



**City Of Richmond, Virginia  
Office of the City Clerk**

**Request to Withdraw Legislation**

Paper Number: Ord. 2018-179

Chief Patron: Councilor Andreas Addison

Introduction Date: June 11, 2018

Chief Patron Signature: 

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*For Office Use Only*

Attestation: 

Effective Date: 7-19-18

INTRODUCED: June 11, 2018

AN ORDINANCE No. 2018-179

To amend City Code §§ 2-298, concerning the functions of the Department of Economic Development; 2-300, concerning the appointment, powers, and duties of the Director of Economic Development; 8-1, concerning reports and recommendations on the acquisition of real estate; 8-2, concerning the authority of the Chief Administrative Officer to lease City-owned real estate; and 8-55, concerning the role of the Chief Administrative Officer in the sale of City-owned real estate, for the purpose of setting forth the role of the Director of Economic Development in providing certain City real estate services.

\_\_\_\_\_  
Patron – Mr. Addison

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: JUN 25 2018 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 2-298, 2-300, 8-1, 8-2, and 8-55 of the Code of the City of Richmond (2015) be and are hereby **amended** and reordained as follows:

**Sec. 2-298. Functions.**

The Department of Economic Development shall be responsible for the following:

- (1) Developing and staffing an overall economic development strategy for the City;

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

ADOPTED: \_\_\_\_\_ REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

- (2) Promoting business development and expansion;
- (3) Providing technical assistance to emerging businesses;
- (4) Identifying investment opportunities;
- (5) Staffing the Economic Development Authority;
- (6) Administering contracts relative to economic and community development initiatives;
- (7) Serving as a regrating agency;
- (8) Marketing the city relative to new business ventures;
- (9) ~~[Supervising and coordinating the work and activities relating to the acquisition and disposal of certain real estate by and for the City as may be required by the Chief Administrative Officer]~~ Providing real estate services for the City, including managing, supervising, coordinating, and administering the work and activities relating to the acquisition, preservation, maintenance, leasing, and disposal of all real estate by and for the City, including any interest, right, easement or estate therein, and performing such other duties as may be required by ordinance or the Chief Administrative Officer in connection therewith;
- (10) Encouraging and promoting economic development within the city through cooperation with other governmental and private economic development organizations;
- (11) Developing the comprehensive economic development plan pursuant to Section 2-1373;
- (12) Developing the economic development implementation strategy pursuant to Section 2-1374; and
- (13) Such other powers and duties as may be assigned to the Department by law or ordinance.

**Sec. 2-300. Appointment, powers and duties of Director.**

(a) The Director of Economic Development shall be appointed for an indefinite term by the Chief Administrative Officer and shall report to the Chief Administrative Officer.

(b) The Director of Economic Development shall have general management and control of the Department of Economic Development and its units. The Director shall appoint and remove all officers and employees of the Department, subject to applicable personnel policies established by ordinance, and shall have the power to make rules and regulations consistent with the Charter and City ordinances for the conduct of the function of the Department.

(c) [~~The Directors of the Economic Development Authority, at their pleasure, may appoint~~] To the fullest extent permitted by law and as authorized by the Board of Directors, the Director of Economic Development [tø] shall act as Executive Director of the Economic Development Authority. It is the intent of the Council that this subsection supersede the provisions of Ordinance No. 72-169-178 to the extent that the two may conflict.

**Sec. 8-1. Report and recommendations on acquisition of real estate.**

The [~~Chief Administrative Officer~~] Director of Economic Development shall prepare and submit to the Chief Administrative Officer, the Mayor, and the City Council a report of all the transactions relating to the acquisition of real estate by the City during the six months preceding January 1 and July 1 of each year.

**Sec. 8-2. Authority of the Chief Administrative Officer to lease real estate; terms and conditions of lease.**

(a) No city-owned real estate shall be leased, whether at-will or otherwise, for a period of longer than 90 calendar days unless the terms of such lease have first been approved by an ordinance adopted by the Council. The Mayor may introduce an ordinance to direct the Chief

Administrative Officer to execute such a lease for specific City-owned real estate. The Chief Administrative Officer is hereby authorized to lease, for a period of no longer than 90 calendar days, real estate owned by the City or any part thereof not devoted to and not immediately needed for public use, upon the following terms and conditions:

(1) The tenants shall pay rent to the City for the use and occupancy of each parcel at an annual rate commensurate with the fair rental value of the parcel or otherwise as determined by the [~~Chief Administrative Officer~~] Director of Economic Development, which shall be due and payable monthly in advance.

(2) The tenants shall have exclusive possession of the real estate, except that the [~~Chief Administrative Officer~~] Director of Economic Development, or a designee thereof, shall have the right to enter such real estate at any time for the inspection thereof or for making such repairs to or alterations of any buildings or structures on the real estate, as the [~~Chief Administrative Officer~~] Director of Economic Development may deem advisable. However, the City shall not be obligated to maintain, repair or replace any building or structure or any fixture, equipment or facility which may be on or used in connection with the use of the real estate or any part thereof.

(3) The tenants shall maintain the real estate in good order and state of repair and shall make such repairs thereto as shall from time to time be required by the [~~Chief Administrative Officer~~] Director of Economic Development or an authorized representative.

(4) The tenants shall provide at their cost and expense all services required for their use and occupancy of the real estate, and the City shall not be obligated to provide for such services. However, where a single parcel of real estate is being leased to two or

more tenants and such real estate has only one water, gas or electric meter or only one heating system, the Chief Administrative Officer is authorized to pay for the services where there is only one water, gas or electric meter or only one heating system and then to prorate the costs of the services between the tenants involved and add the net costs of the services to the fair rental value of the parcel as determined by the Chief Administrative Officer under subsection (a)(1) of this section.

(5) The tenants shall remove all of their property from the real estate, including that attached to the freehold, upon the termination of the lease. Upon the tenants' failure, refusal or neglect to do so, the [~~Chief Administrative Officer~~] Director of Economic Development, or a designee thereof, may remove such property from the real estate at the cost and expense of the tenants, without liability to the tenants for damages that may directly or indirectly result therefrom, or may allow such property to remain on the real estate, and fee simple title to the property shall vest in the city.

(6) The tenants shall not transfer or assign the lease nor sublet the real estate or any part thereof without the approval of the Chief Administrative Officer.

(7) The tenants shall surrender possession of the real estate to the city upon termination of the lease and shall leave the premises in the same or as good condition as when entered upon, damage beyond the control of the tenants and reasonable wear and tear excepted.

(8) The tenants shall indemnify, keep and hold the City free and harmless from liability on account of injury or damage to themselves and others in person or property growing out of the making of the lease and their use and occupancy of the real estate. If suit shall be brought against the City, either independently or jointly with the

tenants on account thereof, the tenants will defend the City in any such suit; if a final judgment is obtained against the City, either independently or jointly with the tenants, the tenants will pay such judgments with all costs and hold the City harmless therefrom.

(9) The tenants shall waive the benefit of the homestead exemption laws of the state as to all obligations created under the lease and shall agree to pay all expenses incurred in collecting the obligations, including 20-percent attorney's fees if the obligations shall not be paid when due.

(10) The use and occupancy of the premises by the tenants shall be at the will of either of the parties to the lease and may be terminated by the Chief Administrative Officer or an authorized representative or by the tenants at any time upon due notice. Upon the termination of the lease by the city, the tenants shall be refunded the rent paid for the remainder of the month from the day such termination becomes effective.

(11) Whenever any building or structure which is a part of the real estate is rendered untenable by reason of force majeure, the lease, without more, shall terminate.

(b) For each lease entered into pursuant to the provisions of subsection (a) of this section for which the terms of such lease have not first been approved by an ordinance adopted by the Council, the following conditions shall apply:

(1) Within five working days after the execution by the Chief Administrative Officer of such a lease, the [~~Chief Administrative Officer~~] Director of Economic Development shall cause a complete copy of such executed lease to be delivered to each member of the Council, which delivery may be by electronic means.

(2) No such lease shall be extended for a total of more than 30 additional calendar days until the Council has adopted a resolution approving the extension, which

resolution must contain the location of the leased premises, the name of the tenant, the original duration of the lease, the duration of the extension, and the amount of rent.

(3) Once such a lease has terminated, the tenant shall not be deemed to hold over, and no lease for the same premises to the same tenant may have a term commencing less than 90 calendar days after such termination unless the terms of such lease have first been approved by an ordinance adopted by the Council.

(4) Whenever the Council determines that real estate leased by the Chief Administrative Officer pursuant to subsection (a) of this section where the terms of such lease have not first been approved by an ordinance adopted by the Council or real estate leased pursuant to an at-will lease is needed for public use, the Chief Administrative Officer shall cause such lease to be terminated and the real estate devoted to that public use for which the Council has determined it is needed. The Council's determination shall be expressed by the adoption of a resolution.

(c) Notwithstanding any other provision of law to the contrary, Bandy Field Park, Lewis G. Larus Park, Crooked Branch Ravine Park and city-owned real estate that has been designated as part of the James River Park System shall not be leased for any purpose that would result in or involve any development of any part of these public parklands.

**Sec. 8-55. Applicability of article; role of ~~[Chief Administrative Officer]~~ Director of Economic Development.**

(a) *Applicability of article.* No City-owned real estate shall be sold except in accordance with this article and any applicable provisions of the Constitution of Virginia, the Code of Virginia and the Charter of the City of Richmond.

(b) *Role of ~~[Chief Administrative Officer]~~ Director of Economic Development.* ~~[The Chief Administrative Officer may delegate some or all of the duties required of him by this~~



~~article to one or more officers or employees who report to the Chief Administrative Officer]~~ The duties required of the Chief Administrative Officer by this article shall be exercised by the Director of Economic Development unless the Chief Administrative Officer expressly directs otherwise.

§ 2. This ordinance shall be in force and effect upon adoption or on July 1, 2018, whichever is later.



# Richmond City Council

The Voice of the People

Richmond, Virginia

Office of the Council Chief of Staff

## Ordinance/Resolution Request

RECEIVED

MAY 21 2018

OFFICE OF CITY ATTORNEY

**TO** Allen Jackson, Richmond City Attorney  
Richmond Office of the City Attorney

**THROUGH** Lou Brown Ali *LB*  
Council Chief of Staff

**FROM** William E. Echelberger, Jr, Council Budget Analyst *WE*

**COPY** Andreas D. Addison, 1st District Representative  
Haskell Brown, Deputy City Attorney  
Nicole F. Williams, 1st District Liaison  
Meghan K. Brown, Deputy Council Chief of Staff *MKB*

**DATE** May 21, 2018

**PAGE/s** 1 of 2

**TITLE** Director of Economic Development to Serve as Executive Director of the Economic Development Authority

This is a request for the drafting of an **Ordinance**  **Resolution**

**REQUESTING COUNCILMEMBER/PATRON**

Andreas D. Addison, 1st District Representative

**SUGGESTED STANDING COMMITTEE**

Finance and Economic Development

**ORDINANCE/RESOLUTION SUMMARY**

The Patron requests an ordinance to:

- 1) More fully set out the functions of the Department of Economic Development with regard to the provision of real estate services that are set out in §2-298 of the Code of the City of Richmond,
- 2) Amend §2-300 of the Code of the City of Richmond to provide that the Director of Economic Development shall serve as Executive Director of the Richmond Economic Development Authority, and
- 3) Amend Chapter 8, City Owned Real Estate, to provide that certain authority currently assigned to the Chief Administrative Officer shall be and transferred to the Director of Economic Development.

**BACKGROUND**

**Summary:**

- The patron believes that the City of Richmond can more effectively provide for certain real estate services if such services are administered by the Director of Economic Development.

- The patron further believes that operation of the Richmond Economic Development Authority will operate more effectively if the duties of the Director of the EDA are assigned to the Director of Economic Development.
- A 2014 survey by staff of the Office of the Council Chief of Staff found that other Virginia localities:
  - Utilize the Director of Economic Development as the Executive Director of the local Economic Development Authority, including Chesterfield in the Richmond area, and
  - Provide staff support to the EDA through the local Department of Economic Development, including Chesterfield and Henrico in the Richmond area.

**FISCAL IMPACT STATEMENT**

Fiscal Impact	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Budget Amendment Required	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Estimated Cost or Revenue Impact	There is no revenue or budget impact.	

Attachment/s      Yes  No