

Richmond City Charter Review Commission FAQ (Finalized, 6-9-23)

1. What is the Richmond City Charter Review Commission?

The City Charter Review Commission is a citizen body established by Richmond City Council in 2022 for the purpose of undertaking a comprehensive assessment of the City Charter for the City of Richmond and making advisory recommendations as to potential changes. The Commission works closely with City Council staff and is also supported by the City Attorney's office. The goal of the Commission is to perform the work assigned to it by [ordinance](#).

2. How were members of the Commission selected?

Commission members applied for appointment through the open application process used for City of Richmond boards and commissions. Upon recommendation of its Government Operations committee, City Council approved the selected members. Commission members are volunteers. The Commission met for the first time and elected officers in November 2022. The commission will expire upon submission of its final report to City Council on July 31, 2023.

3. What is the City Charter, and why does it matter?

The City Charter is the legal document by which the Commonwealth of Virginia establishes the existence, boundaries, powers, and organizational form of the City of Richmond. It can be thought of as the "constitution" of the City of Richmond, especially insofar as it establishes the composition, role and powers of different entities in city government, including the Mayor, Council, Chief Administrative Officer, and various other positions and agencies. Unlike City Code, which can be changed through acts of City Council, the City Charter can only be changed by an act of the Virginia General Assembly. The charter in effect establishes the overall rulebook by which city government functions.

4. How is Richmond's City Charter unique?

The current charter dates to 1948, but has had numerous amendments over the years. Two particularly far-reaching amendments were shifting from a City Council elected at-large to a Council elected from nine districts (1977), and the establishment in 2004 of a Mayor-Council form of government including an elected Mayor who acts as the city's chief executive officer, with power to hire (with Council consent) and dismiss the city's chief administrative officer. Richmond is the only locality in Virginia with this form of government. In other Virginia cities the mayor generally serves on and presides over Council, and the Council collectively appoints and dismisses a City Manager.

Richmond's method of electing the Mayor (by winning five of nine districts rather than by direct popular vote), adopted to protect minority voting power, is also unique in Virginia. For additional historical context, see these [framing comments](#) shared by the Commission chair at the May 23 public meeting.

5. Why establish this Commission now?

The ordinance establishing the commission noted that since the establishment of the Mayor-Council form of government in 2004, no comprehensive assessment of the Charter as a whole has been undertaken. This Commission is charged with undertaking that review, to include

“a. The resolution of ambiguities and conflicts; b. The correction of clerical and grammatical errors; c. The removal of outdated or otherwise inapplicable text; d. Any clarifications or changes to the definition and delineation of the authority of the Council, the Mayor, and the Chief Administrative Officer; e. Any other clarifications or changes pertaining to the City’s current form of government, including, but by no means limited to, whether the Council should have staggered terms or how to address any issues with the legal representation of the City; 5 f. The enactment of amendments to general laws that would benefit the City; and g. Proposed text for the legislation needed to effectuate the Commission’s recommendations.”

The establishment of the Commission can be understood as an opportunity to take stock of the strengths and challenges of the existing charter and consider whether amendments to it may be advantageous to the City and its residents. Broadly speaking, the Commission understands its purpose as making recommendations that seem likely to improve city government as a democratic body responsive to popular will as well as to improve the functioning of city government as an organization, thereby better allowing it to meet the needs of all Richmond residents.

6. How has the Charter Review Commission organized its work?

In its initial meetings (November and December 2022), the Commission reviewed its charge as established by ordinance, reviewed the history of the charter, and established a work plan. A key feature of that work plan was to develop and present *multiple* options for charter reform for public feedback prior to the adoption of Commission recommendations, consistent with the ordinance’s requirement for soliciting public participation as part of its work.

Beginning at its January meeting, the Commission conducted a shared public reading of the text of the charter, including discussion of key elements. In January and February, two members of the commission (Mr. Kyle Elliott and Mr. Travis Gunn) conducted a series of interviews with stakeholders regarding the Charter, including the Mayor, the CAO, current City Council members, the City Attorney, and past officials, and prepared a summary of themes voiced in those interviews. The Commission also conducted a comparative review of Richmond’s form of government compared to other independent cities in Virginia as well as cities outside Virginia.

The Commission then moved to establish two subcommittees to develop options for reform, on two separate tracks: a **Governance Subcommittee** charged with suggesting reforms within the current Mayor-Council form of government and current electoral arrangements; and an **Electoral Subcommittee** charged with developing for consideration an option for changing to a Council-Manager system of government to include a directly elected Mayor.

The Commission subsequently established a **Document Optimization** subcommittee to look at other issues related to the language of the charter not covered by the other Subcommittees.

To assist in the work, the Commission has also been supported by outside professional research. In the spring, University of Virginia State and Local Government Policy Clinic prepared a literature review on the relative advantages and disadvantages of Mayor-Council compared to Council-Manager forms of government. In May 2023, municipal law expert Mr. Walter Erwin, Esq. prepared a memorandum identifying charter provisions that duplicate general law and hence may be unnecessary, as well commenting on several other key aspects of the Richmond charter.

7. What’s happening now?

On May 23, the Commission held a public hearing and shared out [preliminary options](#) developed by the Governance and Electoral Subcommittee meetings, for the purpose of garnering public feedback on ideas presented.

It's critically important to understand that those Subcommittees presented **two distinct options** for reform: one in which the Mayor continues as the chief executive officer of the City with responsibility for its administration (Mayor-Council) and the other in which a City Manager appointed by City Council has responsibility for its administration (Council-Manager). In the Council-Manager option brought forward by the Electoral Subcommittee, the elected Mayor would preside over Council and be a voting member, but would not have authority over the day-to-day work of the city administration. This is an extremely common structure in Virginia (and elsewhere).

In short, a Mayor may have responsibility for the city's administration or may be a member of City Council, but cannot play both roles at the same time. The ideas brought forward by the Governance Subcommittee are specific to the current Mayor-Council form of government, and the ideas brought forward by the Electoral Subcommittee are specific to a Council-Manager form of government.

The Commission continues to seek public feedback on the options presented as well as other public comments related to the charter. Additional public hearings are planned for June 15 and June 22.

The Commission will move to finalize its recommendations later in the summer ahead of the July 31st submission of its final report.

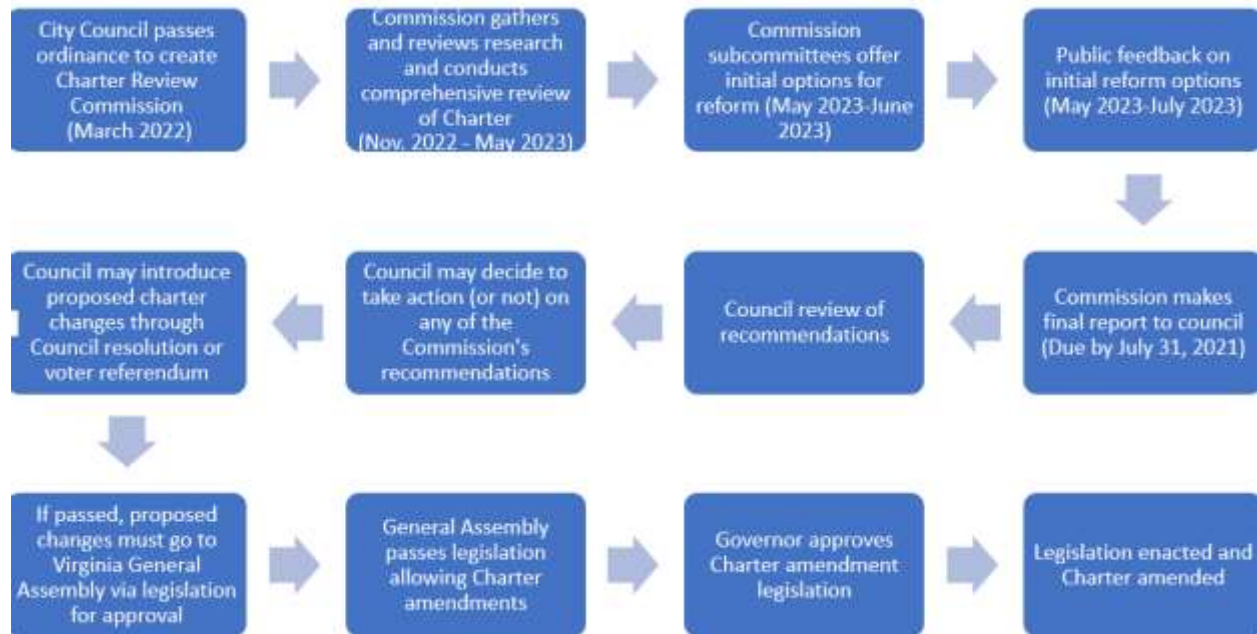
8. What happens after the Commission files its report?

The City Charter Review Commission is an advisory commission. Once it files its report, City Council may elect to act or not act on its recommendations, in sum or in part. (See diagram below.)

The final report will include some recommendations for charter revision that could be brought forward by City Council to the General Assembly in 2024. These likely will include both adjustments to the charter text to remove ambiguities or unnecessary language, and adjustments to the existing Mayor-Council form of government.

The Commission may or may not elect to make larger-scale recommendations pertaining to the city's form of government. It has been the working assumption of the Commission that any shift to a Council-Manager system, as well as any alteration in the number of Council districts or method of electing the Mayor, should be preceded by an advisory referendum. Because of the complexity of issues that would be involved in such a substantial shift, issues that would require time for further analysis and discussion, the Commission does **not** envision an advisory referendum in November 2023 as a byproduct of its report.

If consideration of changing the form of government is part of the Commission's recommendations, its final report will include an accounting of the various issues and questions to be addressed and recommended next steps for Council's consideration.



9. Could the Commission’s recommendations lead to a change in Richmond’s electoral processes? How can we be sure any such changes comply with state and federal laws to protect minority voting power?

As noted above, this is an advisory commission. As part of its work plan, the Commission has developed two distinct options for reform; and at Council’s request, it is also considering the specific issue of staggered Council terms.

- The reform option developed by the Governance Subcommittee involving adjustments to the current Mayor-Council system does not include changes to the nine-member Council or the current system in which mayors are elected by winning five of the nine districts.
- The reform option developed by the Electoral Subcommittee involves shifting to a Council-Manager form of government, to include an elected Mayor who serves on Council. This option would likely require alterations to the composition of Council, as it is not considered best practice to have a governing body with an even number of members (i.e. 9 + 1). The specific reform option brought forward by the Electoral Subcommittee for consideration envisions a seven-member Council to include six district representatives and one mayor elected-at large via a ranked choice voting procedure.

Any shift in city elections of this magnitude would require an extensive review process to assure compliance with relevant state and federal laws, especially compliance with voting rights laws. This issue has been discussed at many Commission meetings. The Commission has been legally advised that the City has the ability to consider changes to its methods of election provided it can show such changes are not being made for a racially discriminatory purpose and that the proposed changes would not dilute the voting strength of minority voters. Detailed work informed by both statistical analysis and

expertise in election law would need to be undertaken to assure that any shift to a new method of elections meets that legal standard.

Detailed work of that nature is beyond the scope of the current Commission. Indeed, other procedural steps beyond the scope of this Commission would likely need to be taken to effectuate a shift to a Council-Manager form of government. If such a shift is part of the Commission's final recommendation, it will outline those additional steps as well as general considerations relevant to them, for Council's ongoing consideration.

- Finally, the ordinance establishing the Commission specifically requests the Commission to consider the issue of staggered Council terms; that is shifting to a system in which one part of City Council stands for election in one year and the other part stands two years later. This could potentially be implemented within the parameters of the existing form of government and nine-district system. If the Commission recommends adoption of staggered terms, Council may elect to bring that recommendation to bring the change forward to the General Assembly in 2024. Such a change would also require legal review, but that would likely be a considerably less extensive process since no change in the districts would be involved.

10. How can the public participate in this process?

Several ways:

- a. The Commission in conjunction with City Council staff has launched a [survey](#) that will run until June 21st. Richmond residents are encouraged to take the survey, which contains a prompt for open-ended comments pertaining to the city charter.
- b. The Commission is planning two additional public hearings for June 15 and June 22 at 6 p.m., locations to be announced, that will include time for public comments.
- c. Members of the public may email the Commission with specific suggestions or observations at rv charterreview@gmail.com
- d. Members of the public may also find materials related to the charter review via the [City Council website](#)