

Richmond City Charter Review Commission. June 8, 2023

Comprehensive List of Changes Under Consideration

This document is a list of possible changes to the [Richmond City Charter](#) currently under consideration by the Richmond Charter Review Commission. This list has been developed through numerous sources and processes, including the work of the Governance, Electoral and Document Optimization Subcommittees of the Commission, research memorandums from the University of Virginia Law School Local and State Government Policy Clinic and municipal law expert Mr. Walter Erwin, recommendations provided by the city administration, and input from the general public.

All of these items remain *under consideration*; the Commission will make final decisions regarding its recommendation after receiving input from stakeholders (Administration and Council); analyzing public input received through its engagement survey, public hearings, and direct communications received; where appropriate receiving expert professional and legal advice; and following the Commission's own deliberations.

This memorandum is organized into three chapters. Chapter One concerns general charter changes under consideration that are unrelated to the question of form of government. The Commission envisions that those items on this list that become final recommendations could be brought forward by Council to the General Assembly in 2024. The Commission would particularly like to call attention to the discussion pertaining to Chapter 17 (Planning) as ideas discussed therein could have significant implications for current practice.

Chapter Two concerns adjustments to the powers and responsibilities of the Mayor, CAO, City Council, and City Attorney under the current Mayor-Council form of government. These proposals are under consideration by the Commission. The Commission envisions that those items on this list that become final recommendations could potentially be brought forward by Council to the General Assembly in 2024, though we anticipate that there would need to be substantial dialogue among stakeholders regarding these proposals.

Chapter Three lays out a more comprehensive reset of the Richmond City Charter, including an outline of a Council-Manager form of government, to include a directly elected Mayor who serves on Council and a City Manager collectively appointed by Council. (This general form of government is found in comparably-sized cities in Virginia and is common nationally.) If consideration of this form of government is part of the Commission's final report, the report will lay out additional procedural steps the City would need to take to explore this option, especially with respect to assuring any electoral changes fully comply with relevant state and federal voting rights law. Those will require more time for further study and analysis informed by professional and legal expertise, beyond the scope of the present Commission. The Commission further assumes that any change in the City's basic form of government should be preceded by an advisory referendum, to take place at a future date (not in 2023).

In the first two chapters, items under consideration are numbered by chapter (1-1, 1-2, 1-3, etc.) for reference. Chapter Three consists of the overarching proposal brought forward by the Electoral Subcommittee for a Council-Manager form of government to include a directly elected Mayor.

The Commission continues to conduct research and receive public input and may bring forth additional items beyond those in this document, and/or amend the items noted in this document.

Feedback or comment on the items in this document from stakeholders is requested by Wednesday June 28, 5 pm.

Chapter One: General Charter Changes

This chapter lists provisions of the City Charter, noting provisions where proposed changes are under consideration. More detailed discussion of possible changes with respect to the powers of the Mayor, CAO, Council, City Attorney, as well as possible electoral changes, are discussed in Chapters Two and Three.

Below is a glossary of sources frequently referenced in this document. Further discussion or background on these specific items is available in these source documents, all of which have been shared with Council staff for sharing on the Charter Review website. These include:

DO: Document Optimization Subcommittee Report

ES: Electoral Subcommittee Reports

GS: Governance Subcommittee Reports

BPM: Budget Process Memorandum (Bill Echelberger)

WE: Walter Erwin Memorandum

UVA: University of Virginia Law Clinic Memorandum

Chapter 1. Incorporation and Boundaries

1.01. Incorporation No Changes Considered

1.02. Boundaries No Changes Considered

Chapter 2. Powers. Under consideration (1-1)

Adding a preamble that the City of Richmond has all powers assigned to independent cities by Virginia general law, in addition to those specifically delineated in the Charter

2.01. General Powers No Changes Considered

2.02 (a). Financial Powers. Under consideration (1-2):

Adding language stipulating city has all financial powers permitted by state code, in addition to those specifically listed. (WE)

2.02 (b, c, e, f, g). Various Items Under consideration (1-3):

Removing these paragraphs. The city's power to borrow money, appropriate money, receive or refuse gifts, fund libraries, and support the military and nonprofit organizations are already established by general law. (WE)

2.03. Utilities Under consideration (1-4):

Add language stipulating city has all powers related to public works, utilities and properties permitted by state code, in addition to those specifically listed. (DO)

2.04. Powers to regulate for the general welfare

a. Power to regulate “vice,” “immorality,” etc. Under consideration (1-5)

Revising language as needed to make it consistent with U.S. Constitution (WE)

b,k. Buildings Under consideration (1-6):

Removing these paragraphs. The city's power with respect to buildings are established under general law. (WE)

d, e,f,g,h,i, j, l, m, n, o, p, q, and r. Various items Under consideration (1-7):

Removing these paragraphs. The city's powers with respect to regulating these items (right of way, motor vehicles, railroads, cemeteries smoke/air pollution, nuisances, alleys, fire prevention, inflammable materials/firearms, unsafe business activities, transportation of unsafe substances, animal control, cruelty to animals, and a variety of other items are either established by general law or fall outside of the city's jurisdiction). (WE)

2.05. Miscellaneous Powers.

a. Public Markets, Employment Bureaus, Baths No Changes Considered

b, c, d, g. Under consideration (1-8):

Removing these paragraphs. The city's powers to support hospitals and institutions, to provide assistance to the poor, and to maintain cemeteries are established by general law. Power to regulate Bingo lies with the Virginia Charitable Gaming Commission. (WE)

2.06. Enforcement of Regulations. Under consideration (1-9):

Removing this section. The city's enforcement powers are established by state code. (WE)

2.07. Licenses and Permits No changes considered

2.08. Injunctions Against the City No changes considered

Chapter 3. Elections.

See Chapter Three for discussion.

Chapter 4. Council.

See chapters Two and Three for discussion of 4.01 and 4.03.

4.02. Powers of Council

a,b,c. Under consideration (1-10):

Adding language that only the Mayor/CAO may initiate changes in those agencies that report to the Mayor/CAO, subject to approval by Council. (GS)

4.02 (d) Under consideration (1-11):

Removing language that Council approves the "titles, qualifications, powers, duties of all officers and employees." (This power would instead rest with the CAO; Council would retain authority to approve the overall compensation of employees.) (GS)

4.04. City Clerk	No changes considered
4.05. Induction of members	No changes considered
4.06 Rules	Under consideration (1-12):
Adding language stating that Council shall follow Robert's Rules or another accepted order of parliamentary procedure, with a provision for temporarily setting aside the rules in specific, discrete instances by agreement of a super-majority. (WE)	
4.07. Voting	Under consideration (1-13):
Adding language to allow Council votes to be tallied by electronic means (WE)	
4.08 Ordinances, when required	No changes considered
4.09. Ordinances; form.	Under consideration (1-14):
Removing requirement for printed copy, except for one printed copy to be filed with the City Clerk (DO)	
4.10. Procedures for passing ordinances	No changes considered
4.11. Emergency ordinances	No changes considered.
4.12 (Repealed)	
4.13. Record and Publication of Ordinances	No changes considered
4.14. Appointments and Removals	No changes considered
4.15. Removal of members boards and commissions	
(a)	No changes considered
(b)	Under consideration (1-15):
Removing "marijuana and controlled substances" as grounds for removal. (WE)	
4.16. Powers of investigation	Under consideration (1-16):
Adding general statement that the council has investigation powers provided by general law in addition to those stated (DO)	
4.17. City Attorney	
See Chapter Two of this document	
4.18. City Auditor	No changes considered
4.19. Inspector General	No changes considered

Chapter Five. Mayor and Chief Administrative Officer

See Chapters Two and Three

Chapter 5A. Administration

5A.01. Creation of Departments Under consideration (1-17):

Alter language to clarify that only the Mayor/CAO may initiate action to establish or abolish departments that report to the Mayor/CAO, subject to Council (parallels item 1-10 above)

5A.02. Responsibility of Department Heads No changes considered

5A.03. Personnel rules and regulations Under consideration (1-18):

Adding specific categories of protected persons now covered by state code including sexuality, gender identity, military status, childbirth and pregnancy status, and language clarifying these protections will remain in place in the city regardless of any future action by the General Assembly to remove one or more protected categories. (WE, DO)

5B. Retirement system Under consideration (1-19):

Adjust membership of board language to read "The Council shall appoint Board of Trustee members, at least two of whom shall be employees or retirees who are participants of the retirement system. The majority of the Board of Trustees shall be independent and not a member of the Richmond Retirement System." (DO)

6. Budget

Overall: See Chapter Two and Budget Process memorandum

6.15.3. School Modernization Under consideration (1-20):

Remove as relevant provisions have expired

7B. Borrowing No changes considered

8. Financial Administration No changes considered

9-12. Repealed

13. Utilities No changes considered except 13.06

13.06 Utilities as separate enterprise Under consideration (1-21):

Remove and shift language to city code (Chapter 2 or 28), as per administration recommendation. A parallel item also under consideration is removing 6.13 (concerning utilities) from the Budget chapter, as per administration recommendation. (GS)

14-16. Repealed

17. Planning Under consideration (1-22):

Overarching proposal under consideration for Chapter 17: Replacing overall chapter with more general language on model of Norfolk or Virginia Beach, while retaining distinctive provisions Richmond may wish to keep, including the unique membership structure of the Planning Commission (17.02), special use permitting power (17.11b), and potentially others. (WE)

More specific items in Chapter 17 under consideration:

17.06 Adoption of Master Plan Under consideration (1-23):
Allowing Council to directly amend the master plan, as per comments to the Commission received from the general public

17.16(a) Board of Zoning Appeals Under consideration (1-24):
Adding term limits to the Board of Zoning Appeals, as per comments to the Commission received from the general public

18. Acquisition of Properties for Public Purpose

18.01 Acquisition and use of property No changes considered

18.02. Eminent Domain No changes considered

18.03 Alternative procedures in condemnation Under consideration (1-25):
Adding language bringing processes related to condemned property into conformity with state code (WE)

18.04 Enhancement in value when considered No changes considered

18.05 Unclaimed Funds in condemnation cases No changes considered

19 Repealed

20. Miscellaneous Provisions

20.01 School Board No changes considered

See Chapter Three, note 12, for implications of potential shifts in Council composition on School Board

20.10 Courtrooms Under consideration (1-26):
Removal as provision duplicates general law (WE)

20.11 Posting bonds unnecessary Under consideration (1-27):
Removal as provision duplicates general law (WE)

21. Transitional Provisions No changes considered

Chapter Two: Adjustments to the Mayor-Council Form of Government

The Governance Subcommittee was initially charged with developing distinct scenarios for a) strengthening the position of Mayor and b) strengthening the role of City Council within the Mayor-Council form of government. After deliberation, the Subcommittee concluded that there is a pathway to achieving *both* goals simultaneously: strengthening the ability of the Mayor to in fact as “Chief Executive Officer” of the City, while also meaningfully and substantially strengthening the capacity of City Council to act as the City’s “governing body.”

These proposals are grouped into six categories: Mayoral Executive Power; the City Attorney’s Office; Hiring and Dismissal of the Chief Administrative Officer; Budget Process; Compensation; and Public Deliberation and Communication.

A. Strengthening ability of Mayor to act as hands-on executive

The City Charter states that the Mayor is the “chief executive officer of the city” with responsibility for the “proper administration of city government.” (5.01) But the charter provides few tools to the Mayor for exercising this responsibility. Instead, responsibility for day-to-day administration of city government rests with the chief administrative officer, who has sole ability to hire and fire directors or to give directives to employees.

Proposal under consideration:

- 2-1.** Explicitly state that the Mayor shall have the power to appoint or dismiss department heads, or to delegate such authority to the Chief Administrative Officer. (Sections 5.02 and 5.03 would be modified).

Note: this revision allows but does not require the Mayor to take more hands-on responsibility for the operations of city government, while continuing to respect the professional prerogatives of agency directors and top administrators. Currently the only tool the Mayor has to exercise this responsibility is to hire and dismiss the CAO. The CAO in practice has considerable autonomy in the administration of government, since replacing a CAO is not a costless action for the Mayor.

This reality sits in tension with the intent of the Mayor-Council system, to empower an elected Mayor to give direction to the work of city government. (The Council-Manager form of government, by contrast, explicitly prioritizes the professional expertise of the city manager/chief administrative officer over that of elected officials with respect to the day-to-day management of government operations.)

Adopting this provision would also give Mayors multiple pathways to lead. A greater explicit say in personnel could allow a more hands-on Mayor to more easily assemble a leadership team in the agencies committed to his or her vision of the city. Conversely, a Mayor may opt instead to empower the CAO to take responsibility for personnel decisions; but this provision would also allow such a Mayor to directly intervene on occasion when warranted. The provision also would make clear that ultimate responsibility for the functioning of the administration lies with the Mayor.

Textbook theories of the Mayor-CAO model (including the National Civic League’s Model Charter, which treats the Mayor/CAO model as a second-best alternative to Council-Manager systems) envision a CAO who is politically insulated from the Mayor. Experience suggests this

may not be a reasonable expectation in a city the size of Richmond. Issues or problems within the agencies are often perceived as reflecting directly upon the Mayor's leadership. Hence, a provision of this kind that allows the Mayor's actual powers to match public perception of his or her powers may be appropriate to Richmond's circumstances.

Further, it is worth noting that this shift is relatively modest. The charter already confers on the Mayor the right to "participate" in personnel decisions related to agency heads, a right that is regularly exercised. Clearly stating that the Mayor has the right to make hiring/firing decisions at the agency head level would make clear where ultimate authority and responsibility lies, even if the Mayor elects to delegate this authority some, most, or all of the time to the CAO.

B. Altering the structure of the City Attorney's office

Under current interpretation of the Charter (see Chapter 4.17), the City Attorney represents the City of Richmond as an entity, and regards the Mayor, Chief Administrative Officer and City Council as its "constituents." **This should be stated explicitly in the charter.** This positionality in effect gives the City Attorney a policy role in the event of conflicting perspectives between the Mayor and the City Council. The fact that the City Attorney is appointed by the Council, but does the majority of its work in service of the administration, is also potentially problematic.

Proposals Under Consideration:

- 2-2.** Allow the Mayor, with the input of City Council, to directly hire a City Attorney (or Law Department Head) with responsibility for a) supporting the day-to-day execution and operations of city government and b) providing legal advice to the Mayor, Chief Administrative Officer, directors, and city employees more generally. (As currently, each of these officers and employees would be considered "constituents," and the City of Richmond the "client" of the City Attorney or Law Department.)
- 2-3.** Allow City Council to hire a City Council Attorney with responsibility for a) oversight of the legislative process (including preparation of Ordinances and Resolutions, clarification of legal procedures during City Council meetings) and b) providing legal advice to City Council as a constituent of the City. The City Attorney and the City Council Attorney would be expected to work together professionally and seek to amicably resolve disputes and differences of opinion and interpretation wherever possible.
- 2-4.** Establishing a process for adjudicating disagreement between the City Attorney (or Law Department Head) and the City Council Attorney. In one possible structure, the City Attorney would be considered to be the authoritative interpreter of municipal law, with City Council retaining the right to obtain outside counsel to challenge legal opinions with which it disagrees. In another possible structure, an in-house arbiter jointly

designated by the Mayor and City Council would adjudicate conflicting legal opinions regarding state and municipal law between the Administration and Council's respective attorneys.

The sum result of these steps would be: a City Council Attorney who handles the legislative process and Council meetings, and a City Attorney (or Law Department Head) who handles administration business and provides legal advice on proposed actions undertaken by the City administration. Maintaining the status quo is also an option although we recommend clarifying the role of the City Attorney's office in that case, as noted above.

C. Adjusting the Hiring and Removal Process for the Chief Administrative Officer

Background: Commission conversations with stakeholders established a widespread concern that the Mayor-Council system is structured to be excessively adversarial. Some stakeholders also expressed concern that because the CAO is hired and may be fired by the Mayor, City Council members have little leverage over the actions of the administration, including implementation of policies adopted or endorsed by Council. To gain sufficient leverage on problems or concerns to result in action, Council members may have to turn to the media or to outside groups to publicize concerns that might be more easily addressed through more frequent communication and cooperation.

The proposals below marked as "Alternative B" offer one strategy for redressing this issue, by redefining the ways in which the Chief Administrative Officer (and Interim Chief Administrative Officer) is hired and can be removed. ("Alternative A" leaves existing language unchanged.) The intent of this redefinition is to reflect the reality that the Chief Administrative Officer and City Council routinely work together, and that this work goes better when there is recognition of a shared interest in the city's success. City Council members depend on the CAO to report on progress and to solve problems; the responsiveness and overall relationship between the administration and Council significantly impacts Council members' ability to be effective representatives of their constituents as well as effective members of the governing body.

These proposals give City Council an explicit but subordinate role in the hiring of the Chief Administrative Officer, and under some circumstances a role in the removal of the Chief Administrative Officer. With one exception, final decision-making power remains with the Mayor. This final power is in fact decisive to the maintenance of the Mayor-Council form of government.

Taken together, it is the intention of these proposals to incentivize a stronger partnership between the administration and City Council. The Mayor remains the lead actor and the Chief Executive Officer of the city, but the role of City Council as the governing body and a key partner in the day-to-day work of city government is more explicitly recognized.

Proposal Under Consideration:

2-5. Hiring of the Chief Administrative Officer

Alternative A.

Keep existing charter language that the Mayor appoints the CAO, with consent of Council, unchanged.

Alternative B.

In the event of a vacancy in the CAO role, the Mayor shall designate a qualified individual who currently serves or previously has served on a permanent appointment as a member of the City of Richmond's senior executive group as currently defined by City Code (22-317k), or a qualified individual who has served as a permanent CAO, City Manager, or County Manager in another locality in the United States, as the Interim CAO for a maximum length of six months. (The senior executive group consists of the CAO, DCAOs, and agency heads, including those reporting to the CAO and to City Council, as well as the Chiefs of Staff of the Mayor's Office, City Council, and the Office of the Chief Administrative Officer, and several other specified positions.)

The Mayor shall present the qualifications of the nominee to City Council in an open meeting, and members of City Council shall have the opportunity to ask questions and receive answers from the nominee prior to a confirmation vote. The Mayor's selection for Interim CAO must be confirmed by Council on a majority vote. In the event the Mayor's selection for Interim CAO is not confirmed, the Mayor must bring forward an alternative Interim CAO candidate meeting the above qualifications within three working days.

To fill the position of permanent Chief Administrative Officer, the Mayor shall form and lead a Search Committee, to include the City Council President or another member of City Council designated by the President. The committee shall cause the position to be advertised in appropriate national outlets according to industry standards as verified by the Director of Human Resources and publicly documented. The position shall be publicly advertised for a minimum of one month.

No later than six months after the confirmation of the interim CAO, the Search Committee shall provide the names and credentials of at least two candidates to City Council in closed session. (The requirements of eligibility for appointment as Interim CAO do not apply to the permanent position.) The closed session may include in-person or video interviews with the candidates, but this is not required. City Council members shall have the opportunity to convey feedback on candidates to the Search Committee.

Within five days of this closed session meeting of City Council, the Mayor shall designate a candidate as the preferred nominee for permanent CAO, or refer additional candidates to Council for feedback (repeating the step noted above).

Once a nomination has been made, the Mayor shall present the qualifications of the nominee to City Council in an open meeting, and members of City Council shall have the opportunity to ask questions and receive answers from the nominee prior to a confirmation vote. The Mayor's selection for permanent Chief Administrative Officer must be confirmed by City Council with a minimum of six positive votes required for confirmation.

In the event the Mayor's nomination is rejected, the Mayor may elect to bring forward any other applicant as an alternative nominee, or may elect to restart the search process. In the event the search process is restarted, the Interim CAO shall be eligible to serve in the role a further six months. No single individual may serve as the Interim CAO for more than twelve months consecutively.

Note: The intent of option B is to a) provide City Council a strengthened role in the selection of the CAO and b) set limits on who may be appointed Interim CAO and how long an individual may serve in that capacity.

Proposal Under Consideration

2-6. Removal of Chief Administrative Officer

Mayor-initiated

Alternative A.

Retain current language that the CAO serves at the pleasure of the Mayor.

Alternative B.

The Mayor may request the resignation of the Chief Administrative Officer at any time. In the event the Chief Administrative Officer refuses to resign, the following procedures for involuntary separation will be followed:

Upon election or re-election to the office of Mayor, in the first six months of the new term the Mayor may terminate the employment of the sitting Chief Administrative Officer without giving cause and without consulting City Council.

In the first six months of a Chief Administrative Officer's tenure, the Mayor may terminate the employment of the sitting Chief Administrative Officer without giving cause and without consulting City Council.

After a Chief Administrative Officer has served six months, the Mayor may initiate the termination of the Chief Administrative Officer by notifying the City Council President of intent to do so. The City Council President may call a emergency meeting to consider the matter in closed session, or may

within two business days notify the Mayor in writing that no meeting will be called. If no meeting is called, the Mayor may proceed with the action to terminate employment of the CAO. If the meeting is called, the Mayor shall attend the meeting and participate in the closed session. City Council members shall have the right to provide feedback and to ask questions of the Mayor concerning the proposed termination, which the Mayor may agree or decline to answer at his or her discretion. Upon completion of the closed session, the Mayor may opt to move forward with termination.

Note: This language creates a requirement in some circumstances for the Mayor to consult with City Council prior to an involuntary separation with the CAO. It does not constrain the authority of the Mayor to terminate the CAO's contract.

Council-initiated

City Council shall have the right once per calendar year to consider a motion of no-confidence in the performance of the Chief Administrative Officer. Such a motion shall require a total of five sponsors to move to consideration by full Council. Once such a resolution is introduced and read at a City Council meeting, the vote must take place at a subsequent meeting within 3-10 working days. A motion of no-confidence requires seven affirmative votes to pass. The effect of such a vote shall be to remove the Chief Administrative Officer from the position, taking effect on the last business day of the week in which the motion is adopted. If a motion of no-confidence fails, such a motion cannot be refiled until the next calendar year.

Note: This proposal provides an avenue by which a strong super-majority of Council members could act to remove the Chief Administrative Officer, without involvement of the Mayor. The Governance Subcommittee believes that invocation of this power would be exceedingly rare, as most imaginable circumstances where 7 of 9 Council members publicly endorsed removal would already have led to mayoral termination or to a resignation of the CAO. The proposed clause should be understood as placing an outer boundary to protect the interests of the city and its citizens in the case of gross incompetence or negligence attributed to the CAO which the Mayor declines to address or correct. An example of a Mayor-Council city that provides an analogous power to its City Council is [Columbus, Georgia](#).

D. Budget Process

The Commission has heard considerable concern about the budget process, specifically the fact that only the Mayor can introduce a budget amendment during the fiscal year. Conversely, the Commission has also heard the desire to provide the administration more flexibility to move funds in response to changing conditions. These proposed steps seek to address those issues.

Proposals Under Consideration

2.7. The Chief Administrative Officer is to develop the annual budget under the direction of the Mayor. City Council shall have the 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. City Council shall have access to the budget requests submitted by each agency to the Mayor and the Office of Budget and Strategic Planning seven days prior to this meeting.

2.8. City Council shall have the power to initiate amendments to the adopted budget twice during the fiscal year: in the first scheduled meeting of October and at the first scheduled meeting of January. The net fiscal effects of proposed amendments must be neutral. Five affirmative votes are needed to adopt the proposed amendments. Budget amendments shall not be combined with non-budget legislative items. The Mayor shall have line item veto power on Council-initiated budget amendments. (The net fiscal effect of the proposed amendments after the line item veto must be neutral.) Six affirmative votes shall be required to override such vetoes.

2.9. 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 fiscal year without further Council action, with the exception that no more than 50% of this fund may be re-assigned 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.

Note: The purpose of item 2-7 is to allow Council to see the full scope of need expressed by the City agencies as well as to provide up-front public input to the Mayor prior to the development of the annual budget. The purpose of item 2-8 is to give City Council limited opportunity to initiate a budget amendment in response to changed circumstances or in the event funds designated for a purpose are not being utilized as intended. The purpose of item 2-9 is to allow the administration to supplement department budgets in response to shifting circumstances at its discretion, to a modest degree, without requiring a prior council amendment. The Commission may consider additional adjustments to Chapter 6 (Budget) for clarity and drawing on a draft memorandum prepared by Commission member Mr. Bill Echelberger (BPM).

E. Increasing Compensation for Elected Officials

Mayoral Compensation

The Charter describes the Mayor as the “Chief Executive Officer” for the City. Yet the Mayor’s compensation is actually less than that of the Chief Administrative Officer, and that of the majority of Deputy Chief Administrative Officers and Directors that the Mayor is to lead and direct.

Obviously, comparison to CEO roles of comparative size and complexity in the private sector is inappropriate. But we believe a significant pay increase to assure that the Mayor is better compensated both makes sense from an organizational perspective and would potentially increase the pool of talented individuals with executive-level experience willing to seek the office.

The Charter currently states that the salary of the Mayor is set by City Council.

Proposal Under Consideration:

2.10. Altering the Charter to stipulate that the salary of a new Mayor upon beginning his or her term of office shall be set by Council shall be equivalent to or greater than the mid-range salary of the five highest-paid city executive officials (excluding constitutional officers) in the last full fiscal year of the previous mayoral term. This salary shall remain flat for the entire tenure of a mayor's term of office (including, if re-elected, a second term) except by positive vote of 7 members of City Council.

Context: In 2021, the average salary for the top five city executives was reported to be approximately \$200,000, while the salary for the Mayor was \$125,000, plus benefits.

Increasing Compensation for City Council

The current low pay for service on City Council inhibits the ability of Council collectively to act as the City's governing body and to hold the city administration meaningfully accountable, in two ways: the current pay scale impacts the pool of eligible residents willing to run for office and serve, and it inhibits the time available for Council service for members to devote to the role as opposed to earning additional money in other paid employment.

Proposal Under Consideration

2.11. It is proposed the Charter set Council pay as equivalent to the median household income for the City of Richmond (currently approximately \$55,000).

Note: State code <https://law.lis.virginia.gov/vacode/15.2-1414.5/> appears to permit a city in its charter to authorize higher salaries for members of City Council than those set forth in <https://law.lis.virginia.gov/vacode/title15.2/chapter14/section15.2-1414.6/>, but the Commission will seek additional counsel or a legal opinion on this question if it is part of the final recommendations.

F. Public Deliberation and Communication

A striking feature of the current governance structure is that the Mayor and City Council are rarely seen engaging in public deliberation about policy matters or the general functioning of government. It may be worth considering a requirement that the Mayor appear at Council meetings on a monthly basis to give a short update on the overall functioning of the City and to answer questions from Council, or a similar mechanism to establish regular, publicly viewed communication and deliberation amongst the city's elected leaders.

Proposal Under Consideration

2-12. The Mayor will be required to attend one regular meeting of City Council per month (August excluded) to provide a short update either on the city's progress overall or on a designated topic, and to answer questions from Council members pertinent to the Mayor's presentation. All Council members shall have the opportunity to ask (or decline to ask) a question (with a follow-up). After all Council members have had the opportunity to ask a question and a follow-up, the Council President shall bring this part of the agenda to a close unless the Mayor agrees to respond to additional questions. The Council President shall also have discretion to set a time limit on this agenda item in any given meeting.

Final Notes for Chapter Two

1. The proposals in this chapter are to a considerable degree independent of one another and hence the Commission seeks feedback on each item. The Commission however also encourages stakeholders to consider these ideas as a package and their cumulative impact on the functioning of the Mayor-Council form of government.
2. It should be noted that the Commission is also considering recommending *staggered council terms (2-13)* to increase stability in the governing body and give city voters the opportunity every two years to provide feedback on the direction and performance of city government through the electoral process. While staggered terms are a feature of the proposal described in Chapter Three, they could also be adopted within the existing Mayor-Council structure.

Chapter Three: Defining a Council-Manager Option for Richmond

Part One: General Form of a Council-Manager Structure

The Electoral Subcommittee has developed a recommendation for a Council-Manager structure in Richmond city government, to include an elected Mayor. 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;¹
- The history of the City’s governmental structure, including Charter changes and the reasons for those changes;²
- Stakeholders’ viewpoints expressed during Commission meetings and interviews;³
- Public comments expressed during Commission meetings;⁴
- The Model City Charter published by the National Civic League, and associated analysis;⁵
- Analysis from the International City/Council Managers Association;⁶

¹ The Commission spent several meetings reviewing key provisions of the Charter with additional commentary and advice from the City Attorney’s Office.

² 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.

³ 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.

⁴ The Commission received public comment at several meetings, and the Subcommittee reiterates its appreciation for this input.

⁵ “Model City Charter” refers to *Model City Charter*, National Civic League (9th ed. 2021). The Model City Charter is attached as Appendix 2.

⁶ Including *Key Roles in Council-Manager Government*, International City/County Management Association. This publication is attached as Appendix 3.

- Scholarly research on different structures of city government;⁷
- The 2011 Mayor’s Redistricting Advisory Committee Final Report;⁸
- Data about city council composition and method of electing city council and mayors for Virginia cities;⁹
- 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),¹⁰ and
- Input from the full Commission during the Subcommittee’s initial report.¹¹

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 of SUBCOMMITTEE REPORT

“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

⁷ 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.

⁸ Attached as Appendix 6.

⁹ Attached as Appendix 7.

¹⁰ Attached as Appendix 8.

¹¹ The Electoral Subcommittee’s initial progress report was presented to the Commission on April 20, 2023.

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.
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.)

PROPOSAL FOR CONSIDERATION (3.1)

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. By including the Mayor as part of City Council, the City would retain the additional public representation recognized by the City as a need in 2005, while also eliminating 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.

(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.)

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, which is to ensure that that the Mayor’s compensation is comparable to the highest paid City employees.

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.

Protecting minority voting power remains a paramount concern as Richmond continues to evolve as a local model of inclusive multiracial democracy. However, significant demographic shifts in the city over the past twenty 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. The Subcommittee also notes that a change of this magnitude would need to undergo thorough legal and public scrutiny as per relevant state and federal laws concerning voting rights.

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.

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 for the management 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.
- 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 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.)

Because the Mayor should become a member of City Council, the Subcommittee decided that doing nothing with size is untenable because City Council would have 10 votes (9 Council Members each representing a district, plus 1 Mayor). The Subcommittee sees no benefit in adding another seat so that City Council has 11 votes. To strip the Mayor of a vote on City Council would be to improperly render the office ineffective for the City’s goals in having a Mayor. For these reasons, the Subcommittee recommends reducing the size of City Council to achieve an odd-number of votes on City Council.

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.

Again, the Subcommittee recognizes that a change of this magnitude would be subject to extensive public and legal review in accordance with relevant state and federal laws.

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 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 of Richmond.

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 it has the same problems as a ceremonial Mayor.

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 again 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.

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.

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.

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. This section reviews additional options considered by the Subcommittee and the reasoning behind its recommendation.

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 meaningful 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 members 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.

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

The Commission looks forward to feedback from stakeholders and the wider public on the Subcommittee's recommendation. If this recommendation is part of the Commission's final report, the report will delineate procedural steps to be taken to potentially bring this idea forward for an advisory referendum at a future date.¹²

The Commission welcomes comment, feedback, and questions to be addressed concerning the ideas in this document. Comment from stakeholders is requested by Wednesday June 28, close of business, so they can be fully considered by the Commission prior to finalizing its recommendations.¹³

¹² One of those steps would include engagement with Richmond School Board, as a change in the number of Council districts would require adjustments to 20.01 concerning the composition of the elected School Board.

¹³Appendix materials (except Appendix 5) cited in this memorandum will be made available via the Charter Review website. Published scholarly articles referenced in Appendix 5 include Nelson Wikstrom, "Richmond: Implementation of and Experience With Strong-Mayor form of Government," in James H. Svara and Douglas J. Watson, *More Than Mayor or Manager: Campaigns to Change Form of Government in America's Large Cities*. (Georgetown University Press, 2010); Clarence N. Stone, "Political Leadership in Urban Politics," in Marion Orr and Valerie Johnson, eds., *Power in the City* (University Press of Kansas, 2008); Annika Marlen Hinze and Dennis R. Judd, *City Politics: Cities and Suburbs in 21st Century America*, 11th edition, (Routledge Press, 2023).