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HOUSE BILL NO. 763

Offered January 13, 2010

Prefiled January 12, 2010

A BILL to amend and reenact §§ 4.02, 5.03, 5B.01, 5.05, and 13.11, as severally amended, of Chapter 116 of the Acts of Assembly of 1948, which provided a charter for the City of Richmond, relating to the powers of city council, the powers of the mayor, the City's retirement system, and stormwater utilities.

Patrons—McClellan, Carr, McQuinn, O'Bannon and Ward

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.02, 5.03, 5B.01, 5.05, and 13.11, as severally amended, of Chapter 116 of the Acts of Assembly of 1948 are amended and reenacted as follows:

§ 4.02. Powers.

All powers vested in the city shall be exercised by the council except as otherwise provided in this charter. In addition to the foregoing, the council shall have the following powers:

(a) To provide for the organization, conduct and operation of all departments, bureaus, divisions, boards, commissions, offices and agencies of the city.

(b) To create, alter or abolish departments, bureaus, divisions, boards, commissions, offices and agencies other than those specifically established by this charter.

(c) To create, alter or abolish and to assign and reassign to departments, all bureaus, divisions, offices and agencies except where such bureaus, divisions, offices or agencies are specifically assigned by this charter.

(d) To provide for the titles, qualifications, powers, duties and compensation of all officers and employees of the city, subject in the case of members of the classified service to the provisions of § 5A.03 of this charter.

(e) To provide for the form of oaths and the amount and condition of surety bonds to be required of certain officers and employees of the city.

(f) *To provide for the appointment and removal by the council or otherwise of such officers and employees as the council may require for the purpose of assisting the council in discharging its legislative, oversight and constituent relations functions, as well as any officers or employees whom the council is authorized to appoint and remove pursuant to this charter or other applicable laws of the Commonwealth.*

§ 5.03. Involvement of mayor and council in appointment and removals.

The mayor may participate in the hiring and removal of heads of ~~city~~ administrative departments. The mayor and members of council may (i) communicate publicly or privately their approval or disapproval of the performance of any particular city employee, (ii) recommend persons to the chief administrative officer for consideration for hiring or promotion, or (iii) request of the chief administrative officer that he remove or take other disciplinary action against any particular city employee, as they may see fit. Ultimate responsibility for hiring, removal and other personnel decisions relating to administrative personnel, and for the directing of ~~city~~ administrative personnel, shall reside in the chief administrative officer, unless expressly provided otherwise in this charter. Except for the purpose of inquiry, the mayor, council and its members shall deal with the administrative services solely through the chief administrative officer, and neither the mayor, council nor any member thereof shall give orders either publicly or privately to any subordinate of the chief administrative officer.

§ 5B.01. Retirement system established.

The retirement system for the city employees hitherto established by ordinance shall continue in force and effect subject to the right of the council to amend or repeal the same as set forth in such ordinance. From and after July 1, 1978, the Board of Trustees of the Richmond Retirement System shall consist of seven members for terms of three years. Any vacancy shall be filled for the unexpired portion of the term. The mayor shall appoint two members; the council shall appoint five members, at least two of whom shall be members of the classified service. Such members of the Board of Trustees of the Richmond Retirement System shall have the responsibility of the supervision of the administration of the retirement plan, the determination of eligibility for the receipt of retirement benefits, the award of retirement benefits as authorized by ordinance of the City of Richmond, and such other duties as have heretofore been exercised by the Board of Trustees of the Richmond Retirement System other than fiduciary responsibilities concerning the management, control and investment of the financial resources

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59 of the Richmond Retirement System. The council of the City of Richmond may appoint and employ a
60 corporation, vested with fiduciary powers under either the laws of the United States or the
61 Commonwealth of Virginia, to be responsible for the investment of the funds of the Richmond
62 Retirement System, which funds shall include any securities which may now or hereafter be part of the
63 assets of such Richmond Retirement System. The director of finance shall be the disbursing officer for
64 the payment of benefits awarded by the trustees of the Richmond Retirement System and as such shall
65 perform such duties as may be required of ~~him/her~~ *the director of finance* by ordinance but shall receive
66 no additional compensation on account of such duties. *To administer the retirement plan, the council*
67 *may provide for an executive director to be appointed, supervised and removed by the Board of Trustees*
68 *of the Richmond Retirement System and for employees to be appointed, supervised and removed by the*
69 *executive director.*

70 § 5.05. General duties; mayor.

71 It shall be the duty of the mayor to:

72 (a) Attend, or appoint a designee empowered to answer questions and make recommendations on
73 behalf of the mayor to attend, all meetings of the council with the right to speak but not to vote; the
74 mayor or his designee shall have the right to attend a closed meeting pursuant to § 2.2-3711 of the Code
75 of Virginia, unless the council determines that the subject matter of the closed meeting includes the
76 office of the mayor and that inclusion of the mayor or his designee shall be detrimental to the purpose
77 of the council's deliberations; (b) Keep the council advised of the financial condition and the future
78 needs of the city and of all matters pertaining to its proper administration, and make such
79 recommendations as may seem to ~~him/her~~ *the mayor* desirable;

80 (c) Oversee preparation of and submit the annual budget to the council as provided in Chapter 6 of
81 this charter;

82 (d) Perform such other duties as may be prescribed by this charter or which may be required of the
83 chief executive officer of a city by the general laws of the Commonwealth, or by ordinances adopted by
84 the council, provided that the mayor shall have the power to veto any city ordinance ~~imposing such~~
85 ~~duties on him; the chief administrative officer or any department head appointed by the chief~~
86 ~~administrative officer;~~ by written notice of veto delivered to the city clerk within 14 calendar days of
87 council's actions, subject to override thereafter by the council with a vote of six or more of the currently
88 filled seats on council at any regular or special meeting held within 14 calendar days of the clerk's
89 receipt of the notice of veto; ~~however, the appointment of members of a redevelopment and housing~~
90 ~~authority in the city shall be made by the council;~~ and

91 (e) Issue such regulations as may be necessary in order to implement ~~his/her~~ *the mayor's* duties and
92 powers.

93 § 13.11. Implementation of stormwater utility.

94 The stormwater utility shall be implemented by ordinance, and shall be effective as of the effective
95 date of that ordinance. Notwithstanding other provisions of this charter, the stormwater utility program
96 may be administered by either the Department of Public Works or the Department of Public Utilities.
97 Stormwater utility charges shall be assessed to all property owners and shall be based upon their
98 contributions to stormwater runoff. Procedures and guidelines may be established to provide *for full or*
99 ~~partial credits for effective stormwater management mitigation or remediation actions undertaken for~~
100 ~~nonresidential properties waivers of charges to any person who develops, redevelops, or retrofits~~
101 ~~outfalls, discharges or property so that there is a permanent reduction in post-development stormwater~~
102 ~~flow and pollutant loading.~~ Federal and state government agencies shall receive a full waiver of
103 stormwater utility charges when the agency owns and provides for maintenance of storm drainage and
104 stormwater control facilities. If stormwater utility charges are not paid when due, interest thereon shall at
105 that time accrue at the rate determined by council, not to exceed any maximum allowed by law. The
106 city may collect charges and interest by action at law or suit in equity, and such unpaid charges and
107 interest shall constitute a lien against the property, of equal stature with liens for unpaid real estate
108 taxes.

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