

A photograph of the Richmond City skyline at dusk. The sky is a deep blue, and the city lights are beginning to glow. In the foreground, a concrete bridge with several large, curved supports spans across a body of water. The water is dark and reflects the lights from the bridge and the city. In the background, several tall buildings are visible, some with their windows lit up. The overall scene is a mix of urban architecture and natural elements.

Richmond City Charter Review Commission

June 28, 2023

A long-exposure photograph of a city skyline at dusk. In the foreground, a river flows, its surface reflecting the lights from the buildings and bridge. A concrete bridge with multiple arches spans across the river. The background features several tall skyscrapers, some of which are illuminated from within, creating a warm glow against the cool blue and orange tones of the twilight sky. The overall scene is a blend of urban architecture and natural elements.

Overview Remarks

Dr. Thad Williamson, Chair

A city skyline at dusk or dawn, featuring several tall buildings with lit windows. In the foreground, a bridge with a distinctive arch design spans across a river. The sky is a mix of blue and orange, suggesting the time is either early morning or late evening. The water in the river is calm, reflecting the lights from the buildings and the bridge.

Review of Commission Process

Ms. Daisy Weaver, Vice Chair

Charter Commission Mandate

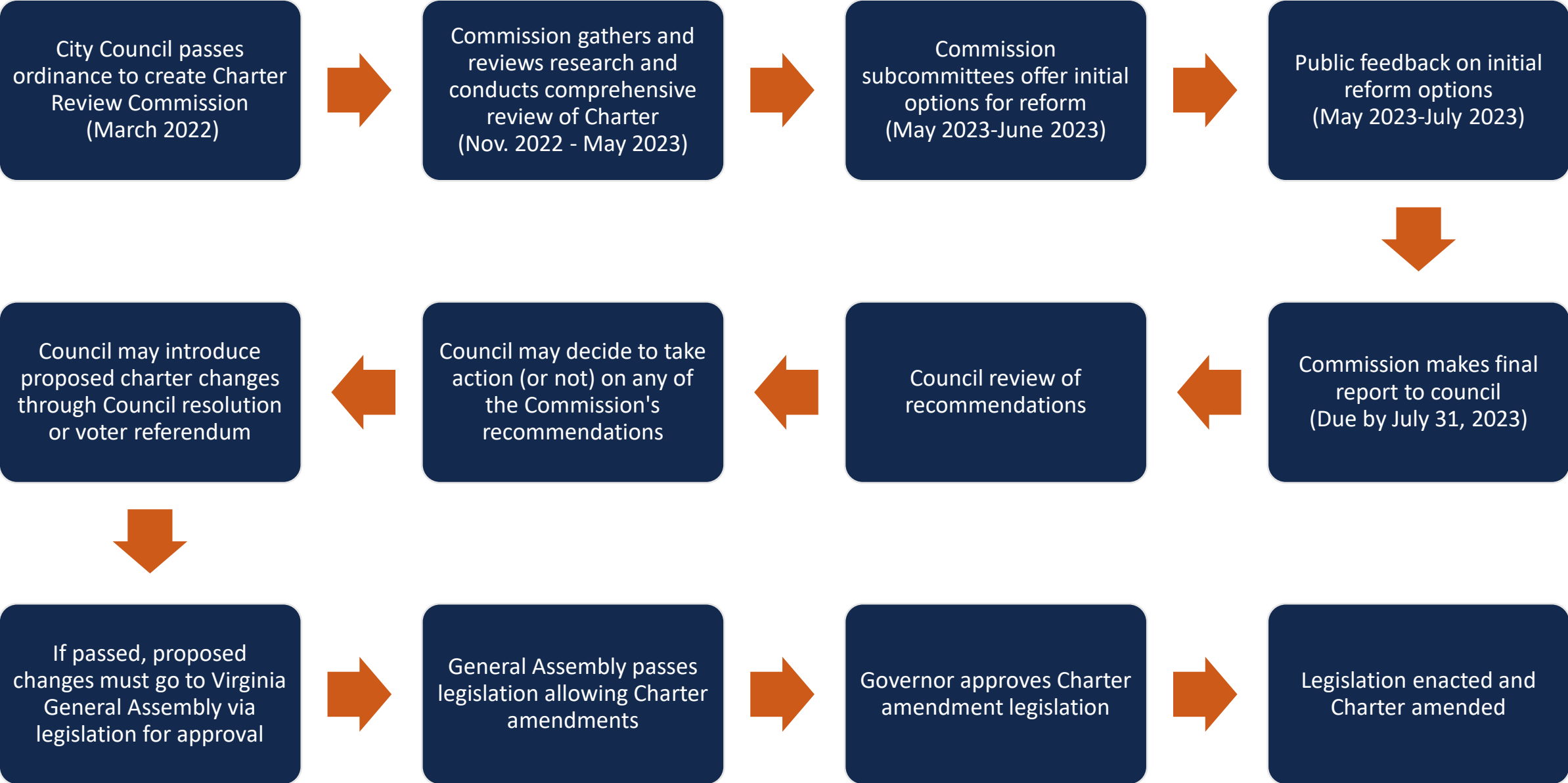
Ordinance created Charter Review Commission (March 2022)

“Comprehensive review” of the city charter / advisory

First meeting and appointment of officers (November 2022)

Final recommendations due to Council by July 31, 2023

Process for City Charter Amendments



Charter Commission Work

- Created work plan to develop & present multiple options for reform
- Shared reading of charter document
- Conducted stakeholder interviews
- Reviewed other charters and forms of govt. statewide & nationally
- Reviewed academic literature
- Reviewed history of Richmond's charter
- Received presentations of legal research (UVA Law clinic students; municipal law expert)
- Established subcommittees: Governance, Electoral, Document Optimization
- Ongoing public engagement and feedback (public comments; public hearings; survey)
- **The Commission expects to produce numerous recommendations for Charter revision that could be brought forward to the General Assembly in 2024, and may also make recommendations that would require more time and additional steps to enact. (The Commission does not expect an advisory referendum in 2023 to be a byproduct of its work)**

A photograph of a city skyline at dusk. In the foreground, a bridge with several concrete piers spans across a river. The sky is a mix of blue and orange, indicating sunset. Several tall buildings are visible, some with their lights on. A large, semi-transparent blue box with a white border is overlaid on the center of the image, containing white text.

**Summary of Governance Committee
Preliminary Recommendations
Mr. Kyle Elliott**

Governance Subcommittee – Charges from Commission



Develop ideas for improving the functioning of the Mayor-Council system while retaining its basic form



Alleviate the tension between Mayor as “CEO” and Council as the City’s “governing body”

Governance Subcommittee: Mayoral Authority

- Explicitly state that Mayor shall have power to appoint or dismiss department heads (or ability to designate that authority to the CAO), consistent with the concept of Mayor as “CEO” of City
 - Allows, but does not require, Mayor to take more hands-on responsibility for the operations of City government, while respecting the professional prerogatives of agency directors and top administrators

Governance Subcommittee: City Attorney Structure

- Redefine current structure of City Attorney's office by allowing Mayor and CAO to hire a "**City Attorney**" (or Law Department Head) to oversee legal work performed on behalf of the Administration
 - Would advise Mayor, CAO, directors, and city employees generally
- Allow City Council to hire a "**City Council Attorney**" to oversee the legislative process and other work performed on behalf of City Council
 - Would advise Council
- Establish a process for **adjudicating disagreement** between City Attorney and City Council Attorney
 - Option 1: City Attorney considered authoritative interpreter of municipal law, with Council retaining right to obtain outside counsel to challenge legal opinions with which it disagrees
 - Option 2: In-house arbiter jointly designated by Mayor and Council would adjudicate conflicting legal opinions regarding state and municipal law

Governance Subcommittee: Interim CAO Position

- Create more specific rules on who can be appointed as **Interim CAO** with maximum length of 6 months
 - Must be qualified individual who currently serves or previously has served on a permanent appointment as a member of City's senior executive group as defined by City Code, or qualified individual who has served as a permanent CAO, City Manager, or County Manager in another U.S. locality
 - Mayor to present nominee to City Council in open meeting
 - Interim CAO must be confirmed by Council on majority vote
 - If Mayor's selection for Interim CAO not confirmed, Mayor must bring form an alternative candidate within 3 working days

Governance Subcommittee: Hiring Permanent CAO

- Require Mayor to form and lead a Search Committee to include Council President or another Council member designated by President
 - Advertise nationally and publicly for minimum of one month
- Search Committee to provide names and credentials of at least 2 candidates to Council in closed session, with Council opportunity to provide feedback to Search Committee
- Within 5 days of closed session, Mayor shall designate a candidate as preferred nominee for CAO or refer additional candidates to Council for feedback
- Once nomination is made, Mayor shall present qualifications of nominee to Council in open meeting, with Council members having opportunity to ask questions and receive answers from nominee prior to confirmation vote
- Mayor's selection for permanent CAO must be confirmed by Council with a minimum of **6 affirmative votes**
 - If nominee rejected by Council, Mayor may bring forward any other applicant as an alternative nominee or elect to restart the search process, making the Interim CAO eligible to serve another 6 months (with no single individual serving as Interim CAO for more than 12 consecutive months)

Governance Subcommittee: CAO Dismissal (Mayor Initiated)

- Mayor may request resignation of CAO at any time
- In the event of refusal to resign:
 - Upon election or re-election to office of Mayor, in the first 6 months of a new term **OR** in the first 6 months of a CAO's tenure, the Mayor may terminate employment of CAO without giving cause and without consulting City Council
- After a CAO has served 6 months, Mayor may initiate the termination of CAO by notifying Council President of intent to do so
 - Council President may call an emergency meeting to consider the matter in closed session, **OR** w/in 2 business days notify Mayor that no meeting will be called
 - If meeting is called, Mayor shall attend the meeting and participate in closed session, and Council members shall have the right to provide feedback and ask questions of the Mayor regarding the proposed termination
- Require Mayor in some circumstances to give advance notice to Council leadership of involuntary dismissal of a CAO

Governance Subcommittee: CAO Dismissal (Council Initiated)

- Once per calendar year, Council shall have right to consider a motion of “no confidence” in the performance of CAO
 - Motion shall require a total of **5 sponsors** to move to consideration by full Council
 - Once such a resolution is introduced and read at Council meeting, the vote must take place at a subsequent meeting within 3-10 working days
 - Motion of no confidence requires **7 affirmative votes** to pass
 - If motion fails, it cannot be brought back until the following calendar year

Governance Subcommittee: Budget Process

- CAO to develop annual budget under direction of Mayor
- Council shall have formal opportunity to provide input on budget priorities to the Mayor at a pre-budget public meeting to take place between December 1 and January 15 each year, and shall have access to the agency-level budget requests submitted to the Mayor and Budget office prior to this meeting
- Council shall have power to initiate budget amendments twice each fiscal year: in the first scheduled meeting of October and first scheduled meeting of January
 - Net fiscal effects of proposed amendments must be neutral
 - 5 affirmative votes needed to adopt proposed amendments
 - Mayor shall have line item veto power on Council-initiated budget amendments, with a 6-vote override

Governance Subcommittee: Budget Process

- The Mayor and City Council in the annual budget process may designate a sum of money no greater than 1% of the annual general fund budget as a General Operational fund that can be assigned by the CAO to any city agency (not non-departmental entities) during the FY w/o further Council action, with the exception that no more than 50% of this fund may be reassigned to any single agency within a fiscal year without Council action.
 - The CAO and Budget Office must provide a monthly update to Council on use of this fund as part of its routine reporting.

Governance Subcommittee: Compensation

- Mayoral Compensation
 - Salary of a new Mayor upon beginning term of office shall be set by Council and equivalent to or greater than the mid-range salary of the **5 highest-paid city executive officials** (excluding constitutional officers) in the last full FY of the previous mayoral term
 - Salary to remain flat during entire tenure of Mayor's term, including if re-elected to second term, except by affirmative vote of **7 Council members**
- Council Compensation
 - Significantly increase compensation for City Council members, to approximately the median household income for the City of Richmond (approximately \$55,000)

Governance Subcommittee: Public Deliberation

- Require Mayor to attend one regular meeting of City Council per month (except August) to provide a short update on either City's progress or another designated topic **AND** to answer questions from Council members pertinent to Mayor's presentation
- All Council members shall have the opportunity to ask (or decline to ask) a question, with one follow-up
- After all members have had the opportunity to ask one question and a follow-up, Council President shall bring this part of agenda to a close, unless Mayor agrees to respond to additional questions

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**Summary of Electoral Committee
Preliminary Recommendations
Mr. Travis Gunn**

Electoral Subcommittee – Charges from Commission



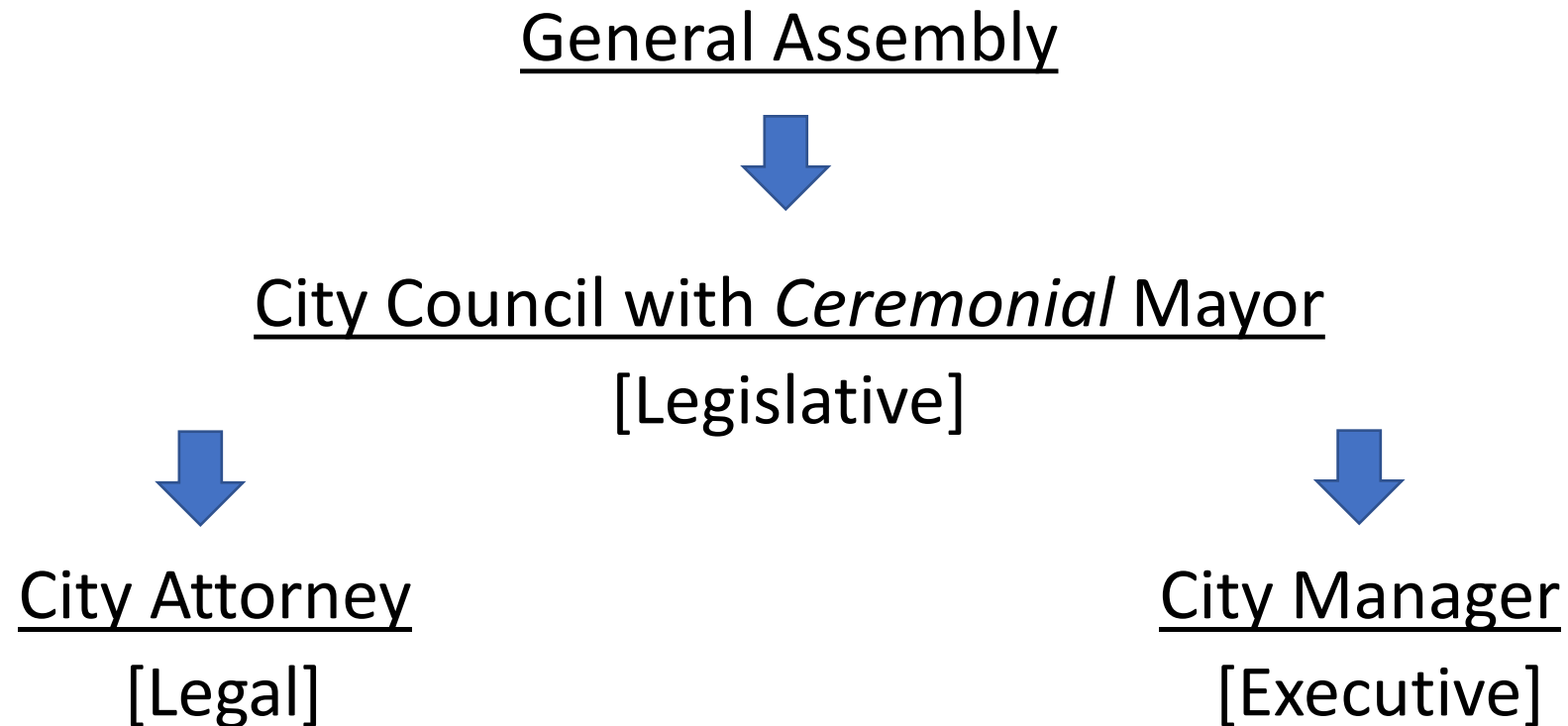
Develop recommendations for an ideal Council-Manager structure for City government



Develop recommendations of electoral considerations, specifically for Council-Manager (and consider whether applicable to Mayor-Council structure)

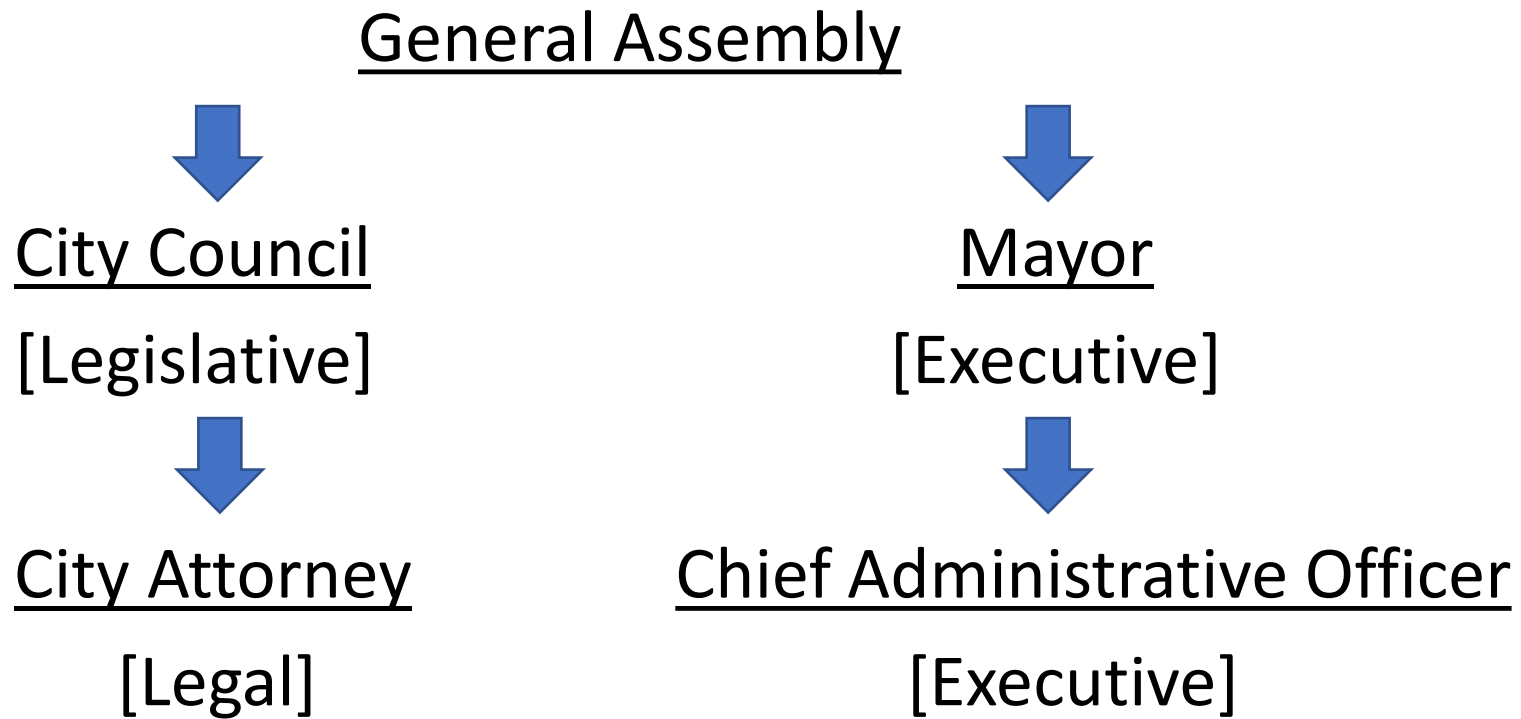
Electoral Subcommittee – Structures (1/3)

- Council-Manager Structure (Pre-2004):



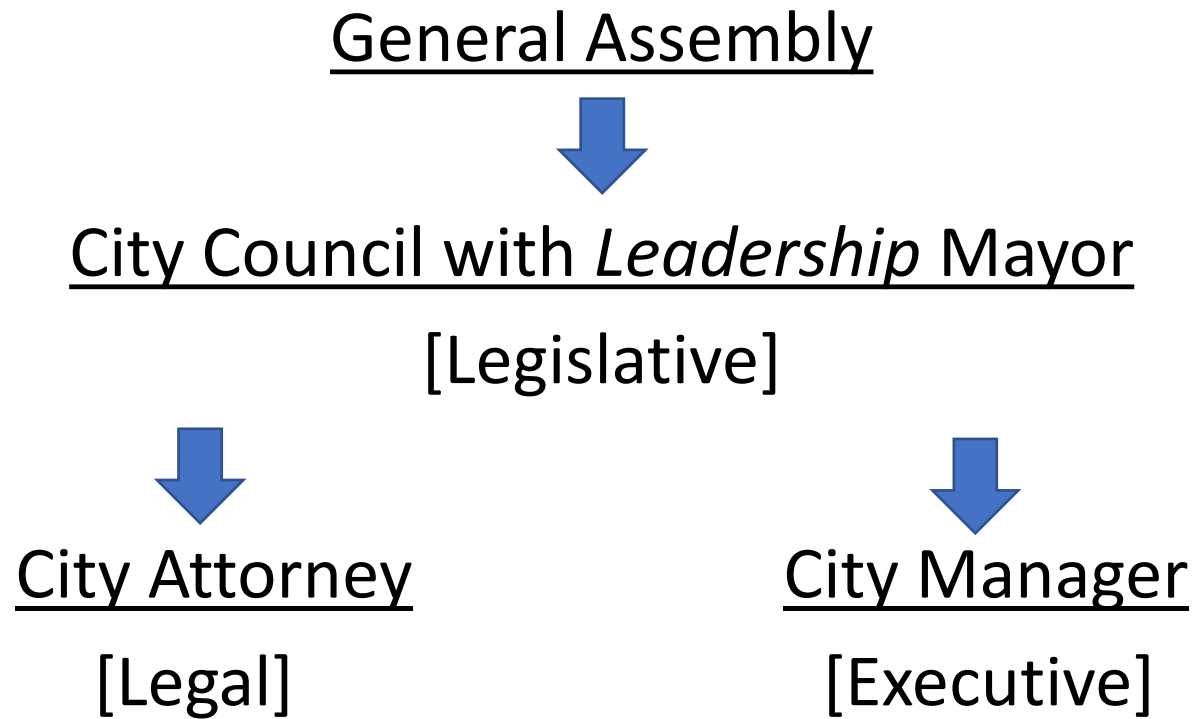
Electoral Subcommittee – Structures (2/3)

- Mayor-Council Structure (Post-2004):



Electoral Subcommittee – Structures (3/3)

- Revised Council-Manager Structure (Proposal):



Electoral Subcommittee – Proposal Overview

- Proposed Council-Manager structure with the following features:
 1. City Council would be the governing body, with all policy-making authority.
 2. A Mayor, elected at large, would lead Council with significant authority within legislative body.
 3. A highly qualified, professional City Manager would be responsible for daily administration of the City and city services.
 4. A highly qualified City Attorney would serve at the pleasure of Council, in a position independent of the City Manager.

Electoral Subcommittee – Proposal Goals (1/2)

Richmond-specific goals accomplished by proposal:

1. Remove structural conflict between Council and Mayor by bringing Mayor into the legislative body.
2. By making the Mayor leader of Council, with real authority rather than a mere figurehead, creates path for City's 2004 goal: bring a unifying vision to City government.
3. City services professionally managed by a City Manager.
4. City Attorney no longer with perceived "conflicts" in advising stakeholders (Council, Mayor, Manager/CAO).

Electoral Subcommittee – Proposal Goals (2/2)

General goals accomplished by proposal:

1. 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.
2. 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.
3. 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.
4. 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.

Electoral Subcommittee – Mayor: Key Features (1/3)

Role

Member of Council (Legislative, not Executive) – different from role of mayor in “strong mayor” form

Authority and Duties

- Has a vote on Council
- Must attend and preside at Council meetings
- Represents the City in intergovernmental relationships
- Power to appoint, with advice and consent of Council, members of community advisory boards and commissions
- Present an annual State of the City address
- Power to appoint members and officers of Council committees
- Power to assign subject to the consent of Council agenda items to committees
- Perform other duties specified by Council
- Head of city government for ceremonial and military law purposes

Electoral Subcommittee – Mayor: Key Features (2/3)

Compensation

- Full time
- Salary comparable to highest-paid City employees

Election

- Every 4 years
- Ranked choice (versus open primary)
- At-large, City-wide election
 - Prevents a mayor from being elected without majority support from the City
 - Significant democratic shifts call into question the ability of majority-of-districts (5 of 9) requirement to protect minority voting power

Electoral Subcommittee – Mayor: Key Features (3/3)

- Protecting minority voting power remains a paramount concern
- Significant demographic shifts in the city over the past 20 years, citywide and within districts, call into question the effectiveness going forward of current mechanisms in protecting minority voting power, compared to alternative possible mechanisms
- Electoral changes would need to undergo thorough legal and public scrutiny as per relevant state and federal laws concerning voting rights
- 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 mandate to unify the City and lead City Council—a much-desired purpose when creating the mayorship
- More than half the cities operating with the council-manager form use the direct election at-large method for mayor

Electoral Subcommittee – Council: Key Features (1/4)

Role

- Council should retain all powers vested in the City, making it the focus of creating City policy

Compensation

- Part time
- Salary comparable to median household income for City

Election

- Every 4 years
- Staggered terms
 - Standard practices for implementing
 - Could apply even in current Mayor-Council structure

Electoral Subcommittee – Council: Key Features (2/4) - Size

Status Quo

- Would create a disfavored structure where the voting body has an even number of votes
- Adding a voting mayor creates a 10-voting-member body
 - 9 districts + 1 mayor

Larger Council

- No readily discernable benefit from adding a district
- Creating larger voting body exacerbates some issues identified
- Adding a district creates an 11-voting-member body
 - 10 districts + 1 mayor

Electoral Subcommittee – Council: Key Features (3/4) - Size

- Smaller Council:
 - Stakeholders voiced concerns for the seemingly unwieldy nature of 9 members.
 - Stakeholders expressed skepticism at the ability of a City Manager to be able to adequately manage expectations from 9 (or more) different members.
 - The reduction in size will more closely align the City with comparable localities in Virginia.
 - Reducing districts will enlarge each, so each district-based member of Council will have a broader “home base” perspective.
 - Fewer members mean less cost, more streamlined government, and less potential for complicating personalities.
 - 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)
 - The new districts could be drawn to have “both poverty rates close to the city average and substantial internal diversity.”
 - 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.
- Reducing districts from 9 to 6 creates a 7-voting-member body (6 districts + 1 mayor)

Electoral Subcommittee – Council: Key Features – Districts (4/4)

In light of legitimate public concern about protecting minority voting power and the legal requirement to comply with state and federal laws, it is important to note that adoption of a Council-Manager form of governance in Richmond does not require adopting the Subcommittee's preferred option of a 7-person Council; other options are also possible.

Electoral Subcommittee – City Manager: Key Features (1/2)

Role

- Oversees the daily administration of city government and services

Duties and Authority

- The CEO of the City, manages the City's affairs
- Appoint, suspend, remove city employees and appoint administrative officers
- Direct and supervise administration of all departments, offices, agencies
- Attend all Council meetings
 - Can partake in discussion, but no vote
- See that all laws are faithfully executed
- Prepare and submit annual budget and capital program to Council (and implement final budget approved by Council)
- Submit complete report on City's finances, administrative activities, and other information needed for Council to annually evaluate performance

Electoral Subcommittee – City Manager: Key Features (2/2)

Qualifications

- Charter set minimum qualification standards (established by industry publications)
- Council has ability to impose higher qualification requirements

Appointment and Retention

- Hiring and firing must be done by majority vote of Council's total members (member being absent for vote does not reduce the majority vote threshold)

Electoral Subcommittee – City Attorney: Key Features

Role

- Chief legal counsel for the entire City, including all its constituent parts (Council, City Manger, agencies, etc.)

Appointment and Retention

- Selection, appointment, and retention at the pleasure of Council
- City Manager has no role in process

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Public Hearing

Mr. Antoine Banks, presiding