Legislation Details (With Text)

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Title: To request the Richmond delegation to the General Assembly of Virginia to introduce and support the enactment of legislation to amend various sections within chapters 2, 3, 4, 5, 5A, 5B, 6, 13, 17, and 18 of the Charter of the City of Richmond; to repeal various sections within chapters 2, 6, 17, and 20 of the Charter of the City of Richmond; and to add a new section numbered 2.09 to the Charter of the City of Richmond, to revise and update the Charter of the City of Richmond.

Sponsors: Stephanie Lynch, Vice President Nye, Katherine Jordan, Andreas Addison, Ann-Frances Lambert, Michael President Jones, Mayor Stoney, Cynthia Newbille, Ellen Robertson

Indexes:

Code sections:

Attachments: 1. Res. No. 2023-R057

Date	Ver.	Action By	Action	Result
12/11/2023	1	City Council	adopted	Pass
12/4/2023	1	Organizational Development Standing Committee	recommended for approval	
11/13/2023	1	City Council	introduced and referred	

To request the Richmond delegation to the General Assembly of Virginia to introduce and support the enactment of legislation to amend various sections within chapters 2, 3, 4, 5, 5A, 5B, 6, 13, 17, and 18 of the Charter of the City of Richmond; to repeal various sections within chapters 2, 6, 17, and 20 of the Charter of the City of Richmond; and to add a new section numbered 2.09 to the Charter of the City of Richmond, to revise and update the Charter of the City of Richmond.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

That, in accordance with section 15.2-202 of the Code of Virginia (1950), as amended, the Richmond delegation to the General Assembly of Virginia is hereby requested to introduce and support the enactment of legislation to amend various sections within chapters 2, 3, 4, 5, 5A 5B, 6, 13, 17, and 18 of the Charter of the City of Richmond; repeal various sections within chapters 2, 6, 17, and 20 of the Charter of the City of Richmond; and to add a new section numbered 2.09 to the Charter of the City of Richmond, to revise and update the Charter of the City of Richmond, as set forth in the document entitled “Requests of the City of Richmond for City Charter Amendments during the 2024 Session of the General Assembly of Virginia,” a copy of which is attached to and made a part of this resolution.

Requests of the City of Richmond for City Charter Amendments during the 2024 Session of the General Assembly of Virginia

Amended Sections:

§ 2.01. General grant of powers.

The city shall have and may exercise all of the powers [~~which are now or may hereafter be conferred upon or delegated to cities under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of a city government the exercise of which is not expressly prohibited by the said Constitution and laws and which in the opinion of the council are necessary or desirable to promote the general welfare of the city and the safety, health, peace, good order, comfort, convenience and morals of its inhabitants, as fully and completely as though such powers were specifically enumerated in this charter, and no enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers~~] set forth in sections 15.2-1100 through 15.2-1133 of the Code of Virginia as in force January 1, 2024, and as hereafter amended. Such powers are hereby conferred upon and vested in the city, for the conduct of city government and to promote the general welfare of the city and its residents. In addition thereto, the city shall have and may exercise all other powers which are now or may hereafter be conferred upon or delegated to independent cities under the Constitution or the laws of the Commonwealth, as fully and completely as though such powers were specifically enumerated in this charter, and no enumerations of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers.

EXPLANATION: The amendments to section 2.01 more clearly align the City's powers with the powers granted to cities under general law, while retaining the powers conferred upon the City in the Charter.

§ 2.02. Financial powers.

In addition to the powers granted by other sections of this charter, the city shall have power:

(a) To raise annually by taxes and assessments in the city such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the city, in such manner as the council shall deem expedient, provided that such taxes and assessments are not prohibited by the laws of the Commonwealth. In addition to, but not as a limitation upon, this general grant of power the city shall, when not prohibited by the laws of the Commonwealth, have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools, to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport or athletic event in the city, which taxes may be added to and collected with the price of such admission or other charge; to levy on and collect taxes from purchasers of any public utility service and from subscribers to franchised cable antenna television service used within the city, which taxes may be added to and collected with the bills rendered purchasers of such service; to require licenses, prohibit the conduct of any business or profession without such a license, require taxes to be paid on such licenses in respect of all businesses and professions which cannot, in the opinion of the council be reached by the ad valorem system; and to require licenses of owners of vehicles of all kinds for the privilege of using the streets, alleys and other public places in the city, require taxes to be paid on such licenses and prohibit the use of streets, alleys, and other public places in the city without such licenses; provided, however, that

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nothing herein contained shall be construed as permitting the city to levy and collect directly or indirectly a tax on payrolls.

(b) [~~To borrow money for the purposes and in the manner provided by Chapter 7B of this charter.~~

~~(c) To make appropriations, subject to the limitations imposed by this charter, for the support of the city government, and any other purposes not prohibited by this charter and by the laws of the Commonwealth.~~

~~(d)~~] To appropriate, without being bound by other provisions of this charter, funds for the purpose of meeting a public emergency threatening the lives, health or property of the inhabitants of the city, provided that any such appropriation shall require at least seven affirmative votes in the council and that the ordinance making such appropriation shall contain a clear statement of the nature and extent of the emergency.

[~~(e) To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the city government.~~

~~(f) To provide, or aid in the support of, public libraries and public schools.~~]

[~~(g)~~] (c) To grant financial aid [~~to military units organized in the city in accordance with the laws of the Commonwealth, and~~] to charitable or benevolent institutions and corporations, including those established for scientific, literary or musical purposes or the encouragement of agriculture and the mechanical arts, whose functions further the public purposes of the city.

[~~(h)~~] (d) To establish a system of pensions for injured, retired or superannuated city officers and employees, members of the police and fire departments, teachers and other employees of the school board, judges, clerks, deputy clerks, bailiffs and other employees of the municipal courts, and to establish a fund or funds for the payment of such pensions by making appropriations out of the treasury of the city, by levying a special tax for the benefit of such fund or funds, by requiring contributions payable from time to time from such officers or employees, or by any combination of these methods or by any other method not prohibited by law, provided that the total annual payments into such fund or funds shall be sufficient on sound actuarial principles to provide for the pensions to be paid therefrom; and provided further, that the benefits accrued or accruing to any person under such system shall not be subject to execution, levy, attachment, garnishment or any other process whatsoever nor shall any assignment of such benefits be enforceable in any court.

[~~(i)~~] (e) To provide for the control and management of the fiscal affairs of the city, and prescribe and require the adoption and keeping of such books, records, accounts and systems of accounting by the departments, boards, commissions, courts or other agencies of the city government provided for by this charter or otherwise by law as may be necessary to give full and true accounts of the affairs, resources and revenues of the city and the handling, use and disposal thereof.

EXPLANATION: The powers set forth in subsections (b), (c), (e), and (f) of section 2.02 are conferred upon localities by the Constitution of Virginia and the Code of Virginia. More specifically, the powers set forth in subsection (b) are authorized by Article VII, § 7 of the Constitution of Virginia and Code of Virginia, § 15.2-1105. The powers set forth in subsection (c) are authorized by Article VII, § 7 of the Constitution of Virginia. Subsection (e) is covered by section 15.2 -1108 of the Code of Virginia. The powers prescribed in subsection (f) are already either authorized or required by sections 42.1-33 and 22.1-88 of the Code of Virginia and Article VIII, § 2 of the Constitution of Virginia. The amendment to subsection (g) of section 2.02 is made in recognition of the fact that section 15.2-1112 of the Code of Virginia authorizes a city to grant financial aid to military units. Accordingly, removal of the said subsections and text would eliminate the duplication of powers that are already granted to localities under the aforementioned laws of the Commonwealth.

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§ 2.04. Power to make regulations for the preservation of the safety, health, peace, good order, comfort, convenience, morals and welfare of the city and its inhabitants.

In addition to the powers granted by other sections of this charter, the city shall have power to adopt ordinances, not in conflict with this charter or prohibited by the general laws of the Commonwealth, for the preservation of the safety, health, peace, good order, comfort, convenience, morals and welfare of its inhabitants, and among such powers, but not in limitation thereof, the city shall have power:

(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 dangerous to the public.

(b) [~~To regulate the construction, maintenance and repair of buildings and other structures and the plumbing, electrical, heating, elevator, escalator, boiler, unfired pressure vessel, and air conditioning installations therein, for the purpose of preventing fire and other dangers to life and health.~~

~~(c)~~] To provide for the protection of the city's property, real and personal, and prevention of the pollution of the city's water supply, and the regulation of use of parks, playgrounds, playfields, recreational facilities, landings, docks, wharves, canals, airports and other public property, whether located within or without the city. For the purpose of enforcing such regulations all city property wherever located shall be under the police jurisdiction of the city. Any member of the police force of the city or employee thereof appointed as a special policeman shall have power to make arrests for violation of any ordinance, rule or regulation adopted pursuant to this section and the district court, criminal division, shall have jurisdiction in all cases arising thereunder within the city and the district court of the county wherein the offense occurs shall have jurisdiction of all cases arising thereunder without the city.

[~~(d)~~] (c) 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 and other vehicles for hire; prescribe the location in, under or over, and grant permits for the use of, streets, alleys and other public places for the maintenance and operation of tracks, poles, wires, cables, pipes, conduits, bridges, subways, vaults, areas and cellars; require tracks, poles, wires, cables, pipes, conduits and bridges to be altered, removed or relocated either permanently or temporarily; charge and collect compensation for the privileges so granted; and prohibit such use of the streets, alleys and other public places of the city, and no such use shall be made of the streets, alleys, or other public places of the city without the consent of the council.

[~~(e) To prevent any obstruction of or encroachment over, under or in any street, alley, 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, 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, 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, sidewalk or other public place or any other property of the city by suit or action in ejectment.~~

~~(f) To prescribe the route and grade of any railroad laid in the city, regulate the operation of~~

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~~locomotives and cars, and exclude such locomotives and cars from the city; provided, no contract between the city and the corporation operating such locomotives or cars is violated by such action.~~

~~(g) To regulate the operation of motor vehicles and exercise control over traffic in the streets 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.~~

~~(h) To regulate, in the interest of public health, the production, preparation, distribution, sale and possession of milk, other beverages and foods for human consumption, and the places in which they are produced, prepared, distributed, sold, served or stored; regulate the construction, installation, maintenance and condition of all water and sewer pipes, connections, toilets, water closets and plumbing fixtures of all kinds; regulate the construction and use of septic tanks and dry closets, where sewers are not available, and the sanitation of swimming pools and lakes; provide for the removal of night soil, and charge and collect compensation for the removal thereof; compel the use of sewers, the connection of abutting premises therewith, and the installation in such premises of suitable sanitary facilities; regulate or prohibit connections to and use of sewers; provide for the quarantine of any person afflicted with a contagious or infectious disease, and for the removal of such person to a hospital or ward specially designated for contagious or infectious diseases; inspect and prescribe reasonable rules and regulations, in the interest of public health, with respect to private hospitals, sanatoria, convalescent homes, clinics and other private institutions, homes and facilities for the care of the sick, of children, the aged and the destitute; and make and enforce all regulations necessary to preserve and promote public health and sanitation and protect the inhabitants of the city from contagious, infectious or other diseases.~~

~~(i) To regulate cemeteries and burials therein, prescribe the records to be kept by the owners of such cemeteries, and prohibit all burials except in a public burying ground.~~

[~~(j)~~] (d) To regulate or prohibit the exercise of any dangerous, offensive or unhealthful business, trade or employment, and the transportation of any offensive or dangerous substance.

[~~(k) To regulate the light, ventilation, sanitation and use or occupancy of buildings heretofore or hereafter constructed, altered, remodeled or improved, and the sanitation of the premises surrounding the same.~~

~~(l) To regulate the emission of smoke or the construction, installation, operation and maintenance of fuel burning equipment, internal combustion engines or any other equipment or source of air pollution.~~

~~(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 where the difference in level between the lot and the street 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 including the removal of inoperative or unlicensed motor vehicles or parts thereof from public or private property. If after such reasonable notice as the council may prescribe by ordinance the owner or owners, occupant or occupants of the property or premises affected by the provisions of this subsection shall fail to abate or obviate the condition or nuisance, the city may do so and charge and collect the cost thereof from the owner or owners, occupant or occupants of the property affected in any manner provided by law for the collection of taxes.~~

~~(n) To regulate or prohibit the manufacture, storage, transportation, possession and use of explosive or inflammable substances and the use of exhibition of fireworks and discharge of firearms.~~]

[~~(o)~~] (e) To regulate or prohibit the making of fires in the streets, alleys and other public places in the city and to regulate the making of fires on private property.

[~~(p)~~] (f) To regulate or prohibit the running at large and the keeping of animals and fowl and

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provide for the impounding and confiscation of any such animal or fowl found at large or kept in violation of such regulations.

[~~(q) To prevent cruelty to and abuse of animals.~~

~~(r) To regulate the sale of goods, wares or merchandise at auction; regulate the conduct of and prescribe the number of pawnshops and dealers in secondhand goods, wares and merchandise; regulate or prohibit the peddling or hawking of any article for sale on the streets of the city; prevent fraud or deceit in the sale of goods, wares and merchandise; require the weighing, measuring, gauging and inspection of goods, wares and merchandise offered for sale; require weights and measures to be sealed and subject to inspection; and provide for the appointment of a sealer and one or more weightmasters who shall perform such duties and functions as may be prescribed by ordinance.~~]

EXPLANATION: The powers set forth in the subsections deleted from section 2.04 are provided for under the general laws of the Commonwealth. In particular, the authority conferred in subsections (b) and (k) of section 2.04 are granted and regulated by the Uniform Statewide Building Code. The powers provided for in subsection (e) of 2.04 are set forth in sections 15.2-2009, 15.2-2010, and 15.2-2011 of the Code of Virginia. Subsection (f) of section 2.04 is preempted by the provisions of 49 U.S.C. 10501(b)(1) and the Interstate Commerce Commission Termination Act of 1995. The subject matter addressed in subsection (g) of section 2.04 is covered under Chapter 13 of Title46.2 of the Code of Virginia. With regard to subsection (h) of section 2.04, its subject matter is addressed in the general laws and regulations of the Commonwealth of Virginia: section 15.2-1109 of the Code of Virginia authorizes a city to regulate the production, storage, and sale of milk and food products, and section 15.2-1110 of the Code of Virginia authorizes a city to regulate swimming pools, lakes and other bodies of water; the Virginia Department of Health oversees the production and distribution of milk and foods, the construction and use of septic systems, matters involving the quarantine of individuals, and the operation of private hospitals; and the Uniform Statewide Building Code regulates the construction and maintenance of plumbing fixtures and toilets. The power granted in subsection (i) of section 2.04 is set forth in section 15.2-1111 of the Code of Virginia. Subsection (l) of section 2.04 is covered by section 15.2-1116 and Chapter 13 of Title 10.1 of the Code of Virginia. With regard to subsection (m) of section 2.04, sections 15.2-900, 15.2-901, 15.2-906, and 15.2-1115 of the Code of Virginia authorize cities to deal with nuisances. Cities are authorized to regulate the subject matter addressed in subsection (n) of section 2.04 pursuant to sections 15.2-915 and 15.2-1113 of the Code of Virginia and matters involving the use of explosive or inflammable substances are also regulated by the Uniform Statewide Fire Code. The powers set out in subsection (q) of section 2.04 are addressed specifically in section 3.2-6543 of the Code of Virginia and in Title 3.2 of the Code of Virginia in general. Subsection (r) of section 2.04 is addressed in various provisions of general law, including, but not limited to, sections 15.2-913, 15.2-1114, 54.1-4001, 54.1-4003, and 59.1-201 of the Code of Virginia. In light of the preceding, removal of the said subsections would eliminate the duplication of powers that are already granted to localities under the aforementioned laws and regulations of the Commonwealth or that are otherwise preempted by federal law.

§ 2.05. Miscellaneous powers.

The city shall also have power:

(a) To establish, maintain and operate public employment bureaus, public markets and public baths.

(b) [~~To establish, maintain and operate, within and without the city, public hospitals, sanatoria, convalescent homes, clinics and other public institutions, homes and facilities for the care of the sick, of children, the aged and the destitute.~~

~~(c) To provide care for the poor and have all the powers and duties conferred and imposed on cities by the laws of the Commonwealth relating to public assistance.~~

~~(d) To establish, own, maintain and operate, within and without the city, cemeteries for the interment of the dead, fix the price at which graves and lots therein shall be sold, make contracts for their perpetual care and establish the rates to be charged for the digging of graves, construction of vaults and other~~

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~~services.~~

~~(e)~~] To establish, maintain and operate, within or without the city, a jail for the confinement of prisoners, ordered or sentenced to be confined therein, and a jail farm; and compel able-bodied prisoners confined in the jail to work on such farm, with the approval of the Circuit Court of the City of Richmond. Any lockup physically located within the City of Richmond, whether in the Safety, Health and Welfare Building of the City of Richmond or elsewhere, shall be deemed a part of and included within the city jail facility for the purposes of supervision, administration, staffing and all other aspects germane to the operation of the city jail.

[~~(f)~~] (c) To acquire, in the manner provided in Chapter 18 of this charter, areas, properties, lands or any estate or interest therein, located within the city's old and historic districts which, in the opinion of the council, should be acquired, preserved and maintained for use, observation, education, pleasure and welfare of the people, or to preserve the character of the old and historic district in which such property is located; provide for their renovation, preservation, maintenance, management and control as places of old and historic interest by the department of the city government or by a board, commission or agency specially established by ordinance for the purpose; charge or authorize the charging of compensation for the use thereof or admission thereto; lease or sell to a 501(c)(3) organization, subject to such regulations as may be established by ordinance, any such area, property, lands or estate or interest therein so acquired upon the condition that the old and historic character of the area, property or lands shall be restored and preserved and maintained; or to enter into contracts with any person, firm or corporation for the management, preservation, maintenance or operation of any such area, property, lands or estate or interest therein so acquired as a place of old and historic interest, provided, the city shall not use the right of condemnation under this paragraph unless the historic value of such area, property, lands or estate or interest therein are about to be destroyed, including destruction through lack of maintenance.

[~~(g) To establish and collect such fees, including a charge for expenses incurred in auditing reports, accounts and any records of organizations operating bingo games and raffles under the permissive provisions of Section 18.2-335 of the Code of Virginia [now Code of Virginia, § 18.2-340.15 et seq.] and admitting to record the annual report of such organization, as may be determined by the council to be reasonable for the rendering of special services.~~]

EXPLANATION: The powers set forth in subsections (b), (c), (d), and (g) of section 2.05 are authorized under the laws of the Commonwealth. Subsection (b) mirrors the powers granted to localities as set forth in section 15.2-1119 of the Code of Virginia. Article 2 of Title 63.2 of the Code of Virginia addresses the powers set forth in subsection (c). Subsection (d)'s powers are also authorized under section 15.2-1121 of the Code of Virginia. The Virginia Charitable Gaming Commission regulates the powers prescribed in subsection (g). Accordingly, removal of the said subsections would eliminate the duplication of powers that are already granted to localities under the aforementioned laws of the Commonwealth or that are otherwise governed by the general laws of the Commonwealth.

§ 3.01. Election of councilmen; nomination of candidates.

A. At the time of the November general election in 2004, and every second year thereafter, there shall be held a general city election at which shall be elected by the qualified voters of the city one member of council from each of the nine election districts in the city, the voters residing in each such district to elect one member for said district for terms of two years from the first day of January following their election. However, beginning with the elections to be held in 2008, and subject to approval by referendum as called for by this act, council members shall be elected for a term of four years.

B. No primary election shall be held for the nomination of candidates for the office of [~~councilman~~] council member, and candidates shall be nominated only by petition.

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C. 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.

EXPLANATION: The amendment in subsection (B) of section 3.01 replaces gender specific language with gender neutral language.

§ 3.04. Vacancies in office of [~~councilman~~] council member or mayor.

A. Vacancies in the office of [~~councilman~~] council member, from whatever cause arising, shall be filled in accordance with general law applicable to interim appointments and special elections, provided that, any provision in the general law to the contrary notwithstanding, a special election may be called to fill any such vacancy if the vacancy occurs more than one year prior to the expiration of the full term of the office to be filled.

B. A vacancy in the office of mayor shall be filled by special election conducted according to the rules herein provided for the general election and held within 60 days, but no sooner than 30 days, from the date of the vacancy. Any runoff, should one be necessary, shall be held on the first Tuesday after the fifth day following the date that voting machines used in the special election may be unsealed pursuant to § 24.2-659 of the Code of Virginia [Code of Virginia, § 24.2-659] or the third Tuesday following the special election, whichever is later. However, if the date by which either the special election or possible runoff election for the office of mayor must be conducted should fall within 60 days prior to a primary election or general election, then the special or runoff election shall be held on the same day as the primary or general election, if allowed by general law, or, if not allowed by general law, then the special election shall be held on the first Tuesday after the fifth day following the date that voting machines used in the primary or general election may be unsealed pursuant to § 24.2-659 of the Code of Virginia [Code of Virginia, § 24.2-659]. Any runoff that may be necessary shall be held on the first Tuesday after the fifth day following the date that the voting machines used in the special election may be unsealed pursuant to § 24.2-659 of the Code of Virginia [Code of Virginia, § 24.2 -659] or the third Tuesday following the special election, whichever is later. The president of the council shall serve as acting mayor until a successor is elected.

C. The procedures and deadlines for voter registration, applying for an absentee ballot, and casting an absentee ballot for any runoff election as may be necessary after a special election for mayor shall be as provided in Chapters 4 (§ 24.2-400 et seq.), 4.1 (§ 24.2-451 et seq.), and 7 (§ 24.2-700 et seq.) of Title 24.2 of the Code of Virginia [Code of Virginia, §§ 24.2-400 et seq., 24.2-451 et seq. and 24.2-700 et seq.) for general elections.

EXPLANATION: The amendments to the title and subsection (A) of section 3.04 replace gender specific language with gender neutral language.

§ 3.04.1. Removal of council member or mayor and forfeiture of office.

A. In addition to being subject to the procedure set forth in § 24.2-233 of the Code of Virginia [Code of Virginia, § 24.2-233], any member of the council may be removed by the council for malfeasance in office or neglect of duty or for a failure to comply with the residency requirement set forth in § 3.01. The member shall be entitled to notice and hearing. It shall be the duty of the council, at the request of the person sought to be removed, to subpoena witnesses whose testimony would be pertinent to the matter in hand. From the decision of the council an appeal shall lie to the Circuit Court of the City of Richmond, Division 1.

B. The mayor may be removed following the procedure set forth in § 24.2-233 of the Code of

Virginia [Code of Virginia, § 24.2-233] applicable to constitutional officers; provided, however, that the petition must be signed by a number of registered voters in each council district equal to at least ten percent of the total number of votes cast in the last general election for mayor in each respective council district.

C. The mayor or any member of council who shall be convicted by a final judgment of any court from which no appeal has been taken or which has been affirmed by a court of last resort on a charge involving moral turpitude[~~,~~] or any felony[~~, or any misdemeanor involving possession of marijuana or any controlled substances,~~] shall forfeit his/her office.

EXPLANATION: The revisions to subsection (C) of section 3.04.1 remove archaic language and align this provision with the general laws of the Commonwealth with regard to the possession of marijuana.

§ 4.01. Composition; compensation; appointment of members to office of profit.

The council shall consist of nine members elected as provided in Chapter 3. Compensation of members of council shall be fixed in accordance with [~~and within~~] the [~~limits prescribed in~~] general laws of the Commonwealth for pay and expenses of councils and mayors of cities of the Commonwealth for the regular meetings of the council for which such members are engaged in the duties of the council. The council, by resolution, may also grant annually to its members additional compensation for standing committees or other meetings of the council for which such members are engaged in the duties of the council. The council may, by resolution, fix annually an additional sum to be paid to the president and the vice-president of the council, notwithstanding the maximum salary limits imposed by the general laws of the Commonwealth. The members of the council, subject to the approval of the council, may also be allowed their reasonable actual expenses incurred in representing the city. No member of the council shall during the term of which he/she was elected and one year thereafter be appointed to any office of profit under the government of the city.

EXPLANATION: The amendments to section 4.01 authorize compensation to individual council members as may be set by the Council by resolution as compensation for attending meetings of the Council, in addition to the sums permitted by the general laws of the Commonwealth. In addition, the amendments authorize the Council to fix an additional sum to be paid to the President and Vice President of the Council, notwithstanding the limitations of section 15.2-1414.6 of the Code of Virginia.

§ 4.03. President of the council.

[~~At the time of the council's January organizational meeting, the council shall elect from among its members a president of the council to preside at council meetings for a one-year term; however, beginning January 1, 2007, the~~] The president of the council shall serve a two-year term. Should a vacancy occur in the office of mayor, the president of the council will become acting mayor until a successor is elected to fill out the remainder of the unexpired term in accordance with § 3.04. An acting mayor shall have the same powers and responsibilities as the elected mayor. In addition, notwithstanding the provisions of § 3.01.1, any acting mayor shall retain his or her City Council position, including the right to vote.

EXPLANATION: ***The amendments to section 4.03 change the term of the President of the Council from a two-year term to a one-year term.***

§ 4.06. Rules of procedure.

The council shall have power, subject to the provisions of this charter, to adopt its own rules of procedure. Such rules shall provide for the time and place of holding regular meetings of the council which

shall be not less frequently than once in each month; however, the council shall not be required to hold a regular meeting in the month of August. They shall also provide for the calling of special meetings by the mayor or any three members of the council, and shall prescribe the method of giving notice thereof, provided that the notice of each special meeting shall contain a statement of the specific item or items of business to be transacted and no other business shall be transacted at such meeting except by the unanimous consent of all the members of the council.

The council's rules of procedure are designed and adopted for the benefit and convenience of the council. The purpose of such rules of procedure is to help the council conduct its affairs in a timely and efficient manner. The rules of procedure incorporate the general principles of parliamentary procedure found in *Robert's Rules of Order* and applicable laws of the Commonwealth. The rules of procedure do not create substantive rights for third parties or participants in proceedings before the council. Further, the council reserves the right to suspend or amend the rules of procedure whenever a majority of the council decides to do so. The failure of the council to strictly comply with its rules of procedure shall not invalidate any action of the council.

EXPLANATION: The amendments to section 4.06 clarify the purpose and effect of the Council's Rules of Procedure.

§ 4.07. Voting.

No ordinance, resolution, motion or vote shall be adopted by the council except at a meeting open to the public and, except motions to adjourn, to fix the time and place of adjournment, and other motions of a purely procedural nature, unless it shall have received the affirmative votes of at least five members. All voting except on procedural motions shall be by roll call or by electronic means and the ayes and noes shall be recorded in the journal.

EXPLANATION: The amendment to section 4.07 authorizes the Council to vote electronically.

§ 4.09. Ordinances, form.

Every ordinance except the annual appropriation ordinances and an ordinance codifying ordinances shall be confined to a single subject which shall be clearly expressed in its title. [~~All ordinances shall be introduced in typewritten or printed form or a combination of both.~~] Ordinances introduced to the council may be made available by electronic means, provided that one or more printed copies of each ordinance shall be furnished to the City Clerk for public inspection. All ordinances which repeal or amend existing ordinances shall set forth in full the section or subsection to be repealed or amended and, if it is to be amended, shall indicate matter to be omitted by enclosing the same in brackets, striking through the matter to be omitted, or by both such brackets and striking through and indicating new matter by underscoring. When [~~printed or~~] published prior to enactment the same indications of omitted and new matter shall be used except that strikeout type may be substituted for brackets and italics for underscoring. The enacting clause of all ordinances shall be: "The City of Richmond hereby ordains." Unless another date is specified therein and except as otherwise provided in this charter an ordinance shall take effect on the tenth day following its passage.

EXPLANATION: The amendments to section 4.09 removes the requirement that ordinances be printed and, instead, authorizes the council to make ordinances available by electronic means.

§ 4.10. Procedure for passing ordinances.

An ordinance may be introduced by any member or committee of the council or by the mayor at any regular meeting of the council or at any special meeting. Upon introduction a time, not less than seven days after such introduction, and place shall be set at which the council or a committee thereof will hold a public

hearing on such ordinance, provided that the council may reject any ordinance on first reading without a hearing thereon by vote of six members. The hearing may be held separately or in connection with a regular or special meeting of the council and may be adjourned from time to time. It shall be the duty of the city clerk to cause to be printed in a newspaper published or in general circulation in the city, not later than the fifth day before the public hearing on the proposed ordinance, a notice containing the time and place of the hearing and the title of the proposed ordinance. It shall also be his/her duty, not later than the fifth day before the public hearing, to cause its full text to be printed or otherwise reproduced, as the council may by resolution direct, in sufficient numbers to supply copies to those who individually request them, or, if the council shall so order, to cause the same to be printed as a paid advertisement in a newspaper published or in general circulation in the city. It shall further be his/her duty to place a copy of the ordinance, printed or in electronic format, in a file provided each member of the council for this purpose. A proposed ordinance, unless it is an emergency ordinance, shall be finally passed at a meeting of the council following the introduction of the ordinance and after the conclusion of the public hearing thereon. If an ordinance, other than an emergency ordinance, is amended as to its substance, it shall not be passed until it shall be reprinted, reproduced or published as amended, and a hearing shall be set and advertised and all proceedings had as in the case of a newly introduced ordinance.

EXPLANATION: The amendments to section 4.10 authorize the City Clerk to place a copy of ordinances in a file provided for each member of the Council in either printed or electronic format, as opposed to in just printed format.

§ 4.13. Record and publication of ordinances.

Every ordinance after passage shall be given a serial number and shall be retained by the clerk in a permanent file kept for that purpose and the clerk shall maintain a permanent card or similar index. Within one year after the first Tuesday in September, 1948, there shall be prepared under the direction of the city attorney, who is hereby authorized to employ such assistance as he/she deems necessary for the purpose, a codification of all ordinances in force. Such codification shall be passed by the council as a single ordinance and without prior publication. Upon its passage it shall be published in bound or loose-leaf form, or by electronic means. This codification, to be known and cited officially as the city code, shall be furnished to city officers and shall be sold to the public at a price to be fixed by the council. A similar codification shall be prepared, passed, published and distributed, as above provided, at least every five years. It shall be the duty of the city clerk to cause all ordinances adopted to be printed as promptly as possible after their adoption in substantially the same style and format as the codification of ordinances and sold at such prices as the Council may establish.

EXPLANATION: The amendments to section 4.13 authorize the Council to publish the City Code by electronic means, in addition to in bound or loose-leaf form.

§ 4.15. Removal of members of boards and commissions; forfeiture of office or employment for certain convictions.

A. Any member of a board or commission appointed by the council for a specified term may be removed by the council but only for malfeasance in office or neglect of duty. He/she shall be entitled to notice and hearing. It shall be the duty of the council, at the request of the person sought to be removed, to subpoena witnesses whose testimony would be pertinent to the matter in hand. From the decision of the council an appeal shall lie to the Circuit Court of the City of Richmond, Division I.

B. Any officer, appointee of the council or employee of the city who shall be convicted by a final judgment of any court from which no appeal has been taken or which has been affirmed by a court of last resort on a charge involving moral turpitude or any felony [~~or any misdemeanor involving possession of marijuana or~~

~~any controlled substances~~] shall forfeit his/her office or employment.

EXPLANATION: The revisions to subsection (B) of section 4.15 remove archaic language and align this provision with the general laws of the Commonwealth with regard to the possession of marijuana.

§ 4.16. Powers of investigation.

(a) The council, or any committee of members of the council when authorized by the council, shall have power to make such investigations relating to the municipal affairs of the city as it may deem necessary, and shall have power to investigate any or all departments, boards, commissions, offices and agencies of the city government and any officer or employee of the city, concerning the performance of their duties and functions and use of property of the city. The council shall have all investigative powers conferred upon governing bodies by the general laws of the Commonwealth, in addition to those enumerated in this charter.

(b) The mayor, the chief administrative officer, the heads of all departments, all boards and commissions whose members are appointed by the council, the city auditor, and the inspector general shall have power to make such investigations in connection with the performance of their duties and functions as they may deem necessary, and shall have power to investigate any officer or employee appointed by them or pursuant to their authority concerning the performance of duty and use of property of the city.

(c) The council, or any committee of members of the council when authorized by the council, the mayor, the chief administrative officer, the heads of departments, boards and commissions whose members are appointed by the council, the city auditor, and the inspector general, in an investigation held by any of them, may order the attendance of any person as a witness and the production by any person of all relevant books and papers. Any person, having been ordered to attend, or to produce such books and papers, who refuses or fails to obey such order, or who having attended, refuses or fails to answer any question relevant or pertinent to the matter under investigation shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $100.00 or imprisonment in jail not exceeding 30 days, either or both. Every such person shall have the right of appeal to the Circuit Court of the City of Richmond, Division I. The investigating authority shall cause every person who violates the provisions of this section to be summoned before the general district court criminal division for trial. Witnesses shall be sworn by the person presiding at such investigation, and they shall be liable to prosecution or suit for damages for perjury for any false testimony given at such investigation.

EXPLANATION: The amendment to section 4.16 clarifies that the Council shall have all investigative powers conferred upon governing bodies under the general laws of the Commonwealth.

§ 4.17. City attorney.

The city attorney shall be the chief legal advisor of the council, the mayor, the chief administrative officer and all departments, boards, commissions and agencies of the city in all matters affecting the interests of the city. The city attorney shall perform particular duties and functions as assigned by the council. The city attorney shall be appointed by the council, shall serve at its pleasure, and shall devote full time and attention to the representation of the city and the protection of its legal interests. The city attorney shall have the power to appoint and remove assistants or any other employees as shall be authorized by the council and to authorize any assistant or special counsel to perform any of the duties imposed upon him/her in this charter or under general law. The city attorney may represent personally or through one of [~~his~~] the city attorney's assistants any number of city officials, departments, commissions, boards, or agencies that are parties to the same transaction or that are parties in the same civil or administrative proceeding and may represent multiple interests within the same department, commission, board, or agency. In matters where the city attorney determines that [~~he~~] the city attorney is unable to render legal services to the mayor, chief administrative

officer, or city departments or agencies under the supervision of the chief administrative officer due to a conflict of interests, the mayor, after receiving notice of such conflict, may employ special counsel to render such legal services as may be necessary for such matter.

EXPLANATION: The amendments to section 4.17 replace gender specific pronouns with gender neutral language.

§ 5.01.1. Chief administrative officer.

The mayor shall appoint a chief administrative officer, subject to the advice and consent of a majority of the members of city council, who shall be chosen solely on the basis of his/her executive and administrative qualifications, with special reference to his/her actual experience in or knowledge of accepted practice with respect to the duties of his/her office. At the time of his/her appointment, the chief administrative officer need not be a resident of the city or the Commonwealth but he/she shall reside within the city during his/her tenure in office. The chief administrative officer shall be the head of the administrative departments and serve at the pleasure of the mayor. The mayor shall set the salary of the chief administrative officer subject to the approval of a majority of the members of city council.

EXPLANATION: The amendment to section 5.01.1 clarifies that the scope of the Chief Administrative Officer's authority includes the administrative departments of the City.

§ 5.04. [~~Temporary transfer~~] Transfer of personnel between departments.

The chief administrative officer shall have power, whenever the interests of the city require, irrespective of any other provisions of this charter, to assign employees of any department, bureau, office or agency, the head of which is appointed by the chief administrative officer, to the [~~temporary~~] performance of duties in another department, bureau, office or agency.

EXPLANATION: Section 5.04 provides that the Chief Administrative Officer shall have the power to assign employees of the City to the performance of duties in another agency of the City on a temporary basis. The amendments to this section authorize the Chief Administrative Office to make such assignments on a permanent basis.

§ 5A.03. Personnel rules and regulations.

The council, upon receiving any recommendations submitted to it by the [~~mayor~~] chief administrative officer, shall establish a personnel system for the city administrative officials and employees. Such system shall be based on merit and professional ability and shall not discriminate on the basis of race, national origin, religion, sex, age, disabilities, political affiliation, [~~or~~] marital status, color, pregnancy, childbirth or related medical conditions, including lactation, sexual orientation, gender identity, or military status. The personnel system shall consist of rules and regulations which provide for the general administration of personnel matters, a classification plan for employees, a uniform pay plan and a procedure for resolving grievances of employees as provided by general law for either local government or state government employees.

EXPLANATION: The amendment to section 5A.03 replacing the term "mayor" with "chief administrative officer" makes the City's Chief Administrative Officer responsible for making recommendations to the Council concerning the personnel system for the City's administrative officials and employees instead of the Mayor. Further amendments to section 5A.03 provide for additional protected classes to include all of the protected classes recognized under section 2.2-3900 of the Code of Virginia.

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§ 5B.01. Retirement system established.

The retirement system for the city employees hitherto established by ordinance shall continue in force and effect subject to the right of the council to amend or repeal the same as set forth in such ordinance. From and after July 1, 1978, the Board of Trustees of the Richmond Retirement System shall consist of seven members for terms of three years. Any vacancy shall be filled for the unexpired portion of the term. The mayor shall appoint two members; the council shall appoint five members, at least two of whom shall be [~~members of the classified service~~] employees of the city. Such members of the Board of Trustees of the Richmond Retirement System shall have the responsibility of the supervision of the administration of the retirement plan benefits, the determination of eligibility for the receipt of retirement benefits, the award of retirement benefits as authorized by ordinance of the City of Richmond, and such other duties as have heretofore been exercised by the Board of Trustees of the Richmond Retirement System other than fiduciary responsibilities concerning the management, control and investment of the financial resources of the Richmond Retirement System. The council of the City of Richmond may appoint and employ a corporation, vested with fiduciary powers under either the laws of the United States or the Commonwealth of Virginia, to be responsible for the investment of the funds of the Richmond Retirement System, which funds shall include any securities which may now or hereafter be part of the assets of such Richmond Retirement System. The director of finance shall be the disbursing officer for the payment of benefits awarded by the trustees of the Richmond Retirement System and as such shall perform such duties as may be required of the director of finance by ordinance but shall receive no additional compensation on account of such duties. [~~To administer the retirement plan, the council may provide for an executive director to be appointed, supervised and removed by the Board of Trustees of the Richmond Retirement System and for employees to be appointed, supervised and removed by the executive director.~~]

EXPLANATION: Section 5B.01 currently provides, in part, that the Council shall appoint at least two members of the classified service to the Board of Trustees of the Richmond Retirement System. However, the amendments to this section provide, in contrast, that the Council shall appoint at least two employees of the City to the Board, which employees may be from either the classified or the unclassified service. This change allows all employees of the City to be eligible for appointment to the Board. In addition, the amendments to section 5B.01 clarify that the Board shall have the responsibility of the supervision of retirement plan "benefits." Lastly, section 5B.01 currently provides that the Executive Director of the retirement system is to be appointed, supervised, and removed by the Board. The amendments in this section, however, remove this last sentence of the section to allow the Executive Director of the Board to be selected in the manner permitted by the general laws of the Commonwealth.

§ 6.01. Fiscal and tax years.

The fiscal year of the city shall begin on July 1 and shall end on June 30 of the succeeding year. The tax year for taxes levied on [~~real estate,~~] tangible personal property and machinery and tools shall begin on January 1 and end on December 31 following, and the tax year for all other taxes shall be fixed by the council by ordinance. The rate of taxes levied on real estate shall be fixed as authorized in § 58.1-3321 of the Code of Virginia [Code of Virginia, § 58.1-3321]. The rates of all other taxes and levies, except on new sources of tax revenues, shall be fixed before the beginning of the tax year.

EXPLANATION: Section 6.01 currently provides, in part, that the tax year for real estate taxes shall begin on January 1 and end on the following December 31. The changes to section 6.01 remove the reference to real estate taxes, which authorizes the Council to establish the tax year for real estate taxes by ordinance.

§ 6.02. Submission.

[~~On a day to be fixed by the council, but in no case earlier than the second Monday of February or later~~

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~~than the seventh day of April in each year, the mayor shall submit to the council: (a) separate current expense budgets for the general operation of the city government, for the public schools and for each utility as defined in Chapter 13 of this charter; (b) a budget message; and (c) a capital budget.~~] (a) By no later than May 1 of each fiscal year and in the form as may be requested by the council, the mayor shall prepare and submit to the council an annual budget for the ensuing fiscal year, based upon detailed estimates furnished by the several departments and other divisions of the city government according to a classification determined appropriate by the mayor and as nearly uniform as possible. The annual budget shall include the following:

(1) An itemized statement of recommended appropriations, with comparative statements in parallel columns showing estimates of the expenditures for the current fiscal year and the actual expenditures for the next preceding fiscal year.

(2) An itemized statement of the taxes to be levied and of the estimated revenues of the city from all other sources for the ensuing fiscal year, with comparative statements in parallel columns of the taxes and other revenues for the current and next preceding fiscal years, and of the increases or decreases estimated or proposed.

(3) A capital budget.

(4) Such other information as may be required by the council.

(b) The mayor shall make copies of the budget required by subsection (a) of this section available for distribution in electronic format after its submission to the council and on the city's website. A public hearing on the budget shall be held by the council before final action thereon.

EXPLANATION: The amendments to section 6.02 outline the items that are to be included in the Mayor's annual budget submission to the Council and further provide that the Mayor shall make copies of the annual budget available in electronic format.

§ 6.05. Balanced budget required.

For any fund, the total of proposed expenditures shall not exceed the total of estimated [~~income~~] revenues plus carried forward fund balance.

EXPLANATION: The amendments to section 6.05 clarify that, for funds of the City, proposed expenditures shall not exceed estimated revenues.

§ 6.10. Action by council on budget generally.

After the conclusion of the public hearing, the council may insert new items of expenditure or may increase, decrease or strike out items of expenditure in the budget, except that no item of expenditure for debt service or required to be included by this charter or other provision of law shall be reduced or stricken out. The council shall not alter the estimates of [~~receipts~~] revenue contained in the said budget except to correct omissions or mathematical errors, and it shall not cause the total of expenditures as recommended by the mayor to be increased without a public hearing on such increase, which shall be held not less than five days after notice thereof has been printed in a newspaper published or in general circulation in the city. The council shall in no event adopt a budget in which the total of expenditures exceeds the [~~receipts~~] revenue, estimated as provided in § 6.04, unless at the same time it adopts measures for providing additional revenue in the ensuing fiscal year sufficient to make up this difference.

EXPLANATION: The amendments to section 6.10 clarify that the Council shall not alter or adopt a budget that exceeds the estimated revenue.

§ 6.12. Effective date of budget; certification and availability of copies thereof.

Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy of such budget as finally adopted shall be certified by the city clerk. Copies of the budget[~~, capital program and appropriation and revenue ordinances~~] shall be [~~public records and shall be~~] made available [~~to the public at suitable places in the city~~] for distribution in electronic format after its submission to the council and on the city's website.

EXPLANATION: The amendments to section 6.12 prescribe that the annual budget shall be made available for distribution in electronic format and on the City's website.

§ 6.16. Amendments after adoption.

(a) At any time within the fiscal year, upon the recommendation of the mayor and certification of the director of finance that there remain sufficient funds not theretofore allotted for a specific purpose, the council may, by not less than six affirmative votes, allot all or part of the funds appropriated to an account designated "Reserve for Contingencies" as authorized in § 15.2-2505 of the Code of Virginia [Code of Virginia, § 15.2-2505] for a designated program or project and authorize expenditure of the funds so allotted.

(b) If at any time during the fiscal year the mayor certifies that there are available for appropriation revenues in excess of those estimated in the budget, the city council may by not less than six affirmative votes, and only upon the recommendation of the mayor, make supplemental appropriations for the year up to the amount of such excess.

(c) If at any time during the fiscal year it appears probable to the mayor that the revenue or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the mayor shall report to the city council without delay, indicating the estimated amount of the deficit, any [~~remedial~~] action taken by the mayor and recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or reduce any deficit, and for that purpose it may by ordinance reduce one or more appropriations.

(d) [~~At any time during the fiscal year, at the request of the mayor, the city council may by ordinance adopted by not less than six affirmative votes transfer part of or all of the unencumbered appropriation balance from one department or major organizational unit to the appropriation for other departments or major organizational units.~~

~~(e)~~] No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

EXPLANATION: Subsection (c) of section 6.16 requires the Mayor to report to the Council when it appears probable that fund balances will not be sufficient to finance expenditures and further requires the Mayor to detail any "remedial" action the Mayor has taken accordingly. The amendments to this subsection remove the word "remedial" to broaden the scope of actions on which the Mayor must report and thereby removes any ambiguity as it relates to that term. Currently, subsection (d) of section 6.16 permits the Council, at the request of the Mayor, to transfer unencumbered funds between City departments or major organizational units. Thus, in order to transfer unencumbered funds between departments or units within the City, one or more ordinances would be required. The proposed amendment to section 6.16 removes subsection (d) in its entirety to permit such transfers to take place in accordance with the general laws of the Commonwealth.

§ 6.19. Capital budget.

[~~At the same time he/she submits the current expense budgets, the mayor shall submit to the council a program which he/she shall previously have submitted to the city planning commission of proposed capital improvement projects for the ensuing fiscal year and for the four fiscal years thereafter, with his/her recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. The council shall have power to accept with or without amendments or reject the proposed program and proposed means of financing for the ensuing fiscal year; and may from time to time during the fiscal year amend by ordinance adopted by at least six affirmative votes the program previously adopted by it or the means of financing the whole or any part thereof or both, provided that the amendment shall have been recommended by the mayor and shall have been submitted to the city planning commission for review and such additional funds as may be required to finance the cost of the improvements are available. The council shall adopt a capital budget prior to the beginning of the fiscal year in which the budget is to take effect.~~] No appropriation provided for a capital improvement purpose defined in the capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided the council shall have the power to transfer at any time any appropriation or any unencumbered part thereof from one purpose to another on the recommendation of the mayor. The [~~mayor~~] chief administrative officer or the designee thereof may transfer the balance remaining to the credit of any completed project to an incompleted project for the purpose of completing such project, provided the projects have been approved in the adoption of a capital budget or budgets. If no such transfers are made, the balances remaining to the credit of completed or abandoned purposes and projects shall be available for appropriation and allocation in a subsequent capital budget or budgets. Any project shall be deemed to have been abandoned if three fiscal years elapse without any expenditure from or encumbrance of the funds provided therefor. The council shall have the power at any time to abandon or to reduce the scope of any project in a capital budget to the extent that funds appropriated therefor are unexpended and unencumbered.

EXPLANATION: Section 6.19 requires the Mayor to annually submit a capital budget program and recommendations for financing the same for the ensuing fiscal year and for the four fiscal years thereafter to the City Planning Commission and to the Council. In addition, section 6.19 provides that the Mayor may transfer the balance remaining to the credit of any completed project to an incompleted project. The proposed changes to this section would remove the requirement that the Mayor annually submit a capital budget program to the Council and authorize the City's Chief Administrative Officer, not the Mayor, to make transfers between completed projects and projects that are incomplete.

§ 6.20. Certification of funds[~~; penalties for violation~~].

[~~Except as otherwise provided in § 13.06 of this charter, no payment shall be made and no obligation incurred by or on behalf of the city or the school board except in accordance with an appropriation duly made and no payment shall be made from or obligation incurred against any allotment or appropriation unless the director of finance or his designee shall first certify that there is a sufficient unexpended and unencumbered balance in such allotment or appropriation to meet the same. Every expenditure or obligation authorized or incurred in violation of the provisions of this charter shall be void. Every payment made in violation of the provisions of this charter shall be deemed illegal and every official who shall knowingly authorize or make such payment or knowingly take part therein and every person who shall knowingly receive such payment or any part thereof shall be jointly and severally liable to the city for the full amount so paid or received. If any officer, member of a board or commission, or employee of the city or of the school board, shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this charter or knowingly take part therein such action may be cause for his/her removal. Nothing in this section contained, however, shall prevent the making of contracts of lease or for services providing for the payment of funds at a~~

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~~time beyond the fiscal year in which such contracts are made, provided the nature of such transactions will reasonably require, in the opinion of the council, the making of such contracts.~~]

No contract, agreement or other obligation involving the expenditure of money shall be entered into nor shall any ordinance, resolution or order for the expenditure of money be passed by the Council or be authorized by any officer of the city, unless the director of finance shall first certify to the Council or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation or expenditure is in the city treasury to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed and preserved. The sum so certified shall not thereafter be considered unencumbered, until the city is discharged from the contract, agreement or obligation.

EXPLANATION: Section 6.20 prohibits the expenditure of funds or the incurrence of an obligation in excess of funds appropriated and available for any such expenditure or obligation. The amendments to this section simplify the language and clarify the limitations on the expenditure of City funds.

§ 13.02. Functions.

The department of public utilities shall be responsible for:

(a) The operation of the water, wastewater, stormwater, gas, and electric utilities of the city[~~, including street lighting~~];

(b) The collection of all charges for the services of such utilities; and

(c) Such other powers and duties as may be assigned to the department by ordinance.

EXPLANATION: Section 13.02, in part, makes the City's Department of Public Utilities responsible for street lighting. However, the amendments to subsection (a) of this section remove street lighting from the list of utilities for which the Department of Public Utilities is to be responsible and allow the City to address streetlighting in accordance with general law.

§ 17.01. Power to adopt master plan.

In addition to the powers granted elsewhere in this charter the council shall have the power to adopt by ordinance a master plan for the physical development of the city to promote health, safety, morals, comfort, prosperity and general welfare. The master plan may include but shall not be limited to the following:

(a) The general location, character and extent of all streets, highways, superhighways, freeways, avenues, boulevards, roads, lanes, alleys, walks, walkways, parks, parkways, squares, playfields, playgrounds, recreational facilities, stadia, arenas, swimming pools, waterways, harbors, water fronts, landings, wharves, docks, terminals, canals, airports and other public places or ways, and the removal, relocation, widening, narrowing, vacating, abandonment, change or use or extension thereof.

(b) The general location, character and extent of all public buildings, schools and other public property and of utilities whether publicly or privately owned, off-street parking facilities, and the removal, relocation, vacating, abandonment, change of use, alteration or extension thereof.

(c) The general location, character and extent of slum clearance, housing and neighborhood rehabilitation projects, including the demolition, repair or vacation of substandard, unsafe or unsanitary buildings.

(d) A general plan for the control and routing of railways, streetcar lines, bus lines and all other

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vehicular traffic.

(e) The general location, character and extent of areas beyond the corporate limits of the city to be annexed thereto.

(f) For purposes of this chapter, the term "master plan" means "comprehensive plan" as that term is used in Chapter 22 of Title 15.2 of the Code of Virginia.

EXPLANATION: The amendments to section 17.01 add a new subsection (f) to clarify that the term "master plan" as used in Chapter 17 of the Charter means "comprehensive plan" as used in Chapter 22 of Title 15.2 of the Code of Virginia.

§ 17.20. Powers of board of zoning appeals.

The board shall have the following powers and it shall be its duty:

(a) [~~To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by the administrative officer in the administration and enforcement of the provisions of the ordinance.~~

~~(b) To grant variations in the regulations when a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness or shape of a specific piece of property at the time of the effective date of the ordinance or where by reason of the exceptional topographical conditions or other extraordinary or exceptional situation the strict application of the terms of the ordinance actually prohibit or unreasonably restrict the use of the property, or where the board is satisfied, upon the evidence heard by it, the granting of such variations will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the owner, provided, however, that all variations granted shall be in harmony with the intended spirit and purpose of this chapter and the ordinance.~~

~~(c)~~] To permit, when reasonably necessary in the public interest, the use of land, or the construction or use of buildings or structures, in any district in which they are prohibited by the ordinance, by any agency of the city, county or Commonwealth or the United States, provided such construction or use shall adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property, shall not unreasonably impair an adequate supply of light and air to adjacent property, shall not increase congestion in streets and shall not increase public danger from fire or otherwise affect public safety.

[~~(d)~~] (b) To permit the following exceptions to the district regulations and restrictions, provided such exceptions shall by their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property, shall not unreasonably impair an adequate supply of light and air to adjacent property, shall not increase congestion in streets and shall not increase public danger from fire or otherwise unreasonably affect public safety and shall not diminish or impair the established property values in surrounding areas:

(1) Use of land or erection or use of a building or structure by a public service corporation for public utility purposes exclusively which the board finds to be reasonably necessary for the public convenience and welfare.

(2) Use of land or construction or use of buildings and structures in any district in which they are prohibited by the ordinance, for cemetery purposes, airports or landing fields, greenhouses and nurseries and the extraction of raw materials from land, such as rock, gravel, sand and similar products.

(3) Use of land in dwelling districts immediately adjoining or separated from business,

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commercial or industrial districts by alleys, or widths to be specified in the ordinance, for parking of vehicles of customers of business, commercial or industrial establishments, provided such use shall not extend more than the distance specified in the ordinance from the business, commercial or industrial district.

(4) Use of buildings for dwelling purposes in districts specified in the ordinance for use for other purposes, where it can be shown that conditions in the specified districts are not detrimental to the health, safety, or welfare of the inhabitants of such buildings and on condition that the buildings will be removed within a time specified in the ordinance.

(5) Reconstruction of buildings or structures that do not conform to the comprehensive zoning plan and regulations and restrictions prescribed for the district in which they are located, which have been damaged by explosion, fire, act of God or the public enemy, to the extent of more than 60 percent of their assessed taxable value, when the board finds some compelling public necessity for a continuance of the use and such continuance is not primarily to continue a monopoly, provided that nothing herein shall relieve the owner of any such building or structure from obtaining the approval of such reconstruction by the council or any department or officer of the city when such approval is required by any law or ordinance.

[~~(e)~~] (c) To modify the interpretation and application of the provisions of the ordinance where the street layout actually on the ground varies from the street layout as shown on the map fixing the districts and their boundaries adopted with and as a part of the ordinance.

EXPLANATION: The powers set forth in subsections (a) and (b) of section 17.20 are covered in section 15.2-2309 of the Code of Virginia. Accordingly, removal of the said subsections would eliminate the duplication of powers that are already granted to localities under the aforementioned state code provision.

§ 18.02. Eminent domain.

The city is hereby authorized to acquire by condemnation proceedings lands, buildings, structures and personal property or any interest, right, easement or estate therein, of any person or corporation, whenever in the opinion of the council a public necessity exists therefor, which shall be expressed in the resolution or ordinance directing such acquisition, whether or not any corporation owning the same be authorized to exercise the power of eminent domain or whether or not such lands, buildings, structures or personal property or interest, right, easement or estate has already been devoted to a public use, and whenever the city cannot agree on terms of purchase or settlement with the owners of the subject of such acquisition because of incapacity of such owner, or because of the inability to agree on the compensation to be paid or other terms of settlement or purchase, or because the owner or some one of the owners is a nonresident of the Commonwealth and cannot with reasonable diligence be found in the Commonwealth or is unknown.

[~~Such proceedings may be instituted in the Circuit Court of the City of Richmond, Divisions I or II, if the subject to be acquired is located within the city, or, if it is not located within the city, in the circuit court of the county in which it is located. If the subject is situated partly within the city and partly within any county the circuit court of such county shall have concurrent jurisdiction in such condemnation proceedings with the circuit court of the city. The judge or the court exercising such concurrent jurisdiction shall appoint five disinterested freeholders any or all of whom reside either in the county or city, any three of whom may act as commissioners, as provided by law.~~]

In the exercise of its eminent domain authority, the city shall have all of the applicable powers and shall follow all of the applicable procedures and requirements set forth in Title 25.1, sections 15.2-1901 through 15.2-1907.1, and section 1-219.1 of the Code of Virginia, which eminent domain powers are hereby conferred on and vested in the city. In addition thereto, the city shall have any may exercise all other eminent domain powers which are now or may hereafter be conferred upon or delegated to cities of the first class under the Constitution

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or laws of the Commonwealth, as fully and completely as though such powers were specifically enumerated in this charter and no enumerations of powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers.

EXPLANATION: The amendments to section 18.02 align the City's eminent domain powers with the powers granted to localities of the Commonwealth, as set forth in section 1-219.1, sections 15.2-1901 through 15.2-1907.1, and Title 25.1 of the Code of Virginia.

§ 18.03. Alternative procedures in condemnation.

The city may, in exercising the right of eminent domain conferred by the preceding section, make use of the procedure prescribed by the general law as modified by said section or may elect to proceed as hereinafter provided. In the latter event the resolution or ordinance directing acquisition of any property, as set forth in the preceding section, shall provide therein in a lump sum the total funds necessary to compensate the owners thereof for such property to be acquired or damaged. Upon the adoption of such resolution or ordinance the city may file a petition in the clerk's office of a court enumerated in the preceding section, having jurisdiction of the subject, which shall be signed by the chief administrative officer and set forth the interest or estate to be taken in the property and the uses and purposes for which the property or the interest or estate therein is wanted, or when property is not to be taken but is likely to be damaged, the necessity for the work or improvement which will cause or is likely to cause such damage. There shall also be filed with the petition a plat of a survey of the property with a profile showing cuts and fills, trestles and bridges, if any, and a description of the property which, or an interest or estate in which, is sought to be taken or likely to be damaged and a memorandum showing names and residences of the owners of the property, if known, and showing also the quantity of property which, or an interest or estate in which, is sought to be taken or which will be or is likely to be damaged. There shall be filed also with said petition a notice directed to the owners of the property, if known, copies of which shall be served on such owners or tenants of the freehold of such property, if known. If the owner or tenant of the freehold be unknown or a nonresident of the Commonwealth or cannot with reasonable diligence be found in the Commonwealth, or if the residence of the owner or tenant be unknown, he/she may be proceeded against by order of publication [~~which order, however, need not be published more than once a week for two successive weeks and shall be posted at a main entrance to the courthouse~~]. The publication shall in all [~~other~~] respects conform to [~~§§ 8.01-316, 8.01-317 and 8.01-319~~] the requirements of the Code of Virginia [[~~Code of Virginia, §§ 8.01-316, 8.01-317 and 8.01-319~~]].

Upon the filing of said petition and the deposit of the funds provided by the council for the purpose in a bank to the credit of the court in such proceedings and the filing of a certificate of deposit therefor the interest or estate of the owner of such property shall terminate and the title to such property or the interest or estate to be taken in such property shall be vested absolutely in the city and such owner shall have such interest or estate in the funds so deposited as he/she had in the property taken or damaged and all liens by deed of trust, judgment or otherwise upon said property or estate shall be transferred to such funds and the city shall have the right to enter upon and take possession of such property for its uses and purposes and to construct its works or improvements. The clerk of the court in which such proceeding is instituted shall make and certify a copy of the petition, exhibits filed therewith, and orders, and deliver or transmit the same to the clerk of the court in which deeds are admitted to record, who shall record the same in his/her deed book and index them in the name of the person or persons who had the property before and in the name of the city, for which he/she shall receive the same fees prescribed for recording a deed, which shall be paid by the city.

If the city and the owner of property so taken or damaged agree upon compensation therefor, upon filing such agreement in writing in the clerk's office of such court, the court shall make such distribution of such funds as to it may seem right, having due regard to the interest of all persons therein whether such interest be

vested, contingent or otherwise, and to enable the court or judge to make a proper distribution of such money it may in its discretion direct inquiries to be taken by a special commissioner in order to ascertain what persons are entitled to such funds and in what proportions and may direct what notice shall be given to the making of such inquiries by such special commissioner.

[~~If the city and the owner cannot agree upon the compensation for the property taken or damaged, if any, upon the filing of a memorandum in the clerk's office of said court to that effect, signed by either the city or the owner, the court shall appoint commissioners provided for in §§ 25.1-220 and 25.1-226-25.1-230 of the Code of Virginia [Code of Virginia, §§ 25.1-220 and 25.1-226-25.1-230] or as provided for in § 18.02, and all proceedings thereafter shall be had as provided in Chapter 2 (§ 25.1-200 et seq.) of Title 25.1 of the Code of Virginia [Code of Virginia, § 25.1-200 et seq.] insofar as they are then applicable and are not inconsistent with the provisions of this and the preceding section, and the court shall order the deposit in bank to the credit of the court of such additional funds as appear to be necessary to cover the award of the commissioners or shall order the return to the city of such funds deposited that are not necessary to compensate such owners for property taken or damaged. The commissioners so appointed shall not consider improvements placed upon the property by the city subsequent to its taking nor the value thereof nor the enhancement of the value of said property by said improvements in making their award.~~]

EXPLANATION: The amendments to section 18.03 would allow the City to follow the general laws of the Commonwealth with regard to the order of publication for eminent domain matters and the procedures to be followed when the City and a property owner cannot agree on issues of just compensation for the property that is being acquired by the City.

Repealed Sections:

[~~§ 2.06. Enforcement of regulations.~~

~~When by the provisions of this charter or the Constitution and general laws of the Commonwealth the city is authorized to pass ordinances on any subject, the council may provide suitable penalties for the violation of any such ordinances, including ordinances effective outside the city as provided in this charter. No such penalty shall exceed the maximum fine permitted under state law for a violation of a Class 1 misdemeanor or confinement for 12 months or both. Upon conviction for violation of any ordinance, the court trying the case may require bond of the person so convicted with proper security in the penalty of not more than $2,000.00, conditioned to keep the peace and be of good behavior and especially for the period of not more than one year not to violate the ordinance for the breach of which he/she has been convicted. From any fine or confinement imposed, an appeal shall lie as in cases of misdemeanor. Whenever any fine or penalty shall be imposed but not paid, the court trying the case may, unless an appeal be forthwith taken, issue a writ of fieri facias for the collection of the amount due, returnable within 60 days from its issuance. The city is hereby expressly authorized and empowered to institute and maintain a suit or suits to restrain by injunction the violation of any ordinance legally adopted by it, notwithstanding such ordinance may provide penalties for its violation.~~]

EXPLANATION: The powers prescribed in section 2.06 are covered in sections 15.2-1429, 15.2-1430, 15.2-1431, and 15.2-1432 of the Code of Virginia. Accordingly, removal of section 2.06, as proposed here, would eliminate the duplication of powers that are already granted to localities under the aforementioned laws of the Commonwealth.

[**~~§ 6.06. The budget message.~~**

~~The budget message shall contain the recommendations of the mayor concerning the fiscal policy of the city, a description of the important features of the budget plan, an explanation of all salient changes in each~~

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budget submitted, as to estimated receipts and recommended expenditures as compared with the current fiscal year and the last preceding fiscal year, and a summary of the proposed budgets showing comparisons similar to those required by § 6.04 above.]

EXPLANATION: The City proposes to delete section 6.06 as the Mayor's recommendations with regard to the annual budget are, of necessity, included in the budget ordinances introduced by the Mayor annually in accordance with section 6.02.

[§ 6.07. Appropriation and additional tax ordinances.

At the same time that he/she submits the budget, the mayor shall introduce in the council any appropriation ordinance required. The appropriation ordinance shall be based on the budget but need not be itemized further than by departments unless required by the council. At the same time, the mayor shall also introduce any ordinance or ordinances altering the tax rate on real estate and tangible personal property or levying a new tax or altering the rate of any other tax necessary to balance the budget as hereinbefore provided. The hearing on the budget plan as a whole, as provided in § 6.09, shall constitute the hearing on all ordinances referred to in this section, and the appropriation ordinances for each utility.]

EXPLANATION: The City proposes to delete section 6.07 as any ordinances necessary to appropriate funds or set forth or alter a tax rate are, of necessity, included in the Mayor's budget submission required by section 6.02.

[**§ 6.08. Distribution of copies of budget message and budgets.**

The mayor shall cause the budget message to be printed, mimeographed or otherwise reproduced for general distribution at the time of its submission to the council and sufficient copies of the general fund, school and utility budgets to be made to supply copies to each member of the council and each newspaper published or in general circulation in the city and two copies to be deposited in the office of the city clerk where they shall be open to public inspection during regular business hours.]

EXPLANATION: Section 6.08 prescribes the manner in which the Mayor shall cause the budget message to be produced for general distribution. Those requirements are now addressed in the amendments to section 6.02. Thus, section 6.08 can be deleted as proposed here.

[**§ 6.15:3. School buildings and infrastructure modernization.**

(a) Not later than January 1, 2019, the mayor shall formally present to the city council a fully funded plan to modernize the city's K-12 educational infrastructure consistent with national standards or inform city council such a plan is not feasible. In fulfilling the duties herein, the mayor shall consult with the school board and city council, consider cost savings available in state or federal law, and further provide an opportunity for public participation.

(b) Such fully funded plan required in subsection (a) shall not be based on the passage of new or increased taxes for that purpose.

(c) Nothing herein shall alter powers previously given to the school board.

(d) Once the mayor has complied with subsection (a), the city council shall have 90 days to take such action as it deems appropriate.]

EXPLANATION: Section 6.15:3 prescribes that certain requirements for the modernization of school buildings and infrastructure must be met by no later than January 1, 2019, and further requires that the

Council take action on the Mayor's plan for such modernization within 90 days after the submission of that plan. Because the requirements set forth in this section have been met and the associated deadlines have long passed, this section 6.15:3 may be deleted.

[**§ 17.12. Considerations to be observed in adoption and alteration of zoning regulations.**

The regulations and restrictions shall be enacted with reasonable consideration, among other things, of the character of each district and its peculiar suitability for particular uses and with a view of conserving the value of land, buildings and structures and encouraging the most appropriate use thereof throughout the city. Upon the enactment of the ordinance dividing the city into districts and regulating and restricting the use of land, buildings and structures therein in accordance with a comprehensive zoning plan no land, building or structure shall be changed from one district to another unless the change is in accord with the interest and purpose of this section and will not be contrary to the comprehensive zoning plan and the enumerated factors upon which it is based and the regulations and restrictions applicable to the districts involved in the change.]

EXPLANATION: Section 17.12 provides that zoning decisions must be in accord with the provisions of and not contrary to the comprehensive zoning plan. However, by deleting this section in its entirety, as proposed here, the Council may make zoning decisions as it deems appropriate, which is consistent with the powers exercised by other localities within the Commonwealth.

[**§ 17.15. Effect of protest by 20 percent of the owners of property.**

If a protest is filed with the city clerk against such amendment, supplement or repeal, signed and acknowledged before a person authorized to administer oaths, by the owners of 20 percent or more of the total area of the lots included in such proposed change or of the total area of the lots outside of the proposed change any point in which is within 150 feet of the boundary of such area, the council shall not adopt the ordinance making such amendment, supplement or repeal, by less than seven affirmative votes.]

EXPLANATION: Section 17.15 allows 20 percent of the property owners in an area to protest certain zoning changes and provides that if such a protest is filed, the proposed changes shall not take place unless seven members of the Council vote in favor of the change. However, section 4.07 of the Charter provides that ordinances may be adopted by the affirmative vote of at least five members of the Council. The proposal here is to remove section 17.15 in its entirety to allow zoning decisions to be made by a majority vote of the Council pursuant to section 4.07 of the Charter.

[**§ 17.19. Appeals to board of zoning appeals.**

Appeals to the board may be taken by any person aggrieved, or by any officer, department, board, commission or agency of the city affected, by any decision of the administrative officer designated by the council to administer and enforce the ordinance dividing the city into districts and regulating and restricting the use of land, buildings and structures therein. Appeals shall be taken within such reasonable time as shall be prescribed by the board by general rule, by filing with the said administrative officer and with the board a notice of appeal specifying the grounds thereof. The administrative officer shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the administrative officer from whose decision the appeal is taken certifies to the board that by reason of the facts stated in the certificate a stay would in his/her opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application and on notice to the administrative officer and on due cause shown.

The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as

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due notice to the parties in interest and decide the issue within a reasonable time. At the hearing, any party may appear in person, by agent or by attorney and shall be given an opportunity to be heard. The board may prescribe a fee to be paid whenever an appeal is taken which shall be paid into the city treasury.]

EXPLANATION: The subject matter addressed in section 17.19 is governed by section 15.2-2311 of the Code of Virginia. By removing section 17.19, as proposed here, appeals to the Board of Zoning Appeals would be governed by section 15.2-2311 of the Code of Virginia.

[**§ 17.21. Form and scope of decisions by board of zoning appeals.**

In exercising the powers conferred upon it the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as should be made, and to that end shall have all the powers of the administrative officer charged by the ordinance with enforcement. The concurring affirmative vote of three members of the board shall be necessary to reverse any order, requirement, decision or determination of the administrative officer or to decide in favor of the applicant in any matter of which it has jurisdiction. The board shall act by formal resolution which shall set forth the reason for its decision and the vote of each member participating therein which shall be spread upon its records and shall be open to public inspection. The board may, upon the affirmative vote of three members, reconsider any decision made and, upon such consideration, render a decision by formal resolution. Every decision of the board shall be based upon a finding of fact based on sworn testimony which finding of fact shall be reduced to writing and preserved among its records.]

EXPLANATION: The subject matter addressed in section 17.21 is covered by section 15.2-2312 of the Code of Virginia. By removing section 17.21, as proposed here, the form and scope of decisions of the Board of Zoning Appeals would be governed by section 15.2-2312 of the Code of Virginia.

[**§ 17.23. Procedure on appeal.**

Upon filing of the petition the court may cause a writ of certiorari to issue directed to the board, ordering it to produce within the time prescribed by the court, not less than ten days, the record of its action and documents considered by it in making the decision appealed from, which writ shall be served upon any member of the board. The issuance of the writ shall not stay proceedings upon the decision appealed from but the court may, on application, notice to the board and due cause shown, issue a restraining order. The board shall not be required to produce the original record and documents but it shall be sufficient to produce certified or sworn copies thereof or of such portions thereof as may be required by the writ. With the record and documents the board may concisely set forth in writing such other facts as may be pertinent and material to show the grounds of the decision appealed from, verified by affidavit.]

EXPLANATION: The subject matter addressed in section 17.23 is covered by section 15.2-2314 of the Code of Virginia. By removing section 17.23, as proposed here, procedures on appeals would be governed by section 15.2-2314 of the Code of Virginia.

[**§ 17.24. Powers and duties of the court.**

The court shall review the record, documents and other matters produced by the board pursuant to the issuance of the writ and may reverse or modify the decision reviewed, in whole or in part, when it is satisfied that the decision of the board is contrary to law or that its decision is arbitrary and constitutes an abuse of

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~~discretion. Unless it is made to appear that the decision is contrary to law or is arbitrary and constitutes an abuse of discretion the court shall affirm the decision. If the court finds that the testimony of witnesses is necessary for a proper disposition of the matter it may hear evidence.~~]

EXPLANATION: The subject matter addressed in section 17.24 is covered by section 15.2-2314 of the Code of Virginia. By removing section 17.24, as proposed here, procedures on appeals would be governed by section 15.2-2314 of the Code of Virginia.

[**~~§ 20.10. Courtrooms for courts of record and office space for constitutional officers.~~**

~~It shall be the duty of the city to provide suitable courtrooms for the courts of record of the city and suitable offices for the city treasurer and attorney for the Commonwealth.~~]

EXPLANATION: The subject matter addressed in section 20.10 is covered in section 15.2-1638 and sections 15.2-1600 through 15.2-1637 of the Code of Virginia. Accordingly, removal of section 20.10, as proposed here, would eliminate the duplication of powers that are already granted to localities under the aforementioned laws of the Commonwealth.

[**~~§ 20.11. Posting of bonds by city unnecessary.~~**

~~Whenever the general law requires the posting of a bond, with or without surety, as a condition precedent to the exercise of any right, the city, without giving such bond, may exercise such right, provided all other conditions precedent are complied with, and no officer shall fail or refuse to act because the city has not filed or executed the bond that might otherwise be required, and the city shall be bound to the same extent that it would have been bound had the bond been given. This exemption from the requirement of posting a bond shall also apply in cases involving a city employee and to whom liability coverage has been granted by the city.~~]

EXPLANATION: The subject matter addressed in section 20.11 is covered in section 15.2-1126 of the Code of Virginia. Accordingly, removal of section 20.11, as proposed here, would eliminate the duplication of powers that are already granted to localities under the aforementioned statute.

New Section:

§ 2.09. Powers relating to housing and community development.

(a) In addition to the powers granted by other sections of this charter and any other provision of the general laws of the Commonwealth, the city shall have the power:

(1) To make grants and loans of funds to low- or moderate-income persons to aid in the purchase of any land, building, dwelling, or dwelling unit in the city; and to offer real estate tax deferral to low- or moderate-income persons who own any land, building, dwelling, or dwelling unit within the city. The city shall offer private lending institutions the opportunity to participate in local loan programs established pursuant to this subsection; and

(2) To make grants of funds to owners of dwellings or dwelling units in the city for the purpose of subsidizing, in part, the rental payments due and owing to any such owner by a low- or moderate-income person.

(b) For purposes of this section, the phrase “low- or moderate-income persons” shall have the same meaning as the phrase “persons and families of low and moderate income” as that phrase is used in the Virginia Housing

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Development Authority Act and shall be applied using the income guidelines issued by the Virginia Housing Development Authority for use in its single-family mortgage loan program.

(c) In addition to being able to exercise the above-mentioned powers with city funds, the city is authorized to participate in any state or federal program related thereto and to use state, federal, or private funds in the exercise of such powers.

(d) The expenditure of any public funds as authorized in this section is hereby declared to be in furtherance of a public purpose.

EXPLANATION: The proposed new section 2.09 authorizes the City to administer a housing and community development program for individuals of low- or moderate income and for owners of dwellings or dwelling units in the city of Richmond.

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