



Executive Committee

AGENDA

November 14, 2019

8:15 a.m.

James River Board Room

Call to Order

Certification of a Quorum

1. Minutes for the October 10, 2019 Meeting (Tab 1)

Minutes from the regularly scheduled October 10, 2019 meeting are included for review.

Requested Action: Motion to approve the October 10, 2019 meeting minutes.

2. Closed Session to discuss personnel matters: Executive Director's Performance Evaluation

Requested Action: Motion to enter a closed session to discuss a personnel matter pursuant to VA Code.

Article VII, Section 2(c) of the Commission's Bylaws state that "The Executive Committee shall be responsible for the annual performance and salary evaluation of the COMMISSION's Executive Director". Evaluation tool documents were distributed to members of the Executive Committee and staff Leadership Team with a request to complete the respective evaluation form and submit to Chairman Nelson by November 12, 2019. Participation in the evaluation process is voluntary.

3. Review of Full Commission Agenda Items

a. Cooperation Agreement for Multi-Jurisdictional Analysis of Impediments to Fair Housing Choice (Full Commission Packet Tab 3)

The Commission staff has been asked to coordinate the procurement and contract administration activities associated with a Multi-Regional Analysis of Impediments to Fair Housing serving the Cities of Colonial Heights, Hopewell, Petersburg, and Richmond and the Counties of Chesterfield and Henrico. These are the jurisdictions in the Greater Richmond/Crater Regions responsible for completing such an Analysis due to their Entitlement status and receipt of Federal Housing (HOME & CDBG) funding from the US Department of Housing and Urban Development.

The work will include project management for a budget not to exceed \$125,000 including a fee to the Commission of \$15,000; the funds will be contributed on an agreed upon basis outlined in the agreement by each of the participating localities.



Article VI, Section 4 of the Commission's Charter states that "An additional assessment may be made upon a governmental subdivision for particular services of a local nature, which are requested by said governmental subdivision and which may or may not be included in the Work Program adopted by the COMMISSION. This assessment shall be agreed upon by the COMMISSION and the appropriate governmental subdivision".

Requested Action: Motion to recommend approval of the proposed agreement.

b. FY2019 Draft Annual Audit (Full Commission Packet Tab 5)

Members of the Finance Committee met with Mark Rhodes, Auditor on October 29, 2019 to review the FY2019 Draft Annual Audit. After review and discussion of the Financial Statements, auditors' opinion and supplemental Notes to the Financial Statements, members agreed that locality staff review may be in order to further review the materials. The Committee approved a motion to forward the FY2019 Draft Annual Audit to the November 14, 2019 Commission meeting with a recommendation for approval.

The FY2019 Draft Annual Audit was distributed to locality CAOs and Managers as well as to the Hanover County Finance Department for review. Mr. Jacob Sumner made two suggestions to correct language in order to comply with GASB 54 and 63 related to Fund Balance and Net Position Categories. These changes have been incorporated in the FY2019 Draft Annual Audit included in the meeting materials.

Mr. Rhodes will be present for the Executive Committee and Full Commission meetings to review the FY2019 Draft Annual Audit.

Article VII, Section 2(f) for the Commission's Bylaws state that "the Executive Committee shall be responsible for reviewing all actions of COMMISSION standing and special committees before the actions are brought to the attention of the COMMISSION, provided, however that the Chairman of a standing or special committee may request consideration by the full COMMISSION of any action of his committee, regardless of the review by the Executive Committee".

Requested Action: Motion to recommend approval of the FY2019 Annual Audit.



4. Charter and Bylaws Revision Update (Tab 2)

**This item may be delayed to a future Executive Committee meeting depending on time availability.

Eric Gregory will provide an overview of the recommended revisions to the Commission's Charter and Bylaws document. An overview of the sections recommended for revision have been reviewed during previous meetings in FY2019.

Requested Action: Motion to forward the recommended revisions to the Full Commission for review at the November 14, 2019 regular meeting. The recommended changes should be circulated among the local government legal counsel prior to the next meeting.

5. Other Business

Members may bring any other matter forward for discussion.

6. Adjourn

Targeted Adjournment is 8:55 am.



RRPDC EXECUTIVE COMMITTEE

Minutes of Meeting

October 10, 2019

Members Present

Dorothy Jaeckle..... Chesterfield County
 Angela Kelly-Wiecek, Secretary..... Hanover County
 Tyrone Nelson, Chair..... Henrico County
 Larry Nordvig..... Powhatan County
 Patricia Paige, Treasurer New Kent County
 Dr. George Spagna, Vice Chair Town of Ashland

Others Present

Eric Gregory..... Hefty, Wiley and Gore

Staff Present

Martha Shickle..... Executive Director
 Terry Eckhout..... Director of Finance
 Diane Fusco..... Office Manager

Call to Order

In the absence of Chairman Nelson, Vice Chair Dr. Spagna called the regularly scheduled October 10, 2019, Executive Committee meeting to order at approximately 8:35am.

Due to heavy traffic related to an accident, Chairman Nelson was running late but arrived after the meeting started.

Certification of a Quorum:

Ms. Shickle, Executive Director, reported that a quorum of members was present.

1. Minutes for the July 11, 2019 Meeting

Dr. Spagna had two corrections to the July 11, 2019 minutes. Page two should indicate motion was made to enter in to closed session, not executive committee and “Mr. Spagna made motion” should be changed to “Dr. Spagna.” Minutes will be corrected, and no additional changes were requested.

A motion was made by Mr. Nordvig to accept the minutes with the identified amendments; Ms. Jaeckle seconded the motion. The motion was adopted unanimously to approve the July 11, 2019 minutes with noted corrections.

2. Closed Session to discuss personnel matters: Executive Director’s Performance Evaluation

Due to late start of the meeting it was decided to move ahead to the discussion on charter and bylaws before addressing this agenda item. Ms. Kelly-Wiecek also noted any personnel discussions that require a closed session would necessitate the presence of the Chair.

It was agreed during the meeting to postpone this agenda item to the November meeting. If there are comments related to tool to be used for the Executive Director performance evaluation (included with 10/10/19 agenda packet) they should be forwarded to Ms. Shickle. Comments regarding Ms. Shickle’s performance should be sent to Chairman Nelson. Any comments or suggestions should be sent no later than October 21.

3. Charter Revision Update

Mr. Gregory provided an overview of the recommended revisions to the Commission’s Charter. The Charter is being reviewed following the Strategic Planning Process with recognition of a potential office relocation in 2022 and a desire to assure no unintentional barriers are in place in anticipation of that future decision. An overview of the sections recommended for revision were reviewed during previous meetings in FY2019.

Mr. Gregory mentioned some draft changes were more of a housekeeping nature, but there are also more substantive changes under consideration. The first major area for review involves the location of the building considering a potential relocation in 2022.

Ms. Kelly-Wiecek asked about the definition or requirement for the building to be considered centrally located. Mr. Gregory stated specific parameters could be included such as a specified number of miles from the State Capitol but overall recommended not putting too many constraints in the Charter document that are specific or granular. Commissioners will have numerous opportunities to refine the requirements for office location in other governing documents including the organization’s Bylaws and in actual site identification and lease negotiation.

Ms. Jaeckle said the location should also consider accessibility. Ms. Shickle mentioned the work Mr. Bittner has done to locate sites that are accessible and centrally located for all localities.

Mr. Nordvig mentioned the consideration of rent and Mr. Gregory agreed there are many factors to consider when negotiating a lease.

Mr. Gregory moved on to Article 2, Section 2 regarding filling the number of voting seats. This involves having the member jurisdictions advise the Commission who is voting and how they will vote. Dr. Spagna asked if this would require a role call vote on any motion. Mr. Gregory noted this may be the case, but it is also dependent on the issue being voted upon.

Ms. Paige indicated there is a situation in New Kent where one person has the authority to cast two votes for the TPO.

Ms. Jaeckle said this defeats the purpose if the person who is designated to vote is absent. Mr. Gregory said an alternate can be designated to vote in a person's absence.

Ms. Shickle pointed out that the goal is to create a situation where the locality decides how they will be represented when members are absent or when there is representation by alternates. Mr. Nordvig expressed concern this approach may encourage absenteeism if the locality is able to send one person rather than four. Mr. Gregory said absenteeism is already occurring, and this approach is meant to allow for flexibility and the ability to still get votes when decisions need to be made.

Mr. Nordvig also mentioned that a person absent from a meeting means important discussions are missed that could lead to changes in opinion. He suggested the person representing a missing board member would need to have a written proxy. This could be used when the absence is known in advance.

Dr. Spagna suggested in the interest of time the discussion should be concluded and Mr. Gregory said the major changes had been discussed and the only other item to note was allowing the Chair to serve two consecutive terms, but no more than two consecutive terms.

At this time, Chairman Nelson had arrived, and it was agreed that an additional overview would be provided at the full Commission later in the morning.

4. FY2020 Meeting Schedule and Topics

Given the time, Chairman Nelson suggested moving the remaining agenda items for discussion during the full Commission meeting later in the morning. He confirmed the review of the Executive Director was still an open item needing resolution.

Richmond Regional Planning District Commission

Chairman Nelson said the Executive Committee will confirm the mechanism for completing the Executive Director review.

5. Other Business

No other items were identified for discussion.

6. Adjourn

Ms. Paige made a motion to adjourn the meeting which was seconded by Dr. Spagna. Chairman Nelson adjourned the meeting at approximately 9:00 am.

Martha Shickle
Executive Director

Tyrone Nelson
Chair

**CHARTER AGREEMENT
OF THE
RICHMOND REGIONAL PLANNING DISTRICT COMMISSION**

This Charter Agreement to organize a Planning District Commission made this 14th day of August, 1969, by and between the undersigned governmental subdivisions as authorized by the Virginia Area Development Act (Title 15.1, Chapter 34, Sections 15.1-1400, et seq., Code of Virginia (1950), as amended), and subsequently amended this _____ day of _____, 2020, as authorized by the Regional Cooperation Act, Chapter 42 of Title 15.2 of the Code of Virginia (as amended) (Va. Code § 15.2-4200, et seq.):

NOW, THEREFORE, it is agreed that:

**ARTICLE I
Name, Location, Authority, Purpose**

Section 1

The name of this organization shall be the Richmond Regional Planning District Commission, hereinafter called the "COMMISSION."

Section 2

The office of the COMMISSION shall be in the City of Richmond, Virginia centrally located within the Region.

Section 3

The COMMISSION shall be a public body corporate and politic with all the powers and duties granted to it by the laws of the Commonwealth of Virginia including the Virginia Area Development Act.

Section 4

The purpose of the COMMISSION shall be to promote the orderly and efficient development of the physical, social, and economic elements of the Planning District by planning and encouraging and assisting governmental subdivisions member jurisdictions to plan for the future.

**ARTICLE II
Membership**

Section 1

COMMISSION members shall be appointed by the respective governing bodies of those political subdivisions member jurisdictions which are parties to this Charter Agreement provided, however, that at least a majority, but not substantially more than a majority, of the

COMMISSION's members shall be elected officials of the governing bodies of the ~~governmental subdivisions~~member jurisdictions within the Planning District with each participating county, city, and town of more than 3,500 population having at least one representative, and the other members being qualified voters and residents of the District who hold no office elected by the people.

Section 2

~~Governmental subdivisions~~Member jurisdictions which are parties to this Charter Agreement shall appoint members to the COMMISSION to fill the number of voting seats on the following basis:

Number and Type of Membership Voting Seats

<u>Population</u>	<u>Governing Body</u>	<u>Planning Commission</u>	<u>Citizen</u>
3,501 - 7,500	1	-	-
7,501 - 25,000	1	1	-
25,001 - 50,000	2	1	-
50,001 - 100,000	2	1	1
100,001 - 175,000	3	1	1
175,001 - 250,000	4	1	1
250,001 - and up	5	1	1

Appointed Governing Body members may represent more than one voting seat if that is preferred by the member jurisdiction. Elected Officials are the only members eligible to represent more than one voting seat for the member jurisdiction.

For purposes of defining population of a jurisdiction under the terms of this Section, the numbers to be used will be the latest of the official U.S. Census count or the most recent preliminary population estimate prepared by the Center for Public Service at the University of Virginia.

Section 3

Vacancies on the COMMISSION shall be filled for the unexpired term in the same manner as the original appointment was made.

Section 4

Any member of the COMMISSION shall be eligible for reappointment but may be removed for cause by the governing body which appointed him.

Section 5

Each governing body belonging to the COMMISSION may appoint an alternate member or members to the COMMISSION who may serve in lieu of ~~one of~~ the elected officials of that governing body. ~~He~~ They shall only serve in the absence of the designated governing body official. ~~He~~ They may be an elected official or any citizen of that governmental subdivision.

ARTICLE III Terms of Office and Voting Rights

Section 1

The terms of office of COMMISSION members ~~who are also members of governing bodies shall be~~ shall be coincident with their elected terms of office determined by the respective governing body. ~~The terms of office of COMMISSION members who are also members of local planning commissions shall be coincident with their appointed terms of office as members of such planning commissions. The terms of office of the citizen members shall be three (3) years.~~ The terms of alternate members shall be coincident with the ~~elected~~ terms of office of their designated member of the governing body.

Section 2

Each member of the COMMISSION shall have one equal vote in all matters before the COMMISSION unless designated to represent more than one voting seat by the appointing member jurisdiction.

Section 3

Each alternate member appointed to the COMMISSION shall have one equal vote in all matters before the COMMISSION, but only in the absence of the elected official on the governing body for which ~~he~~ they have ~~has~~ been designated as an alternate member.

ARTICLE IV Officers

Section 1

Officers of the COMMISSION shall consist of a Chairman, Vice-Chairman, Treasurer, and Secretary who shall be elected by the membership of the COMMISSION.

Section 2

The Chairman, Vice-Chairman, Treasurer, and Secretary shall be elected for terms of one year.

Section 3

The Chairman shall ~~not~~ be eligible to serve no more than two consecutive terms. No jurisdiction shall have more than one representative serving as a COMMISSION officer except that the Treasurer, when reelected for a consecutive term, may serve even though another COMMISSION officer is from the same jurisdiction.

Section 4

The COMMISSION shall appoint an Executive Director who shall be an employee of the COMMISSION and shall serve at the pleasure of a majority of the membership.

ARTICLE V Addition, Withdrawal, or Removal of Members

Section 1

Any governmental subdivision within Planning District Number 15 which is not a party to this Charter Agreement at the effective date thereof may, thereafter, join the COMMISSION provided that such governmental subdivision is eligible for membership and that it adopts and executes this Agreement.

Section 2

Any governmental subdivision may withdraw from the COMMISSION by submitting to the COMMISSION in writing a notice of intent to withdraw. Such withdrawal shall not become effective until the end of the COMMISSION's then current fiscal year.

Section 3

Any governmental subdivision, which is a party to this Agreement, shall automatically cease to be a member of the COMMISSION if it fails to comply with ARTICLE VI of this Agreement.

ARTICLE VI Financial Obligations of Members

Section 1

All governmental subdivisions within Planning District Number 15 which are a party to this Charter Agreement shall contribute funds to the COMMISSION in accordance with an Annual Budget approved ~~in December of each year~~ prior to the beginning of the COMMISSION'S fiscal year, provided that said Annual Budget is adopted by the affirmative vote of three-fourths (3/4) of the members present and voting.

Section 2

In the event that the dues of a member jurisdiction are based on an estimate of population for that jurisdiction, the population estimate to be utilized will be the latest of the official U.S. Census count or the most recent preliminary population estimate prepared by the Weldon Cooper Center for Public Service at the University of Virginia.

Section 3

The local contribution of each governmental subdivision is due on July 1 of the current fiscal year and shall be paid in a single lump sum payment by each governmental subdivision prior to July 31 of that year.

Section 4

An additional assessment may be made upon a governmental subdivision for particular services of a local nature, which are requested by said governmental subdivision and which may or may not be included in the Work Program adopted by the COMMISSION. This assessment shall be agreed upon ~~by the COMMISSION and~~with the appropriate governmental subdivision.

ARTICLE VII

Appointment of an Executive Committee and Adoption of Bylaws

Section 1

The COMMISSION may designate an Executive Committee and delegate to it such powers as the COMMISSION may determine, provided that these powers are not inconsistent with provisions of the ~~Virginia Area Development Act~~ Regional Cooperation Act, Chapter 42 of Title 15.2 of the Code of Virginia (as amended) (Va. Code § 15.2-4200, et seq.). Said powers will be specifically stated in the Bylaws of the Commission.

Section 2

The COMMISSION may adopt Bylaws and such other rules as it deems necessary to govern its operations.

ARTICLE VIII

Meetings

Section 1

The COMMISSION shall hold regular meetings on a schedule which will be determined by the membership.

Section 2

Meetings of the COMMISSION and its committees shall be open to the public as provided by the Virginia Freedom of Information Act.

**ARTICLE IX
Amendments**

Section 1

This Charter Agreement may be amended, supplemented, or superseded only by concurring resolutions of all member governmental subdivisions of the COMMISSION. All proposed amendments shall be submitted to the COMMISSION for its review and comment to the member governmental subdivisions.

**ARTICLE X
Date of Organization**

Section 1

The organization of the Richmond Regional Planning District Commission shall be effective on the 31st day of August, 1969, or at such time after this date when the Charter Agreement has been adopted and signed by that governmental subdivision whose population when added to the aggregate population of those who have already adopted and signed the Charter Agreement embraces the majority of the population within Planning District Number 15.

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**Amendments Adopted By
Richmond Regional Planning District Commission
September 14, 1989
and
Final Ratification by All Nine Local Governments
January 10, 1990
Amendments Adopted By
Richmond Regional Planning District Commission
Month Day, 2020
and
Final Ratification by All Nine Local Governments
Month Day, 2020**