

FINANCE COMMITTEE AGENDA

**Tuesday, January 25, 2022
11:30 a.m. – Council Chamber**

GENERAL BUSINESS

11:30 a.m.

1. Approval of the Draft Finance Committee Meeting Notes from December 14, 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 2022 City/Federal/State Aid Fund budget and appropriate \$33,650 with resources from a grant from the Library of Virginia to preserve Land Book (1896-1898); Land Book (1887, 1892, 1893); Marriage Bonds: Volume L-Z (1841-1847); Marriage Bonds: Volume A-Z (1848-1849, 1805-1852, 1856-1857); Register of Births (1865, 1872-1896); Register of Deaths (1886-1896), Register of Deaths (1865, 1872-1896); and Deed Book: Volume 59 (1889-1900).

Contact: K. Todd Swisher, Circuit Court Clerk 455-2611

11:45 a.m.

4. Consider a request to adopt a resolution to amend the FY 2022 City/Federal/State Aid Fund budget and appropriate \$20,768 with resources from the U.S. Federal Government Fiscal Year 2022 Chafee Supplemental COVID fund: \$14,768 for Chafee COVID Funding (formerly Independent Living) and \$6,000 for Chafee Education and Training Voucher (ETV) COVID funding, that will be used to aid youth affected by the COVID-19 pandemic.

Contact: Preston Sellers, Human Services Director 455-5656

11:50 a.m.

5. Consider a request to adopt a resolution to amend the FY 2022 City/Federal/State Aid Fund budget and appropriate \$42,532 with resources of \$21,266 from the Virginia Office of Emergency Medical Services Emergency Medical Services Grant Program through the Rescue Squad Assistance Fund (RSAF) and \$21,266 from the FY 2022 General Fund Fire Department budget to purchase two (2) Power Pro stretchers for the Fire Department.

Contact: Greg Wormser, Fire Chief 455-6340

11:55 a.m.

6. Approve the submittal of a grant application to the Virginia Department of Fire Programs (VDFP) for \$56,304 with resources of \$38,850 from the Virginia Department of Fire Programs and \$17,454 from the Virginia Department of Fire Programs Aid to Locality Funds (ATL) grant and/or the FY 2022 or FY 2023 General Fund Fire Department budget

to repair life safety, structural integrity and training safety issues identified within the five (5) year inspection of the training facility.

Contact: Greg Wormser, Fire Chief

455-6340

12:00 p.m.

7. Approve the submittal of a grant application to the Department of Homeland Security (DHS) and FEMA for \$930,100 with resources of \$845,546 from 2021 U.S. Department of Homeland Security (DHS) FEMA and \$84,554 from the FY 2022 or FY 2023 General Fund Fire Department budget and/or combination of local funding from the Virginia Department of Fire Programs Aid to Locality Funds to purchase Self-Contained Breathing Apparatus (SCBA) and related equipment for the Fire Department.

Contact: Greg Wormser, Fire Chief

455-6340

12:05 p.m.

8. 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 September 30, 2021.

Fund	Preparer
GLTC	Joshua Moore, General Manager, GLTC
Regional Airport Fund	Andrew LaGala, Airport Director
Lynchburg Regional Juvenile Detention Center	Preston Sellers, Director of Human Services
Children's Services Act Fund (CSA)	Preston Sellers, Director of 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

12:45 p.m.

9. Review collections received from five of the City's revenue sources.

Contact: Donna Witt, Chief Financial Officer

455-3968

12:50 p.m.

10. Roll Call

The next Finance Committee meeting is Tuesday, February 22, 2022 at 11:30 a.m.

FINANCE COMMITTEE NOTES -- DRAFT
Tuesday, December 14, 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: Wynter C. Benda, City Manager; Reid Wodicka, Deputy City Manager; John Hughes, IV, Assistant 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 October 26, 2021.

The Finance Committee meeting notes for October 26, 2021 were approved as submitted.

2. Report on the General Fund Reserve for Contingencies.

Donna Witt reported there were no new items presented or pending since the last Finance Committee meeting, leaving a current balance of \$1,200,000 including \$50,000 for the City Manager's Discretionary Funding.

3. Consider a request to adopt a resolution to amend the FY 2022 City/Federal/State Aid Fund budget and appropriate \$60,000 with resources of \$30,000 from the Bulletproof Vest Partnership 2021 Grant Program and \$30,000 transferred from the FY 2022 General Fund Police Department (\$26,000) and Sheriff's Office (\$4,000) budgets to purchase 75 replacement ballistic vests for law enforcement officers.

Police Chief Ryan Zuidema presented the item. This item was approved by the Finance Committee and will be considered by Council at the December 14, 2021 meeting.

4. Consider a request to adopt a resolution to amend the FY 2022 City/Federal/State Aid Fund budget and appropriate \$38,326 with resources from the 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) to purchase law enforcement equipment for the Lynchburg Police Department and technology equipment for the Lynchburg Sheriff's Office and the Office of the Commonwealth's Attorney.

Police Chief Ryan Zuidema presented the item. This item was approved by the Finance Committee and will be considered by Council at the December 14, 2021 meeting.

5. Consider a request to adopt a resolution to amend the FY 2022 City/Federal/State Aid Fund budget and appropriate \$22,717 with resources from the American Rescue Plan Act IMLS Sub-grant from the Library of Virginia to the Lynchburg Public Library to provide rapid emergency relief to safely reopen libraries, promote digital inclusion, and support library services that meet the needs of the community.

Library Director Beverly Blair presented the item. This item was approved by the Finance Committee and will be considered by Council at the December 14, 2021 meeting.

6. Consider a request to adopt a resolution to amend the FY 2022 City/Federal/State Aid Fund budget and appropriate \$636 with resources from the United States Tennis Association for the Lynchburg Parks and Recreation Department (LPRD) to purchase tennis equipment for the youth tennis programs.

Recreation Services Manager Maggie Mace presented the item. This item was approved by the Finance Committee and will be considered by Council at the December 14, 2021 meeting.

7. Consider a request to adopt a resolution to amend the FY 2022 City/Federal/State Aid Fund budget to appropriate \$50,000 with resources from the Virginia Housing Fiscal Year 2022 Community Impact Grant, which will be used to study potential housing opportunities in the Dearington neighborhood.

Community Development Director Kent White presented the item. This item was approved by the Finance Committee and will be considered by Council at the December 14, 2021 meeting.

8. Consider a request to adopt a resolution to amend the FY 2022 City/Federal/State Aid Fund budget and appropriate \$84,000 with resources of \$84,000 from the 2021 State Homeland Security Program (SHSP) from U.S. Department of Homeland Security (DHS) to fund equipment for the Fire Department Technical Rescue Team.

Fire Chief Greg Wormser presented the item. This item was approved by the Finance Committee and will be considered by Council at the December 14, 2021 meeting.

9. Review collections received from five of the City's revenue sources.

Donna Witt summarized the following revenues received through September 2021, noting the projections were conservative due to the very different climate at the time these projections were made during 4th quarter of FY 2021: Sales and Use Tax is currently \$263,000 above adopted for the month of September and approximately \$700,000 above budget for year-to-date due partly to an increase in cost of goods and more available cash for spending with influx of Federal funds; Consumer Utility Tax- Electric revenue is close to target at \$47,000 above budget year-to-date; Meals Tax revenue is almost \$1 million above budget year-to-date with a large part due to increases in the cost of meals; Lodging Tax revenue is above budget by \$173,000 year-to-date and back to 2019 levels with events opening back up; and Amusement Tax is getting closer to 2019 levels with events being held more consistently and movie theaters opening back up.

10. Compression FY 2023.

Staff provided, as reference and context, a 24-year history of General Wage Increases (GWI) for city employees. Donna Witt summarized the information, noting wage increases in earlier years gave way to the recession and a new market where the City was challenged to keep up with market increases, resulting in new hires at rates above existing employees. Police Chief Ryan Zuidema provided a presentation (attached) on the proposed progression plan to help address compression issues within the Police Department. As part of the plan, Chief Zuidema highlighted the Pay Progression Plan (PPP) Principles: No person of a lower rank will make more money than a person of a higher rank. The progression requires the employee to achieve a "meets or exceeds" annual evaluation and must earn/maintain the required number of career progression points. The PPP includes all sworn officers in the ranks of recruit through Deputy Chief, replaces general wage increases, and the cost is based on a plan to reach maximum of the pay grade for each rank within 9 years. The cost of the plan is \$531,714 in FY 2022, impacting 61 officers, and \$138,291 in FY 2023, and will impact 84 officers.

11. Review memo regarding FY 2021 General Fund Unassigned Fund Balance.

Donna Witt summarized the memo previously provided to City Council regarding the FY 2021 General Fund Unassigned Fund Balance. She noted the uncertainty of everything when budgets were being adopted for FY 2021, making it difficult for the City as well as the state to accurately project revenues. At Third Quarter during FY 2021, revenues were at 72.3% of budget and expenditures were at 68.7% of budget. It was during Fourth Quarter the economy began to rebound with stimulus money and everything beginning to open back up again. She noted additional impacts to the fund balance included the allowed use of CARES funds to offset expenditures for public safety, higher than normal vacancies, a higher allowance for uncollectible real estate revenue due to Covid-19, and higher than usual savings within departments due to less expenditures.

12. Roll Call.

Chairman Helgeson motioned to revoke the 1993 agreement between City Council and the School Board for use by Schools of their end-of-year Fund Balance on one-time expenditures. There was no second for the motion.

Meeting adjourned at 12:55 p.m.

Lynchburg Police Department: Pay Progression Plan



December 14, 2021

Pay Progression Plan Background

- Compression has been an issue for years in LPD
- Pay progression plans (PPP) are becoming the industry standard
 - Roanoke City and Roanoke County
 - Chesterfield County and Henrico County
- Need to attract and retain top officers



Pay Progression Plan Goals

- Create a comprehensive pay plan for sworn LPD personnel that:
 - Continues to address recruitment and retention issues.
 - Outlines a clear pay progression that allows for financial clarity during future planning.
 - Eliminates compression through all ranks
 - Positively affects recruitment and retention by making the prospect of staying more desirable through future financial clarity.
- The success of this plan will be demonstrated by increased staffing and morale as it simultaneously addresses compensation, compression, retention, and recruitment.



Pay Progression Plan Development and Principles

- Development:
 - Used the current max of each pay grade
 - This plan incorporates most recent data from HR (including recent increases)
 - Adaptable as necessary for changes to max ranks and years
- PPP Principles:
 - No person of a lower rank will make more money than a person of a higher rank.
 - Progression requires:
 - A meets or exceeds annual evaluation; and
 - Earning and maintaining the required number of career progression points.



Pay Progression Plan Rank Salary Details

Rank	Min.	Max.
Recruit/Police Officer	\$50,003.20	\$66,518.40
Sergeant	\$69,846.40	\$80,808.00
Lieutenant	\$84,843.20	\$101,275.20
Captain	\$106,329.60	\$114,192.00
Deputy Chief	\$119,912.00	\$147,617.60



Pay Progression Plan Rank Salary Details

Fiscal Year	Cost	Officers Affected
2023	Salary: \$413,785	61
	Taxes and Benefits: \$117,929	
	Total: \$531,714	
2024	Salary: \$107,619	84
	Taxes and Benefits: \$30,672	
	Total: \$138,291	

- Includes all sworn officers in the ranks of recruit through Deputy Chief
- Replaces general wage increases
- Cost is based on plan to reach maximum of the pay grade for each rank within 9 years
- Currently budget \$275k for certification pay/clothing and boot allowance that will be reallocated to the plan beginning in FY 24



FY 2022 GENERAL FUND RESERVE FOR CONTINGENCIES

	<u>Reserve for Contingencies</u>	<u>City Manager's Discretionary Funding</u>
BEGINNING BALANCE, JULY 1, 2021	\$1,150,000	\$50,000
Carryforward to FY 2022 Reserve for Contingencies - FY 2022 Adopted Budget	0	0
BALANCE	<u>\$1,150,000</u>	<u>\$50,000</u>
 APPROPRIATIONS (Second Reading)		
 TOTAL APPROPRIATIONS	 <u>\$0</u>	 <u>\$0</u>
 REMAINING BALANCE	 <u>\$1,150,000</u>	 <u>\$50,000</u>
 ITEMS INTRODUCED		
 TOTAL INTRODUCED ITEMS	 <u>\$0</u>	 <u>\$0</u>
 REMAINING BALANCE	 <u>\$1,150,000</u>	 <u>\$50,000</u>
 PENDING ITEMS		
 TOTAL PENDING ITEMS	 <u>\$0</u>	 <u>\$0</u>
 ENDING BALANCE, JUNE 30, 2022	 <u>\$1,150,000</u>	 <u>\$50,000</u>

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 25, 2022**

AGENDA ITEM #:

REGULAR: **X**
ACTION: **X**

WORK SESSION:
INFORMATION:

CLOSED SESSION (Confidential):

ITEM TITLE: Library of Virginia Grant to Preserve Historical Records at the Circuit Court Clerk's Office

RECOMMENDATION: Adopt a resolution to amend the FY 2022 City/Federal/State Aid Fund budget and appropriate \$33,650 with resources from a grant from the Library of Virginia to preserve Land Book (1896-1898); Land Book (1887, 1892, 1893); Marriage Bonds: Volume L-Z (1841-1847); Marriage Bonds: Volume A-Z (1848-1849, 1805-1852, 1856-1857); Register of Births (1865, 1872-1896); Register of Deaths (1886-1896), Register of Deaths (1865, 1872-1896); and Deed Book: Volume 59 (1889-1900).

SUMMARY: The Library of Virginia allows Circuit Court Clerk's Offices statewide to submit applications for grant funding to preserve historical records on an annual basis. The Lynchburg Circuit Court Clerk's Office submitted a grant application to reformat and preserve the aforementioned records at a total amount of \$33,650. This grant application has been approved for the full amount requested. No local match is required. The grant covers 100% of the costs related to this preservation work.

PRIOR ACTION(S): Finance Committee, January 25, 2022 (Request to appropriate funds)

FISCAL IMPACT: None – no local match is required.

CONTACT(S): K. Todd Swisher, Circuit Court Clerk, 455-2611

ATTACHMENT(S):

- Resolution
- Library of Virginia Grant Agreement and Signed Certification Form

REVIEWED BY: MMB WCB

RESOLUTION:

BE IT RESOLVED that the FY 2022 City/Federal/State Aid Fund budget is amended and \$33,650 is appropriated with resources from a grant from the Library of Virginia to preserve Land Book (1896-1898); Land Book (1887, 1892, 1893); Marriage Bonds: Volume L-Z (1841-1847); Marriage Bonds: Volume A-Z (1848-1849, 1805-1852, 1856-1857); Register of Births (1865, 1872-1896); Register of Deaths (1886-1896), Register of Deaths (1865, 1872-1896); and Deed Book: Volume 59 (1889-1900).

Introduced:

Adopted:

Certified:

Clerk of Council

LIBRARY OF VIRGINIA

Sandra Gioia Treadway
Librarian of Virginia

Dec. 16, 2021

Grant Agreement Number: 2022FY-005

The Honorable Kenneth T. "Todd" Swisher
Clerk of the Circuit Court
City of Lynchburg
P.O. Box 4
Lynchburg, VA 24505

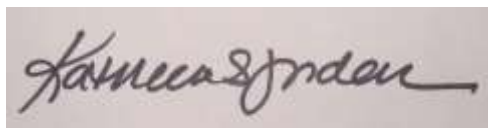
Dear Mr. Swisher,

The Circuit Court Records Preservation Grants Review Board met on Thursday, Dec. 16th, 2021 to consider 115 applications submitted from 101 localities. It is our pleasure to inform you that your Item Conservation grant application to the Virginia Circuit Court Records Preservation Program has been **approved in the full amount of \$33,649.25**. The following item(s) have been approved by the Review Board: **Deed Book 59, 1889-1900; Land Books 1887, 1892-1893; Land Books 1896-1898; Marriage Bonds & Certificates A-Z, 1805-1857; Marriage Bonds L-Z, 1841-1847; Register of Births 1865, 1872-1896; Register of Deaths 1865, 1872-1896; Register of Deaths 1886-1896**. This grant is subject to the stated amount, availability of funds, and any provisos listed in this letter or on the enclosed CCRP Grants Program Application Certification form. Please review these provisos carefully to determine the scope and/or limitations of the project.

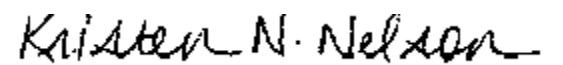
You will find the Award Certification form included with this letter. This agreement, along with the original grant application, details the term of your project, the portion of your project supported with grant funds, and the specific work that is to be accomplished. It will also indicate your fiscal and program reporting requirements. Please read the agreement carefully and return it electronically **within fifteen days of receipt** to Michelle Washington at the Library of Virginia (Michelle.Washington@lva.virginia.gov). Contact your item conservation vendor representative to make arrangements for them to collect the approved items. If you have any questions regarding this award or agreement, please contact Greg Crawford at (804) 692-3505.

Please accept our congratulations on the approval of your 2022FY application. We appreciate your interest in preserving Virginia's documentary heritage and extend our best wishes for a successful project. We will look forward to working with you next year in preparation for the 2023FY grant cycle.

Sincerely,



Kathleen S. Jordan
Director of Government Records Services



Kristin N. Nelson
President, Virginia Court Clerks' Association

CCRP GRANTS PROGRAM AWARD CERTIFICATION FORM

Locality: Lynchburg City

Date of Award: 12/16/2021

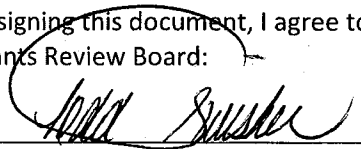
Grant #: 2022FY-005

Amount of Grant Award: \$33,649.25

Grant Type: Item Conservation

Amount of Grant Request: \$33,649.25

By signing this document, I agree to the three statements below, as well as the decision of the CCRP Grants Review Board:


Signature of Circuit Court Clerk

K. TODD SWISHER
Typed or Printed Name of Circuit Court Clerk

Statement regarding expenditure of funds:

I will abide by applicable state and local procurement rules and agree that funds granted under the Virginia Circuit Court Records Preservation Program will be spent only in accordance with the plan of work and budget statement presented in this application, and that any changes in the submitted proposal of work and/or budget will be submitted in writing to the grants office for approval in advance. I understand that grant funds will only be released upon receipt of verification form indicating that the proposal of work has been fully completed. I will ensure that any agreements for goods or services to be paid for with grant funds will be consistent with the project requirements set forth in the

Statement regarding archival and records management policies and procedures:

I agree to comply with all policies and procedures required by the Code of Virginia, and the decisions of the Circuit Court Records Preservation Grants Review Board and the Library of Virginia concerning the management, preservation, reproduction, and storage of public records, as well as those pertaining to the official recording of such records in government offices, whether on paper, microfilm, digital image, or any other medium.

Statement regarding project status and financial expenditure reports:

I agree to submit program status and financial expenditure reports as required by the Library of Virginia. I also agree to account for all grant funds, to maintain separate financial and programmatic records on this project, and to retain such source documentation as canceled checks, paid bills, payroll, or other accounting documentation, in conjunction with the fiscal office of this locality, that would facilitate an audit. I understand that failure to submit the status and financial reports will result in grant funds not being released and this office becoming ineligible to receive future grant funding, until such time that the delinquent reports have been successfully submitted.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 25, 2022**

AGENDA ITEM #:

REGULAR: **X** WORK SESSION: CLOSED SESSION (Confidential):
ACTION: **X** INFORMATION:

ITEM TITLE: 2022 Chafee Independent Living COVID and Chafee Education and Training Voucher COVID.

RECOMMENDATION: Adopt a resolution to amend the FY 2022 City/Federal/State Aid Fund budget and appropriate \$20,768 with resources from the U.S. Federal Government Fiscal Year 2022 Chafee Supplemental COVID fund: \$14,768 for Chafee COVID Funding (formerly Independent Living) and \$6,000 for Chafee Education and Training Voucher (ETV) COVID funding, that will be used to aid youth affected by the COVID-19 pandemic.

SUMMARY: These grants are funded to agencies only once, and are designed to address the financial needs of youth and young adults who are in or were formerly in foster care during the pandemic. The department of Human Services has been awarded:

- \$14,768 in additional Chafee COVID funds. Funds can be used to provide direct financial assistance to youth, assist youth in meeting living expenses (rent, groceries, utilities, etc.), assist with medical expenses, provide services and supports, continue service provision for youth who would otherwise lose eligible funding (CSA) at age 21, assist with driving and/or transportation needs and expenses, and to assist agencies with marketing and outreach for eligible youth.
- \$6,000 in additional Chafee ETV COVID funds. Funds are designed to assist/support youth who were on track to attend or were attending post-secondary institutions or programs, but had their education interrupted due to the COVID-19 pandemic. The funding is to be used to help support youth to remain enrolled in a post-secondary or training/vocational program, including expenses that are not part of the cost of attendance. Examples of allowable expenditures are laptops or other technology necessary for virtual attendance, office supply items needed to create a learning space in the home, and tools/services needed for internet access.

PRIOR ACTION(S):

January 25, 2022: Finance Committee (consider request to appropriate funds)

FISCAL IMPACT: None – No local match is required.

CONTACT(S): Preston Sellers, Human Service Director - 455-5656
April Watson, Deputy Director - 455-5713
M. Kathy Collins, Accountant III - 455-5770

ATTACHMENT(S):

- Resolution

REVIEWED BY: jhh

RESOLUTION:

BE IT RESOLVED that the FY 2022 City/Federal/State Aid Fund budget is amended and \$20,768 is appropriated with resources from the U.S. Federal Government Fiscal Year 2022 Chafee Supplemental COVID fund: \$14,768 for Chafee COVID Funding (formerly Independent Living) and \$6,000 for Chafee Education and Training Voucher (ETV) COVID funding, that will be used to aid youth affected by the COVID-19 pandemic.

Introduced:

Adopted:

Certified:

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 25, 2022**

AGENDA ITEM #:

REGULAR: **X** WORK SESSION: CLOSED SESSION (Confidential):
ACTION: **X** INFORMATION:

ITEM TITLE: Virginia Office of Emergency Medical Services Emergency Medical Services Grant Program through the Rescue Squad Assistance Fund (RSAF) to purchase two (2) stretchers for medic units.

RECOMMENDATION: Adopt a resolution to amend the FY 2022 City/Federal/State Aid Fund budget and appropriate \$42,532 with resources of \$21,266 from the Virginia Office of Emergency Medical Services Emergency Medical Services Grant Program through the Rescue Squad Assistance Fund (RSAF) and \$21,266 from the FY 2022 General Fund Fire Department budget to purchase two (2) Power Pro stretchers for the Fire Department.

SUMMARY: The Virginia Office of Emergency Medical Services (EMS) awards grant funding to EMS agencies for the purpose of obtaining and maintaining emergency vehicles and equipment; providing EMS management, leadership, and advanced life support training; and achieving other goals that support the enhancement of community EMS services.

The Fire Department has been awarded RSAF grant funds to replace two (2) Power Pro stretchers. These stretchers have reached the end of their useful life with one being manufactured in 2012 and the other in 2015. Replacement of these items will assist the fire department in maintaining a high level of customer service and patient care. Additionally, use of these stretchers greatly diminishes the likelihood of back injuries related to patient movement.

The grant requires a local match. The Fire Department has been awarded grant funds under a 50/50 match. With a total cost of \$42,532, the maximum required local match is \$21,266. The match will be funded from the FY 2022 General Fund Fire Department budget.

PRIOR ACTION(S):

January 25, 2022: Finance Committee (consider request to appropriate funds)

FISCAL IMPACT:

\$21,266 in matching funds will be provided from the Fire Department's FY 2022 budget; no additional appropriation is required. Future funds will be needed for periodic maintenance of the equipment.

CONTACT(S):

Greg Wormser, Fire Chief, 455-6340
Robert Lipscomb, Deputy Chief, 455-6352
Annette Pettyjohn, Fire Administrative Manager, 455-6368

ATTACHMENT(S):

- Resolution

REVIEWED BY:

RESOLUTION:

BE IT RESOLVED that the FY 2022 City/Federal/State Aid Fund budget is amended and \$42,532 is appropriated with resources of \$21,266 from the Virginia Office of Emergency Medical Services Emergency Medical Services Grant Program through the Rescue Squad Assistance Fund (RSAF) and \$21,266 from the FY 2022 General Fund Fire Department budget to purchase two (2) Power Pro stretchers for the Fire Department.

Introduced:

Adopted:

Certified:

Clerk of Council

FINANCE COMMITTEE

Agenda Item Summary

MEETING DATE: **January 25, 2022**

AGENDA ITEM #:

REGULAR: **X** WORK SESSION: CLOSED SESSION (Confidential):
ACTION: **X** INFORMATION:

ITEM TITLE: Live Fire Training Structure grant to renovate and make repairs to the Central Virginia Regional Emergency Services Training Center concerning identified Life Safety, Structural Integrity, and Training Safety issues as well as complete needed Preventative Maintenance.

RECOMMENDATION: Approve the submittal of a grant application to the Virginia Department of Fire Programs (VDFP) for \$56,304 with resources of \$38,850 from the Virginia Department of Fire Programs and \$17,454 from the Virginia Department of Fire Programs Aid to Locality Funds (ATL) grant and/or the FY 2022 or FY 2023 General Fund Fire Department budget to repair life safety, structural integrity and training safety issues identified within the five (5) year inspection of the training facility.

SUMMARY: The Fire Department seeks authorization to apply for a matching grant for needed repairs to the Central Virginia Regional Emergency Services Training Center. Specifically, the burn building, where live fire exercises are conducted, has reached an age beyond its expected term of use and these required repairs will allow the department and surrounding areas to utilize the training facility for an additional 3-5 years. The VDFP administers this grant to provide funding to localities for the construction, renovation or repair of Live Fire Training Structures in the Commonwealth of Virginia.

This grant requires a local match based on the square feet of the burn building. The size of this structure allows for VDFP to pay a 69% match and the locality to pay a 31% match. With a total cost of the grant at \$56,304, VDFP will provide \$38,850 and the Fire Department may utilize ATL funding and/or a combination of FY 2022 or FY 2023 General Fund Fire Department budget to cover the remaining balance of \$17,454. Grants should be awarded in calendar year 2022; therefore, if awarded, the match may be funded from the FY 2022 or FY2023 General Fund Fire Department budget.

PRIOR ACTION(S): None

FISCAL IMPACT: \$17,454 in matching funds will be provided by FY 2022 or FY 2023 General Fund Fire Department budget and/or combination of local funding with ATL Funds. Future funds will be needed for periodic maintenance of the equipment.

CONTACT(S): Fire Chief Greg Wormser, 455-6340
Battalion Chief Daniel Williams, 455-6360
Annette Pettyjohn, Fire Administrative Manager, 455-6368

ATTACHMENT(S): None

REVIEWED BY:

FINANCE COMMITTEE

Agenda Item Summary

MEETING DATE: **January 25, 2022**

AGENDA ITEM #:

REGULAR: **X** WORK SESSION: CLOSED SESSION (Confidential):
ACTION: **X** INFORMATION:

ITEM TITLE: 2021 Assistance to Firefighters grant to purchase Self-Contained Breathing Apparatus (SCBA) airpacks for the Fire Department.

RECOMMENDATION: Approve the submittal of a grant application to the Department of Homeland Security (DHS) and FEMA for \$930,100 with resources of \$845,546 from 2021 U.S. Department of Homeland Security (DHS) FEMA and \$84,554 from the FY 2022 or FY 2023 General Fund Fire Department budget and/or combination of local funding from the Virginia Department of Fire Programs Aid to Locality Funds to purchase Self-Contained Breathing Apparatus (SCBA) and related equipment for the Fire Department.

SUMMARY: The Fire Department seeks authorization to apply for a matching grant for SCBA, Rapid Intervention Team (RIT) packs, associated mounting brackets, and a breathing air compressor. The Department of Homeland Security and FEMA administers this grant to provide funding to focus on enhancing the safety of the public and firefighters with respect to fire and fire-related hazards. The Assistance to Firefighters Grant accomplishes this by providing financial assistance directly to eligible fire departments for critical training and equipment.

The funds will be used for the purchase of ninety-five (95) SCBA, ninety-five (95) air bottles, fifteen (15) RIT Packs, brackets, and a breathing air compressor to effectively respond to and mitigate fire related hazards. The SCBA we currently use are rapidly coming to the end of their useful life and some of the component parts are no longer available. In addition, the breathing air compressor to be replaced will meet the end of its useful life in CY 2023 as it is the oldest of the three (3) compressors in operation at the department.

This grant requires up to a 10% local match. With a total cost of the grant at \$930,100, the FEMAGO grant software program auto-calculated local match for this grant is \$84,554. Grants should be awarded in calendar year 2022; therefore, if awarded, the match will be funded from the FY 2022 or FY 2023 General Fund Fire Department budget.

PRIOR ACTION(S): None

FISCAL IMPACT: \$84,554 in matching funds will be provided FY 2022 or FY 2023 General Fund Fire Department budget and/or combination of local funding with Virginia Department of Fire Programs Aid to Locality Funds. Future funds will be needed for periodic maintenance of the equipment.

CONTACT(S): Fire Chief Greg Wormser, 455-6340
Captain Todd Davis, 455-6358
Annette Pettyjohn, Fire Administrative Manager 455-6368

ATTACHMENT(S): None

REVIEWED BY:



GREATER LYNCHBURG TRANSIT COMPANY

We're Here To Get You There!

Finance Committee
Lynchburg City Council

January 14th, 2022

Re: GLTC Quarterly Financial Report – 1st Quarter 2022

GLTC has experienced slightly higher than anticipated revenues primarily due to higher non-operating revenues and advertising revenues. Passenger fares are about three thousand dollars over projections for the quarter as well leading to a one percent increase in total revenues.

Expenses in all categories are down, primarily due to position vacancies. These vacancies have led to significant overtime expenses, but the totals are within the allocated funds. Fuel has experienced a twenty-two percent increase during this period, while tires have experienced an increase of eighty-five percent primarily due to disruptions in the tire manufacturing market and subsequent supply chain disruptions.

Expenses in Administration are below anticipated expenditures primarily due to staff vacancies. The higher-than-expected expenditure for miscellaneous items is comprised of travel for staff training which was covered *in toto* by a Rural Training and Assistance Program (RTAP) grant.

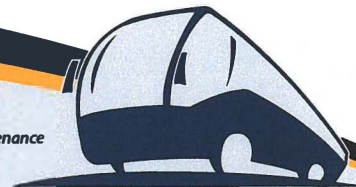
For the quarter, total expenses were down by twelve percent, which is based almost exclusively on positional vacancy savings. Non-personnel related expenses increased substantially due to shortages of materials and supplies and rising costs in fuel.

Respectfully,

Joshua A. Moore
General Manager
GLTC

419 Bradley Drive • Lynchburg, VA 24501 | PO Box 11286 • Lynchburg, VA 24506
434.455.5080 Office • 434.528.4582 Fax • www.GLTCOnline.com

The Central Virginia Transit Management Company, Inc., employs all Administrative Staff, Bus Operators and Maintenance Personnel for the Greater Lynchburg Transit Company (GLTC). GLTC is professionally managed by First Transit, a division of First Group America.

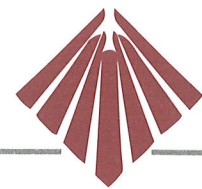


CENTRAL VIRGINIA TRANSIT MANAGEMENT CO INC.
QUARTERLY INCOME STATEMENT
AS OF SEPTEMBER 30, 2021

	QTR TO DATE					
	FY2022 QTD ACTUAL	FY2022 QTD BUDGET	% VAR	FY2022 YTD ACTUAL	FY2022 YTD BUDGET	% of Budget
REVENUE						
FRT Passenger Revenue	\$ 97,152	\$ 94,248	3%	\$ 97,152	\$ 94,248	103%
DRT Passenger Revenue	8,930	8,766	2%	8,930	8,766	102%
Contracts (CVCC Access)	8,445	8,445	0%	8,445	8,445	100%
Non-Operating Revenue	17,676	1,625	988%	17,676	1,625	1088%
Advertising Revenue	22,388	13,750	63%	22,388	13,750	163%
City Operating Assistance	316,613	316,614	0%	316,613	316,614	100%
County Operating Assistance	19,450	19,450	0%	19,450	19,450	100%
State Operating Assistance	561,222	562,722	0%	561,222	562,722	100%
Federal Operating Assistance	988,314	988,314	0%	988,314	988,314	100%
TOTAL REVENUE	\$ 2,040,190	\$ 2,013,934	1%	\$ 2,040,190	\$ 2,013,934	101%
EXPENSES						
FIXED ROUTE						
Operator Labor	\$ 304,533	\$ 396,435	-23%	\$ 304,533	\$ 396,435	77%
Operator-Overtime	61,707	51,352	20%	61,707	51,352	120%
Other Salaries & Wages	90,913	92,410	-2%	90,913	92,410	98%
Supervisors-Overtime	8,406	4,754	77%	8,406	4,754	177%
Fringe Benefits	224,058	259,969	-14%	224,058	259,969	86%
TOTAL FIXED ROUTE	\$ 689,616	\$ 804,920	-14%	\$ 689,616	\$ 804,920	86%
DEMAND RESPONSE						
Operator Labor	\$ 50,040	\$ 80,830	-38%	\$ 50,040	\$ 80,830	62%
Operator-Overtime-PTS	2,941	2,401	23%	2,941	2,401	123%
Other Salaries & Wages	21,241	26,432	-20%	21,241	26,432	80%
Fringe Benefits	35,721	53,620	-33%	35,721	53,620	67%
TOTAL DEMAND RESPONSE	\$ 109,944	\$ 163,283	-33%	\$ 109,944	\$ 163,283	67%
MAINTENANCE						
Other Salaries & Wages	\$ 165,126	\$ 187,667	-12%	\$ 165,126	\$ 187,667	88%
Inspection&Maint,Srvc-Overtime	19,229	11,776	63%	19,229	11,776	163%
Fringe Benefits	88,724	97,519	-9%	88,724	97,519	91%
Fuel & Lubricants	148,544	122,237	22%	148,544	122,237	122%
Tires & Tubes	34,855	18,875	85%	34,855	18,875	185%
Other Materials & Supplies	82,911	110,922	-25%	82,911	110,922	75%
TOTAL MAINTENANCE	\$ 539,388	\$ 548,996	-2%	\$ 539,388	\$ 548,996	98%
ADMINISTRATION						
Other Salaries & Wages	\$ 100,012	\$ 127,037	-21%	\$ 100,012	\$ 127,037	79%
Fringe Benefits	48,132	62,116	-23%	48,132	62,116	77%
Services	109,017	116,854	-7%	109,017	116,854	93%
Utilities	36,638	46,145	-21%	36,638	46,145	79%
Casualty & Liability Expenses	69,988	71,821	-3%	69,988	71,821	97%
Information Technology	33,671	41,382	-19%	33,671	41,382	81%
Other Materials & Supplies	10,613	16,519	-36%	10,613	16,519	64%
Miscellaneous	16,576	14,862	12%	16,576	14,862	112%
TOTAL ADMINISTRATION	\$ 424,649	\$ 496,735	-15%	\$ 424,649	\$ 496,735	85%
TOTAL EXPENSES	\$ 1,763,597	\$ 2,013,934	-12%	\$ 1,763,597	\$ 2,013,935	88%
NET INCOME/(LOSS)	\$ 276,593	\$ -	100%	\$ 276,593	\$ -	100%

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

January 14, 2022

Finance Committee
City Council
City of Lynchburg
Lynchburg, Virginia

Re: September 30, 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 FY2022 first quarter ending September 30, 2021. Operating revenues are continuing their slow but steady increase to pre-COVID levels as American Airlines contends with equipment challenges/staffing shortages while trying to add additional seat capacity as passenger traffic demand warrants. With the aid of our federal COVID-19 CARES & CRRSA grants, the Airport is projecting a FY2022 surplus of \$327,856 which is \$165,050 more than our Adopted Budget.

REVENUE HIGHLIGHTS

- Terminal Revenue: Revenue is projected to be \$53,550 more than budget due mainly to having increased the Rental Car CFC rate by \$1 per day in November 2020.
- General Aviation: Revenue is projected to be \$10,000 more than budget due to additional aircraft parking revenue from additional aircraft parking areas.
- State Airport Aid: Revenue is projected to be \$100,000 more than budget due to projecting more 80% state-supported small projects than anticipated.

EXPENSE HIGHLIGHTS

- All operating expenses are expected to be at or near their budgeted amounts.

SUMMARY

Operating revenues for the year are projected to be an estimated \$165,050 more than budgeted while expenses 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 federal COVID-19 CARES & CRRSA grants providing additional revenue and a planned transfer to our capital fund later this fiscal year, the Airport is projecting an operating surplus for FY2022 of \$327,856.

Respectfully submitted,



Andrew LaGala, A.A.E.
Airport Director

cc: Wynter Benda, City Manager
Reid Wodicka, Deputy City Manager
Donna Witt, Director of Financial Services

LYNCHBURG REGIONAL AIRPORT
OPERATING FUND FINANCIAL SUMMARY
September 30, 2021

	FY 2021 Amended Budget	FY 2021 Actual (thru 9/30/20)	FY 2021 % of Budget	*	FY 2022 Amended Budget	FY 2022 Actual (thru 9/30/21)	FY 2022 % of Budget	*	FY 2022 Amended Budget	FY 2022 Projected (as of 9/30/21)	FY 2022 \$ Variance Projected vs. Amended Budget
BEGINNING NET ASSETS	\$ 250,000	\$ 34,307,200		*	\$ 250,000	\$ 34,950,037 (1)		*	\$ 250,000	\$ 34,950,037 (1)	
Less: Invested in Capital Assets, net of related debt		(34,908,540)		*		(34,982,320)		*		(34,982,320)	
BEGINNING UNRESTRICTED NET ASSETS	\$ 250,000	\$ (601,341)		*	\$ 250,000	\$ (32,284)		*	\$ 250,000	\$ (32,284)	\$ -
USE OF ENCUMBRANCES CARRIED FORWARD	\$ 73,130			*	\$ 490,663	\$ 490,663		*	\$ 490,663	\$ 490,663	
TRANSFER OF RESERVES TO CAPITAL FUND				*				*			
REVENUES				*				*			
Airfield	135,000	12,302	9%	*	95,000	21,711	23%	*	95,000	95,000	0
Terminal	1,598,083	213,275	13%	*	1,216,033	304,758	25%	*	1,216,033	1,269,583	53,550
General Aviation	601,500	149,184	25%	*	594,000	156,742	26%	*	594,000	604,000	10,000
Other Leased Property	394,750	86,129	22%	*	402,050	90,623	23%	*	402,050	403,550	1,500
State Airport Aid	200,000	13,394	7%	*	135,000	0	0%	*	135,000	235,000	100,000
Federal Security Aid	85,000	7,440	9%	*	87,000	14,880	17%	*	87,000	87,000	0
Federal CARES/CRRSA Grants	2,100,000	264,186	13%	*	3,061,006	673,731	22%	*	3,061,006	3,061,006	(0)
Interest & Other	36,000	9,932	28%	*	55,000	8,953	16%	*	55,000	55,000	0
TOTAL REVENUES	\$ 5,150,333	\$ 755,842		*	\$ 5,645,089	\$ 1,271,398		*	\$ 5,645,089	\$ 5,810,139	\$ 165,050
EXPENSES				*				*			
Airfield Operations	315,154	50,910	16%	*	304,719	45,286	15%	*	304,719	304,719	0
Terminal Operations	612,401	134,982	22%	*	614,597	118,585	19%	*	614,597	614,597	0
General Aviation	150,175	22,874	15%	*	145,815	14,088	10%	*	145,815	145,815	0
Administration	914,080	202,583	22%	*	917,194	216,431	24%	*	917,194	917,194	0
Safety (ARFF & LEO)	454,510	95,757	21%	*	439,510	107,695	25%	*	439,510	439,510	0
Snow Removal	39,030	708	2%	*	24,030	0	0%	*	24,030	24,030	0
Debt Service	103,479	2,073	2%	*	103,312	1,941	2%	*	103,312	103,312	0
Small Projects & Equip. (State/CARES/CRRSA Supported)	874,928	115,522	13%	*	2,321,237	48,565	2%	*	2,321,237	2,321,237	0
Transfers to Other Airport Funds	1,005,000	0	0%	*	1,000,000	0	0%	*	1,000,000	1,000,000	0
Other Airport Expenses	81,694	7,664	9%	*	87,532	7,664	9%	*	87,532	87,532	0
Year-end GASB68 & GASB75 Retiree Accrual Adjustments	20,000	0		*	15,000	0		*	15,000	15,000	0
TOTAL EXPENSES	\$ 4,570,452	\$ 633,073		*	\$ 5,972,946	\$ 560,255		*	\$ 5,972,946	\$ 5,972,946	\$ -
ENDING UNRESTRICTED NET ASSETS	\$ 903,012	\$ (478,573)		*	\$ 412,806	\$ 1,169,522		*	\$ 412,806	\$ 295,573 (2)	

FOOTNOTES:

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

Total Net Assets per CAFR 6/30/21	\$ 44,004,824
Less: Net Assets in Capital & PFC Funds	\$ (9,054,787)
Total Beginning Net Assets	\$ 34,950,037

FY2022 Financial Summary	
Total Revenues	\$ 6,300,802
Total Expenses	\$ 5,972,946
FY2022 Surplus	\$ 327,856

2) FY 2022 Ending Unrestricted Net Assets is comprised of the following:

Des. for Maintenance (Rental Car Facility)	\$ 31,903	(\$31,903.03 beginning + or - year end adjustment to/ from reserve)
Reserve for Encumbrances at Year-end		(encumbrances carried forward to FY2023)
GASB68 Pension-related Accrual	\$ (1,074,507)	(net liability as of the end of FY2021)
GASB75 Other OPEB Obligations	\$ (939,965)	(net liability as of the end of FY2021)
Undesignated Retained Earnings	\$ 2,278,142	
	\$ 295,573	

January 25, 2022

Finance Committee
City Council
City of Lynchburg
Lynchburg, Virginia

RE: September 30, 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 September 30, 2021 for FY 2022. The financial spreadsheet provides comparative year-to-date data for the same period of FY 2021.

REVENUES

Charges for Services

Revenue in this category for the first quarter of FY 2022 is \$127,674 or 11.1% of the budget. Utilization of the Detention Center is still in a downward trend due to other alternatives such as GPS monitoring being used instead of placing the juveniles in a secure facility.

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 first quarter of FY 2022 are \$256,096 or 25.2% of the budget.

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 first quarter of FY 2022 are \$817,600 or 91.6% of the budget. The Department of Juvenile Justice issued the full amount (\$817,600) for FY 2022 instead of issuing quarterly payments.

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 2022 are \$8,076 or 16.8% of the budget.

EXPENDITURES

Overall expenditures for the first quarter of FY 2022 were \$608,130 or 19.5% of the 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 first quarter of FY 2022 is 14.13 as compared to 20.68 in FY 2021. The percentage of Lynchburg City's juveniles through the first quarter is 44% of the total juvenile population.

SUMMARY

The Lynchburg Regional Detention Center is 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
Director, Department of Human Services

c: Wynter Benda, City Manager
Reid Wodicka, Deputy City Manager
John Hughes, IV, Assistant City Manager
Donna Witt, Director, Financial Services
Sherry McIntyre, Accountant, Juvenile Services

Lynchburg Regional Juvenile Detention Center
Special Revenue Fund
Financial Summary
First Quarter: As of September 30, 2021

	FY 2021 Amended Budget	FY 2021 Actual 1ST QTR YTD	FY 2021 % of Budget	FY 2022 Amended Budget	FY 2022 Actual 1ST QTR YTD	FY 2022 % of Budget	FY 2022 Amended Budget	FY 2022 Actual 1ST QTR YTD	FY 2022 Actual to Amended
Beginning Funds at July 1		0			201,324			201,324	
Revenues:									
Charges for Services	1,105,125	195,370 *	17.7%	1,150,420	127,674 **	11.1%	1,150,420	127,674	1,022,746
Intergovernmental- Department of Juvenile Justice Block Grant	1,000,336	254,272	25.4%	1,017,086	256,096	25.2%	1,017,086	256,096	760,990
Intergovernmental- USDA	48,000	3,404	7.1%	48,000	8,076	16.8%	48,000	8,076	39,924
Community Placement Program (CPP)	917,600	412,160	44.9%	892,600	817,600	91.6%	892,600	817,600	75,000
Miscellaneous and State Ward Per Diem	0	0	0.0%	0	450	0.0%	0	450	(450)
Budget Designations	0	0	0.0%	0	0	0.0%	0	0	0
Total Revenues	3,071,061	865,206	28.2%	3,108,106	1,209,896	38.9%	3,108,106	1,209,896	1,898,209.58
Expenditures:									
Salaries	1,598,617	340,746	21.3%	1,606,101	327,787	20.4%	1,606,101	327,787	1,278,314
Employee Benefits	747,112	135,918	18.2%	742,529	123,847	16.7%	742,529	123,847	618,682
Contractual Services	42,595	2,963	7.0%	47,591	14,235	29.9%	47,591	14,235	33,356
Fleet Services	16,958	3,079	18.2%	16,958	3,136	18.5%	16,958	3,136	13,822
Supplies and Materials	180,877	31,748	17.6%	180,877	36,212	20.0%	180,877	36,212	144,665
Utilities	80,750	12,120	15.0%	80,750	11,311	14.0%	80,750	11,311	69,439
Training and Conferences	4,550	170	3.7%	4,550	88	1.9%	4,550	88	4,462
Telephone Services	4,993	838	16.8%	4,993	1,238	24.8%	4,993	1,238	3,755
Cable/Satellite TV Service	0	243	0.0%	1,460	357	0.0%	1,460	357	1,103
Postage and Mailing	850	117	13.8%	850	0	0.0%	850	0	850
Indirect Costs	285,626	71,407	25.0%	274,936	68,734	25.0%	274,936	68,734	206,202
Self Insurance	19,402	4,851	25.0%	20,230	5,058	25.0%	20,230	5,058	15,172
Dues and Memberships and Miscellaneous	500	390	78.0%	500	0	0.0%	500	0	500
Rentals and Leases	2,409	0	0.0%	4,473	1,043	23.3%	4,473	1,043	3,430
Health and Dental Benefits for Retirees	65,856	14,208	21.6%	63,168	14,208	22.5%	63,168	14,208	48,960
Unemployment Compensation	0	0	0.0%	1,000	0	0.0%	1,000	0	1,000
Workers Comp Indemnity Pymt	5,000	0	0.0%	10,000	0	0.0%	10,000	0	10,000
Professional Services	12,558	876	7.0%	12,864	876	6.8%	12,864	876	11,988
Specific Use Equipment	0	8,600	0.0%	0	0	0.0%	0	0	0
Serial Bond Principal	8,575	0	0.0%	6,650	0	0.0%	6,650	0	6,650
Serial Bond Interest	2,232	0	0.0%	3,465	0	0.0%	3,465	0	3,465
Bud Alc Salary Plan Adj	0	0	0.0%	37,045	0	0.0%	37,045	0	37,045
Total Expenditures	3,079,460	628,274	20.4%	3,120,990	608,130	19.5%	3,120,990	608,130	2,475,815
TOTAL FUND BALANCE		236,932			803,090			803,090	

* Amount includes billing for September 2020 (\$23,798) that was not posted until October 2020

** Amount includes billing for September 2021 (\$47,408) that was not posted until October 2021

January 25, 2022

Finance Committee
City Council
City of Lynchburg
Lynchburg, Virginia

Re: Children's Services Act (CSA) Fund Financial Report for the period ending September 30, 2021.

The attached CSA Fund Financial Summary summarizes the financial activity for this Fund through September 30, 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.

In the CSA, the terms "mandated" and "non-mandated" are used historically to refer to both eligible populations of children and funding streams. Typically, "mandated" has defined children eligible for sum-sufficient funding as defined in the Code of Virginia §2.2-5211 and the funding to provide services to those children. The language states explicitly: "The General Assembly and the governing body of each county and city shall appropriate such sums as shall be sufficient to (i) provide special education and foster care services for children and youth identified in subdivisions B 1, B 2, and (ii) meet relevant federal mandates for provisions of these services." Hence, the origin of the term "mandated".

"Non-mandated" has referred to children (and funding for those children) who, while statutorily eligible for CSA, do not meet the definition for sum-sufficient funding as found in subdivisions B 4 and B5 of COV §2.2-5211.

The terminology "Mandated" and "Non-mandated" is being phased out to conform to the Code of Virginia to the terms "sum-sufficient" for previously mandated services and "non-sum sufficient" for previously "non-mandated" services.

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 2022 are provided by the State. Reimbursements for expenditures incurred through the first quarter of 2022 are \$491,811.

- 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 first quarter of FY 2022, local matching funds for programs in the amount of \$509,610 from the General Fund and \$49,135 from the Schools have been received.

- Miscellaneous Revenue/Budget Designations

Miscellaneous Special Welfare revenues in the amount of \$11,828 were collected through the first quarter of FY 2022. 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 2022 are \$70,060. Actual YTD administrative expenditures through the first quarter of FY 2022 are \$13,025 or 18.6% of the budget.

- Sum-Sufficient “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 first quarter of FY 2022 totaled \$564,344 or 19.2% of the total budget. Expenditures in this category can rise due to an increase in the number of children placed in foster care, and less children being eligible for federal funding.

- Sum-Sufficient “Mandated” – Special Education

Special Education expenses include services for Special Education students from the Lynchburg City Schools. Expenditures through the first quarter of FY 2022 total \$48,591, or 1.8% of the total budget. Expenditures for this budget line will increase or decrease due to enrollments at private day placements such as Rivermont School, Bridges and New Vistas School, in addition to students attending for longer periods of time.

- Non-Sum Sufficient “Non-Mandated” Services

Non-Sum Sufficient “Non-mandated” expenditures are for services such as counseling, mentoring, crisis intervention, and foster care prevention services. Non-Sum Sufficient “Non-mandated” expenditures through the first quarter of FY 2022 total \$6,271, or 1.7% of the total budget. Non-Sum Sufficient “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.

- Sum-Sufficient and Non-Sum Sufficient “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 in the child’s home. Community Based Services through the first quarter of FY 2022 total \$90,964, or 11.5% of the total budget.

SUMMARY

While the number of children currently in foster care fluctuates during the year, more children are now classified as “Sum-Sufficient” mandated and can access CSA funds due to the severity of their needs. Other factors can be an increased number of children receiving more intensive services for longer periods of time, increased vendor rates, parental agreements, and an increase in special educational services 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,



Preston Sellers
Director of Human Services

c:

Wynter Benda, City Manager
Reid Wodicka, Deputy City Manager
John Hughes, Assistant City Manager
Donna Witt, Director of Financial Services
Rhonda Allbeck, Assistant Director of Financial Services
Kathy Collins, Financial Professional III

Children's Services Act
Special Revenue Fund
Financial Summary
September 30, 2021

	FY 2021	FY 2021	FY 2021	FY 2022	FY 2022	FY 2022
	Amended Budget	Actual 1 QTR YTD	% of Budget	Amended Budget	Actual 1 QTR YTD	% of Budget
Beginning Fund Balance		207,913		0	281,810	
Revenues:						
Public Assistance - Welfare and Administration	3,910,234	519,471	13.3%	4,638,176	491,811 *	10.6%
Transfer from Lynchburg City Schools	196,541	49,135	25.0%	196,541	49,135	25.0%
Transfer from General Fund	1,843,647	460,912	25.0%	2,037,813	509,610	25.0%
Miscellaneous/Budget Designations/Special Welfare	48,600	11,364	23.4%	48,600	11,828	24.3%
Total Revenues	5,999,022	1,040,882	17.4%	6,921,130	1,062,384	15.3%
Expenses:						
Administrative Expenses	69,591	11,031	15.9%	70,060	13,025	18.6%
Sum-Sufficient "Mandated" - Foster Care	2,711,614	554,474	20.4%	2,944,500	564,344	19.2%
Sum-Sufficient "Mandated" - Special Education	2,452,968	97,172	4.0%	2,738,790	48,591	1.8%
Non-Sum Sufficient "Non-Mandated" Services	375,907	36,216	9.6%	375,907	6,271	1.7%
Sum-Sufficient and Non-Sum Sufficient "Community Based" Services	388,942	97,244	25.0%	791,873	90,964	11.5%
Miscellaneous/Budget Designations/Transfer to GF	0	0		0	0	
Total Expenditures	5,999,022	796,137	13.3%	6,921,130	723,195	10.4%
ENDING FUND BALANCE	0	452,658		0	620,999	

* July, August, September CSA Reimbursement was received on November 30, 2021. Amount: \$491,811.00

January 25, 2022

Finance Committee
City Council
City of Lynchburg
Lynchburg, Virginia

Re: September 30, 2021 Quarterly Financial Report – Water Operating Fund

The attached Water Operating Fund Financial Summary summarizes the financial activity for this fund through September 30, 2021. This quarterly report provides comparative financial information for the same period of the prior fiscal year. Projected variances between the FY 2022 Budget and the Department's year-end projections are described below.

REVENUES

Following the completion of the first quarter, overall revenues for FY 2022 are projected to be above budget by \$162,100 (1.1%). Explanations of this variance follow:

- **Charges for Services:**

Revenue in this category is projected to be \$167,100 (1.3%) above budget that is primarily attributable to higher than budgeted water consumption from commercial and industrial accounts.

- **Water Contracts:**

This revenue reflects billing activity to the counties of Amherst, Bedford, and Campbell, and to the industries of WestRock and Frito-Lay. Revenue in this category is projected to be \$14,600 (0.7%) above budget.

- **Interest and Other:**

Interest and Other is projected to be \$19,600 (43.1%) below budget primarily due to lower interest earnings on investments than anticipated.

EXPENSES

Overall expenses for FY 2022 are projected to be \$292,650 (1.8%) below 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 were \$214,700 (2%) less than the FY 2022 Budget (Water Treatment - \$40,900 savings, Meter Operations - \$46,850 savings, Water Line Maintenance - \$67,400 savings, Administration - \$59,550 savings). This variance is broken down as follows:

➤ Personnel Services and Benefits	\$245,300
➤ Utilities	(92,000)
➤ Chemicals	20,000
➤ Contractual Services	20,400
➤ Other	<u>21,000</u>
Total	\$214,700

The projected savings in Personnel Services and Benefits is attributable to past and current unfilled positions. Utilities is above budget primarily due to a malfunctioning gas meter during the period of December 2019 through September 2021. A recent gas bill was received for unbilled usage. Chemicals are projected to be under budget due to fluoride costs is less than expected. Contractual Services is under budget mostly due to less than planned cellular meter installations thus having lesser cellular data transmission costs than budgeted.

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

Non-Departmental Operation and Maintenance expenses are projected to be \$10,000 (3.8%) below budget due to lower than budgeted interest rates paid on customer deposits.

- **Capital Outlay**

Purchases in Capital Outlay are projected to be at budget.

- **Transfers to Capital**

Transfers to Capital are projected to be at budget.

- **Debt Service:**

Expenditures in debt service are projected to be \$67,950 (1.9%) below budget, primarily due to lower than budgeted interest rate used to pay proceeds from current line of credit and deferral of several capital projects.

SUMMARY

The first quarter report reflects a stable FY 2022 financial position for this fund. Under the Council adopted 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 1.34 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 43% compared to target range of 25% - 40%.

Respectfully submitted,

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

cc: Wynter Benda, City Manager
Reid Wodicka, Deputy City Manager
Donna Witt, Director of Financial Services

WATER OPERATING FUND
FINANCIAL SUMMARY
Quarter Ending September 30, 2021

	FY 2021 Adopted Budget	FY 2021 Actual Q1 YTD	FY 2021 % of Budget	FY 2022 Adopted Budget	FY 2022 Actual Q1 YTD	FY 2022 % of Budget	FY 2022 Adopted Budget	FY 2022 Projection	FY 2022 \$ Variance Adopted Budget vs. Projected
REVENUES:									
Charges for Services	\$13,274,755	\$2,743,148	21%	\$13,102,086	\$2,893,092	22%	\$13,102,086	\$13,269,186	\$167,100
Water Contracts	2,122,368	445,788	21%	2,108,956	464,649	22%	2,108,956	2,123,556	14,600
Interest and Other	168,600	141,366	84%	45,500	17,052	37%	45,500	25,900	(19,600)
	\$15,565,723	\$3,330,302		\$15,256,542	\$3,374,793		\$15,256,542	\$15,418,642	\$162,100
EXPENSES									
Departmental O&M	\$10,896,528	\$2,024,645	19%	\$10,857,787	\$2,245,524	21%	\$10,857,787	\$10,643,087	214,700
Non-Departmental O&M	268,940	34,222	13%	265,564	32,246	12%	265,564	255,564	10,000
Capital Outlay/Purchases	76,000	-	0%	107,000	-	0%	107,000	107,000	-
Transfers to Capital	3,500,000	875,000	25%	1,800,000	450,000	25%	1,800,000	1,800,000	-
Debt Service	3,526,688	1,123,155	32%	3,506,937	1,109,106	32%	3,506,937	3,438,987	67,950
	\$18,268,156	\$4,057,022		\$16,537,288	\$3,836,876		\$16,537,288	\$16,244,638	\$292,650

Adjustment for Expenses from Capital Projects	\$0	\$0	\$0
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KEY RATIOS:

Unrestricted cash target range as a % of operating expenses & debt service:	25% - 40%
Unrestricted cash as a % of operating expenses & debt service:	43%
Financial Policy targeted debt coverage ratio minimum:	1.20
Ending debt coverage ratio:	1.34 (a)

Note (a) Calculation of debt coverage includes \$99,000 of estimated capitalizable costs for internal labor charges applicable to time spent on capital project activities.

January 25, 2022

Finance Committee
City Council
City of Lynchburg
Lynchburg, Virginia

Re: September 30, 2021 Quarterly Financial Report – Sewer Operating Fund

The attached Sewer Operating Fund Financial Summary summarizes the financial activity for this fund through September 30, 2021. This quarterly report provides comparative financial information for the same period of the prior fiscal year. Projected variances between the FY 2022 Budget and the Department's year-end projections are described below.

REVENUES

Following the completion of the first quarter, overall revenues for FY 2022 are projected to be \$1,545,600 (6.6%) above budget. Explanations of this variance follow:

- **Charges for Services:**

Revenue in this category is projected to be \$662,400 (3.4%) above budget. This projection is derived mostly from a combination of the following: 1) Sewer Sales – Inside City of \$575,400 is attributable to greater water consumption by commercial and industrial customers. 2) Higher Septic Hauler Charges of \$75,000.

- **Sewer Contracts:**

Revenue in this category reflects billing activity in the counties of Amherst, Bedford, Campbell and the industries of WestRock and Frito-Lay. Revenue in this category is projected to be \$902,600 (22.5%) above budget, primarily due to: 1) Additional \$502,000 was received from Bedford County for the sale of sewer interceptor capacity in the Ivy Creek area. 2) Amherst and Campbell Counties using Pay-Go for \$103,000 for its allocated share of FY 2021 completed Water Resources Facility projects that was budgeted to be financed for 20 years. 3) WestRock sewer sales are projected to be \$250,000 more than budgeted.

- **Interest and Other:**

Revenue in this category is projected to be \$19,400 (37.7%) below budget that is primarily due to lower interest earnings on investments than anticipated.

EXPENSES

Overall expenses for FY 2022 are projected to be \$513,100 (2.1%) above budget. Explanations for this variance follow:

- **Departmental Operation and Maintenance:**

This category includes the Water Resources Recovery Facility and Sewer Line Maintenance. Expenses are projected to be \$577,100 (4.6%) above budget (Water Resources Recovery Facility - \$563,700 above budget and Sewer Line Maintenance - \$13,400 above budget). This variance is broken down as follows:

➤ Personnel Services and Benefits	\$ 120,000
➤ Chemicals	(375,000)
➤ Contractual Services	(260,000)
➤ Other	<u>(62,000)</u>
Total	\$ (577,000)

The savings in Personnel Services and Benefits is related to past and current unfilled positions. The increased cost in chemicals is related to the result of new contract pricing effective January 1, 2022. Contractual Services increase is primarily related to cover vacant positions. \$120,000 overage is projected in Temporary Personnel used to cover vacant operator and grounds crew positions at Water Resources Recovery Facility (WRRF) and an additional \$96,000 in hiring truckload carriers to haul sludge to Region 2000 Landfill that is normally performed with WRRF drivers and over the road equipment.

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

Non-Departmental Operation and Maintenance expenses are projected to be at budget.

- **Capital Outlay:**

Purchases in Capital Outlay are projected to be within budget.

- **Transfers to Capital:**

Transfers to Capital are projected to be at budget.

- **Debt Service:**

Expenditures in debt service are projected to be \$64,000 (0.7%) below budget primarily due to lower than budgeted interest rate used to pay proceeds from current line of credit and deferral of several capital projects.

SUMMARY

This first quarter report reflects a stable FY 2022 financial position for this fund. The Council adopted financial policies for debt coverage requires a target range of 1.20 to 1.50 and fund balance ratio range of 25% - 40%. The projected debt coverage ratio is projected to be 1.31. The fund balance ratio is projected for the end of the fiscal year is 40%.

Respectfully submitted,

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

cc: Wynter Benda, City Manager
Reid Wodicka, Deputy City Manager
Donna Witt, Director of Financial Services

SEWER OPERATING FUND
FINANCIAL SUMMARY
Quarter Ending September 30, 2021

	FY 2021 Adopted Budget	FY 2021 Actual Q1 YTD	FY 2021 % of Budget	FY 2022 Adopted Budget	FY 2022 Actual Q1 YTD	FY 2022 % of Budget	FY 2022 Adopted Budget	FY 2022 Projection	FY 2022 \$ Variance Adopted Budget vs. Projected
REVENUES:									
Charges for Services	\$19,519,256	\$3,830,444	20%	\$19,440,774	\$4,146,414	21%	\$19,440,774	\$20,103,174	\$662,400
Sewer Contracts	3,683,367	769,744	21%	4,017,566	1,505,896	37%	4,017,566	4,920,166	902,600
Interest and Other	209,500	40,759	19%	51,500	7,919	15%	51,500	32,100	(19,400)
	\$23,412,123	\$4,640,947		\$23,509,840	\$5,660,229		\$23,509,840	\$25,055,440	\$1,545,600
EXPENSES:									
Departmental O&M	\$12,870,111	\$2,690,393	21%	\$12,624,579	\$2,762,444	22%	\$12,624,579	\$13,201,679	(\$577,100)
Non-Departmental O&M	335,716	41,092	12%	272,852	41,092	15%	272,852	272,852	-
Capital Outlay/Purchases	450,000	-	0%	795,000	-	0%	795,000	795,000	-
Transfers to Capital	2,000,000	500,000	25%	2,000,000	500,000	25%	2,000,000	2,000,000	-
Debt service	8,556,457	1,351,480	16%	8,905,557	1,238,163	14%	8,905,557	8,841,557	64,000
	\$24,212,284	\$4,582,965		\$24,597,988	\$4,541,699		\$24,597,988	\$25,111,088	(\$513,100)
Adjustment for Expenses from Capital Projects		\$0			\$0			\$130,000	

KEY RATIOS:

Unrestricted cash target range as a % of operating expenses & debt service: 25% - 40%

Unrestricted cash as a % of operating expenses & debt service: 40%

Financial Policy targeted debt coverage ratio minimum: 1.20

Ending debt coverage ratio: 1.31 (a)

Note (a) Calculation of debt coverage includes projected \$110,000 of capitalizable costs for internal labor charges applicable to time spent on capital project activities.

January 25, 2022

Finance Committee
City Council
City of Lynchburg
Lynchburg, Virginia

Re: September 30, 2021 Quarterly Financial Report – Stormwater Operating Fund

The attached Stormwater Operating Fund Financial Summary summarizes the financial activity for this fund through September 30, 2021. This quarterly report provides comparative financial information for the same period of the prior fiscal year. Projected variances between the FY 2022 Budget and the Department's year-end projections are described below.

REVENUES

Following the completion of the first quarter, the overall revenues for FY 2022 are projected to exceed budget by \$67,000 (1.8%). 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 and delinquent charges on past due accounts. Charges for services are projected to exceed budget by \$37,000 (1.1%). This is primarily due to increased impervious areas within the City.

- **Interest and Other:**

Interest and Other is projected to be \$30,000 (500%) above budget due to unanticipated unused National Oceanic Atmospheric Administration (NOAA) Grant proceeds from previous fiscal year. These grant proceeds are being used for reimbursement of expenses directly associated with elementary student environmental education and engagement. These grant eligible expenses are discussed in the Non-Departmental Operation and Maintenance category.

- **Transfers from Other Funds:**

Transfers from General Fund are projected to be at budget.

EXPENSES

Overall expenses for FY 2022 are projected to be \$37,000 (0.9%) under budget. Explanations of this variance follow:

- **Departmental Operation and Maintenance:**

Departmental Operation and Maintenance is projected to be under budget by \$40,000 (1.2%). This variance is broken down as follows:

➤ Personnel Services and Benefits	\$45,000
➤ Other	<u>(5,000)</u>
Total	\$40,000

The savings in Personnel Services and Benefits is attributable to past and current unfilled positions.

Non-Departmental Operation and Maintenance:

Non-Departmental Operation and Maintenance expenses are projected to be \$30,000 (96.2%) over budget due to reimbursable elementary student educational and engagement expenses under the NOAA Grant as discussed in the revenue category of Interest and Other.

- **Capital Outlay:**

Capital Outlay is projected to be at budget.

- **Transfers to Capital:**

Transfers to Capital are projected to be at budget.

- **Debt Service:**

Debt Service expenditures are projected to be \$27,000 (14.5%) under budget primarily due to lower than budgeted interest rate used to pay proceeds from current line of credit and deferral of several capital projects.

SUMMARY

The first quarter report reflects a stable FY 2022 financial position for this fund. Under the Council adopted 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 2.30 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 27% compared to target range of 15%- 20%.

Respectfully submitted,

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

cc: Wynter Benda, City Manager
Reid Wodicka, Deputy City Manager
Donna Witt, Director of Financial Services

STORMWATER OPERATING FUND
FINANCIAL SUMMARY
Quarter Ending September 30, 2021

	FY 2021 Adopted Budget	FY 2021 Actual Q1 YTD	FY 2021 % of Budget	FY 2022 Adopted Budget	FY 2022 Actual Q1 YTD	FY 2022 % of Budget	FY 2022 Adopted Budget	FY 2022 Projection	FY 2022 \$ Variance Adopted Budget vs. Projected
REVENUES:									
Charges for Services	\$3,155,200	\$630,433	20%	\$3,366,400	\$685,887	20%	\$3,366,400	\$3,403,400	\$37,000
Interest and Other	28,900	2,777	10%	6,000	14,207	237%	6,000	36,000	30,000
Transfers from Other Funds	275,000	68,750	25%	275,000	68,750	25%	275,000	275,000	-
	\$3,459,100	\$701,960		\$3,647,400	\$768,844		\$3,647,400	\$3,714,400	\$67,000
EXPENSES:									
Departmental O&M	\$3,286,245	\$604,398	18%	\$3,361,256	\$693,074	21%	\$3,361,256	\$3,321,256	\$40,000
Non-Departmental O&M	19,760	2,336	12%	31,176	4,647	15%	31,176	61,176	(30,000)
Capital Outlay/Purchases	40,000	-	0%	10,000	-	0%	10,000	10,000	-
Transfers to Capital	500,000	125,000	25%	450,000	112,500	25%	450,000	450,000	-
Debt Service	158,428	73,423	46%	185,655	73,900	40%	185,655	158,655	27,000
	\$4,004,433	\$805,157		\$4,038,087	\$884,121		\$4,038,087	\$4,001,087	\$37,000
Adjustment for Expenses from Capital Projects		\$0			\$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 27%

Financial Policy targeted debt coverage ratio minimum: 1.20
 Ending debt coverage ratio: 2.30 (a)

Note (a) Calculation of debt coverage includes projected \$33,000 of capitalizable costs for internal labor charges applicable to time spent on capital project activities.

January 25, 2022

Finance Committee
City Council
City of Lynchburg
Lynchburg, Virginia

Re: September 30, 2021 Quarterly Report - General Fund

Attached is the Financial Summary for the General Fund (Fund) for the fiscal period which ended September 30, 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, the first installment for FY 2022 has not been billed. Economic Development tax incentive payments totaling \$33,460 have been paid.

- Personal Property Taxes:

Personal Property tax revenue collected in the first quarter is \$2,823,196, which is \$547,931 more than the amount collected in the first quarter of FY 2021. Economic Development tax incentives totaling \$19,917 have been paid. 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.

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, which equates to \$950 million for FY 2022. This action eliminates the 70% reimbursement. Lynchburg's share is \$5,543,584. During the first quarter of FY 2022, the State reimbursed the City \$277,179 (5%), as scheduled. Future payments have been scheduled for November 2021 (75%), February 2022 (15%), and May 2022 (5%).

- Consumer Utility Taxes - Electric:

Consumer Utility Tax – Electric revenue of \$661,278 has been received, which is 18.9% of the fiscal year budget, based on collections for 2 months. Staff is monitoring this revenue and providing the Finance Committee with monthly updates.

- Communication Sales and Use Taxes:

Communication Sales and Use tax revenue of \$210,321 has been received, which is 11.3% of the fiscal year budget, and is slightly behind the FY 2021 first quarter collection amount by \$8,444.

- Local Sales Tax:

Sales tax revenue of \$1,595,392 has been received, which is 9.1% of the fiscal year budget, based on collections for 1 month. Economic Development tax incentives totaling \$61,957 have been paid.

- Business License

Business License revenue collected for the first quarter of FY 2022 is \$28,061. The majority of the tax will be collected from March to May. Economic Development tax incentives totaling \$19,054 have been paid.

- Meals Tax

Meals tax revenue of \$2,887,627 has been received, which is 19.6% of the fiscal year budget, based on collections for 2 months. Economic Development tax incentives totaling \$169,995 have been paid.

- Lodging Tax

Lodging tax revenue of \$575,719 has been received, which is 22.1% of the fiscal year budget, based on collections for 2 months. Economic Development tax incentives totaling \$240,469 have been paid.

- Permit, Fees, and Licenses:

Permit, Fees, and Licenses revenue of \$319,234 has been received, which is 29.3% of the fiscal year budget.

- Fines and Forfeitures:

Fines and Forfeitures revenue of \$28,287 has been received, which is 8.6% of the fiscal year budget. The timing of receiving court fines and parking fines varies greatly throughout the year, and staff will continue to keep a close watch on this revenue to see if an adjustment in projected revenue is necessary.

- Interest on Investments:

Investment income of \$135,871 has been received, which is 28.3% of the fiscal year budget.

- Charges for Services

Charges for Services revenue of \$2,690,027 has been received, which is 23.5% of the fiscal year budget.

DEDICATED REVENUES

Intergovernmental Revenues (consisting of Constitutional Officers, Health and Human Services, and State & Federal subsidies) of \$6,655,227 have been received, which is 6.9% of the fiscal year budget. The timing of submitting and receiving reimbursements for constitutional offices impacts these revenues.

EXPENDITURES

- Operating Expenditures:

The percentage of operating expenditures spent through the first quarter of FY 2022, 25.8%, is on target with budget projections.

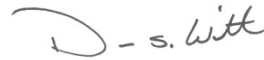
- Debt Service

Debt Service expenditures are on pace with FY 2022 budget projections.

SUMMARY

This report represents three 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,

A handwritten signature in dark ink, appearing to read "D - S. Witt".

Donna S. Witt
Chief Financial Officer

cc: Wynter C. Benda, City Manager
Reid Wodicka, Deputy City Manager
Rhonda Allbeck, Assistant Director of Financial Services

Revenues	Adopted Budget	Budget Amendment	Amended Budget	Actual Amount 9/30/21	Remaining Budget w/o Encumbrances	Percentage of Amended Budget	Actual Amount 9/30/20
05050.2055 - Hillcats - Donation Youth Athletic Programs	10,000	-	10,000	10,000	-	100.0%	-
05050.2056 - Commission on City Vending Machine Sales	-	-	-	1,005	(1,005)	0.0%	796
05050.2060 - Community Market Retail Sales, None	500	-	500	238	262	47.6%	-
05050.2090 - Miscellaneous Revenue	51,200	-	51,200	8,162	43,038	15.9%	5,143
150 Miscellaneous Revenue Total	598,057	-	598,057	69,324	528,733	11.6%	197,177
300 State Non-Categorical Aid							
06100.0300 - Rolling Stock Taxes	90,000	-	90,000	88,584	1,416	98.4%	88,947
06100.0400 - Mobile Home Titling Taxes	1,000	-	1,000	765	235	76.5%	2,805
06100.0600 - Deeds Of Conveyance	150,000	-	150,000	18,460	131,540	12.3%	16,828
06100.0800 - Recordation Taxes-State	150,000	-	150,000	-	150,000	0.0%	-
06100.0900 - Auto Rental Tax-DMV	336,400	-	336,400	126,972	209,428	37.7%	106,105
06100.0905 - Peer to Peer Vehicle Sharing Tax, None	-	-	-	317	(317)	0.0%	-
06100.1108 - Personal Prop Tax Relief	5,543,584	-	5,543,584	277,179	5,266,405	5.0%	277,179
06100.8001 - Games of Skill Tax, None	-	-	-	42,624	(42,624)	0.0%	24,480
300 State Non-Categorical Aid Total	6,270,984	-	6,270,984	554,902	5,716,082	8.8%	516,345
310 State Shared Exp (Cat.)							
06510.0200 - Commissioner of Revenue	201,758	-	201,758	32,489	169,269	16.1%	30,608
06510.0300 - Treasurer	118,690	-	118,690	18,659	100,031	15.7%	18,099
06510.1000 - Registrar/Electoral Board	95,450	-	95,450	-	95,450	0.0%	-
06515.0100 - Clerk of Cir Crt-Fringes	601,460	-	601,460	95,088	506,372	15.8%	89,351
06515.0200 - Sheriff	1,151,716	-	1,151,716	187,648	964,068	16.3%	176,350
06515.0400 - Commonwealth Attorney	1,131,821	-	1,131,821	177,306	954,515	15.7%	169,190
310 State Shared Exp (Cat.) Total	3,300,895	-	3,300,895	511,191	2,789,704	15.5%	483,597
320 State Categorical Aid							
06820.0200 - Juvenile Correct-Block Gt	247,716	-	247,716	61,929	185,787	25.0%	61,929
06820.0201 - Wireless E911	380,000	-	380,000	74,851	305,149	19.7%	69,222
06820.0203 - HB 599 Law Enforc.Asst	3,150,000	-	3,150,000	814,936	2,335,064	25.9%	814,857
06825.0100 - Street And Highway Maint.	8,842,661	-	8,842,661	2,264,027	6,578,634	25.6%	2,248,914
06830.0413 - SS State Adm Sub 0901	1,927,460	-	1,927,460	477,675	1,449,785	24.8%	408,120
06830.0414 - SS State Prog Sub 0902	4,899,698	-	4,899,698	412,851	4,486,847	8.4%	452,142
06835.0102 - SNAP Program Reimb	15,000	-	15,000	11,161	3,839	74.4%	7,108
06835.0300 - Finan Asst-Public Library	180,305	-	180,305	45,044	135,261	25.0%	42,768
320 State Categorical Aid Total	19,642,840	-	19,642,840	4,162,475	15,480,365	21.2%	4,105,060
330 State Aid in Suspense							
05030.0100 - Suspense Rev-Va EDI Pmts	-	-	-	-	-	0.0%	-
330 State Aid in Suspense Total	-	-	-	-	-	0.0%	-
520 Fed Cat Aid- Pass Thru							
07825.0300 - B&G Chrgs Commerce St Bld	-	-	-	-	-	0.0%	10,793
07830.0420 - Fed Pass Thru:Cost AllDMG	573,000	-	573,000	-	573,000	0.0%	-
07830.0421 - SS Fed Adm Sub 0901	5,404,691	-	5,404,691	980,947	4,423,744	18.1%	976,033
07830.0422 - SS Fed Prog Sub 0902	3,656,050	-	3,656,050	409,352	3,246,698	11.2%	438,582
07830.0430 - USDA Funding - Group Home, None	18,000	-	18,000	3,345	14,655	18.6%	1,119
07875.0003 - Human Service Lease	147,091	-	147,091	24,515	122,576	16.7%	24,515
07875.0021 - FINI Double-Dollars	12,000	-	12,000	8,500	3,500	70.8%	4,795
07875.0024 - CARES Act Funding for 2020 Presidential Election, None	-	-	-	-	-	0.0%	76,430
520 Fed Cat Aid- Pass Thru Total	9,810,832	-	9,810,832	1,426,660	8,384,172	14.5%	1,532,268
Grand Total	195,504,274	-	195,504,274	19,617,578	175,886,696	10.0%	18,342,586

Fiscal Year	Fiscal Calendar 2022
Fiscal Quarter of Year	Fiscal Q 1
Fund	1001 General Fund
Account Type	Expenses
Process Status	Posted

Expenditures	Adopted Budget	Budget Amendment	Amended Budget	Actual Amount 9/30/21	Remaining Budget w/ Encumbrances	Percentage Used w/ Encumbrances	Actual Amount 9/30/20
2022 Communications/Public Engagement							
0021 Public Information	518,284	78,605	596,889	153,503	351,779	41.1%	139,102
0022 Customer Service Center	193,163	6,035	199,198	32,379	166,819	16.3%	30,113
0029 Local Government Channel	178,380	7,292	185,672	34,600	151,072	18.6%	33,598
2022 Communications/Public Engagement Total	889,827	91,932	981,759	220,483	669,669	31.8%	202,812
2023 Council / Manager							
0028 Council / Manager	1,218,640	26,596	1,245,236	245,223	1,000,013	19.7%	227,139
0033 Parking Division	534,811	(534,811)	-	(120)	120	0.0%	101,613
2023 Council / Manager Total	1,753,451	(508,215)	1,245,236	245,103	1,000,133	19.7%	328,753
2030 City Attorney							
0050 City Attorney	854,164	32,120	886,284	161,786	720,472	18.7%	160,354
0051 Risk Management	758,581	-	758,581	758,581	-	100.0%	672,791
2030 City Attorney Total	1,612,745	32,120	1,644,865	920,367	720,472	56.2%	833,145
2035 State Treasurer							
0060 State Treasurer	178,297	6,290	184,587	36,850	147,737	20.0%	36,405
2035 State Treasurer Total	178,297	6,290	184,587	36,850	147,737	20.0%	36,405
2040 Commissioner Of Revenue							
0070 Com Rev-State/Loc Budget	845,143	38,256	883,399	171,087	708,861	19.8%	167,098
2040 Commissioner Of Revenue Total	845,143	38,256	883,399	171,087	708,861	19.8%	167,098
2045 City Assessor							
0080 City Assessor	786,429	27,754	814,183	174,941	608,345	25.3%	178,922
2045 City Assessor Total	786,429	27,754	814,183	174,941	608,345	25.3%	178,922
2050 Finance							
0090 Office of Management & Budget	693,230	60,031	753,261	143,848	553,562	26.5%	137,063
0093 Billings And Collections	1,425,057	382,261	1,807,318	284,630	1,330,707	26.4%	276,278
0094 Procurement	378,892	38,192	417,084	83,060	333,680	20.0%	75,466
0095 Accounting	1,108,590	64,600	1,173,190	193,271	839,348	28.5%	196,381
2050 Finance Total	3,605,769	545,084	4,150,853	704,809	3,057,297	26.3%	685,188
2055 Human Resources							
0110 Human Resources	906,401	48,783	955,184	144,175	796,371	16.6%	123,762
0111 Occupational Health Svs	216,440	-	216,440	29,428	187,012	13.6%	716
2055 Human Resources Total	1,122,841	48,783	1,171,624	173,603	983,383	16.1%	124,478
2057 Information Technology							
0115 Application Services	1,388,875	48,919	1,437,794	281,270	1,156,524	19.6%	261,704
0116 Network Services	1,705,457	57,398	1,762,855	408,982	1,341,360	23.9%	320,559
0117 I T Administration	467,301	10,780	478,081	67,446	392,514	17.9%	90,330
0125 GIS	353,851	22,775	376,626	95,119	271,847	27.8%	89,715
2057 Information Technology Total	3,915,484	139,872	4,055,356	852,817	3,162,246	22.0%	762,308
2065 Registrar							
0150 Registrar	226,795	61,843	288,638	58,243	229,602	20.5%	69,191
0151 Electoral Board	129,118	-	129,118	13,561	115,557	10.5%	50,153
2065 Registrar Total	355,913	61,843	417,756	71,804	345,159	17.4%	119,345
2090 Education							
0200 Lcl Sch Oper Contribution	39,828,498	-	39,828,498	7,200,000	32,628,498	18.1%	2,750,000
2090 Education Total	39,828,498	-	39,828,498	7,200,000	32,628,498	18.1%	2,750,000
2105 Circuit Court-Judge							
0300 Circuit Court-Judge	161,579	5,687	167,266	30,939	136,322	18.5%	27,934
2105 Circuit Court-Judge Total	161,579	5,687	167,266	30,939	136,322	18.5%	27,934
2110 General District Court							
0310 General District Court	65,473	4,140	69,613	9,680	58,007	16.7%	5,709
2110 General District Court Total	65,473	4,140	69,613	9,680	58,007	16.7%	5,709
2115 Juvenile & Dr Dist Court							
0320 Juvenile & Dr Dist Court	20,054	374	20,428	9,808	6,414	68.6%	3,971
2115 Juvenile & Dr Dist Court Total	20,054	374	20,428	9,808	6,414	68.6%	3,971
2120 24th Court Service Unit							
0330 24th Court Service Unit	1,425	-	1,425	313	1,112	22.0%	144
2120 24th Court Service Unit Total	1,425	-	1,425	313	1,112	22.0%	144
2125 Commonwealth's Attorney							
0340 Commonwealth Attorney	1,706,182	82,543	1,788,725	353,660	1,426,182	20.3%	342,418
0343 Com Aty Fines & Fees Coll	64,295	2,626	66,921	14,342	51,375	23.2%	12,636
2125 Commonwealth's Attorney Total	1,770,477	85,169	1,855,646	368,002	1,477,557	20.4%	355,054
2130 Magistrate's Office							
0350 Magistrate's Office	4,140	54	4,194	544	3,621	13.7%	827
2130 Magistrate's Office Total	4,140	54	4,194	544	3,621	13.7%	827
2135 Circuit Court-Clerk							

Expenditures	Adopted Budget	Budget Amendment	Amended Budget	Actual Amount 9/30/21	Remaining Budget w/ Encumbrances	Percentage Used w/ Encumbrances	Actual Amount 9/30/20
0360 Circuit Court-Clerk	951,570	56,024	1,007,594	198,834	808,760	19.7%	184,119
2135 Circuit Court-Clerk Total	951,570	56,024	1,007,594	198,834	808,760	19.7%	184,119
2200 City Sheriff							
0400 City Sheriff And Jail	2,350,312	93,261	2,443,573	569,729	1,873,844	23.3%	489,110
2200 City Sheriff Total	2,350,312	93,261	2,443,573	569,729	1,873,844	23.3%	489,110
2240 Police							
0420 Police Operations	18,521,407	772,095	19,293,502	4,207,606	15,023,326	22.1%	4,209,209
0421 Animal Warden	336,850	11,492	348,342	70,820	277,522	20.3%	68,981
0429 Range Operations	13,800	-	13,800	833	11,741	14.9%	864
0430 Police Off Duty Employmnt	1,026,182	1,875	1,028,057	157,789	870,268	15.3%	141,143
2240 Police Total	19,898,239	785,462	20,683,701	4,437,048	16,182,857	21.8%	4,420,196
2245 Emergency Services							
0422 Emergency Communications	3,005,817	79,323	3,085,140	657,334	2,391,815	22.5%	644,000
2245 Emergency Services Total	3,005,817	79,323	3,085,140	657,334	2,391,815	22.5%	644,000
2270 Fire							
0444 Fire Operations And Ems	17,025,627	646,033	17,671,660	3,749,821	13,758,924	22.1%	3,295,657
0446 TRT- PIER Program	76,500	-	76,500	24,337	52,163	31.8%	62,351
2270 Fire Total	17,102,127	646,033	17,748,160	3,774,158	13,811,087	22.2%	3,358,009
2400 Public Works							
0600 Public Works Administrat.	993,228	42,505	1,035,733	200,779	833,720	19.5%	188,326
0605 Engineering	4,165,373	306,618	4,471,991	694,861	3,555,016	20.5%	752,224
0632 Street Maintenance,II	3,678,644	1,545,215	5,223,859	460,392	2,979,721	43.0%	575,793
0635 Snow Removal	312,240	263,250	575,490	13,162	301,086	47.7%	9,784
0640 Refuse Collection	4,088,107	387,018	4,475,125	895,366	2,726,554	39.1%	628,326
0645 Parks/Grounds Maintenance	3,594,814	417,662	4,012,476	795,265	2,892,652	27.9%	653,969
0649 Baseball Stadium Maint	117,823	6,295	124,118	22,098	95,158	23.3%	18,911
0650 Building Maintenance	3,877,521	195,624	4,073,145	705,857	3,242,656	20.4%	732,678
0660 Human Services Maint.	74,590	2,383	76,973	8,890	60,432	21.5%	52,359
2400 Public Works Total	20,902,340	3,166,571	24,068,911	3,796,670	16,686,993	30.7%	3,612,369
2555 Health							
0800 Health Operations	785,000	-	785,000	196,250	-	100.0%	373,843
2555 Health Total	785,000	-	785,000	196,250	-	100.0%	373,843
2561 Juvenile Services							
0904 Juvenile Service Admin.	-	-	-	-	-	0.0%	-
0905 Juvenile Detention Home	518,523	-	518,523	160,972	357,551	31.0%	138,256
0906 Juvenile Services	1,802,259	71,843	1,874,102	361,668	1,507,167	19.6%	347,996
0915 Csa Service Providers	2,037,713	-	2,037,713	509,428	1,528,285	25.0%	460,912
0929 Lynchburg Outreach Prog	-	-	-	-	-	0.0%	-
2561 Juvenile Services Total	4,358,495	71,843	4,430,338	1,032,069	3,393,003	23.4%	947,164
2562 Social Services							
0901 Social Services Admin.	9,747,358	353,907	10,101,265	1,965,247	8,093,330	19.9%	1,869,325
0902 Public Assistance	8,745,172	53,675	8,798,847	1,583,900	7,161,272	18.6%	1,660,757
2562 Social Services Total	18,492,530	407,582	18,900,112	3,549,147	15,254,602	19.3%	3,530,082
2563 Recreation Services							
0116 Network Services	22,385	775	23,160	8,871	14,289	38.3%	15,049
1002 Parks/Rec/Market	418,007	12,556	430,563	87,125	336,474	21.9%	84,774
1010 Recreation, General Admin	672,333	27,536	699,869	147,968	549,340	21.5%	124,896
1011 Recreation Services	147,035	6,364	153,399	30,722	122,678	20.0%	29,889
1013 Recreation, Athletic	157,618	5,075	162,693	30,358	132,335	18.7%	30,307
1015 Recreation, Park Services	738,969	37,767	776,736	162,827	605,284	22.1%	164,883
1022 Recreation, Aquatics	101,114	508	101,622	58,811	42,811	57.9%	-
1023 Recreation, Naturalist	187,597	7,927	195,524	40,926	154,598	20.9%	39,060
1024 Special Events-Cty Sponsr	-	-	-	-	-	0.0%	-
1027 Recreation Programs	506,383	2,929	509,312	98,904	410,408	19.4%	91,636
1028 City-wide Centers	279,176	12,233	291,409	59,885	231,524	20.6%	54,950
1029 Neighborhood Centers	817,592	28,980	846,572	161,147	685,425	19.0%	167,681
2563 Recreation Services Total	4,048,209	142,649	4,190,858	887,544	3,285,165	21.6%	803,126
2610 Libraries							
1100 Public Library	1,591,242	48,576	1,639,818	319,464	1,313,385	19.9%	277,499
1120 Law Library	10,000	-	10,000	1,590	8,410	15.9%	1,969
2610 Libraries Total	1,601,242	48,576	1,649,818	321,054	1,321,795	19.9%	279,468
2611 Museum System							
1150 Museum	504,500	17,329	521,829	101,408	418,918	19.7%	70,636
2611 Museum System Total	504,500	17,329	521,829	101,408	418,918	19.7%	70,636
2715 Community Development							
1200 Director-Comm Plan/Dev	311,910	15,122	327,032	66,320	257,296	21.3%	61,628
1201 Planning	350,740	12,608	363,348	69,456	293,892	19.1%	73,728
1202 Inspections	997,162	37,017	1,034,179	194,861	839,318	18.8%	184,038
1205 Zoning	376,608	12,966	389,574	68,966	320,608	17.7%	62,919
2715 Community Development Total	2,036,420	77,713	2,114,133	399,603	1,711,113	19.1%	382,313
2720 Office Of Economic Devel							

Expenditures	Adopted Budget	Budget Amendment	Amended Budget	Actual Amount 9/30/21	Remaining Budget w/ Encumbrances	Percentage Used w/ Encumbrances	Actual Amount 9/30/20
1300 Economic Development	1,753,312	88,416	1,841,728	364,211	1,371,619	25.5%	192,002
2720 Office Of Economic Devel Total	1,753,312	88,416	1,841,728	364,211	1,371,619	25.5%	192,002
5000 Nondept Employee Benefits							
1430 Non-allocated Emp Benefit	4,133,501	-	4,133,501	753,368	3,380,133	18.2%	996,354
5000 Nondept Employee Benefits Total	4,133,501	-	4,133,501	753,368	3,380,133	18.2%	996,354
5050 Non-Departmental							
1506 Water Oper Fund Payments	887,886	-	887,886	221,972	665,915	25.0%	216,053
1508 Stormwater Fee-City Bldgs	95,000	-	95,000	22,128	72,872	23.3%	14,752
1509 Stormwater Fee-School Bld	75,100	-	75,100	17,500	57,600	23.3%	11,666
1512 College Lake Dam Repairs	-	119,869	119,869	391	(391)	100.3%	294
1513 Stormwater Detention Pond Repair	-	400	400	-	-	100.0%	3,460
1515 Alternative to CARES Funding	-	940,311	940,311	365,001	(398,304)	142.4%	-
1516 COVID Vaccinations	-	-	-	-	-	0.0%	-
1566 Managed Vacancy Program	-	-	-	-	-	0.0%	-
1567 Years of Service Awards	15,000	-	15,000	3,496	11,504	23.3%	4,222
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	0.0%	-
1573 Payment-Fleet Capital Chg	2,905,365	-	2,905,365	809,725	2,095,640	27.9%	624,916
1574 Health Management Program	15,000	-	15,000	(18,321)	33,321	-122.1%	-
1575 Employee Committee Funds	8,000	-	8,000	-	8,000	0.0%	-
1576 Line of Duty Act	271,500	-	271,500	99,638	171,862	36.7%	91,294
1578 Poverty Initiative	-	-	-	-	-	0.0%	3,641
1579 Recruitment	50,000	-	50,000	11,587	38,413	23.2%	8,200
1580 International Festival	500	-	500	150	350	30.0%	-
1581 Workplace Safety & Wellness	60,000	-	60,000	3,544	56,456	5.9%	-
1637 City Cemetery Master Plan	166,858	-	166,858	110,126	-	100.0%	87,642
5050 Non-Departmental Total	4,559,209	1,060,580	5,619,789	1,646,935	2,822,239	49.8%	1,066,139
5060 Support Local/State Organ							
1702 V.P.I. Extension Service	44,075	-	44,075	15	(15)	100.0%	3
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	143,628	-	100.0%	143,628
1709 Cvcc Board & Related Oper	1,955	-	1,955	1,955	-	100.0%	1,967
1711 Cent Va Planning Dist Com	47,258	-	47,258	47,258	(0)	100.0%	46,770
1715 Greater Lynch. Transit Co	1,642,346	-	1,642,346	316,613	1,325,733	19.3%	-
1721 Blue Ridge Regional Jail	5,543,931	-	5,543,931	2,096,096	(710,113)	112.8%	1,238,202
1724 Legal Aid Society	13,160	-	13,160	13,160	-	100.0%	12,167
1739 Contrib- Amazement Square	369	-	369	-	369	0.0%	-
1743 Central Va Reg Radio Brd	704,670	-	704,670	400,125	304,545	56.8%	384,807
1748 Elizabeth's Early Learn Center	17,594	-	17,594	-	17,594	0.0%	-
5060 Support Local/State Organ Total	9,010,310	-	9,010,310	3,439,289	938,114	89.6%	2,247,984
7450 Debt Service							
5990 Principal Bonds/BANS/LOC	11,131,298	-	11,131,298	2,986,672	8,144,626	26.8%	2,975,832
5994 Interest Bonds/BANS/LOC	6,495,424	-	6,495,424	1,251,840	5,243,584	19.3%	1,323,435
5997 Debt - Misc. Charges	3,875	-	3,875	-	3,875	0.0%	-
7450 Debt Service Total	17,630,597	-	17,630,597	4,238,512	13,392,085	24.0%	4,299,267
7570 Other Financing Uses							
9710 Operating Transfers Out	8,229,557	54,658	8,284,215	195,268	8,088,947	2.4%	1,813,040
7570 Other Financing Uses Total	8,229,557	54,658	8,284,215	195,268	8,088,947	2.4%	1,813,040
Grand Total	198,270,832	7,375,162	205,645,994	41,749,580	152,847,923	25.7%	36,291,315

FINANCE COMMITTEE

Agenda Item Summary

MEETING DATE: **January 25, 2022**

AGENDA ITEM #: **9**

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

ACTION:

INFORMATION: **X**

(Confidential)

ITEM TITLE: Revenue Update

RECOMMENDATION: Review the collections received from five of the City's revenue sources.

SUMMARY: Five of the City's major revenue sources are taxes collected on a monthly basis: Local Sales and Use Tax, Consumer Utility Tax – Electric, Meals Tax, Lodging Tax, and Amusement Tax. Since the last Finance Committee meeting, revenue information through November 2021 has been posted for these five revenue streams.

PRIOR ACTION(S): This information is provided monthly to the Finance Committee.

FISCAL IMPACT: None

CONTACT(S): Donna Witt, Chief Financial Officer, 455-3968

ATTACHMENT(S): Comparison of Collections Budget to Actual FY 2021 – FY 2022

REVIEWED BY:

Comparison of Collections **Budget to Actual FY 2021 - FY 2022**

	Actual FY 2019	Actual FY 2020	Actual FY 2021	Adopted FY 2022	Actual FY 2022	Actual FY 2022 to Adopted FY 2022	Actual FY 2022 to Actual FY 2021
SALES & USE TAX							
<i>ADOPTED FY 2022 BUDGET - \$17,500,000</i>							
JULY	\$1,361,089	\$1,306,001	\$1,503,837	\$1,413,787	\$1,595,391	\$181,604	\$91,554
AUGUST	1,287,868	1,400,949	1,396,989	1,313,336	1,567,107	253,771	\$170,118
SEPTEMBER	1,305,048	1,423,548	1,531,422	1,439,719	1,702,723	263,004	\$171,301
OCTOBER	1,304,503	1,418,032	1,498,945	1,409,187	1,727,125	317,938	\$228,180
NOVEMBER	1,370,625	1,413,245	1,516,545	1,425,733	1,705,132	279,399	\$188,587
TOTAL	\$6,629,133	\$6,961,775	\$7,447,738	\$7,001,762	\$8,297,478	\$1,295,716	\$849,740
CONSUMER UTILITY TAX - ELECTRIC							
<i>ADOPTED FY 2022 BUDGET - \$3,500,000</i>							
JULY	\$343,448	\$323,666	\$329,721	\$316,099	\$320,904	\$4,805	(\$8,817)
AUGUST	332,393	335,376	331,969	318,254	340,374	22,120	\$8,405
SEPTEMBER	324,940	322,201	313,877	300,910	321,494	20,584	\$7,617
OCTOBER	318,779	294,402	260,312	249,558	285,740	36,182	\$25,428
NOVEMBER	282,758	269,899	248,561	238,292	265,895	27,603	\$17,334
TOTAL	\$1,602,318	\$1,545,544	\$1,484,440	\$1,423,113	\$1,534,407	\$111,294	\$49,967

	Actual Collected FY 2019 ²	Actual Collected FY 2020 ²	Actual Collected FY 2021 ²	Adopted FY 2022	Actual Assessed FY 2022	Actual Assessed FY 2022 to Adopted FY 2022	Actual Collected FY 2022 ²	Actual Collected FY 2022 to Adopted FY 2022	Actual Collected FY 2022 to Assessed FY 2022
MEALS TAX									
<i>ADOPTED FY 2022 BUDGET - \$14,700,000</i>									
JULY ¹	\$1,157,381	\$1,167,412	\$1,090,332	\$1,052,346	\$1,413,796	\$361,450	\$1,381,486	\$329,140	(\$32,310)
AUGUST	1,208,215	1,327,301	1,186,360	1,140,916	1,488,707	\$347,791	1,506,141	\$365,225	17,434
SEPTEMBER	1,301,166	1,348,242	1,203,439	1,177,862	1,476,642	\$298,780	1,457,339	\$279,477	(19,303)
OCTOBER	1,321,368	1,327,690	1,283,797	1,241,809	1,572,095	\$330,286	1,537,383	\$295,574	(34,712)
NOVEMBER	1,178,554	1,270,798	1,109,005	1,152,630	1,459,285	\$306,655	1,452,953	\$300,323	(6,332)
TOTAL	\$6,166,684	\$6,441,443	\$5,872,933	\$5,765,563	\$7,410,525	\$1,644,962	\$7,335,302	\$1,569,739	(\$75,223)
LODGING TAX									
<i>ADOPTED FY 2022 BUDGET - \$2,600,000</i>									
JULY ¹	\$291,530	\$235,865	\$155,637	\$203,296	\$233,066	\$29,770	\$242,273	\$38,977	\$9,207
AUGUST	266,637	359,491	213,511	240,709	327,847	87,138	333,446	92,737	5,599
SEPTEMBER	242,417	257,054	257,411	222,656	251,735	29,079	263,845	41,189	12,110
OCTOBER	293,555	295,030	226,390	255,799	315,745	59,946	317,407	61,608	1,662
NOVEMBER	203,731	221,028	160,421	192,526	210,016	17,490	194,097	1,571	(15,919)
TOTAL	\$1,297,870	\$1,368,468	\$1,013,370	\$1,114,986	\$1,338,409	\$223,423	\$1,351,068	\$236,082	\$12,659
AMUSEMENT TAX									
<i>ADOPTED FY 2022 BUDGET - \$420,000</i>									
JULY ¹	\$72,761	\$90,398	\$13,970	\$19,173	\$59,531	\$40,358	\$59,351	\$40,178	(\$180)
AUGUST	51,694	56,722	19,248	25,161	54,181	29,020	55,160	29,999	979
SEPTEMBER	54,943	62,500	19,538	27,469	45,763	18,294	45,639	18,170	(124)
OCTOBER	67,036	69,849	18,752	26,011	56,571	30,560	55,688	29,677	(883)
NOVEMBER	73,743	78,870	17,830	26,748	53,819	27,071	54,292	27,544	473
TOTAL	\$320,177	\$358,339	\$89,338	\$124,562	\$269,865	\$145,303	\$270,130	\$145,568	\$265

¹ Due to year end accounting activities, a portion of revenues associated with May and June were posted in June and July.

² "Actual Collected" includes all revenue received per month regardless of whether the payment is current or delinquent.

January 25, 2022



WORK SESSION AGENDA

City Council Work Session – 4:00 p.m.

Council Chamber | City Hall, 900 Church Street, Lynchburg, VA 24504

- | | | |
|-------------|-------------------------------------|--------------------------------------|
| I. | Welcome | <i>MaryJane Dolan, Mayor</i> |
| II. | Work Session Agenda Overview | <i>Wynter C. Benda, City Manager</i> |
| III. | Work Session Agenda Items | <i>Wynter C. Benda, City Manager</i> |
-
- 1) Review the Decennial Redistricting Requirements and Next Steps
 - 2) Task Force on the Future of Education in the City of Lynchburg: PreK-12 and Beyond.
 - 3) Business Item Briefings:
 - a. Return to Fund Balance – *This item will appear before City Council for action on February 8, 2022.*
 - b. True Healing Massage – *This item will appear before City Council for action on February 8, 2022.*
 - c. Encroachment Franchise Ordinance - *This item will appear before City Council for action on February 22, 2022.*
 - 4) Roll Call
 - 5) Consideration of a closed meeting to discuss the City entering into a lease agreement with a local private entity, pursuant to Sections 2.2-3711(A)(3) and 2.2-3711(A)(6) of the Code of Virginia, 1950, as amended; and to discuss the appointments to the following boards and commissions: City Employee Appeals Board, Airport Commission, Lynchburg Redevelopment and Housing Authority, and Planning Commission, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 25, 2022**

AGENDA ITEM #: **1**

CONSENT:
ACTION: **X**

REGULAR:
INFORMATION:

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Decennial Redistricting

RECOMMENDATION: Initiate the Redistricting Process.

SUMMARY: Redistricting is the process of redrawing the boundaries of districts that elect representatives who serve specific geographic areas. Redistricting occurs every 10 years following the United States decennial census and is the responsibility of state and local governments.

Staff will brief Council on the redistricting requirements and request permission to initiate the process. As with past redistricting, staff support would come from the offices of the City Attorney, City Manager, Community Development, Information Technology, and the City Registrar.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Kent White, Community Development Director – 455-3900
Matthew Freedman, City Attorney – 455-3980

ATTACHMENT(S): Draft Presentation Slides
Guide to Local Redistricting for 2021 – Virginia Division of Legislative Services

REVIEWED BY: MMB w

018A



DECENNIAL REDISTRICTING

Kent White
Community Development

Matthew Freedman
City Attorney



RECOMMENDATION: INITIATE REDISTRICTING

❖ Background

- ❖ Substantially equal
- ❖ Majority-Minority ward
- ❖ Census block boundaries
- ❖ Precinct and polling locations

❖ Justification

❖ Process

❖ Questions

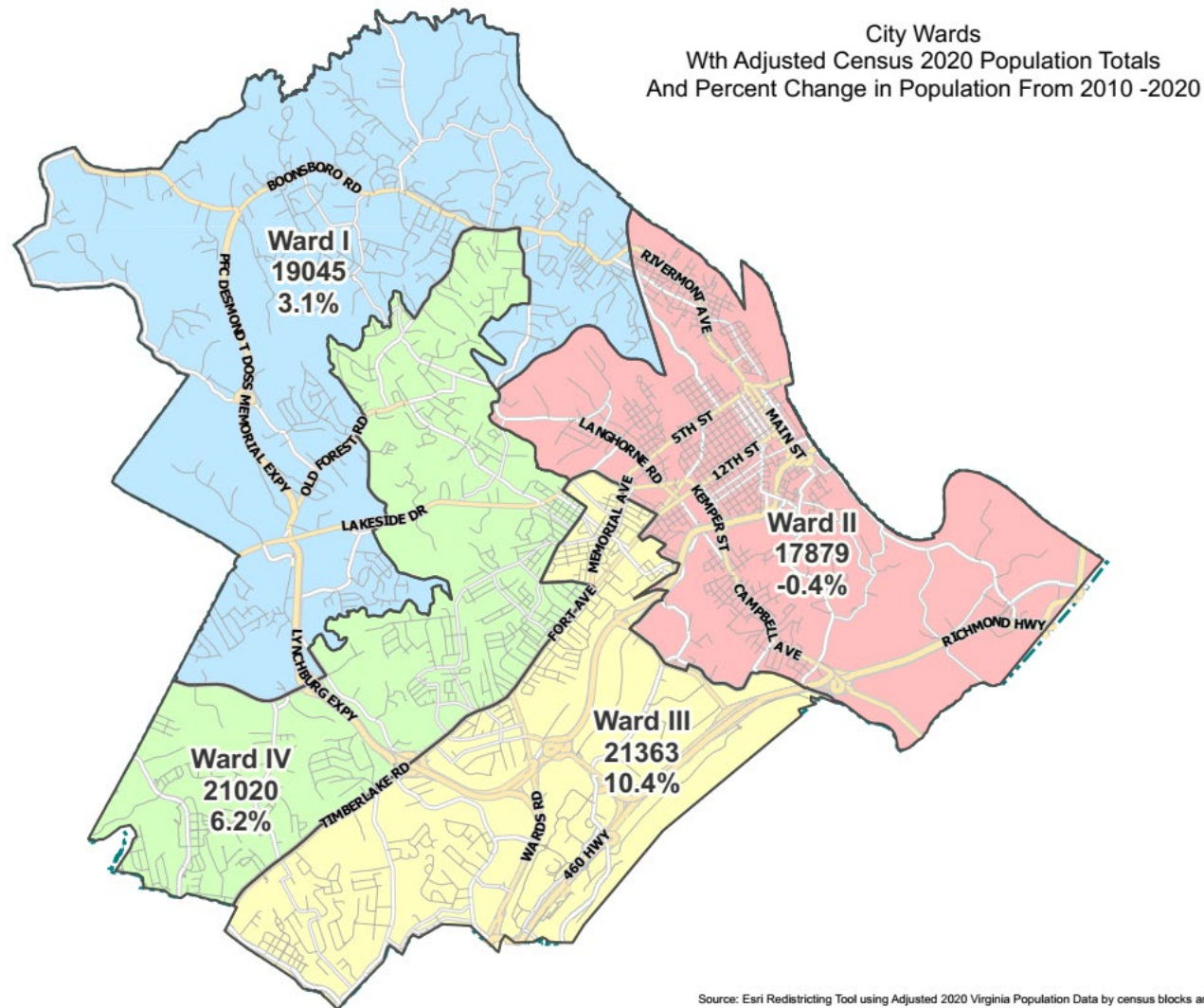


REDISTRICTING IN BRIEF

- ❖ **Process of redrawing the boundaries of districts that elect representatives**
- ❖ **Occurs every 10 years following the United States decennial census**
- ❖ **Typically underway now; delayed by Census data and legislative mapping**
- ❖ **Transparent process, including opportunity for public comment**



POPULATION MUST BE SUBSTANTIALLY EQUAL



MUST MAINTAIN A MAJORITY-MINORITY WARD

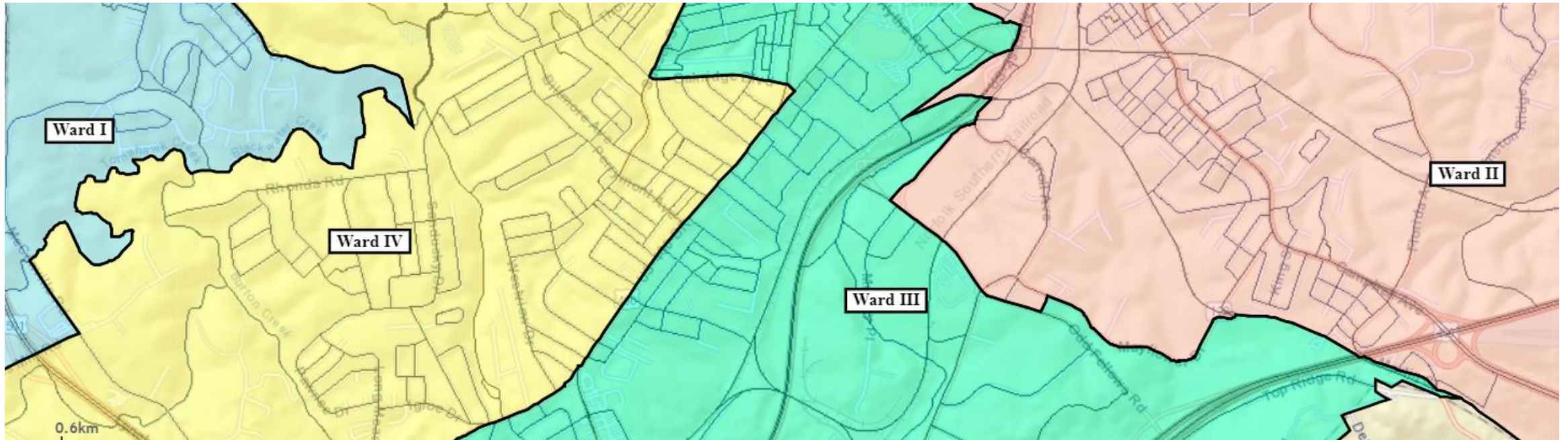
Population Count - Race By Wards for 2010 Census data and 2020 Adjusted Census Data

Black Non Hispanic	2010		2020	
I	3093		I	3258
II	11883		II	10568
III	3716		III	4056
IV	4011		IV	4706
Total Black Non Hispanic	22703		Total	22588
White Non Hispanic				
I	14221		I	13784
II	5339		II	5842
III	13783		III	14192
IV	14231		IV	13836
Total White Non Hispanic	47574		Total	47654

Hispanic				
I	513		I	846
II	389		II	603
III	770		III	1413
IV	628		IV	1018
Total Hispanic	2300		Total	3880
Other*				
I	654		I	1157
II	341		II	866
III	1075		III	1702
IV	921		IV	1460
Total Other	2991		Total	5185
*Other is a consolodation of Non Hispanic Asian, Non Hispanic Hawaiian or other Pacific Islander, Non Hispanic American Indian / Alaskan Native, Non Hispanic Asian, Non Hispanic Some Other Race, and Non Hispanic Two or More Minority Races				



ALIGNED WITH CENSUS BLOCK BOUNDARIES



PRECINCT & POLLING LOCATIONS WILL CHANGE

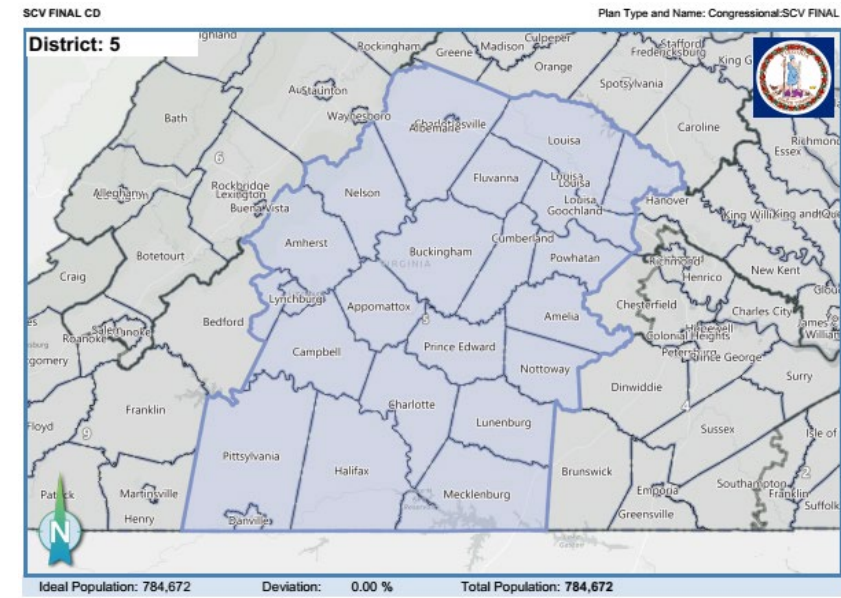
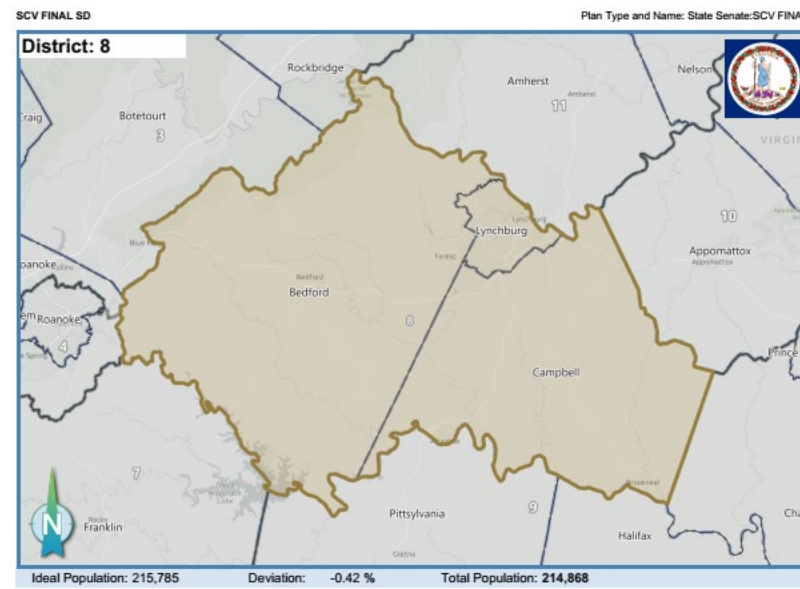
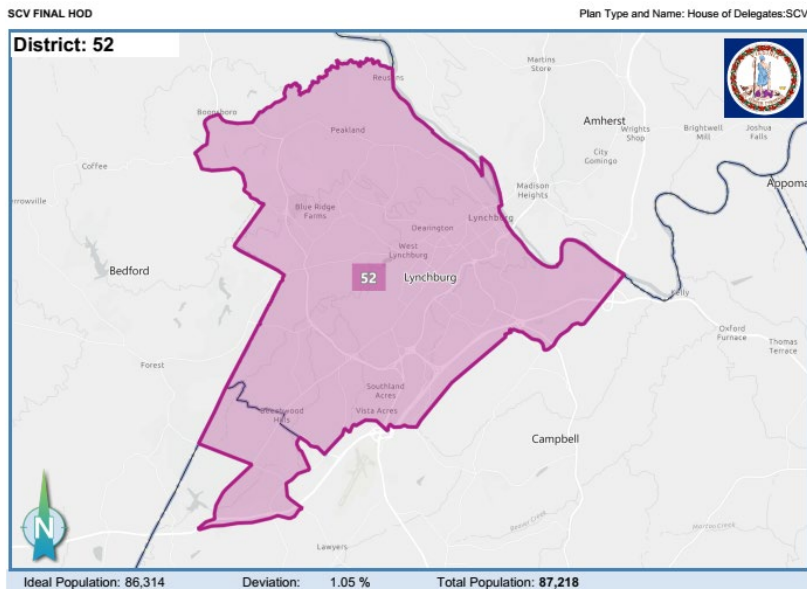


Source: City of Lynchburg Ward Boundaries, Precincts and Polling Locations



STAFF RECOMMENDS STARTING THE PROCESS

❖ The Virginia Supreme Court affirmed the state's redistricting maps



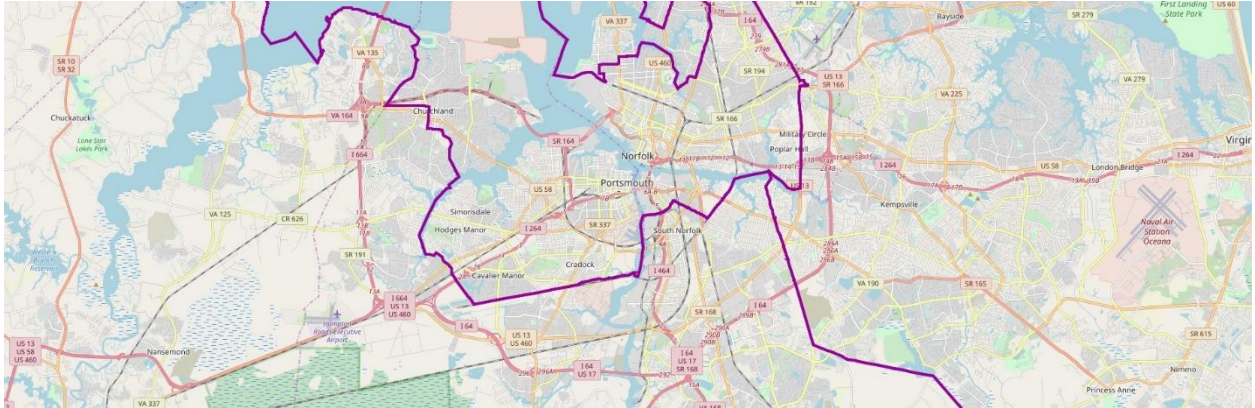
SUGGESTED REDISTRICTING PROCESS

- ❖ Review ward boundary options at Council work session.**
- ❖ Hold public hearing prior to adopting ward boundaries.**
- ❖ Once ward boundaries are adopted, hold separate public hearing to adopt voter precincts.**
- ❖ The boundaries and precincts must be submitted to Attorney General at least 60 days prior to June 15, 2022.**

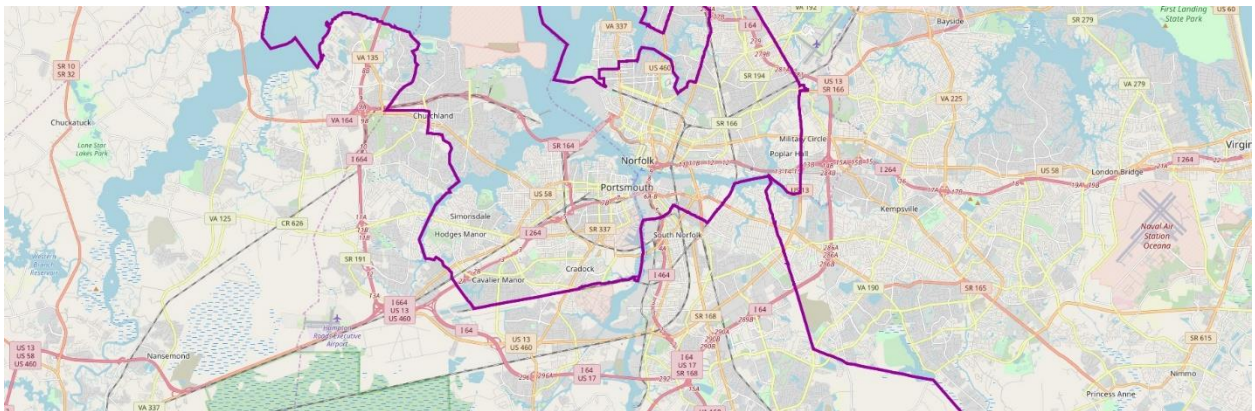


QUESTIONS





Guide to Local Redistricting for 2021



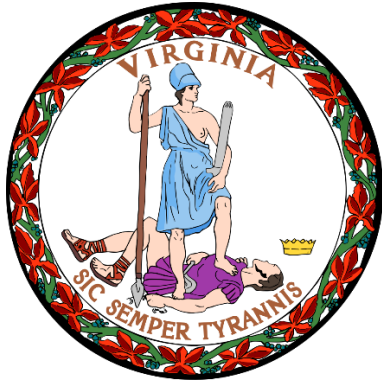
Virginia Division of Legislative Services

Guide to Local Redistricting for 2021

A Few Caveats About This Guide

This Guide and the information contained in it are not legal advice. The Guide is intended to be informative and provide an overview of the law and the process of redistricting to serve as a starting point for those undertaking redistricting at the local level.

This Guide and its description of the law and schedule for redistricting are current as of the date of publication. However, the law and schedule are always changing in response to new developments. Each locality must pay close attention to developments at the 2021 Regular Session, and any special sessions, of the General Assembly, on the national scene concerning the 2020 census, and in case law.



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Amigo R. Wade, *Acting Director*
Meg Lamb, *Senior Attorney*
Brooks Braun, *Attorney*
Lilli Hausenfluck, *Chief Editor*
Sandy Adkins, *Editor*
Mark Newton, *Editor*

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For information, please contact:
Division of Legislative Services
900 E. Main Street
Richmond, Virginia 23219
(804) 698-1800

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dls.virginia.gov/pubs_redistricting.html

*For Jack Austin, my mentor and friend.
He would want you to know that the precincts listed
in the district descriptions in the Code of Virginia are just a snapshot in time.
- M.L.*



Guide to Local Redistricting for 2021

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Guide to Local Redistricting for 2021

1. Introduction to Redistricting

1.1. What Is Redistricting?

Redistricting is the process of redrawing the boundaries of districts that elect representatives who serve specific geographic areas. Redistricting occurs every 10 years following the United States decennial census and is the responsibility of state and local governments. It is governed by federal and state constitutional and statutory laws.

1.2. Basic Principles of Redistricting

While the laws governing redistricting are vast, complex, and ever evolving, here are a few basic principles that guide the process:

Redistricting must be done every 10 years in the year ending in one. Prior to the 1960s, many states did not redraw their election district boundaries on a regular basis despite the occurrence of shifts in population, which often led to districts with wide variations in population numbers. Due to a series of rulings by the U.S. Supreme Court in this matter, states must redistrict every 10 years following the United States decennial census.

Article VII, Section 5 of the Constitution of Virginia specifically requires any locality that conducts elections by district to change its district boundaries every 10 years in the year ending in one.

Districts must be drawn using census data. The United States decennial census is the primary data source on population, age, and race used in redistricting. While there is no federal requirement that census data be used for redistricting, § ***24.2-304.1*** of the Code of Virginia requires local governments to use the most recent decennial population figures for such county, city, or town for the purposes of redistricting and reapportioning representation.

During the 2011 cycle, this Code section required the use of those “figures [that were] identical to those from the actual enumeration conducted by the United States Census Bureau (the Census Bureau) for the apportionment of representatives in the United States House of Representatives.” However, the 2020 Regular Session of the General Assembly amended this requirement so that in the 2021 redistricting cycle the data to be used will be the census data as adjusted by the Division of Legislative Services to reflect the reallocation of prison populations. See **Section 4.2** for more about this reallocation process.

Districts must be equal in population. The same U.S. Supreme Court cases that require districts be redrawn every 10 years also require those districts to be equal in population. This is the “one-person, one-vote” principle. For congressional districts, this means that the population of one congressional district must be essentially equal to another. For other districts, the standard is not as strict, instead requiring “substantially” equal populations in like districts. The Constitution of Virginia requires local election districts to use the substantially equal population standard.



Districts cannot be drawn to discriminate based on race. One of the most complicated and, as a result, frequently litigated areas of redistricting law relates to race-based redistricting. See **Section 5.4** for more detail on this issue. Generally, though, the Equal Protection Clause of the ***Fourteenth Amendment*** to the Constitution of the United States has been interpreted as prohibiting districts from being drawn to segregate citizens into districts based on race. This is racial gerrymandering. In addition, the Voting Rights Act of 1965 (P.L. 89-110), as amended, prohibits districts from being drawn in such a way that the result is a denial or abridgement of the right to vote on account of race, color, or status as a member of a language minority group.

A proposed amendment to the Constitution of Virginia will be submitted to the voters at the November 2020 general election and, if approved, ***Article II, Section 6*** will include a requirement for racial and ethnic fairness:

Every electoral district shall be drawn in accordance with the requirements of federal and state laws that address racial and ethnic fairness, including the Equal Protection Clause of the ***Fourteenth Amendment*** to the Constitution of the United States and provisions of the Voting Rights Act of 1965, as amended, and judicial decisions interpreting such laws. Districts shall provide, where practicable, opportunities for racial and ethnic communities to elect candidates of their choice.

This addition to the Constitution of Virginia, if approved at the November 2020 general election, will become effective January 1, 2021.

Districts must be contiguous and compact. ***Article VII, Section 5*** of the Constitution of Virginia requires local election districts to “be composed of contiguous and compact territory.”

1.3. Introduction to the Guide to Local Redistricting for 2021

For the four previous redistricting cycles, the Division of Legislative Services has published a Guide to Local Redistricting like this to assist local governing bodies in understanding and preparing for the redistricting process.

While every possible issue and question cannot be predicted or addressed, this Guide provides a thorough introduction to the fundamental aspects and foundational principles of redistricting to equip the localities of Virginia as they begin the redistricting process.

The Guide to Local Redistricting for 2021 is organized into the following sections:

- Section 1. Introduction to Redistricting
- Section 2. Local Election Districts
- Section 3. Precincts and Polling Places
- Section 4. The 2020 Census
- Section 5. Legal Standards Applicable to Local Redistricting
- Section 6. After Redistricting



Additionally, Appendices A and B set out the relevant constitutional and statutory provisions:

- Appendix A. Relevant Constitutional Provision
- Appendix B. Relevant Code of Virginia Sections

A Few Caveats About This Guide

This Guide and the information contained in it are not legal advice. The Guide is intended to be informative and provide an overview of the law and the process of redistricting to serve as a starting point for those undertaking redistricting at the local level.

This Guide and its description of the law and schedule for redistricting are current as of the date of publication. However, the law and schedule are always changing in response to new developments. Each locality must pay close attention to developments at the 2021 Regular Session, and any special sessions, of the General Assembly, on the national scene concerning the 2020 census, and in case law.





Guide to Local Redistricting for 2021

2. Local Election Districts

2.1. Introduction

The Constitution of Virginia requires popular elections for the members of a locality's governing body. How these elections happen—at large or by district—is left to the governing bodies, but if the members are elected by district, the Constitution of Virginia requires:

1. That a county, city, or town must redistrict in 2021 if it elects any members of its governing body from districts;
2. That the districts must be drawn to comply with the one-person, one-vote standard;
3. That the districts must be contiguous and compact; and
4. That any citizen of a locality can go to court to compel the governing body to redraw its district boundaries if the governing body fails to do so.

For the constitutional language, see *Article VII, Section 5* as set out in full in **Appendix A**.

2.2. Code of Virginia Requirements for Local Redistricting

Just as the General Assembly is responsible for the reapportionment and redistricting of congressional and state legislative districts, local governing bodies are responsible for the local election districts. While *Article VII, Section 5* of the Constitution of Virginia sets forth the basic principles of this responsibility, the Code of Virginia expands on it with additional requirements and necessary details for the reapportionment and redistricting of local election districts. All local governing bodies undertaking this important endeavor should understand the following key provisions:

Reapportionment and redistricting is required every 10 years for certain localities.

Subsection A of § *24.2-304.1* authorizes local governing bodies to provide by ordinance for single-member districts, multi-member districts, at-large districts, or any combination of such districts. Any locality that does not elect its governing body entirely at large is subject to the provisions of subsection B of § *24.2-304.1*, which repeats the constitutional requirement that any county, city, or town that elects members of its governing body from districts must reapportion and redraw the election district boundaries every 10 years in the year ending in one.

Local election districts must comply with certain criteria. Subsection B of § *24.2-304.1* repeats the constitutional requirement that local election districts be composed of contiguous and compact territory and give, “as nearly as is practicable, representation in proportion to the population of the district or ward.” This is the equal population standard. Section *24.2-305* restates the contiguous and compact requirement and further provides that each election district must have clearly defined and clearly observable boundaries. See the defined term, “clearly observable boundary,” in § *24.2-305* as set out in full in **Appendix B**. For further discussion regarding equal population, contiguity, and compactness, see **Section 5**.



The most recent decennial population figures for each locality, as adjusted by the Division of Legislative Services, are to be used. Subsection C of § 24.2-304.1 requires the use of adjusted census data for reapportionment and redistricting purposes. This is a new requirement, the result of legislation enacted by the 2020 Regular Session of the General Assembly. Beginning with the 2021 redistricting, any person incarcerated in a federal, state, or local correctional facility within the Commonwealth is to be counted as a resident of the locality where his address at the time of incarceration is located. Because the Census Bureau counts such persons at the facilities in which they are incarcerated and reports the population as such, this requires the population data received from the census to be adjusted. By law, the Division of Legislative Services is tasked with adjusting this data and making it available within 30 days of receipt of the census data.

Local decennial redistricting measures take effect immediately but do not cut short the term of any governing body member. Subsection B of § 24.2-311 provides that ordinances adopted by local governing bodies to accomplish the decennial redistricting required by *Article VII, Section 5* of the Constitution of Virginia take effect immediately. It further provides that governing body members in office on the effective date of a decennial redistricting measure are to complete their terms of office. As provided by § 24.2-304.6, local officials, including members of school boards or planning commissions, complete their terms of office regardless of loss of residency in their districts due to the redistricting measure.

Each locality is responsible for determining its obligations from multiple sources. It's important for each locality to review the sections of the Code of Virginia set out in full in **Appendix B**, as there are many requirements and provisions in addition to those addressed in this Guide.

For example, § 24.2-304.3 requires a copy of the ordinance adopting the redistricting plan to be recorded in the official minutes of the governing body, along with a description of the boundaries and a map showing the boundaries of the districts. A requirement new for the 2021 redistricting is that a Geographic Information System (GIS) map that shows the district boundaries must be sent to the local elected board, the Secretary of the Commonwealth, the Department of Elections, and the Division of Legislative Services.

Additionally, each city and town should review its charter in order to determine whether it contains provisions related to redistricting. Any county with a charter or an optional form of government should review its charter or the statutes applicable to its form of government for possible special provisions applicable to redistricting.

2.3. Elected School Boards

For the localities that have made the switch from appointed to elected school boards, the dates of elections, terms of office, and election districts for school board members will generally mirror those for members of the governing body. As such, most of the counties and cities that elect their governing bodies from districts will be redrawing those district lines for both their governing bodies and their school boards. Section 22.1-57.3 provides in pertinent part:

Elections of school board members in a county, city, or town shall be held to coincide with the elections for members of the governing body of the county, city, or town at the regular general election in November or the regular general election in May, as the case may be . . .



. . . The terms of the members of the elected school board for any county, city, or town shall be the same as the terms of the members of the governing body for the county, city, or town. In any locality in which both the school board and the governing body are elected from election districts, as opposed to being elected wholly on an at-large basis, the elections of the school board member and governing body member from each specific district shall be held simultaneously except as otherwise provided . . .

. . . In any case in which school board members are elected from election districts, as opposed to being elected from the county, city, or town at large, the election districts for the school board shall be coterminous with the election districts for the county, city, or town governing body, except as may be specifically provided for the election of school board members in a county, city, or town in which the governing body is elected at large.

Each locality is responsible for determining whether any applicable charter provision, special law, or optional form of government provision applies to the redrawing of elected school board districts during this decennial process of redistricting.





Guide to Local Redistricting for 2021

3. Precincts and Polling Places

3.1. Introduction

While the establishment of election districts is provided for specifically in the Constitution of Virginia, the establishment of precincts is not. However, precincts do show up in the Constitution in a significant way: the qualification of voters.

Article II, Section 1 of the Constitution of Virginia sets forth the qualifications of voters. One such qualification is to fulfill the residence requirements set forth in that section, which are residency in the Commonwealth and the precinct where one votes. In this way, precincts are a foundational element of democracy.

So what is a precinct? The Code of Virginia defines a “precinct” to be the territory designated by the governing body of a county, city, or town to be served by one polling place.¹ A “polling place” is defined as the structure that contains the one place provided for each precinct at which the qualified voters who are residents of the precinct may vote.²

Precincts are subject to a number of statutory provisions, present a variety of issues in elections administration, and are a key part of the redistricting process.

3.2. Code of Virginia Requirements for Precincts and Polling Places

First, a few basic points from the Code of Virginia about precincts:

The establishment of precincts is the responsibility of local governing bodies. Section *24.2-307* directs the governing body of each county and city to establish by ordinance as many precincts as the governing body deems necessary. These governing bodies are also authorized to increase or decrease the number of precincts and to alter the boundaries of precincts, subject to requirements and restrictions in the Code of Virginia. Section *24.2-308* directs the establishment of one precinct for each town unless the town council establishes more than one precinct by ordinance.

Precincts must comply with certain criteria. Section *24.2-305* requires precincts to “be composed of compact and contiguous territory” and to “have clearly defined and clearly observable boundaries.” See **Section 5** for further discussion regarding contiguity and compactness and see the defined term, “clearly observable boundary,” set out in full in **Appendix B**.

Precincts are subject to requirements for minimum and maximum numbers of registered voters.³ Section *24.2-307* provides that at the time a precinct is established, it cannot have more

¹ VA. CODE § *24.2-101*.

² *Id.*

³ For the purposes of this requirement, “registered voter” includes only persons maintained on the Virginia voter registration system with active status. See VA. CODE § *24.2-101*.



than 5,000 registered voters. The general registrar is responsible for notifying the governing body whenever the number of voters who actually voted in a precinct in a presidential election exceeds 4,000, and the governing body must then revise the precinct boundaries. Additionally, § 24.2-307 sets a minimum number of registered voters for precincts. At the time a precinct is established, it can have no fewer than 100 registered voters for a county precinct and no fewer than 500 registered voters for a city precinct.

Precincts must be wholly contained within certain types of election districts. Section 24.2-307 requires each county and city precinct to be wholly contained within a single congressional district, state Senate district, House of Delegates district, and election district used for the election of one or more members of the governing body or school board. Section 24.2-308 provides that each town precinct must be wholly contained within any election district used for the election of one or more town council or school board members. See the following **Section 3.3** for more discussion on this “wholly contained” requirement and the issue of split precincts.

3.3. Split Precincts

A split precinct is one in which not all voters in the precinct have the same candidates for a particular type of office on their ballots. Split precincts create confusion for voters and headaches for election officials.

The law has long required precincts to be wholly contained within a single local election district. This was easily attainable since the same authority was responsible for establishing both. Precincts split among congressional and state legislative districts, on the other hand, were inevitable. While the General Assembly was drawing the congressional and state legislative districts, using the previous decade’s precincts as the basis for the maps, local governing bodies were making changes to those very precinct lines. When those new precinct boundaries were then laid on top of the congressional and state legislative districts, the result was often a split precinct. The common practice to address these split precincts was by adopting legislation in the following legislative sessions to make technical adjustments to the congressional or state legislative district lines so that the district lines and precinct boundaries aligned. This is no longer viewed to be an option, so other efforts to address the split precinct issue have been made.

The 2020 Regular Session of the General Assembly passed legislation⁴ amending § 24.2-307 to require county and city precincts to be wholly contained within a single congressional district, state Senate district, and House of Delegates district, in addition to local election districts. Recognizing the practical realities of how the redistricting process unfolds, the law requires the governing body to establish precincts to be consistent with those election districts adopted by the appropriate authority by June 15 in the year ending in one. However, if congressional or state legislative districts have not been adopted by that date, the governing bodies may use the districts as they existed on June 15 of that year as the basis for establishing the precinct boundaries for the November elections held that year. Precinct boundaries must be established to be consistent with any subsequent changes to the congressional, state Senate, House of Delegates, and local election districts and such new boundaries will apply to future elections.

If the governing body is unable to establish a precinct with the minimum number of registered voters without splitting the precinct, the State Board of Elections may grant a waiver

⁴ Chapter 1268 of the Acts of Assembly of 2020.



to administer a split precinct or direct the governing body to establish a precinct with fewer than the minimum number of voters.

3.4. Precinct Boundaries and the Census Bureau’s Voting District Project

Section [24.2-305](#) requires precincts to have clearly defined and clearly observable boundaries. This standard was adopted in the 1980s so that (i) precinct boundaries can be readily identified by voters, candidates, and those administering elections and (ii) census population counts can be reported for each individual precinct. The Census Bureau will not give a population count for a precinct unless the boundaries of the precinct meet the Bureau’s standards for census blocks and can be used as the boundaries of a census tabulation block.

In preparing for the 2020 census, Virginia participated in the Voting District Project, Phase II of the 2020 Census Redistricting Data Program.⁵ The state worked with the Census Bureau to identify, update, and verify the precinct boundaries of Virginia’s 2,465 active precincts on the census maps. This work was done through the nonpartisan census liaisons with the Division of Legislative Services in consultation with general registrars and other local officials and personnel. The precinct boundaries in place at the end of this project are the precincts used to provide census population counts for use in redistricting.

This project is the reason for the “precinct freeze” enacted every 10 years in preparation for redistricting. The current precinct freeze set out in § [24.2-309.2](#) prohibits the creation, division, abolishment, or consolidation of any precinct or any change to the boundaries of a precinct between February 1, 2019, and May 15, 2021, except in certain circumstances.

At the conclusion of this precinct freeze, localities should review their precincts. During the nearly 2.5-year period in which the precincts are frozen, population shifts may have occurred, resulting in precincts that are now oversized or undersized, and it may be necessary to increase or decrease the number of precincts in the locality, as permitted by § [24.2-307](#).

3.5. Polling Places

The requirements for polling places are provided in §§ [24.2-310](#) and [24.2-310.1](#). There must be one polling place for each precinct. The polling place for a county, city, or town precinct must (i) be located in the precinct or within one mile of the precinct boundary, (ii) meet accessibility requirements, and (iii) be located in a public building whenever practicable. It is important to consider the availability of appropriate polling place facilities when drawing local election district and precinct boundaries. For towns holding elections in November, the town uses the county’s polling places.

⁵ This project provides states the opportunity to submit their voting districts, or precincts, for inclusion in the 2020 Census Redistricting Data Program tabulation, in addition to submitting suggested legal boundary updates and updates to their geographic areas. More information on this project and the Census Redistricting Data Program can be found at <https://www.census.gov/programs-surveys/decennial-census/about/rdo/program-management.html> [last visited October 19, 2020].





Guide to Local Redistricting for 2021

4. The 2020 Census

4.1. Introduction

The 2020 census, conducted by the U.S. Department of Commerce through the Census Bureau, is the twenty-fourth census in U.S. history, and it will provide the basis for the reapportionment among the states of the 435 seats in the United States House of Representatives. It will also be used to redraw congressional, state legislative, and local election districts.

Legal Basis

The decennial census is a constitutional requirement. *Article I, Section 2, Clause 3* of the Constitution of the United States requires an “actual Enumeration” of all people in the United States. This enumeration is then used to determine the number of seats each state will have in the United States House of Representatives for the upcoming decade. Currently, Virginia has 11 seats, and it is predicted that Virginia will hold onto those seats.

Federal law requires that the census data be reported to the states in order for it to be used by the states to establish congressional, state legislative, and local election districts.⁶ How that census data is used, however, is left to the states. Subsection C of § *24.2-304.1* of the Code of Virginia requires the use of the census data, as adjusted by the Division of Legislative Services, in the drawing of local election districts.

Developments for the 2020 Census

Like the 2010 census, the 2020 census is short form, collecting only basic information. The 2020 census is, however, the first to use the Internet as the primary response method.

The 2020 questions regarding race and ethnicity are different from previous years. Multiple Hispanic ethnicities, such as Mexican and Puerto Rican, are collected within the broader category. There is also a write-in option for the White racial and Black racial categories.

Because the census collects protected personal information, the Census Bureau must take steps to protect that data from disclosure in a way that allows individuals and their information to be identified while still providing data that can be used by states to conduct accurate redistricting. The 2020 census will utilize an algorithmic approach to privacy protection called *differential privacy*.⁷ Differential privacy allows the Census Bureau to determine a mathematically precise balance between privacy protection and data accuracy and to ensure that that balance will stay constant into the future. The Census Bureau has continued to develop this Disclosure Avoidance System ahead of the release of redistricting data, with a focus on improving the accuracy of population data.

⁶ P.L. 94-171 (1975).

⁷ More information on the Disclosure Avoidance System and the 2020 census can be found at https://www.census.gov/about/policies/privacy/statistical_safeguards/disclosure-avoidance-2020-census.html [last visited October 19, 2020].



In response to the COVID-19 pandemic, the Census Bureau has announced it is seeking permission from Congress to delay its 2020 census data delivery by 120 days. See **Section 4.4** for further discussion concerning this delay and its potential impact on Virginia’s redistricting process.

There are two basic pieces of information needed to redraw election district lines: population data (**Section 4.2**) and maps (**Section 4.3**). The Census Bureau provides both.

4.2. Population Data

P.L. 94-171 Data

Public Law 94-171 is the federal law directing the Census Bureau to provide redistricting data needed by the states. P.L. 94-171 data, or redistricting data, is the data the localities will use to redistrict in 2021, just as the General Assembly will use the data to redraw congressional and state legislative districts.⁸ This data gives total and voting age population counts and Hispanic and racial data for each geographic unit.

Under federal law, the Census Bureau is required to report this data to the 50 states by April 1, 2021. However, in light of the COVID-19 pandemic and its impact on the 2020 census operations, it is unclear when this data may be received in 2021 (see **Section 4.4** for further discussion).

Residence Criteria and Situations

A perennial question regarding the decennial census is “who is counted where.” As a general rule, people are counted at their usual residence, the place where they live and sleep most of the time. Persons who live in “group quarters” are counted at that facility, and persons who do not have a usual residence are counted where they are on Census Day, or April 1, 2020. The Census Bureau has detailed guidance for determining where people should be counted.⁹ A few examples:

- United States military personnel assigned to a United States military vessel with a United States homeport on Census Day are counted at the onshore United States residences where they live and sleep most of the time. If the personnel do not have onshore United States residences, they are counted at their vessel’s homeport.
- Any person incarcerated in a federal, state, or local correctional facility is counted at the facility where he is incarcerated.
- A college student living away from his parent’s or guardian’s home while attending college in the United States, living either on-campus or off-campus, is counted at the on-campus or off-campus residence where he lives and sleeps most of the time.
- A baby born on Census Day is counted at the residence where he will live and sleep most of the time, even if he is still in a hospital on Census Day.

⁸ As adjusted by the Division of Legislative Services to reflect the reallocation of prison populations; see subsection C of § 24.2-304.1 of the Code of Virginia.

⁹ *Federal Register*, Vol. 83, No. 27 (February 8, 2018).



Reallocation of Prison Populations

The 2020 Regular Session of the General Assembly enacted legislation that will adjust the P.L. 94-171 data to reflect the reallocation of the prison populations in the Commonwealth.¹⁰ Any person incarcerated in a federal, state, or local correctional facility whose address at the time of incarceration was located within the Commonwealth will be deemed to reside at such address. Any incarcerated person whose address at the time of incarceration was located outside of the Commonwealth or cannot be determined will be deemed to reside at the location of the facility in which he is incarcerated. The Division of Legislative Services is responsible for adjusting the P.L. 94-171 data to reflect this reallocation based on residency and is required to make the adjusted data available within 30 days of receipt of the P.L. 94-171 data from the Census Bureau.

Race and Ethnicity

Questions about race and ethnicity are included in the decennial census in order to gather data necessary to facilitate enforcement of the Voting Rights Act, which prohibits the enactment of redistricting plans that result in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color or membership in a language minority group.

The U.S. Office of Management and Budget standards¹¹ specify five minimum categories for data on race: American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, and White. It also provides two categories for data on ethnicity: Hispanic or Latino and Not Hispanic or Latino.

Total and Voting Age Population

As in 2011, the Census Bureau will report the total population and the voting age population for each geographic unit.

4.3. Census Geography and Maps

Geographic Units

The Census Bureau will report the state's population data using the following geographic units, meaning each geographic unit will have population data assigned to it. The geographic units used are a combination of legal/administrative geography and Bureau-defined geography.

- **Counties, cities, and towns**—the primary legal subdivision of Virginia; the geography of these governmental units is defined by the state and local governments and reported to the Census Bureau. See **Getting the Geography Right** later in this section for further discussion.
- **Voting tabulation districts or VTDs**—precincts and wards; these are defined by the state and local governments and reported to the Census Bureau. Each precinct will be coded with a six-digit number that represents the census locality census code and the Virginia Department of Elections precinct code. See **Getting the Geography Right** later in this section for further discussion.

¹⁰ VA. CODE § 24.2-314.

¹¹ *Federal Register*, Vol. 62, No. 210 (October 30, 1997).



- **Census tract**—a combination of census block tracts that is a statistical and relatively permanent subdivision of a locality. Census tract boundaries typically follow visible features but may follow governmental unit boundaries. Census tracts always nest within counties and cities.
- **Census block group**—a combination of census blocks that is a subdivision of a census tract. These are defined by the Census Bureau.
- **Census block**—Census blocks are king; they are the smallest entity for which the Census Bureau collects and tabulates decennial census information. The Census Bureau defines census blocks, using only visible or nonvisible boundaries shown on census maps as the blocks' boundaries.

Additionally, the Census Bureau will make population data available by congressional and state legislative districts.

TIGER/Line Shapefiles

A shapefile is a geospatial data format for use in geographic information system (GIS) software. The TIGER/Line Shapefiles are the fully supported core geographic product from the Census Bureau. They are extracts of selected geographic and cartographic information from the Census Bureau's Master Address File/Topologically Integrated Geographic Encoding and Referencing (MAF/TIGER) database. These shapefiles include polygon boundaries of geographic areas and features, but they do not contain any demographic data from the decennial census. Instead, the shapefiles contain a standard geographic identifier for each geographic entity that links to the geographic identifier in the census data.

To use these shapefiles, a user must have mapping or GIS software that can import the TIGER/Line Shapefiles. The shapefiles are not provided by the Census Bureau in any vendor-specific format. With the appropriate software, a user can produce maps ranging in detail from a neighborhood street map to a map of the United States. To date, many local governments have used the TIGER data in applications requiring digital street maps. Software companies have created products for the personal computer that allow consumers to produce their own detailed maps. Localities will want to work with their planning departments and local planning commissions to use TIGER data.

Getting the Geography Right

Because redistricting done by both the General Assembly and local governments will use population data assigned by geographic unit, it is vitally important that the geography that the Census Bureau uses reflects what the state and each local government understands it to be. Fortunately, there are opportunities throughout each decade to get the geography right. For the 2021 redistricting cycle, two such opportunities are the Boundary and Annexation Survey and the 2020 Census Redistricting Data Program.

Boundary and Annexation Survey. The Census Bureau conducts the Boundary and Annexation Survey (the BAS) annually to collect information about select legally defined geographic areas.¹² The BAS is used to update information about legal boundaries and names of all governmental units in the United States. It provides local governments the opportunity to

¹² More information on the Boundary and Annexation Survey can be found at <https://www.census.gov/programs-surveys/bas.html> [last visited October 19, 2020].



review the Census Bureau’s boundary data to ensure that the Bureau has the correct legal boundary, name, and status information of the various geographic areas. The legal boundaries collected through the BAS are used by the Census Bureau to tabulate data for the decennial census.

Each year, the Census Bureau sends the BAS Annual Response email to key contacts in local government. This includes:

- The government’s highest elected official, such as the mayor or county executive; and
- A GIS staff person, planner, clerk, or other contact.

By responding to the BAS, local governments are able to ensure that the legal boundaries of the various geographic units for which the Census Bureau reports population data are correct. For example, if the Census Bureau uses the boundary between two counties as the boundary of several census blocks and, as a result, several VTDs, it is important that that boundary be what those two counties understand it to be.

The 2020 Census Redistricting Data Program. The first two phases of the 2020 Census Redistricting Data Program¹³ also present opportunities for state and local governments to review and submit changes to various geographic and governmental area boundaries. As opposed to the BAS, which is conducted annually, this program is conducted in the run-up to the decennial redistricting.

- Phase 1 was the Block Boundary Suggestion Project. It provided states the opportunity to submit suggested legal boundary updates as well as updates to other geographic areas. Participation in Phase 1 was conducted for Virginia through the Division of Legislative Services in two stages, the first being the initial identification (December 2015 through May 31, 2016) and the second being the verification of updates (December 2016 through May 31, 2017).
- Phase 2 was the Voting District Project. It provided states the opportunity to submit their voting districts for inclusion on the P.L. 94-171 Redistricting Data, in addition to allowing states to submit suggested legal boundary updates as well as updates to other geographic areas. Participation in Phase 2 was conducted for Virginia through the Division of Legislative Services in three stages, the first being an initial identification (December 2017 through May 31, 2018), the second and third being verification of updates (December 2018 through May 31, 2019, and December 2019 through March 31, 2020). During these stages, local government officials were contacted by the Division of Legislative Services to provide shapefiles or GIS maps of the locality’s precinct boundaries and to review any errors or mismatches identified by the Census Bureau.

4.4. P.L. 94-171 Data Delivery Delay: Let’s Panic!

On April 13, 2020, the Census Bureau announced it was delaying its census field operations due to the COVID-19 pandemic and, at the same time, requested from Congress the authority to delay the delivery of census data.

¹³ More information on the 2020 Census Redistricting Data Program management and each of these two stages can be found at <https://www.census.gov/programs-surveys/decennial-census/about/rdo/program-management.html#P1> [last visited October 19, 2020].



Under current law, the data used to reapportion the number of congressional seats among the 50 states is required to be delivered to the President of the United States by December 31, 2020, and the data used by the states to redraw congressional and state legislative districts is due to the states no later than March 31, 2021. The Census Bureau's request was for an additional 120 days, delaying delivery of data to the President until April 30, 2021, and delivery of data to the states until July 31, 2021. This delay would obviously have a major impact on Virginia and its ability to redistrict in time for the elections scheduled for November 2021.

However, later in the summer, the Administration requested additional funding to complete the census on time, in lieu of the deadline delay, and on August 3, 2020, the Secretary of Commerce approved a new schedule that would end field operations by September 30, 2020, and the initial data processing stage by December 31, 2020.

A lawsuit was soon filed in a federal district court and that court ordered the 2020 census count to continue through October 31, 2020. The Administration, in response, filed with the U.S. Supreme Court an application for a stay pending an appeal, and on October 13, 2020, the Court granted the stay pending disposition of the appeal in the U.S. Court of Appeals for the Ninth Circuit, meaning the Court granted the Administration's request to discontinue the census count.

This information is current as of the date of publication. For more up-to-date information, please refer to the *Ross v. National Urban League* case page on the SCOTUS blog website¹⁴.

¹⁴ See <https://www.scotusblog.com/case-files/cases/ross-v-national-urban-league/> [last visited November 2, 2020].





Guide to Local Redistricting for 2021

5. Legal Standards Applicable to Local Redistricting

5.1. Introduction

There are a number of legal tests and standards that are used to measure the validity of redistricting plans. The following sections outline and provide a general overview of those standards that should be kept in mind when drawing plans and that will be used to evaluate the plans after the fact.

5.2. Equal Population

Equal population is the most fundamental requirement of redistricting for congressional, state legislative, and local election districts, rooted in the Constitution of the United States and the Constitution of Virginia.

Congressional Districts

The equal population requirement for congressional districts is based on *Article 1, Section 2* of the Constitution of the United States and is a strict standard of equality. The U.S. Supreme Court first articulated the “one-person, one-vote” principle in its ruling in *Wesberry v. Sanders*¹⁵, determining that the language of *Article 1, Section 2* that says representatives in the United States House of Representatives are to be chosen “by the people of the several States” means that one person’s vote in a congressional district should carry the same weight as another’s.

State Legislative Districts

The equal population requirement for state legislative districts is based on the Equal Protection Clause of the *Fourteenth Amendment* to the Constitution of the United States and requires “substantial equality” among legislative districts. The U.S. Supreme Court distinguished the population standards for state legislative districts from congressional districts in *Reynolds v. Sims*.¹⁶

Local Election Districts

The U.S. Supreme Court has held that the substantially equal population requirement of the Equal Protection Clause applies to local election districts, as well.¹⁷ *Article VII, Section 5* of the Constitution of Virginia also contains an equal population requirement for local election districts, requiring districts to be constituted to give “as nearly as is practicable, representation in proportion to the population of the district.” This requirement is repeated in subsection B of § 24.2-304.1 of the Code of Virginia.

¹⁵ *Wesberry v. Sanders*, 376 U.S. 1 (1964).

¹⁶ *Reynolds v. Sims*, 377 U.S. 533 (1964).

¹⁷ *Avery v. Midland County*, 390 U.S. 474 (1968).



Substantial equality and permitted deviations. The U.S. Supreme Court has held that local election districts are subject to the substantially equal population standard, meaning the populations of local election districts do not have to be precisely equal. With this standard of substantial equality and permitted deviations, the question is, then, how much deviation is permitted and under what circumstances. Case law answering this question has evolved over the decades and, in 2016, the U.S. Supreme Court provided a clear and concise summation of where the standard stands now:

States must draw congressional districts with populations as close to perfect equality as possible. But, when drawing state and local legislative districts, jurisdictions are permitted to deviate somewhat from perfect population equality to accommodate traditional districting objectives, among them, preserving the integrity of political subdivisions, maintaining communities of interest, and creating geographic compactness. When the maximum population deviation between the largest and smallest district is less than 10 percent, the Court has held, a state or local legislative map presumptively complies with the one-person, one-vote rule. Maximum deviations above 10 percent are presumptively impermissible.¹⁸

Therefore, the answer to the question is that local election districts should have populations that are substantially equal to each other, with a plus or minus five percent deviation from the ideal district population. For example, if the ideal district population is 1,000 persons, a district may have as many as 1,050 persons or as few as 950 persons in it.

Local election district plans with an overall deviation of 10 percent or less are presumptively constitutional, but that does not mean the plans are immune from challenge and invalidation. The U.S. Supreme Court has specifically rejected both (i) regional protectionism, versus protection of political subdivisions, and (ii) incumbent protection when not applied in a consistent and neutral way as rational state policies when invalidating legislative district maps in Georgia that had an overall deviation of less than 10 percent.¹⁹

On the other hand, local election district plans with an overall deviation of more than 10 percent are presumed to violate the Equal Protection Clause, but that does not mean such plans will not be upheld. In these types of challenges, the local governing body has the burden of proving that there was a rational policy that was advanced by this higher deviation.

5.3. Contiguity and Compactness

Article VII, Section 5 of the Constitution of Virginia requires local election districts to be composed of contiguous and compact territory. This requirement is repeated in subsection B of § 24.2-304.1 and in § 24.2-305 of the Code of Virginia.

Two cases related to state legislative districts and the identical requirement that they be contiguous and compact²⁰ provide guidance on what this requirement means for local election

¹⁸ *Evenwel v. Abbott*, 136 S. Ct. 1120 (2016).

¹⁹ *Larios v. Cox*, 542 U.S. 947 (2004).

²⁰ See VA. CONST. ***Art. II, § 6.***



districts. In *Jamerson v. Womack*, the Supreme Court of Virginia held that the constitutional requirement of compactness is limited to spatial restrictions and does not mean that the districts must be compact in content as well.²¹ A decade later, in *Wilkins v. West*, the Supreme Court of Virginia found that while a voting district that contains two sections completely severed by another land mass would not satisfy the constitutional requirement of contiguity and compactness, the geography and population of Virginia necessitates that some electoral districts include water.²² Significantly, the Court held that landmasses separated by water may still meet the contiguity requirement.

Compactness Measures

There are several statistical methods to measure the comparative compactness of districts. These measures may produce different results and are offered by expert witnesses in litigation. The courts have not agreed on one single measure of compactness and have often relied on the appearance of a district—a visual or “eyeball” evaluation.

5.4. Race and Redistricting

And then there is the thorniest of issues: race and redistricting. As stated in the introduction to this Guide, this is the most complex area of redistricting law and, as such, is frequently litigated.

There are two primary bodies of law when it comes to race and redistricting, one constitutional and one statutory: the Equal Protection Clause of the *Fourteenth Amendment* to the Constitution of the United States and the Voting Rights Act of 1965, as amended.

Please note: In previous redistricting cycles, Virginia and most of its localities were subject to preclearance under Section 5 of the Voting Rights Act, meaning that any change to an election law, practice, or procedure, and all redistricting plans, had to be submitted for approval by the U.S. Department of Justice or a special U.S. District Court for the District of Columbia. However, in 2013, the U.S. Supreme Court found that the coverage formula used to determine which specific jurisdictions were subject to the preclearance requirement was unconstitutional.²³ As a result of this ruling, the Section 5 preclearance requirement is no longer enforceable.

5.4.1. Equal Protection Clause and Racial Gerrymandering

The Equal Protection Clause of the *Fourteenth Amendment* states, in relevant part, that no state shall deny to any person within its jurisdiction the equal protection of the laws. In the context of redistricting, this means a state cannot, without sufficient justification, separate its citizens into different voting districts on the basis of race.²⁴ To do so would be an impermissible racial gerrymander.

Prior to 1993, the concept of racial gerrymandering surfaced in cases against minority groups. In *Shaw v. Reno*, however, the U.S. Supreme Court held that plaintiffs could challenge a North Carolina congressional plan as an impermissible racial gerrymander under the Equal

²¹ *Jamerson v. Womack*, 423 S.E.2d 180 (Va. 1992)

²² *Wilkins v. West*, 571 S.E.2d 100 (Va. 2002)

²³ *Shelby County v. Holder*, 570 U.S. 529 (2013).

²⁴ *Bethune-Hill v. Virginia State Board of Elections*, 137 S. Ct. 788 (2017).



Protection Clause.²⁵ The plaintiffs were residents of the challenged district but did not sue as members of a minority or protected class. Racial gerrymandering took on a completely new meaning.

Standing

To challenge a race-based redistricting plan as an impermissible racial gerrymander, an individual must have standing. This requires the plaintiff to be a resident of the challenged district.

Where a plaintiff resides in a racially gerrymandered district, however, the plaintiff has been denied equal treatment because of the legislature's reliance on racial criteria, and therefore has standing to challenge the legislature's action.²⁶

An individual who lives outside of a racially gerrymandered district will not have standing unless he is able to present specific supporting evidence that he personally has been subjected to a racial classification.

Once standing has been established, the burden is on the plaintiff to prove a racial gerrymandering claim.

Race May Be Considered

The U.S. Supreme Court has recognized that race may be considered in the redistricting process. The Court has made it clear that it “never has held that race-conscious state decision making is impermissible in all circumstances,” and has recognized that a legislature will always be aware of race when it draws district lines, just as it is aware of other demographic factors, like age and economic status.²⁷ That race was considered in and of itself does not mean an impermissible racial gerrymander has occurred.

Race Cannot Predominate

Proving a racial gerrymander requires proof that race was the predominant consideration in the drawing of the districts.

A plaintiff pursuing a racial gerrymandering claim must show that “race was the predominant factor motivating the legislature’s decision to place a significant number of voters within or without a particular district.” To do so, the “plaintiff must prove that the legislature subordinated traditional race-neutral districting principles . . . to racial considerations.”²⁸

In *Bethune-Hill v. Virginia State Board of Elections*, the U.S. Supreme Court cautioned that a plan is not required to conflict with traditional redistricting principles as a threshold issue, but it also stated that a conflict or inconsistency could be persuasive circumstantial evidence in showing racial predominance.²⁹

²⁵ *Shaw v. Reno*, 509 U.S. 630 (1993).

²⁶ *United States v. Hayes*, 515 U.S. 737 (1995).

²⁷ *Shaw v. Reno*, 509 U.S. 630 (1993).

²⁸ *Alabama Legislative Black Caucus v. Alabama*, 135 S. Ct. 1257 (2015).

²⁹ *Bethune-Hill v. Virginia State Board of Elections*, 137 S. Ct. 788 (2017).



In *Alabama Legislative Black Caucus v. Alabama*, the U.S. Supreme Court addressed how equal population requirements factor into a racial gerrymander challenge.

[A]n equal population goal is not one factor among others to be weighed against the use of race to determine whether race “predominates.” Rather, it is part of the redistricting background, taken as a given, when determining whether race, or other factors, predominate in a legislator’s determination as to how equal population objectives will be met.³⁰

Any analysis of whether race was a predominant factor must be made on a district-by-district basis, rather than the state as a whole, and should not be limited to only those parts of a district line that conflict with traditional redistricting principles.

Racial predominance can be proven through circumstantial evidence of a district’s shape and demographics, direct evidence of legislative intent, or a combination of both.

An informative example of direct evidence of legislative intent is highlighted in Virginia’s own *Bethune-Hill*, in which the U.S. Supreme Court found the state had employed a mandatory black voting-age population (BVAP) floor of 55 percent in constructing the challenged districts and that, in doing so, race had predominated over traditional districting factors.³¹

If a plaintiff is able to prove that race was the predominant motive of the legislature in drawing a district, a racial gerrymander has been proven, but that does not mean the district will be invalidated.

Strict Scrutiny, Narrowly Tailored To Achieve a Compelling Governmental Interest

If a plaintiff shows that race predominated in the drawing of a district, the plan will be subject to a strict scrutiny analysis. This means the defendant (the state) must demonstrate that the plan was narrowly tailored to achieve a compelling interest if the district is to be upheld. This can be demonstrated by a showing that the mapmakers had a “strong basis in evidence” supporting their decision to make race-based choices.³² This standard does not demand the state’s actions be “actually necessary” for statutory compliance to constitute a compelling state interest; the legislature just must have had “good reasons” to believe such use was required at the time.³³ This means, the U.S. Supreme Court has said, a functional analysis of the specific district is necessary.³⁴ The U.S. Supreme Court has previously held Virginia performed a sufficient inquiry under this standard when the state legislature’s “primary mapdrawer ‘discussed the [challenged] district with incumbents from other majority-minority districts . . . [and] considered turnout rates, the results of the recent contested primary and general elections,’ and the district’s large prison population.”³⁵ This analysis contrasts with the North Carolina legislature’s actions during the 2011 redistricting process, where the U.S. Supreme Court determined the state did not perform a sufficient analysis because it could “point to no meaningful legislative inquiry” into

³⁰ *Alabama* at 1270.

³¹ *Bethune-Hill*.

³² *Alabama* at 1274.

³³ *Id.*

³⁴ *Id.* at 1272.

³⁵ *Abbott v. Perez*, 138 S. Ct. 2305 (2018). (quoting *Bethune-Hill*).



whether the use of race was required to prevent liability under Section 2 of the Voting Rights Act for a district.³⁶

The Supreme Court has never held that compliance with the Voting Rights Act is a sufficiently compelling state interest to satisfy strict scrutiny. Rather, it has consistently “assumed” that compliance with Section 2 (or Section 5) of the Voting Rights Act was a compelling state interest and struck down redistricting plans on narrow tailoring grounds.

5.4.2. Section 2 of the Voting Rights Act and Minority Vote Dilution

The Voting Rights Act was enacted by Congress in 1965 to give teeth to the *Fifteenth Amendment* to the Constitution of the United States, which provides that the right to vote is not to be denied or abridged by the United States or any state on account of race. Unlike Section 5 of the Voting Rights Act, Section 2 applies to all jurisdictions and remains in effect today. It prohibits any state or political subdivision from imposing any voting qualification, standard, practice, or procedure that results in the denial or abridgement of any U.S. citizen’s right to vote on account of race, color, or status as a member of a language minority group. In the context of redistricting, Section 2 prohibits minority vote dilution.

Plaintiffs filing a Section 2 challenge do not need to prove an intent to discriminate; rather, these claims are dependent on a showing of discriminatory *effects*.

Section 2(b) establishes the requirements for proving a Section 2 claim:

A violation . . . is established if based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a [protected] class of citizens . . . in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.

These requirements break down into two primary elements. First, the plaintiffs must prove that their minority group is eligible to bring a Section 2 claim. Second, the plaintiffs must prove that their votes were diluted under the totality of circumstances test.

Gingles Preconditions

In *Thornburg v. Gingles*³⁷, the U.S. Supreme Court established three factors, or preconditions, that must be proven by plaintiffs as a threshold matter in establishing a preliminary vote dilution claim under Section 2. These preconditions establish whether the plaintiffs are members of a class of citizens protected by Section 2.

1. The racial or language minority group “is sufficiently numerous and compact to form a majority in a single-member district”;
2. The minority group is “politically cohesive,” meaning its members tend to vote similarly; and

³⁶ *Cooper v. Harris*, 137 S. Ct. 1455, 1471 (2017).

³⁷ *Thornburg v. Gingles*, 478 U.S. 30 (1986).



3. The “majority votes sufficiently as a bloc to enable it . . . usually to defeat the minority’s preferred candidate.”

The U.S. Supreme Court has offered some guidance on how these preconditions are to be applied in subsequent cases:

- These preconditions for a vote dilution claim apply to single-member districts, as well as multi-member and at-large districts.³⁸
- The majority required by the first precondition means that the minority group be large enough to constitute at least half of the voting-age population in that district.³⁹
- The minority group must be “culturally compact.” Connecting two disparate communities of the same race that otherwise constitute separate communities of interest is not sufficient to satisfy the first precondition.⁴⁰

Totality of Circumstances Test

If plaintiffs are able to prove each of the three *Gingles* factors, the court then examines the “totality of the circumstances” to determine whether the minority group’s opportunity to participate in the electoral process or elect its candidates of choice have been denied or abridged. The following factors that the court will consider have evolved from several cases and a United States Senate report accompanying the 1982 amendments to Section 2:

- The extent of the history of official discrimination touching on the minority group participating in the democratic process;
- Racially polarized voting;
- The extent to which the state or political subdivision has used unusually large election districts, majority vote requirements, anti-single-shot provisions, or other voting practices that enhance the opportunity for discrimination;
- Denial of access to the candidate slating process for members of the group;
- The extent to which the members of the minority group bear the effects of discrimination in areas such as education, employment, and health that hinder effective participation;
- Whether political campaigns have been characterized by racial appeals;
- The extent to which members of the protected class have been elected;
- Whether there is a significant lack of responsiveness by elected officials to the particular needs of the group; and
- Whether the policy underlying the use of the voting qualification, standard, practice, or procedure is tenuous.

Racially Polarized Voting

Proof of legally significant racially polarized voting is a crucial element of a Section 2 vote dilution claim. Racially polarized voting, or racial bloc voting, is found where the race of a

³⁸ *Grove v. Emison*, 507 U.S. 25 (1993).

³⁹ *Bartlett v. Strickland*, 556 U.S. 1 (2009).

⁴⁰ *League of United Latin American Citizens (LULAC) v. Perry*, 548 U.S. 399 (2006).



candidate determines how a voter votes. Expert evidence is frequently offered to prove or disprove a history of racially polarized voting and whether the majority votes as a bloc to the detriment of the minority. Evidence on racial bloc voting patterns is directed at proving or disproving the proposition that minority voters vote for minority candidates and white voters vote for white candidates—that racial voting patterns make it more difficult for minority groups to elect the candidates of their choice. There are a number of methods used to evaluate racial bloc voting patterns, and they can be complicated. The two most commonly used statistical methods for measuring racially polarized voting are homogeneous precinct analysis and bivariate regression analysis. The U.S. Supreme Court has avoided establishing any mathematical formula for determining when racial polarization exists, instead making clear that each challenged district has to be evaluated on its own, with a number of various factors considered.

Majority-Minority Districts.

The U.S. Supreme Court’s Section 2 cases do not specify an exact percentage required to constitute a majority-minority district as required in a *Gingles* analysis. The courts conduct a fact-specific inquiry and weigh the facts concerning total population, voting age population, and other factors. No single percentage can be said to be the number needed to create a majority-minority district. The U.S. Supreme Court has rejected the proposition that a redistricting plan must “maximize” the number of majority-minority districts in Section 2 cases.⁴¹

5.5. Traditional and Emerging Districting Principles

The U.S. Supreme Court first articulated the concept of “traditional districting principles” in *Shaw v. Reno*, when it specifically recognized contiguity and compactness as traditional principles.⁴² In the years that have followed, case law has recognized additional criteria as traditional districting principles. Today, there are six principles or criteria that are considered by the courts as race-neutral, traditional principles:

1. Contiguity;
2. Compactness;
3. Preservation of counties and other political subdivisions;
4. Preservation of communities of interest;
5. Preservation of cores of prior districts; and
6. Protection of incumbents.

There are also a number of emerging criteria being added to the districting landscape in states across the country. Some such criteria include:

- Prohibition on favoring or disfavoring an incumbent, candidate, or political party;
- Prohibition on the use of partisan data; and
- Competitiveness.

⁴¹ *Johnson v. De Grandy*, 512 U.S. 997 (1994).

⁴² *Shaw v. Reno*, 509 U.S. 630 (1993).



Additionally, the 2020 Regular Session of the General Assembly enacted legislation setting out the standards and criteria to be followed when drawing congressional and state legislative districts. While § 24.2-304.04 of the Code of Virginia does not specifically apply these criteria to local election districts, it merits review and is set out in full in **Appendix A**.

5.6. Balancing Competing Legal Interests

The difficult reality of redistricting is that there are a number of legal requirements that are not always compatible and it is only through litigation after the fact that the flaws in how those requirements were balanced are revealed. Traditional districting principles must be considered. Race may be considered but cannot predominate in map drawing. While localities are not subject to the Voting Rights Act Section 5 preclearance this time around, Section 2 does apply. Careful and thorough consideration of multiple factors, evidence-based decision making, and comprehensive records and documentation are keys to a successful redistricting effort at the local level.





Guide to Local Redistricting for 2021

6. After Redistricting

6.1. Preparing for Elections

Once redistricting and any related reprecincting have been completed, the State Board of Elections, working with local registrars, must update the Virginia voter registration system to reflect such changes. Registrars are responsible for updating records to ensure that registered voters are assigned to their proper precincts and election districts. Registrars must notify voters affected by a precinct or district change at least 15 days before the next primary, special, or general election.⁴³

The State Board of Elections will work with general registrars to schedule the large volume of work that must be completed to be ready to conduct orderly elections in 2021. Local officials involved in the redistricting process should keep in mind the time and resource requirements of local election officials who are responsible for notifying voters of the effects of the redistricting process.

6.2. Voting Rights Act Section 5 Preclearance No Longer Required

In previous redistricting cycles, Virginia and most of its localities were subject to preclearance under Section 5 of the Voting Rights Act, meaning that any change to an election law, practice, or procedure, and all redistricting plans, had to be submitted for approval by the U.S. Department of Justice or a special U.S. District Court for the District of Columbia. However, in 2013, the U.S. Supreme Court found that the coverage formula used to determine which specific jurisdictions were subject to the preclearance requirement was unconstitutional.⁴⁴ As a result of this ruling, the Section 5 preclearance requirement is no longer enforceable and, as such, no longer required.

⁴³ VA. CODE § 24.2-306.

⁴⁴ *Shelby County v. Holder*, 570 U.S. 529 (2013).





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Appendix A: Relevant Constitutional Provision

Constitution of Virginia

Article VII. Local Government.

Section 5. County, city, and town governing bodies.

The governing body of each county, city, or town shall be elected by the qualified voters of such county, city, or town in the manner provided by law. If the members are elected by district, the district shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district. When members are so elected by district, the governing body of any county, city, or town may, in a manner provided by law, increase or diminish the number, and change the boundaries, of districts, and shall in 1971 and every ten years thereafter, and also whenever the boundaries of such districts are changed, reapportion the representation in the governing body among the districts in a manner provided by law. Whenever the governing body of any such unit shall fail to perform the duties so prescribed in the manner herein directed, a suit shall lie on behalf of any citizen thereof to compel performance by the governing body. Unless otherwise provided by law, the governing body of each city or town shall be elected on the second Tuesday in June and take office on the first day of the following September. Unless otherwise provided by law, the governing body of each county shall be elected on the Tuesday after the first Monday in November and take office on the first day of the following January.





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Appendix B: Relevant Code of Virginia Sections

Title 2.2. Administration of Government.

Chapter 5. Department of Law.

§ 2.2-508. Legal service in certain redistricting proceedings.

Upon notification by a county, city or town of a pending civil action challenging the legality of its election district boundaries as required by § 24.2-304.5, the Attorney General shall review the papers in the civil action and may represent the interests of the Commonwealth in developing an appropriate remedy that is consistent with requirements of law, including but not limited to *Article VII, Section 5* of the Constitution of Virginia, Chapter 3 (§ 24.2-302.2 et seq.) of Title 24.2, or Chapter 39 (§ 30-263 et seq.) of Title 30.

Title 15.2. Counties, Cities and Towns.

Chapter 12. General Powers and Procedures of Counties.

Article 1. Miscellaneous Powers.

§ 15.2-1211. Boundaries of magisterial and election districts.

A. County magisterial district boundary lines and names shall be as the governing bodies may establish. Subject to the provisions of § 24.2-304.1, whenever the boundaries of a county have been altered, the governing body shall, as may be necessary, redistrict the county into magisterial districts, change the boundaries of existing districts, change the name of any district, or increase or diminish the number of districts.

B. Whenever redistricting of magisterial or election districts is required as a result of annexation, the governing body of such county shall, within a reasonable time from the effective date of such annexation, not to exceed ninety days, commence the redistricting process which shall be completed within a reasonable time thereafter, not to exceed twelve months.

C. A county may by ordinance provide that the magisterial districts of the county shall remain the same, but that representation on the governing body shall be by election districts, in which event all sections of this Code providing for election or appointment on the basis of magisterial districts shall be construed to provide for election or appointment on the basis of election districts, including appointment to a school board as prescribed by §§ 22.1-36 and 22.1-44.



Chapter 14. Governing Bodies of Localities.

Article 1. General Provisions.

§ 15.2-1400. Governing bodies.

A. The qualified voters of every locality shall elect a governing body for such locality. The date, place, number, term and other details of the election shall be as specified by law, general or special. Qualification for office is provided in Article 4 (§ 15.2-1522 et seq.) of Chapter 15 of Title 15.2.

B. The governing body of every locality shall be composed of not fewer than three nor more than eleven members.

C. Chairmen, mayors, supervisors and councilmen are subject to the prohibitions set forth in §§ 15.2-1534 and 15.2-1535.

D. A governing body may punish or fine a member of the governing body for disorderly behavior.

§ 15.2-1414. Governing bodies may have a legal enumeration of the population.

Any locality wishing to have a legal enumeration of the population of the locality, or part thereof, may make application therefor to the circuit court for the locality. When the application is made, the judge shall forthwith divide the locality, or part thereof, into such districts, with well-defined boundaries, as may appear advisable and shall appoint for each of the districts one enumerator. Before entering on their duties, such appointees shall take an oath before a notary public or other officer qualified to administer oaths under the laws of this Commonwealth, for the faithful discharge of their duties. The enumerators shall at once proceed to enumerate the actual bona fide inhabitants of their respective districts. They shall report to the judge the result of their enumeration and a list of the persons enumerated by them within a reasonable time after their appointment, and a copy of the list of persons so enumerated by them shall be furnished by the enumerators to the clerk of the court, who shall receive the list and keep it open to public inspection. Upon evidence produced before him, the judge may add to the list the name of any person improperly omitted and may strike from the list the name of any person improperly listed. If it appears advisable to the judge, he may order that the enumeration for any or all of the districts be retaken under all the provisions of this section by other enumerators, who shall be forthwith appointed by him. The judge shall cause to be tabulated and consolidated the lists and return to the governing body the results thereof, in accordance with the application of the governing body. The judge shall allow each enumerator a reasonable fee for each day actually employed by him in making the enumeration. He shall certify the allowance and costs to the governing body for payment out of the local treasury, and the allowance shall be a legal charge upon the governmental unit requesting the enumeration.



Title 22.1. Education.

Chapter 5. School Boards; Selection, Qualification and Salaries of Members.

Article 7. Popular Election of School Board.

§ 22.1-57.3. Election of school board members; election of tie breaker.

A. If a majority of the qualified voters voting in such referendum vote in favor of changing the method of selecting school board members to direct election by the voters, then the members of the school board shall be elected by popular vote. Elections of school board members in a county, city, or town shall be held to coincide with the elections for members of the governing body of the county, city, or town at the regular general election in November or the regular general election in May, as the case may be.

B. The initial elected board shall consist of the same number of members as the appointed school board it replaces, and the members shall be elected from the established county or municipal election districts, at large, or a combination thereof, on the same basis as the school board previously was appointed. If the appointed school board being replaced has not been appointed either on an at-large basis or on the basis of the established county or municipal election districts, or a combination thereof, the members shall be elected at large unless the governing body of the county, city, or town provides for the election of school board members on the basis of the established county or municipal election districts. If the appointed school board being replaced has been appointed at large, the governing body of the county, city, or town may establish school election districts for the election of school board members. The governing body may provide for a locality-wide district, one or more districts comprised of a part of the locality, or any combination thereof, and for the apportionment of one or more school board members to any district.

The terms of the members of the elected school board for any county, city, or town shall be the same as the terms of the members of the governing body for the county, city, or town. In any locality in which both the school board and the governing body are elected from election districts, as opposed to being elected wholly on an at-large basis, the elections of the school board member and governing body member from each specific district shall be held simultaneously except as otherwise provided in §§ 22.1-57.3:1, 22.1-57.3:1.1, and 22.1-57.3:1.2.

At the first election for members of the school board, so many members shall be elected as there are members to be elected at the regular election for the governing body. At each subsequent regular election for members of the governing body, the same number of members of the school board shall be elected as the number of members to be elected at the regular election to the governing body. However, if the number of members on the school board differs from the number of members of the governing body, the number of members elected to the school board at the first and subsequent general election shall be either more or less than the number of governing body members, as appropriate, to the end that the number of members on the initial elected school board is the same as the number of members on the appointed board being replaced.

Except as provided in §§ 22.1-57.3:1, 22.1-57.3:1.1, and 22.1-57.3:1.2, the terms of the members of the school board shall be staggered only if the terms of the members of the governing body are staggered. If there are more, or fewer, members on the school board than on the governing body, the number of members to be elected to the school board at the first and



subsequent election for school board members shall be the number required to establish the staggered term structure so that (i) a majority of the members of the school board is elected at the same time as a majority of the members of the governing body; (ii) if one-half of the governing body is being elected and the school board has an even number of members, one-half of the members of the school board is elected; (iii) if one-half of the governing body is being elected and the school board has an odd number of members, the majority by one member of the school board is elected at the first election and the remainder of the school board is elected at the second election; or (iv) if a majority of the members of the governing body is being elected and the school board has an even number of members, one-half of the members of the school board is elected.

If the school board is elected at large and the terms of the members of the school board are staggered, the school board members to be replaced at the first election shall include all appointed school board members whose appointive terms are scheduled to expire on December 31 or on June 30, as the case may be, next following the first election of county, city or town school board members. If the number of school board members whose appointive terms are so scheduled to expire is zero or less than the number of school board members to be elected at the first election, the appointed school board members to be replaced at the first election shall also include those whose appointive terms are scheduled to expire next subsequent to the date on which the terms of office of the first elected school board members will commence. If the appointive terms of more than one school board member are scheduled to expire simultaneously, but less than all of such members are to be replaced at the first election, then the identity of such school board member or members to be replaced at the first election shall be determined by a drawing held by the county or city electoral board at least ten days prior to the last day for a person to qualify as a candidate for school board member.

In any case in which school board members are elected from election districts, as opposed to being elected from the county, city, or town at large, the election districts for the school board shall be coterminous with the election districts for the county, city, or town governing body, except as may be specifically provided for the election of school board members in a county, city, or town in which the governing body is elected at large.

C. The terms of office for the school board members shall commence on January 1 or July 1, as the case may be, following their election. On December 31 or June 30, as the case may be, following the first election of county, city or town school board members, the terms of office of the members of the school board in office through appointment shall expire and the school board selection commission, if there is one, shall be abolished. If the entire school board is not elected at the first election of school board members, only the terms of the appointed members being replaced shall so expire and the terms of the appointed members being replaced at a subsequent election shall continue or be extended to expire on December 31 or June 30, as appropriate, of the year of the election of the school board members replacing them.

D. Except as otherwise provided herein, a vacancy in the office of any elected school board member shall be filled pursuant to §§ 24.2-226 and 24.2-228. In any county that has adopted the urban county executive form of government and that has adopted an elected school board, any vacancy on the elected school board shall be filled in accordance with the procedures set forth in § 15.2-802, mutatis mutandis. Notwithstanding any provision of law or charter to the contrary, if no candidates file for election to a school board office and no person who is qualified to hold the office is elected by write-in votes, a vacancy shall be deemed to exist in the office as of January



1 or July 1, as the case may be, following the general election. For the purposes of this subsection and Article 6 (§ 24.2-225 et seq.) of Chapter 2 of Title 24.2, local school boards comprised of elected and appointed members shall be deemed elected school boards.

E. In order to have their names placed on the ballot, all candidates shall be nominated only by petition as provided by general law pursuant to § 24.2-506.

F. For the purposes of this section, the election and term of the mayor or chairman of the board of supervisors shall be deemed to be an election and term of a member of the governing body of the municipality or county, respectively, whether or not the mayor or chairman is deemed to be a member of the governing body for any other purpose.

G. No employee of a school board shall be eligible to serve on the board with whom he is employed.

H. Any elected school board may have a position of tie breaker for the purpose of casting the deciding vote in cases of tie votes of the school board as provided in § 22.1-75. The position of tie breaker, if any, shall be held by a qualified voter who is a resident of the county, city, or town and who shall be elected in the same manner and for the same length of term as members of the school board and at a general election at which members of the school board are elected. A vacancy in the position of tie breaker shall be filled pursuant to §§ 24.2-226 and 24.2-228.

Title 24.2. Elections.

Chapter 1. General Provisions and Administration.

Article 1. Applicability; Definitions.

§ 24.2-101. Definitions.

As used in this title, unless the context requires a different meaning:

"Ballot scanner machine" means the electronic counting machine in which a voter inserts a marked ballot to be scanned and the results tabulated.

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. "Candidate" shall include a person who seeks the nomination of a political party or who, by reason of receiving the nomination of a political party for election to an office, is referred to as its nominee. For the purposes of Chapters 8 (§ 24.2-800 et seq.), 9.3 (§ 24.2-945 et seq.), and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any write-in candidate. However, no write-in candidate who has received less than 15 percent of the votes cast for the office shall be eligible to initiate an election contest pursuant to Article 2 (§ 24.2-803 et seq.) of Chapter 8. For the purposes of Chapters 9.3 (§ 24.2-945 et seq.) and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any person who raises or spends funds in order to seek or campaign for an office of the Commonwealth, excluding federal offices, or one of its governmental units in a party nomination process or general, primary, or special election; and such person shall be considered a candidate until a final report is filed pursuant to Article 3 (§ 24.2-947 et seq.) of Chapter 9.3.

"Central absentee voter precinct" means a precinct established by a county or city pursuant to § 24.2-712 for the processing of absentee ballots for the county or city or any combination of precincts within the county or city.



"Constitutional office" or "constitutional officer" means a county or city office or officer referred to in *Article VII, Section 4* of the Constitution of Virginia: clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer.

"Department of Elections" or "Department" means the state agency headed by the Commissioner of Elections.

"Direct recording electronic machine" or "DRE" means the electronic voting machine on which a voter touches areas of a computer screen, or uses other control features, to mark a ballot and his vote is recorded electronically.

"Election" means a general, primary, or special election.

"Election district" means the territory designated by proper authority or by law which is represented by an official elected by the people, including the Commonwealth, a congressional district, a General Assembly district, or a district for the election of an official of a county, city, town, or other governmental unit.

"Electoral board" or "local electoral board" means a board appointed pursuant to § *24.2-106* to administer elections for a county or city. The electoral board of the county in which a town or the greater part of a town is located shall administer the town's elections.

"Entrance of polling place" or "entrance to polling place" means an opening in the wall used for ingress to a structure.

"General election" means an election held in the Commonwealth on the Tuesday after the first Monday in November or on the first Tuesday in May for the purpose of filling offices regularly scheduled by law to be filled at those times.

"General registrar" means the person appointed by the electoral board of a county or city pursuant to § *24.2-110* to be responsible for all aspects of voter registration, in addition to other duties prescribed by this title. When performing duties related to the administration of elections, the general registrar is acting in his capacity as the director of elections for the locality in which he serves.

"Machine-readable ballot" means a tangible ballot that is marked by a voter or by a system or device operated by a voter, is available for verification by the voter at the time the ballot is cast, and is then fed into and scanned by a separate counting machine capable of reading ballots and tabulating results.

"Officer of election" means a person appointed by an electoral board pursuant to § *24.2-115* to serve at a polling place for any election.

"Paper ballot" means a tangible ballot that is marked by a voter and then manually counted.

"Party" or "political party" means an organization of citizens of the Commonwealth which, at either of the two preceding statewide general elections, received at least 10 percent of the total vote cast for any statewide office filled in that election. The organization shall have a state central committee and an office of elected state chairman which have been continually in existence for the six months preceding the filing of a nominee for any office.

"Person with a disability" means a person with a disability as defined by the Virginians with Disabilities Act (§ *51.5-1* et seq.).



"Polling place" means the structure that contains the one place provided for each precinct at which the qualified voters who are residents of the precinct may vote.

"Precinct" means the territory designated by the governing body of a county, city, or town to be served by one polling place.

"Primary" or "primary election" means an election held for the purpose of selecting a candidate to be the nominee of a political party for election to office.

"Printed ballot" means a tangible ballot that is printed on paper and includes both machine-readable ballots and paper ballots.

"Qualified voter" means a person who is entitled to vote pursuant to the Constitution of Virginia and who is (i) 18 years of age on or before the day of the election or qualified pursuant to § 24.2-403 or subsection D of § 24.2-544, (ii) a resident of the Commonwealth and of the precinct in which he offers to vote, and (iii) a registered voter. No person who has been convicted of a felony shall be a qualified voter unless his civil rights have been restored by the Governor or other appropriate authority. No person adjudicated incapacitated shall be a qualified voter unless his capacity has been reestablished as provided by law. Whether a signature should be counted towards satisfying the signature requirement of any petition shall be determined based on the signer of the petition's qualification to vote. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition, "qualified voter" shall include only persons maintained on the Virginia voter registration system (a) with active status and (b) with inactive status who are qualified to vote for the office for which the petition was circulated.

"Qualified voter in a town" means a person who is a resident within the corporate boundaries of the town in which he offers to vote, duly registered in the county of his residence, and otherwise a qualified voter.

"Referendum" means any election held pursuant to law to submit a question to the voters for approval or rejection.

"Registered voter" means any person who is maintained on the Virginia voter registration system. All registered voters shall be maintained on the Virginia voter registration system with active status unless assigned to inactive status by a general registrar in accordance with Chapter 4 (§ 24.2-400 et seq.). For purposes of applying the precinct size requirements of § 24.2-307, calculating election machine requirements pursuant to Article 3 (§ 24.2-625 et seq.) of Chapter 6, mailing notices of local election district, precinct or polling place changes as required by subdivision 13 of § 24.2-114 and § 24.2-306, and determining the number of signatures required for candidate and voter petitions, "registered voter" shall include only persons maintained on the Virginia voter registration system with active status. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition, "registered voter" shall include only persons maintained on the Virginia voter registration system (i) with active status and (ii) on inactive status who are qualified to vote for the office for which the petition was circulated.

"Registration records" means all official records concerning the registration of qualified voters and shall include all records, lists, applications, and files, whether maintained in books, on cards, on automated data bases, or by any other legally permitted record-keeping method.



"Residence" or "resident," for all purposes of qualification to register and vote, means and requires both domicile and a place of abode. To establish domicile, a person must live in a particular locality with the intention to remain. A place of abode is the physical place where a person dwells.

"Special election" means any election that is held pursuant to law to fill a vacancy in office or to hold a referendum.

"State Board" or "Board" means the State Board of Elections.

"Virginia voter registration system" or "voter registration system" means the automated central record-keeping system for all voters registered within the Commonwealth that is maintained as provided in Article 2 (§ 24.2-404 et seq.) of Chapter 4.

"Voting system" means the electronic voting and counting machines used at elections. This term includes direct recording electronic machines (DRE) and ballot scanner machines.

Article 2. State Board of Elections.

§ 24.2-103.1. Duties of Department of Elections related to redistricting.

A. Upon receipt of any ordinance and Geographic Information System (GIS) map sent pursuant to § 24.2-304.3 or 24.2-306, the Department shall promptly review the ordinance and map and compare the boundaries contained within with the information in the voter registration system in order to ensure voters have been assigned to the correct districts. The Department shall notify the locality of any corrections that may be necessary.

B. The Department shall maintain and make available on its official website maps showing the current election district and precinct boundaries of each county and city.

Chapter 2. Federal, Commonwealth, and Local Officers.

Article 5. Constitutional and Local Officers.

§ 24.2-218. Election and term of county supervisors.

The qualified voters of each county election district shall elect one or more supervisors at the general election in November 1995, and every four years thereafter for terms of four years, except as provided in § 24.2-219 or as provided by law for those counties having the optional form of government under the provisions of Article 2 (§ 15.2-702 et seq.) of Chapter 7 of Title 15.2.

§ 24.2-219. Alternative for biennial county supervisor elections and staggered terms.

A. The governing body of any county may by ordinance provide that the county board of supervisors be elected biennially for staggered four-year terms.

In lieu of an ordinance by the board of supervisors, the registered voters of the county may file a petition with the circuit court of the county requesting that a referendum be held on the question of whether the county board of supervisors should be elected biennially for staggered four-year terms. The petition shall be signed by registered voters equal in number to at least ten percent of the number registered in the county on the January 1 preceding its filing.

The court pursuant to §§ 24.2-682 and 24.2-684 shall order the election officials on a day fixed in the order to conduct a referendum on the question. The clerk of the court shall publish



notice of the referendum in a newspaper having general circulation in the county once a week for four consecutive weeks and shall post a copy of the notice at the door of the courthouse of the county. The question on the ballot shall be:

"Shall the members of the county board of supervisors be elected biennially for staggered four-year terms?

☐ Yes

☐ No"

The referendum shall be held and the results certified as provided in § 24.2-684.

B. If a majority of the voters voting in the referendum voted for biennial election of the members of the board of supervisors for staggered four-year terms, or if the governing body has so provided by ordinance, then the terms of supervisors elected at the next general election for supervisors shall be as follows:

1. If the number of supervisors elected in the county is an even number, half of the successful candidates shall be elected for terms of four years and half of the successful candidates shall be elected for terms of two years; or

2. If the number of supervisors in the county is an odd number, the smallest number of candidates which creates a majority of the elected supervisors shall be elected for terms of four years and all other successful candidates shall be elected for terms of two years.

Unless the number of members who volunteer to take two-year terms exactly equals the number of two-year terms to be assigned, the electoral board of the county shall assign the individual terms of members by lot at its meeting on the day following the election and immediately upon certification of the results. However, the electoral board may assign individual terms of members by election district in a drawing at a meeting held prior to the last day for a person to qualify as a candidate, if the governing body of the county so directs by ordinance or resolution adopted at least thirty days prior to the last day for qualification and members are elected by district. In all elections thereafter all successful candidates shall be elected for terms of four years.

In any county where the chairman of the board is elected from the county at large pursuant to § 15.2-503 or § 15.2-802, the provisions of this section shall not affect that office. The chairman of the board shall be elected for a term of four years in 1995 and every four years thereafter.

C. If the representation on the board of supervisors among the election districts is reapportioned, or the number of districts is diminished or the boundaries of the districts are changed, elections shall be held in each new district at the general election next preceding the expiration of the term of the office of the member of the board representing the predecessor district of each new district. If the number of districts is increased, the electoral board shall assign a two-year or four-year term for each new district so as to maintain as equal as practicable the number of members to be elected at each biennial election.

§ 24.2-220. Reversion to quadrennial elections.

The governing body of any county, by ordinance, may repeal an ordinance previously adopted to provide for the election of the board of supervisors biennially for staggered four-year terms and provide for the election of the board of supervisors quadrennially for four-year terms.



The qualified voters of the county, by petition and referendum in accordance with the requirements and procedures set forth in § 24.2-219, may repeal an ordinance of the board or a referendum previously adopted which authorized the election of the board of supervisors biennially for four-year terms. The question in the referendum to rescind shall be:

"Shall the members of the county board of supervisors be elected quadrennially for four-year terms?

☐ Yes

☐ No"

If a majority of the voters voting in the referendum voted for quadrennial election of the members of the board of supervisors for four-year terms, or if the governing body has so provided by ordinance, then the successors to those supervisors whose terms expire in 1995 or any fourth year thereafter shall be elected for a four-year term and immediate successors to those supervisors whose terms expire in 1993 or any fourth year thereafter shall be elected for a two-year term and all subsequent successors for a four-year term.

§ 24.2-221. Time and frequency of referenda on election and term of supervisors.

A referendum as provided in § 24.2-219 or § 24.2-220 shall be held only in the year preceding the year in which a general election for supervisors is to be held. Once a referendum on either question is held, no further referendum on either question may be held in the county for a period of four years.

§ 24.2-222. Election and terms of mayor and council for cities and towns.

The qualified voters of each city and town shall elect a mayor, if so provided by charter, and a council for the terms provided by charter. Except as provided in § 24.2-222.1, and notwithstanding any other provision of law, general or special: (i) any election of mayor or councilmen of a city or town whose charter provides for such elections at two-year or four-year intervals shall take place at the May general election of an even-numbered year and (ii) any election of mayor or councilmen of a city or town whose charter provides for such elections at one-year or three-year intervals shall take place at the general election in May of the years designated by charter. The persons so elected shall enter upon the duties of their offices on July 1 succeeding their election and remain in office until their successors have qualified.

§ 24.2-222.1. Alternative election of mayor and council at November general election in cities and towns.

A. Notwithstanding the provisions of § 24.2-222, and notwithstanding any contrary provisions of a city or town charter, the council of a city or town may provide by ordinance that the mayor, if an elected mayor is provided for by charter, and council shall be elected at the November general election date of any cycle as designated in the ordinance, for terms to commence January 1. No such ordinance shall be adopted between January 1 and the May general election date of the year in which city or town elections regularly are scheduled to be held therein.

B. Alternatively, the registered voters of a city or town may file a petition with the circuit court of the city or of the county within which the town is located asking that a referendum be held on the question of whether the city or town should elect the mayor, if an elected mayor is provided for by charter, and council members at the November general election date of any cycle



as designated in the petition. The petition shall be signed by registered voters equal in number to at least ten percent of the number registered in the city or town on the January 1 preceding the filing.

The court, pursuant to § 24.2-684, shall order the election officials on a day fixed in the order to conduct a referendum on the question, provided that no such referendum shall be scheduled between January 1 and the May general election date of the year in which city or town elections regularly are scheduled to be held therein. The clerk of the court shall publish notice of the referendum once a week for the three consecutive weeks prior to the referendum in a newspaper having general circulation in the city or town, and shall post a copy of the notice at the door of the courthouse of the city or county within which the town is located. The question on the ballot shall be:

"Shall the (city or town) change the election date of the mayor (if so provided by charter) and members of council from the May general election to the November general election (in even-numbered or odd-numbered years or as otherwise designated in the petition)?"

If members of the school board in the city or town are elected by the voters, the ballot question also shall state that the change in election date applies to the election of school board members.

The referendum shall be held and the results certified as provided in § 24.2-684. If a majority of the voters voting in the referendum vote in favor of the change, the mayor and council thereafter shall be elected at the November general election date for terms to commence January 1.

C. Except as provided in subsection D, no term of a mayor or member of council shall be shortened in implementing the change to the November election date. Mayors and members of council who were elected at a May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected at the November general election and have been qualified to serve.

D. In any city or town that elects its council biennially or quadrennially and that changes to the November general election date in odd-numbered years from the May general election date in even-numbered years, mayors and members of council who were elected at a May general election shall have their term of office shortened by six months but shall continue in office until their successors have been elected at the November general election and have been qualified to serve.

§ 24.2-223. Election and term of school board members.

In any county, city or town wherein members of the school board are elected, pursuant to Article 7 (§ 22.1-57.1 et seq.) of Chapter 5 of Title 22.1, elections shall be held to coincide with the election of members of the governing body at the regular general election in November or the regular general election in May, as the case may be. Elected school board members shall serve terms which are the same as those of the governing body, to commence on January 1 following their election or July 1 following their election, as the case may be.

§ 24.2-224. Local elections not otherwise provided for.

The election to any public office required to be filled by the qualified voters of any county, city, town, or election district for which an election time is not provided by law shall be held at



the general election immediately preceding the time provided for the term of such office to commence.

Chapter 3. Election Districts, Precincts, and Polling Places.

Article 2. Congressional, Senatorial, and House of Delegates Districts.

§ 24.2-304.04. Standards and criteria for congressional and state legislative districts.

Every congressional and state legislative district shall be constituted so as to adhere to the following criteria:

1. Districts shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district. A deviation of no more than five percent shall be permitted for state legislative districts.
2. Districts shall be drawn in accordance with the requirements of the Constitution of the United States, including the Equal Protection Clause of the *Fourteenth Amendment*, and the Constitution of Virginia; federal and state laws, including the federal Voting Rights Act of 1965, as amended; and relevant judicial decisions relating to racial and ethnic fairness.
3. No district shall be drawn that results in a denial or abridgement of the right of any citizen to vote on account of race or color or membership in a language minority group. No district shall be drawn that results in a denial or abridgement of the rights of any racial or language minority group to participate in the political process and to elect representatives of their choice. A violation of this subdivision is established if, on the basis of the totality of the circumstances, it is shown that districts were drawn in such a way that members of a racial or language minority group are dispersed into districts in which they constitute an ineffective minority of voters or are concentrated into districts where they constitute an excessive majority. The extent to which members of a racial or language minority group have been elected to office in the state or the political subdivision is one circumstance that may be considered. Nothing in this subdivision shall establish a right to have members of a racial or language minority group elected in numbers equal to their proportion in the population.
4. Districts shall be drawn to give racial and language minorities an equal opportunity to participate in the political process and shall not dilute or diminish their ability to elect candidates of choice either alone or in coalition with others.
5. Districts shall be drawn to preserve communities of interest. For purposes of this subdivision, a "community of interest" means a neighborhood or any geographically defined group of people living in an area who share similar social, cultural, and economic interests. A "community of interest" does not include a community based upon political affiliation or relationship with a political party, elected official, or candidate for office.
6. Districts shall be composed of contiguous territory, with no district contiguous only by connections by water running downstream or upriver, and political boundaries may be considered.
7. Districts shall be composed of compact territory and shall be drawn employing one or more standard numerical measures of individual and average district compactness, both statewide and district by district.



8. A map of districts shall not, when considered on a statewide basis, unduly favor or disfavor any political party.

9. The whole number of persons reported in the most recent federal decennial census by the United States Bureau of the Census shall be the basis for determining district populations, except that no person shall be deemed to have gained or lost a residence by reason of conviction and incarceration in a federal, state, or local correctional facility. Persons incarcerated in a federal, state, or local correctional facility shall be counted in the locality of their address at the time of incarceration, and the Division of Legislative Services shall adjust the census data pursuant to § 24.2-314 for this purpose.

Article 2.1. Reapportionment of Local Election Districts.

§ 24.2-304.1. At-large and district elections; reapportionment and redistricting of districts or wards; limits.

A. Except as otherwise specifically limited by general law or special act, the governing body of each county, city, or town may provide by ordinance for the election of its members on any of the following bases: (i) at large from the county, city, or town; (ii) from single-member or multi-member districts or wards, or any combination thereof; or (iii) from any combination of at-large, single-member, and multi-member districts or wards. A change in the basis for electing the members of the governing body shall not constitute a change in the form of county government.

B. If the members are elected from districts or wards and other than entirely at large from the locality, the districts or wards shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district or ward. In 1971 and every 10 years thereafter, the governing body of each such locality shall reapportion the representation among the districts or wards, including, if the governing body deems it appropriate, increasing or diminishing the number of such districts or wards, in order to give, as nearly as is practicable, representation on the basis of population.

C. For the purposes of redistricting and reapportioning representation in 2021 and every 10 years thereafter, the governing body of a county, city, or town shall use the most recent decennial population figures for such county, city, or town from the United States Bureau of the Census, as adjusted by the Division of Legislative Services pursuant to § 24.2-314. The census data for these redistricting and apportionment purposes will not include any population figure that is not allocated to specific census blocks within the Commonwealth, even though that population may have been included in the apportionment population figures of the Commonwealth for the purpose of allocating United States House of Representatives seats among the states.

D. Notwithstanding any other provision of general law or special act, the governing body of a county, city, or town shall not reapportion the representation in the governing body at any time other than that required following the decennial census, except as (i) provided by law upon a change in the boundaries of the county, city, or town that results in an increase or decrease in the population of the county, city, or town of more than one percent, (ii) the result of a court order, (iii) the result of a change in the form of government, or (iv) the result of an increase or decrease in the number of districts or wards other than at-large districts or wards. The foregoing provisions notwithstanding, the governing body subsequent to the decennial redistricting may adjust district or ward boundaries in order that the boundaries might coincide with state legislative or congressional district boundaries; however, no adjustment shall affect more than



five percent of the population of a ward or district or 250 persons, whichever is lesser. If districts created by a reapportionment enacted subsequent to a decennial reapportionment are invalid under the provisions of this subsection, the immediately preexisting districts shall remain in force and effect until validly reapportioned in accordance with law.

§ 24.2-304.2. Governing body authorized to expend funds for reapportionment.

The governing body of each county, city, or town is authorized to expend funds and employ persons as it may deem necessary to carry out the responsibilities relating to reapportionment provided by law.

§ 24.2-304.3. Recording reapportionment ordinance; notice requirements.

A copy of the ordinance reapportioning representation in the governing body of a county, city, or town, including a description of the boundaries and a map showing the boundaries of the districts or wards, shall be recorded in the official minutes of the governing body.

The clerk of the county, city, or town shall send a certified copy of the ordinance, including a description of the boundaries and a Geographic Information System (GIS) map showing the boundaries of the districts or wards, to the local electoral board, the Secretary of the Commonwealth, the Department of Elections, and the Division of Legislative Services. Any county, city, or town that does not have GIS capabilities may request the Department of Elections to create on its behalf a GIS map showing the boundaries of the districts or wards as set out in the ordinance, and the Department of Elections shall create such a map.

§ 24.2-304.4. Mandamus action for failure to reapportion districts or wards.

Whenever the governing body of any county, city or town fails to perform the duty of reapportioning the representation on the governing body among the districts or wards of the county, city, or town, or fails to change the boundaries of districts or wards, as prescribed by law, mandamus shall lie in favor of any citizen of such county, city, or town, to compel the performance of such duty.

Whenever the governing body of any county, city or town changes the boundaries, or increases or diminishes the number of districts or wards, or reapportions the representation in the governing body as prescribed by law, the action shall not be subject to judicial review, unless it is alleged that the representation is not proportional to the population of the district or ward. If such allegation is made in a bill of complaint filed in the circuit court for the county, city or town, the court shall determine whether the action of the governing body complies with the constitutional requirements for redistricting and reapportionment. Appeals from the court's decision shall be as in any other suit.

§ 24.2-304.5. Notification of certain civil actions.

Any county, city, or town made a defendant in any civil action challenging the legality of its election district boundaries shall immediately notify the Attorney General of the pending civil action for review pursuant to § 2.2-508.

§ 24.2-304.6. Effect of reapportionment on appointments and terms of local officers, school board and planning commission members.

County, city, or town officers, including members of the school board or planning commission, in office on the effective date of a reapportionment or redistricting ordinance, shall



complete their terms of office, regardless of loss of residency in a particular district due to reapportionment or redistricting.

Article 3. Requirements for Election Districts, Precincts, and Polling Places.

§ 24.2-305. Composition of election districts and precincts.

A. Each election district and precinct shall be composed of compact and contiguous territory and shall have clearly defined and clearly observable boundaries.

B. A "clearly observable boundary" shall include (i) any named road or street, (ii) any road or highway which is a part of the federal, primary, or secondary state highway system, (iii) any river, stream, or drainage feature shown as a polygon boundary on the TIGER/line files of the United States Bureau of the Census, or (iv) any other natural or constructed or erected permanent physical feature which is shown on an official map issued by the Virginia Department of Transportation, on a United States Geological Survey topographical map, or as a polygon boundary on the TIGER/line files of the United States Bureau of the Census. No property line or subdivision boundary shall be deemed to be a clearly observable boundary unless it is marked by a permanent physical feature that is shown on an official map issued by the Virginia Department of Transportation, on a United States Geological Survey topographical map, or as a polygon boundary on the TIGER/line files of the United States Bureau of the Census.

§ 24.2-306. Changes not to be enacted within 60 days of general election; notice requirements.

A. No change in any local election district, precinct, or polling place shall be enacted within 60 days next preceding any general election. Notice shall be published prior to enactment in a newspaper having general circulation in the election district or precinct once a week for two successive weeks. The published notice shall state where descriptions and maps of proposed boundary and polling place changes may be inspected.

B. Notice of any adopted change in any election district, town, precinct, or polling place other than in the location of the office of the general registrar shall be mailed to all registered voters whose election district, town, precinct, or polling place is changed at least 15 days prior to the next general, special, or primary election in which the voters will be voting in the changed election district, town, precinct, or polling place. Notice of a change in the location of the office of the general registrar shall be given by posting on the official website of the county or city, by posting at not less than 10 public places, or by publication once in a newspaper of general circulation in the county or city within not more than 21 days in advance of the change or within seven days following the change.

C. Each county, city, and town shall comply with the applicable requirements of law, including §§ 24.2-304.3 and 30-264, and send copies of enacted changes, including a Geographic Information System (GIS) map showing the new boundaries of the districts or precincts, to the local electoral board, the Department, and the Division of Legislative Services. Any county, city, or town that does not have GIS capabilities may request the Department of Elections to create on its behalf a GIS map showing the boundaries of the new districts or precincts, and the Department of Elections shall create such a map.



§ 24.2-307. Requirements for county and city precincts.

The governing body of each county and city shall establish by ordinance as many precincts as it deems necessary. Each governing body is authorized to increase or decrease the number of precincts and alter precinct boundaries subject to the requirements of this chapter.

At the time any precinct is established, it shall have no more than 5,000 registered voters. The general registrar shall notify the governing body whenever the number of voters who voted in a precinct in an election for President of the United States exceeds 4,000. Within six months of receiving the notice, the governing body shall proceed to revise the precinct boundaries, and any newly established or redrawn precinct shall have no more than 5,000 registered voters.

At the time any precinct is established, each precinct in a county shall have no fewer than 100 registered voters and each precinct in a city shall have no fewer than 500 registered voters.

Each precinct shall be wholly contained within a single congressional district, Senate district, House of Delegates district, and election district used for the election of one or more members of the governing body or school board for the county or city. In each year ending in one, the governing body of each county and city shall establish the precinct boundaries to be consistent with any congressional district, Senate district, House of Delegates district, and local election district that was adopted by the appropriate authority by June 15 of that year. If congressional districts, Senate districts, House of Delegates districts, or local election districts have not been adopted by the appropriate authority by June 15 of a year ending in one, the governing body may use the congressional districts, Senate districts, House of Delegates districts, or local election districts as such districts existed on June 15 of that year as the basis for establishing the precinct boundaries to be used for the elections to be held in November of that year. Such governing body shall establish precinct boundaries to be consistent with any subsequent changes to the congressional districts, Senate districts, House of Delegates districts, or local election districts. If a governing body is unable to establish a precinct with the minimum number of registered voters without splitting the precinct between two or more congressional districts, Senate districts, House of Delegates districts, or local election districts, it shall apply to the State Board for a waiver to administer a split precinct. The State Board may grant the waiver or direct the governing body to establish a precinct with fewer than the minimum number of registered voters as permitted by § 24.2-309. A governing body granted a waiver to administer a split precinct or directed to establish a precinct with fewer than the minimum number of registered voters may use such a precinct for any election held that year.

The governing body shall establish by ordinance one polling place for each precinct.

§ 24.2-308. Requirements for town precincts.

There shall be one precinct for each town unless the council by ordinance establishes more than one precinct.

Each town precinct shall be wholly contained within any election district used for the election of one or more council or school board members.

The council shall establish by ordinance one polling place for each precinct.



§ 24.2-309. Establishment of precinct with less than minimum number of voters; conduct of elections where all voters do not have same choice of candidates.

A precinct may be established with fewer than the minimum number of registered voters required by this article if a larger precinct cannot be established in which all persons are voting at any general election for the same candidates for the governing body and school board of the county or city, House of Delegates, state Senate, and United States House of Representatives. The governing body may select a polling place within one mile of the boundaries of that precinct if a suitable polling place is not available within that precinct.

The State Board shall make regulations setting procedures by which elections may be conducted in precincts in which all voters do not have the same choice of candidates at a general election.

§ 24.2-309.2. Election precincts; prohibiting precinct changes for specified period of time.

No county, city, or town shall create, divide, abolish, or consolidate any precincts, or otherwise change the boundaries of any precinct, effective during the period from February 1, 2019, to May 15, 2021, except as (i) provided by law upon a change in the boundaries of the county, city, or town, (ii) the result of a court order, (iii) the result of a change in the form of government, or (iv) the result of an increase or decrease in the number of local election districts other than at-large districts. Any ordinance required to comply with the requirements of § 24.2-307 shall be adopted on or before February 1, 2019.

If a change in the boundaries of a precinct is required pursuant to clause (i), (ii), (iii), or (iv), the county, city, or town shall comply with the applicable requirements of law, including §§ 24.2-304.3 and 30-264, and send copies of the ordered or enacted changes to the State Board of Elections and the Division of Legislative Services.

This section shall not prohibit any county, city, or town from adopting an ordinance revising precinct boundaries after January 1, 2021. However, no revisions in precinct boundaries shall be implemented in the conduct of elections prior to May 15, 2021.

§ 24.2-310. Requirements for polling places.

A. The polling place for each precinct shall be located within the county or city and either within the precinct or within one mile of the precinct boundary. The polling place for a county precinct may be located within a city (i) if the city is wholly contained within the county election district served by the precinct or (ii) if the city is wholly contained within the county and the polling place is located on property owned by the county. The polling place for a town precinct may be located within one mile of the precinct and town boundary. For town elections held in November, the town shall use the polling places established by the county for its elections.

B. The governing body of each county, city, and town shall provide funds to enable the general registrar to provide adequate facilities at each polling place for the conduct of elections. Each polling place shall be located in a public building whenever practicable. If more than one polling place is located in the same building, each polling place shall be located in a separate room or separate and defined space.

C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and



Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.

D. If an emergency makes a polling place unusable or inaccessible, the electoral board or the general registrar shall provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling place, subject to the prior approval of the State Board. The general registrar shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, an "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

E. It shall be permissible to distribute campaign materials on the election day on the property on which a polling place is located and outside of the building containing the room where the election is conducted except as specifically prohibited by law including, without limitation, the prohibitions of § 24.2-604 and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place. However, and notwithstanding the provisions of clause (i) of subsection A of § 24.2-604, and upon the approval of the local electoral board, campaign materials may be distributed outside the polling place and inside the structure where the election is conducted, provided that the "Prohibited Area" (i) includes the area within the structure that is beyond 40 feet of any entrance to the polling place and the area within the structure that is within 40 feet of any entrance to the room where the election is conducted and (ii) is maintained and enforced as provided in § 24.2-604. The local electoral board may approve campaigning activities inside the building where the election is conducted when an entrance to the building is from an adjoining building, or if establishing the 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

F. Any local government, local electoral board, or the State Board may make monetary grants to any non-governmental entity furnishing facilities under the provisions of § 24.2-307 or 24.2-308 for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board, or the State Board to appropriate funds to any non-governmental entity.

§ 24.2-310.1. Polling places; additional requirement.

The requirement stated in this section shall be in addition to requirements stated in §§ 24.2-307, 24.2-308, and 24.2-310, including the requirement that polling places be located in public buildings whenever practical. No polling place shall be located in a building which serves primarily as the headquarters, office, or assembly building for any private organization, other than an organization of a civic, educational, religious, charitable, historical, patriotic, cultural, or similar nature, unless the State Board has approved the use of the building because no other building meeting the accessibility requirements of this title is available.



Article 4. Effective Dates of Redistricting Measures.

§ 24.2-311. Effective date of decennial redistricting measures; elections following decennial redistricting.

A. Legislation enacted to accomplish the decennial redistricting of congressional and General Assembly districts required by *Article II, Section 6* of the Constitution of Virginia shall take effect immediately. Members of Congress and the General Assembly in office on the effective date of the decennial redistricting legislation shall complete their terms of office. The elections for their successors shall be held at the November general election next preceding the expiration of the terms of office of the incumbent members and shall be conducted on the basis of the districts set out in the legislation to accomplish the decennial redistricting. However, (i) if the decennial redistricting of congressional districts has not been enacted and approved for implementation pursuant to § 5 of the United States Voting Rights Act of 1965 before January 1 of the year of the election for statewide office, the previously enacted congressional districts shall remain in effect for the purpose of meeting the petition signature requirements set out in §§ *24.2-506, 24.2-521, 24.2-543, and 24.2-545* and (ii) any reference on a petition to the usual primary date of the second Tuesday in June shall not be cause to invalidate the petition even though the date of the primary may be altered by law.

B. Ordinances adopted by local governing bodies to accomplish the decennial redistricting of districts for county, city, and town governing bodies required by *Article VII, Section 5* of the Constitution of Virginia shall take effect immediately. Members of county, city, and town governing bodies in office on the effective date of a decennial redistricting measure shall complete their terms of office. The elections for their successors shall be held at the general election next preceding the expiration of the terms of office of the incumbent members and shall be conducted on the basis of the districts set out in the measures to accomplish the decennial redistricting.

C. If a vacancy in any such office occurs after the effective date of a decennial redistricting measure and a special election is required by law to fill the vacancy, the vacancy shall be filled from the district in the decennial redistricting measure which most closely approximates the district in which the vacancy occurred.

D. If a decennial redistricting measure adopted by a local governing body adds one or more districts and also increases the size of the governing body, an election for the additional governing body member or members to represent the additional district or districts for the full or partial term provided by law shall be held at the next November general election in any county or in any city or town that regularly elects its governing body in November pursuant to § *24.2-222.1*, or at the next May general election in any other city or town, which occurs at least 120 days after the effective date of the redistricting measure.

E. In the event of a conflict between the provisions of a decennial redistricting measure and the provisions of the charter of any locality, the provisions of the redistricting measure shall be deemed to override the charter provisions to the extent required to give effect to the redistricting plan.



§ 24.2-312. Effective date of other redistricting measures; elections following annexation.

A. Any redistricting, other than the decennial redistricting, of any county, city, or town shall be effective at midnight December 31 of the year in which the redistricting occurs.

B. Members of county, city, and town governing bodies in office when any such redistricting measure is adopted shall complete their terms of office. The elections for their successors shall be held at the general election next preceding the expiration of the terms of office of the incumbent members and shall be conducted on the basis of the districts set out in the measures to accomplish the redistricting.

C. When a county has been redistricted as a result of annexation and the redistricting occurs in the year of a regularly scheduled November general election for members of the county's board of supervisors, the November general election shall be conducted from the newly established districts so long as the redistricting measure has been adopted prior to March 15 of the year of the election.

D. When a city or town has been redistricted as a result of annexation and the redistricting occurs prior to a regularly scheduled May general election for members of the city's or town's governing body, the May general election shall be conducted from the newly established districts so long as the redistricting measure has been adopted prior to the November 15 immediately preceding the election.

§ 24.2-313. Rescheduling of certain local elections following the decennial redistricting of districts for the governing body.

A. Notwithstanding any other provision of law to the contrary, elections for members of the governing body or school board of any county, city, or town that would be held on a regularly scheduled date for a general election, but are delayed because the decennial redistricting plan of such county, city, or town is not precleared by the Attorney General of the United States pursuant to § 5 of the federal Voting Rights Act at least thirty days prior to the general election, shall be held as provided in this section, unless otherwise provided by a court of competent jurisdiction. In the event the Attorney General grants preclearance at least thirty days prior to the general election, the election shall be held as scheduled and shall be conducted from the newly established districts. The provisions of this section shall not apply to any county, city, or town election scheduled to be held entirely on an at-large basis.

B. In each such county, city, or town, such election shall be held on the first Tuesday (i) that is more than sixty days after the Attorney General of the United States issues a letter stating that he interposes no objection to a decennial redistricting plan approved and submitted by the county, city, or town; (ii) that is not the scheduled date of a primary election; and (iii) that is not within the sixty days before or the thirty-five days after a primary or general election.

C. Independent candidates for such rescheduled elections shall qualify in the manner provided by §§ 24.2-505 and 24.2-506, and party nominees shall be nominated and certified at least thirty days before the new election date.

D. All candidates shall file the statements required by §§ 24.2-501 and 24.2-502 at least thirty days before the new election date.



E. Notwithstanding the provisions of subsections C and D, any candidate who qualified to have his name printed on the ballot for the original election date, pursuant to § 24.2-504, shall be automatically qualified to have his name printed on the ballot for the delayed election date and shall not have to refile the required documents, provided that the boundaries of the district in which he is seeking office are the same as when he was originally qualified. In any district in which the boundaries have been changed, candidates shall requalify for the ballot; however, at the request of any candidate who filed as an independent, his original petitions shall be reviewed by the registrar, previously verified signatures of voters who reside in the new district shall be counted toward the number needed to qualify to run in the new district, and the candidate may supplement such petitions when he refiles under § 24.2-505.

F. Notwithstanding any provision of law to the contrary, the term of members of any governing body or school board elected under the provisions of this act shall commence on the first day of the second month following the election and shall terminate on the day on which the term would have expired had the general election been held on its regularly scheduled day.

G. The term of members of any governing body affected by this act that would otherwise expire prior to the commencement of the term of their successors elected pursuant to this section shall be extended until the date that the term of members elected pursuant to this section commences, notwithstanding any provision of law to the contrary.

Article 5. Population Data.

§ 24.2-314. Population data; reallocation of prison populations.

A. Persons incarcerated in federal correctional facilities and in state and local correctional facilities, as those terms are defined in § 53.1-1, shall be counted and reallocated for redistricting and reapportionment purposes in accordance with the provisions of this section and the following:

1. A person incarcerated in a federal, state, or local correctional facility whose address at the time of incarceration was located within the Commonwealth shall be deemed to reside at such address.
2. A person incarcerated in a federal, state, or local correctional facility whose address at the time of incarceration was located outside of the Commonwealth or whose address at the time of incarceration cannot be determined shall be deemed to reside at the location of the facility in which he is incarcerated.

B. By July 1 of any year in which the decennial census is taken, the Department of Corrections and the State Board of Local and Regional Jails shall provide to the Division of Legislative Services, in a format specified by the Division of Legislative Services, the following information for each person who was incarcerated in a state or local correctional facility on April 1 of that year:

1. A unique identifier, other than his name or offender identification number, assigned by the Department of Corrections or the State Board of Local and Regional Jails for this purpose;
2. His residential street address at the time of incarceration, or other legal residence, if known;
3. His race, his ethnicity as identified by him, and whether he is 18 years of age or older; and



4. The street address of the correctional facility in which he was incarcerated on April 1 of that year.

C. The Division of Legislative Services shall request each agency operating a federal correctional facility in the Commonwealth that incarcerates persons convicted of a criminal offense to provide to the Division of Legislative Services by July 1 of any year in which the decennial census is taken a record containing the information specified in subsection B for each person who was incarcerated in the facility on April 1 of that year. Any person incarcerated in a federal correctional facility for whom a record is not received by the Division of Legislative Services shall be deemed to have an address at the time of incarceration that cannot be determined.

D. The Division of Legislative Services shall prepare adjusted population data, including race and ethnicity data, in a manner that reflects the inclusion of incarcerated persons in the population count of the locality in which he is deemed to reside pursuant to subdivision A 1 or 2.

This adjusted population data shall be used for purposes of redistricting and reapportionment and shall be the basis for congressional, state Senate, House of Delegates, and local government election districts. This adjusted population data shall not be used in the distribution of any federal or state aid.

E. The Division of Legislative Services shall make the adjusted population data available no later than 30 days following receipt of population data from the United States Bureau of the Census pursuant to P.L. 94-171. In making this data available, the Division of Legislative Services shall ensure no information regarding a specific incarcerated person's address at the time of incarceration is made public.

Title 30. General Assembly.

Chapter 39. Joint Reapportionment Committee.

§ 30-264. Staff to Joint Reapportionment Committee; census liaison.

A. The Division of Legislative Services (the Division) shall serve as staff to the Joint Reapportionment Committee. The Director of the Division, or his designated representative, shall serve as the state liaison with the United States Bureau of the Census on matters relating to the tabulation of the population for reapportionment purposes pursuant to United States Public Law 94-171. The governing bodies, electoral boards, and registrars of every county and municipality shall cooperate with the Division in the exchange of all statistical and other information pertinent to preparation for the census.

B. The Division shall maintain the current election district and precinct boundaries of each county and city as a part of the General Assembly's computer-assisted mapping and redistricting system. Whenever a county or city governing body adopts an ordinance that changes an election district or precinct boundary, the local governing body shall provide a copy of its ordinance, along with Geographic Information System (GIS) maps and other evidence documenting the boundary, to the Division.

C. The provisions of Article 2 (§ 24.2-302 et seq.) of Chapter 3 of Title 24.2, including the statistical reports referred to in that article, shall be controlling in any legal determination of a district boundary.



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 25, 2022**

AGENDA ITEM #: **2**

REGULAR:
ACTION: **X**

WORK SESSION: **X**
INFORMATION:

CLOSED SESSION (Confidential):

ITEM TITLE: Task Force on the Future of Education in the City of Lynchburg: PreK-12 and Beyond

RECOMMENDATION: Provide direction regarding the future of the *Task Force on the Future of Education in the City of Lynchburg: PreK-12 and Beyond*.

SUMMARY: On June 12, 2019, City Council adopted a charter for the *Task Force on the Future of Education in the City of Lynchburg: PreK-12 and Beyond*. Beginning in the late summer and fall of that year, the Task Force conducted their work, holding several meetings over a period of six months. Additionally, the several subcommittees defined in the Charter were formed during this time and community members became involved in conversations regarding the future of education in our community.

Unfortunately, the COVID-19 pandemic paused this work and the Task Force has not met since February 2020. While no specific recommendations were developed, the group did have several productive developments, such as the completion of a demographics and enrollment trend projection, a planned (but not complete) survey of City Schools employees, and others. Additionally, while not a specific recommendation from the group, the Lynchburg City Schools facility study currently underway was also a direct result of staff involvement in the facilities subcommittee. On January 19, 2021, the School Board by consensus agreed to recommend revisions to the original scope of the Task Force, focusing on facilities, broadband infrastructure, and the social and emotional wellbeing of students; however, this was never addressed by City Council and, as such the original Charter is still the governing document.

At the January 11, 2022 Council Meeting Councilmember Nelson requested that City Council address the continuance of the Task Force. Given the time that has elapsed since the Task Force has met, it is prudent to reaffirm with City Council their continued to desire to see the work of the Task Force to continue, and if so, confirm that the scope of work should continue as originally defined. It is clear that the COVID-19 pandemic has challenged schools in ways not previously conceived.

The originally approved Task Force charter is attached for your review. City staff requests guidance from City Council as to the future direction of the Task Force. This document was reaffirmed by the School Board on December 7, 2021.

City Council has three options:

1. Reaffirm the existing Task Force charter
2. Disband the Task Force
3. Reaffirm the role and need for the Task Force, but revise the scope

PRIOR ACTION(S): June 12, 2019: City Council adopted the Task Force charter

FISCAL IMPACT: No direct financial impact; if the Task Force is continued, there may be recommendations that require financial resources to implement

CONTACT(S): Reid Wodicka, Deputy City Manager – 455-3990

ATTACHMENT(S):

- Task Force Charter
- Resolution Options

REVIEWED BY: raw

010A

Option 1:

RESOLUTION:

BE IT RESOLVED that the Task Force on the Future of Education in the City of Lynchburg: PreK-12 and Beyond is reaffirmed as originally approved.

Adopted:

Certified:

Clerk of Council

Option 2:

RESOLUTION:

BE IT RESOLVED that the Task Force on the Future of Education in the City of Lynchburg: PreK-12 and Beyond is disbanded.

Adopted:

Certified:

Clerk of Council

Option 3:

RESOLUTION:

BE IT RESOLVED that the Lynchburg City Council directs City Staff to engage with Lynchburg City Schools personnel to draft revisions to the Task Force charter to consideration by the School Board and City Council at a later date.

Adopted:

Certified:

Clerk of Council

Task Force on the Future of Education in the City of Lynchburg: PreK-12 and Beyond

CHARTER

Mission

The Task Force shall gather information, engage the public in conversation, conduct thorough analysis, and forward actionable recommendations to the School Board with the goal of aligning future educational programming, operational strategies, and capital improvement decisions of the Lynchburg City Schools with the long-term success of the City and community. This will be accomplished through thoughtful consideration of the community's changing educational environment, national leading practices in urban education, and a focus on leveraging all available resources of the City and community as we prepare the next generations to be contributing and thriving members of our community. The work of this Task Force will be informed by the Lynchburg City Schools new strategic plan. Ultimately, the Task Force's final product will inform the development of future strategic plans for both City and Schools functions.

Values

The final work product of the Task Force should have the following characteristics:

1. Final recommendations are visionary, inclusive, focused on building a strong community, and represent a holistic and strategic reset towards the long-term strength of our community.
2. Analyses of present conditions are rigorously data-driven, considering both qualitative and quantitative information. The Task Force is charged with proactively engaging with the diverse members of the community to ensure that a wide variety of perspectives are considered as analyses are conducted and recommendations are drafted.
3. Recommended interventions are evidence-based, designed to address concerns identified during present conditions analyses, and inclusive of established City and School System strategic plans; recommendations represent steps along a clear path to where the City and Schools system are headed together.
4. Includes a purposeful discussion of how all City functions contribute to public education in Lynchburg and how public education substantively and strategically contributes to the long-term strength of the family, the neighborhood, the community, and the economy.
5. Final recommendations consciously address the financial realities of the City and the community's ability to pay; interventions are feasible and actionable; recommendations include an analysis of costs and benefits to the community.

Scope of Activity and Responsibility

The Task Force will study a variety of issues facing the educational environment in the City. In doing so, it will create subcommittees that will carry out the effort of gathering information and analyzing data balanced with practical day to day experiences of educators and students in the classroom to create recommendations for future directions. Subcommittee work will be synthesized into a final report for consideration by the School Board and, ultimately, City Council.

The Task Force has no final authority to make final decisions, but rather is designed to facilitate the effort of identifying options, clarifying implications of various options, and analyzing the impact of possible future courses of action. The Lynchburg City School Board maintains the sole authority to make strategic, programmatic, and financial decisions for the school system. The Lynchburg City Council serves as the sole authority to make funding decisions based on the School Board's recommendations.

Both City of Lynchburg and Lynchburg City Schools staff will be responsive and transparent in responding to requests of the Task Force. In the event the Task Force does not receive information requested of staff in a timely manner, the Task Force Chair should be notified and will discuss any concerns with either the Superintendent or City Manager.

Task Force leadership will make periodic reports to joint City Council and School Board meetings to keep those bodies apprised of its progress. The Task Force and its subcommittees may engage content experts on specific issues and engage in community dialogue as it deems appropriate to this effort.

Composition and Membership

Organization and Leadership

The Task Force Steering Committee will consist of a chairperson and vice chairperson with community leadership experience, appointed by City Council, two members of City Council chosen by City Council, and two members of the School Board chosen by the School Board. Once the Task Force is formed, the Steering Committee members will continue as members of the Task Force. Additionally, the Steering Committee chairperson and vice chairperson, as appointed by City Council and the School Board, will continue in those positions with the Task Force. All members of the Task Force have equal input into the conclusions and recommendations of the Task Force. The chairperson and vice chairperson will have organizational duties, but will have no additional authority on the Task Force.

Task Force

The Task Force will be composed of sixteen total members including the Steering Committee. In addition to the six Steering Committee members, ten members will be selected by the Steering Committee with input from the City Council and the School Board. The Steering Committee will appoint the subcommittee chairs and alternates. Attention will be given to ensuring the Task Force is inclusive and reflective of the City's demographic.

Subcommittee Objectives and Deliverables

The five initial subcommittees will include and have the following initial study objectives and deliverables:

1. **Enrollment Trends and Demographics** – will study trends related to socioeconomic characteristics, educational and support needs, and other school, home, and community factors that affect the school system’s strategic and programmatic decisions. Additionally, this subcommittee will evaluate reasons for declining enrollment in Lynchburg City Schools.

Deliverable: This subcommittee is tasked with providing empirical information to other subcommittees to inform their recommendations.

2. **Operations, Facilities, and Consolidation** – will study the present conditions, capacity, and longevity of school buildings, evaluate opportunities to streamline support functions, evaluate the opportunity to consolidate existing facilities where appropriate, and explore options to build new school facilities that support educational programs.

Deliverable: This subcommittee will provide a report evaluating opportunities for re-engineering of operations and consolidation of existing facilities between the City and Schools.

3. **Leading Practices in Education** – will study emerging trends in a diverse educational environment and identify opportunities for Lynchburg to expand and enhance current practice and to take advantage of successes of other school systems. This subcommittee will also conduct research on best and leading practices in preparing educators and families on how to achieve positive outcomes for students in a diverse educational environment.

Deliverable: This subcommittee will create a report outlining strategies that may assist with specific challenges identified by the Task Force that address the City’s diverse educational environment.

4. **Programming and Collaboration Opportunities** – will study strengths and opportunities in the school and community’s programmatic structure in the areas of academic opportunities, athletics, arts, vocational training, and other areas. Additionally, this subcommittee will identify opportunities for collaboration with City departments and outside partners to enhance the programmatic offerings and, ultimately, outcomes for children who attend Lynchburg City Schools.

Deliverable: This subcommittee will make recommendations regarding future programmatic opportunities and eliminating practices that may not yield impactful results.

5. **Finance** – will study the School System’s financial structure and long-range financial sustainability. Additionally, this subcommittee will be responsible for studying opportunities for the alignment and complementary nature of the School System’s and the City’s budget process and exploring opportunities for continued and future financial investment in the Lynchburg City Schools.

Deliverable: This subcommittee will evaluate the financial feasibility of various initiatives proposed by those subcommittees and create a fifteen-year operating and capital improvement program forecast.

The Task Force has the authority to expand its subcommittee structure, objectives, and deliverables as necessary.

Each subcommittee will be responsible for analyzing issues presented to it by the Task Force from its particular lens. Subcommittees are free to share information and engage in dialogue as their work progresses. The Steering Committee will recruit subcommittee chairpersons and assist the chairpersons in the recruitment of subcommittee members. The ten members of the Task Force chosen by the Steering Committee will be inclusive and reflective of the City's demographic. Subcommittee chairpersons may organize their subcommittees as they see fit, convene meetings at their own discretion, and work with content experts as necessary. Any funding request from the Task Force must be forwarded to the appropriate staff member(s) for School Board consideration.

Final Work Product

The final Task Force work product will be a report which includes all of the deliverables noted above as well as any additional information the Task Force deems appropriate in creating a road map for the future of public education in the City of Lynchburg. The final report will include a proposed time frame for implementation of Task Force recommendations

Proposed Schedule

This is only a proposed schedule; departure from the delineated timeline may be necessary if the scope of work is more complex or other circumstances intervene.

Task	Completion Date
Steering Committee and Task Force Appointments	July 15, 2019
Subcommittee Member Recruitment	August 15, 2019
Subcommittees Initial Meeting	No later than September 15, 2019
Task Force/Subcommittee Work	September 15, 2019 – August 30, 2020
Interim Report to a Joint Meeting of School Board and City Council	No later than April 15, 2020
Report Writing	October 15, 2020
Delivery of Recommendations to a Joint Meeting of the School Board and City Council	November 15, 2020

Revised June 13, 2019

The Task Force results will be used to inform the development of future strategic plans, operating budgets and capital improvement plans, beginning with Fiscal Year 2022.

Staff Support

The Task Force will rely upon appropriate staff support from both the City Manager's Office and Lynchburg City Schools.

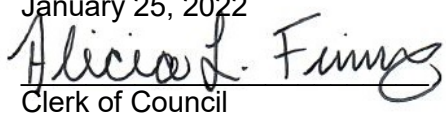
RESOLUTION:

#R-22-003

BE IT RESOLVED that the Task Force on the Future of Education in the City of Lynchburg: PreK-12 and Beyond is disbanded.

Adopted: January 25, 2022

Certified:


Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 25, 2022**

AGENDA ITEM #: **3(a)**

REGULAR: WORK SESSION: **X**
ACTION: INFORMATION: **X**

CLOSED SESSION: (Confidential)

ITEM TITLE: *Business Item Briefing: Appropriation of Fund Balance from FY 2021 Unexpended Schools Operating Fund*

RECOMMENDATION: *This item will appear for City Council vote at the February 8, 2022 City Council meeting:* Adopt a resolution to amend the FY 2022 General Fund budget and appropriate \$2,347,404 with resources from unexpended FY 2021 Schools Operating Fund appropriations for transfer to the FY 2022 Schools Operating Fund (\$400,001) and to the FY 2022 Schools Capital Fund (\$1,947,403) to fund needs as approved by the School Board.

SUMMARY: This action is requested in accordance with an agreement signed by the Lynchburg City Council and the Lynchburg City School Board dated December 14, 1993. This agreement provides for the creation and maintenance of a Schools Operating Fund fund balance for “the purpose of underwriting any occasional shortfalls from the various budgetary categories of direct State funding support as well as other applications, all based upon the required expenditure approval of the School Board.”

A request was submitted by letter to the City Manager January 3, 2022 for use of the FY 2021 Schools Fund Balance. The Lynchburg City School Board approved the attached submittal at the December 7, 2021 School Board meeting.

PRIOR ACTION(S): December 14, 1993: Agreement with Schools regarding the Return of Fund Balance.

FISCAL IMPACT: \$400,001 increase to the FY 2022 Schools Operating Fund; \$1,947,403 increase to the FY 2022 Schools Capital Fund

CONTACT(S): Donna S. Witt, Chief Financial Officer, 455-3968
Dr. Crystal M. Edwards, Superintendent, Lynchburg City Schools, 515-5070

ATTACHMENT(S):

- Resolution
- Request from Dr. Crystal M. Edwards, Superintendent, dated January 3, 2022 with enclosures
- Letter of Agreement between Lynchburg City Council and Lynchburg Board of School Trustees, dated December 20, 1993

REVIEWED BY: MMB WCB

023A

RESOLUTION:

BE IT RESOLVED that the FY 2022 General Fund budget is amended and \$2,347,404 is appropriated with resources from unexpended FY 2021 Schools Operating Fund appropriations for transfer to the FY 2022 Schools Operating Fund (\$400,001) and to the FY 2022 Schools Capital Fund (\$1,947,403) to fund needs as approved by the School Board.

Introduced:

Adopted:

Certified:

Clerk of Council



Office of the Superintendent

915 Court Street
P.O. Box 2497
Lynchburg, VA 24505

January 3, 2022

Mr. Wynta Benda
City Manager
900 Church Street
Lynchburg, Virginia 24504

Dear Mr. Benda:

During the December 7, 2021 school board meeting, the Lynchburg City School Board approved the attached fund balance request in the amount of \$2,347,403.65.

We propose that \$1,947,403.00 be allocated to existing school-related capital improvement projects (CIP) that were scheduled to be completed during the upcoming FY23 school year (see attached). We believe that by allocating funds to existing CIP, both Lynchburg City Schools and the City benefit as this will help the City by reducing the amount the City contributes to these projects.

- Dearington ES mobile classroom replacement
- RS Payne ES plumbing and restroom renovations
- Dunbar MS track resurface
- Dunbar MS boiler house roof replacement
- Dearington ES original building and section B roof replacement
- Hutcherson ELC section B roof replacement
- Paving and Fencing
- Playgrounds
- Reserve for future expenditure needs (facilities study)
- Reserve for facilities maintenance needs

We also request that the remaining \$400,000.65 be used to enhance communication between the school division and families/community. With the need to engage community in multiple discussions and feedback sessions regarding the facilities study, the future of our schools, and other pertinent matters, we are in need of a more sophisticated interactive survey tool to replace the free version of Google Forms that we are currently using. Additionally, upgrades to the school board room will allow for more reliable remote/virtual participation, presentation and video viewing.



Office of the Superintendent

915 Court Street
P.O. Box 2497
Lynchburg, VA 24505

Lastly, the transportation tracker software will allow parents to “follow” their child’s bus by providing real time arrival times without comprising the safety of the transportation routes. This will reduce the need for parents to contact transportation to obtain information regarding their child’s bus arrival times.

- Qualtrics Survey Software
- Board Room Upgrades
- Transportation equipment upgrade and tracker software

All of the budget allocation requests are aligned with the LCS 5-Year Comprehensive Strategic Plan which also references goals/objectives from The Lynchburg Plan: A work plan focused on City Council’s priorities. We feel strongly that our priorities are closely aligned and that the City will support our requests.

We welcome the opportunity to discuss our request in more detail with you and the City’s Finance Committee. Please don’t hesitate to contact me should you have any questions.

Sincerely,

Crystal M. Edwards, Ed.D
Superintendent

encl: Dec 7, 2021 School Board Agenda J-1 Attachment: Fund Balance Return
Dec 7, 2021 School Board Agenda J-1 Attachment: FY2023-2032 CIP LCS Working Document

cc: Members, Lynchburg City School Board
Manee Davis, Interim Chief Financial Officer

Fund Balance Return

Fiscal Year 2020-21 Fund Balance Return	\$	2,347,403.65
Capital Improvement Plan - FY2023	\$	(1,947,403.00)
	\$	<u>400,000.65</u>

Proposed Use of Funds:

Qualtrics - Survey Software

Board Room Upgrade

Transportation Equipment upgrade and tracker implementation

	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	FY 2032	Total Cost
Renovations/Replacement Projects	Currently Funded	FY 2023-32										
Sandusky ES Replacement					1,700,000	31,700,000						33,400,000
Linkhorne ESI Renovation & Gym Addition						1,300,000	27,100,000					28,400,000
Paul Munro ES Renovation & Gym Addition							1,000,000	20,500,000				21,500,000
Elementary Gym Addition			1,300,000									1,300,000
Elementary Gym Addition				1,350,000								1,350,000
Elementary Gym Addition					1,410,000							1,410,000
RS Payne ES Renovation								2,200,000	50,800,000			53,000,000
New Transportation Building										200,000	5,000,000	5,200,000
Dearington ES mobile classroom replacement		182,000										182,000
Total Replacment/Renovation Projects	0	182,000	1,300,000	1,350,000	3,110,000	33,000,000	28,100,000	22,700,000	50,800,000	200,000	5,000,000	145,742,000
Capital Maintenance Projects:												
Mechanical/Electrical:	CARES II Sept. 2023CARES III Sept. 2024CARES IV Sept. 2026											
TC Miller Chiller Replacement	300,000											
WM Bass Elementary Chiller Replacement	350,000											
Dearington Chiller Replacement	300,000											
Perrymont ES HVAC	450,000											450,000
Dunbar Middle School Heating System	1,529,804											0
Sandusky MS Chillers (2) rebuild	200,000											200,000
Paul Munro HVAC Replacement	750,000											750,000
RS Payne ES HVAC Renovation	1,398,800											1,398,800
Linkhorne ES Air Handlers	841,200											841,200
Sandusky ES Chiller Replacement	150,000											150,000
Sandusky ES HVAC	860,000											860,000
Dunbar MS Chiller Replacement/Rebuild (Central)					350,000							350,000
Paul Munro ES Chiller Rebuild							100,000					100,000
Bedford Hills ES HVAC replacenment						657,000						657,000
Dearington ES HVAC replacement								356,000				356,000
TC Miller ES HVAC replacement									391,000			391,000
Hutcherson ELC Electrical Upgrade										356,000		356,000
Bedford Hills ES Lighting Upgrade (LED)											75,000	75,000
TC Miller ES Lighting Upgrade (LED)											75,000	75,000
Plumbing/Restroom Renovation												
Perrymont ES Plumbing and Restroom Renovations	61,658											
RS Payne ES Plumbing and Restroom Renovations		35,000										35,000
Linkhorne ES Plumbing and Restroom Renovations				35,000								35,000
Paul Munro ES Plumbing and Restroom Renovations					35,000							35,000
Sandusky ES Plumbing and Restroom Renovations						35,000						35,000
Dunbar MS Plumbing and Restroom Renovations							50,000	50,000	50,000			150,000
HELC, BHES, DESI, TCM, RSP, PES grease traps			40,000									40,000
Bass, TCM, RSP install RPZ backflow prevention			40,000									40,000
Other (IT)												
EC Glass Intercom Replacement	317,000											0
City-Wide Broadband Expansion	3,500,000											3,500,000

Secondary School Athletics -		FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	FY 2032	Total Cost
Dunbar MS Athletic Field Restroom/Storage	350,000											350,000
ECG Turf	650,000											0
ECG Track Renovation			300,000									300,000
Dunbar MS Track Resurface		150,000										150,000
HHS Baseball Turf			600,000									600,000
HHS Football Turf					700,000							700,000
Roof Replacement/Repair:												
Dunbar MS Boiler House		34,320										34,320
Dearington ES (original building, shingle)		95,680										95,680
Dearington ES (section B)		89,000										89,000
Hutcherson ELC (section B)		85,000										85,000
Sandusky ES			1,121,000									1,121,000
EC Glass HS (science and gym additions)				563,000								563,000
Linkhorne ES - F.G.H.J.L.				518,000								518,000
Laurel - Section A&B				354,000								354,000
Perrymont ES						828,000						828,000
Bedford Hills ES							1,233,000					1,233,000
Fort Hill CS								158,000				158,000
Sandusky Middle									2,259,000			2,259,000
Hutcherson ELC (sections A,C,D,E)										570,000		570,000
TC Miller ES (auditorium)											104,000	104,000
Dunbar MS (Mozee)											186,000	186,000
Linkhorne ES (section A)											100,000	100,000
Paving & Fencing												
	62,104	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	2,000,000
Transportation/Maintenance - additional entrance	701,994											
Playgrounds												
	172,508	100,000		100,000		100,000		100,000		100,000		500,000
Reserve for Future Expenditure Needs (Fac. Study)												
	228,483	726,403	100,000	100,000	100,000	100,000						1,126,403
Reserve for Facilities Maintenance Needs												
	113,670	250,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	1,150,000
Total Capital Maintenance Projects												
	13,287,221	1,765,403	2,501,000	1,970,000	1,485,000	2,020,000	1,683,000	964,000	3,000,000	1,326,000	840,000	26,054,403
TOTAL ANNUAL CIP												
	13,287,221	1,947,403	3,801,000	3,320,000	4,595,000	35,020,000	29,783,000	23,664,000	53,800,000	1,526,000	5,840,000	163,296,403

LETTER OF AGREEMENT

BETWEEN LYNCHBURG CITY COUNCIL

AND LYNCHBURG BOARD OF SCHOOL TRUSTEES

In accordance with the attached, duly-adopted Resolution, the Lynchburg City Council and the Lynchburg Board of School Trustees hereby agree that the creation and maintenance of a School Operating Fund Balance is desirable to the long-range financial interests of both entities and, even more importantly, to the citizens and the community which both bodies represent. Accordingly, the City Council supports such approach by indicating its willingness to reappropriate to such Fund Balance any duly-budgeted, non-debt service local funding which the Schools manage to avoid spending by the close of each fiscal year. Similarly, the School Board expresses its intention of continuing to exercise cautiousness in the expenditure of all budgeted, appropriated local funding to the Schools, and further understands that any such unexpended, non-debt service monies would become part of a Schools Operating Fund Balance.

The separate, above-mentioned Fund Balance would be maintained in the accounting records of the Lynchburg City Schools for the purpose of underwriting any occasional shortfalls from any of the various budgetary categories of direct State funding support as well as other applications, all based upon the required expenditure approval of the School Board. For informational purposes, the Lynchburg City School Board would advise City Council annually as to amount of funding in such School Operating Fund Balance as of July 1 of each fiscal year; and such information would be reflected in the overall financial information of the City of Lynchburg along with other customary fiscal data for the Lynchburg City Schools.

Based upon this understanding, the creation of the above-referenced Fund Balance would occur promptly and would include any unexpended, duly-budgeted, non-debt service local funding at the close of the current 1992-1993 fiscal year. It is understood that such practice would remain active in the years thereafter.

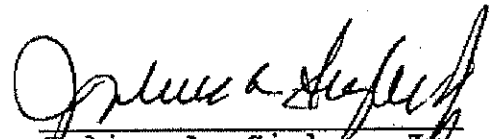
Lynchburg City Council

Lynchburg City School Board

By:


Julian R. Adams
Mayor

By:


Julius A. Sigler, Jr.
Chairman

Date:

12/14/93

Date:

December 20, 1993

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 25, 2022**

AGENDA ITEM #: **3(b)**

CONSENT:
ACTION:

REGULAR:
INFORMATION: **X**

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: *Business Item Briefing: Rezoning – True Healing Massage – R-4, High Density Residential District to B-1C, Limited Business District (Conditional) – 3629 Fort Avenue*

RECOMMENDATION: *This item will appear for City Council vote on the February 8, 2022 Public Hearing agenda.* Approval of the rezoning from R-4, High Density Residential District to B-1C, Limited Business District (Conditional)

SUMMARY: Ms. Megan Shields (True Healing Massage) is petitioning to rezone four tenths (0.4) of an acre at 3629 Fort Avenue from R-4, High Density Residential District to B-1C, Limited Business District (Conditional) to allow the use of the existing structure as a massage therapy business.

PRIOR ACTION(S):

January 12, 2022 The Planning Commission recommended approval (6-0) of the rezoning petition.
The Planning Division recommended approval of the rezoning petition.

FISCAL IMPACT: n/a

CONTACT(S): Tom Martin, City Planner – 455-3900
Kent White, Director Community Development – 455-3900

ATTACHMENT(S):

- Planning Commission Packet – January 12, 2022
 - Zoning Map with Adjoining Property Owners
 - Future Land Use Map
 - Watershed Map
 - Planimetric and Topographic Map
 - Concept Plan
 - Narrative
 - Property Photograph
 - Opposition E-mail

REVIEWED BY: MMB

The Department of Community Development

City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission
From: Planning Division
Date: January 12, 2022
Re: **Rezoning: 3629 Fort Avenue – R-4, High Density Residential District to B-1C, Limited Business District (Conditional)**

I. PETITIONER

Ms. Megan Shields (True Healing Massage), 405 Eldon Street, Lynchburg, Virginia 24501

Representative: Same as petitioner

Property Owner: Harry Sowers, 2300 Heronhill Place, Lynchburg, Virginia 24503

II. LOCATION

The property is approximately four tenths (0.4) of an acre located at 3629 Fort Avenue.

III. PURPOSE

The purpose of the rezoning is to allow the use of the existing structure as a massage therapy business.

IV. SUMMARY

- The City's *Comprehensive Plan 2013-2030, Future Land Use Map (FLUM)* recommends a Medium Density Residential use for the property. Neighborhood Commercial land uses are recommended for the area to the south across Oakridge Boulevard.
- The property is located at the intersection of the Memorial Avenue & Fort Avenue revitalization areas. These areas are older commercial districts and reinvestment and sensitive redevelopment is encouraged.
- If approved the existing structure would be used as a massage therapy business.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

- 1. Comprehensive Plan.** The *Future Land Use Map (FLUM)* recommends a Medium Density Residential use for the property. These areas are characterized by small-lot single family detached housing, duplexes, and townhouses at densities up to 12 units per acre. Where neighborhoods already exist, infill development should be at a compatible density and housing type. In addition to residential uses, they may include public and institutional uses compatible in scale with single family residential homes. Private recreation uses, including country clubs, swim and racquet clubs, and private open space are also appropriate. (*p. 72*)

Neighborhood Commercial land uses are recommended for the area to the south across Oakridge Boulevard. These areas are intended to consist primarily of office, retail, personal service, and restaurant uses that are scaled and designed to be compatible with and serve their immediate neighborhood. Patrons can walk, bike or take a short drive to reach them. They are comprised of individual businesses, clusters of businesses, or small shopping centers.

Neighborhood shopping centers meet the day-to-day needs of a limited residential trade area of 2,500 to 10,000 people and average about 50,000 square feet of space. A small grocery store or drug store is often the anchor for a neighborhood shopping center. Office uses should be

relatively small-scale with building floor areas not exceeding 20,000 square feet and heights not exceeding four stories. Residential uses may be established on the upper floors of commercial structures or as transitional structures between residential and commercial buildings. (*p. 75*)

Areas designated for revitalization are some of the City's older commercial areas have experienced decreased vitality, following patterns of change common to older commercial areas in many cities across Virginia and the country. Downtown, the City's historic mercantile center has experienced significant reinvestment and revitalization over the last decade. Other retail areas serving the City's inner ring of older neighborhoods have yet to attract significant reinvestment.

Revitalization is important for many reasons and meets many City goals, including:

- Restoring historic mercantile centers;
- Eliminating vacancy and blight;
- Providing retail service and employment opportunities in close proximity to inner City neighborhoods;
- Taking advantage of the City's existing infrastructure;
- Reusing and recycling existing buildings for a stable mix of residential and non-residential uses, including important historic buildings; and
- Improving the City's image.

Revitalization plans should address such issues as:

- The appropriate mix and location of uses based on market potential and compatibility with surrounding neighborhoods;
- Adaptive reuse of historic and other quality buildings;
- The design quality of buildings and spaces—design guidelines;
- Streetscape and façade improvements;
- Pedestrian, bicycle, and vehicular circulation;
- Redevelopment opportunities;
- The incorporation of public parks, public facilities, and civic uses; and
- Public investments and incentives to spur revitalization. (*pp. 62-63*)

2. **Zoning.** The subject property was annexed in to the city in 1926. The existing R-4, High Density Residential zoning was established in 1978.
3. **Proffers.** The petitioner has submitted the following voluntarily submitted proffer:
 - “The petitioners proffer that the existing building shall remain and that the property shall be developed in substantial compliance with the concept plan dated October 19, 2021.”
4. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances are needed for the development of the property as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

- On February 12, 1985, City Council approved the petition of Fort Hill United Methodist Church for a Conditional Use Permit at 3415 & 3417 Memorial Avenue to allow the construction of a parking area in an R-3, Medium Density Residential District.
- On December 13, 1988, City Council approved the petition of Thornhill Enterprises for a Conditional Use Permit at 3407 Memorial Avenue to allow a child care center in an R-3, Medium Density Residential District.
- On June 6, 1991, City Council approved the petition of First Assembly of God Church at 3135 Fort Avenue to allow the construction of an eighty-four (84) space parking area in an R-3, Medium Density Residential District.
- On January 11, 1994, City Council approved the petition of Alger & Darlene Fleming for a Conditional Use Permit at 3629 Fort Avenue to allow a B&B for up to eight (8) guests in an R-4, High Density Residential District.
- On November 11, 2006, City Council denied the petition of Chantel West for a Conditional Use Permit at 3629 Fort Avenue to allow a group home for up to eight (8) children in an R-4, High Density Residential District.

6. **Site Description.** The property consists of four tenths (0.4) of an acre located at 3629 Fort Avenue.

The property contains a two (2) story, with basement structure containing three thousand three hundred twelve (3312) square feet constructed in 1914.



3629 Fort Avenue

The property is bound to the north by a single-family home, to the east (across Fort Avenue) by an apartment use, to the west (across Memorial Avenue) by Fort Hill Methodist Church and to the south (across Oakridge Boulevard) by commercial uses.

7. **Proposed Use of Property.** If the rezoning is approved, the existing structure would be used as a Massage Therapy business operating from 7 a.m. until 8 p.m. No changes are proposed to the exterior of the building with the exception of an ADA ramp parallel to Oakridge Boulevard.
8. **Traffic, Parking and Public Transit.**

The City Engineer did not require a traffic study for the reuse of the existing building.

There four (4) parking spaces available on site and there are approximately three (3) on street parking spaces available along Oakridge Boulevard which would meet Zoning Ordinance requirements.

The property is served by Greater Lynchburg Transit Company Route 4 which runs along Fort Avenue. The closest bus stop is located in front of 3506 Memorial Avenue.

9. **Stormwater Management.** An erosion & sediment control / stormwater management plan will not be required as disturbed areas are not expected to exceed one thousand (1000) square feet.
10. **Emergency Services:** The City Fire Marshal and Police Department had no comments of concern regarding the rezoning petition.
11. **Impact.** The proposed rezoning would allow the conversion of an existing structure into a massage therapy business. The petitioner has proffered that the existing building would remain and that the property would be developed in substantial compliance with the site plan. Given the institutional, commercial and multi-family uses in the immediate vicinity the proposed use should have little to no impact on the surrounding area.
12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the petition on November 16, 2021. Comments have or will be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Megan Shields to rezone approximately four tenths (0.4) of an acre located 3629 Fort Avenue from R-4, High Density Residential to B-1C, Limited Business District (Conditional).

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. Wynter C. Benda, City Manager
Dr. Reid Wodicka, Deputy City Manager
Mr. Matthew Freedman, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Ms. Megan Shields, Petitioner

VII. ATTACHMENTS

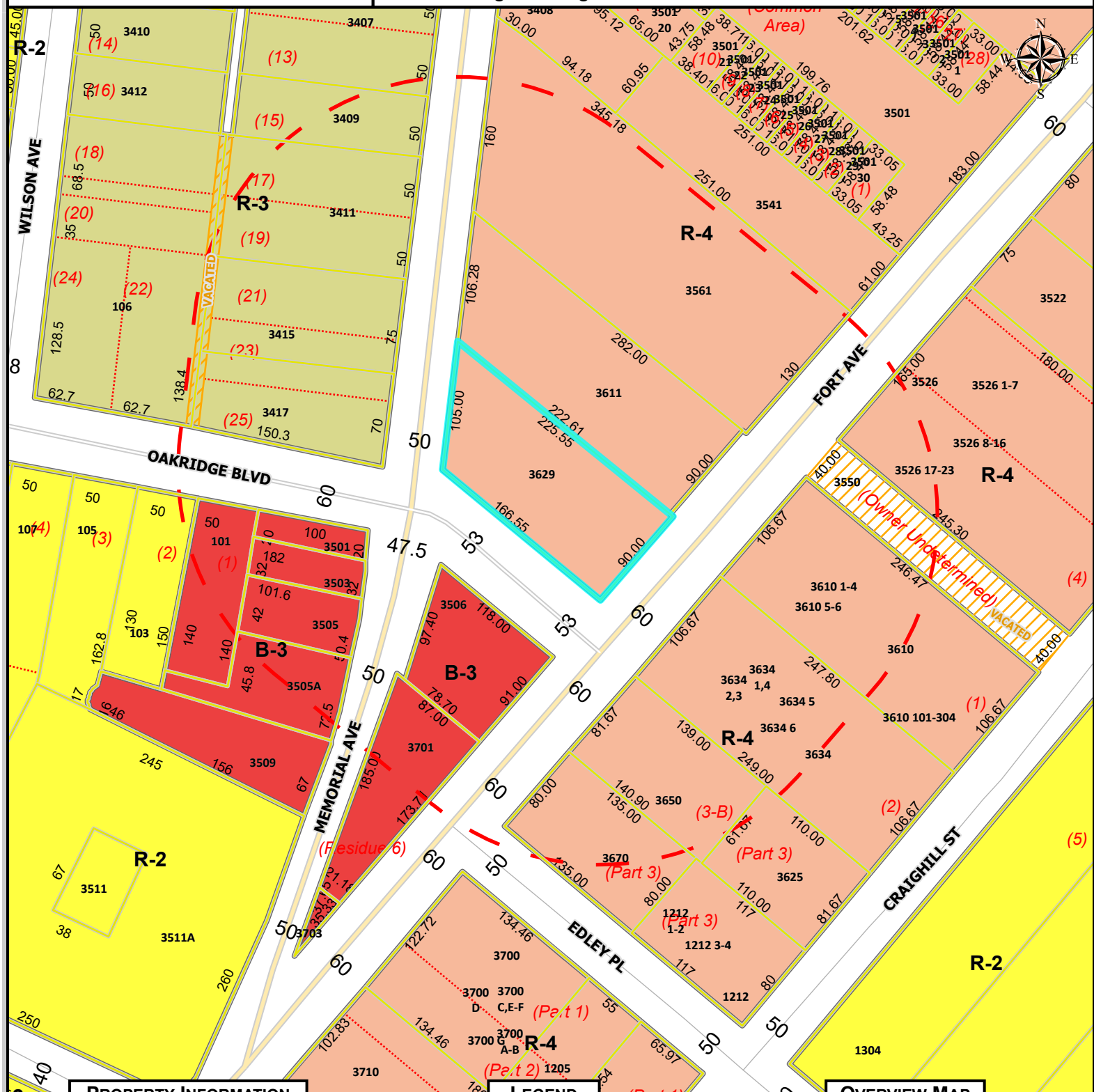
1. **Zoning Map with Adjoining Property Owners**
2. **Future Land Use Map**
3. **Watershed Map**
4. **Planimetric and Topographic Map**
5. **Concept Plan**
6. **Narrative**
7. **Property Photographs**
8. **Opposition E-Mail**

Zoning

3629 FORT AVE

TRC

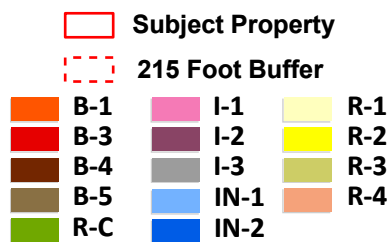
True Healing Massage



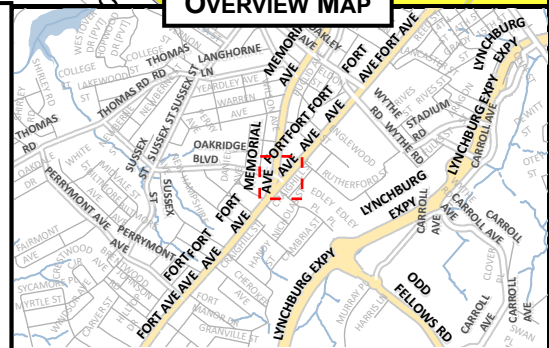
PROPERTY INFORMATION

PARCEL ID ADDRESS
03014040 3629 FORT AVE

LEGEND



OVERVIEW MAP



MAP SCALE: 1:48,000 DATE PRINTED: 10/27/2021

DISCLAIMER: THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS SUCH. THE INFORMATION DISPLAYED IS A COMPILATION OF RECORDS, INFORMATION, AND DATA OBTAINED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE.

3629 Fort Avenue

Parcel ID	Address	Owner
02903006	3625 CRAIGHILL ST	HAMLIN, JAMES
02903004	3670 FORT AVE	KHURANA, RAJESH
05402002	3701 FORT AVE	GUJJAR REAL ESTATE LLC
02903003	3650 FORT AVE	SMITH, ASHLEY L & SMITH, KRISTEN D
05401022	3505 A MEMORIAL AVE	LANCASTER GALLERIES INC
02903002	3634 FORT AVE	LOKATE LLC
05401013	3505 MEMORIAL AVE	J BRADFORD LLC
05402001	3506 MEMORIAL AVE	J BRADFORD LLC
05401012	3503 MEMORIAL AVE	LANCASTER GALLERIES INC
05401011	3501 MEMORIAL AVE	LANCASTER GALLERIES INC
05401010	101 OAKRIDGE BLVD	LANCASTER GALLERIES INC
02903001	3610 FORT AVE	LOKATE LLC
05401009	103 OAKRIDGE BLVD	LANCASTER GALLERIES INC
03023013	3417 MEMORIAL AVE	FORT HILL UNITED METHODIST CHURCH TR
02901003	3526 FORT AVE	SMITH, ASHLEY L & SMITH, KRISTEN D
03023012	3415 MEMORIAL AVE	FORT HILL UNITED METHODIST CHURCH TR
03023010	3411 MEMORIAL AVE	FORT HILL UNITED METHODIST CHURCH TR
03023014	106 OAKRIDGE BLVD	FORT HILL METHODIST CHURCH TRS
03023009	3409 MEMORIAL AVE	FORT HILL UNITED METHODIST CHURCH TR
03023006	3407 MEMORIAL AVE	CAREY, WALTER R & MARGARET N
03014040	3629 FORT AVE	SOWERS, HARRY
03014039	3611 FORT AVE	MARSHALL, NATHANIEL X &
03014038	3561 FORT AVE	HARVEY, GARY E & SHARON M

FLUM

3629 FORT AVE

TRC

True Healing Massage



PROPERTY INFORMATION

PARCEL ID

ADDRESS

03014040 3629 FORT AVE

LEGEND

- | | |
|----------------------------|-----------------------|
| Local Historic District | Employment 1 |
| Traditional Residential | Employment 2 |
| Low Density Residential | Downtown |
| Medium Density Residential | Institution |
| High Density Residential | Public Use |
| Neighborhood Commercial | Public Parks |
| Community Commercial | Resource Conservation |
| | Mixed Use |

MAP SCALE: 1:48,000

DATE PRINTED: 10/27/2021

OVERVIEW MAP

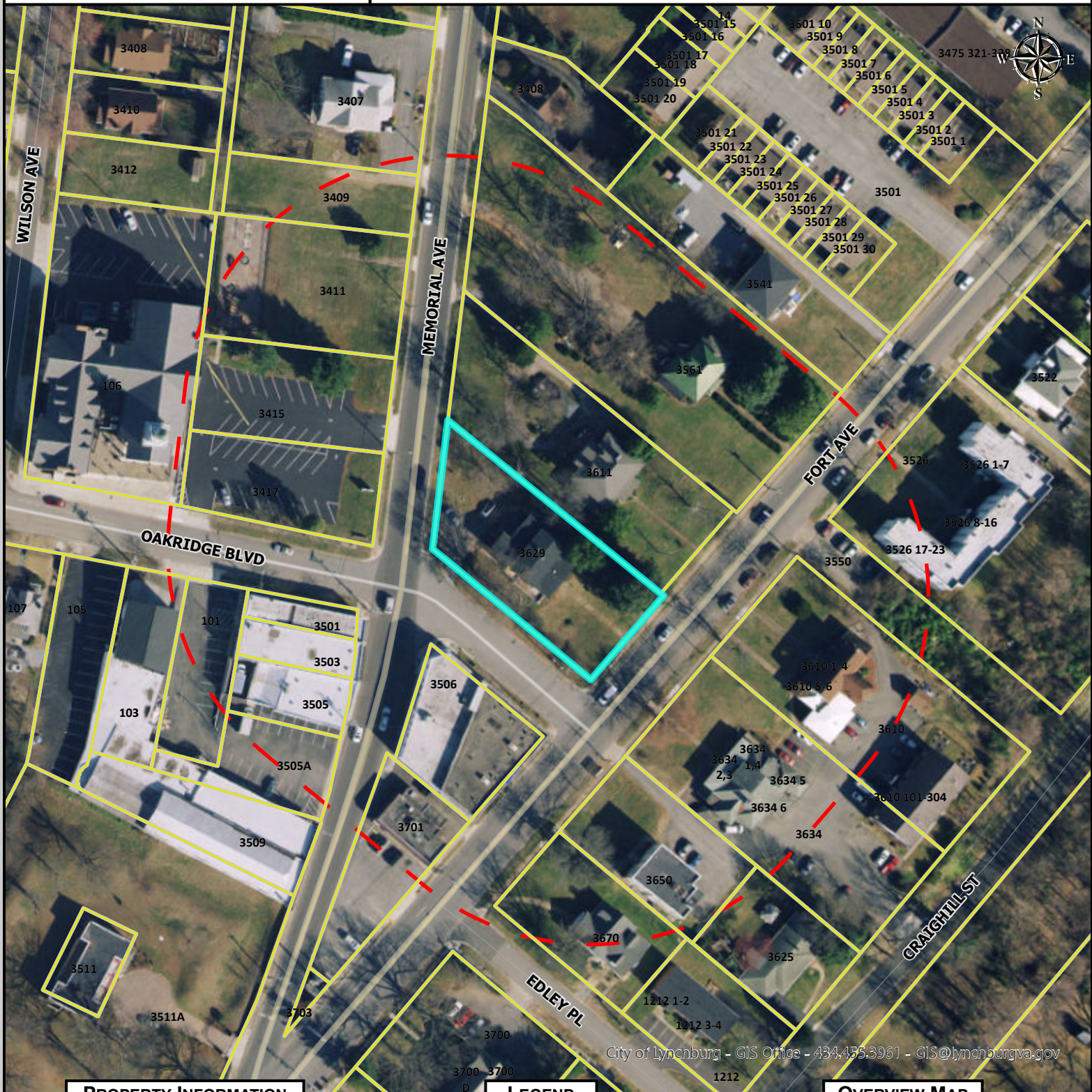


Watershed

3629 FORT AVE

TRC

True Healing Massage



City of Lynchburg - GIS Office - 434.455.3961 - GIS@lynchburgva.gov

PROPERTY INFORMATION

PARCEL ID

ADDRESS

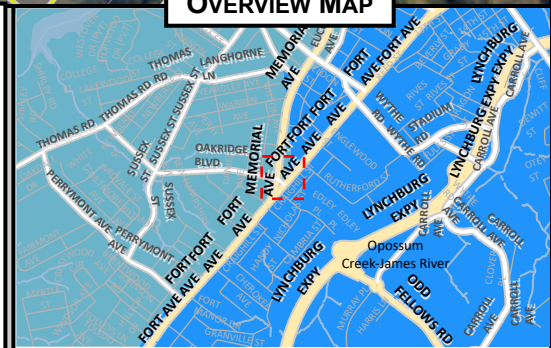
03014040 3629 FORT AVE

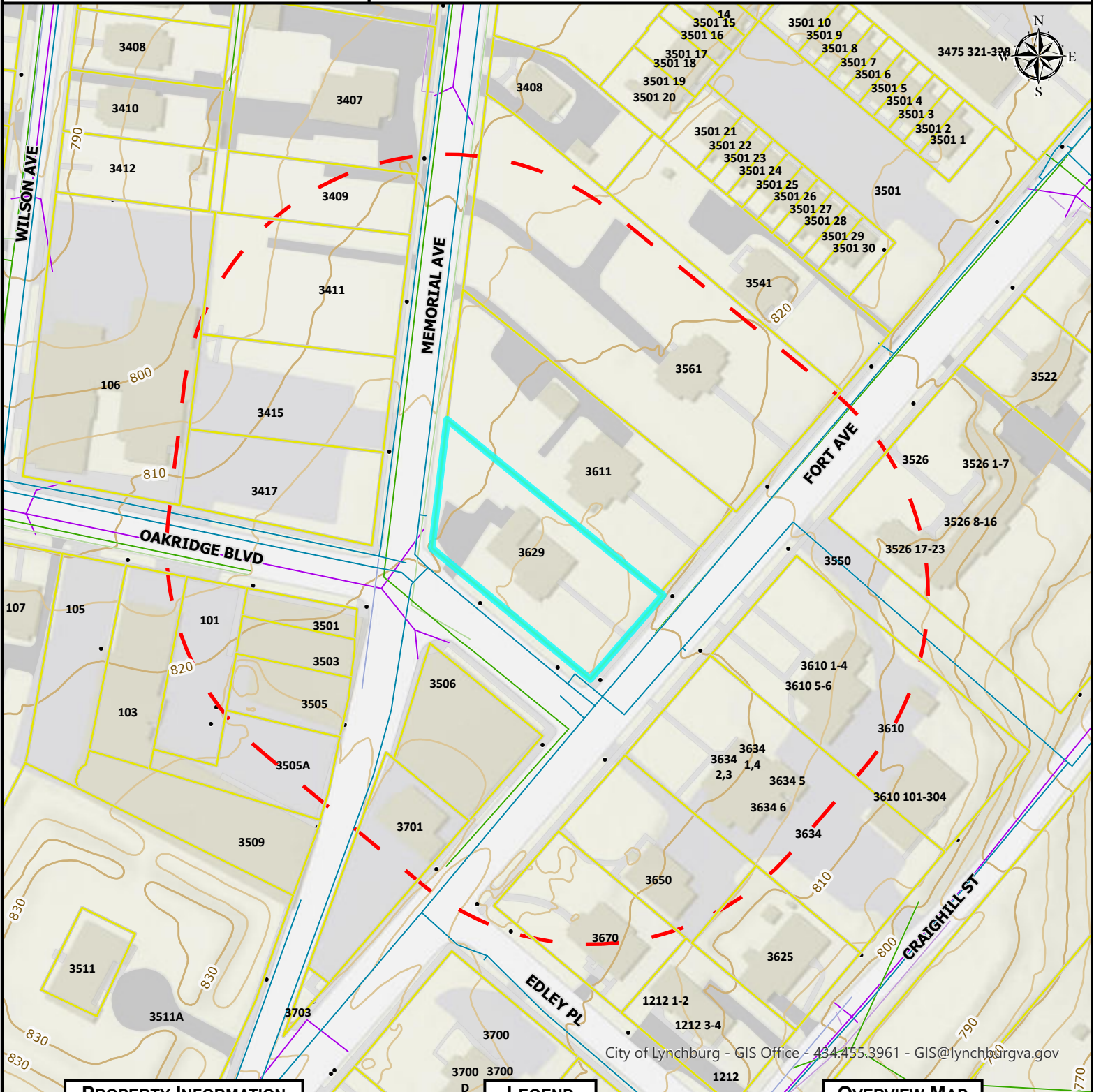
LEGEND

- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

MAP SCALE: 1:48,000 DATE PRINTED: 10/27/2021

OVERVIEW MAP





City of Lynchburg - GIS Office - 434.455.3961 - GIS@lynchburgva.gov

PROPERTY INFORMATION

PARCEL ID	ADDRESS
03014040	3629 FORT AVE

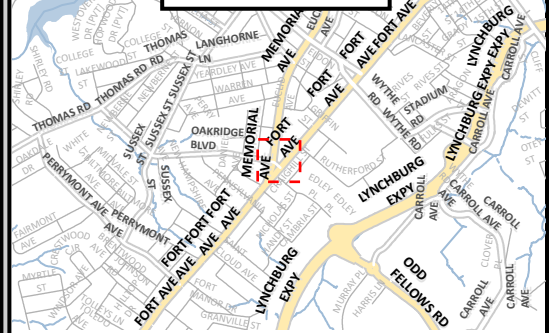
LEGEND

	Active	Proposed	Abandoned
Utilities			
Water			
Sanitary			
Storm			
	Paved	Unpaved	Other
Structure			
Roadway			
Parking			
Sidewalk			
Driveway			
Topography	Contour		
	100'	20'	5'
	50'	10'	1'

MAP SCALE: 1"=48.000'

DATE PRINTED: 10/27/2021

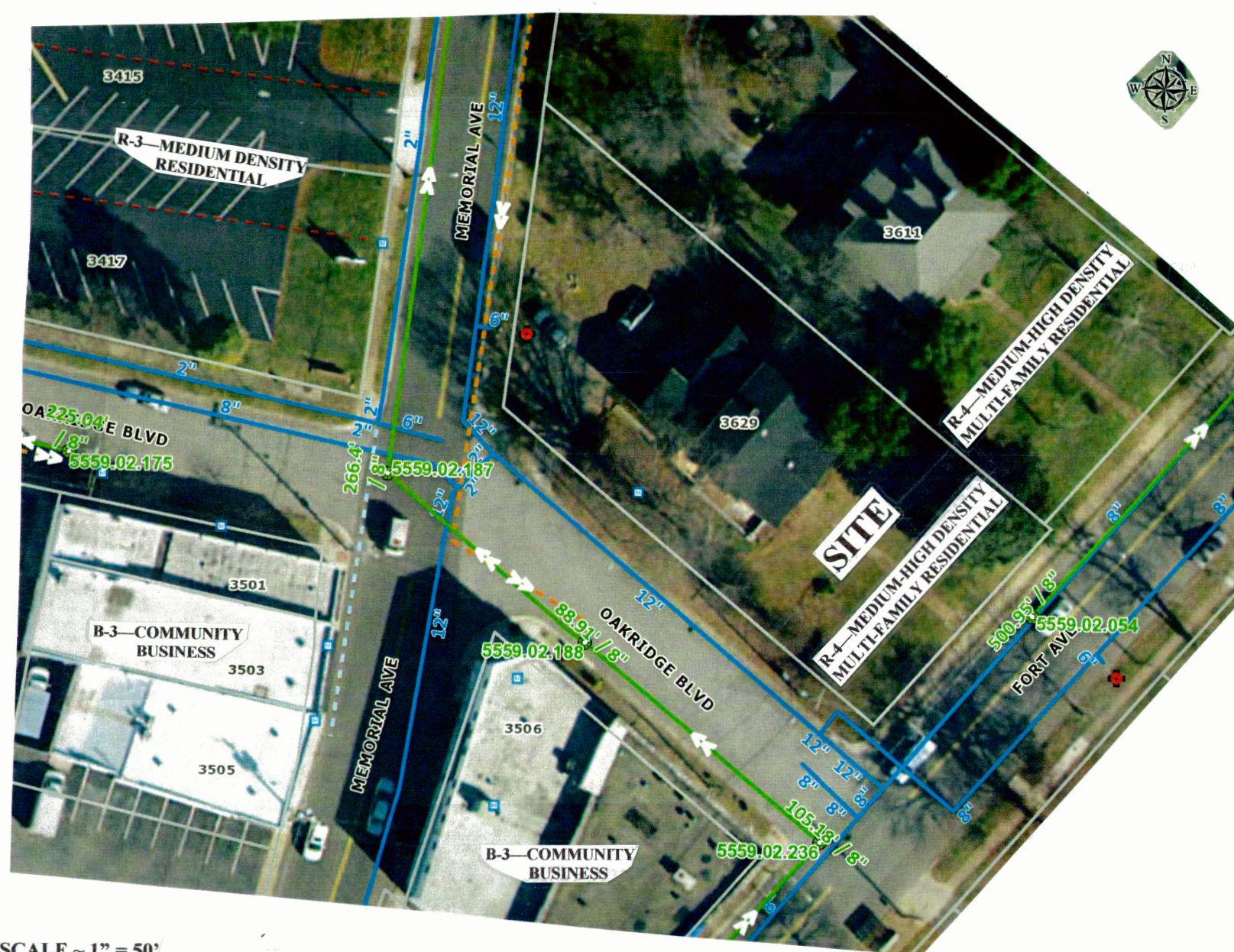
OVERVIEW MAP



NOTES:

- 1.) NO DETERMINATION OF WETLANDS WAS MADE NOR DOES THIS PLAT ADDRESS THE EXISTENCE OR DELINEATION OF ANY ENVIRONMENTALLY SENSITIVE AREAS IN OR AROUND THE BOUNDARIES OF THIS PROPERTY.
- 2.) THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES OR IMPROVEMENTS ON THIS PROPERTY. ALL ADJOINING OWNERS ARE NOW OR FORMERLY.
- 3.) **CITY TAX NO 03014040** REZONING PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY ON JANUARY 28, 1992 IN D.B. 812 PG. 618.
- 4.) OVERHEAD AND UNDERGROUND UTILITIES SERVE **CITY TAX NO 03014040**
- 5.) **CITY TAX NO 03014040** IS SERVED BY MUNICIPAL WATER AND SEWER.
- 6.) **SOURCE OF TITLE:** THIS PROPERTY WAS CONVEYED TO **HARRY SOWERS** BY DEED DATED **AUGUST 10, 2021** AND RECORDED IN **INS # 210007142** IN THE CLERKS OFFICE OF THE CIRCUIT COURT OF THE CITY OF LYNCHBURG.
- 7.) BASED ON A GRAPHIC DETERMINATION, THESE PROPERTIES LIE IN ZONE X, AREA OF MINIMAL FLOODING, ACCORDING TO THE F.E.M.A. FLOOD RATE MAP DATED JUNE 3, 2008.
- 8.) **TRUE HEALING MESSAGE, LLC** WILL HAVE 5 EMPLOYEES AND 1 INDEPENDENT CONTRACTOR. PARKING WILL BE ON-STREET AND OFF-STREET, UTILIZING OAKRIDGE BOULEVARD FOR EMPLOYEES AND OFF-STREET PARKING FOR CUSTOMERS.
- 9.) HOURS OF OPERATION WILL BE 7AM TO 8PM; MONDAY-SATURDAY.
- 10.) HANDICAP PARKING WILL BE UTILIZED IN THE BLACKTOP PARKING AREA AND THE NEW HANDICAP RAMP WILL BE PLACED PARALLEL TO OAKRIDGE BOULEVARD AND THE 1 1/2 STORY FRAME BUSINESS.

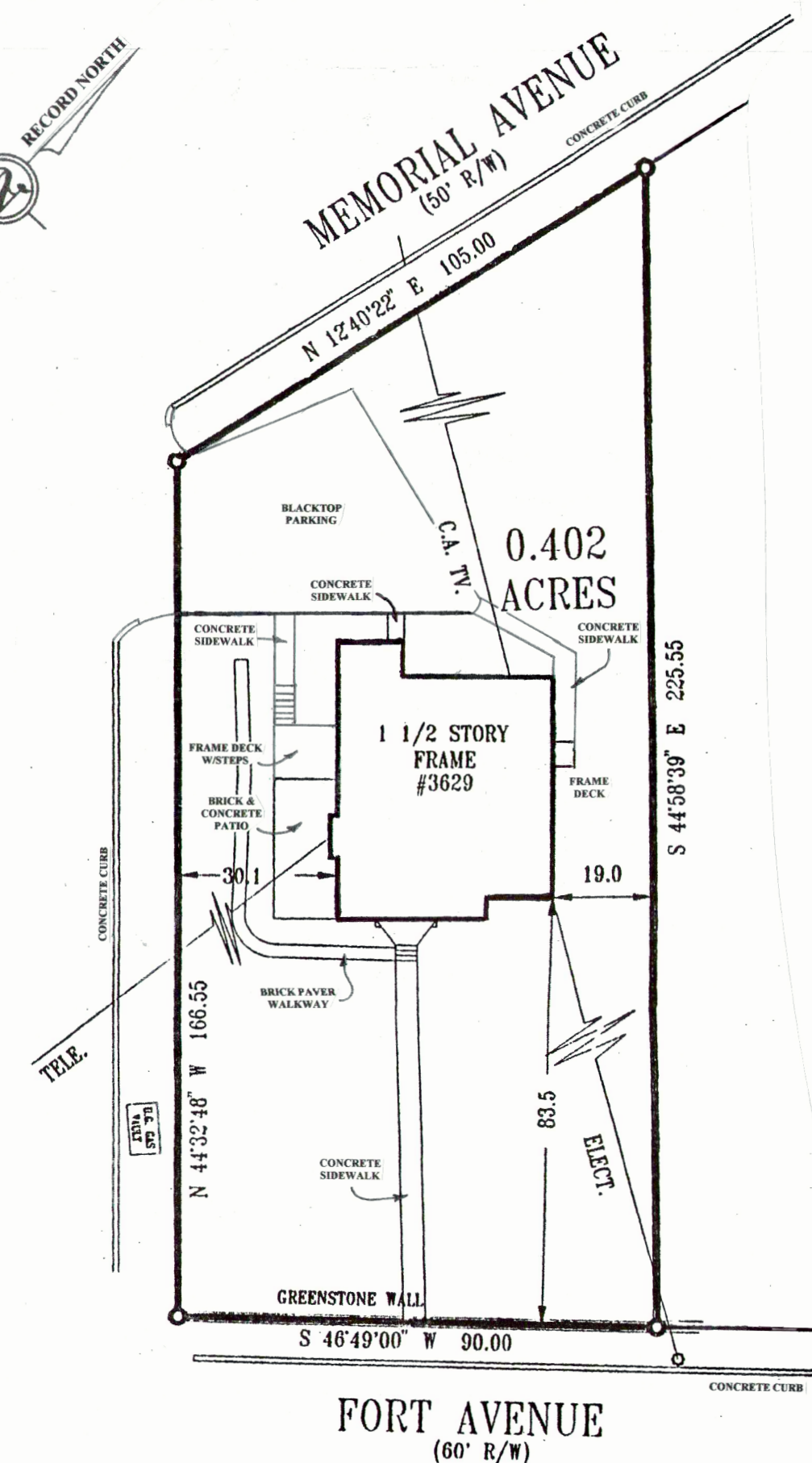
VICINITY AND EXISTING ZONING MAP



SCALE ~ 1" = 50'

- Manhole**
 - Standard Manhole
 - Lamp Stack CleanOut
 - Doghouse Manhole
 - Drop Manhole
 - Standard Vented Manhole
- Gravity Main**
 - Active
 - Abandoned
 - Proposed
 - Pressurized Main Label
 - Pressurized Main
- Water Main**
 - Water Meter
 - Hydrant
 - Water Main Label
 - Active
 - Abandoned
 - Proposed
 - Raw Water Main Label
 - Raw Water Main
- Streets**
- Addresses**
- Legal Lot Lines**
- Vacated Right of Way**
- Parcels**

OAKRIDGE BOULEVARD
(60' R/W)



REZONING PLAT SHOWING
CITY TAX NO 03014040
CURRENT ZONING R-4: MEDIUM-HIGH DENSITY MULTIFAMILY RESIDENTIAL
PROPOSED ZONING B-1: LIMITED BUSINESS
PROPERTY OF

HARRY SOWERS

CITY OF LYNCHBURG, VIRGINIA
SURVEYED FOR:
TRUE HEALING MESSAGE, LLC

SCALE ~ 1" = 30'
COMM NO 2021054
DATE: OCTOBER 19, 2021
F.B.

ALBERT E. NEIGHBORS JR.

SURVEYOR AND PLANNER

222 GREENDALE DRIVE
RUSTBURG, VIRGINIA 24588

OFFICE (434) 821-3446
Email ~ neighborslandsurveying@hotmail.com

---SERVING VIRGINIA SINCE 1974---



ALBERT E. NEIGHBORS JR.

SHEET 1 OF 1

Petition to Rezone
3629 Fort Avenue, Lynchburg VA 24501

Legal description of property: Grove Park, PT lot 6
Parcel ID: 03014040

This property was purchased with the intention of rezoning to B-1 to house the business True Healing Massage, LLC. Per city zoning ordinance, massage therapy businesses must exist in business zones, and cannot exist in any residential zones. True Healing Massage is a small business founded in 2019, and now has 5 active licensed massage therapists. Hours of operation are between 7am and 8pm. Four out of the five therapists work part time in shifts. Clients are seen by appointment only. Staff will utilize street parking on Oakridge Blvd, and clients will utilize the current driveway/parking lot. No changes will be made to the existing structure to accommodate the business, outside of handicap accessibility. A ramp is proposed to be built parallel to Oakridge Blvd leading to the side entrance of the building. Handicap parking will also be in the driveway/parking lot.

See rezoning plat for existing structure, driveway/parking lot boundaries, and proposed ramp location.

Current zone use of the property is high density residential (R-4) and has been used as a salon and bed and breakfast in the past.



OAKRIDGE BLVD

OAKRIDGE BLVD

MEMORIAL AVE

MEMORIAL AVE

FORT AVE

03/08/2021

© All Pictometry

Davidson, Anna

From: Debbie Martin
Sent: Wednesday, December 8, 2021 12:45 PM
To: Davidson, Anna
Subject: Planning Commission on 12-8-2021. Zoning change for 3629 Fort Avenue Lynchburg VA 24502

CAUTION: External Sender

Anna,

My name is Debra A Martin.

I am opposed to the rezoning of 3629 Fort Avenue from R4 Medium Density Residential to B1 Limited Business to allow a massage therapy business to operate in this single family dwelling.

My mother's house is 2 blocks west of this property in the 3800 block of Fort Avenue, which is R2 low-medium density single family. It is a section of Fort Avenue with lovely homes on the avenue and on the off streets. It would be a shame to have the character of the neighborhood changed with business occupancies encroaching, as has happened in other parts of the city.

Please do not change the zoning to allow additional businesses in this neighborhood.

Sincerely,
Debra A Martin

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 25, 2022**

AGENDA ITEM #: **3(c)**

REGULAR:
ACTION:

WORK SESSION: **X**
INFORMATION: **X**

CLOSED SESSION (Confidential):

ITEM TITLE: *Business Item Briefing: Encroachment Franchise Ordinance (Cornerstone's Rotunda St. & Colonnade St.)*

RECOMMENDATION: *This item will appear on the February 22, 2022 City Council agenda. Review and discuss the attached franchise ordinance. No action is necessary.*

SUMMARY: In the City, on Rotunda Street and Colonnade Street of the Cornerstone development, portions of the buildings related to the same were constructed on City property, namely in City sidewalks/public rights-of-way and over a City drainage easement. The remedy in this situation is to either 1) grant permission under certain terms and conditions for the existence of such encroachments; 2) permit the encroachments to exist pursuant to § 35-2.1 of the City's Code; or 2) require their immediate removal. Given the nature of the encroachments involved in this situation, City staff believes it is appropriate to grant permission in the form of a franchise ordinance for the encroachments to exist under certain terms and conditions. Given the nature of the grant and the length of the grant, the City will need to advertise for bids, accept a bid, and hold a public hearing before voting on whether to adopt the franchise ordinance.

The following course of action is proposed in these circumstances:

Jan. 27, 2022 and Feb. 4, 2022: Advertise for bids and a public hearing.

Feb. 22, 2022: (1) During the work session of the City Council's meeting, the Clerk of Council shall publicly open and announce all bids. The Mayor will then publicly ask if any other bids are to be submitted, and if none, the City Council will vote to accept the successful bid recommended by City staff.

(2) During the public hearing portion of the City Council's meeting, a public hearing on the successful bidder's franchise ordinance will be held. After the public hearing, a formal motion and vote on the adoption of the successful bidder's franchise ordinance should occur.

Note: If any bids are received on Feb. 22, 2022, during the City Council's meeting, then the City Council should table this matter until the next regular meeting date so staff may review the subsequent bid(s) received.

PRIOR ACTION(S): N/A

FISCAL IMPACT: TBD

CONTACT(S): Matthew C. Freedman, City Attorney; (434) 455-3980
Gaynelle L. Hart, Director of Public Works; (434) 455-3960
Greg Poff, Deputy Director of Water Resources; (434) 455-4249
Kent White, Director of Community Development; (434) 455-3910

ATTACHMENT(S):

- Ordinance
- Map(s)
- Proposed Advertisement

REVIEWED BY: raw

011A

Tax Map No. 263-16-018
Tax Map No. 263-16-019
Tax Map No. 263-16-020

AN ORDINANCE GRANTING A NON-EXCLUSIVE LIMITED FRANCHISE TO COLONNADE PARTNERS, LLC, TO PERMIT CERTAIN ENCROACHMENTS INTO THE CITY PUBLIC RIGHTS-OF-WAY OF ROTUNDA STREET AND COLONNADE STREET AND INTO A DRAINAGE EASEMENT HELD BY THE CITY

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

ARTICLE I. GRANT AND PURPOSE

Subject to the provisions, conditions, and restrictions hereafter set forth in this document, referred to as this "Franchise", the **CITY OF LYNCHBURG, VIRGINIA**, a municipal corporation, hereafter the "City", herein and hereby grants a non-exclusive limited franchise, right, privilege, easement, and authority to **COLONNADE PARTNERS, LLC**, a Virginia limited liability company, hereafter "CP", to maintain the current encroachments of its buildings and related facilities and structures from CP's real property located at 101 Colonnade Street, 121 Colonnade Street, and 301 Rotunda Street, Lynchburg, Virginia (the "CP Property"), in the City's property, public rights-of-way, and a permanent 20' drainage easement, hereafter the "Encroachments", in the City of Lynchburg, Virginia, being shown on a plat comprised of four (4) sheets, attached hereto to be recorded herewith, made by Perkins & Orrison, dated September 21, 2021, City File No. A-3534, entitled "PLAT SHOWING NEW ENCROACHMENT EASEMENT FOR THE PROPERTY OF COLONNADE PARTNERS, LLC. CORNERSTONE, BLOCK B, CITY OF LYNCHBURG, VIRGINIA", which said "Encroachments" are more particularly described as follows, *to-wit*:

TAX MAP NO. 263-16-018; 301 ROTUNDA STREET
ENCROACHMENT EASEMENT NO. 1 -- SHEET 2 OF 4

Beginning at a point in the northwest corner of Tax Map No. 263-16-018, at its intersection with the northeast boundary line of Tax Map No. 263-16-004 and the southern right-of-way line of Rotunda Street; thence along the northern boundary line of Tax Map No. 263-16-018 S 60° 21' 43" E 21.27 feet to the true point of beginning; thence N 29° 40' 00" E 0.15 feet to a point; thence S 60° 20' 00" E 29.88 feet to a point; thence N 29° 40' 00" E 3.27 feet to a point; thence S 61° 42' 44" E 13.14 feet to a point; thence S 29° 40' 00" W 3.59 feet to a point; thence S 60° 20' 36" E 50.71 feet to a point; thence S 29° 38' 17" W 0.11 feet to a point, said point being in the northeast corner of Tax Map No. 263-16-018; and thence along the northern boundary line of said property N 60° 21' 43" W 93.73 feet to the true point of beginning.

TAX MAP NO. 263-16-019; 121 COLONNADE STREET
ENCROACHMENT EASEMENT NO. 2 -- SHEET 3 OF 4
(LOCATED ON CITY DRAINAGE EASEMENT)

Beginning at a point in the easternmost corner of Tax Map No. 263-16-019, at its intersection with the southern right-of-way line of Rotunda Street and the western right-of-way line of Colonnade Street; thence along the eastern boundary line of Tax Map No. 263-16-019 S 29° 38' 17" W 10.14 feet to the

true point of beginning; thence continuing along said eastern boundary line S 29° 38' 17" W 11.61 feet to a point; thence N 04° 34' 28" W 26.31 feet to a point, said point being on the northern boundary line of Tax Map No. 263-16-019, thence along said northern boundary line S 60° 21' 43" E 8.61 feet to a point; thence S 29° 37' 38" W 3.46 feet to a point; thence S 60° 28' 36" E 3.63 feet to a point; thence S 29° 31' 24" W 6.70 feet to a point; and thence S 60° 27' 40" E 2.54 feet to the true point of beginning.

TAX MAP NO. 263-16-019; 121 COLONNADE STREET
ENCROACHMENT EASEMENT NO. 3 -- SHEET 3 OF 4

Beginning at a point in the easternmost corner of Tax Map No. 263-16-019, at its intersection with the southern right-of-way line of Rotunda Street and the western right-of-way line of Colonnade Street; thence along the eastern boundary line of Tax Map No. 263-16-019 S 29° 38' 17" W 38.74 feet to the true point of beginning; thence S 60° 28' 36" E 3.21 feet to a point; thence S 29° 31' 24" W 14.89 feet to a point; thence N 60° 28' 36" W 3.24 feet to a point; said point being on the eastern boundary line of Tax Map No. 263-16-019; and thence along said eastern boundary line N 29° 38' 17" E 14.89 feet to the true point of beginning.

TAX MAP NO. 263-16-019; 121 COLONNADE STREET
ENCROACHMENT EASEMENT NO. 4 -- SHEET 3 OF 4

Beginning at a point in the easternmost corner of Tax Map No. 263-16-019, at its intersection with the southern right-of-way line of Rotunda Street and the western right-of-way line of Colonnade Street; thence along the eastern boundary line of Tax Map No. 263-16-019 S 29° 38' 17" W 124.87 feet to the true point of beginning; thence S 60° 28' 36" E 3.29 feet to a point; thence S 29° 31' 24" W 13.87 feet to a point; thence N 60° 28' 36" W 3.31 feet to a point; said point being on the eastern boundary line of Tax Map No. 263-16-019; and thence along said eastern boundary line N 29° 38' 17" E 13.87 feet to the true point of beginning.

TAX MAP NO. 263-16-020; 101 COLONNADE STREET
ENCROACHMENT EASEMENT NO. 5 -- SHEET 4 OF 4

Beginning at a point in the easternmost corner of Tax Map No. 263-16-020, at its intersection with the eastern boundary line of Tax Map No. 263-16-004 and the western right-of-way line of Colonnade Street; thence along the eastern boundary line of Tax Map No. 263-16-020 S 29° 38' 17" W 40.34 feet to the true point of beginning; thence S 60° 17' 24" E 2.96 feet to a point; thence S 29° 42' 36" W 14.89 feet to a point; thence N 60° 17' 24" W 2.95 feet to point; said point being on the eastern boundary line of Tax Map No. 263-16-020; and thence along said eastern boundary line N 29° 38' 17" E 14.89 feet to the true point of beginning.

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TAX MAP NO. 263-16-020; 101 COLONNADE STREET
ENCROACHMENT EASEMENT NO. 6 -- SHEET 4 OF 4

Beginning at a point in the easternmost corner of Tax Map No. 263-16-020, at its intersection with the eastern boundary line of Tax Map No. 263-16-004 and the western right-of-way line of Colonnade Street; thence along the eastern boundary line of Tax Map No. 263-16-020 S 29° 38' 17" W 126.66 feet to the true point of beginning; thence S 60° 22' 08" E 3.35 feet to a point; thence S 29° 41' 03" W 12.64 feet to a point; thence N 60° 22' 08" W 3.34 feet to point; said point being on the eastern boundary line of Tax Map No. 263-16-020; and thence along said eastern boundary line N 29° 38' 17" E 12.64 feet to the true point of beginning.

The sole purpose of this Franchise is to permit CP to maintain the current Encroachments previously described. This Franchise shall in no way be construed to permit CP to expand or extend the Encroachments or create new encroachments upon the City's property, public rights-of-way, or easement in any way unless a written amendment to this Franchise is completed. CP shall not become vested with any further rights beyond what is previously described due to the existence of this Franchise or the Encroachments.

ARTICLE II. TERM

Unless this Franchise is sooner terminated in accordance with the terms described herein, this Franchise will be in effect for a term of thirty-nine (39) years, beginning on March 1, 2022, and ending February 28, 2061 at 11:59 p.m. This Franchise is intended to be a long-term arrangement, and at the expiration of the stated term, the City and CP will negotiate in good faith for a renewal of this Franchise under mutually acceptable conditions. At the end of the aforesaid term, unless a renewal of this Franchise has been negotiated, this Franchise shall continue as a month-to-month tenancy, subject to all terms and conditions contained in this Franchise. Such month-to-month tenancy shall continue until such time as the City gives CP thirty (30) days written notice of the termination of the month-to-month tenancy. However, in no event will this Franchise exceed a total period of forty (40) years without a formal renewal.

ARTICLE III. WORK, REPAIR, AND IMPROVEMENTS

In the event any maintenance, work, repair, improvements, or changes are required on the Encroachments, then CP shall be solely responsible for the same. The City shall have no duty whatsoever to inform CP of needed maintenance, work, repair, improvements, or changes to the Encroachments. Additionally, CP, at its sole expense and where required, shall obtain all necessary permits from all City, state, and federal agencies. Additionally, CP shall perform such maintenance, work, repair, improvements, or changes in accordance with all reasonable and applicable workman-like standards as well as in accordance with any applicable city, state, and federal regulations. In the event any maintenance, work, repair, improvements, or changes are required on the previously described City property, public rights-of-way, and/or easement of the City, and the Encroachments materially interfere with the same in any fashion, as determined in good faith by the City, then CP shall be solely responsible for the actual costs of such additional work that results from the interference of the Encroachments.

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ARTICLE IV. MAINTENANCE, INSPECTION, AND REPAIR

During the term of this Franchise, the City, its agents, and its employees, shall have the right to enter and inspect the Encroachments. The City will provide CP with reasonable notice of such entry and inspections, and if the City in its sole discretion determines it appropriate, the City, its employees, or its agents may take such actions as may be reasonably necessary to protect the City's property, public rights-of-way, easement, and/or any related facilities, from damage as a result from any condition or circumstances imposed by the Encroachments. CP shall be solely liable for the costs actually incurred in connection with the same.

ARTICLE V. DAMAGE TO PROPERTY

The City shall in no way be liable for any damage to or loss of any of CP's buildings, facilities, or property. It is expressly agreed and understood that the Encroachments encroach upon the City's public rights-of-way, property, and easement at CP's own risk. Further, CP shall be responsible for repairing or replacing any damages to the City's property, its public rights-of-way, and/or easement that are caused by the acts or omissions of CP, its employees, or its agents due to the existence of the Encroachments.

ARTICLE VI. INDEMNIFICATION AND INSURANCE

INDEMNIFICATION. CP shall indemnify, hold harmless, and defend the City, its employees, officials, and agents, from and against any and all lawsuits, claims, causes of action, liability, demands, damages, disability, losses and expenses, of any nature whatsoever, including reasonable attorneys' fees ("Liabilities"), resulting or in any manner arising out of injuries (including death) to any person or damage to or destruction of any property suffered as a result of the existence of the Encroachments. The City shall promptly notify CP of any Liabilities subject to indemnification and defense hereunder, and shall cooperate with all reasonable requests by CP for information, documents, testimony, or other assistance appropriate to a resolution of such Liabilities. CP shall have full responsibility for and control of any action or undertaking directed at the resolution of such Liabilities.

INSURANCE. During the term of this Franchise, CP shall obtain and maintain at its sole expense, with financially reputable insurers authorized to do business in the Commonwealth of Virginia, all the following minimum insurance coverage, with the City, its employees, officials, and agents as additional insureds where permitted by law and policy:

- (a) Workers' compensation as provided for under any worker's compensation or similar law in the jurisdiction where any work is performed with an employer's liability limit of not less than \$500,000 per accident.
- (b) Commercial general liability, including coverage for contractual liability and products completed operations liability, with a limit of not less than \$1,000,000 combined single limit per occurrence for bodily injury, personal injury, and property damage liability.
- (c) "All risk" property insurance covering not less than the full replacement costs of any damage CP, its employees, representatives, agents, or guests, may cause to the City's property, public rights-of-way, and/or easement.

CP shall further deliver to the City a Certificate of Insurance, satisfactory in form and content to the City, evidencing that the above insurance is in full force and effect. The insurance required herein shall require that CP must give the City thirty (30) calendar days advance written notice of

any cancellation, nonrenewal, or modification of coverage and a binder or certificate verifying new coverage in accordance with the requirements herein prior to any change, cancellation or nonrenewal date. In the event of such cancellation or nonrenewal notice, CP shall pay all premiums for the renewal or replacement of the insurance required hereunder. CP shall, at least thirty (30) days prior to the expiration of the policies, furnish the City with renewals or binders for the policies, or the City may order the required insurance and charge the cost to CP. Any and all such insurance policies shall name the City, its employees, officials, and agents as insured parties and shall include or be endorsed to include contractual liability.

The insurance required hereunder shall be primary, and any insurance or self-insurance maintained by the City shall be in excess of and shall not contribute with any insurance required of CP under this Franchise. Any deductibles or self-insured retentions applicable to required coverage shall be paid by CP, and the City shall not be required to participate therewith. All rights of subrogation against the City shall be waived.

Nothing contained in this Franchise shall limit CP's liability to the City to the limits of the insurance certified or carried.

Notwithstanding any of the other provisions of this Franchise, CP's failure to maintain the required insurance coverage throughout the term of this Franchise or the failure of CP to deliver a new and valid binder or certificate verifying such coverage is grounds for the immediate termination of this Franchise without prior notice.

The indemnification requirements described hereunder shall survive termination or expiration of this Franchise for a period of five (5) years beyond the same.

ARTICLE VII. COMPLIANCE WITH LAWS

The grant of this Franchise is subject to all ordinances, resolutions, and procedures of the City as the same now exist or may be hereinafter be adopted, amended, revised, or codified, in lawful exercise of any power granted to the City by the Virginia General Assembly or any other lawful body. The City agrees that, except in cases of emergency, it will give CP thirty (30) days' notice of all such rules and regulations adopted by the City before CP shall be required to comply therewith. In performing its responsibilities under this Franchise, CP will comply with all applicable state and federal laws and regulations all federal, state and local law, ordinances, rules, and regulations currently in force or subsequently adopted that may apply to its activities.

ARTICLE VIII. AMENDMENTS TO FRANCHISE

The City and CP may modify this Franchise from time to time; however, such modifications will be in writing and approved by the Council of the City of Lynchburg, Virginia.

ARTICLE IX-TERMINATION OF THE FRANCHISE

The City retains the right to withhold or withdraw any and all privileges granted under this Franchise and to terminate this Franchise at any time if CP fails to comply with any of the provisions of this Franchise. Exercise of this right by the City shall be in addition to and not in place of any other rights which the City has under the terms of this Franchise. Prior to exercising this right, the City Manager, or such other person or persons as the City Manager may from time to time designate, shall provide CP with written notice of the CP's failure to comply with the terms of this Franchise or default. CP shall have thirty (30) days from the date of such notice to remedy any such default. CP may make a written request for a reasonable extension of the

period in which it may remedy any such default to the City Manager, or such other person or persons as the City Manager may from time to time designate. Any such request by CP shall be in writing and must be made at least fifteen (15) days prior to the expiration of the initial thirty (30) day period stated previously. Any subsequent request shall be in writing and must be made prior to the expiration of any subsequent period.

If there are instituted by or against CP proceedings in bankruptcy or insolvency during the term of this Franchise, the City may terminate the same at any time thereafter. The exercise of this right by the City shall be in addition to and not in place of any other rights, which the City has under the terms of this Franchise. Any successors, or assignee or assignees, or trustee, or receiver of CP resulting from proceedings in bankruptcy or under any insolvency law shall be subject to and bound by all of the provisions, terms, conditions, and limitations of this Franchise.

The City retains the right to withhold or withdraw any and all privileges under this Franchise and to terminate this Franchise at any time if there is a taking of the CP Property by way of a court of competent jurisdiction. Exercise of this right by the City shall be in addition to and not in place of any other rights, which the City has under the terms of this Franchise.

ARTICLE X. NOTICES

Notices to the City and CP shall be sufficient if sent to the following persons and addresses or to such other persons and addresses as the City or CP may designate in writing from time to time.

Notices to CP shall be sufficient if sent by First Class Mail, addressed to:

Colonnade Partners, LLC
Attn: Cooper Faassen
83 Cozy Mountain Lane
Weaverville, NC 28787

Notices to the City shall be sufficient if sent by First Class Mail, addressed to:

City of Lynchburg, Virginia
ATTN: City Manager
900 Church Street – 3rd Floor
Lynchburg, VA 24504

ARTICLE XI. MISCELLANEOUS

- A. SUCCESSORS. This Franchise and the rights and responsibilities therein shall run with the title to the land and shall be binding upon and inure to the benefit of CP, successor owners, and assigns of the CP Property. Neither the City nor CP may assign this Franchise or any of the rights and/or responsibilities described herein without the written consent of the other, which will not be unreasonably withheld. Notwithstanding any other part of this Ordinance, the City Manager, in his discretion, shall have the authority to permit such assignments on behalf of the City without the same being approved by the Lynchburg City Council.
- B. SEVERABILITY. In the event that any provision of this Franchise shall be construed to be invalid or unenforceable by a court of competent jurisdiction, then the remaining portions of this Ordinance shall remain in full force and effect.

- C. GOVERNING LAW. This Franchise shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia, and any legal proceedings related to the same shall be filed in the courts of the City of Lynchburg, Virginia and in no other forum.
- D. ENTIRE FRANCHISE. All provisions with respect to this Franchise are expressly contained herein. No representative or agent of the City or CP has made any representation or promise with respect to this Franchise not expressly contained herein.
- E. RESERVATION OF RIGHTS. It is distinctively understood that all privileges and uses of the City's property, public rights-of-way, and/or easements, except to the extent herein granted to CP, are expressly reserved by the City to use at its discretion as the City may deem advisable.
- F. REMEDIES NOT EXCLUSIVE. All rights and remedies described in this Franchise shall be deemed cumulative and additional to all other rights and/or remedies available at law or in equity.
- G. BINDING EFFECT. This Franchise shall be binding and inure to the benefit of the City and CP, and their respective representatives, successors, and permissible assigns. Further, upon being admitted 'of record' in the Clerk's Office of the Circuit Court of the City of Lynchburg, Virginia, this Franchise shall constitute a covenant which runs with the land.
- H. MODIFICATION. This Franchise may be modified by the City and CP during its existence, but no modification shall be valid or enforceable unless made in writing and signed by both of the aforesaid entities. The Lynchburg City Council shall approve such modifications.
- I. INDEPENDENT ENTITIES. Nothing contained in this Franchise shall be construed as or deemed to make either the City nor CP the agent, partner, or joint venture of the other, except as may otherwise be provided in this Franchise. Nothing contained in this Franchise shall give CP any authority to represent the City before any court or governmental or regulatory agency without the express prior written authorization of the City. Unless otherwise provided in this Franchise, neither the City nor CP shall be responsible or held liable for the acts or omissions of the other. Further, in performing any services or engaging in any actions pursuant to this Franchise, CP is and shall be acting as an independent contractor, responsible to all parties for its acts and omissions, and the City shall not be liable for the same.
- J. THIRD PARTY RIGHTS. Nothing in this Franchise shall be deemed to create any rights to those who are not expressly made a party to this Franchise. The parties to this Franchise are the City and CP.
- K. COUNTERPARTS AND SIGNATURES. This Franchise may be executed in counterparts. Each of which when so executed shall be deemed to be an original and all of which taken together shall constitute one document. Further, this Franchise may be executed and/or sealed electronically. An electronic signature and/or seal shall be equally as enforceable as an original signature or seal.
- L. HEADINGS. Marginal headings contained in this Franchise are for convenience only and shall not be considered to amplify, relate, modify or otherwise affect any of the terms, provisions or conditions of this Franchise.

- M. COVENANT OF NON-DISCRIMINATION. CP does hereby covenant that no person on the grounds of race, sex, color, national origin, or any other basis prohibited by federal or Virginia shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the operation of any of the facilities, buildings, or the like which may be connected to this Franchise. CP further covenants it will not discriminate against and will make all reasonable efforts to accommodate persons with disabilities as required by the Americans with Disabilities Act.

ARTICLE XII – METHOD OF ACCEPTANCE

Any person, firm, corporation, or other entity bidding for this Franchise shall deposit with their bid a check in the amount of ONE HUNDRED AND 00/100 DOLLARS (\$100.00), payable as security to the City, and shall accept this Franchise in writing before or within thirty (30) days after its adoption by the Lynchburg City Council. Upon the failure of the successful bidder to accept the same as stated, the successful bidder shall forfeit its deposit to the City. The checks of all other bidders shall be returned upon the acceptance of a successful bid. The said deposit will be returned to the successful bidder upon the said franchise being accepted.

This Ordinance shall be and become effective as a Franchise and shall constitute a contract between the City and CP once adopted by the Lynchburg City Council and executed on behalf of CP by its duly authorized representative.

ARTICLE XIII – ADOPTION OF ORDINANCE

This Ordinance was duly adopted by the Council of the City of Lynchburg, Virginia on the _____ day of _____, 20_____, and shall be effective as of the 1st day of March, 2022.

Certified: _____
Clerk of Council

APPROVED AS TO FORM:

City Attorney/Designee

(Remainder of Page Intentionally Left Blank)
(Acceptance Shown on the Following Page)

ARTICLE XIV - ACCEPTANCE OF FRANCHISE

By joining in this Ordinance through signature of its authorized representative, CP does hereby accept the entirety of the same as of its adoption date.

COLONNADE PARTNERS, LLC

(SEAL)

By: _____

Its: _____

ATTEST:

By: _____

Its: _____

OWNER:

COLONNADE PARTNERS, LLC.
PO BOX 565
FOREST, VA 24551-0565

PARCEL ID: 26316018, 26316019, 26316020
SOURCE OF TITLE: INST# 210007886

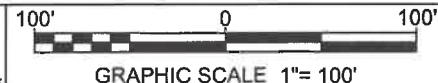
NOTES

1. THIS PLAT HAS BEEN PREPARED FROM A FIELD SURVEY DONE BY PERKINS & ORRISON ON JUNE 8, 2021.
2. THE SOLE PURPOSE OF THIS PLAT IS TO SHOW NEW ENCROACHMENT EASEMENTS. SAID EASEMENTS ARE INTENDED TO INCLUDE THE BUILDINGS, COVERED PORCHES AND CANOPIES THAT ENCROACH INTO THE CITY OF LYNCHBURG RIGHT-OF-WAY AND DRAINAGE EASEMENT.
3. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT INDICATE ALL OF THE ENCUMBRANCES UPON THE PROPERTY.
3. AS DETERMINED BY GRAPHIC SCALING ONLY, THESE PROPERTIES ARE IN FLOOD ZONE "X"(UNSHADED AREA), ARE NOT WITHIN 100 YEAR FLOOD ZONE, ACCORDING TO FEMA PANEL #5100930103D DATED JUNE 3, 2008



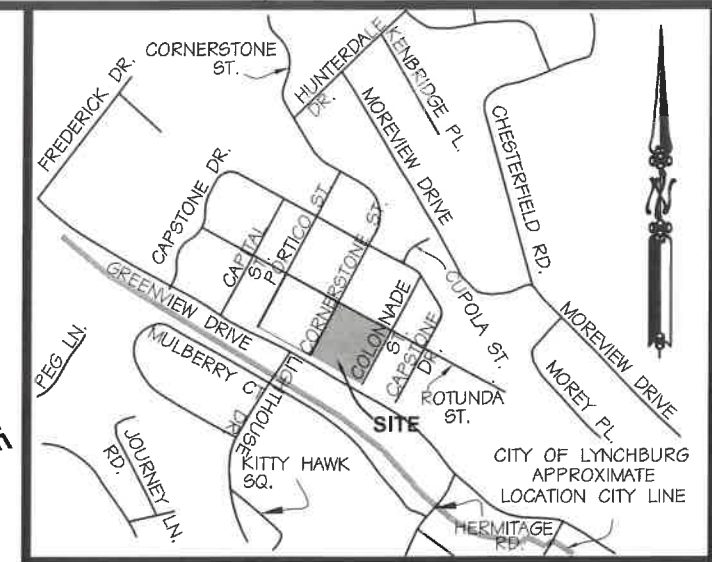
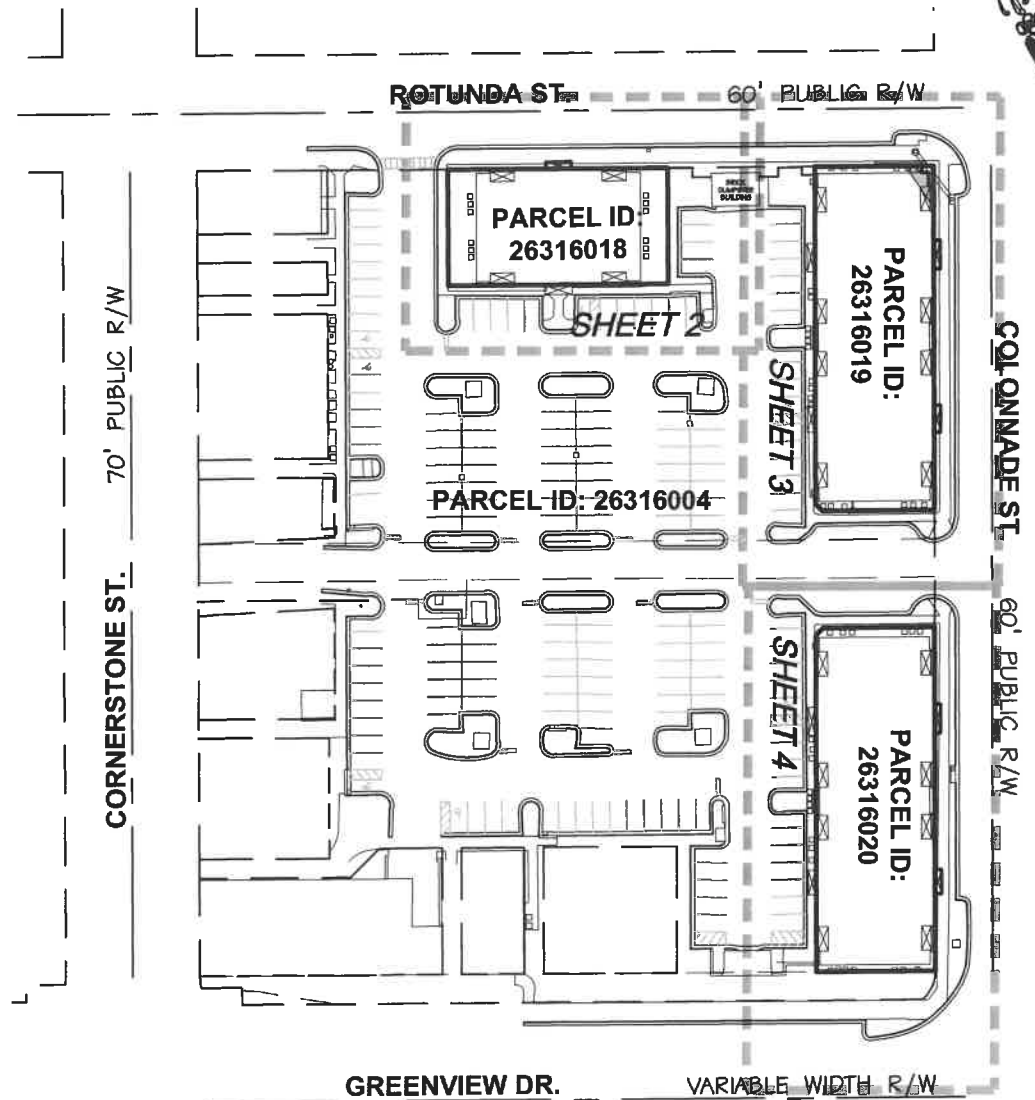
317 Brook Park Place
Forest, Virginia 24551

Office: 434-525-5985
Fax: 434-525-5986
E-Mail: pno@perkins-orrison.com
WEBSITE - <http://www.perkins-orrison.net>



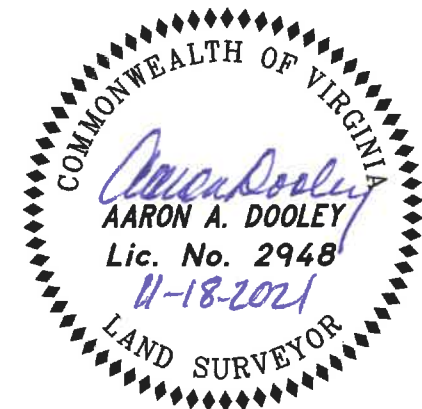
DATE: 9/21/2021

JOB#: 21358
DWG: V-EP-21358
DWN: CDS



APPROVED:

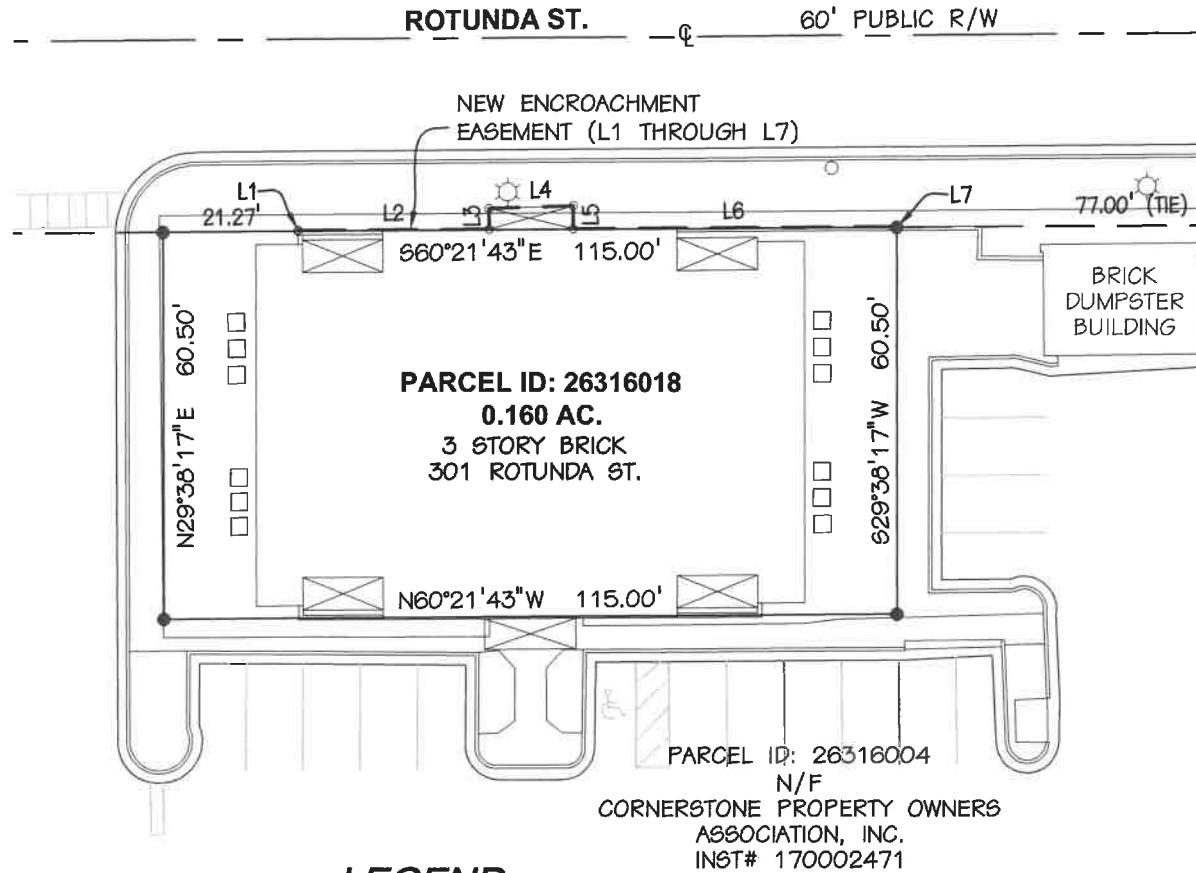
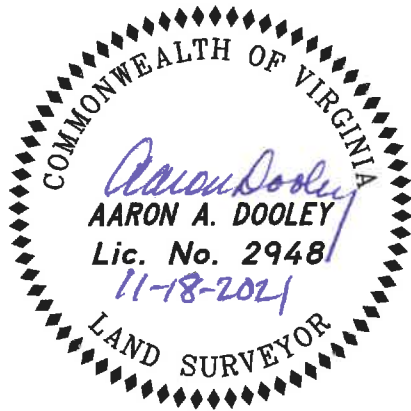
J. Lee Noland
CITY ENGINEER, LYNCHBURG, VIRGINIA
DATE: 11/23/21



SHEET 1 OF 4 CITY FILE NO. A-3534

**PLAT SHOWING NEW ENCROACHMENT
EASEMENT FOR THE PROPERTY OF
COLONNADE PARTNERS, LLC.
CORNERSTONE, BLOCK B
CITY OF LYNCHBURG, VIRGINIA**

VA STATE PLANE-SOUTH ZONE



LEGEND

- PROPERTY CORNER
- ☆— LIGHT POLE
- ⊗— SANITARY SEWER MANHOLE
- ⊗— WATER VALVE
- ⊗— FIRE HYDRANT
- ⊗— TELEPHONE PEDESTAL
- ⊗— CLEANOUT
- ⊗— STORM MANHOLE
- N/F— NOW OR FORMERLY

EASEMENT LINE TABLE		
LINE	BEARING	LENGTH
L1	N29°40'00"E	0.15'
L2	S60°20'00"E	29.88'
L3	N29°40'00"E	3.27'
L4	S61°42'44"E	13.14'
L5	S29°40'00"W	3.59'
L6	S60°20'36"E	50.71'
L7	S29°38'17"W	0.11'

SHEET 2 OF 4 CITY FILE NO. A-3534
**PLAT SHOWING NEW ENCROACHMENT
EASEMENT FOR THE PROPERTY OF
COLONNADE PARTNERS, LLC.
CORNERSTONE, BLOCK B
CITY OF LYNCHBURG, VIRGINIA**

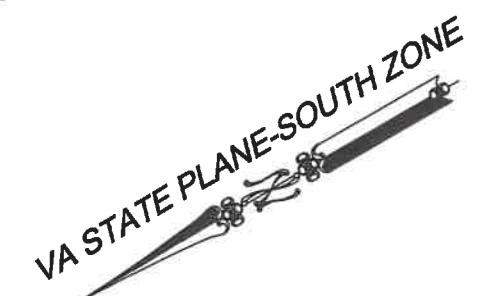
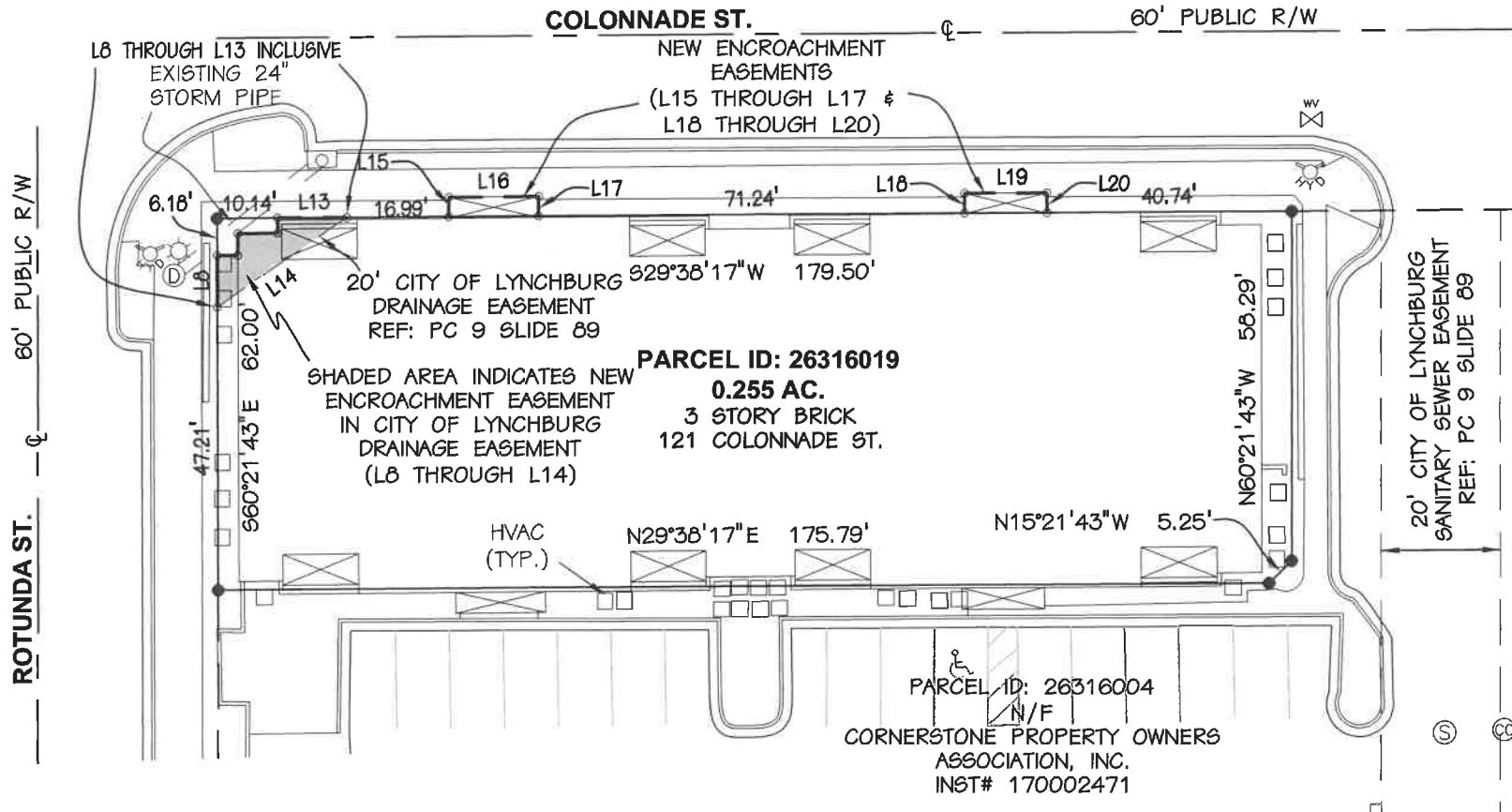
317 Brook Park Place
Forest, Virginia 24551

Office: 434-525-5985
Fax: 434-525-5986
E-Mail: pno@perkins-orrison.com
WEBSITE - <http://www.perkins-orrison.net>

30' 0 30'
GRAPHIC SCALE 1"= 30'

DATE: 9/21/2021

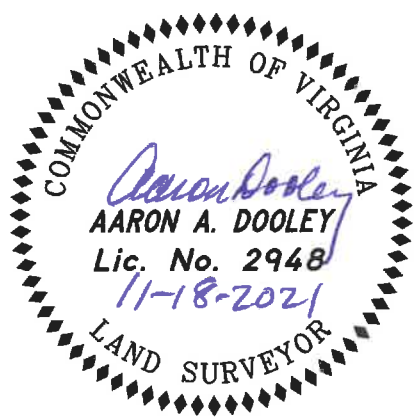
JOB#: 21358
DWG: V-EP-21358
DWN: CDS



EASEMENT LINE TABLE		
LINE	BEARING	LENGTH
L8	S60°21'43"E	8.61'
L9	S29°37'38"W	3.46'
L10	S60°26'36"E	3.63'
L11	S29°31'24"W	6.70'
L12	S60°27'40"E	2.54'
L13	S29°38'17"W	11.61'
L14	N04°34'28"W	26.31'
L15	S60°28'36"E	3.21'
L16	S29°31'24"W	14.89'
L17	N60°28'36"W	3.24'
L18	S60°28'36"E	3.29'
L19	S29°31'24"W	13.87'
L20	N60°28'36"W	3.31'

LEGEND

- PROPERTY CORNER
- ☼— LIGHT POLE
- ⊙— SANITARY SEWER MANHOLE
- ⊗— WATER VALVE
- ☼— FIRE HYDRANT
- ⊙— TELEPHONE PEDESTAL
- ⊙— CLEANOUT
- ⊙— STORM MANHOLE
- N/F— NOW OR FORMERLY

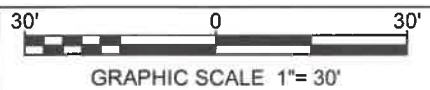


SHEET 3 OF 4 CITY FILE NO. A-3534

**PLAT SHOWING NEW ENCROACHMENT
EASEMENT FOR THE PROPERTY OF
COLONNADE PARTNERS, LLC.
CORNERSTONE, BLOCK B
CITY OF LYNCHBURG, VIRGINIA**

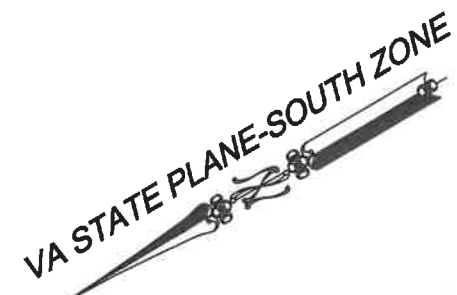
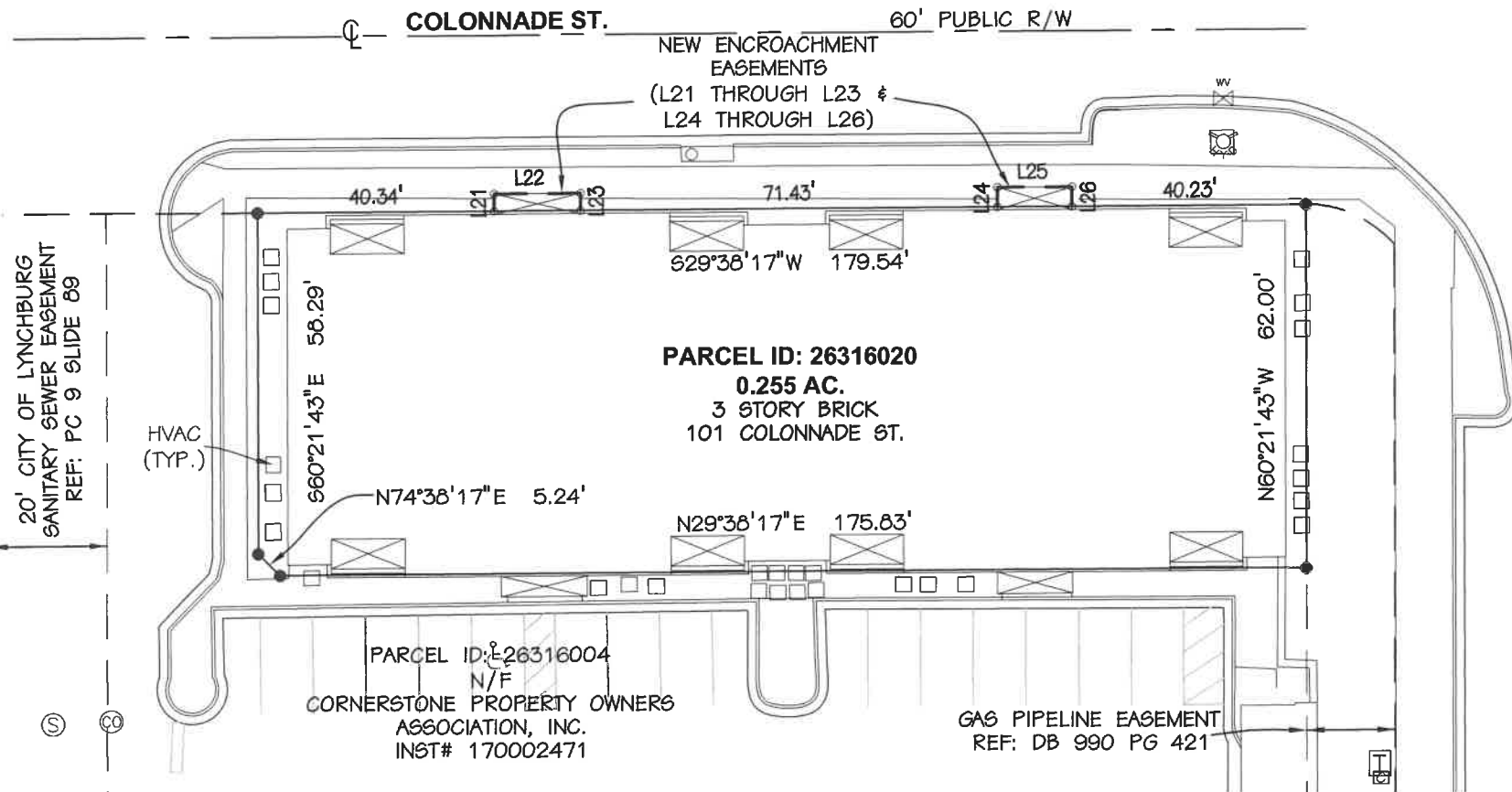
317 Brook Park Place
Forest, Virginia 24551

Office: 434-525-5985
Fax: 434-525-5986
E-Mail: pno@perkins-orrison.com
WEBSITE - <http://www.perkins-orrison.net>



DATE: 9/21/2021

JOB#: 21358
DWG: V-EP-21358
DWN: CDS



VARIABLE WIDTH R/W

GREENVIEW DR.

PARCEL ID: 26316020
0.255 AC.
 3 STORY BRICK
 101 COLONNADE ST.

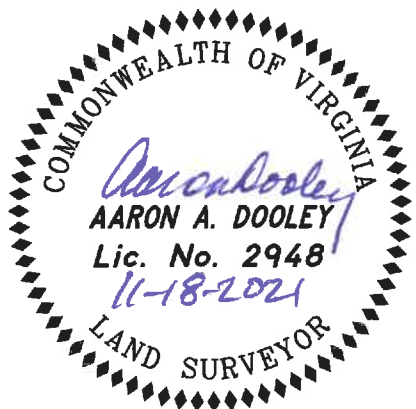
PARCEL ID: 26316004
 N/F
 CORNERSTONE PROPERTY OWNERS
 ASSOCIATION, INC.
 INST# 170002471

GAS PIPELINE EASEMENT
 REF: DB 990 PG 421

LEGEND

- PROPERTY CORNER
- ☼— LIGHT POLE
- ⊙— SANITARY SEWER MANHOLE
- ⊗— WATER VALVE
- ⚡— FIRE HYDRANT
- TELEPHONE PEDESTAL
- ⊙— CLEANOUT
- ⊙— STORM MANHOLE
- N/F— NOW OR FORMERLY

EASEMENT LINE TABLE		
LINE	BEARING	LENGTH
L21	S60°17'24"E	2.96'
L22	S29°42'36"W	14.89'
L23	N60°17'24"W	2.95'
L24	S60°22'06"E	3.35'
L25	S29°41'03"W	12.64'
L26	N60°22'06"W	3.34'

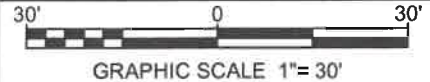


SHEET 4 OF 4 CITY FILE NO. A-3534

**PLAT SHOWING NEW ENCROACHMENT
 EASEMENT FOR THE PROPERTY OF
 COLONNADE PARTNERS, LLC.
 CORNERSTONE, BLOCK B
 CITY OF LYNCHBURG, VIRGINIA**

317 Brook Park Place
 Forest, Virginia 24551

Office: 434-525-5985
 Fax: 434-525-5986
 E-Mail: pno@perkins-orrison.com
 WEBSITE - <http://www.perkins-orrison.net>



DATE: 9/21/2021

JOB#: 21358
 DWG: V-EP-21358
 DWN: CDS

AN INVITATION FOR BIDS AND A PUBLIC HEARING ADVERTISEMENT FOR AN ORDINANCE GRANTING A FRANCHISE TO COLONNADE PARTNERS, LLC FOR A NONEXCLUSIVE LIMITED RIGHT TO MAINTAIN CERTAIN ENCROACHMENTS IN THE CITY'S PROPERTY, PUBLIC RIGHTS-OF-WAY, AND A PERMANENT 20' DRAINAGE EASEMENT AT 101 COLONNADE STREET, 121 COLONNADE STREET, AND 301 ROTUNDA STREET, LYNCHBURG, VIRGINIA

The City of Lynchburg, Virginia (City) is considering granting a franchise, easement, and privilege to Colonnade Partners, LLC for a term of thirty-nine (39) years for the nonexclusive limited right to maintain their existing encroachments of buildings, related facilities, and structures in the City's property, public rights-of-way, and a permanent 20' drainage easement at 101 Colonnade Street, 121 Colonnade Street, and 301 Rotunda Street, Lynchburg, Virginia, as shown on a plat comprised of four (4) sheets made by Perkins & Orrison, dated September 21, 2021, City File No. A-3534, entitled "PLAT SHOWING NEW ENCROACHMENT EASEMENT FOR THE PROPERTY OF COLONNADE PARTNERS, LLC. CORNERSTONE, BLOCK B, CITY OF LYNCHBURG, VIRGINIA", and available for review at the Engineering Division of the City's Public Works Department at the City Hall, 900 Church Street, Lynchburg, VA 24504.

Because the franchise, easement, and privilege to be granted will be in excess of five (5) years, the City is advertising for bids in accordance with Sections 15.2-2101 and 15.2-2102 of the Code of Virginia, 1950, as amended. Interested parties should submit their bid in the form of a Letter of Commitment, a completed Acceptance of Franchise page of the proposed ordinance, and a \$100 deposit in the form of a check payable to the City. Such bids should be marked as CORNERSTONE FRANCHISE BID in an envelope delivered by hand or mail to the City, Attn: Clerk of Council, 900 Church Street, Lynchburg, VA 24504. All bids are due on or before 5:00 p.m., February 15, 2022. The Clerk of Council shall publicly open and announce all bids received during the City Council's Work Session on February 22, 2022, at 4:00 p.m. or as soon thereafter as possible, in the Council Chamber of the City Hall, 900 Church Street, Lynchburg, VA 24504. Bids shall further be received by the Mayor of the City thereafter during such Work Session. Where appropriate, the City Council will choose a successful bidder. The City reserves the right to reject any and all bids.

In the event a successful bidder is chosen by the City Council, a public hearing will be held before the City Council on February 22, 2022, at 7:30 p.m. or as soon thereafter as may be heard, in the Council Chamber of the City Hall, 900 Church Street, Lynchburg, VA 24504, concerning the adoption of the proposed ordinance granting the franchise to the successful bidder. A copy of the full text of the proposed ordinance is on file with the Clerk of Council and available for review. All interested persons are invited to appear at the said public hearing and present their views. Questions and/or comments may be referred to Alicia Finney, the Clerk of Council for the City of Lynchburg, Virginia, who may be contacted by phone at (434) 455-3990 or by email at alicia.finney@lynchburgva.gov.

**ADVERTISE ONCE A WEEK FOR TWO SUCCESSIVE WEEKS IN THE NEWS & ADVANCE
CITY PAYS UP FRONT FOR THE AD BUT SUCCESSFUL BIDDER REIMBURSES**

January 27, 2022

February 4, 2022

January 25, 2022



CITY COUNCIL AGENDA

City Council Meeting - 7:30 p.m.

Council Chamber | City Hall, 900 Church Street, Lynchburg, VA 24504

IV. Invocation *Councilmember Wilder*

V. Recognitions

Liberty University Women's Field Hockey
University of Lynchburg Men's Soccer
University of Lynchburg Women's Cross Country
University of Lynchburg Men's Cross Country
Mayor's Youth Council Member –
Miss Amiyah Chalmers

VI. Public Hearing

- 6) Consideration of adopting Resolution #R-22-___ issuing a limited non-exclusive license to VA SKYWIRE LLC for the construction, maintenance, and operation of fiber optic cable system.
-

VII. Public Comment

**Public Comment Addendum will be posted separately after the citizen sign-up deadline of Friday at noon preceding the Council meeting.*

VIII. General Business

- 7) Consideration of introducing Resolution #R-22-___ amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$33,650 for the preservation of several records.

January 25, 2022

- 8) Consideration of introducing Resolution #R-22-____ amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$20,768 to aid in youth affected by the COVID-19 pandemic.
- 9) Consideration of introducing Resolution #R-22-____ amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$42,532 for the purchase of two (2) Power Pro stretchers for the Fire Department.
- 10) Consideration of adopting Resolution #R-22-____ approving \$23,000 in the Capital Improvement Program Community Park Investment Fund for the renovation of baseball fields of Miller Park.
- 11) Consideration of adopting Resolution #R-22-____ approving \$5,000 in the Capital Improvement Program Community Park Investment Fund for a pump track at Peaks View Park.
- 12) Consideration of adopting Resolution #R-22-____ requesting VDOT to increase the official city street lane mileage for reimbursement of highway maintenance funds for FY 2023.
- 13) Consideration of adopting Resolution #R-22-____ requesting a location change of the Work Session portion of the February 8, 2022 regular meeting of the City Council.
- 14) {Second Reading}: Consideration of adopting Resolution #R-21-088(b) amending the FY 2022 Schools Capital Fund budget and appropriating \$3,500,000 from the CARES Act to fund the City Schools In-Home Network Extension project.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 25, 2022**

AGENDA ITEM #: **6**

REGULAR: **X**
ACTION: **X**

WORK SESSION:
INFORMATION:

CLOSED SESSION (Confidential):

ITEM TITLE: VA SKYWIRE LLC Fiber Optic Cable System License

RECOMMENDATION: After a Public Hearing, adopt the attached Resolution issuing a limited non-exclusive license to VA SKYWIRE LLC for the construction, maintenance, and operation of a fiber optic cable system.

SUMMARY: VA SKYWIRE LLC has requested the City grant it a non-exclusive interim license for the installation, maintenance, and operation of a fiber optic cable system within the corporate limits of the City of Lynchburg, Virginia from 700 12th Street to 1503 Grace Street.

PRIOR ACTION(S): January 11, 2022: Business Item Briefing

FISCAL IMPACT: None

CONTACT(S): Lee Newland, City Engineer, 455-3947
Gaynelle Hart, Director of Public Works, 455-4450

ATTACHMENT(S):
• Resolution

REVIEWED BY: raw

012A

RESOLUTION:

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

1. That VA SKYWIRE LLC is granted a non-exclusive interim license to construct, maintain, and operate an aboveground and underground fiber optic cable system within the corporate limits of the City of Lynchburg, Virginia (City), being limited to the locations of 700 12th Street to 1503 Grace Street, as more specifically described and limited in that certain Interim License Agreement dated December 27, 2021, that is between the City and VA SKYWIRE LLC. Such Interim License Agreement is expressly incorporated herein by reference.
2. That the City Manager is authorized to execute the said Interim License Agreement on behalf of the City, and the Clerk of Council is authorized to attest the same.
3. That this Resolution shall become effective upon its adoption.

Adopted:

Certified: _____
Clerk of Council

RESOLUTION:

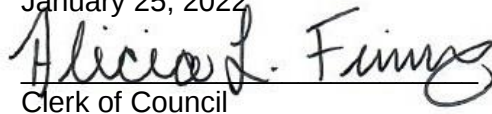
#R-22-004

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

1. That VA SKYWIRE LLC is granted a non-exclusive interim license to construct, maintain, and operate an aboveground and underground fiber optic cable system within the corporate limits of the City of Lynchburg, Virginia (City), being limited to the locations of 700 12th Street to 1503 Grace Street, as more specifically described and limited in that certain Interim License Agreement dated December 27, 2021, that is between the City and VA SKYWIRE LLC. Such Interim License Agreement is expressly incorporated herein by reference.
2. That the City Manager is authorized to execute the said Interim License Agreement on behalf of the City, and the Clerk of Council is authorized to attest the same.
3. That this Resolution shall become effective upon its adoption.

Adopted: January 25, 2022

Certified:


Clerk of Council

January 25, 2022



CITY COUNCIL AGENDA ADDENDUM | PUBLIC COMMENT

City Council Meeting - 7:30 P.M.
Council Chamber, City Hall, 900 Church Street

A) Hear from a citizen regarding a concern. (Gary Taylor)

RULES OF PROCEDURE

- // An individual may speak for up to 3 minutes; please state clearly your name and locality of residence.
- // A group spokesperson may speak for up to 5 minutes; please state clearly your name and the group you will be representing.

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.

Finney, Alicia

From: Gary Taylor <gltaylor50@yahoo.com>
Sent: Tuesday, January 18, 2022 6:55 PM
To: Finney, Alicia
Cc: Gary Taylor
Subject: Re: City council 1-25 meeting

CAUTION: External Sender

Ms. Finney,

Go ahead and put me down for public education and other tools to better overall education. Thanks, Gary Taylor

On Tuesday, January 18, 2022, 02:30:07 PM EST, Finney, Alicia <alicia.finney@lynchburgva.gov> wrote:

Hi Gary & Happy New Year to you as well!

I'd be happy to schedule you for public comment at the January 25th City Council meeting. Before I can do so, I'll need to know your topic of discussion. I see you're considering education and charter schools, but have not committed. Please confirm your topic by noon on Friday, January 21st, in order to complete your sign up.

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

-----Original Message-----

From: Gary Taylor <gltaylor50@yahoo.com>
Sent: Tuesday, January 18, 2022 2:25 PM
To: Finney, Alicia <Alicia.Finney@lynchburgva.gov>
Cc: Gary Taylor <gltaylor50@yahoo.com>
Subject: City council 1-25 meeting

CAUTION: External Sender

Happy New Year Ms. Finley,
Would you please sign me up to speak during public comments at next city council? Not sure yet my topic will be yet, gave plethora of issues to pick from, but believe it will be education and charter schools...Thank you Gary Taylor,
980-406-8868
Sent from my iPhone

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 25, 2022**

AGENDA ITEM #: **7**

REGULAR: **X**

WORK SESSION:

CLOSED SESSION (Confidential):

ACTION: **X**

INFORMATION:

ITEM TITLE: Library of Virginia Grant to Preserve Historical Records at the Circuit Court Clerk's Office

RECOMMENDATION: Adopt a resolution to amend the FY 2022 City/Federal/State Aid Fund budget and appropriate \$33,650 with resources from a grant from the Library of Virginia to preserve Land Book (1896-1898); Land Book (1887, 1892, 1893); Marriage Bonds: Volume L-Z (1841-1847); Marriage Bonds: Volume A-Z (1848-1849, 1805-1852, 1856-1857); Register of Births (1865, 1872-1896); Register of Deaths (1886-1896), Register of Deaths (1865, 1872-1896); and Deed Book: Volume 59 (1889-1900).

SUMMARY: The Library of Virginia allows Circuit Court Clerk's Offices statewide to submit applications for grant funding to preserve historical records on an annual basis. The Lynchburg Circuit Court Clerk's Office submitted a grant application to reformat and preserve the aforementioned records at a total amount of \$33,650. This grant application has been approved for the full amount requested. No local match is required. The grant covers 100% of the costs related to this preservation work.

PRIOR ACTION(S): Finance Committee, January 25, 2022 (Request to appropriate funds)

FISCAL IMPACT: None – no local match is required.

CONTACT(S): K. Todd Swisher, Circuit Court Clerk, 455-2611

ATTACHMENT(S):

- Resolution
- Library of Virginia Grant Agreement and Signed Certification Form

REVIEWED BY: MMB WCB

RESOLUTION:

BE IT RESOLVED that the FY 2022 City/Federal/State Aid Fund budget is amended and \$33,650 is appropriated with resources from a grant from the Library of Virginia to preserve Land Book (1896-1898); Land Book (1887, 1892, 1893); Marriage Bonds: Volume L-Z (1841-1847); Marriage Bonds: Volume A-Z (1848-1849, 1805-1852, 1856-1857); Register of Births (1865, 1872-1896); Register of Deaths (1886-1896), Register of Deaths (1865, 1872-1896); and Deed Book: Volume 59 (1889-1900).

Introduced:

Adopted:

Certified:

Clerk of Council



Sandra Gioia Treadway
Librarian of Virginia

Dec. 16, 2021

Grant Agreement Number: 2022FY-005

The Honorable Kenneth T. "Todd" Swisher
Clerk of the Circuit Court
City of Lynchburg
P.O. Box 4
Lynchburg, VA 24505

Dear Mr. Swisher,

The Circuit Court Records Preservation Grants Review Board met on Thursday, Dec. 16th, 2021 to consider 115 applications submitted from 101 localities. It is our pleasure to inform you that your Item Conservation grant application to the Virginia Circuit Court Records Preservation Program has been **approved in the full amount of \$33,649.25**. The following item(s) have been approved by the Review Board: **Deed Book 59, 1889-1900; Land Books 1887, 1892-1893; Land Books 1896-1898; Marriage Bonds & Certificates A-Z, 1805-1857; Marriage Bonds L-Z, 1841-1847; Register of Births 1865, 1872-1896; Register of Deaths 1865, 1872-1896; Register of Deaths 1886-1896**. This grant is subject to the stated amount, availability of funds, and any provisos listed in this letter or on the enclosed CCRP Grants Program Application Certification form. Please review these provisos carefully to determine the scope and/or limitations of the project.

You will find the Award Certification form included with this letter. This agreement, along with the original grant application, details the term of your project, the portion of your project supported with grant funds, and the specific work that is to be accomplished. It will also indicate your fiscal and program reporting requirements. Please read the agreement carefully and return it electronically **within fifteen days of receipt** to Michelle Washington at the Library of Virginia (Michelle.Washington@lva.virginia.gov). Contact your item conservation vendor representative to make arrangements for them to collect the approved items. If you have any questions regarding this award or agreement, please contact Greg Crawford at (804) 692-3505.

Please accept our congratulations on the approval of your 2022FY application. We appreciate your interest in preserving Virginia's documentary heritage and extend our best wishes for a successful project. We will look forward to working with you next year in preparation for the 2023FY grant cycle.

Sincerely,

A handwritten signature in black ink that reads "Kathleen S. Jordan".

Kathleen S. Jordan
Director of Government Records Services

A handwritten signature in black ink that reads "Kristin N. Nelson".

Kristin N. Nelson
President, Virginia Court Clerks' Association

CCRP GRANTS PROGRAM AWARD CERTIFICATION FORM

Locality: Lynchburg City

Date of Award: 12/16/2021

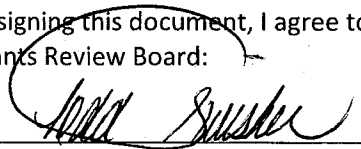
Grant #: 2022FY-005

Amount of Grant Award: \$33,649.25

Grant Type: Item Conservation

Amount of Grant Request: \$33,649.25

By signing this document, I agree to the three statements below, as well as the decision of the CCRP Grants Review Board:


Signature of Circuit Court Clerk

K. TODD SWISHER
Typed or Printed Name of Circuit Court Clerk

Statement regarding expenditure of funds:

I will abide by applicable state and local procurement rules and agree that funds granted under the Virginia Circuit Court Records Preservation Program will be spent only in accordance with the plan of work and budget statement presented in this application, and that any changes in the submitted proposal of work and/or budget will be submitted in writing to the grants office for approval in advance. I understand that grant funds will only be released upon receipt of verification form indicating that the proposal of work has been fully completed. I will ensure that any agreements for goods or services to be paid for with grant funds will be consistent with the project requirements set forth in the

Statement regarding archival and records management policies and procedures:

I agree to comply with all policies and procedures required by the Code of Virginia, and the decisions of the Circuit Court Records Preservation Grants Review Board and the Library of Virginia concerning the management, preservation, reproduction, and storage of public records, as well as those pertaining to the official recording of such records in government offices, whether on paper, microfilm, digital image, or any other medium.

Statement regarding project status and financial expenditure reports:

I agree to submit program status and financial expenditure reports as required by the Library of Virginia. I also agree to account for all grant funds, to maintain separate financial and programmatic records on this project, and to retain such source documentation as canceled checks, paid bills, payroll, or other accounting documentation, in conjunction with the fiscal office of this locality, that would facilitate an audit. I understand that failure to submit the status and financial reports will result in grant funds not being released and this office becoming ineligible to receive future grant funding, until such time that the delinquent reports have been successfully submitted.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 25, 2022**

AGENDA ITEM #: **8**

REGULAR: **X** WORK SESSION: CLOSED SESSION (Confidential):
ACTION: **X** INFORMATION:

ITEM TITLE: 2022 Chafee Independent Living COVID and Chafee Education and Training Voucher COVID.

RECOMMENDATION: Adopt a resolution to amend the FY 2022 City/Federal/State Aid Fund budget and appropriate \$20,768 with resources from the U.S. Federal Government Fiscal Year 2022 Chafee Supplemental COVID fund: \$14,768 for Chafee COVID Funding (formerly Independent Living) and \$6,000 for Chafee Education and Training Voucher (ETV) COVID funding, that will be used to aid youth affected by the COVID-19 pandemic.

SUMMARY: These grants are funded to agencies only once, and are designed to address the financial needs of youth and young adults who are in or were formerly in foster care during the pandemic. The department of Human Services has been awarded:

- \$14,768 in additional Chafee COVID funds. Funds can be used to provide direct financial assistance to youth, assist youth in meeting living expenses (rent, groceries, utilities, etc.), assist with medical expenses, provide services and supports, continue service provision for youth who would otherwise lose eligible funding (CSA) at age 21, assist with driving and/or transportation needs and expenses, and to assist agencies with marketing and outreach for eligible youth.
- \$6,000 in additional Chafee ETV COVID funds. Funds are designed to assist/support youth who were on track to attend or were attending post-secondary institutions or programs, but had their education interrupted due to the COVID-19 pandemic. The funding is to be used to help support youth to remain enrolled in a post-secondary or training/vocational program, including expenses that are not part of the cost of attendance. Examples of allowable expenditures are laptops or other technology necessary for virtual attendance, office supply items needed to create a learning space in the home, and tools/services needed for internet access.

PRIOR ACTION(S):

January 25, 2022: Finance Committee (consider request to appropriate funds)

FISCAL IMPACT: None – No local match is required.

CONTACT(S): Preston Sellers, Human Service Director - 455-5656
April Watson, Deputy Director - 455-5713
M. Kathy Collins, Accountant III - 455-5770

ATTACHMENT(S):

- Resolution

REVIEWED BY: jhh

020A

RESOLUTION:

BE IT RESOLVED that the FY 2022 City/Federal/State Aid Fund budget is amended and \$20,768 is appropriated with resources from the U.S. Federal Government Fiscal Year 2022 Chafee Supplemental COVID fund: \$14,768 for Chafee COVID Funding (formerly Independent Living) and \$6,000 for Chafee Education and Training Voucher (ETV) COVID funding, that will be used to aid youth affected by the COVID-19 pandemic.

Introduced:

Adopted:

Certified:

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 25, 2022**

AGENDA ITEM #: **9**

REGULAR: **X** WORK SESSION: CLOSED SESSION (Confidential):
ACTION: **X** INFORMATION:

ITEM TITLE: Virginia Office of Emergency Medical Services Emergency Medical Services Grant Program through the Rescue Squad Assistance Fund (RSAF) to purchase two (2) stretchers for medic units.

RECOMMENDATION: Adopt a resolution to amend the FY 2022 City/Federal/State Aid Fund budget and appropriate \$42,532 with resources of \$21,266 from the Virginia Office of Emergency Medical Services Emergency Medical Services Grant Program through the Rescue Squad Assistance Fund (RSAF) and \$21,266 from the FY 2022 General Fund Fire Department budget to purchase two (2) Power Pro stretchers for the Fire Department.

SUMMARY: The Virginia Office of Emergency Medical Services (EMS) awards grant funding to EMS agencies for the purpose of obtaining and maintaining emergency vehicles and equipment; providing EMS management, leadership, and advanced life support training; and achieving other goals that support the enhancement of community EMS services.

The Fire Department has been awarded RSAF grant funds to replace two (2) Power Pro stretchers. These stretchers have reached the end of their useful life with one being manufactured in 2012 and the other in 2015. Replacement of these items will assist the fire department in maintaining a high level of customer service and patient care. Additionally, use of these stretchers greatly diminishes the likelihood of back injuries related to patient movement.

The grant requires a local match. The Fire Department has been awarded grant funds under a 50/50 match. With a total cost of \$42,532, the maximum required local match is \$21,266. The match will be funded from the FY 2022 General Fund Fire Department budget.

PRIOR ACTION(S):

January 25, 2022: Finance Committee (consider request to appropriate funds)

FISCAL IMPACT:

\$21,266 in matching funds will be provided from the Fire Department's FY 2022 budget; no additional appropriation is required. Future funds will be needed for periodic maintenance of the equipment.

CONTACT(S):

Greg Wormser, Fire Chief, 455-6340
Robert Lipscomb, Deputy Chief, 455-6352
Annette Pettyjohn, Fire Administrative Manager, 455-6368

ATTACHMENT(S):

- Resolution

REVIEWED BY: MMB

RESOLUTION:

BE IT RESOLVED that the FY 2022 City/Federal/State Aid Fund budget is amended and \$42,532 is appropriated with resources of \$21,266 from the Virginia Office of Emergency Medical Services Emergency Medical Services Grant Program through the Rescue Squad Assistance Fund (RSAF) and \$21,266 from the FY 2022 General Fund Fire Department budget to purchase two (2) Power Pro stretchers for the Fire Department.

Introduced:

Adopted:

Certified:

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 25, 2022**

AGENDA ITEM #: **10**

REGULAR: **X**
ACTION: **X**

WORK SESSION:
INFORMATION:

CLOSED SESSION (Confidential):

ITEM TITLE: Use of Community Park Investment Fund for Miller Park Baseball Field Upgrades

RECOMMENDATION: Adopt a resolution approving the use of \$23,000 in the Capital Improvement Program Community Park Investment Fund to match funding for the renovation of baseball fields at Miller Park. The funds were appropriated in a previous fiscal year.

SUMMARY: The Parks and Recreation Department is requesting City Council's approval for \$23,000 in Community Park Investment Funds from the Capital Improvement Program (CIP) for renovations to the baseball fields in Miller Park. The Community Park Investment is a fund in the CIP used to match funds raised by individuals and organizations for park and trail projects in the City of Lynchburg. Each project requires Council approval for use of the funds.

The intent of this project is to implement baseball field improvements at Miller Park. The fields at Miller Park continue to provide a great home to the Lynchburg Little League youth baseball program. However, years of use with no major field overhauls have resulted in a number of significant playing surface, turf grass and surrounding amenity needs to the primary fields. Addressing these facility needs are required to provide a higher level of safety to players, enhance the playability of the field, and to meet Little League International standards. Some of the baseball field needs include: Re-grading to improve drainage and remove infield/outfield lips, providing additional infield mix, installation of new equipment storage racks, dugout shade structures, and enhancements to the batting cage facilities. Completing these renovation projects will enhance the experience of Lynchburg citizens for years to come.

Lynchburg Little League continues to enjoy a mutually beneficial partnership with the City to operate a youth baseball program. The partnership has enabled the Lynchburg Little League program to be considered one of the best recreational baseball systems in the region. The league generally hosts games at Miller Park for 18 teams during the spring season and 12 teams during the fall season. The 2022 season will also see Lynchburg Little League host the Virginia State All-Star Tournament for the 8 to 10-year-old division. This tournament will draw the top 16 teams across the Commonwealth to Miller Park from July 7th to July 11th of 2022.

PRIOR ACTION(S): FY 2019 – 2023 Capital Improvement Program adopted by City Council
January 11, 2022: Business Item Briefing

FISCAL IMPACT: \$23,000 in matching funds with resources from the Capital Improvement Program Community Park Investment Fund. These funds were appropriated in a previous fiscal year.

CONTACT(S): Jenny Jones, Director of Parks and Recreation, 455-5868
Chris Higgins, Park Service Manager, 455-5875

ATTACHMENT(S):
• Resolution

REVIEWED BY: raw
014A

RESOLUTION:

BE IT RESOLVED THAT the Lynchburg City Council approves the use of \$23,000 of the Capital Improvement Program Community Park Investment Fund to match funding raised by the partner group Lynchburg Little League for field renovations in Miller Park.

Adopted:

Certified:

Clerk of Council

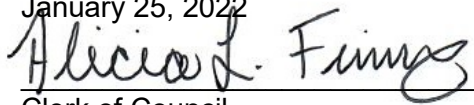
RESOLUTION:

#R-22-008

BE IT RESOLVED THAT the Lynchburg City Council approves the use of \$23,000 of the Capital Improvement Program Community Park Investment Fund to match funding raised by the partner group Lynchburg Little League for field renovations in Miller Park.

Adopted: January 25, 2022

Certified:


Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 25, 2022**

AGENDA ITEM #: **11**

REGULAR: **X**
ACTION: **X**

WORK SESSION:
INFORMATION:

CLOSED SESSION (confidential):

ITEM TITLE: Use of Community Park Investment Fund for a Pump Track at Peaks View Park

RECOMMENDATION: Adopt a resolution approving the use of \$5,000 in the Capital Improvement Program Community Park Investment Fund to match funding for a pump track at Peaks View Park. The funds were appropriated in a previous fiscal year.

SUMMARY: Parks and Recreation is requesting City Council's approval for \$5,000 in Community Park Investment Funds from the Capital Improvement Program (CIP) for a pump track in Peaks View Park. The Community Park Investment is a fund in the CIP budget that was established to match funds raised by individuals and organizations for park and trail projects in the City of Lynchburg. Each project requires Council approval for use of the funds.

The intent is to build a popular bicycle feature at the Field #11 area of Peaks View Park. The proposed 5000 square foot facility will be built in a location that drains well and will be tucked away to avoid pedestrian/bike traffic collisions, have easy connectivity to the mountain bike trails located in the adjacent woods, and allow for future possible expansion.

The local youth mountain bike racing team, Team LAB (Lynchburg Area Bikers) which is a chapter of NICA (National Interscholastic Cycling Association), has its primary training/practice location at Peaks View Park. Building a pump track located next to the existing mountain bike trail system would provide another skills-building feature. Team LAB as well as the mountain biking community will benefit from this physical activity encouraging asset, built at low cost that will bolster the already wonderful assortment of cycling activities in Peaks View Park.

Although the track will be built by our partner group, Greater Lynchburg Off-Road Cyclists (GLOC) who already have enthusiasm for cycling, many of those who will use the track are just beginners. With a focus on developing technical mountain biking skills in a small amount of space, pump tracks are not too intimidating for a beginner yet still challenging for a professional rider. Cyclists of all ages and skill levels can ride the pump track every day.

This pump track will be a place where people come together to enjoy the simple sport of cycling and in doing so, create a unique social setting for building friendships and new acquaintances.

PRIOR ACTION(S): FY 2019 – 2023 Capital Improvement Program adopted by City Council
January 11, 2022: Business Item Briefing

FISCAL IMPACT: \$5,000 in matching funds with resources from the Capital Improvement Program Community Park Investment Fund. These funds were appropriated in a previous fiscal year.

CONTACT(S): Jenny Jones, Director of Parks and Recreation, 455-5868
Chris Higgins, Park Service Manager, 455-5875

ATTACHMENT(S):
• Resolution

REVIEWED BY: raw

015A

RESOLUTION:

BE IT RESOLVED THAT the Lynchburg City Council approves the use of \$5000 of the Capital Improvement Program Community Park Investment Fund to match funding raised by the partner group Greater Lynchburg Off-Road Cyclists for a pump track in Peaks View Park.

Adopted:

Certified:

Clerk of Council

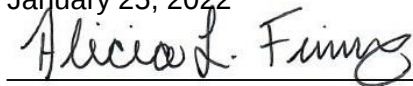
RESOLUTION:

#R-22-009

BE IT RESOLVED THAT the Lynchburg City Council approves the use of \$5000 of the Capital Improvement Program Community Park Investment Fund to match funding raised by the partner group Greater Lynchburg Off-Road Cyclists for a pump track in Peaks View Park.

Adopted: January 25, 2022

Certified:



Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 25, 2022**

AGENDA ITEM #: **12**

REGULAR: **X**

WORK SESSION:

CLOSED SESSION (Confidential):

ACTION: **X**

INFORMATION:

ITEM TITLE: Additional City Street Mileage for VDOT Highway Maintenance Payments

RECOMMENDATION: Approve the attached resolution requesting VDOT to increase the official City Street lane mileage for reimbursement of highway maintenance funds for FY 2023.

SUMMARY: When required, usually each year, the City submits a list of new or improved streets to VDOT for acceptance into the street maintenance system for payments to the City from the Commonwealth. For FY 2023, staff has identified 0.76 lane miles of street segments that need to be added, which include two street segments, Stables Lane (0.08 lane miles – Hawkins Mill Road to the City Limits) and Carroll Avenue (0.68 lane miles – NW Railroad to Albert Lankford Drive).

This action is required by Virginia Department of Transportation (VDOT) to add these segments for addition to the system.

PRIOR ACTION(S): January 11, 2022: Business Item Briefing

FISCAL IMPACT: 0.76 additional lane miles will increase highway maintenance funds in the amount of \$9,889 annually.

CONTACT(S): Lee Newland, City Engineer – 455-3947
Gaynelle Hart, Director Public Works – 455-4406

ATTACHMENT(S):

- Resolution
- Form U-1

REVIEWED BY: raw

013A

RESOLUTION:

WHEREAS, the Virginia Department of Transportation (VDOT) requires action to increase the lane mileage for street maintenance entitlement funds from the Commonwealth; and,

WHEREAS, 0.76 lane miles of local and arterial streets have been identified to be added to the system; and,

NOW, THEREFORE, BE IT RESOLVED THAT: The Lynchburg City Council requests the Commonwealth Transportation Board to approve the addition of lane mileage as enumerated on Form U-1.

Adopted:

Certified: _____
Clerk of Council

LOCAL ASSISTANCE DIVISION
VDOT
REQUEST FOR STREET ADDITIONS AND DELETIONS
FOR STREET PAYMENTS
SECTION 33.2-319
CODE OF VIRGINIA

MUNICIPALITY: City of Lynchburg

STREET NAME ROUTE NUMBER *	TERMINI		R/W WIDTH (FEET)	PAVEMENT WIDTH (FEET)	CENTER- LANE MILES	NUMBER OF LANES	LANE MILES	FUNC. CLASS. (T&MPD USE ONLY)
	FROM	TO						
Stables LN.	Hawkins Mill Rd.	West C.L.	50'	30'	0.04	2	0.08 COL	
Carroll Ave.	NW RXR	Albert Lankford Dr.	50'	23'	0.34	2	0.68 COL	

*Council Resolution and Map Attached

SIGNED _____
AUTHORIZED VDOT OFFICIAL DATE

SIGNED _____
MUNICIPAL OFFICIAL DATE

CLASSIFIED BY _____
T&MPD ENGINEER DATE

Submit to: District Point of Contact in triplicate

RESOLUTION:

#R-22-010

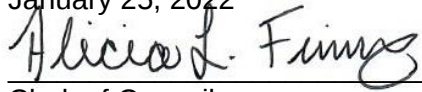
WHEREAS, the Virginia Department of Transportation (VDOT) requires action to increase the lane mileage for street maintenance entitlement funds from the Commonwealth; and,

WHEREAS, 0.76 lane miles of local and arterial streets have been identified to be added to the system; and,

NOW, THEREFORE, BE IT RESOLVED THAT: The Lynchburg City Council requests the Commonwealth Transportation Board to approve the addition of lane mileage as enumerated on Form U-1.

Introduced: January 25, 2022

Certified:


Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 25, 2022**

AGENDA ITEM #: **13**

REGULAR: **X**

WORK SESSION:

CLOSED SESSION (Confidential):

ACTION: **X**

INFORMATION:

ITEM TITLE: A Resolution to change the location of the February 8, 2022 City Council Work Session

RECOMMENDATION: At the request of the City Manager, the February 8, 2022 Work Session meeting of the City Council would be best held in the 2nd Floor Training Room of the City Hall to allow for better visual aids for the items being discussed at this particular meeting.

SUMMARY: As advised by the City Attorney, pursuant to the authority of § 15.2-1416 (B) of Virginia Code, 1950, as amended, and the City Council's Rules of Procedure, approval of the governing body is required to change the location of a regularly scheduled meeting of the governing body. State code requires adoption of a resolution to accomplish such action along with adherence to certain notice requirements.

PRIOR ACTION(S): None

FISCAL IMPACT: TBD

CONTACT(S): Alicia L. Finney, Clerk of Council, (434) 455-3990
Wynter C. Benda, City Manager, (434) 455-3990

ATTACHMENT(S): Resolution

REVIEWED BY: alf

022A

RESOLUTION:

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

1. That pursuant to § 15.2-1416 (B) of the Code of Virginia, 1950, as amended, the location of the Work Session portion of the February 8, 2022, regular meeting of the City Council is hereby moved from the Council Chamber of the City Hall to the 2nd Floor Training Room of the City Hall. The time of such Work Session shall remain unchanged and commence at 4:00 p.m.
2. That the Clerk of Council shall notify the public of the above stated change in accordance with the City Council's Rules of Procedure and Virginia law.
3. That this Resolution shall be effective upon its adoption.

Adopted:

Certified: _____
Clerk of Council

RESOLUTION:

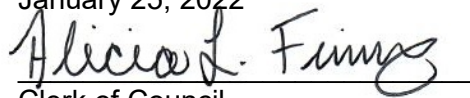
#R-22-011

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

1. That pursuant to § 15.2-1416 (B) of the Code of Virginia, 1950, as amended, the location of the Work Session portion of the February 8, 2022, regular meeting of the City Council is hereby moved from the Council Chamber of the City Hall to the 2nd Floor Training Room of the City Hall. The time of such Work Session shall remain unchanged and commence at 4:00 p.m.
2. That the Clerk of Council shall notify the public of the above stated change in accordance with the City Council's Rules of Procedure and Virginia law.
3. That this Resolution shall be effective upon its adoption.

Adopted: January 25, 2022

Certified:


Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 25, 2022**

AGENDA ITEM #: **14**

REGULAR: **X**

WORK SESSION:

CLOSED SESSION (Confidential):

ACTION: **X**

INFORMATION:

ITEM TITLE: [Second Reading]: Lynchburg City Schools – CARES Funds and City Schools In-Home Network Extension

RECOMMENDATION: Conduct a second reading of Resolution #R-21-088(b).

SUMMARY: At its December 14, 2021 meeting, City Council considered a request from the Lynchburg City Schools to appropriate funds for various projects using Coronavirus Aid, Relief, and Economic Security Act (CARES) funds designated for the school system. City Council requested additional information on one item, which related to the extension of the City Schools information technology network for in-home student connectivity.

At its January 11, 2022 meeting, a first reading of Resolution #R-21-088(b) was conducted and passed with a 5-2 vote (noes: Helgeson and Faraldi). According to City Council's Rules and Procedures (Section 5-6. General Business), "The last items on the agenda shall be adoption of appropriation resolutions introduced at a previous meeting which did not receive unanimous vote upon introduction."

PRIOR ACTION(S):

January 11, 2022: The first reading of Resolution #R-21-088(b) was conducted and passed with a 5-2 vote (noes: Helgeson and Faraldi)

FISCAL IMPACT: Funds for this project were designated for the Lynchburg City Schools and there is no local match requirement.

CONTACT(S): Ms. Donna Witt, Chief Financial Officer, 455-3968

ATTACHMENT(S):

- Resolution
- Project WISH presentation

REVIEWED BY: raw

RESOLUTION:

#R-21-088(b)

BE IT RESOLVED that the FY 2022 Schools Capital Fund budget is amended and \$3,500,000 is appropriated with resources from the Coronavirus Aid, Relief, and Economic Security (CARES) Act to fund the City Schools In-Home Network Extension project.

Introduced: January 11, 2022

Adopted:

Certified:

Clerk of Council

Project WISH:

Wireless Service at Home

3.4.4 Build and Expand on existing Wireless Access Services Program for students

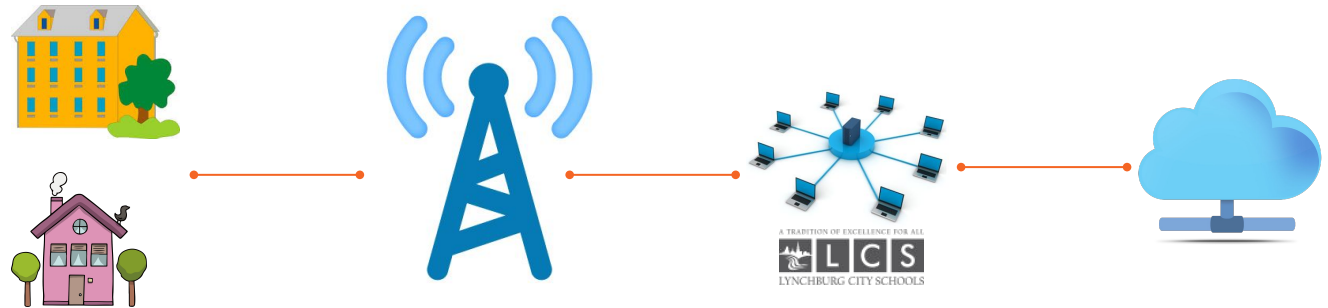


Strategic Plan 3.4.4
09.04.2021

LCS Information Technology

Closing the Connectivity Gap

The Goal



3.5 GHz - 3.7 GHz

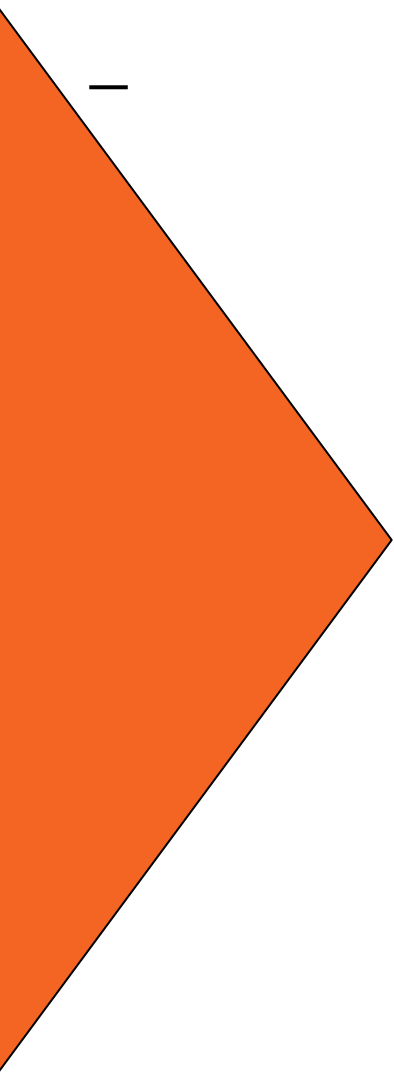
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"[m]ore reliable than Wi-Fi" and "technology that risks making Wi-Fi outmoded"

-- *Bloomberg Technology*

What is CBRS?

Citizens Broadband Radio Service



Connectivity is important!

Virtual Learning

- Synchronous Content Delivery
- Human Interaction
- Virtual Field Trips
- Productivity
- Flexibility
- Equitable Expectations

Additional Benefits

- Information Access
- Communication
- Accessibility
- Global Connectivity
- Self Expression
- Opportunities
- Social Determinant of Health*

LCS - Strategic Plan - 3.4.4

City of Lynchburg - Blueprint for Opportunity Objectives - 3.2, 4.1

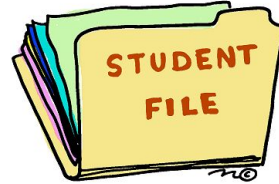
City of Lynchburg - Comprehensive Plan -

Chapter 2. Opportunities for a Quality Education

Who is it for? All LCS Students



Survey



Household



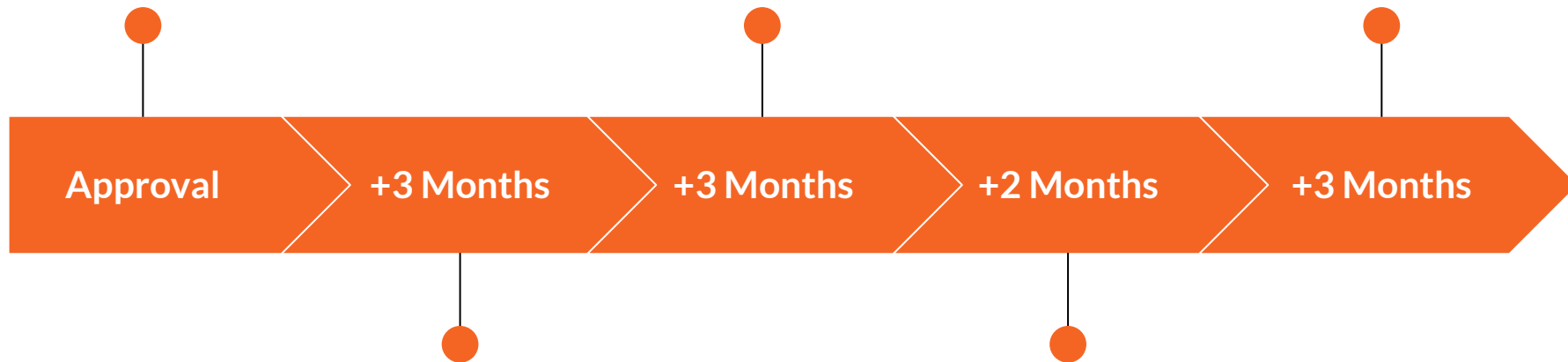
Geographic



Project & Budget
Approval

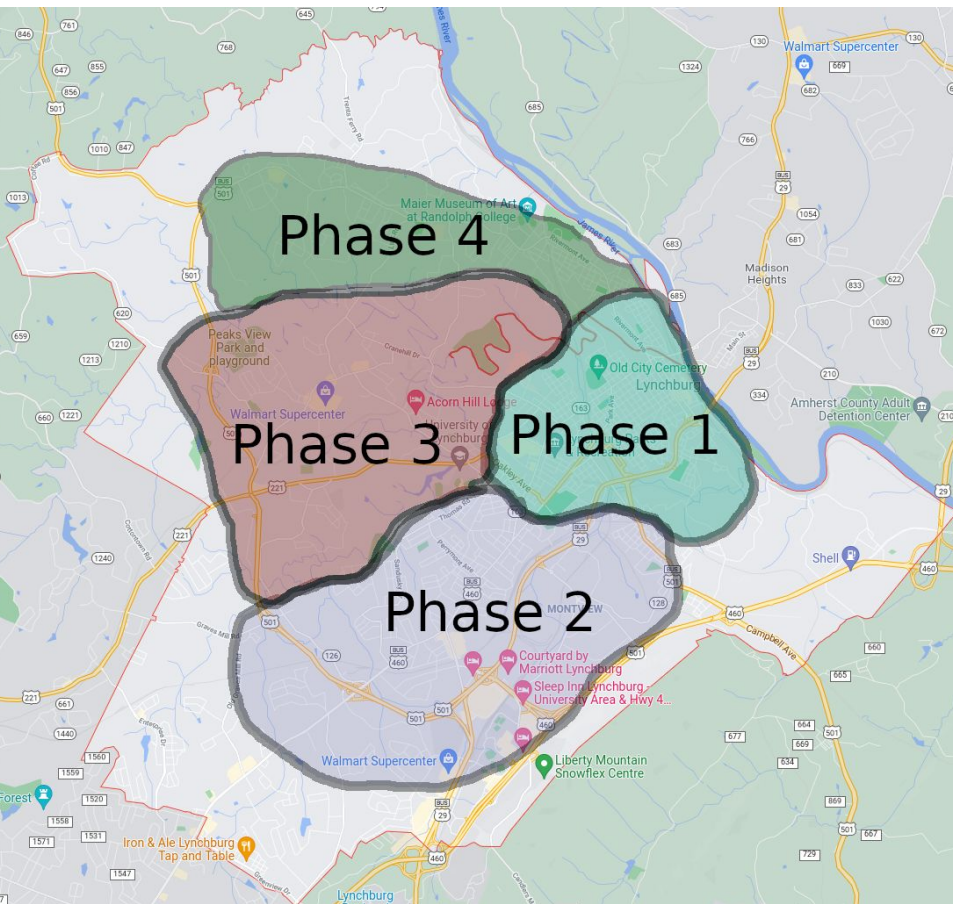
Phase 2
Midtown (part 2) &
College Park

Phase 4
Boonsboro &
Rivermont



Phase 1
Downtown,
Midtown (part 1)

Phase 3
West Lynchburg &
Northwest Lynchburg



Phase 1 - 1,600 Students

Phase 2 - 1,800 Students

Phase 3 - 1,000 Students

Phase 4 - 1,100 Students

*Based on Variety of Factors

FAQ

- Internet Access?
Yes. Safe & Secure. CIPA-compliant
 - City Cooperation?
As much as possible.
 - Costs? -- CARES up front -- Ongoing:
Support Service Contract (\$60K)
Licensing (?)
1 FTE (\$90K)
Misc. Equipment (\$30K)
 \$180K / year
 - Who Else?
LCS Faculty & Staff. Investigate for families.
-

Questions?

Lynchburg City Schools

September 04, 2021

Project WISH (Wireless Service at Home)

Overview

The COVID-19 pandemic has shown an increased requirement for technology-based instruction. Critical dependencies of this instruction are the ability for students and teachers to collaborate digitally, remotely, and quickly. This project is being called the *Wireless Service at Home*, or WISH and is designed to ameliorate gaps in the community that prevent these dependencies from being fulfilled. This aligns with the LCS Strategic Plan 3.4.4 and supports the City of Lynchburg Blueprint for Opportunity Objectives 3.2, 4.1 and the City of Lynchburg [Comprehensive Plan -- Chapter 2. Opportunities for a Quality Education.](#)

Goals

1. **Network Connectivity:** Provide for basic network connectivity to the Lynchburg City Schools' computer network. This includes access to authentication, network storage, LCS-hosted applications and gateway services to cloud-provided instructional material.
2. **Safety.** Network security is critical to the success of providing service directly into students' homes. This includes firewall protection and CIPA-compliant filtering where appropriate.
3. **Usability:** Instructional use of the WISH network will only take place if the implementation is easy to use and straightforward. Ease of use is a key goal.
4. **Sustainability:** Initial implementation and adoption of the program incurs the bulk of the project cost. It is essential that the ongoing maintenance cost be affordable and predictable.

Specifications

The equipment and configuration plan of the WISH network has been evaluated based on working designs from respected vendors and with input from other industry professionals.

Design Overview. The WISH network will be comprised of the following high-level equipment:

1. Customer Premise Equipment (CPE). This could be a wireless router, hotspot-like device, SIM card, newer technology that supports the Radio Frequency (RF) used.
2. Radio Towers. Towers to support equipment will need to be installed in strategic locations around the city. Priority will first go to existing school building rooftops.
3. Carrier Equipment (CE). Radio towers will be arrayed with radio antennae capable of sending and receiving wireless signals to and from CPE. LCS is considered the carrier.
4. Backhaul. Primary network access will connect CE to the wired LCS network via physical cabling. Where required, CE on radio towers can be configured to backhaul via wireless from radio tower to radio tower.
5. System Management. The assignment of radio resources will be managed via a software system for easy updates, inventory and configuration management.
6. Serviceability. LCS will need dedicated personnel to manage the WISH network's daily tasks and to coordinate any support services. Support and warranty services for students will be provided by a 3rd party vendor.

Wireless Frequency. The use of wireless radio frequencies is regulated by the Federal Communications Commission. The WISH network will utilize the **3.5GHz** range, commonly referred to as "private LTE" or "48 CBRS (Citizens Broadband Radio Service)". This frequency contains the band 3550MHz to 3700MHz and is available for open use, with priority given to the U.S. Navy for communications.

Milestones

The following milestones are proposed. Note that once Phase 1 is complete, core infrastructure and implementation processes should be refined. Additional Phases can be worked on simultaneously as funding allows.

1. Scope Project

- a. Evaluate Need
- b. Site Surveys and Physical Location Planning
- c. Equipment testing & Specifications
- d. Obtain Pricing
- e. Vendor Selection

2. Plan Development & Approval

- a. Complete Written Plan
- b. LCS Finance Committee
- c. LCS School Board
- d. Lynchburg City Council (for information and/or approval as required)

3. Phase 1 - Downtown + Midtown (part 1)

- a. Apply for and receive any required building permits
- b. Purchase and deploy towers (E.C. Glass High School & Dunbar Middle School).
- c. Deploy CE on towers.
- d. Establish Backhaul
- e. Build and configure server. Training.

- f. Internal testing of equipment and services
- g. Activate and open enrollment to eligible students

4. Phase 2 - Midtown (part 2) + College Park

- a. Apply for and receive any required building permits
- b. Purchase and deploy towers (Heritage High School, Perrymont, Sheffield).
- c. Deploy CE on towers.
- d. Establish Backhaul
- e. Internal testing of equipment and services
- f. Activate and open enrollment to eligible students

5. Phase 3 - West / North West

- a. Apply for and receive any required building permits
- b. Purchase and deploy towers (Linkhorne, community partner [Lakeside / 501]).
- c. Deploy CE on towers.
- d. Establish Backhaul
- e. Build and configure server. Training.
- f. Internal testing of equipment and services
- g. Activate and open enrollment to eligible students

6. Phase 4 - Boonsboro & Rivermont

- a. Apply for and receive any required building permits
- b. Purchase and deploy towers (Bedford Hills, Paul Munro).

- c. Deploy CE on towers.
- d. Establish Backhaul
- e. Build and configure server. Training.
- f. Internal testing of equipment and services
- g. Activate and open enrollment to eligible students

7. Project Completion

- a. Provide continuity plan for service
- b. Provide any required materials to key stakeholders (e.g. LCS Board, City Council).

RESOLUTION:

#R-21-088(b)

BE IT RESOLVED that the FY 2022 Schools Capital Fund budget is amended and \$3,500,000 is appropriated with resources from the Coronavirus Aid, Relief, and Economic Security (CARES) Act to fund the City Schools In-Home Network Extension project.

Introduced: January 11, 2022

Adopted: January 25, 2022

Certified:


Clerk of Council