



Executive Committee

AGENDA

December 12, 2019 -- 8:15 a.m.

James River Board Room

Call to Order & Certification of a Quorum

1. Minutes for the November 14, 2019 Meeting (Tab 1)

Minutes from the regularly scheduled November 14, 2019 meeting are included for review.

Requested Action: Motion to approve the November 14, 2019 meeting minutes.

2. Charter Revision Update (Tab 2)

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

Requested Action: Motion to authorize legal counsel to prepare a draft amended Charter to be circulated among the local government legal counsel representatives prior to the next meeting. The purpose of this is to gain consensus regarding changes the local governments would entertain.

3. Executive Director's Report: FY2020 Mid Year Budget Review

Ms. Shickle will preview highlights of what is expected to be included in the updates to the FY2020 Budget for the upcoming Audit, Facilities & Finance Committee meeting in advance of the February presentation.

4. Other Business

- a. **January Meetings Cancellation.** It is customary for the January Executive Committee and Full Commission meetings to be cancelled in light of the local governments' organizational meetings planned for that month. Staff proposes these meetings be cancelled and the Audit Facilities & Finance and Public Outreach & Engagement Committees meet in lieu of the regular meetings.

Requested Action: Motion to cancel the January 9, 2020 Executive Committee meeting and to recommend cancellation of the January 9, 2020 Full Commission meeting.



- b. Resolutions of Appreciation.** Mr. Agelasto, Mrs. Cabell, Mr. Elswick, Mrs. Jaeckle and Mr. Miles will not be returning to the Commission in 2020. Following the jurisdictions' organizational meetings, staff will be notified of any other changes in appointments.

Requested Action: Motion to recognize those in attendance at the Full Commission meeting on December 12th for their service to their jurisdiction, the Commission and the region and to direct staff to prepare Resolutions of Appreciation for approval in February, 2020. Resolutions should include all of those Commissioners who will not return in 2020.

5. Adjourn

Targeted Adjournment is 8:55 am.



RRPDC EXECUTIVE COMMITTEE

Minutes of Meeting

November 14, 2019

Members Present

Dorothy Jaeckle.....	Chesterfield County
Angela Kelly-Wiecek, Secretary.....	Hanover County
Susan Lascolette.....	Goochland 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
Mark Rhodes.....	Dunham, Aukamp & Rhodes, PLC

Staff Present

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

Call to Order

Chairman Nelson called the regularly scheduled November 14, 2019, Executive Committee meeting to order at approximately 8:17am.

Certification of a Quorum:

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

1. Minutes for the October 10, 2019 Meeting

Chairman Nelson called attention to the minutes which were included in the agenda packet under Tab 1 and asked members to review. He said if there are no items to review, edits or modifications, he would ask for a motion to approve the minutes as presented.

A motion was made by Dr. Spagna to approve the minutes and Mr. Nordvig seconded the motion. The motion was adopted unanimously to approve the October 10, 2019 minutes.

Chairman Nelson reviewed agenda items and suggested moving audit findings up in the agenda order to be followed by the closed session. He introduced Mark Rhodes to present the audit findings.

2. FY2019 Draft Annual Audit

Mr. Rhodes asked the Executive Committee to let him know of any questions or concerns once he provides a high-level overview of the annual audit. He started with page one and noted it is the independent auditor's report and page three reflects an unmodified report or clean opinion indicating there were no findings or concerns raised in the audit. There were no deficiencies or significant weaknesses found in internal controls.

Mr. Rhodes stated changes from one year to the next are identified in the statement and the agency budgeted to essentially break even for the end of FY2019; he indicated performance was better than the budget forecasted.

Ms. Lascolette asked a question about information found on page seven of the audit draft and confirmed the 2018 total net position of \$307,993 reflected an improvement of \$88,641 at the end of FY2019. Mr. Rhodes confirmed this was the case.

Mr. Nordvig asked about process for the audit and potentially having a more regular review of audit findings. Mr. Rhodes asked if the auditor is coming in more frequently for Mr. Nordvig's locality and Mr. Nordvig indicated a consultant is available to come in quarterly. Mr. Rhodes said this can be done and Ms. Shickle pointed out the Audit, Facilities & Finance committee meets monthly to review financials. Mr. Nordvig said this is not quite as comprehensive as what an auditor reviews from a process controls perspective. Mr. Rhodes stated his firm is available for phone calls and if the issue is not time intensive would normally not involve a charge.

Ms. Eckhout said she knows the Director of Finance for Powhatan and there is consultation throughout the region with her colleagues due to a new GASB regulation involving leases that is effective in December. She said she has talked to Mr. Rhodes about this already. She also noted an Assistant Director of Finance in New Kent has been working on collaboration about the new GASB regulation with the localities in the region.

Mr. Nordvig said he appreciates the collaboration and it will help prevent any surprises at the end of the year after the audit is performed.

Richmond Regional Planning District Commission

Ms. Lascolette raised a question regarding page 26 and employees covered by benefit terms. She asked for the number of active employees. Ms. Shickle confirmed there are 22 full time employees with benefits and 3 employees are part-time. Mr. Rhodes confirmed the information shown in the draft is from 2018 and there are currently 19 active members.

Chairman Nelson confirmed with Mr. Rhodes that his firm has been conducting the audit for five years. Mr. Rhodes stated the audit is clean with no findings for internal controls or compliance.

Dr. Spagna made a motion to forward the FY2019 Draft Audit to the Full Commission with a recommendation approve the audit as presented. Mr. Nordvig seconded the motion; it carried unanimously.

3. Cooperation Agreement for Multi-Jurisdiction Analysis of Impediments to Fair Housing Choice

Chairman Nelson asked Ms. Shickle to review this item before it goes before the Full Commission during the later meeting. Ms. Shickle said the agency has been requested to support project administration and management for an Analysis of Impediments to Fair Housing for specific communities in ours and the tri-cities region that are required to conduct this assessment. The requirement is tied to the receipt of federal funds through the US Department of Housing and Urban Development (HOME and CDBG funding).

Ms. Jaeckle asked who made the request and Ms. Shickle said it came from Henrico County staff coordinating the cooperative project among Chesterfield, Henrico, City of Richmond, Colonial Heights, Petersburg, and Hopewell. Ms. Jaeckle noted that she does not appreciate the federal requirements associated with these grants. Ms. Lascolette asked who requires the assessment and Ms. Shickle stated it is required by the US Department of Housing and Urban Development (HUD).

Ms. Shickle said the localities feel they can complete the assessment at a lower cost by working together rather than each completing a separate analysis. The agency has been asked to manage the RFP and the consulting contract. Ms. Lascolette asked about the budget and Ms. Shickle confirmed the budget is \$125,000 and the agency would be paid \$15,000 within that budget for the agency's costs associated with administering the project.

Chairman Nelson also asked for recommendation of review and approval by the full commission of the proposed agreement – Impediments to Fair Housing. Ms. Kelly-Wiecek made the motion and it was seconded by Dr. Spagna. The motion was adopted unanimously.

Ms. Jaeckle stated she does not like the idea of federal money coming with these kinds of stipulations and Chairman Nelson suggested she share her thoughts during the full commission meeting.

Chairman Nelson said he did not feel there was enough time to discuss charter and bylaws and asked for a motion to enter in to closed session.

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

Ms. Kelly-Wiecek made a motion that the Executive Committee convene in a closed session:

I move that the Executive Committee convene in closed session pursuant to Virginia Freedom of Information Act Section 2.2-3711 (A) (1), for the purpose of discussing personnel matters concerning specific RRPDC employees; and, pursuant to FOIA Section 2.2-3711 (A) (8) for purposes of discussion and consultation with legal counsel retained by the agency concerning these personnel matters and also concerning an incident of financial fraud and related investigation, during which all recording of the meeting will cease.

The motion was seconded by Dr. Spagna.

Chairman Nelson asked all those in favor of the motion to signify by saying “Aye.” Those opposed so indicate by saying “Nay.” The motion carried unanimously.

Recording of the meeting’s proceedings ceased at this time.

Chairman Nelson adjourned the closed session.

Ms. Kelly-Wiecek clarified that the closed session did not include discussion of financial fraud as stated in the earlier read motion to enter in to closed session. Only personnel matters were discussed during closed session and Mr. Gregory confirmed this was the case.

Ms. Fusco asked each member to certify that, to the best of their knowledge, only public matters lawfully exempted from open meeting requirements and that only such public business matters as were identified in the motion as clarified by which the closed session was convened, were heard, discussed, or considered. Members were polled for their response.

Name	Aye	Nay	Abstain	Absent
Spagna	X			
Miles				X
Jaeckle	X			
Lascolette	X			

Kelly-Wiecek	X			
Nelson	X			
Paige	X			
Nordvig	X			
Newbille				X

5. Other Business

No other items were identified for discussion.

Chairman Nelson noted the Charter and Bylaws review will be included in the next meeting’s agenda.

6. Adjourn

Ms. Jaeckle made a motion to adjourn the meeting which was seconded by Ms. Lascolette. Chairman Nelson adjourned the meeting at approximately 9:10 am.

**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**