



## **Administrative Regulations Office of the Mayor**

**Title:** PROCEDURE FOR REQUESTING THE PREPARATION OF AN ORDINANCE OR RESOLUTION

**A.R. Number:** 3.2 **Effective Date:** 2/1/2007 **Page:** 1 of 3

**Supersedes:** Procedure for Requesting the Preparation of an Ordinance or Resolution **A.R.:** 3.2 **DATED:** 9/1/2000

### **I. PURPOSE**

To provide an organized and expeditious manner for submission of Ordinances and Resolutions to the Office of the Mayor and Office of the City Attorney and City Council. All legislation introduced to the City Council for adoption shall be accompanied by a fiscal impact statement.

The fiscal impact statement shall be an assessment of the costs involved with the passage of such legislation, and shall include, but not be limited to, the projected number of departments, agencies and/or boards to which the legislation would apply; the identity of the departments, agencies and/or boards particularly affected by the legislation, the projected number of persons and employment positions to be affected by the legislation; the estimated fiscal impact on the city government, and sources of potential funds to implement and comply with such legislation.

### **II. PROCEDURE**

When City Council action is desired, a request for Ordinance or Resolution (commonly known as an "O&R") and a fiscal impact statement shall be completed. The department or agency shall coordinate with the Department of Budget and Strategic Planning to prepare the fiscal impact statement. The format of all O&Rs must be identical to the example in Attachment 1.

A. Submittal Schedule. The O&R and a fiscal impact statement must be submitted by the close of business on Wednesday for a paper requested for introduction at the Council Meeting nineteen (19) days later. This lead time accomplishes several important objectives:

For the O&R:

1. It allows time to schedule meetings to discuss individual papers before introduction;
2. It extends the internal review period;
3. It allows ample time to change the O&R to incorporate changes after internal review, but before introduction;
4. It allows thorough review time by affected agencies prior to the docket review (See Section VI); and
5. It allows the City Attorney adequate time to review all pertinent documents to approve as to legal form.

For the Fiscal Impact Statement:

1. It ensures that all proposed legislation is necessary for the efficient and effective operations of City government and is responsive to the needs of the residents of the City of Richmond.
2. It facilitates the development of an official position on legislation before each Council meeting.
3. It ensures the appropriate consideration of the views of all affected department agencies and boards.
4. It clarifies the Administration's position on particular legislation for the information of the City Council.
5. It allows for the assessment of fiscal and policy implications of proposed legislation.

The result is the introduction of a paper with an O&R and fiscal impact statement attached that is ready for examination by the public and City Council.



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- B. Submittal Distribution. An O&R and a fiscal impact statement should be sent directly to the Office of the Mayor. Upon review by the Office of the Mayor and the Department of Budget and Strategic Planning, both the O&R and the fiscal impact statement will be distributed to the following entities once signed by the Director or designee:
1. 1 electronic copy to the Law Department;
  2. 1 copy to each affected agency; and
  3. 1 copy to the Chief Administrative Officer
- C. Emergency Introduction. On occasion, agencies will need action on a paper in a shorter time than the preferred schedule. Below is the process for the emergency introduction of papers:
1. All papers and financial impact statements for emergency introduction will be brought to the Assistant to the Chief Administrative Officer for Council Relations for the Chief Administrative Officer's signature. Provide the City Attorney's Office with one copy of the O&R and inform the Executive Assistant that an "Emergency Introduction" request has been placed with the Assistant to the Chief Administrative Officer.
  2. The Assistant to the Chief Administrative Officer and the department representative will discuss why the paper warrants emergency introduction.
  3. The Assistant to the Chief Administrative Officer will ask the Chief Administrative Officer's signature on papers only if one or more of the following conditions is/are met:
    - a. Postponing action would result in a substantial direct cost, revenue loss or liability to the City.
    - b. Postponing action threatens public safety.
    - c. Action is required for state/federal action on the same matter.
    - d. Action is requested by a member(s) of City Council by a certain date.
    - e. Statutory obligations require that the paper be considered by a certain date.
    - f. Postponing action would result in a confirmable and substantial direct cost or revenue loss to a petitioner.
  4. The Chief Administrative Officer or designee will then evaluate the emergency and sign the O&R if he agrees that emergency introduction is appropriate.
  5. The Assistant to the Chief Administrative Officer will forward papers signed by the Chief Administrative Officer throughout the Chief Administrative Officer's Office and directly to the City Attorney's Office for emergency introduction. Papers not signed will be forwarded to the City Attorney's Office for action under the normal schedule. The Assistant to the Chief Administrative Officer will notify the department of the Chief Administrative Officer's decision.



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- D. Expedited Consideration. Expedited consideration is when a request is made that a resolution be introduced and voted on at the same time. (Ordinances may not be considered under Expedited Consideration). Any papers introduced for expedited consideration will be discussed at Docket Review, if available and during the agenda review portion of City Council's informal meeting.
- E. O&R Revisions. On occasion, O&Rs may need to be revised to clarify or add additional information. Once the new edition is complete, please distribute copies to all persons who received copies of the previous edition(s). The top right corner of the O&R should indicate the edition number as shown in the sample O&R attached.

City Council along with the general public and media will read O&Rs; therefore, write them clearly and research them thoroughly. City Council docket packets are prepared immediately after papers are introduced so it is critical that final editions are completed prior to introduction.

- F. Docket Review. Docket Review is held Thursday at 10:00 a.m. before each City Council meeting in the second floor large conference room. Departments with an ordinance or resolution for introduction, or items on the agenda, must have a representative at Docket Review to answer any questions. At Docket Review, the representative should be prepared to state who will be attending the Council meeting to speak to the agenda item; and if the introductory ordinance or resolution is recommended for the Consent Agenda or Regular Agenda.

### **III. REGULATION UPDATE**

The Offices of the Mayor and the City Attorney shall be responsible for modifications to this Policy.

**APPROVED:**

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**MAYOR**

## ATTACHMENT 1 - SAMPLE O&R

**DATE:**

**EDITION: 1**

*Be sure to change this number when new editions are prepared.*

**TO:** The Honorable Members of City Council

**THROUGH:** L. Douglas Wilder, Mayor

**THROUGH:** William E. Harrell, Chief Administrative Officer

**FROM:**

**RE:**

**ORDINANCE OR RESOLUTION NO.** *This will be filled in at introduction.*

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**Purpose:** A clear and concise statement describing what the paper does.

**Reason:** A clear and concise statement explaining why the paper is needed.

**Recommendation:** A clear and concise statement expressing the City Administration's recommendation.

**Background:** A detailed history of the events, actions, and situations that led to the submittal of the proposed paper. Assume the reader knows nothing about the subject and include all relevant information.

**Fiscal Impact/Cost To City:** The total estimated or actual cost of this paper to the City and specifically where this cost will be incurred. This includes any required matching funds for grants to the City. If appropriate, costs should be itemized and separated by each fiscal year(s) they impact. Also, attach any fiscal impact studies or costs analyses about the issue. Remember, almost every action has a cost even if it is only staff time in preparing the O&R.

**Fiscal Implications:** Briefly describe how the adoption of this paper affects the fiscal status of the City; i.e. changes in debt capacity; possible impact on bond rating; changes in revenue generating capability; long-term expenditure changes; revenue/expenditure changes that will not affect the City immediately.

**Budget Amendment Necessary:** A brief explanation of why an amendment to an adopted budget ordinance may be necessary if this ordinance or resolution is adopted.

**Revenue To City:** The total estimated or actual revenue to the City and the source (e.g. gift, grant, and appropriation) and the destination by department (e.g. general fund, special fund, and utility fund). You must detail the revenues by fiscal year and the amount each fund would be increased by this action

**Desired Effective Date:** If no specific date is required, then put, "Upon adoption." If City Council action is required or desired by a certain date, indicate that date and why it is important.

**Requested Introduction Date:** Specify the requested introduction date pursuant to the O&R Submittal Schedule.

**City Council Public Hearing Date:** Specify this date pursuant to the O&R Submittal Schedule.

**Requested Agenda:** Specify whether the proposed paper should be placed on the consent agenda or the regular agenda. Items considered to be routine and non-controversial should be placed on the consent agenda. Items that might be of general debate or public discussion should be placed on the regular agenda. If the proposed paper should be placed on the regular agenda, specify the reason that it should be considered controversial.

**Recommended Council Committee:** Pursuant to the City Council's Rules of Procedures, nearly all papers will be referred to a Council Standing Committee for review prior to Council action. Specify here the Standing Committee to which the Administration should recommend referral of the paper.

**Consideration by other Governmental Entity or Entities:** Some papers are also reviewed by the City Planning Commission, Urban Design Committee, Commission on Architectural Review, Industrial Development Authority, Richmond Redevelopment and Housing Authority or other governmental entities. If review by a governmental entity other than City Council is required, indicate the date that entity did or will consider this issue. Remember: The City Planning Commission must consider all land use, zoning, capital budget, right-of-way (street and alley) closings, and real estate acquisitions, surplus declarations, and sales.

**Affected Agencies:** List all agencies that are affected by this paper and ensure that their agency heads and other key staff receive copies of the O&R request and financial impact statement. If you are not sure if an agency is affected, err on the side of listing that agency and providing it with a copy. Remember: Anything that appropriates, accepts, transfers, or allocates money (no matter how little) affects the Departments of Budget and Strategic Planning and Finance.

**Relationship to Existing Ordinance or Resolution:** List any current or proposed ordinance, resolution or City Code section related to the proposed paper. This relationship includes, but is not limited to, a similar paper adopted previously or a companion paper on the docket. List these papers by their adopted numbers or section numbers and summarize them briefly.

**Required Changes To Work Program(s):** If the proposed paper requires any change to an agency's work program, those changes should be detailed in this item.

**Attachments:** If applicable, list and briefly describe the attachment(s). Please submit all attachments on 8.5"x11" paper for reproduction in black and white.

**Staff:** Name, title, agency, and telephone number of the author of this O&R request and any other staff involved in the project who can answer detailed questions