

## Richmond Charter Review Committee Recommendations

Monday, November 8, 2021

Charter Committee Recommendations-Items #1-11; # 12 is a Discussion Item				
Item Number	Charter Amendment Recommendations	Charter Section	Comments/Notes	Committee Review/Recommendations
1	Request that City Councilmembers serve fulltime and be paid accordingly for fulltime work.	<p>Pending-Related Salary and Compensation Laws for City Council Members</p> <p>Richmond City Charter Code of Laws, Chapter 4, Section 4.01 provides that the salaries of City Council members shall be governed by Code of Virginia §15.2-1414.6, indicating, "Compensation of members of Council shall be fixed in accordance with and within the limits prescribed in general laws of the Commonwealth for pay and expenses of councils and mayors of cities of the Commonwealth."</p> <p>General Assembly Action required - Virginia Code §15.2-1414.6 is subject to an exception provided for in §15.2-1414.5, stating "the annual salary of each member of the Council of any city shall be set by its members by ordinance notwithstanding any contrary provision of law, general or special."</p>		Consensus by Charter Review Committee both path forwards.
2	City Council may amend the Master Plan adopted by the Planning commission pursuant to §17.04 of the Richmond City Charter, prior to the formal adoption of such Master Plan by City Council, as provided for in §17.01 of the Richmond City Charter.		City Attorney; Suggests "conform to state law" Administration needs to be able to review language prior to response.	Consensus - Recommended by the Charter Review Committee
3	To acquire, construct and maintain or authorize the construction and maintenance of bridges, viaducts, subways or underpasses over or under the James River or any other stream, creek or ravine when any portion of such bridge, viaduct, subway or underpass is within the city limits, and to charge or authorize the charging of tolls for their use by the public, and to require compensation for their use by public utility, transmission or transportation companies, except as the right to require such compensation is affected by any contract heretofore or hereafter made with the company concerned.	§2.03 (i) -Powers relating to public works, utilities, properties.	DPW and City Attorney recommended this item to the Committee to move forward.	Consensus by Charter Review Committee.

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4	To acquire, construct, own, maintain and operate, within and without the city, waterworks, gas plants and electric plants with the pipe, conduit, and transmission lines incident thereto, to be managed and controlled as provided in Chapter 13 of this charter, for the purpose of supplying water, gas, fiber optic communications, wireless communications, or other communication technology, and electricity within and without the city, and to charge and collect compensation therefor and to provide penalties for the unauthorized use thereof.	§2.03(n) -Powers relating to public works, utilities, properties.	DPW and City Attorney recommended this item to the Committee to move forward.	Consensus by Charter Review Committee
5	To regulate the operation of motor vehicles, exercise control over traffic in the streets, alleys, sidewalks, and other public place, of the city and provide penalties for the violation of such regulations; provided, that ordinances or administrative regulations adopted by virtue of this subsection shall not be inconsistent with the provisions of the Motor Vehicle Code of Virginia. All fines imposed for the violation of such ordinances and regulations shall be paid into the city treasury.	§2.04(g) -Powers to make regulations for the preservation of the safety, health, peace, good order, comfort, convenience, morals and welfare of the city and its inhabitants.	DPW and City Attorney recommended this item to the Committee to move forward.	Consensus by Charter Review Committee
6	To compel the removal of weeds from private and public property and snow from sidewalks; the covering or removal of offensive, unwholesome, unsanitary or unhealthy substances allowed to accumulate in or on any place or premises; the filling in to the street level of the portion of any lot adjacent to a public way where the difference in level between the lot and the public way constitutes a danger to life and limb; the raising or draining of grounds subject to be covered by stagnant water; the razing or repair of all unsafe, dangerous or unsanitary public or private buildings, walls or structures which constitute a menace to the health and safety of the occupants thereof or the public; and to compel the abatement or removal of any and all other nuisances whatsoever to transportation safety including the removal of inoperative or unlicensed motor vehicles or parts thereof from public or private property....	§2.04(m) -Powers to make regulations for the preservation of the safety, health, peace, good order, comfort, convenience, morals and welfare of the city and its inhabitants.	DPW and City Attorney recommended this item to the Committee to move forward.	Consensus by Charter Review Committee

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7	<p>The electric utility, including streetlighting, shall be implemented by ordinance, and shall be effective as of the effective date of that ordinance. Notwithstanding other provisions of this charter, the electric utility program may be administered by either the Department of Public Works or the Department of Public Utilities. Electric utility charges shall be assessed to all property owners and shall be based upon a rate fixed by the director of public utilities or the director of public works. If electric utility charges are not paid when due, interest thereon shall at that time accrue at the rate determined by council, not to exceed any maximum allowed by law. The city may collect charges and interest by action at law or suit in equity, and such unpaid charges and interest shall constitute a lien against the property, of equal stature with liens for unpaid real estate taxes.</p>	<p>§ 13.12. - Implementation of electric utility. New Section</p>		Consensus by Charter Review Committee
8	<p>Charter change to remove the sale or lease of the electric utility assets from the requirement of referendum at a general election.</p> <p>There shall be no sale or lease of the water, wastewater, gas or electric utilities unless the proposal for such sale or lease shall first be submitted to the qualified voters of the city at a general election and be approved by a majority of all votes cast at such election.</p> <p>(Acts 1998, Ch. 711)</p>	<p>§ 13.10. - No sale or lease of utilities except when approved by referendum.</p>	<p>Explanation: the electric utility is not a true enterprise fund utility. It is a cost center in the Department of Public Works for operating cost and all capital dollars expended for the electric utility are GO or cash funded from the general fund. Therefore the sale or lease of the assets would be no different than sale of surplus property or a 40 year lease for an easement for a ground storage tank for drinking water on city property to a neighboring jurisdiction. This section of charter should reflect the enterprise fund utilities only.</p>	Consensus by Charter Review Committee

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9	<p>City of Richmond is interested in creating a Parking Utility to provide a means of addressing the current and future parking demands of the City including the preparation of a comprehensive and coordinated plan for the development, financing, construction, operations and/or management of parking resources and certain specific parking facilities located within the City as the city is experiencing repaid growth.</p> <p>It shall be the function of the Utility to budget and account for the parking operations undertaken by the City; to preserve, care for, lay out, construct, maintain, improve and operate lands, buildings, and facilities used for the provision of public parking and the enforcement of the City's laws and regulations concerning parking; to construct, reconstruct, alter, provide, renew and maintain buildings or other structures and equipment and provide for the care, custody and control thereof in the operation of the Utility; to raise money necessary to pay for the lands, rights or interest therein acquired for parking activities, and for improving and equipping the same; to pay or make provision for the payment of the reasonable expenses in each fiscal year of the Utility; to pay to those persons entitled thereto the interest and principal on notes</p> <p>All costs and expenses, direct or indirect, attributable or allocable to the operation of the Richmond Parking Utility shall be charged to it, including debt service on obligations issued or to be issued on account of capital improvements heretofore or hereafter made to the parking system or streets, roads, sidewalks and points of ingress and egress within the City as part of the City's pedestrian and vehicular transportation network.</p> <p>The Utility may, from time to time, acquire such real property as</p>	New Section		Consensus by Charter Review Committee.

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10	Strike marijuana from this section B.Any officer, appointee of the council or employee of the city 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	Forfeiture - Section 4.15 B as it pertains to Administrative Regulation #4053 - Substance Abuse Policy	In addition the flexibility in managing the street light assets (luminaries, poles, wire and substations) for the future may benefit from sale of part or all of the asset or lease of the poles for future IoT hardware and software currently known or imagined for universal and equitable access.	Consensus by Charter Review Committee
11	To provide for the prevention of vice, immorality, vagrancy and drunkenness; prevention and quelling of riots; disturbances and disorderly assemblages; suppression of houses of ill fame and gambling places; prevention of lewd and disorderly conduct or exhibitions; and prevention of conduct in the streets, alleys, and other public places dangerous to the public	§2.04(a) - Powers to make regulations for the preservation of the safety, health, peace, good order, comfort, convenience, morals and welfare of the city and its inhabitants.		Consensus by Charter Review Committee
12	Ability to make interdepartmental General Fund transfers, Charter language requires an agency level budget, which has been interpreted to disallow these transfers.	§ 6.19 - Capital Budget	Discussion Item- Contingent upon discussion	