

INTRODUCED: December 14, 2020

AN ORDINANCE No. 2020-256

As Amended

To amend ch. 2, art. V of the City Code by adding therein a new div. 11 (§§ 2-1035—2-1039) for the purpose of establishing a Participatory Budgeting Steering Commission.

Patrons – Mr. Addison, Ms. Larson, Ms. Lambert, Mr. Jones, Ms. Lynch,
Vice President Robertson, President Newbille and Ms. Trammell

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JAN 11 2021 AT 6 P.M.

WHEREAS, the Council believes that it is in the best interests of the citizens of the City of Richmond that the Council establish a Participatory Budgeting Steering Commission to formulate the standards and procedures applicable to the purpose of making recommendations to the Council, the Mayor, the Chief Administrative Officer, and the Department of Budget and Strategic Planning for the implementation of participatory budgeting for select City capital projects; and

WHEREAS, with input from the Chief Administrative Officer and the Department of Budget and Strategic Planning, the Council intends to evaluate the purpose and duties of the Steering Commission and the recommended guidelines thereof by no later than June 30, 2025; and

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: FEB 8 2021 REJECTED: _____ STRICKEN: _____

WHEREAS, it is estimated that the annual operating costs for the Participatory Budgeting Steering Commission will be approximately \$5,000, including 80 staff hours;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That Chapter 2, Article V of the Code of the City of Richmond (2015) be and is hereby amended and reordained by **adding therein a new** Division 11, consisting of sections numbered 2-1035 through 2-1039, as follows:

DIVISION 11

PARTICIPATORY BUDGETING STEERING COMMISSION

Sec. 2-1035. Created.

There is hereby created a commission of the City of Richmond with indefinite duration to be known as the Participatory Budgeting Steering Commission for the purpose of making recommendations to the Council, the Mayor, and other City agencies on how to implement participatory budgeting for City capital projects proposed by the Commission and administering a participatory budgeting process. For purposes of this division, the phrase “participatory budgeting process” means a process through which members of the public may make advisory, nonbinding recommendations for presentation to the Council and the Mayor concerning the annual budget. For purposes of section 2-761, the Commission is classified as “advisory.”

Sec. 2-1036. Composition.

(a) The Commission shall be composed of seven members and four non-voting alternate members appointed by the Council in accordance with the following requirements:

- (1) Two voting members shall reside in a Council district located north of the James River;

(2) Three voting members shall reside in a Council district located south of the James River;

(3) One voting member shall be a [~~disabled~~] person with a disability;

(4) One voting member shall be a resident of public housing;

(5) The four non-voting alternate members shall be residents of the city of Richmond and may be appointed from any Council district.

(6) The chairman of the Commission selected in accordance with this division shall select an alternate member to serve in the place of a voting member in the case of the absence of a voting member. Any alternate member selected to serve in the place of a voting member during such voting member's absence shall have full voting rights during such voting member's absence.

(7) No Council member or Council liaison may serve on the Commission.

(b) The voting members and non-voting alternate members shall serve for terms of two years and may serve up to two consecutive terms.

(c) All appointments shall be otherwise governed by sections 2-755 and 2-756 of the Code of the City of Richmond (2015), as amended.

(d) All other aspects of the Commission and its membership not addressed in this division shall be governed by Chapter 2, Article V, Division 1.

Sec. 2-1037. Qualifications.

The membership of the Commission should possess experience and expertise concerning various aspects of community investment and development, public finance, urban planning, community health and wellbeing, community organization, and community outreach that may be relevant to the consideration of formulating standards and procedures for participatory

budgeting.

Sec. 2-1038. Duties.

The Commission shall serve as an advisory body to the Council, the Mayor, the Chief Administrative Officer, and the Department of Budget and Strategic Planning for the implementation of a participatory budgeting process for City capital projects proposed by the Commission and for the development of a participatory budgeting rulebook. For purposes of this division, the phrase “participatory budgeting rulebook” means a set of recommended guidelines developed by the Commission, to the extent permitted by law, concerning the process by which members of the public may participate in the annual budget process to provide the City with input on City capital projects proposed by the Commission. The Commission shall administer the participatory budgeting process provided for in this division. In addition, the Commission shall perform the following duties:

(a) Draft and finalize a participatory budgeting rulebook, which shall be approved as to form and legality by the City Attorney, providing for:

(1) The development of recommendations for a data collection and community assessment project that considers health, social, and environmental quality of life indicators. Such assessment and recommendations shall be produced in an annual written report to the Council, the Mayor, the Chief Administrative Officer, and the Department of Budget and Strategic Planning measuring the quality of life indicators noted in this subdivision and incorporating relevant aspects of the City’s master plan in such assessment and recommendations. In preparing its assessment and recommendations, the Commission shall obtain the advice and comment of City agencies, as the Commission deems appropriate, and, with regard to zoning matters, the

Department of Planning and Development Review, which department shall have a representative present to assist the Commission at public events conducted by the Commission for the residents of the city of Richmond.

(2) A process outlining how residents may participate in the annual budgeting process, the number and type of capital projects that the Commission may propose annually, how residents may offer any such resident's expertise on municipal budget matters, and any other relevant elements. Such process and any recommended funding for capital projects shall be delineated by Council District and shall facilitate citywide implementation of the process with a focus on transparency, community building, and representation from various groups, including but not limited to:

- a. ~~[Disabled persons]~~ Persons with disabilities.
- b. Youth and families.
- c. Persons with a history of criminal charges or convictions.
- d. Elderly persons.
- e. Non-native English speakers.
- f. Racial minorities
- g. Women.

(3) Parameters for participatory budgeting, including the following:

- a. Only capital projects that are estimated to take up to one year to complete shall be considered.
- b. Any proposals for funding shall not include any funding used to generate revenue, benefits, or funds to cover overhead, administrative, or overhead costs for private individuals or entities.

c. No proposed funding for projects shall require a change in City policy or applicable laws.

d. No proposed funding shall be for grants to nonprofit organizations.

e. No proposed capital projects shall promote religious or political beliefs;

f. All proposed capital projects be for the development of City-owned real estate.

g. Any proposals for funding shall not include funding for initiatives of or property operated by the School Board of the City of Richmond.

(b) Any voting process used by the Commission shall use ranked voting and, in the event of a tie, the tie shall be decided by the Commission.

(c) Funding opportunities shall be organized by district and shall organized by subject areas determined by the Commission.

(d) Develop measures and goals to evaluate the success of the participatory budgeting process.

(e) Establish a timeline for the implementation of the participatory budgeting process.

(f) Determine the annual budget allocation of funds for capital improvement projects for all Council districts.

(g) Develop outreach programs to solicit community participation in the participatory budgeting process, including the following:

(1) A public marketing and outreach campaign, strategy, and annual budget.

(2) Funding opportunities to offset the City's costs to implement the

participatory budgeting process.

(3) Recruitment of volunteers to assist with the preparation and submission to the City of capital project ideas.

(h) Determine the qualifications for and train volunteers for the development of the participatory budgeting process.

(i) Recommend the ways in which the City may oversee the implementation of the participatory budget process.

(j) Recommend the ways in which the City may more efficiently oversee the timely and successful execution of select capital projects as may be determined by the Commission and how the City may keep the public informed about the details and progress of such projects.

(k) Based on the participatory budgeting process and the participatory budgeting rulebook developed pursuant to this section, provide the Council, the Mayor, the Chief Administrative Officer, and the Department of Budget and Strategic Planning with recommendations for any modifications to the participatory budgeting process and participatory budgeting rulebook, by no later than June 30 of the fiscal year commencing July 1, 2021, and ending June 30, 2022, and by June 30 of each fiscal year thereafter.

(l) Submit a written report, containing the Commission's findings and recommendations for a participatory budgeting process and a participatory budgeting rulebook as required by this division, to the City Council, the Mayor, Chief Administrative Officer, and the Department of Budget and Strategic Planning by no later than the first regular meeting of the City Council scheduled after June 30, 2021.

Sec. 2-1039. Administration.

(a) *Quorum.* Four members of the Commission shall constitute a quorum.

(b) *Officers.* The Commission shall select from among its membership a chairman and other such officers as it may deem necessary for the conduct its affairs.

(c) *Meetings.* The Commission shall meet within each Council district at least once within a twelve month period and as often as it deems necessary in order to complete its duties, and shall provide for a sign language and Spanish interpreter at all such meetings.

(d) *Freedom-of-Information.* All meetings and records of the Commission shall be subject to the provisions of the Virginia Freedom of Information Act.

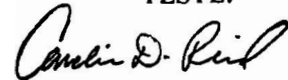
(e) *Procedures.* The Commission may adopt by-laws or rules of procedure not inconsistent with this ordinance to govern the conduct of its meetings and operations.

(f) *Staff and Resources.* The Chief Administrative Officer or the designee thereof shall provide such staff and resources, and shall coordinate the provision of assistance by agencies that report to the Chief Administrative Officer and the offices of appointees of the City Council, as may be necessary, to assist the Commission in completing the duties set forth in this division. The Office of the City Attorney shall provide any legal advice or opinions necessary to assist the Commission in completing the duties imposed by this ordinance.

§ 2. This ordinance shall be in force and effect upon adoption.

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 Richmond City Attorney
Richmond Office of the City Attorney

THROUGH Lawrence R. Anderson
Council Chief of Staff

FROM Samson Anderson, Council Budget Analyst

COPY Andreas Addison, 1st District Representative
Kristen Larson, 4th District Representative
Aaron Bond, 4th District Liaison
Daniel Wagner, 1st District Liaison
Meghan K. Brown, Deputy Chief of Staff
Tabrica Rentz, Interim Deputy Richmond City Attorney

DATE December 4, 2020

PAGE/s 1 of 2

TITLE Participatory Budgeting Steering Commission

RECEIVED

By Barbara Fore at 8:40 am, Dec 07, 2020

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

REQUESTING COUNCILMEMBER/PATRON

Andreas Addison, 1st District
Representative
Kristen Larson, 4th District Representative

SUGGESTED STANDING COMMITTEE

Finance & Economic Development

ORDINANCE/RESOLUTION SUMMARY

The Patron requests that a Participatory Budgeting Steering Commission be established, in order to initiate a Participatory Budgeting process for the City of Richmond. Participatory Budgeting was unanimously supported by City Council in Resolution No. 2019 – R051 on September 23, 2019.

BACKGROUND

Summary:

What is Participatory Budgeting (PB)?

Participatory Budgeting is utilizing a democratic process to allow community members to determine how best to allocate a public budget, usually a capital budget within a city, county, or school district. PB started in Porto Alegre, Brazil in 1989 as part of an anti-poverty initiative. As a result of that initiative child mortality rates in Porto Alegre dropped 20%.

Resolution 2019-R051:

On September 23, 2019, PB received unanimous support from the Richmond City Council in the form of Resolution No. 2019 – R051. This resolution requested that the Mayor allot \$3 million annually for PB from the capital budget, for the FY21-FY25 Capital Improvement Plan.

This resolution did not further stipulate how Council wished to see PB implemented in Richmond, nor any details regarding a steering committee. Those details are to be addressed within this ordinance, which is sponsored by one of the three original sponsors of 2019-R051.

Participatory Budgeting in Richmond:

In Richmond, PB will be handled uniquely within each of the 9 voting districts. Has volunteers within each district, and projects unique to their district.

Volunteers are frequently known as budget delegates or facilitators and they help their district implement participatory budgeting by collecting funding ideas, presenting the funding ideas selected for the ballot, and administering the voting.

City code allows for the formation of an advisory committee or a task force. The Steering Commission (SC) will have the power, within limitations set out below, to determine implementation of public policy without further approval of the City Council and Mayor. As such, the SC is not an advisory committee. Therefore for legal purposes it will be considered a task force.

City Code Section 2 – 796 lays out specific information required in order to form an advisory committee or task force. The following bullet points lay out the information legally required in statute.

- Official Designation: Richmond Participatory Budgeting Steering Commission
- Scope and Objectives: To draft the PB rulebook, and establish protocols for the implementation of PB in Richmond. To engage with the public and assist them in the realization of successful PB in Richmond. (Attached: examples of rulebooks from other cities)
- Period of Time Needed: A minimum of 3 fiscal cycles of implementation.
- Agency or Official to Whom the Commission Reports: City Council, the Mayor & Budget Office
- Staff support will be provided by CAO or designee.
- Membership Requirements of Commission Members:
 - 7 members
 - 2 from North of the James River
 - 3 from South of the James River
 - 1 position reserved for a disabled individual
 - 1 position reserved for a public housing resident
 - While no specific qualifications are stipulated, Council is encouraged to form a well-rounded SC with persons with varying skill sets needed to formulate and implement a new budgetary program in the City.
 - SC members will be selected by the City Council
 - Up to 4 alternates will be appointed as well as the 7 members. This is in the event of quorum issues, the SC will not have to return to Council to have a member removed or replaced in order to continue to have the votes and function.

- Alternates will be appointed in an order of 1-4 that will allow the SC to know who is "next in line" in the event that an alternate is needed on the commission.
 - Alternates will not have voting authority. If they become a full member, they will then have voting authority.
 - Having served as an alternate will not negatively affect an individual's application to serve on the SC as a member.
 - Alternates are encouraged to still attend meetings and volunteer throughout the PB process.
- Term limits are set for 2 years. Members can serve 2 consecutive terms.
- Candidates with a passion for community investment, community health and wellbeing, and grassroots organizing are strongly encouraged to apply, as well as candidates with experience in community development, outreach, public finance, and urban planning.
- Council Members and their Liaison may not serve on the SC
- Commission's Duties:
 - Drafting & Finalizing the Rulebook
 - Data Collection & Planning
 - The SC will assess the feasibility of and develop recommendations for a data collection/community assessment project including different quality of life indicators that will result in an annual report measuring quality of life using different health, social, and environmental indicators. The project will continue the momentum of Richmond 300's data collection. The project's report along with the Richmond 300 Final Plan will serve as a framework for the PB process, drawing attention to possible areas for community development. The SC will coordinate with the Department of Planning and Development Review to co-present city data at PB launch events and meetings.
 - Developing Measures and Goals
 - The SC should create process checkpoints and other tools to evaluate the PB process and outcomes.
 - Finalizing the Timeline
 - Determine distribution of CIP dollars between each City Council District.
 - Outreach – Community Participation and Funding
 - The SC should create a public marketing/outreach campaign strategy and budget
 - The SC should seek community funding for the PB process in order to supplement what the City is able to provide.
 - The SC should work to recruit volunteers in order to aid the submission of project ideas and votes.
 - The SC members will volunteer throughout the PB process including assisting with project presentations and voting.
 - Formalizing Training
 - Community Oversight
 - The SC should oversee the implementation of chosen capital projects, working collaboratively with city agencies to ensure projects are

executed timely and successfully and to inform the public of project details and progress.

- Recommendations
 - The SC should provide yearly recommendations to City Council following each PB cycle.
- Termination Date: There will be no termination date, but there is to be a re-evaluation of the SC and PB by the City Council, Budget Office, and CAO after 3 fiscal cycles have been completed with funding from the City for capital projects. The City has the option of continuing to utilize the SC implementation of PB or may allow the volunteers within the Districts, be they facilitators or budget delegates, to run the program under the protocols established by the SC.
- Meetings: Meetings must adhere to public hearing guidelines of the Commonwealth and City. Meetings must be held within each district of the City with sign language and Spanish interpretation.

Within the Rulebook the SC can determine how residents will vote, how many projects per district, the roll of volunteers (frequently called facilitators or budget delegates), categories for projects, age limits for volunteers, and more. **While the funding will be by district, the Steering Committee will be working on citywide implementation. The SC should focus on transparency, community building and representation from disenfranchised groups**, including but not limited to:

- Disabled (visible and invisible)
- Youth & Families
- Justice Involved Residents
- Seniors
- English as a Second Language
- Ethnicity & Race, Correcting Harm, Inclusion, Equity
- Community Building
- Women & Femme

While the SC will have the freedom and responsibility to develop the rulebook and mechanism for implementing PB in Richmond, the following are **restrictions** that City Council Staff believe to be in the best interests of the public and the City. Compliance with the following restrictions are mandatory for the SC.

- Fund projects that take only one year
- Funding cannot be used to generate funding or benefit for private individuals or entities
- Funding projects cannot be contingent on market demands or funding streams
- Funding projects cannot require a change in City policy
- Funding cannot be used to cover overhead or administrative costs, including salaries
- Funding cannot be grants to nonprofit organizations
- Projects cannot promote religious or political beliefs
- Projects must be on City property
- Prior to being placed on the ballot, projects must be approved by the City Attorney and a CAO designee

- No funding of school initiatives or on school property; because the school district has its own capital budget.
- Age limit 14+ for voting and participation
- Budget delegates (not on steering committee) should live or work in their district
- Use ranked voting
 - In the event of a tie, even with ranked voting, the tie will be decided by the SC.
- Organize funding opportunities by district and subject area (SC to pick all subject areas).

FISCAL IMPACT STATEMENT

Fiscal Impact Yes No

Budget Amendment Required Yes No

Estimated Cost or Revenue Impact:

Staff hours and support needed to select Steering Committee Members, and providing them with necessary budgetary information. It is estimated that the staff support needed as this program gets off of the ground will be 80 hours for the first year. At \$35 an hour, it is estimated to cost the City \$2,800 in the first year.

Attachment/s Yes No

Richmond City Council Ordinance/Resolution Request Form/updated 10.5.2012 /sjs