Legislation Details (With Text)

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Title:	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.				
Sponsors:	Andreas Addison, Katherine Jordan, Ann-Frances Lambert, Stephanie Lynch				
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Date	Ver.	Action By	Action	Result
10/10/2023	1	City Council	continued and referred back	
10/2/2023	1	Organizational Development Standing Committee	recommended for continuance	
9/11/2023	1	City Council	continued and referred back	
9/5/2023	1	Organizational Development Standing Committee	recommended for continuance	
7/24/2023	1	City Council	continued and referred	
6/28/2023	1	Governmental Operations Standing Committee	recommended for approval	
6/12/2023	1	City Council	introduced and referred	

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.

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, 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;

NOW, THEREFORE,

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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, water, wastewater, solid waste, and stormwater.

(b) *Composition.* The Commission shall be composed of nine members, subject to the conditions set forth in this section, as follows:

(1) The Council shall appoint six members.

(2) The Mayor shall appoint three members.

(3) The membership shall consist of commercial or residential public utilities customers of the City or the authorized representatives of commercial or residential public utilities customers. Of the nine 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 nine members of the Commission appointed in accordance with this section, there shall be two ex-officio, non-voting members recommended by the Mayor, one of whom shall serve as a

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representative of the Department of Public Utilities and one of whom shall serve as a representative of the Department of Public Works.

(c) *Terms of office*. The members shall serve for terms of three years. 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, and expansion of the City's public utilities, including natural gas, 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, public water, sewer, utility billing issues, sanitation, refuse and recycling.

(3) Assisting the Mayor, Council, and City employees with the review any issues requiring study and utilization of best practices to enhance performance.

(4) Creating subcommittees to study specific topics or initiatives. The Commission shall maintain four standing subcommittees: Water Utility Operations Subcommittee, Stormwater Utility Operations Subcommittee, Natural Gas Subcommittee, and Streetlights 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 water, energy conservation, water, and wastewater utilities and 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.

(9) Assisting the Department of Public Utilities in the preparation of a five year strategic plan to address long range opportunities and challenges to the operations, maintenance and capital infrastructure investments related to each of the City's utilities. The initial five year plan shall be submitted to the Council and the Mayor by no later than June 30, 2024, and subsequent five year plans shall be submitted to the Council and the Mayor by no later than June 24 every two years thereafter.

(b) *Reporting*. The Commission shall provide to the Council and the Mayor, by no later than January 31st 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 January 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*. Five 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 four 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.