

INTRODUCED: March 8, 2021

A RESOLUTION No. 2021-R016

To approve and ratify an amended Charter Agreement of the Richmond Regional Planning District Commission.

Patron – President Newbille

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAR 22 2021 AT 6 P.M.

WHEREAS, pursuant to section 15.2-4203(B)(7) of the Code of Virginia (1950), as amended, a Charter Agreement of the Richmond Regional Planning District Commission dated August 14, 1969, establishing the Richmond Regional Planning District Commission, of which the City of Richmond is a member jurisdiction, provides that any amendment to such Charter Agreement requires the adoption of concurring resolutions by all member jurisdictions before such amendment may be made effective; and

WHEREAS, the Richmond Regional Planning District Commission has submitted for consideration by its member jurisdictions an amended Charter Agreement of the Richmond Regional Planning District Commission in the form of the document attached to this resolution,

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: MAR 22 2021 REJECTED: _____ STRICKEN: _____

which amended Charter Agreement the Council of the City of Richmond now desires to approve and ratify on behalf of the City of Richmond;

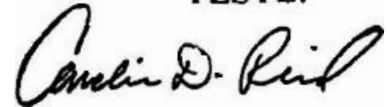
NOW, THEREFORE,

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

That the City of Richmond hereby approves and ratifies the amended Charter Agreement of the Richmond Regional Planning District Commission in the form of the document attached to this resolution, and that the President of the Council hereby is authorized to affix the President's signature to such amended Charter Agreement on the City's behalf to evidence the City's approval and ratification of such amended Charter Agreement by this concurring resolution.

A TRUE COPY:

TESTE:

A handwritten signature in black ink, appearing to read "Camelin D. Reed". The signature is written in a cursive style with a large initial "C".

City Clerk

**CHARTER AGREEMENT
OF THE
RICHMOND REGIONAL PLANNING DISTRICT COMMISSION**

This Charter Agreement to organize a Planning District Commission made this 14th day of August, 1969, by and between the undersigned member jurisdictions as authorized by the Virginia Area Development Act (Title 15.1, Chapter 34, Sections 15.1-1400, et seq., Code of Virginia (1950), as amended), and subsequently amended this _____ day of _____, 2021 as authorized by the Regional Cooperation Act, Chapter 42 of Title 15.2 of the *Code of Virginia* (as amended) (Va. Code § 15.2-4200, et seq.):

NOW, THEREFORE, it is agreed that:

**ARTICLE I
Name, Location, Authority, Purpose**

Section 1

The name of this organization shall be the Richmond Regional Planning District Commission, hereinafter called the "COMMISSION."

Section 2

The office of the COMMISSION shall be centrally located within Planning District 15.

Section 3

The COMMISSION shall be a public body corporate and politic with all the powers and duties granted to it by the laws of the Commonwealth of Virginia including the Regional Cooperation Act.

Section 4

The purpose of the COMMISSION shall be to promote the orderly and efficient development of the physical, social, and economic elements of Planning District 15 by planning and encouraging and assisting member jurisdictions to plan for the future.

**ARTICLE II
Membership**

Section 1

COMMISSION members shall be appointed by the respective governing bodies of those member jurisdictions which are parties to this Charter Agreement provided, however, that at least a majority, but not substantially more than a majority, of the COMMISSION's members shall be elected officials of the governing bodies of the member jurisdictions within the Planning District with each participating county, city, and town of more than 3,500 population

having at least one representative, and the other members being qualified voters and residents of the District who hold no office elected by the people.

Section 2

Member jurisdictions which are parties to this Charter Agreement shall appoint members to the COMMISSION to represent the number of voting seats on the following basis:

Number and Type of Voting Seats

<u>Population</u>	<u>Governing Body</u>	<u>Planning Commission</u>	<u>Citizen</u>
3,501 - 7,500	1	-	-
7,501 - 25,000	1	1	-
25,001 - 50,000	2	1	-
50,001 - 100,000	2	1	1
100,001 - 175,000	3	1	1
175,001 - 250,000	4	1	1
250,001 - and up	5	1	1

Appointed Governing Body members may represent more than one Governing Body voting seat if authorized by the member jurisdiction. Governing Body members are the only members eligible to represent more than one voting seat for the member jurisdiction.

For purposes of defining population of a jurisdiction under the terms of this Section, the numbers to be used will be the latest of the official U.S. Census count or the most recent preliminary population estimate prepared by the Weldon Cooper Center for Public Service at the University of Virginia.

Section 3

Varancies on the COMMISSION shall be filled for the unexpired term in the same manner as the original appointment was made.

Section 4

Any member of the COMMISSION shall be eligible for reappointment but may be removed for cause by the governing body which appointed him.

Section 5

Each governing body belonging to the COMMISSION may appoint an alternate member who is also an elected official of the governing body to the COMMISSION who may serve in lieu of one of the elected officials of that governing body. An alternate member shall only serve in

the absence of the designated governing body official and when serving in this capacity, shall hold the same voting authority as the designated governing body official.

ARTICLE III
Terms of Office and Voting Rights

Section 1

The terms of office of COMMISSION members shall be determined by the respective governing body. The terms of alternate members shall be coincident with the terms of office of their designated member of the governing body.

Section 2

Each member of the COMMISSION shall have one equal vote in all matters before the COMMISSION unless designated to represent more than one voting seat by the appointing member jurisdiction.

Section 3

Each alternate member appointed to the COMMISSION shall hold the same voting authority as the designated governing body official.

ARTICLE IV
Officers

Section 1

Officers of the COMMISSION shall consist of a Chairman, Vice-Chairman, Treasurer, and Secretary who shall be elected by a majority of the voting seats of the COMMISSION.

Section 2

The Chairman, Vice-Chairman, Treasurer, and Secretary shall be elected for terms of one year.

Section 3

The Chairman shall not be eligible to serve consecutive terms. No member jurisdiction shall have more than one representative serving as a COMMISSION officer except that the Treasurer, when reelected for a consecutive term, may serve even though another COMMISSION officer is from the same member jurisdiction.

Section 4

The COMMISSION shall appoint an Executive Director who shall be an employee of the COMMISSION and shall serve at the pleasure of a majority of the voting seats.

ARTICLE V
Addition, Withdrawal, or Removal of Member Jurisdictions

Section 1

Any member jurisdiction within Planning District Number 15 which is not a party to this Charter Agreement at the effective date thereof may, thereafter, join the COMMISSION provided that such member jurisdiction is eligible for membership and that it adopts and executes this Agreement.

Section 2

Any member jurisdiction may withdraw from the COMMISSION by submitting to the COMMISSION in writing a notice of intent to withdraw. Such withdrawal shall not become effective until the end of the COMMISSION's then current fiscal year.

Section 3

Any member jurisdiction which is a party to this Agreement, shall automatically cease to be a member of the COMMISSION if it fails to comply with ARTICLE VI of this Agreement.

ARTICLE VI
Financial Obligations of Member Jurisdictions

Section 1

All member jurisdictions within Planning District Number 15 which are a party to this Charter Agreement shall contribute funds to the COMMISSION in accordance with an Annual Budget approved prior to the beginning of the COMMISSION'S fiscal year, provided that said Annual Budget is adopted by the affirmative vote of three-fourths (3/4) of the voting seats present and voting.

Section 2

In the event that the dues of a member jurisdiction are based on an estimate of population for that jurisdiction, the population estimate to be utilized will be the latest of the official U.S. Census count or the most recent preliminary population estimate prepared by the Weldon Cooper Center for Public Service at the University of Virginia.

Section 3

The local contribution of each member jurisdiction is due on July 1 of the current fiscal year and shall be paid in a single lump sum payment by each member jurisdiction prior to July 31 of that year.

Section 4

An additional assessment may be made upon a member jurisdiction for particular services of a local nature, which are requested by said member jurisdiction and which may or may not be included in the Work Program adopted by the COMMISSION. This assessment shall be agreed upon with the appropriate member jurisdiction.

ARTICLE VII

Appointment of an Executive Committee and Adoption of Bylaws

Section 1

The COMMISSION may designate an Executive Committee and delegate to it such powers as the COMMISSION may determine, provided that these powers are not inconsistent with provisions of the Regional Cooperation Act, Chapter 42 of Title 15.2 of the *Code of Virginia* (as amended) (Va. Code § 15.2-4200, *et seq.*). Said powers will be specifically stated in the Bylaws of the Commission.

Section 2

The COMMISSION may adopt Bylaws and such other rules as it deems necessary to govern its operations.

ARTICLE VIII

Meetings

Section 1

The COMMISSION shall hold regular meetings on a schedule which will be determined by the membership.

Section 2

Meetings of the COMMISSION and its committees shall be open to the public as provided by the Virginia Freedom of Information Act.

ARTICLE IX

Amendments

Section 1

This Charter Agreement may be amended, supplemented, or superseded only by concurring resolutions of all member jurisdictions of the COMMISSION. All proposed amendments shall be submitted to the COMMISSION for its review and comment and to the member jurisdictions for consideration.

ARTICLE X
Date of Organization

Section 1

The organization of the Richmond Regional Planning District Commission shall be effective on the 31st day of August, 1969, or at such time after this date when the Charter Agreement has been adopted and signed by that member jurisdictions whose population when added to the aggregate population of those who have already adopted and signed the Charter Agreement embraces the majority of the population within Planning District Number 15.

* * * * *

Amendments Adopted By
Richmond Regional Planning District Commission
September 14, 1989
and
Final Ratification by All Nine Local Governments
January 10, 1990
Amendments Adopted By
Richmond Regional Planning District Commission
Month Day, 2021
and
Final Ratification by All Nine Local Governments
Month Day, 2021

**RATIFIED BY THE RICHMOND REGIONAL PLANNING DISTRICT COMMISSION'S
MEMBER JURISDICTIONS ON THE DATES INDICATED**

**MEMBER JURISDICTION
RATIFICATION**

DATE OF

CHARLES CITY COUNTY:

By:

CHESTERFIELD COUNTY:

By:

CITY OF RICHMOND

By:

GOOCHLAND COUNTY

By:

HANOVER COUNTY

By:

**RATIFIED BY THE RICHMOND REGIONAL PLANNING DISTRICT COMMISSION'S
MEMBER JURISDICTIONS ON THE DATES INDICATED**

**MEMBER JURISDICTION
RATIFICATION**

DATE OF

HENRICO COUNTY

By:

NEW KENT COUNTY

By:

POWHATAN COUNTY

By:

TOWN OF ASHLAND

By:



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 Joyce Davis, Interim Council Chief of Staff

FROM Steven Taylor, Council Policy Analyst

COPY Cynthia Newbille, President & 7th District Council Member
Sam Patterson, 7th District Liaison
Tabrica Rentz, Interim Deputy City Attorney

DATE February 26, 2021

PAGE/s 1 of 2

TITLE Charter Amendments Richmond Regional Planning District Commission.

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

REQUESTING COUNCILMEMBER/PATRON

Newbille

SUGGESTED STANDING COMMITTEE

Government Operations

ORDINANCE/RESOLUTION SUMMARY

Patron requests that legislation be drafted for Council's consideration approving charter amendments for the Richmond Regional Planning District Commission.

BACKGROUND

An amended charter will be shared with the Council.

FISCAL IMPACT STATEMENT

Fiscal Impact Yes No

Budget Amendment Required Yes No

Estimated Cost or Revenue Impact \$ N/A

Attachment/s Yes No

**CHARTER AGREEMENT
OF THE
RICHMOND REGIONAL PLANNING DISTRICT COMMISSION**

This Charter Agreement to organize a Planning District Commission made this 14th day of August, 1969, by and between the undersigned governmental-subdivisions/member jurisdictions as authorized by the Virginia Area Development Act (Title 15.1, Chapter 34, Sections 15.1-1400, et seq., Code of Virginia (1950), as amended), and subsequently amended this _____ day of _____, 2020, as authorized by the Regional Cooperation Act, Chapter 12 of Title 15.2 of the Code of Virginia (as amended) (Va. Code § 15.2-1200, et seq.):

NOW, THEREFORE, it is agreed that:

**ARTICLE I
Name, Location, Authority, Purpose**

Section 1

The name of this organization shall be the Richmond Regional Planning District Commission, hereinafter called the "COMMISSION."

Section 2

The office of the COMMISSION shall be in the City of Richmond, Virginia centrally located within the Regional Planning District 15.

Section 3

The COMMISSION shall be a public body corporate and politic with all the powers and duties granted to it by the laws of the Commonwealth of Virginia including the Virginia Area Development Regional Cooperation Act.

Section 4

The purpose of the COMMISSION shall be to promote the orderly and efficient development of the physical, social, and economic elements of the Planning District 15 by planning and encouraging and assisting governmental-subdivisions/member jurisdictions to plan for the future.

**ARTICLE II
Membership**

Section 1

COMMISSION members shall be appointed by the respective governing bodies of those political-subdivisions/member jurisdictions which are parties to this Charter Agreement provided, however, that at least a majority, but not substantially more than a majority, of the

COMMISSION's members shall be elected officials of the governing bodies of the ~~governmental subdivisions~~ member jurisdictions within the Planning District with each participating county, city, and town of more than 3,500 population having at least one representative, and the other members being qualified voters and residents of the District who hold no office elected by the people.

Section 2

~~Governmental subdivisions~~ Member jurisdictions which are parties to this Charter Agreement shall appoint members to the COMMISSION ~~to fill~~ to represent the number of voting seats on the following basis:

<u>Number and Type of Membership Voting Seats</u>				
<u>Population</u>	<u>Governing Body</u>	<u>Planning Commission</u>	<u>Citizen</u>	
3,501 - 7,500	1	-	-	
7,501 - 25,000	1	1	-	
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175,001 - 250,000	4	1	1	
250,001 - and up	5	1	1	

Appointed Governing Body members may represent more than one Governing Body voting seat if that is preferred/authorized by the member jurisdiction. Elected Officials Governing Body members are the only members eligible to represent more than one voting seat for the member jurisdiction.

For purposes of defining population of a jurisdiction under the terms of this Section, the numbers to be used will be the latest of the official U.S. Census count or the most recent preliminary population estimate prepared by the Weldon Cooper Center for Public Service at the University of Virginia.

Section 3

Vacancies on the COMMISSION shall be filled for the unexpired term in the same manner as the original appointment was made.

Section 4

Any member of the COMMISSION shall be eligible for reappointment but may be removed for cause by the governing body which appointed him.

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Commented [E1]: All voting seats must be filled with GB appointees because "At least a majority of [Commission] members shall be elected officials." 15.2-4203.B.4. Without doing so, the PC and citizen members could outnumber the GB members. Preserving this rule would also allow GB members to cast votes of fellow GB members, as specified by their jurisdiction - see below. This would still allow for a quorum to be attained and made up of fewer (or no) GB members, unless the definition of quorum in the Bylaws is changed to something like: "COMMISSION members representing a majority of voting seats shall constitute a quorum."

Commented [E2]: This sentence provides that GB members may cast multiple GB voting seats but only for their fellow GB members, not for PC or citizen members. This does not specify how a member jurisdiction's preference for the voting authority of its members will be expressed or memorialized. Some jurisdictions adopt a resolution or pass a motion and some simply send a letter. Members, the Commission, and staff need to be clear of a Member's authority to cast votes.

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Section 5

~~Each governing body belonging to the COMMISSION may appoint an alternate member who is also an elected official of the governing body to the COMMISSION who may serve in lieu of one of the elected officials of that governing body. He~~An alternate member shall only serve in the absence of the designated governing body official and when serving in this capacity, shall hold the same voting authority as the designated governing body official. He may be an elected official or any citizen of that governmental subdivision.

ARTICLE III
Terms of Office and Voting Rights

Section 1

~~The terms of office of COMMISSION members who are also members of governing bodies shall be coincident with their elected terms of office determined by the respective governing body. The terms of office of COMMISSION members who are also members of local planning commissions shall be coincident with their appointed terms of office as members of such planning commissions. The terms of office of the citizen members shall be three (3) years. The terms of alternate members shall be coincident with the elected terms of office of their designated member of the governing body.~~

Section 2

Each member of the COMMISSION shall have one equal vote in all matters before the COMMISSION unless designated to represent more than one voting seat by the appointing member jurisdiction.

Section 3

~~Each alternate member appointed to the COMMISSION shall have one equal vote in all matters before the COMMISSION, but only in the absence of the elected official on the governing body for which he~~they have been designated as an alternate member hold the same voting authority as the designated governing body official.

ARTICLE IV
Officers

Section 1

Officers of the COMMISSION shall consist of a Chairman, Vice-Chairman, Treasurer, and

Secretary who shall be elected by a majority of the membership-voting seats of the COMMISSION.

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The Chairman, Vice-Chairman, Treasurer, and Secretary shall be elected for terms of one year.

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The COMMISSION shall appoint an Executive Director who shall be an employee of the COMMISSION and shall serve at the pleasure of a majority of the membership-voting seats.

ARTICLE V

Addition, Withdrawal, or Removal of Members Jurisdictions

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Any ~~governmental subdivision~~ member jurisdiction within Planning District Number 15 which is not a party to this Charter Agreement at the effective date thereof may, thereafter, join the COMMISSION provided that such ~~governmental subdivision~~ member jurisdiction is eligible for membership and that it adopts and executes this Agreement.

Section 2

Any ~~governmental subdivision~~ member jurisdiction may withdraw from the COMMISSION by submitting to the COMMISSION in writing a notice of intent to withdraw. Such withdrawal shall not become effective until the end of the COMMISSION's then current fiscal year.

Section 3

Any ~~governmental subdivision~~ member jurisdiction which is a party to this Agreement, shall automatically cease to be a member of the COMMISSION if it fails to comply with ARTICLE VI of this Agreement.

ARTICLE- VI

Financial Obligations of Members Jurisdictions

Section 1

All ~~governmental subdivision member jurisdictions~~ within Planning District Number 15 which are a party to this Charter Agreement shall contribute funds to the COMMISSION in accordance with an Annual Budget approved ~~in December of each year~~ prior to the beginning of the COMMISSION'S fiscal year, provided that said Annual Budget is adopted by the affirmative vote of three-fourths (3/4) of the ~~members~~ voting seats present and voting.

Section 2

In the event that the dues of a member jurisdiction are based on an estimate of population for that jurisdiction, the population estimate to be utilized will be the latest of the official U.S. Census count or the most recent preliminary population estimate prepared by the Weldon Cooper Center for Public Service at the University of Virginia.

Section 3

The local contribution of each ~~governmental subdivision member jurisdiction~~ is due on July 1 of the current fiscal year and shall be paid in a single lump sum payment by each ~~governmental subdivision member jurisdiction~~ prior to July 31 of that year.

Section 4

An additional assessment may be made upon a ~~governmental subdivision member jurisdiction~~ for particular services of a local nature, which are requested by said ~~governmental subdivision member jurisdiction~~ and which may or may not be included in the Work Program adopted by the COMMISSION. This assessment shall be agreed upon by ~~the COMMISSION and with the appropriate governmental subdivision member jurisdiction~~.

ARTICLE VII

Appointment of an Executive Committee and Adoption of Bylaws

Section 1

The COMMISSION may designate an Executive Committee and delegate to it such powers as the COMMISSION may determine, provided that these powers are not inconsistent with provisions of the ~~Virginia Area Development Act~~ Regional Cooperation Act, Chapter 12 of Title 15.2 of the Code of Virginia (as amended) (Va. Code § 15.2-1200, et seq.). Said powers will be specifically stated in the Bylaws of the Commission.

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**ARTICLE VIII
Meetings**

Section 1

The COMMISSION shall hold regular meetings on a schedule which will be determined by the membership.

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Meetings of the COMMISSION and its committees shall be open to the public as provided by the Virginia Freedom of Information Act.

**ARTICLE IX
Amendments**

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**ARTICLE X
Date of Organization**

Section 1

The organization of the Richmond Regional Planning District Commission shall be effective on the 31st day of August, 1969, or at such time after this date when the Charter Agreement has been adopted and signed by that ~~governmental subdivisions~~ member jurisdictions whose population when added to the aggregate population of those who have already adopted and signed the Charter Agreement embraces the majority of the population within Planning District Number 15.

* * * * *

**Amendments Adopted By
Richmond Regional Planning District Commission
September 14, 1989
and
Final Ratification by All Nine Local Governments
January 10, 1990**

Amendments Adopted By
Richmond Regional Planning District Commission
Month Day, 2021
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Final Ratification by All Nine Local Governments
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RATIFIED BY THE RICHMOND REGIONAL PLANNING DISTRICT COMMISSION'S
MEMBER JURISDICTIONS ON THE DATES INDICATED

MEMBER JURISDICTION _____ DATE OF RATIFICATION _____

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CHARLES CITY COUNTY:

By:

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CHESTERFIELD COUNTY:

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By:

CITY OF RICHMOND

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GOOCHLAND COUNTY

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TOWN OF ASHLAND

By:

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