

INTRODUCED: March 12, 2018

AN ORDINANCE No. 2018-110

As Amended

To amend City Code § 2-1183, concerning the residency requirement for certain officers and employees, to modify the City’s residency requirement [~~so that it applies only to the Chief Administrative Officer, the Chief of Fire and Emergency Services, and the Chief of Police~~].

Patrons – Mr. Addison, Mr. Jones, and Ms. Robertson

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: APR 9 2018 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That section 2-1183 of the Code of the City of Richmond (2015) be and is hereby **amended** and reordained as follows:

Sec. 2-1183. Residency of certain officers and employees.

(a) For the purposes of this section, words or terms not specially defined shall be interpreted in accord with such normal dictionary meaning or customary usage as is appropriate to the context. [~~The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:~~

AYES: 5 NOES: 3 ABSTAIN: _____

ADOPTED: JAN 28, 2019 REJECTED: _____ STRICKEN: _____

Principal residence] For purposes of this section, the term “principal residence” means that address where the employee can provide written documentation of the following:

- (1) The payment of a mortgage [~~and/or~~] or rent.
- (2) The listing in the employee’s name of household utility accounts, such as gas, electricity, telephone, water, [~~sewage~~] stormwater, wastewater, cable [~~TV, etc.~~] television, and internet access.
- (3) The receipt of U.S. mail.
- (4) The use of such address for voter registration, vehicle registration, and the filing of federal, state and local tax returns.

~~[Richmond Petersburg Metropolitan Statistical Area (MSA) consists of the Cities of Richmond, Colonial Heights, Hopewell and Petersburg; the Town of Ashland; and the Counties of Charles City, Chesterfield, Dinwiddie, Goochland, Hanover, Henrico, New Kent, Powhatan, and Prince George.]~~

(b) The persons holding the following enumerated positions in the City government shall be required to have their principal residence within the city during their continuance in such office or employment:

- (1) Chief of Fire and Emergency Services.
- (2) Chief of Police.
- (3) [~~City Assessor.~~
- (4) ~~City Attorney.~~
- (5) ~~City Auditor.~~
- (6) ~~City Clerk.~~
- (7) ~~Library Director.~~

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- (3) [~~City Assessor.~~
- (4) ~~City Attorney.~~
- (5) ~~City Auditor.~~
- (6) ~~City Clerk.~~
- (7) ~~Library Director.~~

- (8)] Chief Administrative Officer.
- ~~[(9) — Director of Budget and Strategic Planning.~~
- ~~(10) — Director of Planning and Development Review.~~
- ~~(11) — Director of Economic and Community Development.~~
- ~~(12) — Director of Finance.~~
- ~~(13) — Director of Human Resources.~~
- ~~(14) — Director of Information Technology.~~
- ~~(15) — Director of Justice Services.~~
- ~~(16) — Director of Procurement Services.~~
- ~~(17) — Director of Public Utilities.~~
- ~~(18) — Director of Public Works.~~
- ~~(19) — Director of Parks, Recreation and Community Facilities.~~
- ~~(20) — Director of Social Services.~~
- ~~(21) — Special Assistant to the Mayor.~~
- ~~(22) — Executive Director, Port of Richmond.~~
- ~~(23) — Executive Director, Richmond Retirement System.~~
- ~~(24) — Chief of Staff of the Mayor’s or Chief Administrative Officer’s Office.]~~
- (4) Director of [~~Planning and Development Review~~] **Emergency**

Communications.

- (5) Director of [**Economic Development.**]
- ~~(6) — Director of Finance.~~
- ~~(7) — Director of]~~ Public Utilities.
- ~~(8)]~~ ~~(6)~~ Director of Public Works.

~~[(9)]~~ (7) Director of Social Services.

~~[(10)]~~ (8) Director of Information Technology.

~~[(11)]~~ (9) Deputy Chief Administrative Officer.

~~[(12)]~~ (10) Council Chief of Staff.

~~[(13)]~~ (11) City Attorney.

~~[(14)]~~ (12) City Clerk.

(c) ~~[In addition to persons occupying the specific positions listed in Subsection (b) of this section, any persons meeting one of the following criteria shall be required to have their principal residence within the City during their continuance in such office or employment:~~

~~(1) — Any person serving in a position appointed by the City Council;~~

~~(2) — Deputies or assistants to the mayor or Chief Administrative Officer;~~

~~(3) — Directors or agency heads appointed by the Chief Administrative Officer;~~

~~or~~

~~(4) — Officials and employees who, by the Charter or other law, serve at the will or pleasure of an appointing authority and who are appointed at pay range 21 and above or who receive equivalent pay in other pay scales.~~

~~(d) — All persons who are appointed to hold any of the following positions shall be required to have their principal residence within the City during their continuance in such employment:~~

~~(1) — Business Management Officer.~~

~~(2) — Chief of Risk Management.~~

~~(3) — City Engineer.~~

~~(4) — Commissioner of Buildings.~~

~~(5) — Deputy City Clerk.~~

~~(6) — Information Technology Manager I.~~

~~(e) — Notwithstanding the requirement to reside within the City as provided in Subsection (d) of this section, all persons who are appointed to hold any of the positions listed in Subsection (d) of this section and who have their principal residence within the Richmond-Petersburg Metropolitan Statistical Area (MSA) at the time of their appointment may maintain such existing residence upon obtaining a residency waiver. A request for a residency waiver may be considered by an appointing authority only upon receipt of written documentation from the person selected demonstrating either of the following situations:~~

~~(1) — Moving to the City will cause such person to either lose on the sale of the existing residence or expend on the purchase of a new residence an amount of money greater than twice the amount of increase in annual salary generated by the appointment;~~

~~(2) — Moving to the City will cause such person to lose eligibility for special educational, medical or other special family services which are not available in the City;~~
~~or~~

~~(3) — Such person is the sole caretaker of an immediate family member and has to maintain such person's residence in close proximity to that family member to continue to provide such care.~~

~~(f) — Notwithstanding Subsections (d) and (e) of this section, the residency requirement for any of the positions listed in Subsection (d) of this section may be waived by the Chief Administrative Officer upon receiving written documentation from an appointing authority showing the appointing authority's difficulty, because of the residency requirement, in attracting to such a position candidates with specific skills or technical qualifications.~~

~~(g) — In addition to persons occupying the specific positions listed in Subsection (d) of this section, any person serving in an unclassified position in pay range 21 or above or who receives equivalent pay in other pay scales shall be required to comply with Subsections (d), (e) and (f) of this section during such person's continuance in such office or employment.~~

~~(h)] Notwithstanding the requirement to reside within the city as provided in Subsection (b) of this section, all persons who are appointed to hold any of the positions listed in Subsection (b) of this section and who have their principal residence within ~~the Richmond-Petersburg Metropolitan Statistical Area~~ a 100-mile radius of the city's corporate boundaries at the time of their appointment may maintain such existing residence upon obtaining a residency waiver. A request for a residency waiver may be considered by an appointing authority only upon receipt of written documentation from the person selected demonstrating either of the following situations:~~

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~~(3) Such person is the sole caretaker of an immediate family member and has to maintain such person's residence in close proximity to that family member to continue to provide such care.~~

~~(d) Any person employed or appointed on a full-time basis to fill any position subject to the residence requirements of this section shall establish a principal residence within the city not later than 12 months after commencing work in such position. The appointing authority shall,~~

in such instances, obtain a written acknowledgment of the residence requirement from the person appointed before such person commences work in the position.

~~[(i) — If any officer or employee required to reside within the city or the Richmond Petersburg MSA shall cease to be a bona fide resident of the city or the Richmond Petersburg MSA or if any such officer or employee shall fail to become a bona fide resident of the city or the Richmond Petersburg MSA within the 12-month period provided under Subsection (h) of this section, the individual's office or employment shall be deemed to have been vacated.~~

~~(j)]~~ ~~[(d)]~~ (e) No other officer or employee of the City shall be required to live in the city, except as may otherwise be provided under the Charter or applicable state law.

~~[(k) — Any person occupying a position to which either of the residence requirements would otherwise apply, but who, prior to December 14, 1992, was not required to maintain a principal residence within the city or the Richmond Petersburg MSA, shall not, by virtue of adoption of the ordinance from which this section is derived, be required to establish a principal residence in the city or the Richmond Petersburg MSA. Such person, however, shall be subject to the residence requirements if promoted to a more responsible position after adoption of the ordinance from which this section is derived.~~

~~(l) — Notwithstanding any other provision of this section to the contrary, the City Council may by resolution duly adopted waive the residency requirement for any person appointed to a position for which Subsection (b) or (c) of this section require the person occupying such position to maintain a principal residence within the city.]~~

(f) — Any person occupying a position to which the residence requirements would otherwise apply, but who, prior to July 1, 2018, was not required to maintain a principal residence within the city, shall not, by virtue of adoption of the ordinance from which this section is derived,

be required to establish a principal residence in the city. Such person, however, shall be subject to the residence requirements if promoted to a more responsible position after adoption of the ordinance from which this section is derived.

§ 2. This ordinance shall be in force and effect [~~upon adoption~~] on July 1, 2018.

- (8)] Chief Administrative Officer.
- [~~(9) — Director of Budget and Strategic Planning.~~
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§ 2. This ordinance shall be in force and effect [~~upon adoption~~] on July 1, 2018.



Richmond City Council

The Voice of the People

Richmond, Virginia

Lou Brown Ali
Council Chief of Staff

Office of the Council Chief of Staff

Ordinance/Resolution Request

TO Allen Jackson, City Attorney

THROUGH Lou Brown Ali, Council Chief of Staff *LB*

FROM Meghan Brown, Deputy Council Chief of Staff *MKB*

COPY Andreas D. Addison, 1st District Council Member
Michael J. Jones, 9th District Council Member
Hope M. Elliott, 9th District Liaison
Haskell Brown, Deputy City Attorney

DATE March 2, 2018

PAGE/s 1 of 2

TITLE Amend Residency Requirement

RECEIVED

MAR 02 2018

OFFICE OF CITY ATTORNEY

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

REQUESTING COUNCILMEMBER/PATRON

Councilman Addison
Councilman Jones

SUGGESTED STANDING COMMITTEE

Governmental Operations

ORDINANCE/RESOLUTION SUMMARY

The patrons request an ordinance to amend the City's residency requirement for certain employees and officers of the City of Richmond by removing the residency requirement for all employees with the exception of elected positions, the Chief Administrative Officer, Police and Fire Chiefs.

BACKGROUND

City Code currently requires certain officers and employees to reside in the City as their principal residence. The patrons believe that such a policy limits and hinders the City's ability to attract, and retain talented and highly skilled employees. It is believed that the most effective way the City could improve its ability to recruit and retain talented employees is to eliminate the residency requirement with the exception of elected positions, the Chief Administrative Officer, Police and Fire Chiefs.

The City currently has one of the strictest residency requirement policies compared to surrounding localities. The patrons believe that to be an attractive employer in the region, the City should be able to employ qualified professionals that live in other nearby and surrounding counties without requiring them to establish residency in the City limits.

The Weldon Cooper Center estimates that the City's population has grown by over 9% since 2010, and almost 13% since 2000: reaching 222,853 in 2017.

The PWC: Emerging Trends in Real Estate ranked Richmond in the top 50 "Markets to Watch in 2018".

The patrons believe that such sustained growth in the population of the City has rendered the residency requirement unnecessary.

The patrons believe that the residency requirement remains vital for elected officials, and the limited number of positions where the need for a quick, in-person response to emergency situations is important for public safety.

FISCAL IMPACT STATEMENT

Fiscal Impact Yes No

Budget Amendment Required Yes No

Estimated Cost or Revenue Impact:
None

Attachment/s Yes No