

INTRODUCED: November 12, 2019

A RESOLUTION No. 2019-R064

To request the Richmond delegation to the General Assembly of Virginia to introduce and support the enactment of legislation to amend sections 3.01 and 3.04.1 of the Charter of the City of Richmond to provide that each Council member shall reside in the election district from which such member was elected throughout the member’s term on the Council and to authorize the Council to remove any Council member not in compliance with such residency requirement.

Patrons – All Members of Council

Approved as to form and legality
by the City Attorney

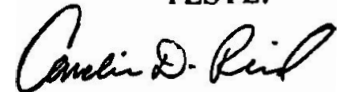
PUBLIC HEARING: DEC 9 2019 AT 6 P.M.

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 sections 3.01 and 3.04.1 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 2020 Session of the General Assembly of Virginia,” a copy of which is attached to and made a part of this resolution.

A TRUE COPY:

TESTE:



City Clerk

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: DEC 09 2019 REJECTED: _____ STRICKEN: _____

**REQUESTS OF THE CITY OF RICHMOND FOR CITY CHARTER AMENDMENTS
DURING THE 2020 SESSION OF THE GENERAL ASSEMBLY OF VIRGINIA**

Amended Sections:

§ 3.01. Election of councilmen; nomination of candidates; residency.

A. At the time of the November general election in 2004, and every second year thereafter, there shall be held a general city election at which shall be elected by the qualified voters of the city one member of council from each of the nine election districts in the city, the voters residing in each such district to elect one member for said district for terms of two years from the first day of January following their election. However, beginning with the elections to be held in 2008, and subject to approval by referendum as called for by this act, council members shall be elected for a term of four years.

B. No primary election shall be held for the nomination of candidates for the office of councilman, and candidates shall be nominated only by petition.

C. Each council member elected in accordance with this section shall reside in the election district from which such member was elected throughout the member's term on the Council.

EXPLANATION: Subsection (A) of section 3.01 is understood to require that each person elected to the City Council must be a resident of the election district from which such person is elected. However, this subsection does not expressly require any such member to maintain the member's residency within the district to which the member was elected during the member's term on the Council. The amendments to section 3.01 provide that each member of the City Council must be a resident of the election district from which such member was elected throughout the member's term on the City Council.

§ 3.04.1. Removal of council member or mayor and forfeiture of office.

A. In addition to being subject to the procedure set forth in § 24.2-233 of the Code of Virginia, any member of the council may be removed by the council[~~, but only~~] for malfeasance in office or neglect of duty or for a failure to comply with the residency requirement set forth in section 3.01. [He/she] The member shall be entitled to notice and hearing. It shall be the duty of the council, at the request of the person sought to be removed, to subpoena witnesses whose testimony would be pertinent to the matter in hand. From the decision of the council an appeal shall lie to the Circuit Court of the City of Richmond, Division 1.

B. The mayor may be removed following the procedure set forth in § 24.2-233 of the Code of Virginia applicable to constitutional officers; provided, however, that the petition must be signed by a number of registered voters in each council district equal to at least ten percent of the total number of votes cast in the last general election for mayor in each respective council district.

C. The mayor or any member of council who shall be convicted by a final judgment of any court from which no appeal has been taken or which has been affirmed by a

court of last resort on a charge involving moral turpitude, or any felony, or any misdemeanor involving possession of marijuana or any controlled substances, shall forfeit his/her office.

EXPLANATION: Subsection (A) of section 3.04.1 currently authorizes the City Council to remove a member of the City Council only for malfeasance in office or neglect of duty. The amendments to section 3.04.1 provide that the City Council may also remove a member of the City Council for a failure to comply with the proposed requirement in section 3.01 that a member of the City Council be a resident of the election district from which such member was elected throughout the member's term on the City Council.



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 Meghan Brown, Interim Council Chief of Staff *MKB*

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

COPY All Members of Richmond City Council
Levar Stoney, Mayor
Lenora Reid, Interim Chief Administrative Officer
Lincoln Sanders, Mayor's Chief of Staff
Haskell Brown, Deputy City Attorney

DATE October 18, 2019

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TITLE: CITY OF RICHMOND FOR THE 2020 VIRGINIA GENERAL ASSEMBLY TO AMEND CITY CHARTER FOR COUNCIL RESIDENCY REQUIREMENTS

RECEIVED
OCT 21 2019
OFFICE OF THE CITY ATTORNEY

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

REQUESTING COUNCILMEMBER/PATRON

All Members of Council

SUGGESTED STANDING COMMITTEE

Expedited Consideration

ORDINANCE/RESOLUTION SUMMARY

Resolution is requesting the Richmond delegation of Virginia to introduce and support the enactment of legislation to amend Section 3.04.1 of the Charter of the City of Richmond to specify that Council member residency must remain within the district after elected and for violation of this section, Council has the authority to remove an elected official who in violation of this residency requirement.

BACKGROUND

This Resolution is requesting the Richmond delegation of Virginia to introduce and support the enactment of legislation to amend Section 3.04.1 of the Charter of the City of Richmond to specify that Council member residency must remain within the district after elected and for violation of this section, Council has the authority to remove an elected council member who is in violation of this residency

requirement.

Richmond City Charter, Chapter 3, Section 3.01, states that one member of Council shall be elected from each of the nine election districts. This section does not specify residency requirements. Chapter 3.04.1, governs removal of council members or forfeiture of office and reasons for which a Council member can be removed. In this section, under category A, it is requested to amend this section providing more specificity that council members shall be removed for failure to comply with the residency requirements. The request is to add and remove language as follows:

Section 3.04.1 – Removal of Council member or mayor and forfeiture of office.

A. In addition to being subject to the procedure set forth in §24.2-233 of the Code of Virginia, any member of the council may be removed by the council, ~~but only for malfeasance in office, neglect of duty, or failure to comply with the residency requirement throughout such council member's term.~~ He/she shall be entitled to notice and hearing. It shall be the duty of the council, at the request of the person sought to be removed, to subpoena witnesses whose testimony would be pertinent to the matter in hand. From the decision of the council, an appeal shall lie to the Circuit Court of the City of Richmond, Division 1.

This recommendation is made to clarify the expectation for Council member continued residency in the district once elected and to remain in the district the entire term to which elected.

This request is included with Richmond's legislative proposals entitled, "2020 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.

The request is that the provisions and language added be narrowly construed and interpreted to avoid any confusion.

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	\$	

Attachment/s Yes No

Richmond City Council Ordinance/Resolution Request Form/updated 12.22.09/srs

2020 City of Richmond Legislative Proposals for the Virginia General Assembly

A. Public Education Funding – Provide full and equitable funding for the true costs of public education in the Commonwealth of Virginia. Immediate goals should be increasing funding through equity-based funding streams, removal of the funding caps for support staff, and providing sufficient general funds for direct aid programs so that 100 percent of the lottery proceeds can be returned directly to local schools for discretionary use. Further, meaningful state financial support for school modernization and construction is critical, either by maximizing Lottery funds and/or creation of a new funding stream.

B. Payment in Lieu of Taxes (PILOT) – Provide full funding for the PILOT in the City of Richmond.

Affordable Housing, Gentrification, and Eviction

The City seeks 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 following state legislation and the passage of legislation enumerated under 21st Century Richmond: Planned Growth Economic Progress & Affordable Housing would be most helpful as we build a Richmond for all.

C. Inclusionary Zoning/Affordable Housing – The City of Richmond should be given the authority to adopt an affordable housing dwelling unit/inclusionary zoning program that is responsive to the demands of the Richmond market.

D. Land Value Taxation - Authorize the City of Richmond to implement a land value tax, as is permitted in the Cities of Fairfax, Poquoson, and Roanoke by State §58.1-3221.1. "Classification of land and improvements for tax purposes."

E. Affordable Housing Redevelopment Tax Exemption – To encourage affordable housing opportunities, provide local governments the authority to extend the partial tax exemption for affordable housing in redevelopment districts from 15 years to 30 years by amending §58.1-3219.4.

F. Local Homestead Property Tax Exemption – Authorize localities to establish a local Homestead Property Tax Exemption program 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. Provide an exemption of up to 20% of the just value of the homestead. Eligibility criteria for the local option homestead property tax exemption would be the same as the state homestead property tax exemption program.

Transportation

G. Regional Transportation – Develop a tax structure to fund regional transportation infrastructure projects and expand public transit access across the Richmond region. The regional tax structure could potentially employ the same taxes structure used in Northern Virginia (§33.2-2500 – 2512) as well as a ride sharing tax.

H. RMTA Board Composition – Modify the City of Richmond membership on the Richmond Metropolitan Transportation Authority Board to require the appointment of one Council member with remaining appointments made by the Mayor with approval of Council. §33.2-

2901 currently reads: "Any of the three localities may, in its discretion, appoint as one of its Board members an elected officeholder who is a member of the governing body of that locality."

City Charter

Changes related residency:

- Clarify the residency requirement for Council Members;
- Clarify the authority to remove an elected official who is in violation of a Charter residency requirement.

The specific changes to the Richmond City Charter will amend Sections 3.01-3.04.1(A) to add language to specify that members are to reside in the district they are elected and adds language to the violations for which Council has the authority to remove a Council member. The violations stated in this section currently consist of, "for malfeasance in office and neglect of duty". The amendment clarifies the authority of Council to remove a council member in violation of the Charter residency requirement with language that specifies, "or failure to comply with the residency requirement throughout such council member's term.