

## **CITY OF RICHMOND**

### **DEPARTMENT OF PUBLIC UTILITIES**

**SUBJECT:** Public Notice, Comment, and Hearing Procedures for Rules and Regulations

**EFFECTIVE DATE:** [Date to be inserted]

**APPROVED BY:** \_\_\_\_\_ **Date:** \_\_\_\_\_

### **ARTICLE I. GENERAL PROVISIONS**

#### **Section 1.01. Title and Authority**

This policy shall be known and may be cited as the "Department of Public Utilities Public Notice, Comment, and Hearing Procedures" (hereinafter "Policy"). This Policy is promulgated to implement the requirements of Section 28-26 of the Code of the City of Richmond, Virginia (2020), as may be amended from time to time, and to establish comprehensive procedures for the adoption of rules and regulations by the Director of Public Utilities.

#### **Section 1.02. Statement of Purpose and Legislative Findings**

WHEREAS, Section 28-26 of the Richmond City Code vests the Director of Public Utilities with the power to make reasonable rules and regulations for the proper management, conduct, operation and control of the gas, wastewater, water, stormwater and electric utilities; and

WHEREAS, said section establishes specific procedural requirements including a minimum ten (10) day public notice period and mandatory public hearing for all rules and regulations; and

WHEREAS, the Department of Public Utilities receives various forms of federal financial assistance that may trigger additional procedural requirements under federal law; and

WHEREAS, the Department is committed to transparent governance and meaningful public participation in regulatory decision-making while maintaining efficient utility operations;

NOW, THEREFORE, the Director of Public Utilities hereby establishes these comprehensive procedures to govern the adoption, amendment, and implementation of all rules and regulations affecting utility services, ensuring full compliance with Richmond City Code Section 28-26 and all applicable legal requirements.

#### **Section 1.03. Scope and Applicability**

This Policy shall apply to all rules and regulations made by the Director pursuant to Richmond City Code Section 28-26.

#### **Section 1.04. Definitions**

For purposes of this Policy, the following definitions shall apply:

"Alteration or Amendment" means any modification, revision, or change to an existing rule or regulation that affects its substance, application, or enforcement.

"Convenient Form" means a format readily accessible to and understandable by the general public, including plain language summaries, visual aids where appropriate, and availability in alternative formats upon request.

"Director" means the Director of Public Utilities for the City of Richmond, or such person as may be designated to act in the Director's capacity.

"Director's Office" means the administrative offices of the Department of Public Utilities located at 730 East Broad Street, Richmond, Virginia 23219, or such other location as may be designated.

"Effective Date" means the date upon which a rule or regulation becomes enforceable, which shall be no sooner than ten (10) days after completion of all procedural requirements set forth in Richmond City Code Section 28-26.

"Federal Action" means any rule or regulation that involves federal funding, permits, or compliance requirements triggering additional procedural obligations under federal law.

"Interpretation Services" means the oral conversion of spoken communication from one language to another (verbal translation) and the visual-manual communication interpretation for individuals who are deaf or hard of hearing (sign language interpretation), provided to ensure equal access to public participation opportunities.

"Newspaper of General Circulation" means a newspaper meeting the requirements of Virginia Code Section 8.01-324 and regularly distributed within the City of Richmond.

"Public Hearing" means the formal proceeding required by Richmond City Code Section 28-26(a)(3) at which persons may appear and be heard for or against the adoption of a rule or regulation.

"Rule or Regulation" means any directive, standard, requirement, or procedure of general applicability adopted by the Director to govern utility operations, customer service, or public obligations.

### **ARTICLE II. PRE-ADOPTION PROCEDURES**

#### **Section 2.01. Development of Proposed Rules and Regulations**

(a) Initial Development. Before initiating the formal adoption process, the Director shall: 1. Identify the need for the proposed rule or regulation; 2. Conduct preliminary analysis of potential impacts; 3. Consult with affected Department divisions; 4. Consider alternatives to achieve desired objectives; 5. Prepare draft language in clear, understandable terms.

(b) Stakeholder Engagement. The Director may, in their discretion: 1. Convene an advisory or working group; 2. Conduct informal stakeholder meetings; 3. Solicit preliminary input from affected parties; 4. Coordinate with other City departments or agencies; 5. Request technical assistance from subject matter experts.

(c) Federal Compliance Review. For any rule or regulation potentially involving federal requirements, the Department shall: 1. Identify applicable federal laws and regulations; 2. Determine if enhanced procedural requirements apply; 3. Coordinate with federal agencies as necessary; 4. Document compliance with federal mandates.

## **Section 2.02. Preparation of Documents for Public Review**

(a) Required Documents. The Director shall prepare the following materials in convenient form: 1. Full Text of the proposed rule or regulation; 2. Plain Language Summary explaining the proposal in terms understandable to the general public; 3. Statement of Basis and Purpose including: - Legal authority for the action - Reasons necessitating the rule - Objectives to be achieved - Alternatives considered; 4. Impact Analysis addressing: - Effects on customers - Financial implications - Operational changes required - Environmental considerations; 5. Implementation Plan detailing: Proposed effective date - Transition procedures - Customer notification methods.

(b) Accessibility Requirements. All documents shall be: 1. Written in clear, concise language avoiding technical jargon; 2. Available in alternative formats upon request; 3. Translated into other languages when requested; 4. Compatible with screen readers and other assistive technologies.

## **ARTICLE III. PUBLIC NOTICE REQUIREMENTS**

### **Section 3.01. Timing and Duration of Notice**

In accordance with Richmond City Code Section 28-26(a)(2), the Director shall publish notice of the proposed rule or regulation and scheduled public hearing at least ten (10) days before the hearing date. However, to ensure meaningful public participation, the Department adopts the following enhanced notice periods:

(a) Standard Rules and Regulations: Minimum ten (10) days as required by Code;

(b) Federal Actions subject to federal notice requirements: Minimum thirty (30) days or as required by applicable federal law, whichever is greater.

### **Section 3.02. Content of Public Notice**

All public notices shall contain the following information:

- (a) Header clearly stating, "NOTICE OF PROPOSED RULE OR REGULATION" and "PUBLIC HEARING";
- (b) Identification of the Department of Public Utilities as the proposing agency;
- (c) Legal Authority citing Richmond City Code Section 28-26 and any other applicable provisions;
- (d) Public Inspection statement that the complete proposed rule or regulation is available for inspection at the Director's Office and online;
- (e) Hearing Information including: 1. Date, time, and location; 2. Purpose of the hearing; 3. Right to appear and be heard; 4. Procedures for requesting accommodations;
- (f) Contact Information for questions or additional information;

### **Section 3.03. Draft Text**

- a. "The Department of Public Utilities is proposing to adopt rules and regulations regarding [INSERT REGULATION NAME]. A description of the proposed action is available [DPU WEBPAGE]. The DPU Director will hold a hearing on DATE at TIME and LOCATION at which time any person may appear and be heard for or against the adoption of the amendment. Written comments may be provided to [STAFF NAME and EMAIL] prior to the hearing."

### **Section 3.04. Methods of Publication and Notice**

- (a) Newspaper Publication. The required notice shall be published in a newspaper of general circulation in the City of Richmond. For significant actions, the Department may publish in additional newspapers serving affected communities.
- (b) Electronic Publication. In addition to newspaper notice, the Department shall: 1. Post notice prominently on the Department website; 2. Distribute via email to registered stakeholders; 3. Post on City of Richmond official website; 4. Utilize social media channels when appropriate.
- (c) Physical Posting. Notice shall be posted at: 1. The Director's Office; 2. All Department customer service locations; 3. Public libraries in affected areas for significant actions.

## **ARTICLE IV. PUBLIC INSPECTION REQUIREMENTS**

## **Section 4.01. Availability of Documents**

In accordance with Richmond City Code Section 28-26(a)(1), the Director shall make the proposed rule or regulation available for public inspection in convenient form at least ten (10) days before it is to become effective. The Department shall implement the following procedures:

- (a) Physical Availability. Complete copies shall be available for review at the Director's Office during regular business hours (8:00 a.m. to 5:00 p.m., Monday through Friday).
- (b) Electronic Availability. Documents shall be posted on the Department website in searchable PDF format.
- (c) Copy Requests. The Department shall: 1. Provide one free copy upon request; 2. Charge actual reproduction costs for additional copies; 3. Email electronic copies at no charge; 4. Provide copies in alternative formats as needed.

## **Section 4.02. Public Inspection Period Activities**

During the inspection period, the Department shall:

- (a) Maintain a log of persons reviewing documents;
- (b) Accept written questions and provide timely responses;
- (c) Compile frequently asked questions for public distribution;
- (d) Consider requests for informational meetings;
- (e) Track and respond to requests for additional information.

## **ARTICLE V. PUBLIC HEARING PROCEDURES**

### **Section 5.01. Hearing Requirements**

In accordance with Richmond City Code Section 28-26(a)(3), the Director shall hold a public hearing on the day and at the time specified in the public notice. The hearing shall be conducted to hear all persons appearing for or against the adoption of the proposed rule or regulation.

### **Section 5.02. Pre-Hearing Procedures**

- (a) Venue Selection. Hearings shall be held at: 1. City of Richmond facilities, as available, for citywide matters; 1. Community locations for geographically limited impacts; 2. Facilities compliant with the Americans with Disabilities Act; 3. Venues with adequate capacity and parking.

(b) Registration. The Department shall: 1. Open registration thirty (30) minutes before the hearing; 2. Provide sign-up sheets for speakers; 3. Accommodate walk-in speakers; 4. Note requests for accommodations or interpretation.

(c) Materials Distribution. At the hearing venue: 1. Copies of the proposed rule or regulation; 2. Summary handouts in plain language; 3. Comment forms for written submissions; 4. Procedural guidelines for the hearing.

(d) Interpretation services are available upon request and must be requested at least (3) three business days prior to the scheduled hearing to ensure availability.

### **Section 5.03. Conduct of Public Hearings**

(a) Hearing Officer. "A hearing officer shall be appointed by the Director or their designee from among senior departmental officials not directly involved in the development or enforcement of the proposal at issue. The appointee must possess appropriate knowledge of administrative procedures and be free of any conflict of interest. The hearing officer shall conduct the hearing in accordance with all applicable legal standards, ensuring a fair opportunity for public participation and a complete administrative record."

(b) Opening Procedures. The Director or designated hearing officer shall: 1. Call the hearing to order at the appointed time; 2. State the purpose and subject of the hearing; 3. Explain the hearing procedures and time limits; 4. Introduce Department staff present; 5. Announce accommodation availability.

(c) Staff Presentation. Department staff shall: 1. Present overview of the proposed rule or regulation (maximum 15 minutes); 2. Explain reasons for the proposal; 3. Summarize anticipated impacts; 4. Identify any changes from preliminary versions; 5. Be available to answer technical questions.

(d) Public Comment Period. 1. Speaker Order: Generally, first-come, first-served from registration; 2. Time Limits: Three (3) minutes per individual; 3. Courtesy Standards: All participants shall be treated with respect and dignity; 4. Written Submissions: Accepted at the hearing or within (3) three business days thereafter;

(e) Hearing Management. The presiding officer shall: 1. Maintain order and decorum; 2. Ensure fair opportunity for all viewpoints; 3. Prevent repetitive testimony; 4. Allow reasonable extensions for complex technical matters; 5. Provide breaks as needed for lengthy proceedings.

(f) Question and Response. The presiding officer may: 1. Ask clarifying questions of speakers; 2. Direct staff to respond to technical inquiries; 3. Note issues requiring further investigation; 4. Defer complex questions for written response.

(g) Closing Procedures. 1. Final call for additional speakers; 2. Summary of next steps in the process; 3. Instructions for submitting additional comments; 4. Anticipated timeline for final action; 5. Adjournment of the hearing.

## **ARTICLE 6. POST-HEARING PROCEDURES**

### **Section 6.01. Comment Review and Analysis**

Following the public hearing, Department staff shall:

(a) Compile All Input: 1. Catalog all oral and written comments; 2. Identify major themes and concerns; 3. Note technical or legal issues raised; 4. Quantify support and opposition; 5. Flag issues requiring additional analysis.

(b) Prepare Response Document: 1. Summarize each substantive comment; 2. Provide Department response or analysis; 3. Explain any proposed modifications; 4. Identify issues not addressed and why; 5. Document basis for final recommendations.

(c) Consider Modifications: 1. Evaluate suggested alternatives; 2. Assess feasibility of proposed changes; 3. Determine if modifications require new notice; 4. Prepare revised rule if appropriate; 5. Document rationale for all decisions.

### **Section 6.02. Director's Final Action**

(a) Decision Timing. The Director shall make a final determination within: 1. Fifteen (15) days of the hearing for standard matters; 2. Thirty (30) days for complex, controversial matters, or as deemed necessary by the Director; 3. As required by federal law for federal actions.

(b) Decision Options. The Director may: 1. Adopt the rule or regulation as proposed; 2. Adopt with modifications based on public input; 3. Defer action pending further study; 4. Withdraw the proposal; 5. Re-notice if substantial changes are made, determination of substantial changes shall be at the discretion of the Director.

(c) Documentation Requirements. The Director shall prepare a written decision that includes: 1. Final text of any adopted rule or regulation; 2. Statement of basis and purpose; 3. Summary of public participation; 4. Response to significant comments; 5. Effective date and implementation provisions.

### **Section 6.03. Filing and Publication of Adopted Rules**

In accordance with Richmond City Code Section 28-26(a)(4), the Director shall file a true copy of any rule or regulation adopted after the public hearing in the Director's Office.

## **ARTICLE VII. ADMINISTRATIVE PROVISIONS**

### **Section 7.01. Public Comments and Participation Records**

(a) Comment Management System. The Department shall maintain systems to: 1. Track all comments received; 2. Acknowledge receipt when contact provided; 3. Categorize by topic and position; 4. Ensure timely responses; 5. Document disposition of suggestions.

(b) Public Access. All comments shall be: 1. Available for public inspection; 2. Posted online with personal information redacted; 3. Summarized in decision documents; 4. Retained per records schedule.

### **Section 7.02. Record Retention**

(a) Retention Schedule:

(b) Record Components: 1. Original signed rules and regulations; 2. All public notices and proof of publication; 3. Complete hearing records; 4. All written comments received; 5. Decision documents and analysis.

### **Section 7.03. Annual Review and Reporting**

(a) Performance Review. The Department shall annually assess all regulations more than five years old: 1. Effectiveness of public participation; 2. Compliance with procedural requirements; 3. Timeliness of actions; 4. Accessibility of processes; 5. Stakeholder satisfaction.

(b) Improvement Process: 1. Identify procedural enhancements; 2. Incorporate new technologies; 3. Update forms and templates; 4. Train staff on best practices; 5. Benchmark against peer utilities.

### **Section 7.04. Staff Training and Responsibilities**

(a) Training Requirements. All staff involved in rulemaking shall receive training on: 1. Requirements of Richmond City Code Section 28-26; 2. This Policy and its procedures; 3. Constitutional due process principles; 4. Federal compliance requirements; 5. Customer service excellence.

### **Section 7.05. Policy Amendments**

This Policy may be amended by the Director following the procedures set forth in Richmond City Code Section 28-26 for the adoption of rules and regulations. Any amendments shall be adopted only after public notice and hearing as required herein.

### **Section 7.06. Severability**

If any provision of this Policy is held invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

### **Section 7.07. Effective Date**



This Policy shall become effective upon adoption by the Director of Public Utilities and filing in accordance with Richmond City Code Section 28-26.