



City of Richmond

900 East Broad Street
Richmond, VA 23219
www.richmondgov.com/cityclerk

Minutes

Governmental Operations Standing Committee

Thursday, June 25, 2020

12:00 PM

Council Chamber, 2nd Floor – Virtual Meeting

Committee Members and Staff in Attendance

The Honorable Andreas Addison – Chair
The Honorable Michael Jones – Vice Chair
The Honorable Cynthia Newbille – Member
The Honorable Chris Hilbert – Alternate Member (*late arrival and early departure*)
The Honorable Kristen Larson – Council Member (*late arrival*)
The Honorable Stephanie Lynch – Council Member (*early departure*)
The Honorable Ellen Robertson – Council Member (*late arrival*)
Lawrence Anderson, Council Chief of Staff
Samson Anderson, Council Budget Analyst
Lisa Braxton, Council Management Analyst
Haskell C. Brown, III, Interim City Attorney
Meghan Brown, Deputy Council Chief of Staff
Joyce Davis, Council Policy Analyst
Jamie Isley, Assistant City Clerk
Allison Miessler, Boards and Commissions Administrator
Candice Reid, City Clerk
RJ Warren, Deputy City Clerk

Call to Order

Chair Andreas Addison called the meeting to order at 12:04 p.m., and presided.

Electronic Meeting Announcement

Assistant City Clerk Jamie Isley, in accordance with Ordinance No. 2020-093, adopted April 9, 2020, announced the meeting would be held through electronic communication means. Assistant City Clerk Isley stated notice of the meeting was provided to the public through a public information advisory issued on June 17, 2020, and through Legistar on the city website in accordance with usual practice. She also stated members of the public were encouraged to provide comments in writing prior to the meeting and all comments received prior to 10:00 a.m., on Thursday, June 25, 2020, were provided to committee members. Ms. Isley indicated that members of the public who signed up to speak and provide comment would be called to speak at the appropriate time.

Councilor Stephanie Lynch joined the meeting at 12:06 p.m.

Alternate Member Chris Hilbert joined the meeting at 12:07 p.m.

Councilor Ellen Robertson joined the meeting at 12:08 p.m.

Citizen Speaker Guidelines

Upon the Chair's request, Assistant City Clerk Jamie Isley provided the citizen speaker guidelines.

Public Comment

There were no public comment speakers.

Approval of Minutes

There were no amendments or corrections to the meeting minutes of Thursday, May 28, 2020, and the committee approved the minutes as presented.

Board Vacancies

Allison Miessler, boards and commissions administrator, reviewed board applications for consideration by the committee.

Vice Chair Michael Jones cautioned against setting a precedent for the expectation of Council standing committees to select applicants whom are favored by a particular board or commission.

Member Cynthia Newbille agreed with Vice Chair Jones' sentiments and expressed her support for the approval of Daisy Weaver's application for appointment to the Board of Trustees of the Richmond Retirement System (RRS).

Chair Andreas Addison summarized the committee's recommendations and requested staff keep Chung Ma's application to the Board of Trustees of the RRS on file for the next board vacancy.

Vice Chair Michael Jones moved to forward the following appointments to Council with the recommendation to approve, which was seconded and unanimously approved:

Board Name	Criteria for Appointment	Applicant Name
Richmond Public Library Board (7 members)	Qualified Voter (6 vacancies)	William Yates (reappointment)
		Barbara Burton (reappointment)
		Brent Graves
		Sheron Carter-Gunter
		Garrett Sawyer
		Gail Zwirner
Board of Trustees of the Richmond Retirement System	Retiree (1 vacancy)	Daisy Weaver
Sister Cities Commission (13 members)	Applicants must reside and/or work in the city (5 vacancies)	Thomas Lisk (reappointment)
		Ronald Timmons (reappointment)
		My Lan Tran (reappointment)
		Julianne Condrey
		Zachary Reid

A copy of the material provided has been filed.

Presentation

Monument Removal Process

Interim City Attorney Haskell C. Brown, III, presented the committee with information regarding the process mandated by the Virginia General Assembly under the revised Code of Virginia §15.2-1812, for the removal of city-owned war memorials and monuments. Mr. Brown outlined legal requirements, the general contents of the proposed ordinance to remove the monuments, potential challenges to monument removal and potential consequences of removal outside of the Virginia General Assembly mandated process.

Alternate Member Chris Hilbert asked a series of questions regarding the removal of the monuments, to which Interim City Attorney Brown answered:

- *Mr. Brown informed the committee that either the Department of Finance or the Department of Budget and Strategic Planning would be responsible for providing information regarding budget amendments and reallocation of funding for the monument removal process.*
- *Mr. Brown informed the committee that litigation would be processed by the Richmond Circuit Court prior to any review by the Supreme Court of Virginia.*
- *Mr. Brown stated that he does not anticipate the need for altering the meeting schedules of the City Planning Commission or Commission of Architectural Review in keeping with the General Assembly mandated process.*
- *Mr. Brown stated that the city of Norfolk, Virginia is taking on the risk of litigation due to its work for the past three years on the removal of its single statue. He informed the committee of the city of Norfolk's agreement with involved parties to receive the statue for preservation purposes. Mr. Brown also stated that the city of Norfolk received a firm commitment from the Norfolk commonwealth's attorney that no criminal charges would be lobbied. He informed the committee that the mayor of Norfolk is also a member of Norfolk City Council, which provides the mayor of Norfolk with legislative immunity.*
- *Mr. Brown informed the committee that the Office of the City Attorney is researching the rules and regulations governing the A.P. Hill memorial gravesite.*
- *Mr. Brown stated that determining the removal of monuments city-wide is within the authority of Richmond City Council.*

Alternate Member Hilbert recommended that Council confine removal efforts to the war memorials on Monument Avenue and to continue the process of removal city-wide subsequently. He also inquired about the Confederate Soldiers and Sailors monument located in Libby Hill Park, and recommended replacing the soldier and placards with a tribute to all veterans.

Interim City Attorney Brown informed the committee that requesting a shortened monument removal process from the Virginia General Assembly would require Council to adopt a resolution. Mr. Brown stated that legislative immunity does not extend to executive branch members or contractors for physical removal of the monuments. He advised that there are no legal options for the removal of the monuments prior to July 1, 2020.

Councilor Stephanie Lynch asked a series of questions regarding the removal of the monuments, to which Interim City Attorney Haskell C. Brown, III, answered:

- *Mr. Brown informed the committee that Code of Virginia § 44-146.21 should be evaluated in its entirety and proceeded to clarify the meaning behind the code regarding the declaration of a local emergency. Mr. Brown advised that if Council makes an attempt to circumvent the General Assembly mandated process, then the likelihood for an injunction or the filing of criminal charges increases.*

- *Mr. Brown explained that the Office of the City Attorney is continuing research efforts concerning emergency statutes regarding civil unrest and the COVID-19 pandemic. He noted that legal statutes do not provide the necessary authority to remove the monuments prior to July 1, 2020.*

Vice Chair Michael Jones expressed dissatisfaction with the Virginia General Assembly mandated process and noted his intent to exhaust all legal avenues to initiate monument removal while avoiding the possibility of an injunction. Vice Chair Jones asked a series of questions regarding the removal of the monuments, to which Interim City Attorney Haskell C. Brown, III, answered:

- *Mr. Brown informed the committee that an injunction requiring the statues to remain indefinitely would be the worst case scenario regarding a hypothetical situation where the monuments are removed with Council approval outside of the Virginia General Assembly mandated guidelines. He further explained that the city could be sued, and that it would be difficult to find contractors willing to risk criminal charges for statue removal. Mr. Brown also stated that other risks include litigation requiring the removed statues to be re-erected, and the potential for an inefficient removal process.*

Alternate Member Chris Hilbert exited the meeting at 12:48 p.m.

Chair Kristen Larson joined the meeting at 12:51 p.m.

Member Cynthia Newbille requested the Office of the City Attorney research legal avenues to expedite the Virginia General Assembly mandated process and swiftly remove the statues.

Councilor Lynch requested the Office of the City Attorney to research methods to bypass the General Assembly mandated process within the Code of Virginia.

Vice Chair Jones cautioned against elongating the process by attempting to shorten it. He recommended following the Virginia General Assembly mandated process while waiting for a second legal opinion regarding legal avenues to shorten the process.

Chair Andreas Addison expressed displeasure with the Virginia General Assembly's response to Council's request for monument removal powers. Chair Addison emphasized the danger to the public when statues are not removed by professionals, and suggested Council request the Virginia General Assembly to hold a special session prior to August, to address the removal of Confederate monuments by localities throughout the Commonwealth of Virginia.

Interim City Attorney Brown stated that the Richmond commonwealth's attorney could decide against providing written correspondence regarding the refusal to prosecute for complaints against elected officials. He further clarified that such an instance may cause the commonwealth's attorney to select a special prosecutor from another jurisdiction. He informed the committee that acting outside of the bounds set by the Virginia General Assembly could ensure the possibility of an injunction, and put those tasked with the physical removal of the war memorials at greater risk of criminal charges. Mr. Brown also stated that the mayor of the city of Richmond is the local official with emergency powers provided by the Code of Virginia.

Councilor Larson inquired if there had been an effort in place to gain consensus among Councilpersons regarding the immediate removal of Confederate statues in the city. She stressed the importance of action and the Council vocalizing its concern for the issues surrounding the civil unrest.

Member Cynthia Newbille recommended drafting a resolution that requests the Virginia General Assembly to approve the early removal of the monuments. She stated that the special Council meeting to be held on July 1, 2020, at 11:00 a.m. provides an opportunity to gauge consensus of the full body.

Chair Addison recommended adhering to the General Assembly mandated process and sending a resolution request outlining the urgent need to remove the monuments.

Councilor Larson inquired whether Council can provide consensus presently, and inquire with members not in attendance regarding consensus prior to July 1, 2020.

Interim City Attorney Brown stated that the Council members present in the meeting could discuss the process and later contact the two members not in attendance regarding consensus. He reminded members that three or more Council members meeting without proper public notice is unlawful.

Vice Chair Jones requested further deliberations be made with the absent Council members present. He expressed support for following the Virginia General Assembly mandated process with Member Newbille at the helm as Council president, and emphasized the importance of introducing legislation in the interim.

Member Newbille stated that Council will request the Virginia General Assembly to truncate the monument removal process, the Office of the City Attorney to review the Code of Virginia for legal avenues for early removal, and to correspond with the mayor regarding a declaration of a state of emergency.

Interim City Attorney Brown informed the committee that the ordinance and resolution request for the proposed resolution had not been received, and stated that the Office of the City Attorney would work towards completing the legislation prior to June 30, 2020.

Member Newbille stated that among the language included in the proposed legislation, should be a request to truncate the process along with a fifty percent timeline reduction delineated in the process.

Chair Addison recommended asking the Virginia General Assembly how fast the process could be expedited instead of requesting a specific date.

Interim City Attorney Brown informed the committee that he would contact the Office of the Attorney General of Virginia.

Councilor Stephanie Lynch departed the meeting at 1:25 p.m.

Chair Addison requested staff to clearly outline the dates and procedures for the Virginia General Assembly mandated process, and to make the information available to the public.

Paper for Consideration

The following ordinance was considered:

ORD. 2020-117

To authorize the Chief Administrative Officer, for and on behalf of the City of Richmond, to execute a Records Management System User Agreement between the City of Richmond and Virginia Commonwealth University for the purpose of contracting for the use of equipment and materials as allowed by Va. Code § 15.2-1736 by allowing the Virginia Commonwealth University Police Department to become an operational user of the Department of Police's records management system for the input, retrieval, and storage of records and facilitating interoperability between the Department of Police and the Virginia Commonwealth University Police Department.

Patron: Mayor Stoney

Chair Andreas Addison recommended ORD. 2020-117 be continued to a future Governmental Operations Standing Committee meeting, to provide time for additional discussion regarding the relationship between public safety officers and the city.

Vice Chair Michael Jones expressed support for Chair Addison's remarks.

There were no further comments or discussions and **Vice Chair Michael Jones moved to continue ORD. 2020-117 to the September 24, 2020, Governmental Operations Standing Committee meeting, which was seconded and unanimously approved.**

Discussion Item(s)

There were no items for discussion.

Staff Report

Joyce Davis, Council policy analyst, provided the committee with the June staff report.

A copy of the report provided has been filed.

Adjournment

There being no further business, the meeting adjourned at 1:33 p.m.