2022 General Fund Operating Budget (excluding External Service Providers) including the revenues and expenditures proposed by the City Manager and revised by City Council be adopted as the annual operating budget of the City of Lynchburg for the fiscal year beginning July 1, 2021 and ending June 30, 2022 and said funds be appropriated:

GENERAL FUND INCOME		GENERAL FUND EXPENDITURES	
<u>Non-Dedicated Revenues</u>			
General Property Taxes	\$88,621,833	General Government	\$13,641,261
Other Local Taxes	53,969,807	Judicial Administration	5,325,030
Permits, Fees, and Regulatory Licenses	807,500	Public Safety	40,006,183
Fines and Forfeitures	190,000	Public Works	20,902,340
Use of Money and Property	292,191	Health and Welfare	22,851,025
Charges for Services	3,375,800	Parks, Recreation and Cultural	5,649,451
Miscellaneous	239,100	Community Development	5,718,870
Revenue from the Commonwealth	6,270,984	Non-Departmental	12,146,182
<u>Dedicated Revenues</u>		Transfer to Other Funds	1,184,439
Revenue from Use of Money & Property		General Fund - Debt Service	8,637,035
Charges for Services	5,165,520	Schools - Debt Service	8,993,562
Recreation Revenue	404,000	Reserves	2,132,607
Parking	534,811	Transfer to Capital - City	7,045,118
Miscellaneous	2,878,161	Transfer to Capital - Schools	0
Revenue from the Commonwealth		Subtotal	\$154,233,103
Categorical Aid - State Shared Expenditures	3,300,895	Component Units	
Categorical Aid	19,642,840	Lynchburg City Schools - Local Operating	39,828,498
Revenue from the Federal Government	9,810,832	Greater Lynchburg Transit Company - Local Operating	1,642,346
Use of Committed/Assigned Fund Balance and Other	1,444,799		
Use of (Additions to) Unassigned Fund Balance	7,074,696	External Service Providers ¹	8,319,822
Total	<u>\$204,023,769</u>	Total	<u>\$204,023,769</u>

¹To be considered separately

Introduced:

Adopted:

Certified:

Clerk of Council**RESOLUTION:**

#R-21-__

- B. BE IT RESOLVED that by majority vote the FY 2022 Mandated and Contractual External Service Providers Budget of \$8,289,338 proposed by the City Manager be adopted as part of the operating budget of the City of Lynchburg for the fiscal year beginning July 1, 2021 and ending June 30, 2022 and said funds be appropriated:

MANDATED

Blue Ridge Regional Jail Authority	\$5,543,931
Central Virginia Planning District Commission (CVPDC)	47,258
Horizon Behavioral Health	574,512
Lynchburg Health Department	785,000
TOTAL MANDATED	<u>\$6,950,701</u>

CONTRACTUAL

Central Virginia Regional Radio Board (CVRRB)	\$704,670
Elizabeth's Early Learning Center	17,594
Lynchburg Humane Society	405,440
Southern Memorial Association (Old City Cemetery)	166,858
Virginia Cooperative Extension Service	44,075
TOTAL CONTRACTUAL	<u>\$1,338,637</u>

Introduced:

Adopted:

Certified:

Clerk of Council

RESOLUTION:

#R-21-____

- C. BE IT RESOLVED that by two – thirds majority vote (five of seven) the FY 2022 Discretionary External Service Providers Budget of \$30,484 proposed by the City Manager be adopted as part of the operating budget of the City of Lynchburg for the fiscal year beginning July 1, 2021 and ending June 30, 2022 and said funds be appropriated:

DISCRETIONARY

Amazement Square - Signal and Rail Car	\$369
Central Virginia Alliance for Community Living	15,000
Central Virginia Community College Board (CVCC)	1,955
Virginia Legal Aid Society	13,160
TOTAL DISCRETIONARY	<u>\$30,484</u>

Introduced:

Adopted:

Certified:

Clerk of Council**RESOLUTION:**

#R-21-____

- D. BE IT RESOLVED that by majority vote the FY 2022 budgets of the funds mentioned herein be adopted for the purposes herein mentioned and said funds be appropriated from the funds and resources of the City of Lynchburg for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

FLEET SERVICES FUND INCOME

Revenues	\$8,798,792
Use of (Additions to) Unassigned Fund Balance	0
Total	<u>\$8,798,792</u>

AIRPORT FUND INCOME

Revenue from Cost Centers	\$4,329,083
Interest and Other	55,000
Use of (Additions to) Unassigned Fund Balance	(162,806)
Total	<u>\$4,221,277</u>

WATER FUND INCOME

Charges for Service	\$13,104,086
Water Contracts (Amherst/Bedford/Campbell/Industrial)	2,108,956
Interest and Other	43,500
Use of (Additions to) Unassigned Fund Balance	1,280,746
Total	<u>\$16,537,288</u>

SEWER FUND INCOME

Charges for Services	\$19,454,274
Sewer Contracts (Amherst/Bedford/Campbell/Industrial)	3,996,640
Interest and Other	58,926
Use of (Additions to) Unassigned Fund Balance	1,088,148
Total	<u>\$24,597,988</u>

STORMWATER FUND INCOME

Charges for Services	\$3,366,400
State Categorical Aid	275,000
Interest and Other	6,000
Use of (Additions to) Unassigned Fund Balance	390,687
Total	<u>\$4,038,087</u>

CITY/FEDERAL/STATE AID FUND INCOME

Revenue from the Federal Government	\$2,397,906
Revenue from the Commonwealth	1,029,811
Other	678,520
In-Kind	71,690
Transfer from General Fund	177,978
Total	<u>\$4,355,905</u>

FLEET SERVICES FUND EXPENDITURES

Operations	\$8,306,699
Debt Service	492,093
Total	<u>\$8,798,792</u>

AIRPORT FUND EXPENDITURES

Operations	\$4,117,965
Debt Service	103,312
Total	<u>\$4,221,277</u>

WATER FUND EXPENDITURES

Operations	\$11,230,351
Debt Service	3,506,937
Transfer to Water Capital Fund	1,800,000
Total	<u>\$16,537,288</u>

SEWER FUND EXPENDITURES

Operations	\$13,692,431
Debt Service	8,905,557
Transfer to Sewer Capital Fund	2,000,000
Total	<u>\$24,597,988</u>

STORMWATER FUND EXPENDITURES

Operations	\$3,402,432
Debt Service	185,655
Transfer to Stormwater Capital Fund	450,000
Total	<u>\$4,038,087</u>

CITY/FEDERAL/STATE AID FUND EXPENDITURES

Operations	\$4,355,905
Total	<u>\$4,355,905</u>

COMMUNITY DEVELOPMENT BLOCK GRANT INCOME

Federal Entitlement	\$718,593
Total	<u>\$718,593</u>

CHILDREN'S SERVICES ACT FUND INCOME

Miscellaneous	\$48,700
Transfer from General Fund	2,037,713
Lynchburg City School Transfer	196,541
Revenue from the Commonwealth	4,638,176
Total	<u>\$6,921,130</u>

HOME INVESTMENT TRUST FUND INCOME

Federal Entitlement	\$413,856
Recaptured Funds	\$46,083
Total	<u>\$459,939</u>

LYNCHBURG EXPRESSWAY APPEARANCE FUND (LEAF) INCOME

Pledges/Donations	\$0
Use of (Additions to) Unassigned Fund Balance	75,000
Total	<u>\$75,000</u>

REGIONAL JUVENILE DETENTION CENTER FUND INCOME

Charges for Services	\$1,150,420
Intergovernmental	1,957,686
Total	<u>\$3,108,106</u>

RISK MANAGEMENT FUND INCOME

Charges for Services	\$1,164,838
Use of (Additions to) Unassigned Fund Balance	(471)
Total	<u>\$1,164,367</u>

SPECIAL WELFARE FUND INCOME

Donations and Restitutions	\$128,300
Interest	1,200
Use of (Additions to) Unassigned Fund Balance	0
Total	<u>\$129,500</u>

TECHNOLOGY FUND INCOME

Use of Money and Property	\$5,000
Transfer from General Fund	503,523
Use of (Additions to) Unassigned Fund Balance	356,723
Total	<u>\$865,246</u>

COMMUNITY DEVELOPMENT BLOCK GRANT EXPENDITURES

Operations	\$718,593
Total	<u>\$718,593</u>

CHILDREN'S SERVICES ACT FUND EXPENDITURES

Operations	\$6,921,130
Total	<u>\$6,921,130</u>

HOME INVESTMENT TRUST FUND EXPENDITURES

Operations	\$459,939
Total	<u>\$459,939</u>

LYNCHBURG EXPRESSWAY APPEARANCE FUND (LEAF) EXPENDITURES

Operations	\$75,000
Total	<u>\$75,000</u>

REGIONAL JUVENILE DETENTION CENTER FUND EXPENDITURES

Operations	\$3,097,991
Debt Service	10,115
Total	<u>\$3,108,106</u>

RISK MANAGEMENT FUND EXPENDITURES

Operations	\$311,885
Insurance and Claims	852,482
Total	<u>\$1,164,367</u>

SPECIAL WELFARE FUND EXPENDITURES

Operations	\$129,500
Total	<u>\$129,500</u>

TECHNOLOGY FUND EXPENDITURES

Operations	\$637,246
Capital Outlay	228,000
Total	<u>\$865,246</u>

Introduced:

Adopted:

Certified:

Clerk of Council

RESOLUTION:

#R-21-____

E. BE IT RESOLVED that by majority vote the FY 2022 - 2026 Capital Improvement Program is hereby adopted.

Adopted:

Certified:

Clerk of Council

RESOLUTION:

#R-21-____

F. BE IT RESOLVED that by majority vote the FY 2022 Capital Budget proposed by the City Manager is hereby adopted and said funds be appropriated from the funds and resources of the City of Lynchburg for the fiscal year beginning July 1, 2021 and ending June 30, 2022 in the total amount of \$20,896,242 for the City Capital Projects Fund, \$0 for the Schools Capital Projects Fund, \$11,750,000 for the Airport Capital Projects Fund, \$11,545,000 for the Water Capital Projects Fund, \$12,318,000 for the Sewer Capital Projects Fund, and \$3,320,000 for the Stormwater Capital Projects Fund.

Introduced:

Adopted:

Certified:

Clerk of Council**RESOLUTION:**

#R-21-____

G. BE IT RESOLVED that by majority vote \$50,000 of the FY 2022 Reserve for Contingencies funding is appropriated for use by the City Manager for the fiscal year beginning July 1, 2021 through June 30, 2022.

Introduced:

Adopted:

Certified:

Clerk of Council**RESOLUTION:**

#R-21-____

H. BE IT RESOLVED that by majority vote in accordance with Section 58.1-3524 of the Code of Virginia, 1950, as amended, the personal property tax relief rate for the fiscal year beginning July 1, 2021 through June 30, 2022 shall be set at 41.86%.

Adopted:

Certified:

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 25, 2021**

AGENDA ITEM #: **8**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: 2021 Virginia Department of Criminal Justice Services (DCJS) Body-Worn Camera Grant Award

KEY ELEMENTS:

___ Economic Development ___ Excellent Government ___ Natural and Built Environment **X** Safe Community ___ Vibrant Community

RECOMMENDATION: Adopt a resolution to amend the FY 2021 City/Federal/State Aid Fund budget and appropriate \$100,000 with resources of \$50,000 from the Virginia Department of Criminal Justice Services (DCJS) 2021 Body-Worn Camera Grant and \$50,000 required match from the Lynchburg Police Department's (LPD) FY2021 General Fund Budget to purchase Axon Performance and Respond services for the LPD current Body-Worn Camera (BWC) System.

SUMMARY: The LPD was awarded a grant through a competitive process with DCJS to purchase Axon Performance and Respond services. The LPD will use these two services as additional tools to enhance officer and community safety. Axon Respond integrates location data and video feeds to provide situational awareness for officers and supervisors. This service also notifies supervisors of weapon and light bar activation so they can view live-streamed video of critical incidents efficiently. It also has real-time GPS location capability allowing members of the department to immediately determine an officer's location. Axon Performance streamlines the supervisor BWC review process and reduces the time it takes to confirm officers are operating within agency policies. These services are imperative and provide critical information so supervisors can determine necessary actions to protect officers and the public.

The total cost of the BWC add-on services is \$129,536.

The grant award allows for a total project cost of \$100,000 with the grant covering \$50,000 and a 50% match of \$50,000 required from the locality. The locality match of \$50,000 will come from the LPD's FY 2021 General Fund Budget.

The remaining cost of the two add-on services that exceeds the grant funding is \$29,536. These funds will also come from the LPD's FY 2021 General Fund Budget and will be tracked separately from the grant so that all grant guidelines are followed.

PRIOR ACTION(S): March 23, 2021: Finance Committee approved grant application
May 25, 2021: Will be reviewed by Finance Committee

FISCAL IMPACT: \$79,536 total: \$50,000 required local match and an additional \$29,536 due to project cost (the \$29,536 must be kept separate from grant) as described above.

CONTACT(S): Chief Ryan M. Zuidema, 455-6171
Amy Lowe, Administrative Manager, Police Department, 455-6128

ATTACHMENT(S): Resolution

REVIEWED BY: raw

RESOLUTION:

BE IT RESOLVED that the FY 2021 City/Federal/State Aid Fund budget is amended and \$100,000 is appropriated with resources of \$50,000 from the Virginia Department of Criminal Justice Services (DCJS) 2021 Body-Worn Camera Grant, and \$50,000 from the Lynchburg Police Department FY 2021 General Fund Budget.

Introduced:

Adopted:

Certified:

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 25, 2021**

AGENDA ITEM #: **9**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Airport Coronavirus Response and Relief Supplemental Appropriation Act (CRRSAA)

KEY ELEMENTS:

☐ Economic Development ☒ Excellent Government ☐ Natural and Built Environment ☐ Safe Community ☒ Vibrant Community

RECOMMENDATION: Adopt the following resolutions to authorize the City Manager to accept and execute a \$1,261,006 federal Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) on behalf of the City of Lynchburg (Lynchburg Regional Airport sponsor) and appropriate the grant funds to provide relief to the Lynchburg Regional Airport for increased operating expenses that are due to the COVID-19 Pandemic.

SUMMARY: This U.S. Department of Transportation/Federal Aviation Administration (FAA) grant was provided in accordance with the CRRSAA grant to assist eligible airports/Sponsors with funding to prevent, prepare for, and offset any operating expenses that arise due to the COVID-19 pandemic. CRRSAA Grant amounts to individual airports were derived by a federal legislative formula. The Airport may use these funds for any purpose for which Airport revenues may be lawfully used, provided the items that have not been reimbursed under another program.

PRIOR ACTION(S): Finance Committee, grant award, May 25, 2021;
On March 12, 2021, the City of Lynchburg/Lynchburg Regional Airport submitted a grant application for the \$1,261,006 in CRRSAA funds, as calculated by a federal legislative formula, to be awarded to Lynchburg Regional Airport as a result of the COVID-19 Pandemic. The Federal Award Offer date is May 4, 2021.

FISCAL IMPACT: This \$1,261,006 grant will provide 100% funding for operational expenses directly related to the airport incurred on or after January 20, 2020 and debt service payments directly related to the airport that are due on or after December 27, 2020.

CONTACT(S): Andrew LaGala, Airport Director, 455-6089

ATTACHMENT(S): Resolution
Airport Coronavirus Response Grant Program 3-51-0029-047-2021 – 23 pages

REVIEWED BY: klw

068A

RESOLUTION:

BE IT RESOLVED that the Lynchburg City Council authorizes the City Manager to accept and execute a \$1,261,006 federal Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) Grants Agreement (#3-51-0029-045-2020) on behalf of the City of Lynchburg (Lynchburg Regional Airport sponsor) to provide relief to the Lynchburg Regional Airport for increased operating expenses that are due to the COVID-19 Pandemic.

Adopted:

Certified:

Clerk of Council

RESOLUTION:

BE IT RESOLVED that the FY 2021 Airport Fund budget is amended and \$1,261,006 is appropriated with resources from the Department of Transportation Federal Aviation Administration Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) grant to provide relief to the Lynchburg Regional Airport for increased operating expenses that are due to the COVID-19 Pandemic.

Introduced:

Adopted:

Certified:

Clerk of Council



U.S. Department
of Transportation
Federal Aviation
Administration

Airports Division
Eastern Region
District of Columbia, Maryland, Virginia

FAA WAS ADO
13873 Park Center Road
Suite 490S
Herndon, VA 20171

CRRSA Transmittal Letter

May 4, 2021

Mr. Andrew LaGala, Airport Director
Lynchburg Regional Airport
350 Terminal Drive, Suite 100
Lynchburg, Virginia 24502-5271

Dear Mr. LaGala:

Please find the following electronic Airport Coronavirus Response Grant Program (ACRGP) Grant Offer, Grant No. 3-51-0029-047-2021 for Lynchburg Regional/Preston Glenn Field Airport. This letter outlines expectations for success. Please read and follow the instructions carefully.

To properly enter into this agreement, you must do the following:

- a. The governing body must provide authority to execute the grant to the individual signing the grant; i.e. the sponsor's authorized representative.
- b. The sponsor's authorized representative must execute the grant, followed by the attorney's certification, no later than **June 4, 2021** in order for the grant to be valid.
- c. You may not make any modification to the text, terms or conditions of the grant offer.
- d. The grant offer must be digitally signed by the sponsor's legal signatory authority and then the grant offer will be routed via email to the sponsor's attorney. Once the attorney has digitally attested to the grant, an email with the executed grant will be sent to all parties.

Subject to the requirements in 2 CFR §200.305, each payment request for reimbursement under this grant must be made electronically via the Delphi eInvoicing System. Please see the attached Grant Agreement for more information regarding the use of this System. The terms and conditions of this agreement require you drawdown and expend these funds within four years.

An airport sponsor may use these funds for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments. Please refer to the [ACRGP Frequently Asked Questions](#) for further information.

With each payment request you are required to upload an invoice summary directly to Delphi. The invoice summary should include enough detail to permit FAA to verify compliance with the Coronavirus Response and Relief Supplemental Appropriations Act (Public Law 116-260).

For the final payment request, in addition to the requirement listed above for all payment requests, you are required to upload directly to Delphi:

- A final financial report summarizing all of the costs incurred and reimbursed, and
- An SF-425, and.
- A closeout report (A sample report is available [here](#)).

Until the grant is completed and closed, you are responsible for submitting a signed/dated SF-425 annually, due 90 days after the end of each federal fiscal year in which this grant is open (due December 31 of each year this grant is open).

As a condition of receiving Federal assistance under this award, you must comply with audit requirements as established under 2 CFR part 200. Subpart F requires non-Federal entities that expend \$750,000 or more in Federal awards to conduct a single or program specific audit for that year. Note that this includes Federal expenditures made under other Federal-assistance programs. Please take appropriate and necessary action to assure your organization will comply with applicable audit requirements and standards.

I am readily available to assist you and your designated representative with the requirements stated herein. We sincerely value your cooperation in these efforts.

Sincerely,


Matthew J Thys (May 7, 2021 10:20 EDT)

Matthew J. Thys, Manager
Washington ADO

[ADO has discretion to delegate signature authority to Program Manager]



U.S. Department
of Transportation
Federal Aviation
Administration

AIRPORT CORONAVIRUS RELIEF GRANT PROGRAM (ACRGP)

GRANT AGREEMENT

Part I - Offer

Federal Award Offer Date May 4, 2021

Airport/Planning Area Lynchburg Regional/Preston Glenn Field Airport

ACRGP Grant Number 3-51-0029-047-2021

Unique Entity Identifier 010038073

TO: City of Lynchburg

(herein called the "Sponsor")

FROM: **The United States of America** (acting through the Federal Aviation Administration, herein called the "FAA")

WHEREAS, the Sponsor has submitted to the FAA an Airports Coronavirus Response Grant Program (herein called "ACRGP") Application dated March 12, 2021, for a grant of Federal funds at or associated with the Lynchburg Regional/Preston Glenn Field Airport, which is included as part of this ACRGP Grant Agreement; and

WHEREAS, the Sponsor has accepted the terms of FAA's ACRGP Grant offer;

WHEREAS, in consideration of the promises, representations and assurances provided by the Sponsor, the FAA has approved the ACRGP Application for the Lynchburg Regional/Preston Glenn Field Airport, (herein called the "Grant" or "ACRGP Grant") consisting of the following:

This ACRGP Grant is provided in accordance with the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA Act or "the Act"), Division M of Public Law 116-260, as described below, to provide eligible Sponsors with funding for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments. ACRGP Grant amounts to specific airports are derived by legislative formula (See Division M, Title IV of the Act).

The purpose of this ACRGP Grant is to prevent, prepare for, and respond to coronavirus. Funds provided under this ACRGP Grant Agreement must only be used for purposes directly related to the airport. Such purposes can include the reimbursement of an airport's operational and maintenance expenses or debt service payments in accordance with the limitations prescribed in the Act. ACRGP Grants may be used to

reimburse airport operational and maintenance expenses directly related to Lynchburg Regional/Preston Glenn Field incurred no earlier than January 20, 2020. ACRGP Grants also may be used to reimburse a Sponsor's payment of debt service where such payments occur on or after December 27, 2020. Funds provided under this ACRGP Grant Agreement will be governed by the same principles that govern "airport revenue." New airport development projects not directly related to combating the spread of pathogens and approved by the FAA for such purposes, may not be funded with this Grant.

NOW THEREFORE, in accordance with the applicable provisions of the CRRSA Act, Public Law 116-260, the representations contained in the Grant Application, and in consideration of (a) the Sponsor's acceptance of this Offer; and, (b) the benefits to accrue to the United States and the public from the accomplishment of the Grant and in compliance with the conditions as herein provided,

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay 100% percent of the allowable costs incurred as a result of and in accordance with this Grant Agreement.

Assistance Listings Number (Formerly CFDA Number): 20.106

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

CONDITIONS

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$1,261,006, allocated as follows:
 - \$29,023 Primary KC2021
 - \$1,231,983 Primary KQ2021
2. **Grant Performance.** This ACRGP Grant Agreement is subject to the following federal award requirements:
 - a. The Period of Performance:
 1. Shall start on the date the Sponsor formally accepts this agreement, and is the date signed by the last Sponsor signatory to the agreement. The end date of the period of performance is 4 years (1,460 calendar days) from the date of acceptance. The period of performance end date shall not affect, relieve or reduce Sponsor obligations and assurances that extend beyond the closeout of this Grant Agreement.
 2. Means the total estimated time interval between the start of an initial Federal award and the planned end date, which may include one or more funded portions, or budget periods. (2 Code of Federal Regulations (CFR) § 200.1)
 - b. The Budget Period:
 1. The budget period for this ACRGP Grant is 4 years (1,460 calendar days). Pursuant to 2 CFR § 200.403(h), the Sponsor may charge to the Grant only allowable costs incurred during the budget period.
 2. Means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which the Sponsor is authorized to expend the funds awarded, including any funds carried forward or other revisions pursuant to §200.308.
 - c. Close out and Termination.

1. Unless the FAA authorizes a written extension, the Sponsor must submit all Grant closeout documentation and liquidate (pay-off) all obligations incurred under this award no later than 120 calendar days after the end date of the period of performance. If the Sponsor does not submit all required closeout documentation within this time period, the FAA will proceed to close out the grant within one year of the period of performance end date with the information available at the end of 120 days. (2 CFR § 200.344)
2. The FAA may terminate this ACRGP Grant, in whole or in part, in accordance with the conditions set forth in 2 CFR § 200.340, or other Federal regulatory or statutory authorities as applicable.
3. **Unallowable Costs.** The Sponsor shall not seek reimbursement for any costs that the FAA has determined to be unallowable under the CRRSA Act.
4. **Indirect Costs - Sponsor.** The Sponsor may charge indirect costs under this award by applying the indirect cost rate identified in the Grant Application as accepted by the FAA, to allowable costs for Sponsor direct salaries and wages only.
5. **Final Federal Share of Costs.** The United States' share of allowable Grant costs is 100%.
6. **Completing the Grant without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the Grant without undue delays and in accordance with this ACRGP Grant Agreement, the CRRSA Act, and the regulations, policies, standards, and procedures of the Secretary of Transportation ("Secretary"). Pursuant to 2 CFR § 200.308, the Sponsor agrees to report to the FAA any disengagement from funding eligible expenses under the Grant that exceeds three months or a 25 percent reduction in time devoted to the Grant, and request prior approval from FAA. The report must include a reason for the stoppage. The Sponsor agrees to comply with the attached assurances, which are part of this agreement and any addendum that may be attached hereto at a later date by mutual consent.
7. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
8. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs unless this offer has been accepted by the Sponsor on or before June 4, 2021, or such subsequent date as may be prescribed in writing by the FAA.
9. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner, including uses that violate this ACRGP Grant Agreement, the CRRSA Act or other provision of applicable law. For the purposes of this ACRGP Grant Agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor, that were originally paid pursuant to this or any other Federal grant agreement(s). The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.
10. **United States Not Liable for Damage or Injury.** The United States is not responsible or liable for damage to property or injury to persons which may arise from, or relate to this ACRGP Grant

Agreement, including, but not limited to, any action taken by a Sponsor related to or arising from, directly or indirectly, this ACRGP Grant Agreement.

11. **System for Award Management (SAM) Registration and Unique Entity Identifier (UEI).**
 - a. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).
 - b. Unique entity identifier (UEI) means a 12-character alpha-numeric value used to identify a specific commercial, nonprofit or governmental entity. A UEI may be obtained from SAM.gov at <https://sam.gov/SAM/pages/public/index.jsf>.
12. **Electronic Grant Payment(s).** Unless otherwise directed by the FAA, the Sponsor must make each payment request under this agreement electronically via the Delphi invoicing System for Department of Transportation (DOT) Financial Assistance Awardees.
13. **Air and Water Quality.** The Sponsor is required to comply with all applicable air and water quality standards for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this agreement.
14. **Financial Reporting and Payment Requirements.** The Sponsor will comply with all Federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.
15. **Buy American.** Unless otherwise approved in advance by the FAA, in accordance with 49 United States Code (U.S.C.) § 50101 the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured goods produced outside the United States to be used for any project for which funds are provided under this grant. The Sponsor will include a provision implementing Buy American in every contract.
16. **Audits for Sponsors.**

PUBLIC SPONSORS. The Sponsor must provide for a Single Audit or program-specific audit in accordance with 2 CFR Part 200. The Sponsor must submit the audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/facweb/>. Upon request of the FAA, the Sponsor shall provide one copy of the completed audit to the FAA.
17. **Suspension or Debarment.** When entering into a "covered transaction" as defined by 2 CFR § 180.200, the Sponsor must:
 - a. Verify the non-Federal entity is eligible to participate in this Federal program by:
 1. Checking the excluded parties list system (EPLS) as maintained within the System for Award Management (SAM) to determine if the non-Federal entity is excluded or disqualified; or
 2. Collecting a certification statement from the non-Federal entity attesting the entity is not excluded or disqualified from participating; or

3. Adding a clause or condition to covered transactions attesting the individual or firm is not excluded or disqualified from participating.
- b. Require prime contractors to comply with 2 CFR § 180.330 when entering into lower-tier transactions (e.g. sub-contracts).
- c. Immediately disclose to the FAA whenever the Sponsor (1) learns the Sponsor has entered into a covered transaction with an ineligible entity, or (2) suspends or debar a contractor, person, or entity.

18. Ban on Texting While Driving.

- a. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:
 1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to this ACRGP Grant or subgrant funded by this Grant.
 2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
 - A. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - B. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
- b. The Sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts, and subcontracts funded by this ACRGP Grant.

19. Trafficking in Persons.

- a. You as the recipient, your employees, subrecipients under this ACRGP Grant, and subrecipients' employees may not –
 1. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
 2. Procure a commercial sex act during the period of time that the award is in effect; or
 3. Use forced labor in the performance of the award or subawards under the ACRGP Grant.
- b. The FAA as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity –
 1. Is determined to have violated a prohibition in paragraph A of this ACRGP Grant Agreement term; or
 2. Has an employee who is determined by the agency official authorized to terminate the ACRGP Grant Agreement to have violated a prohibition in paragraph A.1 of this ACRGP Grant term through conduct that is either –
 - A. Associated with performance under this ACRGP grant; or

- B. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)," as implemented by the FAA at 2 CFR Part 1200.
- c. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph A during this ACRGP Grant Agreement.
- d. Our right to terminate unilaterally that is described in paragraph A of this section:
 - 1. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. § 7104(g)), and
 - 2. Is in addition to all other remedies for noncompliance that are available to the FAA under this ACRGP Grant.

20. Employee Protection from Reprisal.

- a. Prohibition of Reprisals —
 - 1. In accordance with 41 U.S.C. § 4712, an employee of a grantee or subgrantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in sub-paragraph (A)(2), information that the employee reasonably believes is evidence of:
 - a. Gross mismanagement of a Federal grant;
 - b. Gross waste of Federal funds;
 - c. An abuse of authority relating to implementation or use of Federal funds;
 - d. A substantial and specific danger to public health or safety; or
 - e. A violation of law, rule, or regulation related to a Federal grant.
 - 2. Persons and bodies covered: The persons and bodies to which a disclosure by an employee is covered are as follows:
 - a. A member of Congress or a representative of a committee of Congress;
 - b. An Inspector General;
 - c. The Government Accountability Office;
 - d. A Federal office or employee responsible for oversight of a grant program;
 - e. A court or grand jury;
 - f. A management office of the grantee or subgrantee; or
 - g. A Federal or State regulatory enforcement agency.
 - 3. Submission of Complaint — A person who believes that they have been subjected to a reprisal prohibited by paragraph A of this ACRGP Grant Agreement may submit a complaint regarding the reprisal to the Office of Inspector General (OIG) for the U.S. Department of Transportation.
 - 4. Time Limitation for Submittal of a Complaint — A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.
 - 5. Required Actions of the Inspector General — Actions, limitations, and exceptions of the Inspector General's office are established under 41 U.S.C. § 4712(b).
 - 6. Assumption of Rights to Civil Remedy — Upon receipt of an explanation of a decision not to conduct or continue an investigation by the Office of Inspector General, the person submitting a complaint assumes the right to a civil remedy under 41 U.S.C. § 4712(c).

21. **Limitations.** Nothing provided herein shall be construed to limit, cancel, annul, or modify the terms of any Federal grant agreement(s), including all terms and assurances related thereto, that have been entered into by the Sponsor and the FAA prior to the date of this ACRGP Grant Agreement.
22. **Face Coverings Policy.** The sponsor agrees to implement a face-covering (mask) policy to combat the spread of pathogens. This policy must include a requirement that all persons wear a mask, in accordance with Centers for Disease Control (CDC) and Transportation Security Administration (TSA) requirements, as applicable, at all times while in all public areas of the airport property, except to the extent exempted under those requirements. This special condition requires the airport sponsor continue to require masks until [Executive Order 13998, Promoting COVID-19 Safety in Domestic and International Travel](#), is no longer effective.

SPECIAL CONDITIONS FOR USE OF ACRGP FUNDS

CONDITIONS FOR ROLLING STOCK/EQUIPMENT -

1. **Equipment or Vehicle Replacement.** The Sponsor agrees that when using funds provided by this grant to replace equipment, the proceeds from the trade-in or sale of such replaced equipment shall be classified and used as airport revenue.
2. **Equipment Acquisition.** The Sponsor agrees that for any equipment acquired with funds provided by this grant, such equipment shall be used solely for purposes directly related to the airport.
3. **Low Emission Systems.** The Sponsor agrees that vehicles and equipment acquired with funds provided in this grant:
 - a. Will be maintained and used at the airport for which they were purchased; and
 - b. Will not be transferred, relocated, or used at another airport without the advance consent of the FAA.

The Sponsor further agrees that it will maintain annual records on individual vehicles and equipment, project expenditures, cost effectiveness, and emission reductions.

CONDITIONS FOR UTILITIES AND LAND -

4. **Utilities Proration.** For purposes of computing the United States' share of the allowable airport operations and maintenance costs, the allowable cost of utilities incurred by the Sponsor to operate and maintain airport(s) included in the Grant must not exceed the percent attributable to the capital or operating costs of the airport.
5. **Utility Relocation in Grant.** The Sponsor understands and agrees that:
 - a. The United States will not participate in the cost of any utility relocation unless and until the Sponsor has submitted evidence satisfactory to the FAA that the Sponsor is legally responsible for payment of such costs;
 - b. FAA participation is limited to those utilities located on-airport or off-airport only where the Sponsor has an easement for the utility; and
 - c. The utilities must serve a purpose directly related to the Airport.
6. **Land Acquisition.** Where funds provided for by this grant are used to acquire land, the Sponsor shall record the grant agreement, including the grant assurances and any and all related requirements,

encumbrances, and restrictions that shall apply to such land, in the public land records of the jurisdiction in which the land is located.

The Sponsor's acceptance of this Offer and ratification and adoption of the ACRGP Grant Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor. The Offer and Acceptance shall comprise an ACRGP Grant Agreement, as provided by the CRRSA Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to this Grant. The effective date of this ACRGP Grant Agreement is the date of the Sponsor's acceptance of this Offer.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

Dated May 7, 2021

**UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION**

Matthew J Thys

Matthew J Thys (May 7, 2021 10:20 EDT)

(Signature)

Matthew J. Thys

(Typed Name)

Manager, Washington Airports District Office

(Title of FAA Official)

Part II - Acceptance

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the ACRGP Grant Application and incorporated materials referred to in the foregoing Offer under Part I of this ACRGP Grant Agreement, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the ACRGP Grant Application and all applicable terms and conditions provided for in the CRRSA Act and other applicable provisions of Federal law.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct. ¹

Dated May 10, 2021

City of Lynchburg

(Name of Sponsor)

Reid Wodicka

Reid Wodicka (May 10, 2021 08:19 EDT)

(Signature of Sponsor's Designative Official/Representative)

By: Reid Wodicka

(Type Name of Sponsor's Designative Official/Representative)

Title: Interim City Manager

(Title of Sponsor's Designative Official/Representative)

¹ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

CERTIFICATE OF SPONSOR'S ATTORNEY

I, Walter C. Erwin, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Virginia. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the CRRSA Act. The Sponsor understands funding made available under this Grant Agreement may only be used to reimburse for airport operational and maintenance expenses, and debt service payments. The Sponsor further understands it may submit a separate request to use funds for new airport/project development purposes, subject to additional terms, conditions, and assurances. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

Dated at May 10, 2021

By: Walter C. Erwin
Walter C. Erwin (May 10, 2021 09:31 EDT)
(Signature of Sponsor's Attorney)

AIRPORT CORONAVIRUS RELIEF GRANT PROGRAM (ACRGP) ASSURANCES

AIRPORT SPONSORS

A. General.

1. These Airport Coronavirus Relief Grant Program (ACRGP) Assurances are required to be submitted as part of the application by sponsors requesting funds under the provisions of the Coronavirus Response and Relief Supplemental Appropriations Act of 2020 (CRRSA Act or "the Act"), Public Law 116-260. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
2. Upon acceptance of this ACRGP Grant offer by the sponsor, these assurances are incorporated into and become part of this ACRGP Grant Agreement.

B. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this ACRGP Grant that:

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance, and use of Federal funds for this ACRGP Grant including but not limited to the following:

FEDERAL LEGISLATION

- a. 49 U.S.C. Chapter 471, as applicable
- b. Davis-Bacon Act — 40 U.S.C. 276(a), et. seq.
- c. Federal Fair Labor Standards Act — 29 U.S.C. 201, et. seq.
- d. Hatch Act — 5 U.S.C. 1501, et. seq.²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et. seq.
- f. National Historic Preservation Act of 1966 — Section 106 — 16 U.S.C. 470(f).
- g. Archeological and Historic Preservation Act of 1974 — 16 U.S.C. 469 through 469c.
- h. Native Americans Grave Repatriation Act — 25 U.S.C. Section 3001, et. seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 — Section 102(a) — 42 U.S.C. 4012a.
- l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f)).
- m. Rehabilitation Act of 1973 — 29 U.S.C. 794.
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin).
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), prohibits discrimination on the basis of disability).

- p. Age Discrimination Act of 1975 — 42 U.S.C. 6101, et. seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968 — 42 U.S.C. 4151, et. seq.
- s. Power plant and Industrial Fuel Use Act of 1978 — Section 403- 2 U.S.C. 8373.
- t. Contract Work Hours and Safety Standards Act — 40 U.S.C. 327, et. seq.
- u. Copeland Anti-kickback Act — 18 U.S.C. 874.1.
- v. National Environmental Policy Act of 1969 — 42 U.S.C. 4321, et. seq.
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- x. Single Audit Act of 1984 — 31 U.S.C. 7501, et. seq.²
- y. Drug-Free Workplace Act of 1988 — 41 U.S.C. 702 through 706.
- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).

EXECUTIVE ORDERS

- a. Executive Order 11246 – Equal Employment Opportunity
- b. Executive Order 11990 – Protection of Wetlands
- c. Executive Order 11998 – Flood Plain Management
- d. Executive Order 12372 – Intergovernmental Review of Federal Programs
- e. Executive Order 12699 – Seismic Safety of Federal and Federally Assisted New Building Construction
- f. Executive Order 12898 – Environmental Justice
- g. Executive Order 14005 – Ensuring the Future Is Made in All of America by All of America's Workers.

FEDERAL REGULATIONS

- a. 2 CFR Part 180 – OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.^{3,4}
- c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment.
- d. 28 CFR Part 35 – Discrimination on the Basis of Disability in State and Local Government Services.
- e. 28 CFR § 50.3 – U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.
- f. 29 CFR Part 1 – Procedures for predetermination of wage rates.¹
- g. 29 CFR Part 3 – Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.¹

- h. 29 CFR Part 5 – Labor standards provisions applicable to contracts covering Federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act). ¹
- i. 41 CFR Part 60 – Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and Federally assisted contracting requirements). ¹
- j. 49 CFR Part 20 – New restrictions on lobbying.
- k. 49 CFR Part 21 – Nondiscrimination in Federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- l. 49 CFR Part 23 – Participation by Disadvantage Business Enterprise in Airport Concessions.
- m. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Program.
- n. 49 CFR Part 27 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance. ¹
- o. 49 CFR Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Transportation.
- p. 49 CFR Part 30 – Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- q. 49 CFR Part 32 – Government-wide Requirements for Drug-Free Workplace (Financial Assistance).
- r. 49 CFR Part 37 – Transportation Services for Individuals with Disabilities (ADA).
- s. 49 CFR Part 41 – Seismic safety of Federal and Federally assisted or regulated new building construction.

FOOTNOTES TO ASSURANCE ACRGP ASSURANCE B.1.

- ¹ These laws do not apply to airport planning sponsors.
- ² These laws do not apply to private sponsors.
- ³ Cost principles established in 2 CFR Part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses
- ⁴ Audit requirements established in 2 CFR Part 200 subpart F are the guidelines for audits.

SPECIFIC ASSURANCES

Specific assurances required to be included in grant agreements by any of the above laws, regulations, or circulars are incorporated by reference in this Grant Agreement.

1. Purpose Directly Related to the Airport

It certifies that the reimbursement sought is for a purpose directly related to the airport.

2. Responsibility and Authority of the Sponsor.

a. Public Agency Sponsor:

It has legal authority to apply for this Grant, and to finance and carry out the proposed grant; that an official decision has been made by the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing

and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

b. Private Sponsor:

It has legal authority to apply for this Grant and to finance and carry out the proposed Grant and comply with all terms, conditions, and assurances of this Grant Agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Good Title.

It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.

4. Preserving Rights and Powers.

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this Grant Agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish, or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with this Grant Agreement.
- c. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations, and the terms and conditions of this Grant Agreement.

5. Consistency with Local Plans.

Any project undertaken by this Grant Agreement is reasonably consistent with plans (existing at the time of submission of the ACGRP application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

6. Consideration of Local Interest.

It has given fair consideration to the interest of communities in or near where any project undertaken by this Grant Agreement may be located.

7. Consultation with Users.

In making a decision to undertake any airport development project undertaken by this Grant Agreement, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

8. Pavement Preventative Maintenance.

With respect to a project undertaken by this Grant Agreement for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed, or repaired with Federal financial assistance at the airport, including ACRGP funds provided under this Grant Agreement. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

9. Accounting System, Audit, and Record Keeping Requirements.

- a. It shall keep all Grant accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this Grant, the total cost of the Grant in connection with which this Grant is given or used, and the amount or nature of that portion of the cost of the Grant supplied by other sources, and such other financial records pertinent to the Grant. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this Grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a Grant or relating to the Grant in connection with which this Grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

10. Minimum Wage Rates.

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

11. Veteran's Preference.

It shall include in all contracts for work on any project funded under this grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in Section 47112 of Title 49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

12. Operation and Maintenance.

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state and local agencies for maintenance and

operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for-

1. Operating the airport's aeronautical facilities whenever required;
2. Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
3. Promptly notifying airmen of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.

- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

13. Hazard Removal and Mitigation.

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

14. Compatible Land Use.

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft.

15. Exclusive Rights.

The sponsor shall not grant an exclusive right to use an air navigation facility on which this Grant has been expended. However, providing services at an airport by only one fixed-based operator is not an exclusive right if—

- a. it is unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide the services; and
- b. allowing more than one fixed-based operator to provide the services requires a reduction in space leased under an agreement existing on September 3, 1982, between the operator and the airport.

16. Airport Revenues.

- a. This Grant shall be available for any purpose for which airport revenues may lawfully be used to prevent, prepare for, and respond to coronavirus. Funds provided under this ACRGP Grant Agreement will only be expended for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport(s) subject to this agreement and all applicable addendums for costs related to

operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments as prescribed in the Act

- b. For airport development, 49 U.S.C. § 47133 applies.

17. Reports and Inspections.

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 - 1. all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 - 2. all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

18. Land for Federal Facilities.

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

19. Airport Layout Plan.

- a. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, it will keep up to date at all times an airport layout plan of the airport showing:
 - 1. boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
 - 2. the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities;
 - 3. the location of all existing and proposed non-aviation areas and of all existing improvements thereon; and
 - 4. all proposed and existing access points used to taxi aircraft across the airport's property boundary. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan

as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.

- b. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, if a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

20. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this Grant.

- a. Using the definitions of activity, facility, and program as found and defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR Part 21, the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by or pursuant to these assurances.
- b. Applicability
 - 1. Programs and Activities. If the sponsor has received a grant (or other Federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the sponsor's programs and activities
 - 2. Facilities. Where it receives a grant or other Federal financial assistance to construct, expand, renovate, remodel, alter, or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.
 - 3. Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of, real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.
- c. Duration

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

 - 1. So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
 - 2. So long as the sponsor retains ownership or possession of the property.
- d. Required Solicitation Language

It will include the following notification in all solicitations for bids, Requests for Proposals for work, or material under this Grant and in all proposals for agreements, including airport concessions, regardless of funding source:

“The City of Lynchburg, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

e. **Required Contract Provisions.**

1. It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT Acts and regulations.
2. It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
3. It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
4. It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin, creed, sex, age, or handicap as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:
 - A. For the subsequent transfer of real property acquired or improved under the applicable activity, grant, or program; and
 - B. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, grant, or program.
 - C. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
 - D. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

21. Foreign Market Restrictions.

It will not allow funds provided under this Grant to be used to fund any activity that uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

22. Policies, Standards and Specifications.

It will carry out any project funded under an Airport Coronavirus Relief Program Grant in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, current FAA Advisory Circulars for AIP projects, as of March 12, 2021, included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.

23. Access By Intercity Buses.

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

24. Disadvantaged Business Enterprises.

The sponsor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its Disadvantaged Business Enterprise (DBE) and Airport Concessions Disadvantaged Business Enterprise (ACDBE) programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1936 (31 U.S.C. 3801).

25. Acquisition Thresholds.

The FAA deems equipment to mean tangible personal property having a useful life greater than one year and a per-unit acquisition cost equal to or greater than \$5,000. Procurements by micro-purchase means the acquisition of goods or services for which the aggregate dollar amount does not exceed \$10,000, unless authorized in accordance with 2 CFR § 200.320. Procurement by small purchase procedures means those relatively simple and informal procurement methods for securing goods or services that do not exceed the \$250,000 threshold for simplified acquisitions.

Current FAA Advisory Circulars Required for Use in AIP Funded and PFC Approved Projects

View the most current Series 150 Advisory Circulars (ACs) for Airport Projects at
http://www.faa.gov/airports/resources/advisory_circulars and
http://www.faa.gov/regulations_policies/advisory_circulars

Application for Federal Assistance SF-424*** 1. Type of Submission:**

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

*** 2. Type of Application:**

- ☒ New
☐ Continuation
☐ Revision

*** If Revision, select appropriate letter(s):***** Other (Specify):***** 3. Date Received:****4. Applicant Identifier:**

LYH

5a. Federal Entity Identifier:

51-0029

5b. Federal Award Identifier:**State Use Only:****6. Date Received by State:****7. State Application Identifier:****8. APPLICANT INFORMATION:***** a. Legal Name:**

City of Lynchburg

*** b. Employer/Taxpayer Identification Number (EIN/TIN):**

54-6001405

*** c. Organizational DUNS:**

0100380730000

d. Address:*** Street1:**

350 Terminal Drive

Street2:

Suite 100

*** City:**

Lynchburg

County/Parish:

Campbell

*** State:**

VA: Virginia

Province:*** Country:**

USA: UNITED STATES

*** Zip / Postal Code:**

24502-5271

e. Organizational Unit:**Department Name:**

Lynchburg Regional Airport

Division Name:**f. Name and contact information of person to be contacted on matters involving this application:****Prefix:**

Mr.

*** First Name:**

Andrew

Middle Name:*** Last Name:**

LaGala

Suffix:**Title:**

Airport Director

Organizational Affiliation:

Lynchburg Regional Airport

*** Telephone Number:**

(434) 455-6089

Fax Number:

(434) 239-9027

*** Email:**

andrew.lagala@lynchburgva.gov

Application for Federal Assistance SF-424

* 9. Type of Applicant 1: Select Applicant Type:

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

* 10. Name of Federal Agency:

Federal Aviation Administration

11. Catalog of Federal Domestic Assistance Number:

20.106

CFDA Title:

Airport Improvement Program (Airport Coronavirus Response Grant Program (ACRGP))

* 12. Funding Opportunity Number:

* Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

* 15. Descriptive Title of Applicant's Project:

\$1,261,006 for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport and debt service payments.

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424**16. Congressional Districts Of:**

* a. Applicant

VA-006

* b. Program/Project

VA-006

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date:

* b. End Date:

18. Estimated Funding (\$):

* a. Federal

1,261,006.00

* b. Applicant

* c. State

* d. Local

* e. Other

* f. Program Income

* g. TOTAL

1,261,006.00

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**☐ a. This application was made available to the State under the Executive Order 12372 Process for review on☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.☒ c. Program is not covered by E.O. 12372.*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes☒ No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix:

* First Name:

Andrew

Middle Name:

* Last Name:

LaGala

Suffix:

* Title:

Airport Director

* Telephone Number:

(434) 455-6089

Fax Number:

(434) 239-9027

* Email:

andrew.lagala@lynchburgva.gov

* Signature of Authorized Representative:

Andrew LaGala Digitally signed by Andrew LaGala
Date: 2021.03.21 1:10pm EST

* Date Signed:

03/12/2021

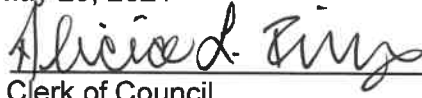
RESOLUTION:

#R-21-049

BE IT RESOLVED that the Lynchburg City Council authorizes the City Manager to accept and execute a \$1,261,006 federal Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) Grants Agreement (#3-51-0029-045-2020) on behalf of the City of Lynchburg (Lynchburg Regional Airport sponsor) to provide relief to the Lynchburg Regional Airport for increased operating expenses that are due to the COVID-19 Pandemic.

Adopted: May 25, 2021

Certified:


Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 25, 2021**

AGENDA ITEM #: **10**

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Amendments and additions to sections of the City Code which concern motor vehicles**

KEY ELEMENTS:

☐ Economic Development ☒ Excellent Government ☐ Natural and Built Environment ☒ Safe Community ☐ Vibrant Community

RECOMMENDATION: Adopt an Ordinance amending sections 25-16, 25-41, 25-147, 25-317, 25-320, 25-327, 25-328, 25-337, 25-344, 25-386, and 25-388 of Chapter 25 of the City Code, and adding a section 25-82.1 of Chapter 25 of the City Code.

SUMMARY: Local governments are permitted to adopt ordinances that parallel certain provisions of the Virginia Code. Local governments frequently adopt such ordinances because localities get to keep the fines imposed for violations of the same. Such ordinances must be kept up to date and amended as necessary to continue to parallel the Virginia Code. This ordinance 1) amends, adds, and reenacts certain sections of the City Code to be in line with state law and 2) makes minor wording and technical changes.

PRIOR ACTION(S): May 11, 2021: City Council provided feedback regarding proposed changes

FISCAL IMPACT: N/A

CONTACT(S): Matthew C. Freedman, City Attorney's Office
(434) 455-3980

ATTACHMENT(S): An Ordinance entitled: "AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY AMENDING SECTIONS 25-16, 25-41, 25-147, 25-317, 25-320, 25-327, 25-328, 25-337, 25-344, 25-386, AND 25-388 OF CHAPTER 25, AND BY ADDING A SECTION 25-82.1 OF CHAPTER 25, ALL SUCH CODE SECTIONS RELATING TO MOTOR VEHICLE OFFENSES"

REVIEWED BY: raw

071A

ORDINANCE:

#O-21-____

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY AMENDING SECTIONS 25-16, 25-41, 25-147, 25-317, 25-320, 25-327, 25-328, 25-337, 25-344, 25-386, AND 25-388 OF CHAPTER 25, AND BY ADDING A SECTION 25-82.1 OF CHAPTER 25, ALL SUCH CODE SECTIONS RELATING TO MOTOR VEHICLE OFFENSES

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That Sections 25-16, 25-41, 25-147, 25-317, 25-320, 25-327, 25-328, 25-337, 25-344, 25-386, and 25-388 of Chapter 25 of the Code of City of Lynchburg, 1981, be and the same are hereby amended and reenacted follows:

Sec. 25-16. Unnecessary noise in the operation of motor vehicles.

(a) No motor vehicle shall be loaded with materials likely to create loud noises by striking together, without using every reasonable effort to deaden the noise.

(b) The use in, upon or attached to any motor vehicle operating on any street of the city, of any radio, phonograph, musical instrument, bell, whistle, loudspeaker, amplifier or device of any kind whatsoever whereby sound therefrom is broadcast from such vehicle is prohibited. The provisions of this ~~paragraph~~ subsection shall not apply to motor vehicles driven in a duly authorized parade or to law-enforcement or emergency vehicles.

(c) It shall be unlawful for any person ~~in~~ operating a motor vehicle within the city to create in the operation thereof any unreasonably loud, disturbing or unnecessary noise. In operating a motor vehicle, the following acts, among others, are declared to create loud, disturbing ~~and~~ or unnecessary noises in violation of this subsection, but such enumeration shall not be deemed to be exclusive, namely:

- (1) The use of a motor vehicle so out of repair as to cause ~~thereby~~ loud and unnecessary grating, grinding, rattling or any of such noises, or any other unnecessary noise.
- (2) The practice of unnecessarily racing the motor of a motor vehicle while standing or moving and thereby causing unnecessary noise from such motor.
- (3) The practice of unnecessarily retarding the spark to the motor of a motor vehicle and thereby causing unnecessary, loud and explosive noise from ~~the~~ such motor.
- (4) In starting off a motor vehicle from a standing position, the practice of gaining speed unnecessarily ~~quickly~~ and thereby causing unnecessary and loud noise from the motor of such motor vehicle.
- (5) The practice of coming to an unreasonably quick stop with a motor vehicle and thereby causing unnecessary grinding of brakes and screeching of tires, or either of such noises.

(d) Any person who violates this section shall be subject to the penalties described under section 26-59 of Chapter 26 of the City Code.

Sec. 25-41. Stopping vehicles for inspection or to secure information.

Except as prohibited by Section 19.2-59 of the Code of Virginia, 1950, as amended, Any police officer or any law-enforcement officer who shall be in uniform or who shall exhibit his badge or other sign of authority shall have the right to stop any motor vehicle, trailer or semitrailer, upon request or signal, for the purpose of inspecting the motor vehicle, trailer or semitrailer as to its equipment and operation, its manufacturer's serial or engine number or its contents or load, if such motor vehicle, trailer or semitrailer is a property-carrying vehicle or for the purpose of securing such other information as may be necessary. Nothing in this section shall be construed to authorize the establishment on any highway of police check-points where the only vehicles subject to inspection are motorcycles.

Sec. 25-147. Occupants of front seats of motor vehicles required to use safety lap belts and shoulder harnesses.

(a) Any driver, and any other person at least 18 years of age and occupying the front seat of a motor vehicle equipped or required by the provisions of Title 46.2 of the Code of Virginia, 1950, as amended, to be equipped with a safety belt system, consisting of lap belts, shoulder harnesses, combinations thereof or similar devices, shall wear the appropriate safety belt system at all times while the motor vehicle is in motion on any public highway within the city.

(b) Any person transporting another person less than 18 years old, except under circumstances where a child restraint device would be required, shall ensure that such person is provided with and properly secured by an appropriate safety belt system when driving on the highways in the city in any motor vehicle manufactured after January 1, 1968, equipped or required by the provisions of Title 46.2 of the Code of Virginia, 1950, as amended, to be equipped with a safety belt system, consisting of lap belts, shoulder harnesses, combinations thereof or similar devices.

(c) This section shall not apply to:

- (1) Any person for whom a licensed physician determines that the use of such safety belt system would be impractical by reason of such person's physical condition or other medical reason, provided the person so exempted carries on his person or in the vehicle a signed written statement of the physician identifying the exempted person and stating the grounds for the exemption;
- (2) Any law-enforcement officer transporting persons in custody or traveling in circumstances which render the wearing of such safety belt system impractical;
- (3) Any person while driving a motor vehicle and performing the duties of a rural mail carrier for the United States Postal Service;
- (4) Any persons driving a motor vehicle and performing the duties of a rural newspaper route carrier, newspaper bundle hauler, or a news rack carrier;
- (5) Drivers of and passengers in taxicabs;
- (6) Personnel of commercial or municipal vehicles while actually engaged in the collection or the delivery of goods and services, including but not limited to solid waste, where

such collection or delivery requires the personnel to exit and enter the cab of the vehicle with such frequency and regularity so as to render the use of safety belt systems impractical and the safety benefits derived therefrom insignificant. Such personnel shall resume the use of safety belt systems when actual collection or delivery has ceased or when the vehicle is in transit to or from a point of final disposition or disposal, including but not limited to solid waste facilities, terminals, or other location where the vehicle may be principally garaged;

(7) Any person driving a motor vehicle and performing the duties of a utility meter reader;

or

(8) Law-enforcement agency personnel driving motor vehicles to enforce laws governing motor vehicle parking.

(d) Any person who violates paragraphs (a) or (b) of this section shall be subject to a civil penalty of \$25.00 to be paid into the city's general fund. No assignment of demerit points shall be made under Article 19 of Chapter 3 of Title 46.2 of the Code of Virginia, 1950, as amended, and no court costs shall be assessed for a violation of this section.

(e) A violation of this section shall not (i) constitute negligence, (ii) be considered in mitigation of damages of whatever nature, (iii) be admissible in evidence, or (iv) be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action.

(f) A violation of this section may be charged on the uniform traffic summons form.

~~(g) No citation for a violations of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of the City Code or the Code of Virginia relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute~~ law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

Sec. 25-317. Inspection of vehicles.

~~When the superintendent compels, by proclamation of the governor or otherwise, the owner or operator of any motor vehicle, trailer or semitrailer registered in Virginia and operated upon a highway within this state to submit such vehicle to an inspection of its mechanism and equipment by an official inspection station, designated for that purpose, and any such owner or operator of any such motor vehicle, trailer or semitrailer operated upon the highways of this city fails to submit such motor vehicle, trailer or semitrailer to such inspection or fails or refuses to correct or have corrected in accordance with the requirements of this chapter or of state law any mechanical defects found by such inspection to exist, he shall be punishable by a fine of not more than \$200.00.~~

~~Each day during which such motor vehicle, trailer, or semitrailer is operated on any street or highway within the city after failure to comply with this section shall constitute a separate offense. However, no penalty shall be imposed on any owner or operator for the operation of a motor~~

~~vehicle, trailer or semitrailer after the expiration of a period fixed for the inspection thereof, over the most direct route between the place where such vehicle is kept or garaged and an official inspection station, for the purpose of having it inspected pursuant to a prior appointment with such station.~~

(a) The owner or operator of any motor vehicle, trailer or semitrailer registered in Virginia and operated or parked on a highway within the city shall submit their vehicle to an inspection of its mechanism and equipment by an official inspection station, designated for that purpose, in accordance with Virginia law. No owner or operator shall fail to submit a motor vehicle, trailer or semitrailer operated or parked on the highways in the city to such inspection or fail or refuse to correct or have corrected in accordance with the requirements of Title 46.2 of the Code of Virginia, 1950, as amended, any mechanical defects found by such inspection to exist.

(b) The provisions of this section requiring safety inspections of motor vehicles shall also apply to vehicles used for firefighting; inspections of firefighting vehicles shall be conducted pursuant to regulations promulgated by the Superintendent, taking into consideration the special purpose of such vehicles and the conditions under which they operate.

(c) Each day during which such motor vehicle, trailer or semitrailer is operated or parked on any highway in the city after failure to comply hereunder shall constitute a separate offense.

(d) Autocycles shall be inspected as motorcycles unless otherwise provided by Title 46.2 of the Code of Virginia, 1950, as amended.

(e) No law-enforcement officer shall stop a motor vehicle due to an expired vehicle inspection sticker until the first day of the fourth month after the original expiration date. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

Sec. 25-320. Lighting equipment.

Every vehicle operated within the city shall be equipped with lights, lamps and lighting equipment, and the same shall be operated and used, as required by state law the Code of Virginia, 1950, as amended. Except where not prohibited under such code, no law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this section, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

Sec. 25-327. Signs on windshields, etc.

(a) ~~It shall be unlawful for any~~ No person shall ~~to~~ operate any motor vehicle upon a highway with any sign, poster or other nontransparent material upon the front windshield, sideshields, or rear windows of such motor vehicle in violation of Section 46.2-1052 of the Code of Virginia, 1950, as amended other than a certificate or other paper required to be placed by law or which may be permitted by the superintendent. The size and placement location of stickers or decals used by counties, cities and towns in lieu of license plates shall be in compliance with regulations promulgated by the superintendent.

(b) For any summons issued for a violation of this section, the court may, in its discretion, dismiss the summons, where proof of compliance with this section is provided to the court on or before the court date.

(c) No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

Sec. 25-328. Suspension of objects so as to obstruct view of driver.

~~It shall be unlawful for any person to operate a motor vehicle upon a highway with any object or objects other than a rear view mirror, sun visor or other equipment of the motor vehicle approved by the superintendent, suspended from any part of such motor vehicle in such manner as to obstruct the driver's clear view of the highway through the windshield, the front side windows, or the rear window.~~

~~It shall be unlawful for any person to operate a motor vehicle upon a highway in this city with any object or objects, other than a rear view mirror, sun visor, or other equipment of the motor vehicle approved by the superintendent, suspended from any part of such motor vehicle in such a manner as to obstruct the driver's clear view of the highway through the windshield, the front side windows, or the rear window, or to alter a passenger-carrying vehicle in such a manner as to obstruct the driver's view through the windshield; provided, however, that this section shall not apply when the driver's clear view of the highway through the rear window is obstructed if such motor vehicle is equipped with a mirror on each side, so located as to reflect to the operator a view of the highway for a distance of not less than 200 feet to the rear of such vehicle.~~

(a) It shall be unlawful for any person (i) to drive a motor vehicle on a highway in the city with any object or objects, other than a rear view mirror, sun visor, or other equipment of the motor vehicle approved by the Superintendent, suspended from any part of the motor vehicle in such a manner as to substantially obstruct the driver's clear view of the highway through the windshield, the front side windows, or the rear window or (ii) to alter a passenger-carrying vehicle in such a manner as to obstruct the driver's view through the windshield. However, this section shall not apply (a) when the driver's clear view of the highway through the rear window is obstructed if such motor vehicle is equipped with a mirror on each side, so located as to reflect to the driver a view of the highway for at least 200 feet to the rear of such vehicle, (b) to safety devices installed on the windshields of vehicles owned by private waste haulers or local governments and used to transport solid waste, or (c) to bicycle racks installed on the front of any bus operated by any city, county, transit authority, or transit or transportation district. The provisions of clause (ii) shall not apply to the lawful immobilization of vehicles pursuant to Sections 46.2-1216 or 46.2-1231 of the Code of Virginia, 1950, as amended.

(b) No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

Sec. 25-337. Exhaust system in good working order required.

~~(a) No person shall drive and no owner of a motor vehicle shall permit or allow the operation of any owned vehicle upon a highway unless such motor vehicle is equipped with an exhaust system of a type installed as standard factory equipment, or comparable to that designed for~~

~~use upon the particular vehicle as standard factory equipment, in good working order and in constant operation to prevent excessive or unusual noise, annoying smoke and escape of excessive gas, steam or oil. An exhaust system shall not be deemed to prevent excessive or unusual noise if it permits or allows the escape of noise in excess of that permitted by the standard factory equipment exhaust system of private passenger motor vehicles or trucks of standard make. No person shall drive and no owner of a vehicle shall permit or allow the operation of any such vehicle on a highway in the city unless it is equipped with an exhaust system in good working order and in constant operation to prevent excessive or unusual levels of noise;~~ provided, however, that for motor vehicles, such exhaust system shall be of a type installed as standard factory equipment, or comparable to that designed for use on the particular vehicle as standard factory equipment or other equipment that has been submitted to and approved by the Superintendent or meets or exceeds the standards and specifications of the Society of Automotive Engineers, the American National Standards Institute, or the federal Department of Transportation.

(b) The term "exhaust system," as used in this section, means all of the parts of a motor vehicle through which the exhaust passes after leaving the engine block, including mufflers and other sound dissipative devices.

(c) ~~Chambered pipes and turbo-superchargers shall not be deemed to be an effective muffling device to prevent excessive or unusual noise as required in subsection (a); and any vehicle equipped with chambered pipes shall be deemed in violation of this section.~~

(d) The provisions of this section shall not apply to (i) any antique motor vehicle licensed pursuant to state law, provided that the engine is comparable to that designed as standard factory equipment for use on that particular vehicle, and the exhaust system is in good working order, or (ii) converted electric vehicles.

(e) No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

Sec. 25-344. ~~Illegal use of defective or~~ and unsafe equipment.

(a) It shall be unlawful for any person to use or have as equipment upon a motor vehicle operated on a highway in the city any device or equipment mentioned in section 25-343 of this Code chapter which is defective or and in an unsafe condition.

(b) For any summons issued for a violation of this section, the court may, in its discretion, dismiss the summons, where proof of compliance with this section is provided to the court on or before the court date.

(c) No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

Sec. 25-386. Crossing highways or streets.

(a) When crossing highways or streets, pedestrians shall not carelessly or maliciously interfere with the orderly passage of vehicles. They shall cross whenever possible only at intersections or marked crosswalks, but where intersections contain no marked crosswalks, pedestrians shall not be guilty of negligence as a matter of law for crossing at any such intersection or between intersections when crossing by the most direct route.

(b) Pedestrians may cross an intersection diagonally when all traffic entering the intersection has been halted by lights, other traffic control devices, or by a law-enforcement officer.

(c) No law-enforcement officer shall stop a pedestrian for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the person's consent, shall be admissible in any trial, hearing, or other proceeding.

Sec. 25-388. Stepping where they cannot be seen.

Pedestrians shall not step into that portion of a highway or street open to moving vehicular traffic at any point between intersections where their presence would be obscured from the vision of drivers of approaching vehicles by a vehicle or other obstruction at the curb or side, except to board a passenger bus or to enter a safety zone, in which event, they shall cross the highway or street only at right angles. No law-enforcement officer shall stop a pedestrian for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this section, including evidence discovered or obtained with the person's consent, shall be admissible in any trial, hearing, or other proceeding.

2. That a Section 25-82.1 be added to Chapter 25 of the Code of City of Lynchburg, 1981, and the same be added and enacted as follows:

Sec. 25-82.1. Expiration and Renewal of Registration.

(a) Where required, the registration of a motor vehicle, trailer or semitrailer operated in the city shall be renewed in accordance with Section 46.2-646 of the Code of Virginia, 1950, as amended. Failure to adhere to the requirements of such code section shall be punishable as a traffic infraction in accordance with the provisions of section 25-3 of this chapter.

(b) For any summons issued hereunder, the court may, in its discretion, dismiss the summons where proof of compliance with this section is provided to the court on or before the court date.

(c) No law-enforcement officer shall stop a motor vehicle due to an expired registration sticker prior to the first day of the fourth month after the original expiration date. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

3. That this ordinance shall become effective upon its adoption.

Adopted:

Certified:

Clerk of Council

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY AMENDING SECTIONS 25-16, 25-41, 25-147, 25-317, 25-320, 25-327, 25-328, 25-337, 25-344, 25-386, AND 25-388 OF CHAPTER 25, AND BY ADDING A SECTION 25-82.1 OF CHAPTER 25, ALL SUCH CODE SECTIONS RELATING TO MOTOR VEHICLE OFFENSES

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That Sections 25-16, 25-41, 25-147, 25-317, 25-320, 25-327, 25-328, 25-337, 25-344, 25-386, and 25-388 of Chapter 25 of the Code of City of Lynchburg, 1981, be and the same are hereby amended and reenacted follows:

Sec. 25-16. Unnecessary noise in the operation of motor vehicles.

(a) No motor vehicle shall be loaded with materials likely to create loud noises by striking together, without using every reasonable effort to deaden the noise.

(b) The use in, upon or attached to any motor vehicle operating on any street of the city, of any radio, phonograph, musical instrument, bell, whistle, loudspeaker, amplifier or device of any kind whatsoever whereby sound therefrom is broadcast from such vehicle is prohibited. The provisions of this ~~paragraph~~ subsection shall not apply to motor vehicles driven in a duly authorized parade or to law-enforcement or emergency vehicles.

(c) It shall be unlawful for any person in operating a motor vehicle within the city to create in the operation thereof any unreasonably loud, disturbing or unnecessary noise. In operating a motor vehicle, the following acts, among others, are declared to create loud, disturbing ~~and~~ or unnecessary noises in violation of this subsection, but such enumeration shall not be deemed to be exclusive, namely:

- (1) The use of a motor vehicle so out of repair as to cause ~~thereby~~ loud and unnecessary grating, grinding, rattling or any of such noises, or any other unnecessary noise.
- (2) The practice of unnecessarily racing the motor of a motor vehicle while standing or moving and thereby causing unnecessary noise from such motor.
- (3) The practice of unnecessarily retarding the spark to the motor of a motor vehicle and thereby causing unnecessary, loud and explosive noise from the such motor.
- (4) In starting off a motor vehicle from a standing position, the practice of gaining speed unnecessarily ~~quickly~~ and thereby causing unnecessary and loud noise from the motor of such motor vehicle.
- (5) The practice of coming to an unreasonably quick stop with a motor vehicle and thereby causing unnecessary grinding of brakes and screeching of tires, or either of such noises.

(d) Any person who violates this section shall be subject to the penalties described under section 26-59 of Chapter 26 of the City Code.

Sec. 25-41. Stopping vehicles for inspection or to secure information.

Except as prohibited by Section 19.2-59 of the Code of Virginia, 1950, as amended, Any police officer any law-enforcement officer who shall be in uniform or who shall exhibit his badge or other sign of authority shall have the right to stop any motor vehicle, trailer or semitrailer, upon request or signal, for the purpose of inspecting the motor vehicle, trailer or semitrailer as to its equipment and operation, its manufacturer's serial or engine number or its contents or load, if such motor vehicle, trailer or semitrailer is a property-carrying vehicle or for the purpose of securing such other information as may be necessary. Nothing in this section shall be construed to authorize the establishment on any highway of police check-points where the only vehicles subject to inspection are motorcycles.

Sec. 25-147. Occupants of front seats of motor vehicles required to use safety lap belts and shoulder harnesses.

(a) Any driver, and any other person at least 18 years of age and occupying the front seat of a motor vehicle equipped or required by the provisions of Title 46.2 of the Code of Virginia, 1950, as amended, to be equipped with a safety belt system, consisting of lap belts, shoulder harnesses, combinations thereof or similar devices, shall wear the appropriate safety belt system at all times while the motor vehicle is in motion on any public highway within the city.

(b) Any person transporting another person less than 18 years old, except under circumstances where a child restraint device would be required, shall ensure that such person is provided with and properly secured by an appropriate safety belt system when driving on the highways in the city in any motor vehicle manufactured after January 1, 1968, equipped or required by the provisions of Title 46.2 of the Code of Virginia, 1950, as amended, to be equipped with a safety belt system, consisting of lap belts, shoulder harnesses, combinations thereof or similar devices.

(c) This section shall not apply to:

- (1) Any person for whom a licensed physician determines that the use of such safety belt system would be impractical by reason of such person's physical condition or other medical reason, provided the person so exempted carries on his person or in the vehicle a signed written statement of the physician identifying the exempted person and stating the grounds for the exemption;
- (2) Any law-enforcement officer transporting persons in custody or traveling in circumstances which render the wearing of such safety belt system impractical;
- (3) Any person while driving a motor vehicle and performing the duties of a rural mail carrier for the United States Postal Service;
- (4) Any persons driving a motor vehicle and performing the duties of a rural newspaper route carrier, newspaper bundle hauler, or a news rack carrier;
- (5) Drivers of and passengers in taxicabs;

(6) Personnel of commercial or municipal vehicles while actually engaged in the collection or the delivery of goods and services, including but not limited to solid waste, where such collection or delivery requires the personnel to exit and enter the cab of the vehicle with such frequency and regularity so as to render the use of safety belt systems impractical and the safety benefits derived therefrom insignificant. Such personnel shall resume the use of safety belt systems when actual collection or delivery has ceased or when the vehicle is in transit to or from a point of final disposition or disposal, including but not limited to solid waste facilities, terminals, or other location where the vehicle may be principally garaged;

(7) Any person driving a motor vehicle and performing the duties of a utility meter reader;

or

(8) Law-enforcement agency personnel driving motor vehicles to enforce laws governing motor vehicle parking.

(d) Any person who violates paragraphs (a) or (b) of this section shall be subject to a civil penalty of \$25.00 to be paid into the city's general fund. No assignment of demerit points shall be made under Article 19 of Chapter 3 of Title 46.2 of the Code of Virginia, 1950, as amended, and no court costs shall be assessed for a violation of this section.

(e) A violation of this section shall not (i) constitute negligence, (ii) be considered in mitigation of damages of whatever nature, (iii) be admissible in evidence, or (iv) be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action.

(f) A violation of this section may be charged on the uniform traffic summons form.

(g) ~~No citation for a violations of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of the City Code or the Code of Virginia relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute~~ law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

Sec. 25-317. Inspection of vehicles.

~~When the superintendent compels, by proclamation of the governor or otherwise, the owner or operator of any motor vehicle, trailer or semitrailer registered in Virginia and operated upon a highway within this state to submit such vehicle to an inspection of its mechanism and equipment by an official inspection station, designated for that purpose, and any such owner or operator of any such motor vehicle, trailer or semitrailer operated upon the highways of this city fails to submit such motor vehicle, trailer or semitrailer to such inspection or fails or refuses to correct or have corrected in accordance with the requirements of this chapter or of state law any mechanical defects found by such inspection to exist, he shall be punishable by a fine of not more than \$200.00.~~

~~Each day during which such motor vehicle, trailer, or semitrailer is operated on any street or highway within the city after failure to comply with this section shall constitute a separate offense. However, no penalty shall be imposed on any owner or operator for the operation of a motor vehicle, trailer or semitrailer after the expiration of a period fixed for the inspection thereof, over the most direct route between the place where such vehicle is kept or garaged and an official inspection station, for the purpose of having it inspected pursuant to a prior appointment with such station.~~

(a) The owner or operator of any motor vehicle, trailer or semitrailer registered in Virginia and operated or parked on a highway within the city shall submit their vehicle to an inspection of its mechanism and equipment by an official inspection station, designated for that purpose, in accordance with Virginia law. No owner or operator shall fail to submit a motor vehicle, trailer or semitrailer operated or parked on the highways in the city to such inspection or fail or refuse to correct or have corrected in accordance with the requirements of Title 46.2 of the Code of Virginia, 1950, as amended, any mechanical defects found by such inspection to exist.

(b) The provisions of this section requiring safety inspections of motor vehicles shall also apply to vehicles used for firefighting; inspections of firefighting vehicles shall be conducted pursuant to regulations promulgated by the Superintendent, taking into consideration the special purpose of such vehicles and the conditions under which they operate.

(c) Each day during which such motor vehicle, trailer or semitrailer is operated or parked on any highway in the city after failure to comply hereunder shall constitute a separate offense.

(d) Autocycles shall be inspected as motorcycles unless otherwise provided by Title 46.2 of the Code of Virginia, 1950, as amended.

(e) No law-enforcement officer shall stop a motor vehicle due to an expired vehicle inspection sticker until the first day of the fourth month after the original expiration date. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

Sec. 25-320. Lighting equipment.

~~Every vehicle operated within the city shall be equipped with lights, lamps and lighting equipment, and the same shall be operated and used, as required by state law the Code of Virginia, 1950, as amended. Except where not prohibited under such code, no law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this section, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.~~

Sec. 25-327. Signs on windshields, etc.

~~It shall be unlawful for any~~ No person shall ~~to operate any motor vehicle upon a highway with any sign, poster or other nontransparent material upon the front windshield, sideshields, or rear windows of such motor vehicle in violation of Section 46.2-1052 of the Code of Virginia, 1950, as amended other than a certificate or other paper required to be placed by law or which may be permitted by the superintendent. The size and placement location of stickers or decals used by counties, cities and towns in lieu of license plates shall be in compliance with regulations promulgated by the superintendent.~~

(b) For any summons issued for a violation of this section, the court may, in its discretion, dismiss the summons, where proof of compliance with this section is provided to the court on or before the court date.

(c) No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

Sec. 25-328. Suspension of objects so as to obstruct view of driver.

~~It shall be unlawful for any person to operate a motor vehicle upon a highway with any object or objects other than a rear view mirror, sun visor or other equipment of the motor vehicle approved by the superintendent, suspended from any part of such motor vehicle in such manner as to obstruct the driver's clear view of the highway through the windshield, the front side windows, or the rear window.~~

~~It shall be unlawful for any person to operate a motor vehicle upon a highway in this city with any object or objects, other than a rear view mirror, sun visor, or other equipment of the motor vehicle approved by the superintendent, suspended from any part of such motor vehicle in such a manner as to obstruct the driver's clear view of the highway through the windshield, the front side windows, or the rear window, or to alter a passenger-carrying vehicle in such a manner as to obstruct the driver's view through the windshield; provided, however, that this section shall not apply when the driver's clear view of the highway through the rear window is obstructed if such motor vehicle is equipped with a mirror on each side, so located as to reflect to the operator a view of the highway for a distance of not less than 200 feet to the rear of such vehicle.~~

(a) It shall be unlawful for any person (i) to drive a motor vehicle on a highway in the city with any object or objects, other than a rear view mirror, sun visor, or other equipment of the motor vehicle approved by the Superintendent, suspended from any part of the motor vehicle in such a manner as to substantially obstruct the driver's clear view of the highway through the windshield, the front side windows, or the rear window or (ii) to alter a passenger-carrying vehicle in such a manner as to obstruct the driver's view through the windshield. However, this section shall not apply (a) when the driver's clear view of the highway through the rear window is obstructed if such motor vehicle is equipped with a mirror on each side, so located as to reflect to the driver a view of the highway for at least 200 feet to the rear of such vehicle, (b) to safety devices installed on the windshields of vehicles owned by private waste haulers or local governments and used to transport solid waste, or (c) to bicycle racks installed on the front of any bus operated by any city, county, transit authority, or transit or transportation district. The provisions of clause (ii) shall not apply to the lawful immobilization of vehicles pursuant to Sections 46.2-1216 or 46.2-1231 of the Code of Virginia, 1950, as amended.

(b) No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

Sec. 25-337. Exhaust system in good working order required.

~~(a) No person shall drive and no owner of a motor vehicle shall permit or allow the operation of any owned vehicle upon a highway unless such motor vehicle is equipped with an exhaust~~

system of a type installed as standard factory equipment, or comparable to that designed for use upon the particular vehicle as standard factory equipment, in good working order and in constant operation to prevent excessive or unusual noise, annoying smoke and escape of excessive gas, steam or oil. An exhaust system shall not be deemed to prevent excessive or unusual noise if it permits or allows the escape of noise in excess of that permitted by the standard factory equipment exhaust system of private passenger motor vehicles or trucks of standard make. No person shall drive and no owner of a vehicle shall permit or allow the operation of any such vehicle on a highway in the city unless it is equipped with an exhaust system in good working order and in constant operation to prevent excessive or unusual levels of noise; provided, however, that for motor vehicles, such exhaust system shall be of a type installed as standard factory equipment, or comparable to that designed for use on the particular vehicle as standard factory equipment or other equipment that has been submitted to and approved by the Superintendent or meets or exceeds the standards and specifications of the Society of Automotive Engineers, the American National Standards Institute, or the federal Department of Transportation.

(b) The term "exhaust system," as used in this section, means all of the parts of a motor vehicle through which the exhaust passes after leaving the engine block, including mufflers and other sound dissipative devices.

(c) Chambered pipes and turbo-supercharges shall not be deemed to be an effective muffling device to prevent excessive or unusual noise as required in subsection (a), and any vehicle equipped with chambered pipes shall be deemed in violation of this section.

(d) The provisions of this section shall not apply to (i) any antique motor vehicle licensed pursuant to state law, provided that the engine is comparable to that designed as standard factory equipment for use on that particular vehicle, and the exhaust system is in good working order, or (ii) converted electric vehicles.

(e) No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

Sec. 25-344. Illegal use of defective or and unsafe equipment.

(a) It shall be unlawful for any person to use or have as equipment upon a motor vehicle operated on a highway in the city any device or equipment mentioned in section 25-343 of this Code chapter which is defective or and in an unsafe condition.

(b) For any summons issued for a violation of this section, the court may, in its discretion, dismiss the summons, where proof of compliance with this section is provided to the court on or before the court date.

(c) No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

Sec. 25-386. Crossing highways or streets.

(a) When crossing highways or streets, pedestrians shall not carelessly or maliciously interfere with the orderly passage of vehicles. They shall cross whenever possible only at intersections or marked crosswalks, but where intersections contain no marked crosswalks, pedestrians shall not be guilty of negligence as a matter of law for crossing at any such intersection or between intersections when crossing by the most direct route.

(b) Pedestrians may cross an intersection diagonally when all traffic entering the intersection has been halted by lights, other traffic control devices, or by a law-enforcement officer.

(c) No law-enforcement officer shall stop a pedestrian for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the person's consent, shall be admissible in any trial, hearing, or other proceeding.

Sec. 25-388. Stepping where they cannot be seen.

Pedestrians shall not step into that portion of a highway or street open to moving vehicular traffic at any point between intersections where their presence would be obscured from the vision of drivers of approaching vehicles by a vehicle or other obstruction at the curb or side, except to board a passenger bus or to enter a safety zone, in which event, they shall cross the highway or street only at right angles. No law-enforcement officer shall stop a pedestrian for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this section, including evidence discovered or obtained with the person's consent, shall be admissible in any trial, hearing, or other proceeding.

2. That a Section 25-82.1 be added to Chapter 25 of the Code of City of Lynchburg, 1981, and the same be added and enacted as follows:

Sec. 25-82.1. Expiration and Renewal of Registration.

(a) Where required, the registration of a motor vehicle, trailer or semitrailer operated in the city shall be renewed in accordance with Section 46.2-646 of the Code of Virginia, 1950, as amended. Failure to adhere to the requirements of such code section shall be punishable as a traffic infraction in accordance with the provisions of section 25-3 of this chapter.

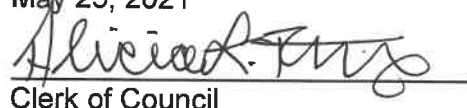
(b) For any summons issued hereunder, the court may, in its discretion, dismiss the summons where proof of compliance with this section is provided to the court on or before the court date.

(c) No law-enforcement officer shall stop a motor vehicle due to an expired registration sticker prior to the first day of the fourth month after the original expiration date. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

3. That this ordinance shall become effective upon its adoption.

Adopted: May 25, 2021

Certified:


Clerk of Council