

INTRODUCED: July 24, 2017

AN ORDINANCE No. 2017-143

As Amended

To amend City Code §§ 2-755, 2-756, 2-760, 2-761, and 2-762, concerning boards and commissions generally, for the purpose of providing for a uniform definition of “board or commission,” providing that no citizen member of a board or commission shall be eligible for reappointment after eight years of continuous service until at least one year has lapsed since the expiration of the citizen member’s last term, and requiring that each board or commission provide certain information to the Office of the City Clerk.

Patron – Mr. Addison & Mr. Agelasto

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEPT 11 2017 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 2-755, 2-756, 2-760, 2-761, and 2-762 of the Code of the City of Richmond (2015) be and are hereby **amended** and reordained as follows:

Sec. 2-755. [~~Eligibility~~] Definitions; eligibility of members to succeed themselves; term of members.

(a) Definition. For purposes of this division, the term “board or commission” means any of the boards, commissions or similar collegial bodies, however named, which are created by statute, ordinance, resolution or mayoral action and to which the City Council or the Mayor

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: OCT 9 2017 REJECTED: _____ STRICKEN: _____

appoints some or all of the members. The term “board or commission” does not refer to an ad hoc committee or a standing committee of the City Council.

(b) Eligibility of members to succeed themselves. Notwithstanding any possible section in this Code to the contrary and unless otherwise provided by the statute, ordinance, resolution, mayoral action or other governing documents pursuant to which the board or commission is established, no citizen member of a board or commission, other than persons appointed by the Council to serve as members of the Capital Region Airport Commission [~~Chapter 380, Acts of Assembly 1980~~] or nominated and elected to serve on the Board of Directors of the Greater Richmond Transit Company [Committee], shall be [appointed to more than two successive full terms on a board or commission; provided, however, the members of the Highway Safety Commission may serve up to three successive full terms and] eligible for reappointment to the board or commission after a period of continuous service of eight years; provided, however, [a person appointed to fill a vacancy (that is, an unexpired term) may serve two successive full terms upon completion of the unexpired term for which the person has been appointed. However, this] after serving the maximum number of permitted consecutive terms, a citizen member may be reappointed to the same board ~~of~~ or commission after at least 365 days [has] have elapsed since the date on which the citizen member’s last term expired. This subsection shall not apply to [governmental authorities created by the City] a board or commission that is an authority pursuant to state law.

~~(b)~~ (c) Term of members. Unless otherwise specified by general law, ordinance or resolution, the term of office for the members of any board~~;~~ or commission ~~or committee~~ the members of which are appointed by the Council shall be three years from the date of appointment.

Sec. 2-756. Removal of members; forfeiture of office.

(a) If any person appointed to membership upon a board or commission by the Council misses four consecutive regularly scheduled meetings of such board or commission or if the board or commission has less than four regularly scheduled meetings within a period of 12 scheduled months and any member of such board or commission fails to attend all such regularly scheduled meetings during a period exceeding 12 months in length, such member of any such board or commission shall be subject to removal from membership on such board or commission, and the Council may remove such member utilizing the procedure provided in Section 4.14 of the Charter or substantially similar procedure. If the information form provided by a member of a board or commission to the Council prior to the individual's appointment is materially false or misleading, that shall also be grounds for removal in the manner provided by law. Unless general law of the Commonwealth, the Charter or other special act of the General Assembly or the ordinance or resolution of the City provides specifically that a person appointed to a board^[;] or commission [~~or similar body~~] must reside in the City, be a voting citizen of the City, or contain other language of like purport, a person having a principal place of employment within the City may be appointed by the Council to serve on a board^[;] or commission^[; etc.] .

(b) Any person who is appointed to membership on a board or commission after July 8, 1983, except those subject to Section 2-926(a) and who shall thereafter cease to maintain a permanent residence within the City or who terminates qualifying employment within the City shall thereby forfeit membership on the board or commission of which such person is a member.

Sec. 2-760. Filing of statement of economic interests.

Any nonsalaried citizen members who are appointed by the Council to a board~~[;]~~ or commission~~[, authority, or committee]~~ and who receive monetary compensation either on a monthly basis or on a per-meeting basis shall file with the City Clerk, as a condition of assuming office, a disclosure form of their personal interests and such other information as is specified on the form set forth in Code of Virginia, § 2.2-3118, and thereafter shall file such form annually on or before January 15. Such appointments include, but are not limited to, those made by the Council to the following:

- (1) The Capital Region Airport Commission;
- (2) The City Planning Commission;
- (3) The Greater Richmond Transit Company Committee;
- (4) The Richmond Metropolitan Authority;
- (5) The Richmond Redevelopment and Housing Authority;
- (6) The Richmond Retirement System; and
- (7) The Economic Development Authority of the City of Richmond, Virginia.

Sec. 2-761. Classification of boards~~[;]~~ and commissions [~~and committees and~~] ; requirements to make reports.

(a) *Definition.* For purposes of this section except for subsection (d), the [~~terms “board and commission,” “board or commission,” “boards and commissions” and “boards or commissions”~~] include any one or more of the boards, commissions or similar collegial bodies, however named, which are created by statute, ordinance, resolution or mayoral action and to which the Council or the Mayor appoints some or all of the members. These terms specifically include term “board or commission” specifically includes authorities, corporations and non-City entities to which the Council or the Mayor appoints some or all of the members.

(b) *Classification.*

(1) Each board [~~and~~] or commission shall be classified according to its respective level of authority as follows:

a. *Advisory.* A board or commission is classified as “advisory” if its purpose is to provide advice and comment to the Council, the Mayor or any City agency.

b. *Policy.* A board or commission is classified as “policy” if its purpose is to promulgate public policies or regulations, adjudicate regulatory or statutory violations or make decisions binding on City agencies or members of the public, whether or not such decisions are subject to appeal.

c. *Supervisory.* A board or commission is classified as “supervisory” if its purpose is to be responsible for agency operations, including approving requests for appropriations, appointing an agency director who is subordinate to the board or commission and ensuring that the agency complies with all statutory directives and directives of the board or commission.

(2) Each board [~~and~~] or commission established by the City after the effective date of the ordinance from which this section is derived shall be classified according to one of the three classifications in Subsection (b)(1) of this section in the ordinance, resolution or mayoral action establishing the board or commission. For each board [~~and~~] or commission existing as of the effective date of the ordinance from which this section is derived and for each board [~~and~~] or commission established by a statute that does not

classify such board or commission according to one of the three classifications in Subsection (b)(1) of this section, the Council shall adopt, and may, from time to time, amend, a resolution classifying such boards ~~and~~ or commissions according to one of the three classifications in Subsection (b)(1) of this section. Notwithstanding the foregoing, for purposes of the reporting requirements imposed by Subsection (c) of this section, all corporations and other non-City entities to the governing bodies of which the Council or the Mayor appoints one or more members and to which the City disburses funds, directly or indirectly, during the then-current fiscal year are classified as “advisory,” provided that nothing in this section shall relieve any corporation or other non-City entity from the requirement to comply with any additional reporting requirements established by any other law or by any grant contract or similar contract between the City and such corporation or non-City entity.

(c) *Reporting.* ~~[All boards and commissions]~~ Each board or commission shall make reports to a Council Standing Committee to be designated from time to time by resolution. Such report shall be in such form and contain such substance as this subsection may require based on the classification of the board or commission and as the Standing Committee may require. The minimum reporting requirements of a board or commission based on the classification of that board or commission shall be as follows:

(1) *Advisory.* Each board or commission classified as “advisory” shall make an annual presentation to the Standing Committee to which the board or commission is assigned, including at least the following information:

a. Any proposed legislation on which the board or commission recommends that the City Council or the General Assembly act.

b. A list of all meeting dates of the board or commission during the preceding year.

c. Any other information requested by the Standing Committee to which the board or commission is assigned to report.

(2) *Policy*. Each board or commission classified as “policy” shall make an annual presentation to the Standing Committee to which the board or commission is assigned, including at least the following information:

a. Any proposed legislation on which the board or commission recommends that the City Council or the General Assembly act.

b. A list of all meeting dates of the board or commission during the preceding year.

c. Any other information requested by the Standing Committee to which the board or commission is assigned to report.

(3) *Supervisory*. Each board or commission classified as “supervisory” shall make:

a. An annual presentation to the Standing Committee to which the board or commission is assigned, including at least the following information:

1. Any proposed legislation on which the board or commission recommends that the City Council or the General Assembly act.

2. A list of all meeting dates of the board or commission during the preceding year.

3. Any other information requested by the Standing Committee to which the board or commission is assigned to report.

b. A quarterly written report to the Standing Committee to which the board or commission is assigned within 30 days of the end of each quarter, including at least the following information:

1. A comparison of the actual expenditures with the budgeted expenditures of the board or commission.

2. A report on performance indicators that indicate how the board or commission performed during the quarter.

3. A list of dates and times when the board or commission met during the quarter.

4. Any operational or policy challenges that the board or commission requests the assistance of the Council, the Mayor, the Chief Administrative Officer or their appointees in addressing.

(d) Additional reporting requirements. In addition to any other reports required by this section or otherwise, each board or commission established by statute, ordinance, resolution, or mayoral action shall report the following information in writing to the Office of the City Clerk within 15 days after each meeting of the board or commission:

(1) The date, time, and location of the last meeting of the board or commission.

(2) A copy of the agenda of the last meeting of the board or commission.

(3) A copy of any minutes approved at the last meeting of the board or commission.

(4) A copy of the draft minutes, if not yet approved, of the last meeting of the board or commission.

(5) The date, time, and location of the next scheduled meeting of the board or commission.

Sec. 2-762. Boards^[;] and commissions [~~and committees~~] required to meet.

Every board^[;] or commission^[;] ~~and committee~~ to which the Council appoints all members shall meet at least one time in a 12-month period. Any such board^[;] or commission^[;] ~~and committee~~ that does not meet at least once during a 12-month period may be subject to dissolution by ordinance or resolution. [~~Those boards, commissions, or committees~~] A board or commission created or continued pursuant to State or Federal law shall not be subject to dissolution for failure to comply with this section's requirements.

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



Lou Brown Ali
Council Chief of Staff

Richmond City Council

The Voice of the People

Richmond, Virginia

Office of the Council Chief of Staff

Council Ordinance/Resolution Request

TO Allen L. Jackson, Richmond City Attorney

THROUGH Lou Brown-Ali, Council Chief of Staff *MKB on behalf of*

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

COPY Andreas Addison, 1st District Council member
Haskell Brown, Deputy City Attorney
Meghan Brown, Deputy Council Chief of Staff *MKB*
Chelsi Bennet, 1st District Council Liaison

DATE July 13, 2017

PAGE/s 1 of 2

TITLE: Amend Richmond City Code, Article 5, Section 2 governing Boards and Commissions

RECEIVED

JUL 14 2017

OFFICE OF CITY ATTORNEY

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

REQUESTING COUNCILMEMBER/PATRON

SUGGESTED STANDING COMMITTEE

Council Member Andreas Addison

Governmental Operations

ORDINANCE/RESOLUTION SUMMARY

Amendments to Richmond City Code, Article 5, Section 2 governing Boards and Commissions to provide for consistent language when Boards and Commissions are referenced and to require certain information in reports to the Clerk's Office for added transparency.

BACKGROUND

This request is to restructure Richmond City Code, Article 5, Section 2 governing Boards, Commissions, Committees and other agencies to make changes to the language when Boards and Commissions are referenced and to require Boards to provide certain information in reports to the Clerk's Office.

The proposed amendments are as follows:

1. Redefine terms for Boards and Commissions.

Period of Service Limitation – Unless otherwise specified by general law, no member of a board, commission, or similar entity shall be eligible for reappointment after a period of continuous service totaling eight years.

After serving the maximum number of permitted consecutive terms, persons may be appointed to the same entity after a lapse of service totaling no less than one full year.

2. Richmond City Code, Chapter 2, Article V should be revised such that all references to Boards and Commissions and other similar entities should be aligned with reference to the same language consistent throughout Chapter 2.

Terms of all appointments shall be for three years from the date of appointment unless otherwise provided for in other legislation.

3. Include a requirement that Boards and Commissions must provide the following information to the Clerk's Office.
 1. Last meeting date, time, and location
 2. Last meeting agenda and/or minutes/notes
 3. Next Meeting date, time and location

The proposed introduction date is July 24, 2017.

FISCAL IMPACT STATEMENT

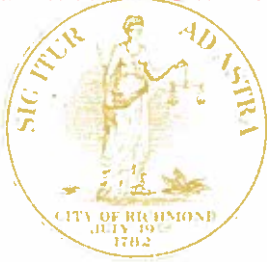
Fiscal Impact Yes No

Budget Amendment Required Yes No

Estimated Cost or Revenue Impact \$

Attachment/s Yes No

Richmond City Council Ordinance/Resolution Request Form/updated 12.22.08/srs



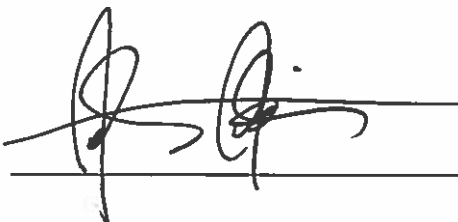
**City Of Richmond, Virginia
Office of the City Clerk**

Request to Withdraw Legislation

Paper Number: Ord. 2017-143

Chief Patron: Councilor Andreas Addison

Introduction Date: July 24, 2017

Chief Patron Signature: 

For Office Use Only

Attestation: 

Effective Date: Sept. 13, 2017