

INTRODUCED: November 9, 2020

A RESOLUTION No. 2020-R061

To request the Richmond delegation to the General Assembly of Virginia to introduce and support the enactment of legislation to amend section 5.05(a) of the Charter of the City of Richmond to provide that the Mayor or the designee thereof may attend any closed meeting of the Council only if permitted by the Council pursuant to § 2.2-3712(F) of the Code of Virginia.

Patrons – President Newbille, Vice President Hilbert, Mr. Addison, Ms. Gray, Ms. Larson, Ms. Lynch, Ms. Robertson, Ms. Trammell

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: DEC 14 2020 AT 6 P.M.

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

That, in accordance with section 15.2-202 of the Code of Virginia (1950), as amended, the Richmond delegation to the General Assembly of Virginia is hereby requested to introduce and support the enactment of legislation to amend section 5.05(a) of the Charter of the City of Richmond as set forth in the document entitled “Requests of the City of Richmond for City Charter Amendments during the 2021 Session of the General Assembly of Virginia,” a copy of which is attached to and made a part of this resolution.

AYES: 3 NOES: 6 ABSTAIN: _____

ADOPTED: _____ REJECTED: DEC 14 2020 STRICKEN: _____

REQUESTS OF THE CITY OF RICHMOND FOR CITY CHARTER AMENDMENTS
DURING THE 2021 SESSION OF THE GENERAL ASSEMBLY OF VIRGINIA

Amended Section:

§ 5.05. General duties; mayor.

It shall be the duty of the mayor to:

(a) Attend, or appoint a designee empowered to answer questions and make recommendations on behalf of the mayor to attend, all meetings of the council with the right to speak but not to vote; provided that the mayor or his designee [shall have the right to] may attend a closed meeting pursuant to § 2.2-3711 of the Code of Virginia[~~, unless the council determines that the subject matter of the closed meeting includes the office of the mayor and that inclusion of the mayor or his designee shall be detrimental to the purpose of the council's deliberations~~] only if permitted by the council pursuant to § 2.2-3712(F) of the Code of Virginia;

(b) Keep the council advised of the financial condition and the future needs of the city and of all matters pertaining to its proper administration, and make such recommendations as may seem to the mayor desirable;

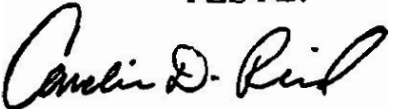
(c) Oversee preparation of and submit the annual budget to the council as provided in Chapter 6 of this charter;

(d) Perform such other duties as may be prescribed by this charter or which may be required of the chief executive officer of a city by the general laws of the Commonwealth, or by ordinances adopted by the council, provided that the mayor shall have the power to veto any city ordinance by written notice of veto delivered to the city clerk within 14 calendar days of council's actions, subject to override thereafter by the council with a vote of six or more of the currently filled seats on council at any regular or special meeting held within 14 calendar days of the clerk's receipt of the notice of veto; however, the appointment of members of a redevelopment and housing authority in the city shall be made by the council; and

(e) Issue such regulations as may be necessary in order to implement the mayor's duties and powers.

EXPLANATION: Subsection (a) of section 5.05 currently authorizes the Mayor or the designee thereof to attend a closed meeting pursuant to § 2.2-3711 of the Code of Virginia, unless the City Council determines that the subject matter of the closed meeting includes the Office of the Mayor and that inclusion of the Mayor or the designee thereof shall be detrimental to the purpose of the City Council's deliberations. The amendments to section 5.05 provide that the Mayor or the designee thereof may attend a closed meeting of the City Council only if permitted by the City Council pursuant to § 2.2-3712(F) of the Code of Virginia.

**A TRUE COPY:
TESTE:**



City Clerk



Richmond City Council

The Voice of the People

Richmond, Virginia

Office of the Council Chief of Staff

Ordinance/Resolution Request

TO Haskell Brown, Interim City Attorney

THROUGH Lawrence Anderson, Council Chief of Staff

FROM Joyce L. Davis, Council Policy Analyst
Office of the Council Chief of Staff

COPY All Members of Council
Tabrica Rentz, Interim Deputy City Attorney
Meghan Brown, Deputy Council Chief of Staff

DATE November 5, 2020

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TITLE CITY OF RICHMOND LEGISLATIVE RECOMMENDATIONS FOR THE 2021 VIRGINIA
GENERAL ASSEMBLY TO AMEND THE CHARTER, CHAPTER 5, SECTION 5.05 TO LIMIT
ATTENDANCE

RECEIVED

By Barbara Fore at 2:42 pm, Nov 05, 2020

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

REQUESTING COUNCILMEMBER/PATRON

All Members of Council

SUGGESTED STANDING COMMITTEE

Government Operations

ORDINANCE/RESOLUTION SUMMARY

Resolution is requesting the Richmond delegation of Virginia to introduce and support the enactment of legislation to amend Chapter 5, Section 5.05 (a) of the Charter of the City of Richmond to specify that the Charter be amended to authorize the City Council to limit attendance at any closed session of the City Council to only its members, and others as may be invited by Council.

BACKGROUND

This Resolution is requesting the Richmond delegation of Virginia to introduce and support the enactment of legislation to amend Chapter 5, Section 5.05(a) of the Charter of the City of Richmond to authorize the City Council to limit attendance at any closed session of the City Council to only its members and designated staff and those individuals invited by Council.

Richmond City Charter, Chapter 5, Section 5.05 (a), states,

"It shall be the duty of the mayor to: Attend, or appoint a designee empowered to answer questions and make recommendations on behalf of the mayor to attend, all meetings of the council with the right to speak but not to vote; the mayor or his designee shall have the right to attend a closed meeting pursuant to § 2.2-3711 of the Code of Virginia [Code

of Virginia, § 2.2-3711] unless the council determines that the subject matter of the closed meeting includes the office of the mayor and that inclusion of the mayor or his designee shall be detrimental to the purpose of the council's deliberations."

The Council believes it is in the best interest to amend Section 5.05 (a) to include language that Council has the right to limit attendance and decide only those individuals invited by Council as deemed necessary.

The request is included with Richmond's legislative proposals entitled, "2021 City of Richmond Legislative Proposals for the Virginia General Assembly" that makes a request to the Richmond delegation to the General Assembly of Virginia to take legislative action.

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	\$ 0	
Attachment/s	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

City of Richmond Legislative Proposals
for the
Virginia General Assembly 2021 Regular Session

Requests for Legislation

CHARTER

Exclusion of Mayor's Designees from City Council Closed Sessions – The City requests that the its Charter be amended to authorize the City Council to limit attendance at any closed session of the City Council to only its members and designated staff (Contingent upon final approval of Council Resolution).

HOUSING

Blighted/Derelict Property Taxation – The City requests authorization to adjust the qualifying criteria that authorizes a locality to tax blighted properties and derelict structures differently by classifying them as a separate class of property for local real property taxation. As currently structured, the criteria for qualification in the statute only includes Petersburg and Emporia. We are asking that the criteria be adjusted to capture the City of Richmond.

TRANSPORTATION/MOBILITY/VISION ZERO

Use of Radar Enabled Cameras – The City request that the authority to use radar-enabled speeding and red-light cameras be expanded to include business and residential districts. Legislation was enacted in the 2020 General Assembly session permitting their use in posted school crossing zones and work zones.

Bicycle Traffic Requirements –The City requests that cities and towns be authorized to permit bicyclists to treat a stop sign as a yield sign and a red-light traffic signal as a stop sign on highways maintained by the locality.

TAXATION

"Games of Skill" (Gray) Machines – Should the General Assembly continue to allow the operation of "games of skill" machines beyond June 30, 2021, the City requests legislation requiring a 15% 'add-on' to the 19% tax that localities receive through the COVID-19 Relief Fund for qualifying, economically distressed localities. Additionally, the City requests the authority to regulate the placement and the quantity of such machines in the City.

Policy Statements

EDUCATION

Public Education Funding - Significant progress was made in public education funding during the 2020 Regular Session. However, much of that progress has subsequently been deferred due to the economic impact of the COVID-19 pandemic. The City believes the 2021 General Assembly session should focus on restoring the deferred funding for public education, including increasing the At-Risk Add-On, while continuing to mitigate the ongoing impact of COVID-19. The City fully supports the RPS 2021 State Legislative Priorities for funding as adopted by the Richmond School Board.

Broadband - Broadband coverage and affordability is a pervasive issue that has far-reaching implications for K-12 education and lifelong learning. The City urges and supports a concentrated governmental effort to ensure broadband coverage is both available and affordable to those that are most in need.

HOUSING (AFFORDABILITY, EVICTION, GENTRIFICATION AND BLIGHT)

Affordability and Gentrification - The City requests and supports General Assembly actions to provide local governments with all possible tools to deal with the impacts of a market that, on the one hand, is vibrant, and on the other is driving home prices upward to the point of being unaffordable for a vast majority of residents. The City needs to increase the supply of affordable housing. The Commonwealth can encourage this by providing local governments additional sources for financing and encouraging all possible resources to leverage federal dollars to the benefit of affordable workforce and senior housing. Any and all tools to encourage private developers and non-profits to develop, construct and/or rehabilitate housing that is affordable should be incentivized by the state. This includes specific support for:

- Enactment of a state tax credit program that works in tandem with the federal Low Income Tax Credit (LITC) program and is specifically for affordable housing.
- Authority to establish a local Homestead Property Tax Exemption program/ordinance that would allow a lump sum deduction from the assessed value of a residential single-family home based on a fixed deduction amount that is set by the local governing body on an annual basis.

Housing Trust Fund - The City supports the restoration of funding and increased funding for the Virginia Housing Trust Fund that was deferred due to the economic impact of the COVID-19 pandemic. The City also supports changes that would provide greater flexibility in using a portion of the Fund to match local housing trust funds to support innovative housing projects and low-and moderate-income housing projects that are located in areas experiencing extreme shortages of such housing.

Transformation of Public Housing – The City is supportive of and encourages all possible sources of funding from the state and federal government for the transformation of public housing by providing financial assistance and tools for public housing redevelopment and infrastructure improvements.

Evictions - As the COVID-19 pandemic has laid bare an already exacerbated eviction problem in the Commonwealth, especially in the City of Richmond, further work needs to be done to create a healthier balance between those seeking to obtain or maintain adequate housing and those with housing to offer. The City of Richmond City Council is supportive of the following items:

- Prohibiting evictions for lease violations based on a local nuisance ordinance;
- Requiring a provision in leases for early lease termination for medical reasons for senior or disabled tenants;
- Lowering the statutory maximum amount a landlord may require as a security deposit in a lease from two months to the equivalent of one month's rent;
- Requiring eviction records be sealed within a specified amount of time and automatically expunged where cases are dismissed or decided in favor of the tenant;
- Requiring that tenants facing eviction for reasons other than nonpayment of rent be entitled to legal counsel;
- Allowing localities to enact an ordinance(s) requiring all residential rental property owners register each unit owned and require contact information for the owner or an individual designated by the owner, as well as an ordinance that would allow localities to recoup the costs of maintaining the registry from registrants.

SOCIAL/HUMAN SERVICES

Wrap Around Child Care– The City supports efforts to provide seamless, affordable access to quality wraparound early childhood services for at-risk families – including home visiting, subsidized childcare, and preschool through increased funding and improved state and local service delivery systems.

Mental Health – The City supports additional funding in FY 2022-2023 for Mental Health and Substance Abuse Services to include: community based, recovery-focused mental health, substance abuse and emergency/crisis stabilization services; drug treatment facilities for individuals that have addiction problems but who are currently housed in jails or prisons; and mental health training, communication training for prison and jail staff.

Virginia Grocery Investment Fund - Food Deserts– The City supports “full” funding of \$5 million for the Virginia Grocery Investment Fund to include financial and technical support for businesses to expand and ensure greater access to healthy food for residents of the Commonwealth. In the 2020 session, \$3.5 million was requested and half was received.

TAXATION

Cannabis and Cannabinoid Tax– The City supports authorizing localities to implement a point of sale tax on cannabis and cannabinoid products packaged and sold as a nutritional supplement. The point of sales tax rate should not exceed any existing sales tax rate imposed on tobacco products by the locality.

TRANSPORTATION

Street Maintenance Funding and Formula – The City supports increased funding for the State’s urban street maintenance program. Further, the City supports changes in the statutory provisions for the urban street maintenance funding formula by employing a state-of-the-art asset management approach that uses life cycle costs, pavement and bridge conditions, and recognizes on-street parking lanes and turning lanes, to allocate maintenance funding to cities and towns.

Lowering the Threshold for Reckless Driving in 25 mph Zones – The City supports legislation that would lower the charge for reckless driving in 25 mph zones to 10 mph over the speed limit rather than the current 20 mph over the speed limit.

ENVIRONMENTAL

Combined Sewer Overflow – The 2020 General Assembly passed a “Title 1” bill that requires the Richmond CSO to submit to DEQ, by July 1, 2021, an interim plan detailing all actions they can initiate by July 1, 2022, to address the requirements of any consent special order issued by the State Water Control Board (the Board) regarding the CSO system; and, by July 1, 2024, a final plan detailing all actions they will take to satisfy such requirements. The bill also requires that Richmond CSO initiate and complete activities pursuant to both plans in specific timeframes. It also requires that CSO provide detailed progress reports to DEQ annually, including the funding history of the CSO system and future funding needs, along with funding requests. DEQ is to transmit such information, along with appropriate supplementary information, to the Chairmen of the Senate Committee on Finance and Appropriations, the Senate Committee on Agriculture, Conservation and Natural Resources, the House Committee on Appropriations, and the House Committee on Agriculture, Chesapeake and Natural Resources; the Virginia delegation to the Chesapeake Bay Commission; the Secretary of Natural Resources; and the Governor by January 1 of each year. The Governor is to take into account these reports during the preparation of the biennial budget bill and any subsequent amendments. The General Assembly may take such reports into account

in enacting the general appropriation act and may evaluate and modify project deadlines on a biennial basis beginning in 2022. The bill also provides that the Board may consider granting a requested extension of planned deadlines if the General Assembly has not provided such extension, and if the owner or operator has exhausted all reasonable options and failed to secure funding to meet project deadlines. **The City of Richmond DPU will comply with all requested data points and urges the General Assembly to follow through with funding to complete the projects.**

Stormwater Local Assistance Funding - The City supports increased state funding for stormwater infrastructure improvements. More funding from the state is needed to help Richmond maintain its existing current infrastructure and build new infrastructure. The Stormwater Local Assistance Fund (SLAF) should receive more funding beyond \$50 million and cost matching between the state and localities should be reexamined as this model is not equitable for smaller, independent cities with lower tax bases.

Green Building Codes – The City supports authorizing local governments to adopt building code amendments applicable to new construction or renovations of existing buildings which increase energy conservation, water conservation, or environmental protections.

Participation in Federal Pace Program - The City supports enabling legislation that would allow the Commonwealth to participate in the Residential - Property Assessed Clean Energy program (PACE program). Residential PACE is a federal Department of Energy program that allows homeowners to finance energy efficiency, renewable energy and other eligible improvements on their homes using private sources of capital. PACE programs are typically enabled through state legislation and authorized at the local government level. Municipalities may directly administer residential PACE programs, or through public-private partnerships with one or more PACE providers.

Brownfields Fund – To begin remedying the effects of environmental injustice, the City supports authorizing funds provided through the Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund (§ 10.1-1237) for use in the assessment and remediation of public housing that was constructed over former solid waste landfills or other hazardous sites.