

[Note: this working document is superseded by the “Comprehensive List of Charter Changes Under Consideration” document of June 12, 2023.]

RICHMOND CITY CHARTER REVIEW COMMISSION
Electoral Subcommittee Final Report

To: The Richmond City Charter Review Commission
From: The Electoral Subcommittee
Date: May 23, 2023
Re: Electoral Subcommittee’s Final Report on a Recommended Council-Manager Structure for the City of Richmond

Commission Members,

The Electoral Subcommittee is pleased to present the Richmond City Charter Review Commission with its recommendation for a Council-Manager Structure. The Commission charged the Subcommittee to review and consider various features that the City of Richmond might adopt in a Council-Manager structure of government. As part of that task, the Commission also charged the Subcommittee to review electoral considerations of a Council-Manager structure.

To complete these tasks, the Subcommittee considered:

- The current City Charter;ⁱ
- The history of the City’s governmental structure, including Charter changes and the reasons for those changes;ⁱⁱ
- Stakeholders’ viewpoints expressed during Commission meetings and interviews;ⁱⁱⁱ
- Public comments expressed during Commission meetings;^{iv}
- The Model City Charter published by the National Civic League, and associated analysis;^v
- Analysis from the International City/Council Managers Association;^{vi}
- Scholarly research on different structures of city government;^{vii}
- The 2011 Mayor’s Redistricting Advisory Committee Final Report;^{viii}
- Data about city council composition and method of electing city council and mayors for Virginia cities;^{ix}

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- U.S. Department of Justice Guidance under Section 2 of the Voting Rights Act for redistricting and methods of electing government bodies (Sept. 1, 2021),^x and
- Input from the full Commission during the Subcommittee’s initial report.^{xi}

This Report leads with a summary of the Subcommittee’s recommendation of what a Council-Manager structure should look like in the City, and the benefits it would have. The Report then proceeds with the Subcommittee’s unanimous recommendation of the ideal Council-Manager structure for the City. This recommendation does not cover every detail of a Council-Manager form of government, but addresses the main structural components. The Report then concludes with a review of various alternatives to key aspects of the Council-Manager structure—alternatives that the Subcommittee considered but ultimately declined to recommend. The Subcommittee has included these options for the reader’s full understanding of the Subcommittee’s position.

SUMMARY

“The council-manager form is the most popular structure of government in the United states among municipalities with populations of 2,500 or more,” and “more than 120 million people in the U.S. live in municipalities that operate under the council-manager form.” (App’x 3.) A Council-Manager form of government is also ubiquitous in Virginia—it is how all Virginia cities, except for Richmond, are structured. In a Council-Manager structure, the governing body of the locality is the city council, which makes policy decisions, but the daily administration of government is overseen (managed) by the city manager. *“The council-manager form was created to combat corruption and unethical activity within local government by promoting nonpolitical management that is effective, transparent, responsive, and accountable.”* (App’x 3.)

The City of Richmond is the only Virginia city with a mayor independent of the governing body (that is, the city council), in what is called a Mayor-Council structure. Around 2005, the City moved from a Council-Manager structure to a Mayor-Council structure to try to address inefficiencies, corruption, and a lack of a cohesive vision for City government. After about 20 years with the Mayor-Council structure, however, similar complaints have been raised about City government, including: inefficiencies, structural conflict between stakeholders, the inability for stakeholders to deliver constituent services, and failing to deliver on the promise of providing the mechanisms for a cohesive, City-wide vision to become reality.

The Subcommittee concludes that a Council-Manager structure can address the criticisms associated with both systems. The Subcommittee does not recommend a step back to the Council-Manager structure that existed before 2005. Instead, the Subcommittee recommends moving forward with a Council-Manager structure that embraces the City’s desire for a unifying mayor.

The Subcommittee recommends a Council-Manager structure whereby:

1. The City Council is the governing body of the City, with all policy-making authority.
2. A Mayor, who is elected at large, leads City Council with significant authority within that legislative body.

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3. A highly qualified, professional City Manager is responsible for the daily administration of the City and city services.
4. A highly qualified City Attorney, who serves at the pleasure of City Council and whose position is independent of the City Manager's oversight, is legal counsel for the City.

The Subcommittee's recommended structure accomplishes several goals for Richmond. First, by bringing the Mayor into the City Council, it removes the structural conflict between City Council and the Mayor that many stakeholders have expressed as a key impediment to good governance. Second, by giving the Mayor significant authority within that policy-making body, it creates the processes by which a unifying vision (embodied by the popularly-elected Mayor's platform) can become the City's reality. Third, by delegating administration to the City Manager, city services will be professionally managed. Fourth, by keeping the City Attorney separate from the City Manager, these two positions will be sufficiently parallel to ensure each are able to exercise their roles to maximize benefit to City Council.

Adding to these Richmond-specific goals, the recommended Council-Manager structure realizes other benefits supported by research. *"Researchers have consistently found that more managerial council-manager governments feature higher measured economic stability, with measures of stability improving the further a government sat on the 'managerial' end of the spectrum."* (App'x 4.) Additionally, *"studies frequently link measures of government innovation to more managerial systems, finding higher levels of innovation in Council-Manager systems and in those governments with more managerial features."* (App'x 4.) Moreover, by retaining and empowering the Mayor within the Council-Manager structure, the Subcommittee's recommendation should also net the benefit from strong mayoral systems that *"consistently produce higher levels of voter participation."* (App'x 4.) In the Subcommittee's recommended structure, the Mayor would also retain the benefit of a strong mayor who is empowered to *"be more effective in asserting local independence by countering state and federal government actors to advance city interests"* relative to purely managerial local governments. (App'x 4.)

RECOMMENDATION

There are several key components to a Council-Manager structure. The Subcommittee finds it easiest to discuss these components relative to the various stakeholder positions (Mayor, City Manager, City Attorney, and City Council). The Subcommittee therefore makes its recommendation by addressing the Council-Manager structure by reviewing, in turn, the primary features of each stakeholder in the structure.

I. Mayor.

A. Role.

The Subcommittee recommends the Mayor be a member of City Council.

The Subcommittee recommends that the City retain a Mayor, and that the Mayor be more than ceremonial. The Subcommittee views retaining a Mayor as an important requirement for any recommendation to respect the need for a Mayor identified by the City in adopting the position with substantive authority in 2005. Retaining an elected Mayor will keep in place a decisionmaker

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in City government who brings a City-wide perspective, and having the Mayor as a member of City Council ensures that this City-wide perspective is represented in the policy-making body. Moreover, including the Mayor as part of City Council would eliminate the current structural conflict between City Council and Mayor cited by stakeholders as a major impediment to good governance. Indeed, several stakeholders noted that segregating City Council and the Mayor creates structural antagonism when divided government is unnecessary for, and sometimes antithetical to, well-run local government and municipal services. By bringing the Mayor into the legislative fold of City Council, that existing structural conflict is removed.

B. Authority.

The Subcommittee recommends the Mayor be given significant powers and duties while serving on City Council, as set forth below.

The Subcommittee recommends that the Mayor not only have a vote as a member of City Council, but also have significant authority in leading City Council. Taking the opposite approach, by making the Mayor a non-voting member of City Council, would significantly neuter the role and make it ineffective in serving constituents. Moreover, imbuing the Mayor with significant authority within City Council gives the Mayor the ability to effectuate their unifying, City-wide platform—a primary goal Richmond sought to achieve in moving to the Mayor-Council structure.

“While the mayor of a council-manager city is not an executive as in the mayor-council form, he or she is uniquely positioned to be the political and policy leader of the city.” (App’x 2.) The Subcommittee therefore recommends giving the Mayor the tools necessary to enable them to realize their leadership potential and to *“enhance the [M]ayor’s leadership position.”* (App’x 2.) To that end, the Subcommittee recommends that the Mayor’s powers and duties include the following, as set forth in Model City Charter § 2.03(a):

- The Mayor must attend and preside at meetings of City Council.
- The Mayor will represent the City in intergovernmental relationships.
- The Mayor has the power to appoint, with the advice and consent of City Council, the members of community advisory boards and commissions.
- The Mayor must present an annual State of the City address.
- The Mayor has the power to appoint the members and officers of City Council committees.
- The Mayor has the power to assign subject to the consent of City Council agenda items to committees.
- The Mayor may perform other duties specified by City Council.
- The Mayor will be the head of City government for all ceremonial purposes and by the Governor for purposes of military law.

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(App'x 2.)

These powers and duties create real and “*enormous leadership opportunities.*” (App'x 2.) The Subcommittee reprints the National Civic League’s explanation of this point, as it dovetails with the City’s longstanding desire for a Mayor to bring a City-wide perspective to the policymaking decisions in City governance:

First, the mayor may coordinate the activities of other officials by providing liaison between the city manager and the council, fostering a sense of cohesion among council members, and educating the public about the needs and prospects of the city. Second, the mayor may facilitate policy guidance through setting goals for the council and advocating the adoption of policies that address the city’s problems. Third, the mayor is an ambassador who promotes the city and represents it in dealing with other governments as well as the public.

(App'x 2.)

In short, the Mayor’s ample authority gives them meaningful ability to bring their City-wide vision to City Council. (While not reprinted here, the Model City Charter provides commentary explaining how the above authority empowers the Mayor in practical terms.) Moreover, while “*the mayor should not encroach on the executive responsibilities of the manager*” because “*the mayor is preeminently a legislator, a member, and leader of the council; the mayor is not an executive,*” (App'x 2), the recommended structure allows the Mayor, through City Council, to have a close, working relationship with the City Manager to ensure that an appropriate vision for the City is executed.

C. Status; Compensation.

The Subcommittee recommends that the Mayor be a full-time position with pay commensurate with their importance within City government.

In a City-Council structure, the Mayor is “*the presiding officer of [City Council] and ceremonial head of the [C]ity,*” and therefore is “*the most conspicuous official of the [C]ity.*” (App'x 2.) The mayor “*is the public face of the community who presides at meetings, assigns agenda items to committees, facilitates communication and understanding between elected and appointed officials, and assists the governing body in setting goals and advocating policy decisions.*” (App'x 3.) Given that the Mayor is the leader of City government within the Council-Manager structure, in both form and substance, the role cannot be performed on a part-time basis.

Additionally, appropriate compensation is necessary to ensure that the position attracts sufficiently qualified candidates for office. The Subcommittee recommends compensating the Mayor consistent with the recommendation from the Governance Subcommittee; that is, to ensure that the Mayor’s compensation is the average of other highly-paid positions, consistent with the specific language in the Governance Subcommittee’s report.

D. Election.

The Subcommittee recommends that the Mayor be elected every four years, in an at-large, City-wide election that uses instant run-off voting.

Given the significant authority the Mayor retains as head of City Council and the City itself, a democratic election is appropriate rather than appointment from, and conducted by, existing members of City Council.

The Subcommittee extensively considered the need or desire for the mayoral election to continue to require the winner to win the popular vote within a majority of districts (five-of-nine or otherwise if the number of districts were to change). The Subcommittee understands that this majority-of-districts requirement stemmed from a valid concern about diluting the voting power of certain communities of interest. However, the data available to the Subcommittee suggests that most districts in 2023, due to demographic changes, no longer reflect singular communities of interest and instead reflect the diversity of Richmond at large. The effectiveness of the majority-of-districts requirement to achieve its original goal appears limited. Moreover, the Subcommittee notes that the majority-of-districts requirement can, and has, allowed for candidates to win with significantly less than 50% of the popular vote. Such a scenario does not beget an elected Mayor with a electoral mandate to unify the City and to lead City Council—again, the City’s much-desired purpose when creating the mayorship.

Indeed, “[m]ore than half the cities operating with the council-manager form use the direct election at-large” method for their mayor. (App’x 2.) “Cities . . . believe that this method increases the potential for mayoral leadership by giving the mayor a citywide popular support base.” (App’x 2.) “This is particularly important when all or most of the council members are elected from districts.” (App’x 2.) An at-large method to elect the Mayor, without a majority-of-districts requirement, appears consistent with the City’s needs and goals for a Mayor.

The Subcommittee is committed to additional consideration of the majority-of-districts requirement, and looks forward to additional public comment.

When weighing how to structure an election without the majority-of-districts requirement, the Subcommittee was particularly sensitive to voter fatigue. The Subcommittee believes that instant runoff voting (also known as ranked choice voting) presents a clean solution that allows a single voting instance for Mayor.

The Subcommittee acknowledges the reservations about instant runoff/ranked choice voting. Generally stated, instant runoff voting in Virginia encompasses: (1) voters rank candidates in order of preference, (2) if no candidate gets 50% of the vote in the initial tabulation of first-preference votes, the candidate who received the least amount of votes is “eliminated” from the race, and the voters who voted for that eliminated candidate as their first preference have their votes transferred to their second preference, and (3) that elimination process continues until a candidate receives more than 50% of the vote, thus winning the election. Instant runoff voting requires a competent Registrar’s office and a robust public education campaign. The Subcommittee has confidence in both.

E. Deputy Mayor.

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The Subcommittee recommends that City Council elect from its members a Deputy Mayor.

The Deputy Mayor will act as Mayor during the absence of disability of the mayor and, if a vacancy occurs, will become Mayor for the remainder of the unexpired term. This scope of power and method of selection is what the Model City Charter § 2.03(b) recommends, and it creates an important role in City government with an efficient means of selection relative to the position.

II. City Manager.

A. Appointment; Retention.

The Subcommittee recommends that the City Manager be selected, appointed, and retained at the pleasure and direction of City Council.

The Subcommittee recommends that City Council, by majority vote of City Council's total members, appoint a City Manager for an indefinite term and fix the City Manager's compensation. The City Council should be able to remove a City Manager, who refuses to resign, by a majority vote of City Council's total members only after adequate and written notice of the reasons for suspension and opportunity to be heard.

A City Manager is key to a Council-Manager plan. The Subcommittee embraces the qualifications of requiring a majority vote of the entire City Council, and for specifying an indefinite term. *“Appointment of the manager by majority vote of the entire membership of [City Council], not simply a majority of a quorum, assures undisputed support for the appointee.”* (App'x 2.) *“Appointment for an indefinite term discourages contracting for a specified term or an arrangement that reduces the discretion of the council to remove a manager.”* (App'x 2.)

Moreover, City Council should have ultimate authority in the retention of the City Manager. That said, the Charter should specify that the City Manager have opportunity to consider and respond to any reasons for termination to *“assur[e] that any unjust charges will come to light and be answered.”* (App'x 2.)

B. Qualifications.

The Subcommittee recommends that City Council impose qualification standards for the City Manager, with an industry-approved baseline imposed by the Charter.

The Subcommittee recommends that the Charter direct that City Council to appoint the City Manager based solely on education and experience in the accepted competencies and practices of local government management, with attention to how the City Manager expresses support for and enacts social equity. Moreover, the Charter should direct City Council to enact an ordinance that sets the minimum qualifications for any City Manager. The Charter should also specify that any such ordinance must set qualifications that meet a minimum standard.

City Council should have latitude in setting the qualification standards for City Manager. However, stakeholders expressed concern about a current lack of written qualification standards

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for current manager of city administration. The Subcommittee therefore recommends that the Charter recognize City Council's prerogative and duty to establish written standards, but also set a floor for those standards to assure residents that the City Manager will be adequately qualified.

The Subcommittee recommends the minimum qualification standard set forth in the Charter not be a specific set of qualifications, but instead reference the model qualifications in the most recent edition of the Model City Charter published by the National Civic League. This allows for the minimum standards for a City Manager's qualifications to evolve over time, without needing to amend the Charter, as experts in the field might reach consensus about whether those minimum standards should change. The current version of these model qualifications reads:

A master's degree with a concentration in public administration, public affairs or public policy and two years' experience in an appointed managerial or administrative position in a local government or a bachelor's degree and 5 years of such experience (for more information see ICMA's voluntary credentialing program at www.icma.org).

(App'x 2.)

C. Authority.

The Subcommittee recommends that the City Manager be the chief executive officer.

The City Manager should be responsible to City Council for managing all City affairs placed in the City Manager's charge by or under the Charter. The City Manager, in overseeing the daily administration of City government, should have powers and duties explicitly set forth in the Charter. Those powers and duties should include, as set forth in Model City Charter § 3.04:

- The City Manager can appoint, suspend, and remove all city employees and appointive administrative officers provided for by or under the Charter, except as otherwise provided by law, the Charter or personnel rules adopted pursuant to the Charter.
- The City Manager must direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by the Charter or by law.
- The City Manager must attend all City Council meetings. The City Manager has the right to take part in discussion but may not vote.
- The City Manager must see that all laws, provisions of the Charter, and acts of City Council, subject to enforcement by the City Manager or by officers subject to the City Manager's direction and supervision, are faithfully executed.
- The City Manager must prepare and submit the annual budget and capital program to City Council, and implement the final budget approved by City Council to achieve the goals of the City.

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- The City Manager must submit to City Council, and make available and accessible to the public, a complete report on the finances and administrative activities of the City as of the end of each fiscal year, and provide information needed by City Council for its annual evaluation of performance.
- The City Manager must make available and accessible such other reports relating to operations as City Council may require.
- The City Manager must keep City Council fully advised as to the financial condition and future needs of the City.
- The City Manager must make recommendations to City Council concerning the affairs of the City and facilitate the work of City Council in developing policy.
- The City Manager must provide staff support services for the Mayor and City Council Members.
- The City Manager must assist City Council to develop long term goals for the City and strategies to implement these goals.
- The City Manager must encourage and provide staff support for partnerships with community organizations and for regional and intergovernmental cooperation and equitable programming.
- The City Manager must promote partnerships among City Council, staff, and community members in developing public policy and building a sense of community.
- The City Manager must perform such other duties as are specified in the Charter or may be required by City Council.

(App'x 2.)

III. City Attorney.

A. General.

The Subcommittee recommends the City Attorney to be chief legal counsel for the entire City and all its constituents (officers, employees, departments, boards, etc.).

The Subcommittee recommends that the City Attorney be identified as the chief legal officer for the City, including all the City's "constituents," including City Council, the Mayor, the City Manager, and all City departments, boards, commissions, and agencies.

This recommendation does not substantively change the current City Charter. The Subcommittee emphasizes that the other recommended changes to City government eliminate the issues currently perceived with the City Attorney, thereby rendering little need to alter the City Attorney role. Under the current City structure, the City Attorney is viewed as having to play favorites between City Council and the Mayor, and having too much power over the Mayor and

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city administration without those stakeholders' involvement in the selection and retention of City Attorney. However, by bringing the Mayor into City Council, the City Attorney no longer has a "conflict" (whether real or perceived) in representing equal yet independent stakeholders who may take opposing views on issues.

B. Appointment; Retention.

The Subcommittee recommends that the City Attorney be selected, appointed, and retained at the pleasure and direction of City Council.

This recommendation does not change the current City Charter. The City Manager should have no role in the selection, appointment, or retention process of the City Attorney. City Council, as the policy-making body of the City, should have sole authority over both the City Manager and the City Attorney. This allows the City Manager and City Attorney to have a degree of independence of one another, which for purposes of the City Attorney makes clear that the City Attorney is ultimately responsive to City Council. The City Attorney therefore has the independence to provide legal counsel to city administration, through the City Manager, while also ensuring that this counsel ultimate reflects City Council's priorities.

IV. City Council.

A. Authority.

The Subcommittee recommends that City Council should retain all powers vested in the City.

This recommendation does not change the current City Charter, but alongside the other recommended changes, City Council will once again become the focal point for City policy.

B. Size.

The Subcommittee recommends that City Council districts be reduced from nine to six, with a total of seven City Council votes when considering the at-large Mayor.

The Committee extensively discussed the appropriate size and composition of City Council. Stakeholders expressed frustration with the at-times unwieldy nature of nine members of Council. Others expressed skepticism at the ability of a City Manager to be able to adequately manage expectations from nine different members. When considering comparable Virginia localities, Richmond has one of the larger elected bodies. (App'x 7.)

Complicating this issue is that the Subcommittee recommends the Mayor to become a member of City Council. Doing nothing with the size of City Council would result in Council having 10 votes (9 Council Members each representing a district, plus 1 Mayor). The Subcommittee views a 10-vote City Council to be untenable, and so doing nothing as to City Council size is not an option.

To reach an odd number of votes on City Council, the Subcommittee considered three options: (1) adding electoral districts; (2) removing the Mayor's vote; and (3) removing electoral

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districts. Each of these options, however, has some negative value. First, the Subcommittee sees no benefit in adding another electoral district so that City Council has 11 votes. There is no indication that City Council has too few seats, and adding more votes would only exacerbate the perceived challenges with the current size. Second, to strip the Mayor of a vote on City Council (to keep the total votes at 9) would be to improperly render the office ineffective for the City's goals in having a Mayor. Third, reducing the number of electoral districts would present fewer political opportunities and may create more expensive campaigns.

After considering these points and related concerns, the Subcommittee recommends reducing the size of City Council to achieve an odd number of votes on City Council. Reducing the number of council districts, and therefore the number of Council Members, would address the concerns of a too-large City Council voiced by stakeholders. Moreover, fewer electoral districts may create competitive races for each seat of City Council. (Historically, the City has seen a handful of uncompetitive City Council races.) The Subcommittee views competitive elections as a normative good for democratic elections.

To that end, the Subcommittee recommends reducing the number of districts to 6 for several reasons. The reduction in size will more closely align the City with comparable localities in Virginia. Reducing the number of districts will enlarge each district, and therefore each district-based member of City Council will have a broader "home base" perspective as their respective districts grow. Fewer members of City Council means less cost, more streamlined government, and less potential for personalities to complicate City governance. Moreover, the 2011 Mayor's Redistricting Advisory Committee noted that several benefits can result from "*starting over from scratch in drawing the City's electoral map*," which would be required when reducing the number of districts (between 5 to 7). (App'x 6.) The new districts could be drawn to have "*both poverty rates close to the city average and substantial internal diversity*." (App'x 6.) Moreover, districts could be redrawn in a way "*encourage the political incorporation of the Hispanic community*," which could equally apply to other discrete communities of interest. (App'x 6.) All these reasons support the Subcommittee's recommendation of reducing the number of electoral districts (and district-elected Members of City Council) to 6.

C. Terms.

The Subcommittee recommends four-year, staggered terms for district-wide elections.

The Subcommittee recommends that staggering of terms should be implemented. Initial implementation can be accomplished according to the alternatives in Model City Charter § 6.03.

D. Status; Compensation.

The Subcommittee recommends that non-mayoral members of City Council be a part-time position with pay commensurate with their importance within City government.

The Subcommittee believes that Virginia's tradition of the citizen-legislator is appropriately maintained for the district-wide elected members of City Council. It recognizes, however, that the current salaries of these members of City Council should be increased to reflect the realities of modern costs of living. The Subcommittee recommends compensating City

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Council consistent with the recommendation from the Governance Subcommittee, which is to ensure that that non-Mayor members of City Council are increased to approximate the median household income for the City.

ALTERNATIVES

The Subcommittee considered the following alternatives to the structure recommended above. The Subcommittee includes these alternatives, along with a brief discussion of each, for context as to the Subcommittee's recommendation.

I. Mayor.

A. Role.

Option 1: Mayor as a member of City Council. The Subcommittee recommends this option for the reasons discussed above.

Option 2: No Mayor. The Subcommittee does not recommend this option because it takes away a public representative from the City's residents. Much stakeholder input noted that City residents have been given additional representation in the form of a mayor in the Mayor-Council structure, and removing that representation by eliminating the mayoral role is untenable. Moreover, simply removing the Mayor is to just return to the pre-2005 City structure, which fails to appreciate the need for such an elected position recognized by the City about 20 years ago.

Option 3: Ceremonial Mayor. The Subcommittee does not recommend this option, with the Mayor simply being the head of government for ceremonial, public relations, or lobbying purposes. This option would eliminate meaningful mayoral representation, reduce the quality of candidates who seek election, and create a position that many might view as unnecessary.

B. Authority.

Option 1: Mayor with significant City Council powers and duties. The Subcommittee recommends this option for the reasons discussed above.

Option 2: Mayor with only voting power. The subcommittee does not recommend this option because it reduces the Mayor to simply being a city-wide elected member of City Council. Reducing the Mayor's authority in such a manner effectively puts the City back in the pre-2005 structure with a very minor change that one member of City Council coming from a city-wide election. The benefit of a single Councilmember coming into office from a city-wide election, with no other special powers or duties, seems nonexistent. Also, given that city-wide elections are more expensive than district-wide elections, this option would appear to discourage potential candidates from running. This option also leaves to some other selection process the head of City Council, which additionally dilutes the effectiveness of a Mayor as head of the City.

Option 3: Mayor with no voting power. The Subcommittee does not recommend this option because, like a purely ceremonial Mayor, this option would eliminate meaningful mayoral representation, reduce the quality of candidates who seek election, and create a position that many might view as unnecessary.

C. Status; Compensation.

Option 1: A set standard for determining compensation. The Subcommittee recommends this option for the reasons discussed above.

Option 2: City Council has unfettered discretion to set salary. The Subcommittee supports appropriately compensating the Mayor, and adding guidelines to such compensation reduces the likelihood of any impropriety regarding setting the Mayor’s compensation.

D. Election.

Option 1: At-large, City-wide election with instant run-off. The Subcommittee recommends this option for the reasons discussed above.

Option 2: At-large, City-wide election with an open primary. The Subcommittee’s concern with an open primary is voter fatigue. In an open primary, voters would first vote in an open primary—where all mayoral candidates are open for voting—and then would need to return to the voting booth to select between the two candidates who received the most votes in the open primary. But voter fatigue is real. As Virginians, residents are asked to vote every year in at least one election (federal, state, or local). If staggered terms are adopted for City positions, it is likely that City residents will be asked to vote every year in City elections in addition to state and/or national elections for those years. Asking City residents to vote once for a mayoral candidate, and then to vote against for *another* mayoral candidate that same year in a run-off—in the greater context of all the other elections happening every year—may be asking too much to ensure healthy voter turnout.

Option 3: At-large, City-wide election with a “majority of districts” requirement. The Subcommittee’s discussion of this option is addressed earlier in the recommendation section.

E. Deputy Mayor.

The Subcommittee did not consider any discrete alternatives for the position, authority, and selection of a Deputy Mayor, finding that the Model City Charter provided an appropriate structure.

II. City Manager.

A. Appointment; Retention.

The Subcommittee did not consider any discrete alternatives for how the City Manager was appointed and retained, finding that the Model City Charter provided an appropriate structure.

B. Qualifications.

Option 1: Express Qualifications. The Subcommittee recommends this option for the reasons discussed above.

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Option 2: No Express Qualifications. This alternative would essentially be the status quo. The Subcommittee declined this option for the reasons why it recommends the Charter providing express qualifications.

C. Authority.

Option 1: City Manager as the chief executive officer. The Subcommittee recommends this option for the reasons discussed above.

Option 2: Mayor retains some administrative functions. The Subcommittee considered whether the Mayor should retain some administrative/executive functions that are performed by the City manager. The Subcommittee does not recommend this option because it confuses the role of Mayor within the Council-Manager structure. Commentary explains the need for this clarity:

[The mayor's role in a council-manager system] should be consistent with two premises. First, the mayor should not encroach on the executive responsibilities of the manager. Second, the mayor and council collectively, as a body, oversee the operations of the city by the manager. Communities should avoid granting special voting status to the mayor (e.g., vote on council only to make or break a tie). Such power will likely impede rather than enhance the mayor's capacity to lead. Similarly, giving the mayor veto power in a council-manager city cannot help but confuse his or her role with that of the executive mayor in a mayor-council city.

(App'x 2.)

III. City Attorney.

A. General.

The Subcommittee did not consider any discrete alternatives for the general authority of the City Attorney, finding that the current structure (when coupled with other changes) was appropriate.

B. Appointment; Retention.

Option 1: City Council have full authority. The Subcommittee recommends this option for the reasons discussed above.

Option 2: City Manager has some role in the process. The Subcommittee does not recommend the City Manager having any role in the appointment or retention process for the City Attorney. Doing so gives the City Manager some degree of power over the City Attorney, while the Subcommittee believes only City Council, as the City's governing body, should have power over the City Attorney. Putting the City Attorney underneath the City Manager may complicate the City Attorney's ability to give City Council its independent legal advice about the City Manager's actions. Putting the City Manager and City Council on the same level as each other—both appointed and retained by City Council—should promote a healthy working relationship between these stakeholders, for the benefit of City Council and the City at large.

IV. City Council.

A. Authority.

The Subcommittee did not consider any discrete alternatives for the general authority of City Council, finding that the current structure (when coupled with other changes) was appropriate.

B. Size.

Option 1: 6 members elected from districts, 1 Mayor. The Subcommittee recommends this option for the reasons discussed above.

Option 2: 8 members elected from districts, 1 Mayor. The Subcommittee strongly considered this alternative as one way to achieve an odd-number of voting members of City Council. While this option does reduce the number of current districts, it does not meaningfully retain the benefits of reducing the total members of City Council.

Option 3: 7 members elected from districts, no Mayor. The Subcommittee does not recommend this option because it abolishes the position of Mayor.

Option 4: 6 member elected from districts, 2 members elected at-large, 1 Mayor. The Subcommittee does not recommend this option for several reasons. The Subcommittee does not believe that at-large, non-mayoral positions on City Council are useful. At-large positions are generally more expensive to campaign for and thus there is a perception (and perhaps a reality) that only a certain type of candidate will run for and win these types of positions. Additionally, increasing the number of city-wide position further dilutes the district-specific perspective brought by each district-elected member of City Council. This further dilution is unnecessary and perhaps undesirable given the ample authority the Subcommittee recommends for the Mayor as the only full-time member of City Council.

Moreover, the benefit of an at-large, non-mayoral position may be already realized due to other features recommended by the Subcommittee. The perceived benefit of these at-large positions is to bring a perspective to City Council that reflects a broader view than being primarily concerned with a single district. However, to the extent City Council's numbers are reduced, this benefit is already realized two ways. First, the Mayor (who brings such a city-wide perspective) has a relative power to the district-elected members that increases as the total number of voting members of City Council decreases. Second, each district-elected member is being required to consider a broader, more "city-wide"-type perspective as their respective district grows in size as the number of districts decrease.

Finally, this option does not reduce the size of City Council and therefore retains none of those benefits.

Option 5: 7 members elected from districts, 1 member elected at-large (a "Vice Mayor"), 1 Mayor. The Subcommittee does not recommend this option for essentially the same reasons why it does not recommend Option 4.

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Option 6: 9 members elected from districts, 1 Mayor. The Subcommittee does not recommend this option because it creates an even-number of votes on City Council. While even-number governing bodies are possible, they are not desirable.

Option 7: 9 members elected from districts, 1 Mayor without voting power. The Subcommittee does not recommend this option because it significantly nullifies the purpose and authority of a Mayor, as discussed in greater detail in the Subcommittee’s recommendations about the Mayor.

Option 8: 9 members elected from district, no Mayor. The Subcommittee does not recommend this option, as it simply returns the City’s structure of government to its pre-2005 form. The basis for the Subcommittee’s recommendation for a retention of a Mayor is discussed in greater detail throughout this report.

C. Terms.

Option 1: Staggered terms. The Subcommittee recommends this option for the reasons discussed above.

Option 2: No staggered terms. The Subcommittee does not recommend this option, which is the status quo. Numerous stakeholders explained how the absence of staggered terms is problematic for good governance. For example, currently all members of City Council are preoccupied by election campaigns at the same time, at the detriment of Council business. Additionally, there is the possibility of significant turnover at the same time, which can result in a sudden and immediate loss of institutional knowledge about how City Council’s business operates.

D. Status; Compensation.

Option 1: Increasing compensation. The Subcommittee recommends this option for the reasons discussed above.

Option 2: No increase in compensation. The Subcommittee does not recommend this option because while public service is an honor and there is an understanding that pay need not be excessive, the Subcommittee believes that the level of compensation should not be punitive. Even as part-time representatives, the non-Mayor members of City Council spend a lot of time, energy, and effort in representing the City and their hard work should be appropriately compensated.

CONCLUSION

We look forward to the Commission’s view on the Subcommittee’s recommendation, and in hearing from the public on the potential for a Council-Manager structure here in Richmond.

**Respectfully,
The Electoral Subcommittee**

ⁱ The Commission spent several meetings reviewing key provisions of the Charter with additional commentary and advice from the City Attorney’s Office.

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- ii Over the course of several meetings, the Commission has received this legal, historical, and political information from the City Attorney’s Office and the University of Virginia School of Law’s State and Local Government Policy Clinic, as well as from scholarly research circulated by Commission members.
- iii The Interview Subcommittee reported the results of its interviews with stakeholders to the Commission on March 14, 2023. The PowerPoint Presentation for the Interview Subcommittee’s report is attached as Appendix 1.
- iv The Commission received public comment at several meetings, and the Subcommittee reiterates its appreciation for this input.
- v “Model City Charter” refers to *Model City Charter*, National Civic League (9th ed. 2021). The Model City Charter is attached as Appendix 2.
- vi Including *Key Roles in Council-Manager Government*, International City/County Management Association. This publication is attached as Appendix 3.
- vii The University of Virginia School of Law’s State and Local Government Policy Clinic published an April 18, 2023, memorandum to the Commission on this topic. This memorandum is attached as Appendix 4. Moreover, the Commission reviewed several scholarly articles, including one that discussed Richmond’s change in government around 2005. Those articles are attached as Appendix 5.
- viii Attached as Appendix 6.
- ix Attached as Appendix 7.
- x Attached as Appendix 8.
- xi The Electoral Subcommittee’s initial progress report was presented to the Commission on April 20, 2023.