

INTRODUCED: March 6, 2018

AN ORDINANCE No. 2018-080

As Amended

To amend City Code §§ 2-1183, concerning a residency requirement for certain City officers and employees, and 22-317, concerning an additional retirement allowance for certain City officials, for the purpose of effectuating the abolition of the Department of Economic and Community Development and the creation of the Office of the Inspector General, Department of Citizen Service and Response, the Department of Economic Development, and the Department of Housing and Community Development.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: NOV 23 2018 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 2-1183 and 22-317 of the Code of the City of Richmond (2015) be and are hereby **amended** and reordained as follows:

Sec. 2-1183. Residency of certain officers and employees.

(a) For the purposes of this section, words or terms not specially defined shall be interpreted in accord with such normal dictionary meaning or customary usage as is appropriate to the context. The following words, terms and phrases, when used in this section, shall have the

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: MAY 14 2018 REJECTED: _____ STRICKEN: _____

meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Principal residence means that address where the employee can provide written documentation of the following:

- (1) The payment of a mortgage and/or rent.
- (2) The listing in the employee's name of household utility accounts, such as gas, electricity, telephone, water, sewage, cable TV, etc.
- (3) The receipt of U.S. mail.
- (4) The use of such address for voter registration, vehicle registration and the filing of Federal, State and local tax returns.

Richmond-Petersburg Metropolitan Statistical Area (MSA) consists of the Cities of Richmond, Colonial Heights, Hopewell and Petersburg; the Town of Ashland; and the Counties of Charles City, Chesterfield, Dinwiddie, Goochland, Hanover, Henrico, New Kent, Powhatan, and Prince George.

(b) The persons holding the following enumerated positions in the City government shall be required to have their principal residence within the city during their continuance in such office or employment:

- (1) Chief of Fire and Emergency Services.
- (2) Chief of Police.
- (3) City Assessor.
- (4) City Attorney.
- (5) City Auditor.
- (6) City Clerk.

- (7) Library Director.
- (8) Chief Administrative Officer.
- (9) Director of Budget and Strategic Planning.
- (10) Director of Planning and Development Review.
- (11) Director of Economic ~~[and Community]~~ Development.
- (12) Director of Finance.
- (13) Director of Housing and Community Development.
- (14) Director of Citizen Service and Response.
- (15) Director of Human Resources.
- ~~[(14)]~~ (16) Director of Information Technology.
- ~~[(15)]~~ (17) Director of Justice Services.
- ~~[(16)]~~ (18) Director of Procurement Services.
- ~~[(17)]~~ (19) Director of Public Utilities.
- ~~[(18)]~~ (20) Director of Public Works.
- ~~[(19)]~~ (21) Director of Parks, Recreation and Community Facilities.
- ~~[(20)]~~ (22) Director of Social Services.
- ~~[(21)]~~ (23) Special Assistant to the Mayor.
- ~~[(22)]~~ ~~Executive Director, Port of Richmond.]~~
- ~~[(23)]~~ (24) Executive Director, Richmond Retirement System.
- ~~[(24)]~~ (25) Chief of Staff of the Mayor's or Chief Administrative Officer's Office.
- (26) Inspector General.

(c) In addition to persons occupying the specific positions listed in Subsection (b) of this section, any persons meeting one of the following criteria shall be required to have their principal residence within the City during their continuance in such office or employment:

- (1) Any person serving in a position appointed by the City Council;
- (2) Deputies or assistants to the mayor or Chief Administrative Officer;
- (3) Directors or agency heads appointed by the Chief Administrative Officer;

or

(4) Officials and employees who, by the Charter or other law, serve at the will or pleasure of an appointing authority and who are appointed at pay range 21 and above or who receive equivalent pay in other pay scales.

(d) All persons who are appointed to hold any of the following positions shall be required to have their principal residence within the City during their continuance in such employment:

- (1) Business Management Officer.
- (2) Chief of Risk Management.
- (3) City Engineer.
- (4) Commissioner of Buildings.
- (5) Deputy City Clerk.
- (6) Information Technology Manager I.

(e) Notwithstanding the requirement to reside within the City as provided in Subsection (d) of this section, all persons who are appointed to hold any of the positions listed in Subsection (d) of this section and who have their principal residence within the Richmond-Petersburg Metropolitan Statistical Area (MSA) at the time of their appointment may maintain

such existing residence upon obtaining a residency waiver. A request for a residency waiver may be considered by an appointing authority only upon receipt of written documentation from the person selected demonstrating either of the following situations:

(1) Moving to the City will cause such person to either lose on the sale of the existing residence or expend on the purchase of a new residence an amount of money greater than twice the amount of increase in annual salary generated by the appointment;

(2) Moving to the City will cause such person to lose eligibility for special educational, medical or other special family services which are not available in the City; or

(3) Such person is the sole caretaker of an immediate family member and has to maintain such person's residence in close proximity to that family member to continue to provide such care.

(f) Notwithstanding Subsections (d) and (e) of this section, the residency requirement for any of the positions listed in Subsection (d) of this section may be waived by the Chief Administrative Officer upon receiving written documentation from an appointing authority showing the appointing authority's difficulty, because of the residency requirement, in attracting to such a position candidates with specific skills or technical qualifications.

(g) In addition to persons occupying the specific positions listed in Subsection (d) of this section, any person serving in an unclassified position in pay range 21 or above or who receives equivalent pay in other pay scales shall be required to comply with Subsections (d), (e) and (f) of this section during such person's continuance in such office or employment.

(h) Any person employed or appointed to fill any position subject to the residence requirements of this section shall establish a principal residence within the city not later than 12 months after commencing work in such position. The appointing authority shall, in such instances,

obtain a written acknowledgment of the residence requirement from the person appointed before such person commences work in the position.

(i) If any officer or employee required to reside within the city or the Richmond-Petersburg MSA shall cease to be a bona fide resident of the city or the Richmond-Petersburg MSA or if any such officer or employee shall fail to become a bona fide resident of the city or the Richmond-Petersburg MSA within the 12-month period provided under Subsection (h) of this section, the individual's office or employment shall be deemed to have been vacated.

(j) No other officer or employee of the City shall be required to live in the city, except as may otherwise be provided under the Charter.

(k) Any person occupying a position to which either of the residence requirements would otherwise apply, but who, prior to December 14, 1992, was not required to maintain a principal residence within the city or the Richmond-Petersburg MSA, shall not, by virtue of adoption of the ordinance from which this section is derived, be required to establish a principal residence in the city or the Richmond-Petersburg MSA. Such person, however, shall be subject to the residence requirements if promoted to a more responsible position after adoption of the ordinance from which this section is derived.

(l) Notwithstanding any other provision of this section to the contrary, the City Council may by resolution duly adopted waive the residency requirement for any person appointed to a position for which Subsection (b) or (c) of this section require the person occupying such position to maintain a principal residence within the city.

Sec. 22-317. Additional retirement allowance for certain City officials.

(a) *Additional creditable service.* Any member who is employed in the senior executive group as defined in subsection (k) and has been in service for at least ten years in the

senior executive group, may have such member's creditable service counted as two years for each year of creditable service in these positions up to a maximum of 15 additional years of creditable service for the purpose of calculation of retirement allowance under the provisions of this article. All such qualifying members must make the election to utilize the provisions of this subsection within 90 days of the enactment of this provision or within 30 days of the member's date of employment in said position, whichever should occur later. Any member who elects to utilize the provision of this subsection shall be required to make contributions to the system in an amount determined by the system's actuary and approved by the Board.

(b) *Options for less than ten years of service.* Any member with five or more but less than ten continuous years of service in the senior executive group who has made the contribution required for the additional creditable service but who leaves employment may elect to receive a refund of such contributions plus interest at a rate to be determined by the Board or to receive a retirement allowance based upon the member's actual creditable service plus any additional service purchased pursuant to the provisions of this subsection (b). Any member who elects to receive a retirement allowance based upon the member's actual creditable service plus any additional service purchased in accordance with this subsection (b) shall be required to pay the actuarial equivalent cost for such additional service credit. However, the City may pay such cost if authorized by the City Council. Any election by the City to pay such cost shall be in lieu of the member's payment of such cost required by this subsection and is intended to be a "pick-up" as permitted under Section 414(h) of the Internal Revenue Code.

(c) *Purchase of additional service.* Within 30 days of the date of separation from City employment, any vested member of the senior executive group may purchase up to a maximum of five years of unqualified, additional which shall be counted as creditable service to meet the

requirement in subsection (a) of this section that a member be in service for ten years in the senior executive group. Such cost for the forgoing additional service purchased shall be equal to the actuarial equivalent as determined by the retirement system's actuary and shall be paid by the member; provided, however, that the City may pay such cost if authorized by the City Council. Any election by the City to pay such cost shall be in lieu of the member's contribution required by subsection (a) of this section and is intended to be a "pick-up" as permitted under Section 414(h) of the Internal Revenue Code.

(d) *Age 65 allowance.* Any member in service who 1) has ten or more years of creditable service in the senior executive group, 2) is at the time of the member's retirement employed in the senior executive group as defined in subsection (k), 3) has attained the age of 65, and 4) retires from active service pursuant to the provisions of this article, shall be paid a supplemental allowance which, when added to the retirement allowance payable under the preceding sections of this article, shall be equal to 50 percent of such member's current salary at the time of retirement. The allowance provided for in this section shall be paid in equal monthly installments.

(e) *Disability retirement.* Any member in service who has five years or more of creditable service in the senior executive group as defined in subsection (k) may, at any time before the member's normal retirement date, retire on account of permanent disability upon filing a retirement application with the board pursuant to the provisions of Section 22-238 or 22-240; provided, that the Medical Examiner's certification shall be that the member has been completely incapacitated by reason of sickness or injury contracted after the member's date of employment, from performing the usual duties attendant to the member's employment and that such disability is likely to be permanent.

(f) *Disability retirement allowance.* A member retiring under the provisions of this subsection shall receive an allowance equal to five percent of the member's current salary multiplied by the number of years not in excess of ten that such member has served in the senior executive group as defined in subsection (k).

(g) *Worker's compensation offset (dollar for dollar).* Any of the foregoing provisions to the contrary notwithstanding, the disability retirement allowance payable to any member retiring after December 31, 1981, shall be reduced by the amount of compensation, if any, awarded to the member under the Virginia Worker's Compensation Act with respect to the disability giving rise to the member's retirement, so long as such compensation is payable.

(h) *Worker's compensation offset (lump sum award).* If any member in receipt of a retirement allowance pursuant to this section elects to receive a lump-sum settlement in lieu of periodic payments for disability under the Virginia Worker's Compensation Act, the member's disability retirement allowance shall be reduced in the same amount and for the number of months equivalent to the lump sum award amount divided by the amount of the original workers' compensation award amount (i.e., the lump sum award amount divided by the original workers' compensation award amount equals the number of months of continued reduction).

(i) *Additional optional forms of payment allowance.* Each member in the senior executive group as defined in subsection (k) shall have the right to elect to have the member's retirement allowance decreased during the member's lifetime and have such retirement allowance, or a designated fraction thereof, continued after the member's death to one other person, called a contingent beneficiary. In the case of a member who retires for disability under the provisions of subsection (f) and Section 22-238 or 22-240 the election of this option need not be made and shall not become effective until the member attains the date that would have been the member's normal

retirement date had the member remained in service until then. The amount of any such optional retirement allowance shall be the actuarial equivalent of the amount of the retirement allowance otherwise payable to the member. The member shall make such an election by written notice to the board and such an election shall be subject to the approval of the Board. The election by a member of this option shall be null and void if the member dies prior to retirement, or prior to the date the option becomes effective, or if the designated contingent beneficiary dies before the member's retirement or before the date the option becomes effective. A member who has elected this option may revoke such election by written notice to the Board at any time prior to the later of the effective date of the member's retirement or the date the option becomes effective.

(j) *Survivor allowance.* Should any member in the senior executive group as defined in subsection (k) die in service at any time before retirement and after attaining the member's normal retirement date, the member's surviving spouse, if any, shall receive a retirement allowance payable monthly for life equal to and commencing at the same date as the retirement allowance that would have been payable to such spouse in accordance with the retirement benefit formula provided for in subsection (c), had the member survived and retired on the first day of the month following the member's death after electing to have the member's allowance paid under the joint and last survivor option provided for in subsection (h), with 100 percent of the amount payable to the member continuing after the member's death to the contingent beneficiary, with the member's spouse designated as contingent beneficiary.

(k) *Makeup of senior executive group.* For purposes hereof, the senior executive group means the Mayor, Chief Administrative Officer, Deputy Chief Administrative Officer, City Attorney, Senior Assistant City Attorney, ~~Director of Economic and Community Development,~~ Director of Citizen Service and Response, Director of Economic Development, Director of

Housing and Community Development, Director of Planning and Development Review, City Auditor, Inspector General, City Assessor, Library Director, Director of Budget and Strategic Planning, City Clerk, Executive Director of the Richmond Retirement System, [~~Executive Director of the Port of Richmond, the Executive Director of International Programs,~~] Executive Director of the Richmond Behavioral Health Authority, Director of Procurement Services, Chief Capital Projects Manager, Commissioner of Buildings, [~~Emergency Services Coordinator,~~] Director of the Office of Minority Business Development, Director of the Office of Animal Care and Control, Director of the Office of Community Wealth Building, and Chiefs of Staff of the Mayor's Office, the City Council and the Chief Administrative Officer's Office or a head of a department of government of the City.

§ 2. This ordinance shall be in force and effect on July 1, 2018.