

INTRODUCED: September 23, 2019

AN ORDINANCE No. 2019-264

As Amended

To amend ch. 2, art. V of the City Code by adding therein a new div. 10 (§§ 2-1002—2-1006) for the purpose of establishing an Ethics Reform Commission.

\_\_\_\_\_  
Patrons – Ms. Larson, Mr. Agelasto, Mr. Jones, and Mr. Addison

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: OCT 14 2019 AT 6 P.M.

WHEREAS, the City believes that it is in the best interests of the citizens of the city of Richmond that the City establish an Ethics Reform Commission to advise the Council and the Mayor on matters involving the implementation of the recommendations of the Ethics Reform Task Force established by Ordinance No. 2017-147, adopted September 11, 2017, as amended by Ordinance No. 2018-038, adopted February 26, 2018; and

WHEREAS, the Council intends to evaluate the purpose and duties of the Commission by December 31 on a biennial basis to determine if the Commission should continue in existence; and

WHEREAS, it is estimated that the annual operating costs for the Commission will be approximately \$5,000, including ten staff hours;

AYES:            9            NOES:            0            ABSTAIN: \_\_\_\_\_

ADOPTED:    NOV 12 2019    REJECTED: \_\_\_\_\_    STRICKEN: \_\_\_\_\_

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That Chapter 2, Article V of the Code of the City of Richmond (2015) be and is hereby amended and reordained by **adding therein a new** Division 10, consisting of sections numbered 2-1002 through 2-1006, as follows:

## **DIVISION 10**

### **ETHICS REFORM COMMISSION**

#### **Sec. 2-1002. Created.**

There is hereby created a commission of the City of Richmond with indefinite duration to be known as the Ethics Reform Commission for the purpose of providing to the Council and the Mayor information and advice concerning the implementation of the recommendations of the Ethics Reform Task Force established pursuant to Ordinance No. 2017-147, adopted September 11, 2017, as amended by Ordinance No. 2018-038, adopted February 26, 2018.

#### **Sec. 2-1003. Composition.**

The Commission shall be composed of 11 members, subject to the conditions set forth in this section, as follows:

(a) The Council shall appoint nine members and the Mayor shall appoint two members.

(b) All appointments shall be otherwise governed by Sections 2-755 and 2-756.

(c) All other aspects of the Commission and its membership not addressed in this division shall be governed by Chapter 2, Article V, Division 1.

#### **Sec. 2-1004. Qualifications.**

The membership of the Commission should (i) be broadly representative of each of the City's nine Council districts and (ii) possess experience and expertise concerning ethical standards in both the public sector and the private sector and concerning areas including, but not limited to, procurement, human resources, the Virginia Freedom of Information Act, and related issues.

**Sec. 2-1005. Duties.**

The Commission shall serve as an advisory body to the Council and the Mayor. The Commission shall provide to the Council and the Mayor information and advice concerning the implementation of the recommendations of the Ethics Reform Task Force established pursuant to Ordinance No. 2017-147, adopted September 11, 2017, as amended by Ordinance No. 2018-038, adopted February 26, 2018. In addition, the Commission shall provide to the Council and the Mayor information and advice concerning the City's implementation of the following recommendations of the Ethics Reform Task Force:

- (a) Implementation of a requirement that City employees must sign conflict of interest disclosure forms.
- (b) Development of stronger policies for strict enforcement of disclosure of conflicts of interest between City contractors and City employees.
- (c) Update ordinances, administrative regulations, and any related City departmental policies to require the disclosure of conflicts of interest.
- (d) Update ordinances, administrative regulations, and any related City departmental policies to reflect current state law related to lobbying and monitor compliance by City employees.

(e) Establish a uniform code of ethics for all City employees to be published in a handbook and on the City's website.

(f) Implementation of a requirement that the Department of Human Resources develop and implement an ethics training module by July 1, 2020, and monitor compliance with mandatory completion of ethics training.

The Commission shall submit a report to the Council's Organizational Development Standing Committee by December 31 of each year outlining the City's progress towards the implementation of the Ethics Reform Task Force's recommendations.

**Sec. 2-1006. Administration.**

(a) *Quorum.* Six voting members of the Commission shall constitute a quorum.

(b) *Officers.* The Commission shall select from among its membership a chair, a vice chair, a secretary, and such other officers as it may deem necessary to discharge its functions.

(c) *Meetings.* The Commission shall meet at least once every four months and as often as the Commission may deem necessary.

(d) *Reporting.* Within 15 days after the end of each quarter, the Commission shall provide the Council and the Mayor with a report on the Commission's activities and accomplishments for the preceding quarter.

(e) *Freedom of Information.* The Commission shall keep minutes of its meetings in accordance with the requirements of the Virginia Freedom of Information Act.

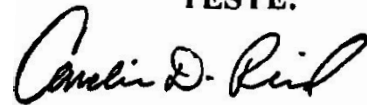
(f) *Procedures.* The Commission may adopt rules of procedure or bylaws, approved as to form and legality by the City Attorney and not inconsistent with this division or other applicable law, to govern the conduct of its meetings and affairs. For purposes of section 2-761, the Commission is classified as "advisory."

(g) *Staff and Resources.* The Office of the Council Chief of Staff, with the assistance of other departments and agencies of the City, as needed, shall provide the necessary support for the Commission subject to the appropriation of sufficient funds therefor, provided that City employees shall not be responsible for coordinating the logistics of meetings, coordinating meeting space, creating agendas, completing minutes, and preparing reports.

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

**A TRUE COPY:**

**TESTE:**

A handwritten signature in black ink that reads "Amelin D. Reed". The signature is written in a cursive style with a large initial 'A'.

**City Clerk**



# 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 *MLB*

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

**COPY** Kristen Larson, 4<sup>th</sup> District Council member  
Haskell Brown, Deputy City Attorney  
Aaron Bond, 4<sup>th</sup> District Council Liaison

**DATE** September 13, 2019

**PAGE/s** 1 of 4

**TITLE:** Ordinance is to Establish an Ethics Reform Commission

RECEIVED

SEP 13 2019

OFFICE OF THE CITY ATTORNEY

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

**REQUESTING COUNCILMEMBER/PATRON**

**SUGGESTED STANDING COMMITTEE**

Council Member Kristen Larson

Governmental Operations

#### ORDINANCE/RESOLUTION SUMMARY

Ordinance is to establish an Ethics Reform Commission to provide oversight for implementation of the recommendations included in the Ethics Reform Task Force Report.

#### BACKGROUND

The Ethics Reform Commission is a continuation of the Ethics Reform Task Force, which was established in accordance with Ordinance 2017-147 and Ordinance No. 2018-038 as amended, to make informed recommendations on how to increase the level of accountability, public confidence, and public trust in City officers and employees. The Task Force convened twice per month, conducting research and review of existing laws, codes and standards. The Task Force recommended to remain intact until December 31, 2019 for additional time, which would allow the

Task Force to follow-up on recommendations included in their report to ensure they were implemented.

On April 1, 2019, the Task Force presented its final report with five recommendations to Council for its consideration and for implementation by City Administration to strengthen compliance with ethical rules and standards for City of Richmond City officers and employees. The recommendations were as follows:

1. Employees are to disclose personal agreements or relationships with vendors.
2. Employees are to disclose private association with employees/candidates.
3. Amend City of Richmond Codes of Ordinances to Prohibit Lobbying after Employment
4. The City should create a Comprehensive Ethics Handbook, Website, and Uniform Code of Ethics for all City Personnel.
5. The City should conduct Ethics Training annually.

## **PURPOSE**

The purpose of the Ethics Reform Commission is to provide oversight, assessment of the completion, implementation of the intended recommendations of the Ethics Reform Task for accountability and to improve ethical standards and administration. The Commission would provide review and monitor implementation of the creation of a human resources ethics training module, updating of conflict of interest disclosure policies, lobbying provisions and education awareness information for employee access to ethics information. The intent is to increase public trust, confidence and accountability for local elected officials, administrators and employees of the City of Richmond.

## **Duties and Functions**

The duties and functions are to ensure the recommendations of the Ethics Reform Task Force are implemented by City Administration in accordance with the report and as delineated for all responsible parties for implementation. The Ethics Reform Commission's duties are as follows:

1. Ensure a policy requiring city employees to sign Conflict of Interest Disclosure forms
2. Ensure conflict of interest policies for disclosure regarding vendors and personal associations are strengthened and all policies are updated to include any provisions, ordinances, administrative regulations and any related policies.

3. Ensure the lobbying provisions as adopted by the Virginia General Assembly and Richmond City Council have been incorporated into all related ordinances, administrative regulations, departmental policies and that they are followed by City Administration.
4. Ensure implementation and creation of the comprehensive ethics handbook, website, and uniform code of ethics for all city personnel for public accountability and access to ethics information
5. Ensure Human Resources create an HR ethics training module to be implemented by 7/1/2020. Monitor if ethics training has been developed and implemented by the responsible departments and ensure all intended provisions have been added for a comprehensive mandatory training program for positions in all levels of city government.
6. Complete a report with updates and the status of implementation of the completion of recommendation to the Organizational Development Committee by December 31, 2020.

The duties of the Ethics Reform Commission are to review completion of the recommendations and to make recommendations to Council and Mayor on updates needed.

The Ethics Commission shall not act as an investigative authority for ethics violations. These duties will continue under the Inspector General and Auditor's office.

### **Composition**

The Richmond City Council Ethics Reform Commission shall be composed of eleven members whom the Council and the Mayor shall appoint. Of the eleven members, the Council shall nominate nine members and the Mayor shall nominate two members. Members of the Ethics Reform Task Force can be transferred to the Ethics Reform Commission if they are willing to serve.

Members should have experience and expertise in ethics rules and regulations in the government or private sector, procurement, human resources, related legal issues, Freedom of Information Act (FOIA), and other code of ethics areas.

The Ethics Reform Commission shall elect from its membership a chairman, assistant chairman, secretary and such officers as it may find necessary for the conduct of its affairs.



**Terms of office.** The members of the Ethics Reform Commission shall serve for indefinite duration. The Commission shall meet at a minimum of every four months (quarterly) in the calendar year, but can meet as deemed needed.

This Ethics Reform Commission will be staffed by the Office of the Council Chief of Staff, with the assistance of other Council Offices and Administration staff as deemed needed, for advising and consultation for approximately 10 hours per year at a costs of \$5,000. As the Commission may function independently, staff from the Council Offices will be available to respond to questions, assist in navigating and gaining access to city resources such as room reservations and use of copiers.

The Ethics Reform Commission is deemed as an advisory board to Council and the Mayor.

The recommended introduction date is September 23, 2019.

**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	\$	
Staff Costs - \$5,000		

**Attachment/s**      Yes     No

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