

**From:** [Taylor, Steven A. – Council Chief of Staff Office](#)  
**To:** [Brown, Meghan K. - Council Chief of Staff Office](#)  
**Subject:** FW: O&R request for Ordinance 2017-087  
**Date:** Friday, July 14, 2017 2:39:45 PM

---

**Steven A. Taylor**

Office of the Chief of Staff  
Council Policy Analyst  
Richmond City Hall  
900 E. Broad Street, Suite 305  
Richmond, Virginia 23219  
tel: (804)646-2780  
fax: (804)646-5468  
e-mail: [Steven.Taylor@Richmondgov.com](mailto:Steven.Taylor@Richmondgov.com)

---

**From:** Turk Sties [mailto:[turk.sties@gmail.com](mailto:turk.sties@gmail.com)]  
**Sent:** Thursday, July 06, 2017 12:21 PM  
**To:** Echelberger, Jr., William E. – Council Chief of Staff Office; Taylor, Steven A. – Council Chief of Staff Office  
**Cc:** Robertson, Ellen F. - City Council; Gray, Kimberly B. - City Council; Agelasto, Parker C. - City Council; Charles Pool; Steidel, Robert C. - DPU; Jackson, Allen L. - City Attorney; Cuffee-Glenn, Selena - CAO; Stoney, Levar M. - Mayor; Larson, Kristen N. - City Council  
**Subject:** O&R request for Ordinance 2017-087

Mr. Echelberger and Mr. Taylor,

Please do whatever you can and certainly whatever the law and custom requires to make sure the information provided to City Council and the public is accurate and complete.

Also, please advise me as to the means the City employs to inform City Council members that the information provided to them by O&R request was incorrect and to provide to them the corrected information well in advance of the required public hearing. I would also like you to let me know how is that corrected information made available to the public prior to the public hearing. Assuming it is City policy to provide accurate information in advance to City Council and the public, and that such notice is subject to the rules for public notice, what is the requirement for that advance notice?

It appears the function of the O&R Request is to provide context to those who are responsible for authorizing the action proposed in the relevant ordinance or resolution. So one can readily understand why accuracy and veracity are imperative. When it is found that information is incorrect does the City's protocol or custom call for the errors to be corrected or does that happen only if someone, citizen or councilor, asks to be informed when new, improved, and significant data comes to light? The same logic applies to the Mayor who patroned the ordinance, should he not be told when it is revealed he was not given all the information about a project and that the revenue projections were gross revenue thus making the deal appear a lot more beneficial than it actually would be!

In case you are wondering where this is coming from, I have reviewed the ordinance and all the pages to be found in the electronic version of 2017-087 and question the accuracy or

veracity of some points and would like to have these questions resolved and any errors or omissions in the O&R corrected and publicly disseminated prior to the public hearing.

### Questions and Comments about the O&R

#### 1) In Background:

a) It states that the County Board of Supervisors will take action to authorize the County Manager to execute the current agreement. I question the accuracy of that statement 1) because it predicts what a third party will do in the future, and 2) because that statement is made in the context that the information available to the County Board of Supervisors at the time the O&R was written was actually and fully accurate, which we know now it was not. This could be resolved by rewording the sentence to indicate that for the amendment to become effective the County Board of Supervisors would have to authorize the County Manager to execute the amendment.

b) It states "Encroachment into Larus Park as part of this project is in accordance with city code."

To me that implies the project is in accordance with existing city ordinances, that is not accurate. It would be more honest and better informing if the O&R pointed out to Council that the project is not in accordance with certain city ordinances and in fact is prohibited by city ordinance. It should also point out that the deed by which the City accepted the property prohibits development. You can see how knowing the truth might change how someone regards the propriety of the project. Please note there is nothing magical about Larus Park, storage tanks and pumping stations have been built across the globe without much difficulty.

c) It states an operational benefit of the project is "providing fire protection to un-served residents in the 4th council district on Hayden Hill Lane. I believe that statement is misleading in that it implies that only by approving the amendment can DPU provide that fire protection. As the City will not be paid for any of this work, why can it only be done if we sell Chesterfield County more water! Why hasn't DPU done this already!

d) One might expect a public necessity would be a necessity to the one who requests the action. So, what is the public necessity to Richmond! How would Richmond be harmed if this amendment was not adopted! That, by the way is an entirely different question of how would Richmond be harmed if we did not sell more water to Chesterfield County or how would Richmond be harmed if the development was done elsewhere! cf: Revenue to City

e) The amendment states the City will buy the pumping station and storage tank from Chesterfield County when the lease ends, but according to state law no payment is required. Why would the City accept a future liability for many millions of dollars to buy a facility designed to serve a customer who no longer wants that service! It's not like we can move another county into Chesterfield and sell the water to them. And please note the Director of DPU has stated the City could, due to better designed fixtures, use even less water in 20 years than it is using now!

#### 2) In Fiscal Implications:

a) It states "spreading the sharing more of cost per unit volume" that might be understood to mean lower unit costs for water, but that may not be correct. The Director of DPU has stated the water rates could go up or down. For city customers, it could mean the rates will go up

because the contract as written (by not listing with other taxes) effectively exempts Chesterfield County from paying for the federal income taxes DPU builds into its PILOT charges. DPU bases the amount it collects based on federal income tax rates on total revenues. Only Richmond residents bear that tax burden. So if total revenues go up for DPU, federal taxes charge goes up, would not the total cost of water to Richmond residents go up!

3) Revenue to City:

a) the \$6,494,103 figure is gross revenue, the actual anticipates revenue is only about \$85,000 per year, or about \$425,000 over five years. The \$85,000 per year may or may not include the additional federal income tax the city residents will have to pay, you would have to ask someone in DPU about that, but be very specific with how you word the question, remember they are the ones who told you the revenue would be about \$6.494 million.

The points I have made are true and accurate to the best of my knowledge. It is not always easy to get consistent information from DPU, but I have tried to get the facts straight.

I repeat in closing, please do whatever you can and certainly whatever the law and custom requires to make sure the information provided to City Council and the public is accurate, complete, and in hand well before the public hearing.

Thank you. I know this is a lot to read and consider but in my defense I provided none of the information found in the existing O&R for 2017-087. The only questions I would like answered are the ones that end in a "?". The "!" denotes rhetorical questions, amazing revelations, or borderline irreverent jabs at bureaucracy.

c: by email

Mayor Levar Stoney

The Honorable Parker Agelasto

The Honorable Kim Gray

The Honorable Kristen Larson

The Honorable Ellen Robertson

Ms. Selena Cuffee-Glenn

Mr. Allen Jackson

Mr. Robert Steidel

Mr. Charles Pool

--

Turk Sties

432-9999