

INTRODUCED: October 10, 2023

AN ORDINANCE No. 2023-315

To amend ch. 2, art. V of the City Code by adding therein a new div. 21, consisting of §§ 2-1202.6—2-1202.8, for the purpose of establishing a Public Utilities and Services Commission.

Patrons – Mr. Addison, Ms. Jordan, Ms. Lynch, Ms. Lambert, Vice President Nye, and Ms. Newbille

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: NOV 13 2023 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 the Public Utilities and Services Commission to advise the Council and the Mayor on matters involving the operation, maintenance, and expansion of the City's public utilities, including natural gas, clean drinking water, wastewater, solid waste, and stormwater; 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 13 2023 REJECTED: STRICKEN:

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That Chapter 2, Article V of the Code of the City of Richmond (2020) is hereby amended and reordained by **adding therein a new division** numbered 21, consisting of sections numbered 2-1202.6 through 2-1202.8, as follows:

DIVISION 21.

PUBLIC UTILITIES AND SERVICES COMMISSION

Sec. 2-1202.6. Creation and purpose; composition; terms of office.

(a) *Creation and purpose.* There shall be a Public Utilities and Services Commission of indefinite duration whose purpose shall be to provide the Council and the Mayor with information and advice concerning the management and operations of the utilities operated by the City, including natural gas, clean drinking water, wastewater, solid waste, and stormwater, and to provide opportunities for education and outreach to city of Richmond residents and ratepayers.

(b) *Composition.* The Commission shall be composed of 13 voting members and eight non-voting members, subject to the conditions set forth in this section, as follows:

(1) The Council shall appoint eight members.

(2) The Mayor shall appoint five members.

(3) The voting membership shall consist of commercial or residential public utilities customers who are residents of the City or the authorized representatives of such commercial or residential public utilities customers, provided that at least seven of the 13 voting members shall be residential utility customers. Of the 13 voting members, there should be at least one residing in the City on the north side of the James River and at least one residing in the City on the south side of the James River. No current Council members,

officers, or employees of the City shall be eligible for appointment to the Commission; however, in addition to the 13 voting members of the Commission appointed in accordance with this section, there shall be (i) four ex-officio, non-voting members recommended by the Mayor, one of whom shall serve as a representative of the Department of Public Utilities, one of whom shall serve as a representative of the Department of Public Works, one of whom shall serve as a representative of the Office of Sustainability, and one of whom shall serve as a representative of the Richmond and Henrico Health District and (ii) four non-voting members consisting of one public utilities department head, or the designees thereof, each employed by the counties of Hanover, Henrico, Chesterfield, and Goochland, respectively.

(c) *Terms of office.* The members shall serve staggered terms of office. Of the members initially appointed, five members shall serve for terms of three years, four members shall serve for terms of two years, and four members shall serve for terms of one year. Thereafter, all members shall be appointed for terms of three years from the date of appointment. Upon expiration of a member's term of office, that member shall continue to hold office until the successor thereof is appointed and qualified. Any vacancy shall be filled for the remainder of the unexpired term in the same manner as provided for in this section. All appointments shall be otherwise governed by Section 2-767 of the Code of the City of Richmond (2020), as amended. All other aspects of the Commission and its membership not addressed in this division shall be governed by Chapter 2, Article V, Division 1 of the Code of the City of Richmond (2020), as amended.

(d) *Conflicts of interest.* No Committee member shall have or shall acquire any interest, direct or indirect, personal or financial, in any project which the Commission is promoting or in any contract or proposed contract for materials or services of any nature without relating any such

project to the Commission or making written disclosure to the Commission of the nature and extent of the interest. Such disclosure shall be entered, in writing, upon the minutes of the Commission and forwarded to the Clerk's Office and City Attorney's Office for action if needed.

Sec. 2-1202.7. Duties; reporting.

(a) *Duties.* The Public Utilities and Services Commission shall serve as an advisory body to the Council and the Mayor. The Commission shall provide the Council and the Mayor with information and advice concerning operation, maintenance, rate setting, fiscal integrity, and expansion of the City's public utilities, including natural gas, clean drinking water, wastewater, solid waste, and stormwater by performing the following duties:

(1) Reviewing reports and information concerning the operations or change in policies or services of the Department of Public Utilities and Department of Public Works.

(2) Making recommendations to Council and the Mayor relating to the operations of natural gas, clean drinking water, sanitary sewers, stormwater management, utility billing issues, sanitation, refuse and recycling.

(3) Assisting the Mayor, Council, and City employees with the review of any issues requiring study and utilization of best practices to enhance performance without impact to regulatory compliance standards.

(4) Creating subcommittees to study specific topics or initiatives. The Commission shall maintain five standing subcommittees: Water Utility Operations Subcommittee, Stormwater Utility Operations Subcommittee, Wastewater Utility Operations Subcommittee, Solid Waste Utility Operations Subcommittee, and Natural Gas Subcommittee. The Commission may create ad-hoc subcommittees, which shall consist of members of the Commission, to study other topics or utility related initiatives.

(5) Increasing public engagement to create transparency and to inform the public of future city planning related to stormwater, energy conservation, clean drinking water, wastewater utilities, solid waste and refuse projects, and operations.

(6) Conducting research and request access to interview city administrators, residents, subject matter experts, municipality leadership, and other stakeholders to discern the scope of issues and problems related to service delivery, quality of service, or other performance and operational related topics to create recommendations for improvement.

(7) Providing advice on how the City may facilitate a transition of the gas utility in accordance with the City's climate and ecological emergency declaration, as set forth in Resolution No. 2021-R049, adopted September 13, 2021, and the City's master plan.

(8) Making recommendations on ways that the City may ensure the fiscal integrity and viability of each of the City's utilities.

(b) *Reporting.* The Commission shall provide to the Council and the Mayor, by no later than October 31 of each year, a written report regarding the status of the Commission's work, as set forth in this section, with the first of such reports due by no later than October 31, 2024. In addition, the Commission shall provide the Council with written reports at such times as may be requested by the Council or the Mayor.

Sec. 2-1202.8. Conduct of affairs.

The conduct of the affairs of the Commission shall be as follows:

(1) *Quorum.* A majority of the voting members of the Commission shall constitute a quorum.

(2) *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.

(3) *Meetings.* The Commission shall meet at least once every three months in the calendar year and as often as the Commission may deem necessary.

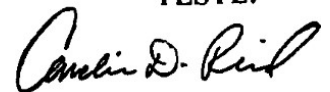
(4) *Freedom of Information.* All meetings and records of the Commission, including, but not limited to, the taking and keeping of minutes, shall be subject to the provisions of the Virginia Freedom of Information Act.

(5) *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.

(6) *Staff and Resources.* The Office of the Council Chief of Staff shall provide such staff and resources and shall coordinate the provision of assistance by members of the City administration and the offices of appointees of the City Council, as may be necessary to assist the Commission in completing the duties imposed by this division.

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

**A TRUE COPY:
TESTE:**

A handwritten signature in black ink, appearing to read "Carlin D. Reed".

City Clerk



Richmond City Council

The Voice of the People

Richmond, Virginia

Office of the Council Chief of Staff

Council Ordinance/Resolution Request

TO Laura Drewry, Richmond City Attorney

THROUGH LaTasha S. Holmes, Council Chief of Staff

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

COPY Andreas Addison, 1st District Council member
Tabrica Rentz, Deputy City Attorney
Whitney Brown, 1st District Liaison

DATE October 3, 2023

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TITLE: Ordinance Request to Establish the Public Utilities and Services Commission and to Repeal Ord. No. 2023-188

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

REQUESTING COUNCILMEMBER/PATRON

SUGGESTED STANDING COMMITTEE

Council Member Andreas Addison

Government Operations

ORDINANCE/RESOLUTION SUMMARY

This O&R is to establish the Public Utilities and Services Commission with changes to Ord. No. 2023-188 consisting of changes to the language in the body of the Ordinance, changes to the composition of members and ex-officio members and the appointment process by Council or the Mayor.

BACKGROUND

This O&R is to establish the City Code by adding therein the attached draft paper "To amend ch. 2, art. V of the City Code by adding therein a new div. 21, consisting of §§ 2-1202.6—2-1202.8, for the purpose of establishing a Public Utilities and Services Commission, and to repeal Ord. No. 2023-188, introduced Jun. 12, 2023."

This O&R is to establish the Public Utilities and Services Commission with a request for changes to Ord. No. 2023-188. The proposed changes for amendments are to change language in the body of the report with changes to the composition of membership, appointment process by the Mayor and Council and to add staggered terms for Commission members.

The attached document reflects the proposed amendments and language of recommended changes to Ord. No. 2023-188.

Overview of the Recommended Amendments to the Composition and Membership of the Commission are as follows:

- The Composition should be amended from nine members to thirteen members.
- The Council shall appoint eight members
- The Mayor shall appoint five members.
- Add that at least seven of the thirteen voting members should be residential utility customers.
- Add that there should be four ex-officio members, who are non-voting members. The four ex-officio members will be recommended by the Mayor, one of whom shall serve as a representative of the Department of Public Utilities, one of whom shall serve as a representative of the Department of Public Works, one of whom shall serve as a representative of the Office of Sustainability and one of whom shall serve as a representative of the Richmond Henrico Health District.

Amendments to recommend Staggering Terms of Office for Commission members

- Ord No. 2023-188 indicates the Commission members will serve three-year terms.
- The proposed amendment includes a method for staggered terms of office for the Commission members.
- Add language to facilitate the staggering of terms for members of the Board. Recommended is for the members initially appointed, five members of the Board shall serve for terms of three years, four members of the Board shall serve for terms of two years and four members of the Board shall serve for terms of one year. Thereafter, all members shall be appointed for terms of three years from the date of

appointment. Upon the expiration of a member's term of office, that member shall continue to hold office until the successor thereof is appointed and qualified. Any vacancy shall be filled for the remainder of the unexpired term in the same manner as provided in this section.

Amendments for representatives to serve on the subcommittee and as a Resource to the Commission

- Add language to utilize an Ad Hoc committee as a resource which would consist of representatives from the Counties of Hanover, Henrico, Chesterfield, Powhatan and Goochland.

The recommended introduction date for these amendments is October 10, 2023.

FISCAL IMPACT STATEMENT

Fiscal Impact

Yes ☐ No ☒

Budget Amendment Required

Yes ☐ No ☒

Estimated Cost or Revenue Impact

\$5,000 are the estimated costs for staff time with a minimum number of 10 hours dedicated, which may vary and involve more extensive time and work. These are symbolic costs based on staff time and resources needed to support the functions of the Commission.

Attachment/s

Yes ☒ No ☐

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