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To: [City Clerk's Office](#)
Cc: [Philipsen, Sven J. - City Council](#)
Subject: Governmental Operations Standing Committee - Charter amendments
Date: Tuesday, October 26, 2021 6:35:39 PM
Attachments: [20211025172109.pdf](#)

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I had a couple of minor comments on the proposed amendments to the City Charter that I have marked on the attached pdf. There were also two items that I had more in depth comments on.

Section 2.03(e) – adding “traffic calming measures” to the improvements that the City can charge abutting property owners for. The concept of land “abutting” traffic calming measures doesn’t work as well as that of land abutting the other improvements in the section. For instance, does it apply only to the property that abuts a traffic calming measure (say, a bump-out), or to all the properties on the block with a bump-out, all the properties on a street with a bump-out, etc. Also, I should think that the value of the property directly abutting a traffic calming measure might be negatively affected by such measure, rather than improved by it.

Section 2.04(e) – adding the word “entrances”. I don’t think the word “entrances” adds anything that isn’t already covered by the term “other public places,” and if it does then it causes confusion because the reader doesn’t know what it is adding.

Thank you,
Martha Warthen

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Subject	#	Charter Recommendations	Status	Charter Section
<i>City Charter Review Commission Report September 24, 2009</i>				
Council Staff	1	Amend Charter section 4.02 to provide that Council may appoint employees to assist in its legislative, oversight and constituent relations functions, and that Council shall have the power to remove such employees. Amend section 5.03 to clarify that the CAO's power relates to administrative personnel and does not extend to hiring/removal of "legislative" personnel appointed by Council	4.02 Amended. See 4.02 (f). 5.03 amended	
Retirement System Employees	2	Amend section 5B.01 by adding the following sentence: "The council may provide for an executive director appointed, supervised and removed by the Board of Trustees of the Richmond Retirement System and employees appointed, supervised and removed by the executive director to administer the retirement plan."	5B.01 amended	
City Attorney	3	Amend section 4.17 to provide that (a) the Mayor shall appoint the City Attorney subject to the advice and consent of a majority of Council; and (b) the appointment shall be for an indefinite term; and (c) the City Attorney may be removed from office by concurrence of the Mayor and a majority of Council.	Not amended	Charter states that the Council shall appoint the city auditor and that the city auditor shall serve for an indefinite term. It does not state that the appointment shall be "subject to the concurrence of
City Auditor	4	Amend section 4.18 (a) to provide that Council shall appoint the City Auditor subject to the concurrence of the Mayor; and (b) the appointment shall be for an indefinite term; and (c) the City Auditor may be removed from office by concurrence of the Mayor and the majority of Council.		
City Assessor	5	Add a new section 8.11 which would provide that: (a) Council shall appoint the City Assessor subject to the concurrence of the Mayor; and (b) the appointment shall be for an indefinite term; and (c) the City Assessor may be removed from office by concurrence of the mayor and a majority of Council.	Not amended	
CAO Appointment	6	Amend section 5.01.1 to: (a) Establish time limits for the Mayor's designation of CAO and Council's vote to accept/refuse the selection. The amendment would require the Mayor to submit an appointment within 180 days of vacancy and would require Council to approve or reject within 45 days; (b) Provide for a "second try" at the process with a fixed time limit. The mayor would be required a second appointee within 45 days of rejection of the first and Council would be required to approve/reject within 45 days thereafter; and (c) If there remains no agreement, the Acting CAO would become CAO.	Not amended	
Acting CAO Appointment	7	Amend Chapter 5 to provide that (a) the Mayor shall designate a senior deputy CAO (SDCAO) based upon the same criteria set forth in section 5.01.1 for selection of a CAO, (b) the Mayor shall make such a designation within 180 days of the CAO's taking office; (c) such designation shall require the consent of a majority of Council; (d) the SDCAO shall hold that designation at the pleasure of the Mayor; and (e) upon a vacancy in the office of CAO, the SDCAO would serve as Acting CAO until appointment of a CAO by Mayor and approval by Council.	Not amended	

Sale/Lease of Real Property	8	Amend section 5.05 (d) to clarify that the veto power extends to any sale or lease of real property, subject to Council override.	Not amended
Mayor's Veto Power	9	Amend section 5.05 (d) to provide that the Mayor has power to veto any ordinance, subject to the existing override power of Council.	Amended
Boards and Commissions	9	Review of the current appointment and removal authority for city boards and commissions with a view toward considering the appropriate balance between Council and Mayor.	No Amendment required
Dispute Resolution	10	City establish a working group to design voluntary processes for addressing future conflict between mayor and council.	No Amendment required

2020 General Assembly Session

Council Residency Rules	11	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.	Amended
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2021 Legislative Proposals for the Virginia General Assembly

City Council Meetings	12	The City requests that the Charter be amended to authorize the City Council to limit attendance at any closed session of the City Council to only its members and designated staff.	Not amended
Councilmember Status	13	Request that City Councilmembers serve fulltime and be paid accordingly for fulltime work.	

City Staff Proposed Changes

Operations - DPW Transportation	14	Section (e) - (e) To assess the whole or part of the cost of making and improving walkways <u>and traffic calming measures</u> on then existing streets, improving or paving existing alleys, or constructing sewers, culverts and drains, upon the owners of land abutting thereon or on the street or alley in which such sewer, culvert or drain is laid in the manner provided in § 12.06 of this charter;	See email
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§2.03 -Powers relating to public works, utilities, properties.

Operations - DPW Transportation	15	<p>Section (i) - (i) 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; provided, that no tolls or compensation shall ever be imposed or collected for the use of "Robert E. Lee Bridge" by any vehicle or pedestrian.</p>	<p>§2.03 -Powers relating to public works, utilities, properties.</p>
Operations - DPW Transportation	16	<p>Section (k) - (k) To acquire, construct, own, maintain and operate, within and without the city, places for the parking or storage of vehicles by the public or curbside management systems, which shall include but shall not be limited to parking lots, garages, buildings and other land, structures, equipment and facilities,</p>	<p>§2.03 -Powers relating to public works, utilities, properties.</p>
Operations - DPW Transportation	17	<p>Section (n) - (n) 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.</p>	<p>§2.03 -Powers relating to public works, utilities, properties.</p>
Operations - DPW Transportation	18	<p>In addition to the powers granted by other sections of this charter, the city shall have the power to acquire, operate, lease, or otherwise provide for the planning, design, operation, construction, and maintenance of a public transportation system, including, by way of illustration but not limitation, the operation of passenger buses, micromobility devices, and passenger rail and their supporting stops and shelters, both within and outside the City of Richmond, including providing for transportation for pupils attending public schools operated by the school board of the City of Richmond; provided, however, that the operation of any such system outside the City of Richmond shall only be with the consent of the governing body of the political subdivision in which such operation is to occur.</p>	<p>§2.03.3 -Powers relating to public transportation</p>
Operations - DPW Transportation	19	<p>Section (a) - (a)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 <u>dangerous to the public</u>.</p>	<p>§2.04 -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.</p>

what changed?

Operations - DPW
Transportation

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Section (d) - (d) To grant or authorize the issuance of permits under such terms and conditions as the council may impose for the use of streets, alleys and other public places of the city by railroads, street railways, buses, taxicabs, micromobility devices, and other vehicles for hire;

(e) To prevent any obstruction of or encroachment over, under or in any street, alley, entrance, sidewalk or other public place; provide penalties for maintaining any such obstruction or encroachment; remove the same and charge the cost thereof to the owner or owners, occupant or occupants of the property so obstructing or encroaching, and collect the sum charged in any manner provided by law for the collection of taxes; require the owner or owners or the occupant or occupants of the property so obstructing or encroaching to remove the same; pending such removal charge the owner or owners of the property so obstructing or encroaching compensation for the use of such portion of the street, alley, entrance, sidewalk or other public place obstructed or encroached upon the equivalent of what would be the tax upon the land so occupied if it were owned by the owner or owners of the property so obstructing or encroaching, and, if such removal shall not be made within the time ordered, impose penalties for each and every day that such obstruction or encroachment is allowed to continue thereafter; authorize encroachments upon streets, alleys, entrance, sidewalks or other public places, subject to such terms and conditions as the council may prescribe, but such authorization shall not relieve the owner or owners, occupant or occupants of the property encroaching, of any liability for negligence on account of such encroachment; and recover possession of any street, alley, entrance, sidewalk or other public place or any other property of the city by suit or action in ejectment.

See email

§2.04 -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.

Operations - DPW
Transportation

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(g) To regulate the operation of motor vehicles and exercise control over traffic in the streets, alleys, sidewalks, and other public places 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 -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.

Operations - DPW
Transportation

§2.04 -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.

(m)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 street public way where the difference in level between the lot and the street 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 -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.