

AGENDA



CITY OF HOPEWELL

Hopewell, Virginia 23860

AGENDA

(804) 541-2408

www.hopewellva.gov

info@hopewellva.gov

cityclerk@hopewellva.gov

CITY COUNCIL

John B. Partin, Jr., Mayor, Ward #3

Jasmine E. Gore, Vice Mayor, Ward #4

Rita Joyner, Councilor, Ward #1

Michael B. Harris, Councilor, Ward #2

Janice B. Denton, Councilor, Ward #5

Brenda S. Pelham, Councilor, Ward #6

Dominic R. Holloway, Sr., Councilor, Ward #7

Dr. Concetta Manker, City Manager

Danielle Smith, City Attorney

Brittani Williams, City Clerk

Bridetta Williams, Deputy Clerk

October 10, 2023

REGULAR MEETING

Closed Meeting- 6:00 PM

Work Session – 7:00 PM

Regular Meeting-7:30pm

6:00 p.m.

Call to order, roll call, and welcome to visitors

CLOSED MEETING

SUGGESTED MOTION: Move to go into closed meeting pursuant to Va. Code Section §2.2-3711 (A) (1) to discuss and consider personnel matters, including board and commission appointments; the assignment and performance of specific appointee and employees of City Council, and to the extent such discussion will be aided thereby.

Roll Call

RECONVENE OPEN MEETING

CERTIFICATION PURSUANT TO VIRGINIA CODE § 2.2-3712 (D): Were only public business matters (1) lawfully exempted from open-meeting requirements and (2) identified in the closed-meeting motion discussed in closed meeting?

WORK SESSION

WS-1 – City Right of Way Policy Compliance Update: Chris Ward

REGULAR MEETING

7:30 p.m.

Call to order, roll call, and welcome to visitors

Prayer by Reverend Danny Tucker, followed by the Pledge of Allegiance to the Flag of the United States of America led by Councilor Denton.

SUGGESTED MOTION: To amend/adopt Regular Meeting Agenda Roll Call

CONSENT AGENDA

All matters listed under the Consent Agenda are considered routine by Council and will be approved or received by one motion in the form listed. Items may be removed from the Consent Agenda for discussion under the regular agenda at the request of any Councilor.

C-1 Minutes: September 26, 2023

C-2 Pending List:

C-3 Information for Council Review: Non-Discrimination HUD Policy & Grievance Procedure – C. Ward

C-4 Personnel Change Report & Financial Report: HR Report

C-5 Public Hearing Announcements:

C-6 Routine Approval of Work Sessions:

C-7 Ordinances on Second & Final Reading:

C-8 Routine Grant Approval:

SUGGESTED MOTION: To amend/adopt consent agenda

INFORMATION/PRESENTATIONS

1. Police Report – Chief Taylor

COMMUNICATIONS FROM CITIZENS

CITY CLERK: A Communication from Citizens period, limited in total time to 30 minutes, is part of the Order of Business at each regular Council meeting. All persons addressing Council shall approach the microphone, give name and, if they reside in Hopewell, their ward number, and limit comments to three minutes. No one is permitted to speak on any item scheduled for consideration on regular agenda of the meeting. All remarks shall be addressed to the Council as a body, any questions must be asked through the presiding officer. Any person who makes personal, impertinent, abusive, or slanderous statements, or incites disorderly conduct in Council Chambers, may be barred by the mayor from further audience before Council and removed, subject to appeal to a majority of Council (See Rules 405 and 406)

UNFINISHED BUSINESS

PUBLIC HEARING

CITY CLERK: *All persons addressing Council shall step to the microphone, give name and If they reside in Hopewell, their ward number, and limit comments to three minutes. No one may address council more than once per meeting, unless granted permission by the presiding officer. Speakers address council as a body, not individual councilors. Questions are asked of councilors and staff through the presiding officer. Any person who makes personal, impertinent, abusive, or slanderous statements, or incites disorderly conduct in the council chamber may be reprimanded by the presiding officer, and removed from the meeting upon a majority vote of councilors present, excluding any councilor who is the subject of the motion. (See Rules 405 and 406)*

PH-1 – Collective Bargaining – Caleb Kershner, Will Thetford, Vance Stallings (Second Reading)

REGULAR BUSINESS

R1- Amendment to the Connection Sewer Fees Ordinance - City Attorney, Danielle Smith

R2- Amendments to the Transient Occupancy Tax Ordinance -City Attorney, Danielle Smith

R3 -Amended FOIA Policy language and fees -City Attorney, Danielle Smith

R4 - Queen Ann Pump Station – Richard Thompson (Dickie)

Reports of City Manager:

Reports of City Attorney:

Reports of City Clerk:

Councilors Request

Presentations from Boards and Commission

Other Council Communications

Adjournment

CLOSED MEETING

RECONVENE OPEN MEETING

WORK SESSION

WS-1

City Council Policy

SUBJECT: Right-of-Way Vacation

Policy No: CC-3

Effective Date: October XX, 2023

Agenda Item # & Date: UB-3 (3/25/03)

Approved by City Council: *Adopted in accordance with
action of City Council
on March 25, 1997*

Amended by City Council: October XX, 2023

Administering Dept: Department of Development

I. POLICIES:

- A. Adjoining property owners may petition the City to vacate any public right-of-way for a street or alley in accordance with Virginia Code § 15.2-2006.
- B. Generally, rights-of-way are owned "in fee simple" by the City, and when vacated, can be acquired by the adjoining property owners. However, there are some cases wherein the City does not own a right-of-way "in fee simple," but merely has the right to use the property. In these cases, the City vacates its right to use the property and ownership reverts to the original owner of the property, not to the adjoining property owners.
- C. When the City vacates right-of-way, it is typically divided between the adjoining property owners. Applicants may make private arrangements to purchase portions of vacated right-of-way to which the adjoining property owners are entitled.
- D. Vacation of right-of-way will not be recommended for approval if any of the following would be created as a result of the vacation:
 - 1. A dead-end that lacks sufficient room for a vehicle to turn around.
 - 2. Public property which is isolated and not connected to a public right-of-way.
 - 3. A parcel of property without direct, authorized, and legal access to an established public street right-of-way.
 - 4. A jog or unevenness within the consistency of a right-of-way line or boundary pattern.
 - 5. A break or disconnect in the entire or full-length stretch of right-of-way and creates a scenario where any possible future use of the remaining right-of-way is taken away.
- E. All expenses involved in the vacation process shall be borne by the petitioner and receiving property owners in accordance with Virginia Code § 15.2-2006.

- F. It is the policy of the City Council not to require vacated land to be purchased by adjoining property owners when the vacated right-of-way is twenty feet or less in width.
- G. It is the policy of City Council that whenever a right-of-way over twenty feet is vacated and the amount of vacated land going to a single adjoining property owner is of an area equal to or exceeding the minimum area necessary to site a building in that zoning district, then the City will sell the land to that adjoining property owner for an amount equal to one-half of the assessed value of a building site of comparable area.

II. PROCEDURES:

- A. Filing of Petition – The petitioners shall file a petition for vacation with the Department of Planning & Development consisting of the following:
 - 1. Petition form with signatures from all adjoining property owners. The Department of Planning & Development, at its discretion, may also require written consent of those who use the area to be vacated for a primary/necessary ingress or egress.
 - 2. A \$100 non-refundable application processing fee, payable to the City of Hopewell. The petitioners must agree to meet all expenses involved in the vacation process.
 - 3. Sketch or illustration of right-of-way to be vacated.
 - 4. One (1) copy of a title search or opinion from an attorney or title examiner determining ownership of the right-of-way.
- B. Staff Review – Upon receipt, the Department of Planning & Development will transmit the application for review by City agencies. Considerations by City agencies may include, but are not limited to:
 - 1. Current and potential future use of subject area
 - 2. Easements for utilities to be reserved/retained
 - 3. Utility relocation (at applicant's expense) when an easement will not suffice
 - 4. Emergency service and use of area
 - 5. Refuse collection service and use of the area
 - 6. Impact to pedestrian or vehicular traffic
- C. Advertisement – Notice of the request to petition City Council for the vacation of a right-of-way must be published as a legal ad in a newspaper of general circulation at least twice, with at least six days elapsing between the first and second publication. The notice shall specify the time and place of hearing, at which time persons affected may appear and present their views. This cost will be billed to the petitioners.
- D. Public Hearing – The City Council shall conduct a public hearing at which persons affected may appear and be heard. City Council may vote to approve, approve with conditions as permitted under Virginia Code § 15.2-2006 and § 15.2-2008, defer for additional review, or deny the ordinance of vacation.
- E. Post-Approval – Upon approval by City Council, the petitioner(s) shall have 90 days to submit:

1. The deed of vacation reflecting that the vacated land is assimilated into, and become a part of, the abutting properties.
2. Administrative resubdivision application necessary to accomplish the assimilation of land into the abutting properties. This includes a licensed professional land surveyor's plat showing the exact extent and dimensions of the vacation, names, parcel numbers and deed references of adjoining properties, metes and bounds based on City-approved datum, area of proposed closure, and a minimum of two NAD 83 State Plane coordinates. The City reserves the right to request a digital copy of the plat.
3. Payment of public notification advertising fees.
4. When required as a condition of approval, agreement to purchase the vacated property in accordance with Virginia Code § 15.2-2008 and approved as to form and legality by the City Attorney.

F. At the end of the 90 day period, or earlier:

1. If all deeds have been received and approved, Council then may adopt on second and final reading the vacating ordinance. If adopted, the deeds will be returned to the respective property owners, for filing with the Clerk of the Circuit Court. No property is transferred until the deeds have been filed.
2. If one or more deeds are not received within the specified 90 day time limit, Council will be requested to defeat the vacating ordinance on second and final reading. If the ordinance is defeated, all deeds shall be returned to the appropriate parties and the petition terminated.

G. Recordation – A certified copy of the ordinance of vacation shall be recorded as deeds are recorded and indexed in the name of the locality within six (6) months of final Council approval. A conditional vacation shall not be recorded until the condition has been met.

H. If the ordinance has expired without the deed(s) being filed, the petitioner must contact the City Manager's Office to have the issue placed on the agenda of the next available Council meeting. Prior to Council consideration, the petitioning citizen(s) must submit to, and have approved by, the City Attorney all deeds of vacation. The petitioner must appear at the meeting to request that Council reaffirm its earlier action. The City Manager will include in the Council packet the original report on the requested vacation with no additional staff work or research.

At the request of the petitioner, Council may pass an ordinance on first reading to reaffirm its earlier ordinance governing the street or alley vacation, and establishing a 90 day period for the signing and filing of the deed(s) after the reaffirming ordinance has been adopted on second and final reading.

For additional assistance, please contact the Department of Planning & Development.

Policies and procedures adopted in accordance with action of Council on March 25, 1997, amended March 25, 2003, September 22, 2003, and October XX, 2023.

NOTE: Supersedes Administrative Policy H-4 approved by City Council September 14, 1982.

City Council Policy

SUBJECT: Right-of-Way Vacation

Policy No: CC-3
2023

Effective Date: September 14, 1982October XX,

Agenda Item # & Date: UB-3 (3/25/03)

Approved by City Council: *Adopted in accordance with
action of City Council
on March 25, 1997*

Amended by City Council: September 22, 2003October
XX, 2023

Administering Dept: Department of Development

I. POLICIES:

- A. Adjoining property owners may petition the City to vacate any public right-of-way for a street or alley. ~~By State law, the general rule is that when a City vacates a right-of-way, it is divided between the adjoining property owners. This division rule does not apply when a right-of-way is on the edge of a subdivision.~~ in accordance with Virginia Code § 15.2-2006.
- B. Generally, rights-of-way are owned "in fee simple" by the City, and when vacated, can be acquired by the adjoining property owners. However, there are some cases wherein the City does not own a right-of-way "in fee simple," but merely has the right to use the property. In these cases, the City vacates its right to use the property and ownership reverts to the original owner of the property, not to the adjoining property owners.
- C. ~~As a matter of policy, any vacation~~When the City vacates right-of-way, it is typically divided between the adjoining property owners. Applicants may make private arrangements to purchase portions of a vacated right-of-way must not to which the adjoining property owners are entitled.
- D. Vacation of right-of-way will not be recommended for approval if any of the following would be created as a result in a of the vacation:
 - ~~1. A dead-end situation which that~~ lacks sufficient room for a vehicle to turn around or
in public.
 - ~~4.2.~~ Public property which is isolated and not connected to a public right-of-way.
 - 3. A parcel of property without direct, authorized, and legal access to an established public street right-of-way.
 - 4. A jog or unevenness within the consistency of a right-of-way line or boundary pattern.
 - 5. A break or disconnect in the entire or full-length stretch of right-of-way and creates a scenario where any possible future use of the remaining right-of-way is taken away.

~~C.E.~~ All expenses involved in the vacation process shall be borne by the petitioner and receiving property owners in accordance with Virginia Code § 15.2-2006.

~~D.F.~~ It is the policy of the City Council not to ~~seek to sell~~require vacated land to ~~be purchased by~~ adjoining property owners ~~inwhen~~ the vacation of an alley or the vacation of a vacated right-of-way is twenty feet or less in width. ~~That is, Council generally does not require that the receiving property owners purchase such rights of way.~~

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City Council Policy No. CC-3

~~E.G.~~ It is the policy of City Council that whenever a right-of-way over twenty feet is vacated and the amount of vacated land going to a single adjoining property owner is of an area equal to or exceeding the minimum area necessary to site a building in that zoning district, then the City will sell the land to that adjoining property owner for an amount equal to one-half of the assessed value of a building site of comparable area.

~~F.~~ It is the policy of City Council that if the ordinance has expired without the deed(s) being filed, the petitioning citizen must contact the City Manager's Office, to have the issue placed on the agenda of the next available Council meeting. ~~Prior to Council consideration, the petitioning citizen(s) must submit to, and have approved by, the City Attorney all deeds of vacation. The citizen must appear at the meeting, to request that Council reaffirm its earlier action. The City Manager will include in the Council packet the original report on the requested vacation, with no additional staff work or research.~~

~~At the request of the citizen, Council may pass an ordinance on first reading to reaffirm its earlier ordinance governing the street or alley vacation, and establishing a 30 day period for the signing and filing of the deed(s) after the reaffirming ordinance has been adopted on second and final reading.~~

II. PROCEDURES:

~~Anyone wishing to vacate a right-of-way is encouraged to discuss the policies and procedures with representatives of the Department of Development or City Attorney prior to initiating the process.~~

~~A.~~ Filing of Petition – The attached petitioners shall file a petition must be filed for vacation with the Department of Planning & Development consisting of the following:

- ~~1. Petition form with the Department of Development. All signatures from all adjoining property owners must sign the petition. There must be . The Department of Planning & Development, at its discretion, may also require written consent of those who use the area to be vacated for a primary/necessary ingress or egress.~~
- ~~2. A \$100.00 deposit for each property owner. non-refundable application processing fee, payable to the City of Hopewell. The petitioners must agree to meet all expenses involved in the vacation process. Contact:~~
- ~~3. Sketch or illustration of right-of-way to be vacated.~~
- ~~4. One (1) copy of a title search or opinion from an attorney or title examiner determining ownership of the right-of-way.~~

~~A.B.~~ Staff Review – Upon receipt, the Department of Planning & Development will transmit the application for review by City agencies. Considerations by City agencies may include, but are not limited to:

1. Current and potential future use of subject area
2. Easements for utilities to be reserved/retained
3. Utility relocation (at applicant's expense) when an easement will not suffice
4. Emergency service and use of area
5. Refuse collection service and use of the area
6. Impact to pedestrian or vehicular traffic

B.C. Advertisement – Notice of the request to petition City Council for the vacation of a right-of-way must be published as a legal ad in the Hopewell News a newspaper of general circulation at least twice, with at least six days elapsing between the first and second publication. The notice shall specify the time and place of hearing by the Hopewell Planning Commission, at which time persons affected may appear and present their views. ~~Contact: Department of Development~~ This cost will be billed to the petitioners.

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Public Hearing – The City Council Policy No. CC-3

~~C. The Planning Commission will receive a staff report on the request, hold~~ shall conduct a public hearing, at which persons affected may appear and make its recommendation to be heard. ~~City Council. Contact: Department of Development.~~

~~D. Council receives the Planning Commission's recommendation. Council may pass on first reading an~~ may vote to approve, approve with conditions as permitted under Virginia Code § 15.2-2006 and § 15.2-2008, defer for additional review, or deny the ordinance of vacation, ~~with or without conditions. Contact: Department of Development.~~

~~The property owners~~

E. Post-Approval – Upon approval by City Council, the petitioner(s) shall have 90 days to submit to the City Attorney for approval all deeds of:

~~E. The deed of vacation. When an individual deed is approved, the respective \$100.00 deposit shall be refunded. Contact: City Attorney.~~

1. Deeds of vacation must reflect reflecting that the vacated parcels are and is assimilated into, and become a part of, the abutting properties. The property owners are responsible for effecting any

4.2. Administrative resubdivision process application necessary to accomplish this the assimilation of land into the abutting properties. This includes a licensed professional land surveyor's plat showing the exact extent and dimensions of the vacation, names, parcel numbers and deed references of adjoining properties, metes and bounds based on City-approved datum, area of proposed closure, and a minimum of two NAD 83 State Plane coordinates. The City reserves the right to request a digital copy of the plat.

3. Payment of public notification advertising fees.

4. When required as a condition of approval, agreement to purchase the vacated property in accordance with Virginia Code § 15.2-2008 and approved as to form and legality by the City Attorney.

F. ~~At the end of the 90 day period, or earlier, the City Attorney shall report to Council;~~

1. If all deeds have been received and approved, Council then may adopt on second and final reading the vacating ordinance. If adopted, the deeds will be returned to the respective property owners, for filing with the Clerk of the Circuit Court. No property is transferred until the deeds have been filed. ~~Contact: City Attorney.~~
2. If one or more deeds are not received within the specified 90 day time limit, Council will be requested to defeat the vacating ordinance on second and final reading. If the ordinance is defeated, all deeds shall be returned to the appropriate parties and the petition terminated.

G. Recordation – A certified copy of the ordinance of vacation shall be recorded as deeds are recorded and indexed in the name of the locality within six (6) months of final Council approval. A conditional vacation shall not be recorded until the condition has been met.

3. ~~If the ordinance has expired without the deed(s) being filed, the petitioning citizen petitioner must contact the City Manager's Office to have the issue placed on the agenda of the next available Council meeting. Prior to Council consideration, the petitioning citizen(s) must submit to, and have approved by, the City Attorney all deeds of vacation. For property owners who have not had a deed submitted and approved, the respective \$100.00 deposit shall be forfeited to the City. Contact: City Attorney.~~

H. The citizenpetitioner must appear at the meeting to request that Council reaffirm its earlier action. The City Manager will include in the Council packet the original report on the requested vacation with no additional staff work or research.

At the request of the citizenpetitioner, Council may pass an ordinance on first reading to reaffirm its earlier ordinance governing the street or alley vacation, and establishing a 90 day period for the signing and filing of the deed(s) after the reaffirming ordinance has been adopted on second and final reading.

For additional assistance, please contact the Department of Planning & Development ~~or the City Attorney.~~

Policies and procedures adopted in accordance with action of Council on March 25, 1997, amended March 25, 2003 ~~and~~, September 22, 2003, and October XX, 2023.

NOTE: Supersedes Administrative Policy H-4 approved by City Council September 14, 1982.

City Council Policy No. CC-3

APPLICATION FOR STREET/ALLEY VACATION

I (We) _____ of _____

(Names) (Mailing Address)

petition the City of Hopewell to vacate the undeveloped right of way situated at: _____

There has _____ has not _____ been previously a petition to vacate this right of way.

Attached is a drawing of the right of way to be vacated.

There is/are _____ property owner(s) adjoining this right of way. Attached is/are the signature(s) of the adjoining property owner(s) and a \$100.00 deposit per property owner. non refundable application processing fee.

I (We) agree to pay for two public notice advertisements in the Hopewell News as well as all other costs incurred by me/us associated with this application, regardless of Council's final decision regarding the petition.

I (We) have received Council's Policy concerning right of way vacations.

(Signature of Petitioner) (Telephone Number)

(Signature of Petitioner) (Date)



RIGHT-OF-WAY VACATION APPLICATION
City of Hopewell
Department of Planning & Development
300 N Main St., Hopewell, VA 23860
(804) 541-2220 Fax (804) 541-2318

Petitioner Information (Attach Separately for Multiple Applicants):

Name: _____ Mailing Address: _____

Phone Number: _____ Email: _____

Proposed Vacation or Abandonment:

1. Location: _____
2. Parcels to benefit from the proposed vacation: _____
3. Number of properties adjoining the right-of-way: _____
4. Has a petition to vacate this right-of-way previously been considered? ☐ Yes ☐ No

Required attachments:

- ☐ Drawing of the right-of-way to be vacated.
- ☐ \$100 non-refundable application fee per adjoining property/applicant.
- ☐ Title search or opinion from an attorney or title examiner determining ownership of the right-of-way.

Disclosures:

- ☐ I (We) have received Council's Policy concerning right-of-way vacations.
- ☐ I (We) agree to pay for public notice advertisements as well as all other costs incurred by me/us associated with this application, regardless of Council's final decision regarding the petition.
- ☐ I (We) understand that, if approved, I (We) will be responsible for submitting a deed of vacation and administrative subdivision application that complies with all City requirements and conditions and recording said documents with the Hopewell Circuit Court Clerk's Office.

Petition Signature (Attach Separately for Multiple Applicants):

I (We) hereby petition the City of Hopewell to vacate the undeveloped right-of-way referenced in this application.

Signature

Name (Printed)

Date

Signature

Name (Printed)

Date

CONSENT AGENDA

C-1

**MINUTES OF THE September 26, 2023 CITY COUNCIL REGULAR
MEETING**

A REGULAR meeting of the Hopewell City Council was held on Tuesday
September 26, 2023 at 6:00 p.m.

PRESENT: John B. Partin, Mayor (Virtual)
Jasmine Gore, Vice Mayor (Absent)
Rita Joyner, Councilor
Michael Harris, Councilor (Virtual)
Janice Denton, Councilor
Brenda Pelham, Councilor
Dominic Holloway, Councilor

Councilor Joyner makes a motion to allow Mayor Partin and Councilor Harris to participate in meeting by zoom, Councilor Holloway seconds the motion.

Roll Call:	Councilor Denton -	Yes
	Councilor Pelham -	Yes
	Councilor Holloway -	Yes
	Councilor Joyner -	Yes
	Councilor Harris -	Abstain
	Mayor Partin -	Abstain

Motion Passes 4-0

CLOSED MEETING:

Councilor Holloway makes a motion to go into closed session pursuant to Va. Code Section § 2.2-371 1 (A)(I) to discuss and consider personnel matters, including board and commission appointments; the assignment and performance of specific appointee and employees of City Council, and to the

extent such discussion will be aided thereby, motion is seconded by Councilor Joyner

Roll Call:	Councilor Denton -	Yes
	Councilor Pelham -	Yes
	Councilor Holloway -	Yes
	Councilor Joyner -	Yes
	Councilor Harris -	Yes
	Mayor Partin -	Yes

Motion Passes 6-0

Reconvene Open Session

Councilor Holloway makes a motion to come out of closed session motion is seconded by Councilor Joyner.

Roll Call:	Councilor Denton -	Yes
	Councilor Pelham -	Yes
	Councilor Holloway -	Yes
	Councilor Joyner -	Yes
	Councilor Harris -	Yes
	Mayor Partin -	Yes

Motion Passes 6-0

CERTIFICATION:

Immediately thereafter, council responded to the question pursuant to Virginia § 2.2-3712 (D): Were only public business matters (1) lawfully exempted from open-meeting requirements and (2) identified in the closed-meeting motion discussed in closed meeting?

Roll Call:	Councilor Denton -	Yes
	Councilor Pelham -	Yes
	Councilor Holloway -	Yes
	Councilor Joyner -	Yes
	Councilor Harris -	Yes
	Mayor Partin -	Yes

Motion Passes 6-0

Councilor Denton moves to make a motion to amend the agenda to postpone the work session until the October 10 meeting, motion is seconded by Councilor Holloway.

Roll Call:	Councilor Denton -	Yes
	Councilor Pelham -	Yes
	Councilor Holloway -	Yes
	Councilor Joyner -	Yes
	Councilor Harris -	Yes
	Mayor Partin -	Yes

Motion Passes 6-0

REGULAR MEETING

Councilor Pelham calls the Regular Meeting to order.

Roll Call:	Councilor Denton -	Yes
	Councilor Pelham -	Yes
	Councilor Holloway -	Yes
	Councilor Joyner -	Yes
	Councilor Harris -	Yes
	Mayor Partin -	Yes

Prayer by Reverend Danny Tucker, followed by the Pledge of the Allegiance led by Councilor Denton.

Councilor Denton makes a motion to amend the agenda to move public hearings 2, 3, and 4 to regular business R 3, 4, and 5. Motion fails for lack of a second.

Mayor Partin moves to approve the agenda as presented, Councilor Holloway seconds the motion. Councilor Denton calls for a point of order stating the reason she wants to move the public hearings was because it doesn't seem to follow the charter, she asked city attorney to confirm if it should be a public hearing or a regular business. City Attorney quotes section 4 chapter 8 in its entirety. She interprets it that ordinances are passed by vote of city council and no mention of public hearings. Councilor Pelham confirms there was a consensus for a public hearing at the last meeting. Councilor Denton states she does not believe at the last meeting that there was a vote to move these items to the public hearing, city attorney states it was a consensus not a vote.

Councilor Holloway states he is unclear on what the motion is, he confirms what the motion on the floor is and calls for the vote. Councilor Harris then calls for point of information and states he did not hear clearly what her motion was and confirmed that there was not a second, he asked if he could back track because he isn't hearing everything well, he was told he could only vote on the current motion to vote against the current motion because the formal motion has died.

Motion on the floor: Mayor Partin moves to approve the agenda as presented, Councilor Holloway seconds the motion.

Roll Call:	Councilor Denton -	No
	Councilor Pelham -	Yes
	Councilor Holloway -	Yes
	Councilor Joyner -	Yes
	Councilor Harris -	No
	Mayor Partin -	Yes

Motion Pass – 4-2

Councilor Joyner makes a motion to adopt the Consent Agenda as presented and second by Councilor Holloway.

Councilor Denton state she is against this because the minute are a part of this consent agenda and because there was no vote for the public items she disagrees with the consent agenda being approved. Councilor Pelham stated once something is sent to the public to allow the public to speak she does not want to not allow the public to not speak, so that is why she disagrees to take away the public items. Councilor Holloway calls for the vote. Councilor Denton speaks again to say she doesn't want to stop anyone from speaking but it is proper procedure to follow the charter, and she feels a precedent is being set and it is not a good one.

Councilor Holloway ask for point of information to clarify for the public if a consensus takes the place of a vote, City attorney states a vote and a consensus are two different things. Councilor Holloway asks does a consensus instead of a vote have them out of order. City attorney states with ordinances the charter is specific in how they are adopted, but with adoption of ordinance the charter speaks to how it is adopted. Councilor Holloway states so they would be out of order because a consensus is not how you can handle an ordinance, city attorney states yes if the ordinances were to be adopted tonight. Councilor Holloway states so they are out of order, City attorney states to just follow the charter. Councilor Joyner states

many ordinances have public hearings and then adopt after two public hearings. She believes this is still following procedure and not violating anything. Vote is called for.

Motion restated: Motion is to adopt the consent agenda as presented.

Roll Call:	Councilor Denton -	No
	Councilor Pelham -	Yes
	Councilor Holloway -	Yes
	Councilor Joyner -	Yes
	Councilor Harris -	No
	Mayor Partin -	Yes

Motion Pass – 4-2

INFORMATION/ PRESENTATIONS

1. Queen Ann Pump Station project by Mr. Dickie Thompson. He begins by describing what the queen ann pump is and where it is located. He gives a brief history on it and states how they work. He stated there has been increased development and the current set up reduces the pump capacity that was originally installed. In the past there have been overflows that leads to the Appomattox river. He is looking to improve resiliency and construct a separate force main for the prison and the jail flow. He states this also helps protect the environment. He provided a memo that highlights that davenport suggested to use the sewer improvement fund and the sewer rate stabilization fund. The estimated cost of the project is 2.7 million dollars. He is requesting to appropriate 3 million to have contingency money from the two funds mentioned. Councilor Denton asked Mr. Sanderson does he feel comfortable with this and what his opinion is. Mr. Sanderson speaks to say he does feel comfortable with this request. He

gives a little information on the sewer improvement funds and the rate stabilization fund. Neither are pledged to bond holders so ultimately they can use for any purpose they like after following specific procedures that he provided.

COMMUNICATIONS FROM CITIZENS

Mr. Daniel Ekwevi who resides in Hopewell in ward 6. He begins by stating he has an issue that has come to his attention concerning the Walmart in Colonial Heights. He stated there is a bill of over \$6000 dollars that they are offering routine mileage maintenance checks without checking all fluid levels especially the coolant levels. This is a cooperate policy and he finds it extremely dangerous for children and adults. He believes Walmart needs to be approached and have them include this in their routine checks. He stated his research shows other auto shops offer this. He explains what basic auto maintenance covers. He stated they are stating they offer basic auto maintenance but not checking all fluid levels. He believes this is deceptive, harmful, and dangerous. He will be bringing this up to the colonial heights town hall as well. He is concerned if you let this go, several other auto shops will eventually also stop checking all fluid levels. Councilor Pelham directs Mr. Ekwevi to give his information to the city clerk so he may be contacted.

No other person signed up for communications from citizens.

PUBLIC HEARING

PH1- Collective Bargaining with Vance Stallings – He begins his presentation by stating he wants to open a window of communication and ultimately lead to bettering the lives of the citizens of Hopewell. He starts to go through his PowerPoint presentation that he provided. He begins with page 5 explaining why choose collective bargaining and he goes into a brief detail of the history of collective bargaining. He is asking for approval of an ordinance that lays the ground work for how collective bargaining would be undertaking. He provides

an ordinance that allows the collective bargaining process to open between public servants and between the city. He stated he have seen this be adopted in other jurisdictions and he sees it is effective. He states how it would work, the city would appoint a labor relations administrator who would create an election process to give the advantage of other jurisdictions who have adopted this. He opens the floor for any questions.

Councilor Holloway asks in the end he states that are not too many downsides, so he asks what are the downsides. The response is he gave a poor choice of words; he believes it is a win-win situation. He states as council they are not setting themselves up in a position of giving away any authority or lose the ability to effect good in the community.

Councilor Harris asks why would you introduce in a public hearing about collective bargaining by not starting out with what is most important about the collective bargaining and the fact that how it would work under the proposed ordinance. The response given was he did a presentation before and with other it was encouraged that he be mindful of time but that he may have picked the wrong things to prioritize. He goes into what the number of officers in the city are currently and goes over what the advantages are. Councilor Harris states in regard to the ordinance he wants to be understood by citizens and council that the city sets the boundaries and the city does not give up their inherent management rights by entering collective bargaining.

Councilor Joyner asks how many localities have adopted collective bargaining thus far, the answer is given by name each locality that has signed up so far. She asks are there any smaller communities that they are working with, the answer was the bigger ones so far has done it, but he is unaware of the demographic comparison but if it just the city the closest would be Portsmouth.

Councilor Pelham states it seems the major thing they provide is they provide legal counsel when there is a grievance procedure for policeman. The answer is the representation more than a decade has been majority grievances, but their role in this process is to help writing ordinances and letting them know they were asking for the consideration as well. She asks if it came down to a disagreement bargaining between salaries the city would have the last word, the response is that it is absolutely protected in the ordinance.

Councilor Pelham opens the floor for the public to speak.

Constance Moreau speaks in regards to the collective bargaining as an officer in the city of Hopewell. She thanks council for the opportunity. She explains who she is and her role in the city. She stated many people are here tonight who are very invested in the outcome of this vote. She wanted to give insight into the police department stating communication between council and various departments could be better. She gives a brief history of her experience with police work and her experience with collective bargaining in other states. She goes over the good that collective bargaining can mean for the city. She believes it can help the city get out of the slump it is in. She stated there are 15 confirmed police officers that are confirmed to be gone and she knows more are headed out the door. She mentioned that the senior officers present tonight are looking at other agencies and do not feel appreciated for the hard work they do. She states her dedication does not pay her bills. She wants to continue working here and continue to like being here. She states there are things that are needed to have a successful work/life balance. She believes things needed can be fixed with collective bargaining.

Councilor Pelham closes the public hearing and lets the audience know there will not be a vote on this item tonight, but it will be voted on at the next regular meeting.

Councilor Holloway thanks Officer Moreau and speaks for all council to say they are open to hear comments and he is unsure of any direct request for communication but let them know they have a right to address council with any concerns they may have. He thanks the officers for their hard work and dedication in the city. He also thanks fire, ems, and all other departments.

Mayor Partin makes a motion to extend the meeting until CR2 is complete, Councilor Joyner seconds the motion.

Roll Call:	Councilor Denton -	Yes
	Councilor Pelham -	Yes
	Councilor Holloway -	Yes

Councilor Joyner -	Yes
Councilor Harris -	Yes
Mayor Partin -	Yes

Motion Pass – 6-0

PH-2 – Amendments to the transient occupancy Tax ordinance – Danielle Smith discusses the proposed ordinances amendment to discuss the additions to definitions inside the ordinance regard to person, retail sell, room change, and accommodations provider in section 34-146 of city ordinance. Another addition are the added job responsibilities for the commission of revenue Ms. Reason who is now required to report all information to Virginia dept. of Tax and must maintain a list of hotel owners here in the city of Hopewell and have a copy of all rules and regulations that will be available in her office. She provides contact info for Ms. Reason. Mrs. Smith opens the floor for questions.

Councilor Pelham closes the public hearing. Item is moved to the next agenda meeting on October 10 as a regular business item.

PH3 – Sewer use connection fee ordinance proposed amendments – Mrs. Smith goes over the sewer fee change to state where there are property owners who divides a lot into two or more lots and there is an available sewer line and there is an available sewer line where the secondary line does not have a preexisting sewer line the connection fee would remain the same of \$2026.00, the change would be where there is a preexisting sewer line in the same example, the fee would change to \$200. Mrs. Smith opens the floor for questions.

Mayor Partin asks when they change the dollar amount to 200 is that section F and subsection C, Mrs. Smith confirms that is correct.

Councilor Holloway asks what was the initial fee, Mrs. Smith stated the \$2026 fee was always that rather there was an existing sewer line or not.

Councilor Pelham closes the public hearing. Item is moved to the next agenda meeting on October 10 as a regular business item.

PH4 – Amended FOIA policy language and fees – Mrs. Smith asks for consideration to adopt a FOIA policy required by general assembly. Specifically, the general assembly has required that every city, county, or town to adopt the FOIA policy and post it to the city website to allow citizens to be aware of the fees associated with their requests. She explains what the current policy is. She gives council options on how they can set the policy, to either continue current policy, set hour rate, or set flat rate per page. City council action is requested; she is also asking for a deadline for payment with regard to making request for the FOIA documentation. She offers a suggestion to say if it is not picked up within a 60 day pay period, the office may shred and get rid of the documents.

Councilor Holloway asks what was the average hourly rate excluding directors, Mrs. Smith states it would be about \$95 an hour. He asks excluding the directors, Mrs. Smith stated she would need to get back with city council. He stated those in the same high pay category to be excluded and then give an average, Mrs. Smith asks do you want her to exclude the top 5 highest salaries, Councilor Pelham stated they first need to decide if they are going to use the salary as the option for FOIA fees. Councilor Holloway asks Mrs. Smith what was her recommendation, she stated to pull the hourly wage of the person pulling the documentation. She stated the requests pulls time from the employer pulling the documentation, so that makes the most sense, she says her recommendation would be to keep the current policy.

Councilor Joyner states it makes sense to keep the current policy in place and add to it a time line requirement.

Councilor Pelham asks does the policy say anything on how much has to be put down. Mrs. Smith stated \$200 or more the deposit has to be \$200 dollars, even if it leaves an outstanding balance with the city, however, if there is a second invoice by the same person, the outstanding balance must be paid in full before the office begins working on the second invoice.

Councilor Pelham closes the public hearing. Item is moved to the next agenda meeting on October 10 as a regular business item.

REGULAR BUSINESS

R1- Appropriate funds for SCBA Grant – Chief Ruppert – Opens up his presentation going over his budget discussions from last year and the need to replace breathing apparatus. He stated there were bottles that would be going out of service that would need to be replaced at a minimum, but they would also request a federal grant. They applied for the grant and beginning the month they got notification from FEMA they were rewarded the grant in the amount of \$294,645.90 and including their match it would be a total of \$324,110.50. His request tonight is to purchase the equipment and then receive the reimbursement. He will submit all documents to receive the reimbursement so the money can be returned back to the city.

Mayor Partin makes a motion to resolve to approve the appropriation of \$324,110.50 to include the cities \$29,464.60 matching portion to the fire department budget to procure new SCBA, Councilor Joyner seconds the motion. City Manager makes a friendly amendment to get the money from the unassigned fund balance, Mayor Partin agrees to the friendly amendment.

Councilor Holloway asks was the additional money already approved earlier in the year, he wanted to ensure they had everything they needed. Chief Ruppert stated after tonight they will have everything they need.

Roll Call:

Councilor Denton -	Yes
Councilor Pelham -	Yes
Councilor Holloway -	Yes
Councilor Joyner -	Yes
Councilor Harris -	Yes
Mayor Partin -	Yes

Motion Pass – 6-0

R2 – Gravity Thickener replacement – Mr. Thompson begins his presentation stating he is here tonight requesting action on appropriating \$1,000,000.00 dollars from Hopewell water renewal fund 32 to procure a project to replace and repair gravity thickener equipment. He begins explaining that they are a complex major municipal waste water treatment facility, 85 percent industrial waste and 15 percent domestic waste water. He states they have two gravity water thickener, the gravity thickener is part of the sludge handling process, the sludge must be conditioned properly before disposed of, and only having one instead of two they run into the risk of catastrophic failure with the sludge handling process, if it is not process at the plant it goes out of the plant and into the river. He states this project was quoted 5 years ago and has not moved forward. He stated the commission on sept 7 approved the project, and he is asking to take the million-dollar request from fund 32 and appropriate it into a line item to cover the cost of the project. He goes over the included equipment. He stated Evoqua quoted them \$129,000.000, he then goes over what they will be responsible for and what this project will do to help them.

Councilor Holloway makes a motion to appropriate a total of \$1,000,000.00 from Hopewell Water Renewal Fund 32 excess revenue (cash account) to fund the project and approve the budget resolution, Mayor Partin seconds the motion.

Roll Call:

Councilor Denton -	Yes
Councilor Pelham -	Yes
Councilor Holloway -	Yes
Councilor Joyner -	Yes
Councilor Harris -	Yes
Mayor Partin -	Yes

Motion Pass – 6-0

Councilor Request – Discussion of Financial Services – Councilor Joyner states she is asking that council consider submitting an RFP for financial services, she stated the last couple months there have been concerns on how responsive they have been over the last several years, she thinks getting an RFP out for comparison is in the best interest of the city.

Councilor Joyner makes a motion that we submit an RFP for financial services, Councilor Pelham seconds the motion.

Councilor Denton states she does not want to take action on this tonight as there was nothing the packet to explain what this is about. She confirms that Councilor Joyner is referring to the Davenport Company and Councilor Joyner states that is correct, they have not been responsive, and in terms of the situation red flags should have been raised a lot sooner. Councilor Denton states Davenport has been very responsive in her opinion, has been very helpful and guiding the city great and she has no complaints. She stated there was no bad advice given, they just were not doing the audits. She states Davenport would come any time they are asked to come. She states they have gotten good advice and she would like to keep it as it is and she is against sending out an RFP.

Councilor Holloway agrees with Councilor Denton stated when he came a question was asked by Councilor Pelham why was it so long, he stated his response was appropriate. So he agrees that there were no complaints concerning their business from the finance department or any other appropriate department.

Mayor Partin states we are only talking about putting out an RFP for competition to see if there is anything out there, he is saying they are not doing away with Davenport but he sees nothing wrong with seeing what is out there.

Councilor Harris states he has no problem with Davenport.

Councilor Pelham states she does not have a problem with Davenport either, but would like to take a proactive approach, she states they read our audits just like they do, and she thinks there could have been times where he speaks to staff, but there is a Mayor on council and the company should speak to the mayor and/or the financial company. She believes if there is an RFP put out, it needs to state that the company speak to the Mayor as well as the finance team. Being proactive by talking to finance committee and the city manager and the mayor. She asks how much are they paid a year, that answer was not available.

Councilor Holloway calls for the vote.

Councilor Denton begins speaking, Councilor Holloway calls for point of information because he called for the vote, Councilor Pelham states Councilor Denton's light was on prior to the call for vote.

Councilor Denton states she saw correspondence between council and davenport, and their policy is not to speak to any one councilor or to majority but to represent all of them, and she states she agrees with that and if he represents the city that they should represent all of them and not one councilor or mayor. She states we are a city and a team and it is run by majority only. Not having anything in her packet about this, she thinks it is poor business to vote tonight.

Councilor Joyner states she will rescind her motion. Councilor Pelham asks what else does she need to get an RFP. Councilor Denton says when she comes to a meeting she wants all information and documents to review. Councilor Joyner states again she will rescind her motion until the following meeting to have all necessary documents. Councilor Pelham states she does not rescind her second, city attorney confirms because Councilor Joyner withdrew her motion,

the motion died. Councilor Harris confirms the motion from Councilor Joyner was withdrawn.

CR2 – Discussion and review of employee handbook – Councilor Pelham states Councilor Denton is correct, there are no supporting documents for this request and she will continue it to the next regular meeting.

Councilor Pelham opens the floor to council for final remarks.

Councilor Holloway makes a motion to adjourn the meeting.

Vote: 6 Aye

0 Nay

Johnny Partin, Mayor

Brittani Williams, City Clerk

C-3

DESIGNATION OF SECTION 504 CORR DINATOR
FOR THE CITY OF HOPEWELL

I, hereby, designate Yaosca Smith as the Section 504 Coordinator for the
City of Hopewell pursuant to 24 CFR Part 8 and in compliance with the US Department of
Housing and Urban Development requirements.

Conetta Manke

City Manager Signature

Conetta Manke

Printed

9/19/23

Date



CITY OF HOPEWELL

GRIEVANCE POLICY

The City of Hopewell has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development (HUD) (24 CFR 8.53(b)) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794). Section 504 states, in part, that "no otherwise qualified handicapped individual... shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving financial assistance..."

Complaints should be addressed to: Yaosca Smith, Director of Human Resources, who has been designated to coordinate Section 504 compliance efforts.

1. A complaint should be filed in writing or verbally contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
2. A complaint should be filed within (# of days) after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis).
3. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by (name). These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. Under 24 CFR 8.53(b), the City of Hopewell need not process complaints from applicants for employment or from applicants for admission to housing.
4. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by (name of person) and a copy forwarded to the complainant no later than (number of days) after its filing.
5. The Section 504 Coordinator shall maintain the files and records of the City of Hopewell relating to the complaints filed.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within (number of days) to (officer or employee responsible for handling appeals).
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with HUD. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.



8. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standard and to assure that the City of Hopewell complies with Section 504 and the HUD regulations.

Duly adopted at the regular meeting of the Hopewell City Council on October 10, 2023.



NON-DISCRIMINATION POLICY

The City of Hopewell or any employee thereof will not discriminate against an employee or applicant for employment because of race, color, religion, national origin, sex, pregnancy, childbirth or related medical condition, age, marital status, or disability. Administrative and personnel officials will take affirmative action to insure that this policy shall include, but not limited, to the following: employment, upgrading, demotion or transfer; rates of pay or other forms of compensation; and selection for training.

Duly adopted at the regular meeting of the Hopewell City Council on October 10, 2023.

Signature of Authorized Official



MEMORANDUM

DATE: October 3, 2023

TO: The Honorable Mayor Johnnie Partin

FROM: Christopher Ward, Director of Development

SUBJECT: Non-Discrimination Policy & Section 504 Policy and Procedure

The City of Hopewell is a Community Development Block Grant (CDBG) entitlement community. As such, the US Department of Housing and Urban Development (HUD) requires the City of Hopewell to adopt these policies to be compliant with federal regulations.

C-4

DATE: October 02, 2023
TO: The Honorable City Council
FROM: Yaosca Smith, Director of Human Resources
SUBJECT: Personnel Change Report – September 2023

APPOINTMENTS:

NAME	DEPARTMENT	POSITION	DATE
COTHRON, SHARON	SOCIAL SERVICES	FAMSERVSPEC I	09/06/2023
LUFSEY, TERRY	HOPEWELL WATER RENEWAL	ELEC & INST TECH SENIOR	09/06/2023
TURNER, MORGAN	POLICE	ANIM CONTROL OFF	09/06/2023
OSBOURNE, BRENE	SOCIAL SERVICES	FAMSERVSPEC I	09/20/2023
GISEWHITE, WALTER	HOPEWELL WATER RENEWAL	WWT OPERATOR II	09/20/2023
DAVIS, AMBER	HOPEWELL WATER RENEWAL	ADMINISTRATIVE SUPPORT MGR	09/20/2023

SUSPENSIONS: 0 (Other information excluded under Va. Code § 2.2-3705.1(1) as Personnel information concerning identifiable individuals)

REMOVALS:

NAME	DEPARTMENT	POSITION	DATE
WRIGHT, NICHOLAS	SOCIAL SERVICES	FAMSERVSPEC I	09/01/2023
COLEMAN, NICOLE	HOPEWELL WATER RENEWAL	ADMINISTRATIVE SUPPORT MGR	09/08/2023
FOSTER, JORDAN	POLICE	POLICE OFFICER	09/12/2023
BASKERVILLE, ROBERT	HOPEWELL WATER RENEWAL	WWT OPER TRAINEE	09/14/2023
HAMLETT, BRENTON	HOPEWELL WATER RENEWAL	SAMPLE TECH	09/15/2023
DODSON, GARY	PUBLIC WORKS	PW MAINT SPEC SENIOR	09/19/2023
LEWIS, JAMES	PUBLIC WORKS	PT SR ARCH	09/21/2023
CAMACHO, ROSE	SHERIFF	PT SHERIFF DEPUTY	09/22/2023
SIMMS, KAMERON	RECREATION	REC PROGRAM SUPV	09/29/2023

CC: Concetta Manker, City Manager
Jay Rezin, IT
Arlethia Dearing, Customer Service Mgr.
Kim Hunter, Payroll
Michael Terry, Finance Director

INFORMATION/PRESENTATION

Hopewell Police Department Crime Summary

Oct 10, 2023



HOPEWELL POLICE DEPARTMENT
CRIME SUMMARY
Reporting Date: September 30, 2023

Year-to-Date Comparison		Thru September 30th				
	2022	2023	# Change	% Change	5 Year Average	% Change to Average
MURDER	7	5	-2	-29%	5	4%
FORCIBLE RAPE	7	3	-4	-57%	4	-25%
ROBBERY	25	8	-17	-68%	16	-51%
AGGRAVATED ASSAULT	57	45	-12	-21%	44	1%
Violent Crime Total	95	61	-35	-36%	69	-12%
ARSON	0	5	5	#DIV/o!	1	525%
BURGLARY	47	38	-9	-19%	59	-35%
LARCENY	266	216	-50	-19%	266	-19%
MOTOR VEHICLE THEFT	35	53	18	51%	38	40%
Property Crime Total	348	312	-36	-10%	363	-14%
Total Major Crime	444	373	-71	-16%	433	-14%

Murder, Rape, Assault by # of Victims, All others by # of Incidents

5 Year Average to 9/30

HOPEWELL POLICE DEPARTMENT
Reporting Date: September 29, 2023

Suspected Opioid Overdoses 9/29							
	2018	2019	2020	2021	2022	2023	Grand Total
Fatal	6	10	12	15	8	19	70
Non-fatal	26	46	70	69	62	65	338
Grand Total	32	56	82	84	70	84	408

Subject to change as
forensic results are returned

HOPEWELL POLICE DEPARTMENT
Reporting Date: Sept 29, 2023

Shots Fired Thru 9/29/23					
2018	2019	2020	2021	2022	2023
42	30	47	49	47	50



Upcoming Events

- Command Staff and Supervisors will be attending the Intermediate Emergency Operations Center training scheduled October 17-19 at the American Legion in Hopewell.
- 10-28-23 -Drug Take Back –Will be held at Police HQ's & at Tri City Hospital. The time is from 10am-2pm.
- On October 29, 2023 the Police and the Sheriff's Dept. will be providing security for the Hopewell Harvest Fest being held at Patrick Copeland School. The time will be at 5:00pm-9:00pm
- On October 31, 2023 Police will be participating in the Trunk or Treat being held in the parking lot behind the municipal building. The times will be from 5:00pm-7:00pm



Technology Success

2/26/2023-09/29/2023

- Identified 14 stolen vehicles that were recovered.
- Stolen firearm recovered from a passenger in a stolen vehicle
- Catalytic Converter thief arrested and drugs and tools recovered.
- Assisted in Homicide investigation –Arrests were Made
- Assisted in Robbery investigation- Case Solved.
- Assisted in Hit & Run investigation - Case Solved.

Hiring-Recruitment

- Attended a Job Fair at Hampton Sidney University in Farmville VA on Sept 13, 2023
- Will be attending a Job Fair at VMI on October 25, 2023
- Facebook Boost-Payment of a fee for recruitment notification being sent out to a larger area
- Applicants Interview Panel held on 09/28/23 and several are in background.
- Recruitment flyer was updated on the increase in starting pay and the sign on bonus.
- Participated in Job Fair sponsored by the city on 10/10/ 2023

COMMUNICATIONS FROM CITIZENS

PUBLIC HEARING

PH-1



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

- ☐ Civic Engagement
- ☐ Culture & Recreation
- ☐ Economic Development
- ☐ Education
- ☐ Housing
- ☐ Safe & Healthy Environment
- ☒ None (Does not apply)

Order of Business:

- ☐ Consent Agenda
- ☒ Public Hearing
- ☐ Presentation-Boards/Commissions
- ☐ Unfinished Business
- ☐ Citizen/Councilor Request
- ☐ Regular Business
- ☐ Reports of Council Committees

Action:

- ☐ Approve and File
- ☒ Take Appropriate Action
- ☐ Receive & File (no motion required)
- ☐ Approve Ordinance 1st Reading
- ☒ Approve Ordinance 2nd Reading
- ☐ Set a Public Hearing
- ☐ Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE: Council Adoption of Collective Bargaining Ordinance

ISSUE: The Hopewell Chapter of the Southern States Police Benevolent Association (SSPBA), in cooperation with the City of Hopewell Police Force, is proposing the adoption of a Collective Bargaining Agreement between the City of Hopewell and members of the police department represented by the Hopewell Chapter of the PBA. To do that, consistent with Virginia Code Section 40.1-57.2, the Hopewell City Council would first have to adopt an ordinance or resolution permitting such a process.

RECOMMENDATION: Hopewell Chapter of the SSPBA requests that the City Council consider and adopt an ordinance permitting police officers and other public employees to collectively bargain as in its proposed ordinance. The current police officers support this ordinance and look forward to participating in the process if the City Council authorizes it.

TIMING: We request and recommend a public hearing on this matter on September 26 so that after the second public hearing on October 10, 2023, Council may vote on this matter.

BACKGROUND: Virginia Code Section 40.1-57.2 was amended in 2020 to allow collective bargaining by municipal employees. Since that time, many jurisdictions have now implemented collective bargaining by adopting collective bargaining ordinances or resolutions, and some have even completed the process to establish their first collective bargaining agreements. Collective bargaining allows employees to have a voice and provides a process by which public employees and the City can proactively and effectively address problems (such as vacancies and turnover) allowing the City and employees to be more effective in their service to the Citizens. Caleb Kershner, part of the legal team for the Hopewell Chapter of the SSPBA presented at the City Council meeting on August 8, 2023.

SUMMARY:

- | Y | N | |
|--------------------------|--------------------------|-----------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Rita Joyner, Ward #1 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Michael Harris, Ward #2 |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor John B. Partin, Ward #3 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Jasmine Gore, Ward #4 |

- | Y | N | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Dominic Holloway, Sr., Ward #7 |



Collective Bargaining in the City of Hopewell

By representatives of Hopewell Chapter
Southern States Police Benevolent Association (SSPBA)

Introductions

SSPBA Chapter Leadership

Legal Team

Caleb Kershner

Will Thetford

Vance Stallings

Collective Bargaining in Virginia

Before 1977 some jurisdictions participated in public sector collective bargaining until the Virginia Supreme Court nullified collective bargaining absent express authorization from General Assembly in *Commonwealth v. Arlington County Bd.*, 217 Va. 558 (1977).

40.1 57.2 was amended in 2020 to allow local municipalities to create an ordinance or resolution allowing for Collective Bargaining Process.

City's ordinance provides the outer band of the terms to discuss and the bargaining units involved.

Employee groups can require governing body to take a vote within 120 days of submitting petition evidencing 50% support.

Virginia Jurisdictions Adopting Collective Bargaining Ordinances

City of Alexandria

City of Arlington

City of Richmond

City of Charlottesville

Loudoun County

Fairfax County

Town of Leesburg

Prince William County

Now being considered by
Virginia Beach, Norfolk,
Newport News, Winchester,
and many other jurisdictions.

Why Collective Bargaining?

Creates a procedure for employees and City to create mutually beneficial working arrangements and terms and conditions through negotiation and voluntary discussion.

Incentive for recruitment and retention.

Address vacancies and reduce turnover (~70% of officers currently have 5 years experience or less due to high turnover).

Address issues proactively rather than only once grievances, litigation, or other actions are necessary.

Basics of Collective Bargaining

What is a Bargaining unit? The group of employees who elect and are represented by a “bargaining agent” in collective bargaining with the City.

Commonly Virginia ordinances establish 3-5 bargaining units. E.g., Police, Fire, and General County or divide general county into different sub groups.

What is the proposed Police bargaining unit?

It is traditionally all sworn uniformed employees of the police department *below* a certain rank. The local employees in Hopewell desire that the bargaining unit include those below the rank of deputy chief.

What is an Exclusive Bargaining Agent?

The only labor organization recognized by the City to bargain collectively for the employees in the bargaining unit.

What issues are subject to bargaining?

Terms and conditions of employment, including wages, salaries, and all forms of monetary compensation; benefits;

personnel policies and practices, working conditions, and hours and scheduling of work, subject to management rights.

How Would Collective Bargaining Work Under the Proposed Ordinance

The City will appoint a labor relations administrator (LRA) to create election process regulations and any other necessary regulations.

Interested bargaining units, may petition to have an election once a potential bargaining agent has the support of at least 30% of the unit.

The LRA will administer a secret ballot election for any qualifying bargaining units regarding what eligible organization they want to represent them or if they elect to have no representatives and keep the status quo.

Once there is a bargaining agent representing a unit the agent's bargaining team will work with the City's negotiation team to establish ground rules and submit initial proposals

The parties negotiate proposals.

If the parties are able to negotiate a voluntary agreement on all matters the parties proceed to ratification.

If the parties are unable to reach agreement on some matters (impasse) the parties proceed to impasse mechanism in the City ordinance, which in this case should be the help of a mediator, and if necessary, an arbitrator to break the gridlock.

Ratification. The Agreement is not final until it is not only agreed to by the negotiation teams, but (a) ratified by the organization (usually through its membership) and (b) approved by City Council.

Protections for the City

The City sets boundaries in the Ordinance.

The City does not give up its inherent "Management Rights" by entering collective bargaining.

Virginia law still allows the City Council to have ultimate say on matters of appropriations.

Collective bargaining is designed to cause the parties to come to a voluntary agreement to address matters that are important to all parties.

The initial process takes some time so it would not be for at least one, if not two, fiscal years before any bargained agreement would be implemented.

Strikes, while permitted for private sector employers, are already prohibited for many City employees by State law, are prohibited by the SSPBA for its members, and may be prohibited by the bargaining ordinance (as is a part of proposed ordinance).

Virginia is still a right to work state no one will be forced to join a labor organization if they do not want to.

What are the next steps?

Consider and approve the Ordinance allowing Collective Bargaining

The City will appoint a labor relations administrator (LRA).

Continue in the collective bargaining process.

In order to ensure that there is sufficient time for the ultimate collective bargaining agreement to be worked into the next fiscal year's budgeting process most collective bargaining ordinances have certain time frames to when bargaining must be initiated and completed in order to be included in a particular fiscal year. As proposed

March 1 Written Request to Initiate Bargaining

April 1 Beginning of Negotiations

September 1 Negotiations Conclude or proceed to impasse process

The agreement would then be implemented for the fiscal year beginning the following July 1.

The parties may voluntarily agree to extend these deadlines, but are intended to ensure there is sufficient time between the end of negotiations and the budgeting process in the spring.

Timeline

If the ordinance is passed this year:

The organization and first elections could occur this fall/winter

Collective bargaining initiation and proposals could come as early as March 1, 2024

Negotiations would occur Spring Fall 2024

The ultimate collective bargaining agreement would not take effect until July 1, 2025.



SIMMS SHOWERS LLP

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

305 Harrison Street, SE, 3rd Floor, Leesburg, Virginia 20175 ■ (703) 771-4671 ■ Fax: (703) 771-4681 ■ www.simsshowerslaw.com

May 4, 2023

City Council
300 N Main Street
Hopewell, Virginia 23860

Dear City Council,

Our firm represents the Hopewell Chapter of the Southern States Police Benevolent Association (SSPBA) as represents does many other SSPBA chapters and members throughout the state. The SSPBA is dedicated to serving the needs of law enforcement employees as law enforcement personnel, in turn, supports and protects citizens. We have been working closely with local officers, led by Michael Redavid, to initiate the collective bargaining process in the City of Hopewell pursuant to Virginia law.

As you may know, Virginia Code Section 40.1-57.2 was amended in 2020 to allow collective bargaining by municipal employees. Since that time, many jurisdictions have now implemented collective bargaining by adopting collective bargaining ordinances or resolutions, and some have even completed the process to establish their first collective bargaining agreements.

The members of the Hopewell Chapter of the SSPBA reached out to us for assistance in initiating collective bargaining and drafting a proposed Collective Bargaining Ordinance to submit to the City Council. As § 40.1-57.2(C) provides, once the Hopewell County SSPBA submits its petition, the Council has only 120 days to consider and vote on an ordinance on the topic.

However, the members asked us to reach out voluntarily first, as they appreciate the working relationship they have developed with Council and wanted to send a draft to Council to consider without the pressure of a timeline if the Council is willing to engage and consider adopting an ordinance on the subject.

This draft reflects ordinances composed by the City of Alexandria and the City of Fairfax with the assistance of their own counsel as well as taking into consideration other ordinances passed by Virginia municipalities for collective bargaining.

We invite the City of Hopewell to review this Proposed Ordinance as it considers the needs of the City and its law enforcement officers. We understand different stakeholders and others will certainly hold an opinion on this draft. As such, we would like this process to be a participatory experience for all involved. Our firm and the local Chapter would also like to be a resource and involved in this process as well, as our experiences will be valuable.

We look forward to working with the City of Hopewell in this process.

Please feel free to contact our office if you have any questions or concerns at (703) 771-4671 or you can email me at wrt@simsshowerslaw.com.

Sincerely,



William R. Thetford Jr.

J. Vance Stallings

Simms Showers LLP

Counsel to Hopewell Chapter of the SSPBA

ORDINANCE NO. XXXX

An ORDINANCE to amend and reordain Chapter 2 of the Code of the City of Hopewell, Virginia, Administration, *Article III City Employees, by adding the following sections*

THE CITY COUNCIL OF HOPEWELL HEREBY ORDAINS:

Section 1:— That the Code of the City of Hopewell, Virginia, as amended, be, and the same hereby is, added as follows:

CHAPTER 2 – ADMINISTRATION

ARTICLE III - COLLECTIVE BARGAINING

Sec. 100 - Statement of Policy.

It is the public policy of the City of Hopewell and the purpose of this article to promote orderly and constructive relationships between the city and its employees subject, however, to the supreme right of the citizens of the city that their government honor guarantees for their health, safety, welfare, and the uninterrupted operations and functions of government. Because unresolved disputes between the city and its employees are detrimental to the public and to city employees, adequate means must be established for their speedy and effective resolution. Within the limitations required by the greater public interest, and recognizing that amicable relationships are required between the city and its employees, the City Council has determined that the overall policies set forth here may best be accomplished by (1) granting to city employees the right to organize and choose freely their representatives; (2) permitting the city to negotiate and bargain in good faith with employee organizations representing city employees and to enter into written agreements evidencing the result of such bargaining; and (3) establishing procedures to provide for the protection of the rights of the city, city employees and the public at large.

The council establishes this policy with the intent that city employees enjoy the right to bargain collectively within parameters that promote a government that provides ethical, effective and efficient services that are responsive to the community and focused on improving quality of life through the services of well-qualified staff who value and work to actively promote policies to advance all things reasonably necessary to achieve organizational excellence, while at all times elevating principles of cooperation, ethics, honesty, initiative, and learning.

Sec. 101 - Definitions.

As used in *this* article, the following terms shall have the meanings ascribed to them in this section:

Administrative employee means an employee whose primary duty is the performance of office or non-manual work directly related to or in furtherance of the management or general business operations and services of the city.

Arbitration means the procedure by which the city and an exclusive bargaining representative when involved in a labor-management dispute, as defined in this article, submit their differences to a third party for a final and binding decision subject to the provisions of this article.

Benefits means all forms of non-wage compensation.

City means the City of Hopewell acting through its City Manager or the City Manager's designee.

Collective Bargaining means to perform the mutual obligation of the City, by its representatives, and the exclusive bargaining representative of employees in an appropriate bargaining unit to meet and negotiate in good faith at reasonable times and places, with the good faith intention of reaching an agreement and remaining in effect until superseded by a new agreement, regarding terms and conditions of employment including terms and conditions of employment, including wages, salaries, and all forms of monetary compensation; benefits; personnel policies and practices, working conditions, and hours and scheduling of work, provided that matters reserved as City management rights in Section 3-10-4 are subject to collective bargaining only as provided therein. Any agreement reached by collective bargaining shall be subject to appropriation of funds by the City Council.

The City shall not negotiate as to matters controlled or preempted by any federal or state constitutional provision, law, rule or regulation.

Collective bargaining agreement means the written legal contract between the City and an exclusive bargaining agent representing the employees in a bargaining unit authorized by this article and resulting from collective bargaining as defined in this section.

Confidential employee means any employee who works in or for:

- (1) the office of the City Council;
- (2) the office of the City Manager;
- (3) the office of the City Attorney;
- (4) the Department of Human Resources or other department or position in which the employee has authorized access to confidential city personnel files;
- (5) the Office of Management and Budget; or
- (6) is a secretary, administrative assistant, management analyst, or any other position, wherever assigned and however those titles may be changed from time to time, with authorized access to confidential information pertaining to City budgetary and fiscal data relevant to subjects within the scope of collective bargaining as set forth in this article.

Employee means any employee of the City, except it does not include anyone who is:

- (1) an employee of the courts or of any local constitutional officer, i.e., officers elected pursuant to Article VII, Section 4 of the Constitution of Virginia;
- (2) a confidential employee, as defined in this section;
- (3) a managerial employee, as defined in this section;
- (4) a supervisor, as defined in this section;
- (5) an intermittent, temporary or seasonal employee, as defined in this section;
- (6) an intern or volunteer;
- (7) a member of a board or commission, or other appointee of any public body as defined by state law; or
- (8) an attorney whose responsibilities include providing legal advice to the City or performing legal research for the City as a client.

Employee organization means an organization in which employees participate, and that exists for the purpose, in whole or in part, of representing employees in collective bargaining concerning labor disputes, wages, hours, and other terms and conditions of employment.

Exclusive bargaining representative and *exclusive bargaining agent* mean the employee organization recognized by the City as the only organization to bargain collectively for all employees in a bargaining unit (as defined in section 105).

Impasse means the failure of the City and an exclusive bargaining representative to reach agreement in the course of collective bargaining negotiations.

Intermittent employee means irregular or variably recurring, hourly employment that is less than full time in any calendar year.

Labor-management dispute means a difference of position as between the City and an exclusive bargaining agent concerning administration or interpretation of the collective bargaining agreement between them; negotiability disputes; action challenged as a prohibited practice under Sec. 115; and questions of eligibility of disputes for resolution by arbitration. It shall not include an individual grievance as defined by Virginia Code Section 15.2-1507(A)(1).

Lockout means any action taken by the City intended to interrupt or prevent the continuity of work properly and usually performed by employees for the purpose of coercing or intimidating employees in the exercise of their rights conferred by this article or influencing their exclusive bargaining agents' positions in collective bargaining contract negotiations.

Managerial employee means any individual who:

- (1) has responsibility for a unit or sub-unit of a division of an agency or department;
- (2) participates in the formulation of policy;
- (3) is significantly engaged in executive or management functions;
- (4) is charged with the responsibility of directing the implementation of management policies, procedures, or practices; or
- (5) is involved in administration of collective bargaining agreements or human resources or personnel decisions, including, but not limited to, staffing, reductions-in force/layoffs, reorganizations, hiring, discipline, evaluations, pay, assignments, transfers, promotions or demotions.

Mediation means an effort by a neutral, third-party factfinder chosen under the terms of this article to assist confidentially in resolving an impasse, as defined in this section, arising in the course of collective bargaining between the City and the exclusive bargaining agent of a bargaining unit, or the first step prior to arbitration of a labor-management dispute other than a prohibited practice claim or charge.

Professional employee means an employee exempt from the Fair Labor Standards Act and whose primary duty is the performance of work:

- (1) Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction; or
- (2) Requiring invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor.

Seasonal employee means an employee who is hired into a position for which the customary annual employment is four (4) months or less and for which the period of employment begins each calendar year in approximately the same part of the year, such as summer or winter, for reasons related to work demands that arise during those parts of the year.

Supervisor means any individual who customarily and regularly devotes a majority of work time to supervision of two or more employees and has authority to hire, transfer, suspend, layoff, recall, promote, demote, discharge, reward or discipline other employees, or adjust grievances, or effectively to recommend any such actions. With respect to the Fire Department, "supervisor" includes all personnel at the rank of battalion chief or above. With respect to the Police Department, "supervisor" includes all personnel at the rank of deputy chief or above. The City Manager or City Manager's designee shall meet and confer with Police and Fire supervisors ineligible to bargain collectively regarding matters within the scope of collective bargaining as

specified in this article with the specific intent to address salary compression, as commonly defined or understood, resulting from collective bargaining with eligible Police and Fire uniformed employees.

Strike means action of an employee of the City in concert with two or more other such employees for the purpose of obstructing, impeding, or suspending any activity or operation of the City (see Virginia Code § 40.1-55) or inducing, influencing, or coercing a change in the conditions, compensation, rights, privileges, or obligations of City employment.

Technical employee means an individual whose work requires a combination of basic scientific or technical knowledge and manual skill that can be obtained through specialized postsecondary school education or through equivalent on-the-job training.

Temporary employee means an individual who is employed for not more than 180 days in a 24-month period.

Sec. 102 - Employee Rights

- (a) Employees shall have the right to organize, form, join, assist, and pay dues or contributions to employee organizations, to bargain collectively through an exclusive bargaining representative of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid and protection insofar as such activity is not inconsistent with this article or prohibited by any other applicable law. Employees shall also have the right to refrain from any or all such activities.
- (b) A collectively bargained agreement provision that violates the rights of employees set forth in this section shall be void. A collectively bargained agreement provision that establishes a time period for the exercise of an employee right set forth in this section shall not violate this section. The City and each employee organization will refrain from any intimidation, coercion, or harassment of employees who choose to exercise their rights under this article.

Sec. 103 - City's Rights and Authority.

- (a) This article shall not be deemed in any way to limit or diminish the authority of the City to manage and direct the operations and activities of the City to the extent authorized and permitted by law. Thus, to the extent not inconsistent with a collective bargaining agreement, the City retains exclusive rights including, but not limited to, the rights:
 - (1) to determine the type and scope of work to be performed by City employees, and the manner in which services are to be provided;
 - (2) to direct the work of employees and determine the number of employees to perform any work or service;
 - (3) to hire, promote, transfer, assign, retain, classify and schedule all employees and to suspend, demote, discharge, or take other disciplinary action against employees in accordance with applicable law and regulations;

- (4) to relieve employees from duties by layoff or other reduction-in-force due to lack of work, changed working conditions/requirements, budget limitations or for other reasons in the City's reasonable business judgment and not prohibited by law;
 - (5) to introduce new, or different services, methods, equipment, or facilities;
 - (6) to contract for, expand, reduce, sell, transfer, convey, eliminate or change in any way the operations of general government, as well as any department, office or part thereof;
 - (7) to establish and change standards of behavior or performance, staffing levels, job qualifications and job descriptions;
 - (8) to determine the kind, type, location and use of City-owned equipment or facilities, provided that the City does not require use or operation of unsafe equipment or the unsafe operation of equipment;
 - (9) to maintain the efficiency and integrity of the operations entrusted to the City;
 - (10) to do all things reasonable and necessary to carry out the mission of the City; and
 - (11) to retain the ability and authority to continue to implement the current administrative regulation in the management of probationary employees.
- (b) In accordance with Virginia Code §40.1-57.2 and other applicable law, nothing in this section, any provision of this article or the terms of any collective bargaining agreement shall impair or restrict the authority of the City Council to establish its budget and appropriate funds in its discretion.

Sec. 104 – Employee Activity on Official Work Time and Use of City Communication Systems.

- (a) Employees shall have the right to hold informal conversations and interactions with one another to discuss workplace and employee organization issues while on duty, provided that such conversations do not interfere with the employee's job duties. Employee organizations shall not hold formal meetings that interfere with the work time of employees, except as provided for in this Article or in a collective bargaining agreement.
- (b) Employees shall have the right to use City electronic communication systems to discuss employee organization business or activities, or employee organizing activity.
- (c) In the absence of a collective bargaining agreement or a provision in such an agreement governing employee labor relations activity on official time, any employee representing an employee organization that has been recognized as an exclusive bargaining agent in the negotiation of an agreement under this article shall be authorized official time in amounts reasonable for such purposes, including attendance at impasse resolution proceedings.

Sec. 105 - Bargaining Units.

The City shall recognize only the following bargaining units for the purposes of collective bargaining:

- (a) Police: The police employees' bargaining unit shall consist of all sworn employees of the police department, except those excluded by definition in Sec. 101;
- (b) Fire and Emergency Medical Service: The fire and emergency medical services employees' bargaining unit shall consist of the uniformed fire employees, including fire marshals, except those excluded by definition in Sec. 101;
- (c) Other bargaining units may be approved by the City Council which may include any of the following:
 - (1) Labor & Trades: Those eligible classes of employees associated with maintenance and skilled crafts, i.e., job classes of workers performing duties that result directly in the comfort and convenience of the general public, or contribute to the maintenance of capital assets, land and infrastructure of the City, except those excluded by definition in Sec. 101; and
 - (2) Professional: Those non-supervisory and non-managerial employees within the definition of "professional employee" as set forth in Sec. 101; and
 - (3) Administrative and Technical: Those non-supervisory and non-managerial employees within the definition of "administrative employee" or who perform office support work and who are not confidential employees excluded from collective bargaining within the definition set forth in Sec. 101.

Sec. 106 – Labor Relations Administrator.

- (a) A labor relations administrator (LRA or the administrator) shall be appointed by the city manager in the manner set forth in subsection (c) of this section to effectively administer this article as it governs exclusive bargaining representative selection, certification and decertification procedures, labor-management disputes as defined in section 101, and choice of mediator(s) and/or arbitrator(s) as needs arise under this article or under any collective bargaining agreement. The LRA position must be posted within 90 days of the passage of this Ordinance.
- (b) The administrator must be experienced as a neutral in the field of labor relations, and must not be a person who, because of vocation, employment, or affiliation, can be categorized as a representative of the interest of the City or any employee organization, including an exclusive bargaining agent for a bargaining unit permitted under *this* article.
- (c) Subject to confirmation by the City Council, the City manager shall appoint the labor relations administrator who shall be selected for a 4-year term from no more than 3 (three) nominees jointly agreed upon and submitted by: (i) representatives of those employee organizations that have notified the City manager or City manager's designee of their interest

in representing bargaining units permitted by this article, if no exclusive bargaining agents have been recognized at the time the selection process begins, or (ii) by the exclusive bargaining agents of the bargaining units permitted by this article, and (iii) an equal number of designees of the City manager. If the Council does not confirm the appointment on the recommendation of the City manager, an appointment must be made from a new agreed list of 3 (three) nominees compiled in the same manner.

- (d) The administrator's services shall be subject to termination by mutual agreement of the City manager and a majority of the exclusive bargaining agents of the bargaining units permitted by this article, and with council approval.
- (e) If the administrator dies, resigns, becomes disabled, or otherwise becomes unable or ineligible to continue to serve within six (6) months of initial appointment, the City manager shall appoint a new administrator from the list from which that administrator was selected, subject to council confirmation, to serve the remainder of the previous administrator's term. Otherwise, the administrator vacancy shall be filled as provided in subsection (c).
- (f) An administrator appointed under this section may be reappointed as provided in subsection (c).
- (g) The terms of payment for the services of the administrator shall be paid as specified by contract with the City.
- (h) The administrator shall:
 - (1) hold and conduct elections for certification or decertification pursuant to the provisions of this article and issue the certification or decertification or cause these actions to occur.
 - (2) request from the City or an employee organization, and the City or such organization shall provide, any relevant assistance, service, and data that will enable the administrator to properly carry out duties under this article.
 - (3) hold hearings and make inquiries, administer oaths and affirmations, examine witnesses and documents, take testimony, and receive evidence, and compel by issuance of subpoenas the attendance of witnesses and the production of relevant documents in proceedings within the responsibility of the administrator under this article.
 - (4) investigate and attempt to resolve or settle, as provided in Section 113 - Mediation and Arbitration, charges of either the City or an employee organization engaging in prohibited practices as defined in this article. However, if the City and a certified representative have negotiated a labor-management dispute resolution procedure, the administrator must defer to that procedure to resolve any dispute that properly may be submitted to the procedure, absent a showing that the deferral results in the application of principles contrary to this article. The administrator must defer to

state procedures in any matter governed by the Law-Enforcement Officers' or Firefighters and Emergency Medical Technicians' Bill of Rights set forth in the Virginia Code, or to any other such procedure dictated by state statute.

- (5) determine unresolved issues of employee inclusion in or exclusion from the bargaining units permitted under this article
- (6) obtain any necessary support services and make necessary expenditures in the performance of duties, subject to appropriation.
- (7) determine any issue regarding the negotiability of any collective bargaining proposal.
- (8) Exercise any other powers and perform any other duties and functions specified in this article of an administrative nature.

Sec. 107 - Recognition of Exclusive Bargaining Agent.

A bargaining agent shall be the exclusive representative of all employees in an appropriate bargaining unit described in Section 105 if the employee organization is selected by a majority of the employees voting in an appropriate bargaining unit in an election conducted pursuant to this article and rules and procedures adopted by the LRA.

- (a) In the event that more than one (1) employee organization files a request for recognition or for election within ten (10) calendar days after a first request for recognition or for election has been filed, an election to select an exclusive bargaining agent shall be held under the rules and procedures adopted by the LRA. If an employee organization receives a majority of the votes cast by the employees voting in an appropriate bargaining unit, it shall be recognized by the City as the exclusive bargaining agent, provided, however, that the City manager/designee or an employee organization may file exceptions to the election with the LRA alleging that there has been misconduct which has affected the outcome of the election, and the City need not recognize the employee organization pending the resolution of any process to review those exceptions. Any cost of such election shall be shared equally by the parties involved.
- (b) "Administratively acceptable evidence" to support a petition for certification within the meaning of Virginia Code §40.1-57.2(C), for certification by representation election, or for decertification (see Section 109) may consist of a combination of membership cards or a membership roster, evidence of dues payment, or other evidence of bargaining unit employees' desire to be represented by an employee organization for collective bargaining purposes. An authorization that satisfies the Uniform Electronic Transactions Act (Virginia Code § 59.1-479 et seq.) including, without limitation, electronic authorizations and voice authorizations, shall be valid for employees' authorization for representation for purposes of a petition filed by a labor organization for exclusive representation. The determination by the LRA (or of the City manager or manager's designee in the absence of the LRA) of the sufficiency of a showing of majority support or for a representation election shall not be subject to challenge by any person or employee organization or by the City.

Sec. 108 - Request for Election.

- (a) An employee organization may request an election be held by submitting a petition for an election to the LRA who shall notify the City manager pursuant to its rules and procedures. The petition must represent a showing of interest by at least thirty (30) percent of the employees in a bargaining unit permitted by this article.
- (b) Any additional interested employee organization must submit a petition of intervention to the LRA, which must be accompanied by a showing of interest by thirty (30) percent of the employees in the appropriate bargaining unit within ten (10) days of notice of the pending election.
- (c) An election under this article shall be held within forty-five (45) calendar days after written notice to all parties of the determination by the LRA of a valid petition for election in accordance with guidelines established by the LRA. If an employee organization receives a majority of the valid ballots cast by the employees in a permitted bargaining unit, it shall be recognized by the City as the exclusive bargaining agent, provided unless and until the LRA certifies a different organization or otherwise decertifies the agent in accordance with rules set forth in this section. In an election in which none of the choices on the ballot receives a majority, a runoff election shall be conducted in which the ballot shall provide for a selection between the two choices or parties receiving the highest and second highest number of ballots cast in the election. However, the City or the employee organization may file exceptions with the LRA in accordance with its rules, and the City need not recognize the employee organization pending the resolution of any process to review those exceptions.
- (d) Nothing in this article shall require or permit an election in any bargaining unit within twelve (12) months after a previous election has resulted in the recognition of an exclusive bargaining representative or a determination that the employees choose no representation in such bargaining unit.
- (e) No party shall have an advantage over the other in gaining access to employees during organizational or representation campaign activity. Unless there is a recognized bargaining representative, interested employee organizations will receive the same access to bargaining unit employees as is currently provided to outside organizations under City policies and practices for facility use and attendance at any meeting of such organizations under these circumstances is voluntary and open to all prospective bargaining unit employees.

Sec. 109 - Decertification/Withdrawal of Recognition

- (a) Recognition of an employee organization as the exclusive bargaining agent for a bargaining unit permitted by this article shall continue only so long as such organization satisfies the criteria of this article
- (b) If a petition for decertification of a recognized exclusive bargaining agent is presented to the LRA showing that at least fifty (50) percent of the employees in the bargaining unit no

longer want the employee organization to be their bargaining agent, then the LRA shall hold an election pursuant to section 108 of this article.

- (c) A petition for decertification of a recognized exclusive collective bargaining agent in an appropriate unit may be filed in a thirty-day (30) period between the one hundred eightieth (180th) and one hundred fiftieth (150th) day prior to expiration of any existing collective bargaining agreement for that bargaining unit or any time after that collective bargaining agreement has expired.
- (d) For a period of one (1) year following recognition or certification of an exclusive bargaining agent, no decertification petitions may be filed.
- (e) The employee organization no longer shall be recognized as the exclusive bargaining agent of the employees in the bargaining unit if a majority of the employees in the appropriate bargaining unit vote in the decertification election to no longer be represented by the employee organization and a final outcome of that election has been certified by the LRA.

Sec. 110 – Rights Accompanying Exclusive Representation.

Any employee organization recognized as the bargaining agent for employees in an appropriate bargaining unit shall have the following rights:

- (a) To speak on behalf of all members of the unit and shall be responsible for representing the interests of all members of the bargaining unit without discrimination and without regard to employee organization membership.
- (b) To meet at reasonable times and places to engage in good faith collective bargaining on matters that, under this article, may be the subject of collective bargaining, in an effort to reach an agreement, subject to the tentative approval of the City manager or the City manager's designee with responsibility for the employees in the bargaining unit.
- (c) To meet with bargaining unit employees on the premises of the City in non-secure areas during times when the employees are on break or in a non-duty status. Any other employee organization that has submitted a petition and established a valid question concerning representation of the bargaining unit shall also be permitted to meet with bargaining unit employees with the same limitations. This subsection shall not restrict an exclusive bargaining agent and the City from negotiating for greater access to employees by the exclusive bargaining agent as provision of a collective bargaining agreement.
- (d) To receive quarterly a list of all bargaining unit employees, as well as to be informed of all new hires within ten (10) days.
- (e) To meet with newly hired employees, without charge to the pay or leave time of any of the employees for a maximum of 30 minutes, within 30 calendar days from the date of hire, during new employee orientations, or if the City fails to conduct new employee orientation, at individual or group meetings.

- (f) To use City communications systems to communicate with employees regarding collective bargaining, the administration of collective bargaining agreements, the investigation of grievances, other workplace-related complaints and issues, and internal union matters involving the governance or business of the exclusive bargaining agent.
- (g) To be the only labor organization eligible to receive from the City amounts deducted from the pay of employees as authorized by written assignment of the employees, for the payment of regular and periodic dues to the exclusive bargaining agent, unless two exclusive bargaining agents of City employees agree that they can both receive deductions from the same employee. Any such authorization may be revoked in accordance with the terms of the authorization which shall provide a period of irrevocability of not more than one year. An authorization that satisfies the Uniform Electronic Transactions Act (Virginia Code § 59.1-479 et seq.), including, without limitation, electronic authorizations and voice authorizations, shall be valid for employees' authorizations for payroll deductions and authorization for representation for purposes of a petition filed by an employee organization for exclusive representation.
- (h) To be represented at any formal discussion between one or more representatives of the City and one or more employees in the bargaining unit or their representatives concerning (1) any matter that is within the scope of collective bargaining as set forth in the definition of collective bargaining (see Section 101); or (2) any examination of bargaining unit employees by a representative of the City in connection with an investigation if the employee reasonably believes that the examination involves matters covered by any collective bargaining agreement then in effect, and the employee requests representation. The City shall inform the employee that he employee has a right to union representation prior to any such discussion or interview, and the employee shall have a right to request union representation before proceeding with the discussion or interview.
- (i) Notwithstanding any other provision in this section, an individual employee may present a personal complaint, concern or question at any time to the City without the intervention of an employee organization, provided that any such organization that is recognized by the City as the exclusive bargaining agent for the bargaining unit in which the employee is a member is afforded an effective opportunity to be present and to offer its view at any meetings held to adjust the matter and that any adjustment made shall not be inconsistent with the terms of any applicable collective bargaining agreement. Such employee or employees who utilize this avenue of presenting personal complaints, concerns or questions to the City shall not do so under the name, or by representation, of an employee organization.
- (j) The requirements set forth in this section establish the minimum requirements for access to and communication with bargaining unit employees by an exclusive bargaining representative. These requirements shall not prevent the City and the exclusive bargaining representative from bargaining for greater access to or communication with employees.

Sec. 111 - Good Faith Bargaining.

- (a) A written request for bargaining must be submitted by the exclusive bargaining agent to the City manager or the manager's designee no later than March 1, and negotiations must begin by April 1 and conclude by September 1 of any year where an agreement is sought to be effective at the beginning of the next fiscal year, in order to accommodate the City budget process. Failure of the parties to reach agreement by September shall constitute impasse and trigger impasse resolution procedures under this article.
- (b) Nothing in this article requires either party to make any concessions or agree to the other party's proposals.
- (c) Good faith bargaining shall not include submission of or a response to a proposal that:
 - (1) Violates the rights of employees as set forth in 102; or
 - (2) Impairs, restricts, or delegates the authority of the City as set forth in Section 103(b).
- (d) The City manager shall designate or appoint the City's representative (s) in collective bargaining negotiations in the manager's sole discretion.
- (e) If an employee organization serves as the exclusive representative of more than one bargaining unit, it shall consolidate its bargaining with the City and negotiate a common master agreement on all matters not unique to particular bargaining unit.

Sec. 112 - Approval of Tentative Agreement

- (a) When an exclusive bargaining agent and the City reach a tentative agreement, they shall reduce it to writing and execute it signifying the approval of the bargaining agent and the City bargaining representative. No agreement shall be effective or enforceable:
 - (1) unless a fiscal impact study(ies) of the tentative agreement provisions, conducted as bargaining proceeds, has been prepared by the City Office of Management and Budget; and
 - (2) the City Council specifies by resolution no later than the last day of December its good faith commitment to appropriate funding necessary for the City to meet obligations under the tentative agreement as set forth in the fiscal impact study provided for in this section, with the understanding that any such resolution remains subject to actual appropriation. If the Council does not resolve to fund any provision(s) of the tentative agreement requiring appropriation or other Council action, the resolution shall state the reason(s), and the City Manager and the exclusive bargaining agent must re-open negotiations on those provisions only, with the understanding that any such negotiations shall be scheduled as promptly as possible with the good faith objective to negotiate provisions that may be acceptable to the Council for its consideration within the City's budget approval schedule. Upon presentation to the Council of any tentative agreement re-negotiated under this subsection, the Council shall consider and specify by

resolution as soon as practicable its good faith commitment to appropriate funding necessary for the City to meet obligations under the tentative agreement, or its intention not to do so, with the understanding that any such resolution remains subject to actual appropriation; and

(3) the tentative agreement is approved by:

- a. The City Manager or City Manager's designee with supervisory responsibility for the employees in the bargaining unit, as evidenced by signature, which may be an electronic signature made in accordance with applicable state law; and
- b. The exclusive representative by ratification of the tentative agreement in accordance with the bargaining representative's governing procedures, and evidenced by the signature of an authorized agent which may be an electronic signature made in accordance with applicable state law.

(b) A written agreement shall be contrary to public policy and therefore shall not bind the parties or be enforceable by either party to the extent that it is not the result of good faith bargaining as defined in Section 111.

Sec. 113 - Mediation, Dispute Resolution, and Factfinding.

(a) Mediation.

- (1) Labor-Management Disputes: The City and an exclusive bargaining agent shall discuss the feasibility of resolution of labor-management disputes informally by discussion between the parties' designees before resort to formal mediation or arbitration. Failure to actually engage in such informal resolution prior to submitting a labor-management dispute or prohibited practice claim for mediation or arbitration shall not be a ground for dismissal of a claim under this article. In the event that the City and the bargaining agent are unable to informally resolve a labor-management dispute if and when engaged, either party or the parties jointly may submit the dispute to the LRA for mediation or arbitration, if applicable, pursuant to procedures instituted by the LRA.
- (2) Impasse: In the event that the City and the bargaining agent are unable to reach a collective bargaining agreement within one hundred twenty (120) days after their first meeting or October 5, whichever is earlier, an impasse may be called by either party and resolution may be sought by submission of any unresolved issues for mediation by the LRA or a mediator selected through procedures established by the LRA. The parties shall jointly request mediation within five (5) days of a declared impasse. The LRA or other mediator shall set reasonable deadlines for all steps of the mediation process. Negotiations on all matters shall continue throughout impasse procedures.

- (3) The mediation process is advisory only, and the LRA or other mediator shall have no authority to bind either party.
 - (4) The mediation process and any comments, statements, or suggestions from the LRA or other mediator or the parties and any documents evidencing the same made or created during the mediation process shall not be disclosed except as required by law. Communications between an exclusive bargaining representative and the employees that it represents regarding the mediation process shall not constitute public disclosure under this Section.
 - (5) The parties shall share the costs of mediation equally.
- (b) Arbitration: If the City and exclusive bargaining agent are unable to reach agreement resolving any labor-management dispute submitted to mediation as provided for in this article by any deadline set forth in procedures provided in this article or adopted by the LRA, the labor-management dispute shall be submitted to final and binding arbitration subject to the plenary authority of the City Council to determine whether to appropriate funding for the tentative agreement. Such arbitration shall be conducted pursuant to procedures adopted by the LRA which shall, at a minimum, require the parties' joint selection of an arbitrator and shall provide for timing requirements that ensure the conclusion of impasse proceedings on a schedule that complies with Section 112. The parties shall share the costs of arbitration equally. In making a determination under this subsection, the arbitrator shall consider the following factors:
- (1) Stipulations of the parties;
 - (2) The interests and welfare of the public;
 - (3) The financial ability of the employer to meet the financial obligations in the proposed collective bargaining agreement;
 - (4) The overall compensation presently received by the employees involved in the arbitration;
 - (5) Comparison of wages, benefits, and working conditions of the employees involved in the arbitration proceedings with the wages, benefits, and working conditions of other persons performing similar services in the public and private sectors, if applicable;
 - (6) Past collective bargaining agreements between the parties, including the past bargaining history that led to the agreements, or the pre-collective bargaining history of employee wages, benefits, and working conditions;
 - (7) Comparison of working conditions of other City personnel; and

- (8) Such other factors that are normally or traditionally taken into consideration in the determination of wages, benefits, and working conditions of employment through voluntary collective bargaining, mediation, arbitration, or otherwise between the parties, in the public sector.

- (c) Grievance Procedures: Any grievance, mediation, arbitration, or other resolution procedure negotiated by the parties and available to challenge disciplinary or other personnel actions set forth in Virginia Code Section 15.2-1506, et seq., shall comply with the minimum requirements set forth in the statute(s), as well as any other statutory grievance rights of law enforcement officers and fire and emergency medical employees.

Sec. 114 - Strikes and other Job Actions.

Pursuant to Virginia Code § 40.1-55, any employee of the City or of any agency or authority of the City who, in concert with two or more other such employees, strikes or willfully refuses to perform the duties of their employment shall be deemed by that action to have terminated their employment and shall be ineligible for employment in any position or capacity during the next 12 months by the City, the Commonwealth of Virginia or any county, city, town or political subdivision of the Commonwealth or any department of any such public entities. The City agrees that no lockout shall take place.

Any employee organization determined to have violated this section shall cease to be accorded recognition under this article, shall cease to receive any dues or fees collected by paycheck withholding and shall not be accorded recognition or receive any dues or fees collected by paycheck withholding for a period of one (1) year.

Sec. 115 - Prohibited Practices.

Neither the City nor any exclusive bargaining agent shall refuse to negotiate in good faith with respect to matters within the scope of collective bargaining as defined in Section 101.

- (a) The City and its agents shall not:

- (1) Interfere with, restrain or coerce employees in the exercise of rights granted by this article;
- (2) Dominate or interfere in the administration of any employee organization;
- (3) Encourage or discourage membership in any employee organization, committee, or association including by discrimination in hiring, tenure, or other terms and conditions of employment, provided that use of County property and time for meetings and the County's communication system for employee organization business, as may be permitted by this Article or a collective bargaining agreement, shall not be deemed encouragement prohibited by this subsection;
- (4) Discharge, discriminate, or retaliate against any employee because the employee has filed an affidavit, petition, or complaint or given any information or testimony under this article or because the employee has formed, participated in leadership in, joined, or chosen to be represented by any exclusive bargaining agent;

- (5) Deny the rights accompanying certification as the exclusive bargaining agent as conferred by this article;
- (6) Refuse to participate in good faith in any agreed-upon impasse resolution procedures or those set forth in this article; or
- (7) Refuse to reduce a collective bargaining agreement to writing and sign such agreement provided all conditions for an enforceable agreement, as set forth in this article, have been met.

(b) No employee organization or its agents shall:

- (1) Interfere with, restrain, or coerce any employee with respect to rights granted in this article or with respect to selecting an exclusive representative;
- (2) Willfully fail to represent an employee who is in a bargaining unit exclusively represented by the employee organization fairly regarding matters within the scope of collective bargaining, and without discrimination;
- (3) Refuse to bargain collectively with the City as provided in this article; or
- (4) Refuse to participate in good faith in or violate any agreed-upon impasse resolution procedures or those set forth in this article.

(c) Prohibited practice charge procedures:

- (1) Proceedings against a party alleging a violation of this Section shall be commenced by filing a charge with the LRA within 120 days of the alleged violation, or acquiring knowledge thereof, and causing a copy of the charge to be served upon the accused party in the manner of an original notice as provided in Section 116. The accused party shall have 10 days within which to file a written answer to the charge. The LRA may conduct a preliminary investigation of the alleged violation, and if the LRA determines that the charge has no legal or factual basis, they may dismiss the charge. If the charge is not dismissed, the LRA shall promptly thereafter set a time and place for a hearing. The parties shall be permitted to be represented by counsel or other designated representative, summon witnesses, and request the LRA to subpoena witnesses and the production of records on the requester's behalf. Compliance with the technical rules of pleading and evidence shall not be required.
- (2) The LRA may designate a hearing officer to conduct any hearing. The hearing officer shall have such powers as may be exercised by the LRA for conducting the hearing and shall follow procedures adopted by the LRA for conducting the hearing. The decision of the hearing officer may be appealed to the LRA and the

LRA may hear the case de novo or upon the record as submitted before the hearing officer.

- (3) The LRA shall provide for an official written transcript to report the proceedings, the costs of which shall be borne equally by the parties.
- (4) The LRA shall fill its findings of fact and conclusions. If the LRA finds that the party accused has violated any provision of this Section, the LRA may issue an order directing the party to cease and desist engaging in the violation and may order such other reasonable affirmative relief as is necessary to remedy the violation. Under the provisions for court review of arbitration awards set forth in the Uniform Arbitration Act (Virginia Code §§8.01-581.01 et seq.), the LRA may petition the circuit court for enforcement of an order made under this Section.
- (5) Any party aggrieved by any decision or order of the LRA may within 21 days from the date such decision or order is filed, appeal to the circuit court to obtain judicial review pursuant to the provisions for judicial review set forth in the Uniform Arbitration Act, Virginia Code §§8.01-581.01, et seq.

Sec. 116 - Time Limits.

Any time limits in this article may be extended by written agreement of the City, the employee organization, and any other appropriate parties.

Sec. 117 - Notices.

Any notice required under the provisions of this article shall be in writing, but service of any such notice shall be sufficient if mailed by certified mail, return receipt requested, addressed to the last-known address of the parties, unless otherwise provided in this article or by the rules of the LRA, which rules shall provide for the electronic service of documents. Refusal of certified mail by any party shall be considered service. Prescribed time periods shall commence from the date of the receipt of the notice.

REGULAR BUSINESS

R-1



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

- ☐ Civic Engagement
- ☐ Culture & Recreation
- ☐ Economic Development
- ☐ Education
- ☐ Housing
- ☐ Safe & Healthy Environment
- ☒ None (Does not apply)

Order of Business:

- ☐ Consent Agenda
- ☐ Public Hearing
- ☐ Presentation-Boards/Commissions
- ☐ Unfinished Business
- ☐ Citizen/Councilor Request
- ☒ Regular Business
- ☐ Reports of Council Committees

Action:

- ☐ Approve and File
- ☐ Take Appropriate Action
- ☐ Receive & File (no motion required)
- ☒ Approve Ordinance 1st Reading
- ☐ Approve Ordinance 2nd Reading
- ☐ Set a Public Hearing
- ☐ Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE: FY24 Operating Budget

ISSUE: Public hearing amended Sewer Connection Ordinance (fee structure changes)

RECOMMENDATION: Approve amended ordinance on 1st reading

TIMING: Regular Business scheduled for October 10, 2023

BACKGROUND: Amendments made to the existing sewer connection fee ordinance to reflect new fees for sewer connections where there was a previously existing residential structure.

ENCLOSED DOCUMENTS:

- Proposed Sewer Use Fee

STAFF: Danielle F. Smith, City Attorney

FOR IN MEETING USE ONLY

MOTION: _____

Roll Call**SUMMARY:**

Y N

- ☐ ☐ Councilor Rita Joyner, Ward #1
- ☐ ☐ Councilor Michael Harris, Ward #2
- ☐ ☐ Mayor John B. Partin, Ward #3
- ☐ ☐ Vice Mayor Jasmine Gore, Ward #4

Y N

- ☐ ☐ Councilor Janice Denton, Ward #5
- ☐ ☐ Councilor Brenda Pelham, Ward #6
- ☐ ☐ Councilor Dominic Holloway, Sr., Ward #7



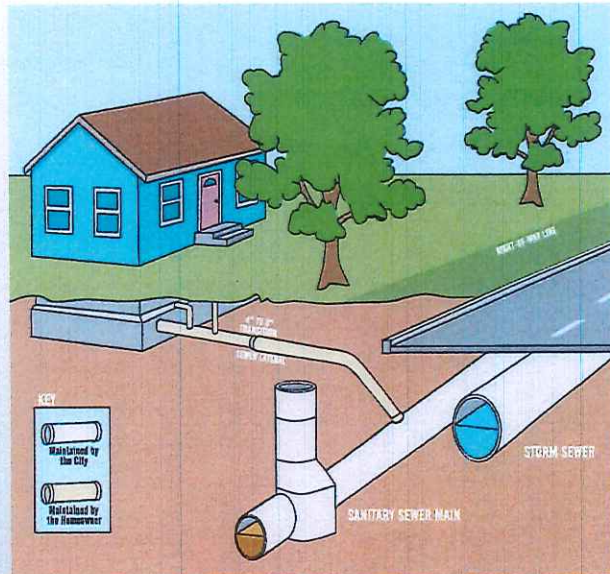
SEWER USE CONNECTION FEE ORDINANCE AMENDMENTS

HOPEWELL CITY COUNCIL

D. SMITH

CITY ATTORNEY

CHANGES



- WHEN A PROPERTY OWNER DIVIDES A COMMONLY OWNED PARCEL INTO 2 OR MORE LOTS...AND
- WHERE THERE IS A SEWER LINE AVAILABLE...AND
- WHERE THE SECONDARY LOT DOES NOT HAVE A SEWER MAIN LINE, THE PROPERTY OWNER'S FEE WILL BE **\$2026 PER NEWLY CREATED LOT, TO BE PAID IN ADVANCE.**


CHANGES



- WHERE A PROPERTY OWNER PURCHASES A LOT WHICH HAS/HAD A STRUCTURE WITH AN EXISTING SEWER LINE
- OWNER REMOVES THE STRUCTURE
- **OWNER'S FEE SHALL BE \$250 FOR CONNECTIVITY FROM THE INITIAL LOT TO THE MAIN SEWER LINE.**



THE END



Sec. 31-10.2. Sewer connection fees.

(a) *Application for sewer service.* A property owner desiring sewer service to a parcel of land, or required to connect to the sewer system, must submit an application to the director, or his designee, along with the applicable sewer connection fee.

(b) *Fees.*

- (1) *Connection fee.* A property owner who connects to the sewer system shall be charged a connection fee established by city council. The sewer connection fee is to recapture the capital costs for the infrastructure necessary to serve the demands of the property. The fee is based on the size of the water meter that serves the property, or if the property does not receive water service, the size of the water meter that would serve the property if it received water service. The approved fee structure shall be applied effective July 1, 2009 to all new sanitary sewer connections not previously issued a building permit.

The owner of lot in a plated subdivision that has been approved by city council may receive a fifty (50) percent discount on the sewer connection fee established by city council by prepaying the connection fee for that lot, no later than December 31, 2009. To prepay the connection fee on the lot, the owner of the lot shall pay the current connection fee, less a fifty (50) percent discount to the code enforcement department. The prepayment of the connection fee shall be valid for a period of five (5) years, but not to be transferable to the subsequent owner of the lot.

- (2) *Engineering and inspection fees.* The property owner is required to install the sanitary sewer lateral lines necessary to connect to the sewer main line. The line installed by the property owner shall comply with latest recognized version of the International Plumbing Code. The portion of the service lateral connection in the public right-of-way must meet the specifications as determined by the city engineer. Design plans for the sanitary sewer outfall line and service lateral connection lying in the right-of-way shall be approved and permitted by the city engineer prior to the commencement of installation. Once installation is complete, code enforcement officials will inspect the line and connection. The property

owner may be charged a fee for such inspection(s). City council shall adopt the inspection fees and charges.

(c) *Property owner responsible for certain costs.*

(1) *Cost for extending main line.* When the sewer main line is not available to the property, the property owner shall pay to the city, in advance, the full cost for extending the main line to the property.

- a. Such costs shall include any land or utility easement acquisition costs that the city may incur if the line cannot be run along a public right-of-way to the property.
- b. The cost of extending the sewer line to the property shall be set at a per linear foot as established by city council.
- c. Should the director determine that there is a need for an oversized line to be installed, or a line longer than may be necessary to serve the property, the additional costs for the augmented line size or length shall not be charged to the property owner.
- d. If the sewer main line extension work is to be done under a city issued permit and contract agreement, the property owner shall be responsible for the full cost to perform the scope of work as shown on an approved plan. The city may require the property owner to enter into a development agreement and a surety to cover the proposed work.
- e. **Where a property owner divides a commonly owned parcel into two or more new lots and a sewer main line is available on the initial lot and where the secondary lot does not have a sewer main line, the property owner shall incur, from the city, a fee of \$550 which represent the cost for extending the main line to the newly created lot only.**
- f. **Where a property owner purchases a lot or parcel of land which has or had a structure with an existing sewer line, and the owner or builder removes the structure, the owner or builder shall incur a new sewer connection fee of \$550 for connectivity to the main sewer line.**

-
- g. Where a property owner divides a commonly owned parcel into two or more new lots and a sewer main line is not available on the initial lot and where the secondary lot also does not have a sewer main line, the property owner shall pay to the city, in advance, the full cost for extending the main line to the newly created lot.**
- (2) Developers of new subdivisions shall install all sewer lines and facilities internal to the development in accordance with the subdivision ordinance, the design specifications as determined by the city engineer, and development agreements approved by the city engineer.
- (d) *Credit allowed for oversized or extended internal line.*
- (1) If the city requires the property owner to install a sewer line larger than is necessary to serve the development or use proposed for the property, to run a line further, or to make any other improvements not necessitated by the development or use, the property owner shall receive a credit for such augmented costs which may be applied against the connection fee. The amount of the credit shall be the difference in costs of the sewer line proposed by the property owner and the augmented requirements imposed by the city. The director shall establish the amount of the credit based on cost estimates provided by the city engineer.
- (e) *Installment payments.* Upon written request, any property owner may enter into an agreement with the city, at the sole discretion of the city, to pay the connection fee for the property in up to twelve (12) equal monthly installments which shall include a service fee of one and one-half (1.5) percent per month.
- (f) *Exemption from connection fee.* No connection fee shall be charged for a connection where a three-quarter ($\frac{3}{4}$) of an inch or smaller water meter is installed that serves any business that is located in an authorized enterprise zone as designated by the Commonwealth of Virginia if the business is connecting to the city sewer system for the first time.
- (g) *Change in use.* Should the zoning use, use group, or occupancy change to a more intensive use, or the existing use be expanded or converted to a more intensive use and new construction or reconstruction of existing structures occurs, a new connection fee shall be required.

SEWER (WASTEWATER) CONNECTION FEES

Wastewater Connection Fees by Size		
Meter Size	Equivalency Ratio*	Connection Fee
½ and ¾ inch	1.50	\$ 2,026.00
1 inch	2.50	5,065.00
1½ inch	5.00	10,130.00
2 inch	8.00	16,208.00
3 inch	16.00	32,416.00
4 inch	25.00	50,650.00
6 inch	50.00	101,300.00
8 inch	80.00	162,080.00
10 inch	115.00	232,990.00

For those connections larger than six (6) inches and/or projected average daily flows in excess of one hundred thousand (100,000) gallons per day, applications must be made directly to the HRWTF director who will evaluate the proposed connection and based on equivalency size ratios determine the cost.

WASTEWATER CONNECTION FEES BY TYPE

Allocated on Basis of Equivalent Residential Unit*		
Residential single dwelling	1	\$2,026.00
Residential duplex (per unit)	1	2,026.00
Hotel or motel (per room)	.5	1,013.00
Restaurant	3	6,078.00
Hospital (per bed)	2	4,052.00
Nursing home (per bed)	.5	1,013.00
Laundromat (per washer)	.2	405.00
Church	1	2,026.00
Theater	2	4,052.00
Service station	1	2,026.00
Service station (car wash)	2	4,052.00
Office building (per 5,000 square feet)	1	2,026.00
Jails (per bed)	.5	1,013.00

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*Equivalent residential unit is a measure where one (1) unit is equivalent to wastewater effluent from one (1) home, which is two hundred fifty (250) gallons per day per home. This amount is based on most wastewater pollution textbooks estimating an average of one hundred (100) gallons per day per person and the national home average of 2.5 persons.

(Ord. No. 2012-08 , 9-12-12)

R-2



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

- ☐ Civic Engagement
- ☐ Culture & Recreation
- ☐ Economic Development
- ☐ Education
- ☐ Housing
- ☐ Safe & Healthy Environment
- ☒ None (Does not apply)

Order of Business:

- ☐ Consent Agenda
- ☐ Public Hearing
- ☐ Presentation-Boards/Commissions
- ☐ Unfinished Business
- ☐ Citizen/Councilor Request
- ☒ Regular Business
- ☐ Reports of Council Committees

Action:

- ☐ Approve and File
- ☐ Take Appropriate Action
- ☐ Receive & File (no motion required)
- ☐ Approve Ordinance 1st Reading
- ☐ Approve Ordinance 2nd Reading
- ☐ Set a Public Hearing
- ☐ Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE: Proposed Transient Occupancy Tax Ordinance

ISSUE: Amendments to the Transient Occupancy Tax Ordinance

RECOMMENDATION: Approve the amendments to the proposed transient occupancy tax ordinance.

TIMING: Regular Business scheduled for October 10, 2023.

BACKGROUND: Legislative updates to the existing Transient Occupancy Tax Ordinance in accordance with statutory changes to the Virginia Code, 1950 as amended.

ENCLOSED DOCUMENTS:

- Proposed Transient Occupancy Tax Ordinance

STAFF: Danielle F. Smith, City Attorney

FOR IN MEETING USE ONLY

MOTION: _____

Roll Call**SUMMARY:**

Y N

- ☐ ☐ Councilor Rita Joyner, Ward #1
- ☐ ☐ Councilor Michael Harris, Ward #2
- ☐ ☐ Mayor John B. Partin, Ward #3
- ☐ ☐ Vice Mayor Jasmine Gore, Ward #4

Y N

- ☐ ☐ Councilor Janice Denton, Ward #5
- ☐ ☐ Councilor Brenda Pelham, Ward #6
- ☐ ☐ Councilor Dominic Holloway, Sr., Ward #7

Transient Occupancy Ordinance Amendments

Presentation to the City Council

for the City of Hopewell

By: Danielle Smith

City Attorney

Definitions

- Changes:

- Changes to the language in “Accommodations provider”. Does not include someone who is a real estate licensee when acting as a real estate agent.

- Added Terms:

- *Commissioner of Revenue*
- *Person*
- *Retail Sale*
- *Room Charge*

Section 34-148

Additional powers and duties for the
Commissioner in Revenue

List of persons operating a hotel in
Hopewell

May adopt rules & regulations which
will assist in taxes owed.

Copy of rules & regulations shall be
on file.

- Commissioner in Revenue
- Debra K. Reason
- 300 N. Main Street
- Hopewell, VA 23860
- 804.541.2237 P

Section 34-156

- Requires the tax assessor to report any rate changes to the Virginia Department of Taxation
- Within 30 days.
- Required by House Bill 1442 (2023 Acts of the Assembly, Chapter 410)





The End

ARTICLE IX. - TRANSIENT LODGERS

Sec. 34-146. - Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Accommodations: any room or rooms, space, lodgings, or accommodations in any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, house, or any other place in which rooms or accommodations for lodging are regularly furnished to transients for consideration and for which tax is or should be imposed on the retail sale.

Accommodations fee: the amount paid to or retained by the accommodations intermediary for facilitating the sale. The accommodations fee shall be distinctly set out as a separate item and shall not be less than \$0.

Accommodations intermediary: any person other than an accommodations provider who facilitates the sale of an accommodation, charges a room charge to the customer, and charges an accommodations fee, which fee it retains as compensation for facilitating the sale. For the purposes of this definition, "facilitates the sale" includes brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including via one or more payment processors, between a customer and an accommodations provider.

"*Accommodations intermediary*" does not include a person:

- (1) If the accommodations are provided by an accommodations provider operating under a trademark, trade name, or service mark belonging to that person; or
- (2) Who facilitates the sale of an accommodation if (i) the price paid by the customer to the person is equal to the price paid by the person to the accommodations provider for the accommodations, and (ii) the only compensation received by the person facilitating the sale of the accommodation is a commission paid from the accommodations provider to that person.
- (3) Who is licensed as a real estate licensee pursuant to Article 1 (§54.1-2100 et seq.) of Chapter 21 of Title 54.1, when acting within the scope of such license.
- (d) *Accommodations provider*: any person who furnishes accommodations to the general public for compensation. The term "furnishes" includes the sale of use or possession, or the sale of the right to use or possess.

Commissioner of the revenue: the commission of the revenue of the city of Hopewell, Virginia or any duly authorized deputies or agents.

Hotel: Any public or private hotel, inn, hostelry, tourist home or house, motel, rooming house, or other lodging place within the city offering lodging for compensation to any transient.

Innkeeper: Any person who provides lodging for compensation to any transient.

Lodging: Room or space furnished any transient.

Person: To include but not limited to individuals, firms, partnerships, associations, corporations, persons acting in representative capacity, and combinations of individuals of whatever form and character.

Retail sale: The sale or charges for any room or rooms, lodgings, or accommodations furnished to transients for less than 90 continuous days by any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, or any other place in which rooms, lodging, space, or accommodations are regularly furnished to transients for a consideration.

Room charge: The full retail price charged to the transient for the use of the accommodations, before taxes. Room charge includes any fee charged to the customer and retained as compensation for facilitating the sale, whether described as an accommodations fee, facilitation fee, or any other name. Any additional charges made in connection with the rental of accommodations are deemed to be part of the charge for the room and are subject to the tax. For example, additional charges for movies, local telephone calls and similar services are subject to the tax.

Total price paid: The total price charged to the customer. It will include the room charge and the accommodations fee, if any.

Transient: Any person who, for a period of not more than ninety (90) consecutive days, either at his own expense or at the expense of another, obtains lodging at any hotel.

(Ord. No. 83-5, 5-24-83)

Sec. 34-147. - Imposed; amount; use of proceeds.

There is hereby levied and imposed, in addition to all other taxes and fee of every kind now imposed by law, on each transient, a tax equivalent to eight (8.0) percent of the total amount paid for lodging by or for such transient to any hotel or lodging property.

Sec. 34-148. – Commissioner of the revenue – Other powers and duties.

It shall be the duty of the commissioner of the revenue to ascertain the name of every person operating a hotel in the city, liable for the collection of the tax levied by Chapter XVI of the Hopewell Municipal Code. The commissioner of the revenue shall have the power to adopt rules and regulations not inconsistent with the provisions of this chapter for the purpose of determining the amount due to the city under this chapter; and a copy of such rules and regulations shall be on file and available for public examination in the commissioner of the revenue's office. Failure or refusal to comply with any rules and regulations promulgated under this sections shall be deemed a violation of this chapter.

Sec. 34-149. - Duty of innkeeper to collect and remit; innkeeper's reports.

It shall be the duty of every innkeeper, in acting as the tax collection medium or agency for the city, to collect from the transient, for the use of the city, the tax imposed and levied by this article at the time of collecting the amount charged for the lodging, and the taxes collected during each calendar month shall be reported and remitted by each innkeeper to the commissioner of the revenue, on or before the twentieth day of the following calendar month. The taxes collected by an innkeeper shall be deemed to be held in trust by such innkeeper until they have been remitted to the commissioner of the revenue. The required report shall be in such form as may be prescribed by the commissioner of the revenue. All remittances received hereunder by the commissioner of the revenue shall be turned over promptly to the city treasurer.

Sec. 34-149.1 – Determination of tax due by the Commissioner of Revenue.

If any person required to collect and remit tax imposed by this chapter fails to file a report, or if the Commissioner of Revenue has reasonable cause to believe that an erroneous report has been filed, the Commissioner of Revenue may proceed to determine the amount due to the city and in connection therewith shall make such investigations and take such testimony and other evidence as may be necessary and he shall report her determination to the Treasurer; provided, that notice and opportunity to be heard be given to any person who may be liable for the amount owing prior to any determination by the Commissioner of Revenue.

Sec. 34-150. - Report and remittance when collector goes out of business.

Whenever any person required to collect and pay the city a tax pursuant to provisions of this article shall cease to operate, go out of business, or otherwise dispose of his business, any tax then payable to the city shall become immediately due and payable and such person shall immediately make a report and pay the tax due the commissioner of the revenue.

Sec. 34-151. - Penalty and interest for nonremittance.

If any person shall fail or refuse to remit the tax required to be collected and paid under this article, within the time and in the amount as provided for in this article, there shall be added to such tax a penalty in the amount of ten (10) percent thereof, or the sum of ten dollars (\$10.00), whichever shall be greater; provided, however, that the penalty shall in no case exceed the amount of tax due; and interest thereon at the rate of ten (10) percent per annum, which shall be computed upon the tax and penalty from the first day of the month following the date such taxes were due and payable.

(Sec. 34-152. - Procedure upon failure to collect, report and remit.

If any person shall fail or refuse to collect the tax imposed under this article and to make, within the time provided in this article, the reports and remittances required, the commissioner of the revenue shall proceed in such manner as (s)he may deem best to obtain facts and information on which to base the tax due. As soon as the commissioner of the revenue shall secure such facts and information as (s)he is able to obtain upon which to base the assessment of any tax due and payable by any person who has failed or refused to collect such tax and to make such report and remittance, (s)he shall proceed to determine and assess against such person such tax and penalty and interest as in this article provided for, and shall notify such person, by registered mail sent to his last known place of address, of the amount of such tax and interest and penalty, and the total amount thereof shall be payable within ten (10) days after such notice. The commissioner of the revenue shall have the power to examine such records for the purpose of administering and enforcing the provisions of this article as are provided by law.

Sec. 34-153. - Collector's records.

It shall be the duty of every person liable for the collection and payment to the city of any tax imposed by this article to keep and preserve, for a period of two (2) years, such suitable records as may be necessary to determine the amount of such tax as he may have been responsible for collecting and paying to the city. The commissioner of the revenue may inspect such records at all reasonable times.

Sec. 34-153.1. – Levy; amount; collection.

Pursuant to §58.1-3819 of the Code of Virginia, the city may levy and impose, in addition to any other taxes and fees of every kind imposed by law, a tax of 8% of the total price paid or for a customer for use of possession of any lodging accommodations for the continuous occupancy for fewer than 90 days. The tax shall be collected at the time and in the manner provided for in this article.

Sec. 34-154. - Power and duty of city treasurer.

The city treasurer shall have the power and the duty of collecting the taxes imposed and levied by this article.

Sec. 34-155. - Penalty for violation.

It shall be unlawful for any person to violate any of the provisions of this article and any person violating any of the provisions of this article, upon conviction thereof, shall be punished as a Class 2 misdemeanor along with a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$500.00) or by confinement in jail not exceeding thirty (30) days, either or both. Each violation and each day's continuance thereof shall constitute a separate offense. Such conviction shall not relieve any person from the payment, collection, or remittance of the tax as provided in this article.

Secs. 34-156. – Tax Rate reporting to the Department of Taxation.

The tax-assessing officer is required to provide any change in rate to the Department of Taxation ("the Department") in a manner prescribed by the Department as soon as such information is available after a request by the Department or with at least 30 days' notice prior to the effective date of any change in the rate.

In the event the City of Hopewell fails to provide to the Department with notice of rate change as required by House Bill 1442 (*2023 Acts of Assembly*, Chapter 410), the City of Hopewell shall continue to apply its preceding effective tax rate until 30 days after notification of such change is provided to the Department. Additionally, if the tax-assessing officer fails without good cause to furnish such information to the Department on demand, House Bill 1442 provides that they are guilty of nonfeasance in office.

Secs. 34-157—34-160. - Reserved.

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CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

- ☐ Civic Engagement
- ☐ Culture & Recreation
- ☐ Economic Development
- ☐ Education
- ☐ Housing
- ☐ Safe & Healthy Environment
- ☒ None (Does not apply)

Order of Business:

- ☐ Consent Agenda
- ☒ Public Hearing
- ☐ Presentation-Boards/Commissions
- ☐ Unfinished Business
- ☐ Citizen/Councilor Request
- ☒ Regular Business
- ☐ Reports of Council Committees

Action:

- ☐ Approve and File
- ☐ Take Appropriate Action
- ☐ Receive & File (no motion required)
- ☒ Approve Ordinance 1st Reading
- ☐ Approve Ordinance 2nd Reading
- ☐ Set a Public Hearing
- ☐ Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE: FOIA Policy

ISSUE: Review of Hopewell FOIA policy

RECOMMENDATION: Adopt FOIA policy with fee schedule and termination date to hold documents. New policy to be posted on the city's website for citizens.

TIMING: October 10, 2023

BACKGROUND: The Virginia General Assembly has mandated that all localities adopt a FOIA policy with regard to fees assessed to citizens and post such information to their website.

ENCLOSED DOCUMENTS:

None.

STAFF: Danielle Smith, City Attorney

FOR IN MEETING USE ONLY

MOTION: _____

Roll Call**SUMMARY:**

Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Rita Joyner, Ward #1
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Michael Harris, Ward #2
<input type="checkbox"/>	<input type="checkbox"/>	Mayor John B. Partin, Ward #3
<input type="checkbox"/>	<input type="checkbox"/>	Vice Mayor Jasmine Gore, Ward #4

Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Janice Denton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Brenda Pelham, Ward #6
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Dominic Holloway, Sr., Ward #7



FOIA Policy

Presentation to Hopewell City Council

By: Danielle Smith, City Attorney

Reason for Policy Change

- ▶ HB 307 amending §§ 2.2-3704 and 2.2-3704.1 (2022)
- ▶ Provides that a public body subject to FOIA shall make all reasonable efforts to supply records requested by a citizen at the lowest possible cost; however, no such public body shall charge for the provision of certain scholastic records, outlined in the bill. **The bill requires a public body, prior to conducting a search for records, to notify the requester in writing of the public body's right to make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records** and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records. Finally, the bill provides that any costs incurred by a public body in estimating the cost of supplying requested records shall be applied toward the overall charges to be paid by the requester for the supplying of such records.

Current Policy

- ▶ City of Hopewell currently charges the hourly rate of the salaried employee who retrieves/extracts/secures the requested documentation.
- ▶ Example:
- ▶ John Doe earns 40k annually equaling \$19.23 per hour. A FOIA request requires him to spend 2 hours retrieving documentation. The invoice will equal \$38.46.

HB 307 Requirements & Options

- ▶ Every locality will need to decide their FOIA policy and post the same on the website.
- ▶ Keep the policy the same.
- ▶ Charge a flat rate per hour
- ▶ Charge a flat rate per page.



The End



VIRGINIA ACTS OF ASSEMBLY -- 2023 SESSION

CHAPTER 599

An Act to amend and reenact § 2.2-3704.1 of the Code of Virginia, relating to the Virginia Freedom of Information Act; posting of fee policy.

[H 2007]

Approved March 26, 2023

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3704.1 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3704.1. Posting of notice of rights and responsibilities by state and local public bodies; assistance by the Freedom of Information Advisory Council.

A. All state public bodies subject to the provisions of this chapter, any county or city, any town with a population of more than 250, and any school board shall make available the following information to the public upon request and shall post a link to such information on the homepage of their respective official public government websites:

1. A plain English explanation of the rights of a requester under this chapter, the procedures to obtain public records from the public body, and the responsibilities of the public body in complying with this chapter. For purposes of this section, "plain English" means written in nontechnical, readily understandable language using words of common everyday usage and avoiding legal terms and phrases or other terms and words of art whose usage or special meaning primarily is limited to a particular field or profession;

2. Contact information for the FOIA officer designated by the public body pursuant to § 2.2-3704.2 to (i) assist a requester in making a request for records or (ii) respond to requests for public records;

3. A general description, summary, list, or index of the types of public records maintained by such public body;

4. A general description, summary, list, or index of any exemptions in law that permit or require such public records to be withheld from release;

5. Any policy the public body has concerning the type of public records it routinely withholds from release as permitted by this chapter or other law; and

6. The following statement: "A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records and shall make all reasonable efforts to supply the requested records at the lowest possible cost. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. Prior to conducting a search for records, the public body shall notify the requester in writing that the public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records as set forth in subsection F of § 2.2-3704 of the Code of Virginia."; and

7. A written policy (i) explaining how the public body assesses charges for accessing or searching for requested records and (ii) noting the current fee charged, if any, for accessing and searching for such requested records.

B. Any state public body subject to the provisions of this chapter and any county or city, and any town with a population of more than 250, shall post a link on its official public government website to the online public comment form on the Freedom of Information Advisory Council's website to enable any requester to comment on the quality of assistance provided to the requester by the public body.

C. The Freedom of Information Advisory Council, created pursuant to § 30-178, shall assist in the development and implementation of the provisions of subsection A, upon request.

Danielle F. Smith

From: Marta Leon
Sent: Thursday, August 10, 2023 3:00 PM
To: Danielle F. Smith
Subject: FW: FOIA Fees - Add to June CC meeting agenda
Attachments: Virginia Acts of Assembly - 2023 (Amendment to 2.2-3704.1.pdf)

Just wanted to circle back on this one.

From: Danielle F. Smith <dsmith@hopewellva.gov>
Sent: Thursday, June 1, 2023 3:01 PM
To: Concetta Manker <cmanker@hopewellva.gov>
Cc: Marta Leon <mleon@hopewellva.gov>
Subject: FOIA Fees - Add to June CC meeting agenda

Dr. Manker,

As of March 26, 2023, there has been a law change to Virginia Code section 2.2-3704.1 with regard to FOIA. The amendments to the Code requires Hopewell to do two things:

1. Update the language available to the public that explains the current process for FOIA requests (Our office has already sent the slight tweaks to the Floyd for inclusion on the website).
2. City Council (the public body) will need to decide how and how much to charge for FOIA requests.

The amended code section is attached to this email. To assist in the creation of a new FOIA policy, I have included the language from other jurisdictions that has developed a fee schedule and changed their FOIA policy, which has been published to their website. City Council may decide which one works best for Hopewell.

Blacksburg, Virginia

City policy on charges for accessing or searching for requested records as required by Virginia Code § 2.2-3704.1. The town does not have a fixed charge for accessing or searching for requested records. Charges for accessing or searching for requested records are based on the hourly rate of the person searching for the records in question. To keep costs down, the town attempts to use the lowest paid staff members capable of retrieving the requested records in responding to a request. However, in situations where a staff member is required to search through his or her own email and files, the staff member will search for the requested records and the search charge will be based on that employee's hourly rate.

Colonial Heights, Virginia

Colonial Heights uses a flat rate approach and charges \$40/hour (in 15 minute increments) to process a request. The \$40 per hour rate applies to the time to research a request; retrieve records; and review them, including making redactions. The City policy states that the first five pages copied are free, and additional copies are 10 cents a page. However, if a request can be responded to in a short amount of time (perhaps 15 minutes), The City Attorney advises the city staff person to waive charging a fee. Also, typically we waive charging the press for spread sheets which provide information on employee positions, salaries, tenure, etc.

I don't anticipate that this matter will be very involved or complex. Let me know if it can be added so I can work to bring Hopewell into compliance with the amended Virginia Code section.

Colonial Heights uses a flat rate approach and charges \$40/hour (in 15 minute increments) to process a request. (The rate was increased from \$20/hour just three months ago.) The \$40 per hour rate applies to the time to research a request; retrieve records; and review them, including making redactions. The City policy states that the first five pages copied are free, and additional copies are 10 cents a page.

However, if a request can be responded to in a short amount of time (perhaps 15 minutes), I advise the City staff person to waive charging a fee. Also, typically we waive charging the press for spread sheets we create to provide information on employee positions, salaries, tenure, etc. (As a practical matter, it is not worth picking a fight with the press.)

Danielle Ferguson Smith

City Attorney

City of Hopewell

300 N. Main Street

Hopewell, Virginia 23860

(804) 541-2247 ext. 135

(804) 415-4001 facsimile

R-4



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

- ☐ Civic Engagement
- ☐ Culture & Recreation
- ☐ Economic Development
- ☐ Education
- ☐ Housing
- ☐ Safe & Healthy Environment
- ☐ None (Does not apply)

Order of Business:

- ☐ Consent Agenda
- ☐ Public Hearing
- ☐ Presentation-Boards/Commissions
- ☐ Unfinished Business
- ☐ Citizen/Councilor Request
- ☐ Regular Business
- ☐ Reports of Council Committees

Action:

- ☐ Approve and File
- ☐ Take Appropriate Action
- ☐ Receive & File (no motion required)
- ☐ Approve Ordinance 1st Reading
- ☐ Approve Ordinance 2nd Reading
- ☐ Set a Public Hearing
- ☐ Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE: QUEEN ANNE PUMP STATION & FORCE MAIN IMPROVEMENTS

ISSUE: The existing pump station has outdated pump controls/electrical, deteriorated piping/valves, reduced pumping capacity due to a shared force main with three pumps stations, and unfavorable environmental/public safety impacts.

RECOMMENDATION: Staff recommends City Council to appropriate a total of \$3,000,000 from the Sewer Improvement and Redemption Fund and the Sewer Rate Stabilization Investment Funds to fund the project. Proposed cost of the project includes \$2.6M in construction and soft costs plus \$400,000 in contingencies.

TIMING: Action is requested at October 10, 2023 regular council meeting.

BACKGROUND: Hopewell Water Renewal (HWR) owns and operates the Queen Anne Pump Station (QAPS) located off Queen Anne Drive in Hopewell, VA. The QAPS was constructed in 1971. The QAPS shares a force main with two (2) other pump stations – the Riverside Regional Jail Pump Station (RRJPS) and the Petersburg Federal Correction Facility Pump Station (PFCCPS). The shared force main that the QAPS ties into is shared by three (3) pump stations and this configuration has caused issues for the QAPS. As a result, there is increased pressure in the force main, which reduces the pumping capacity of the QAPS and has resulted in Sanitary Sewer Overflows (SSOs) that are report to the Department of Environmental Quality (DEQ).

ENCLOSED DOCUMENTS: Memo to the City Manager, PowerPoint Presentation.

SUMMARY:

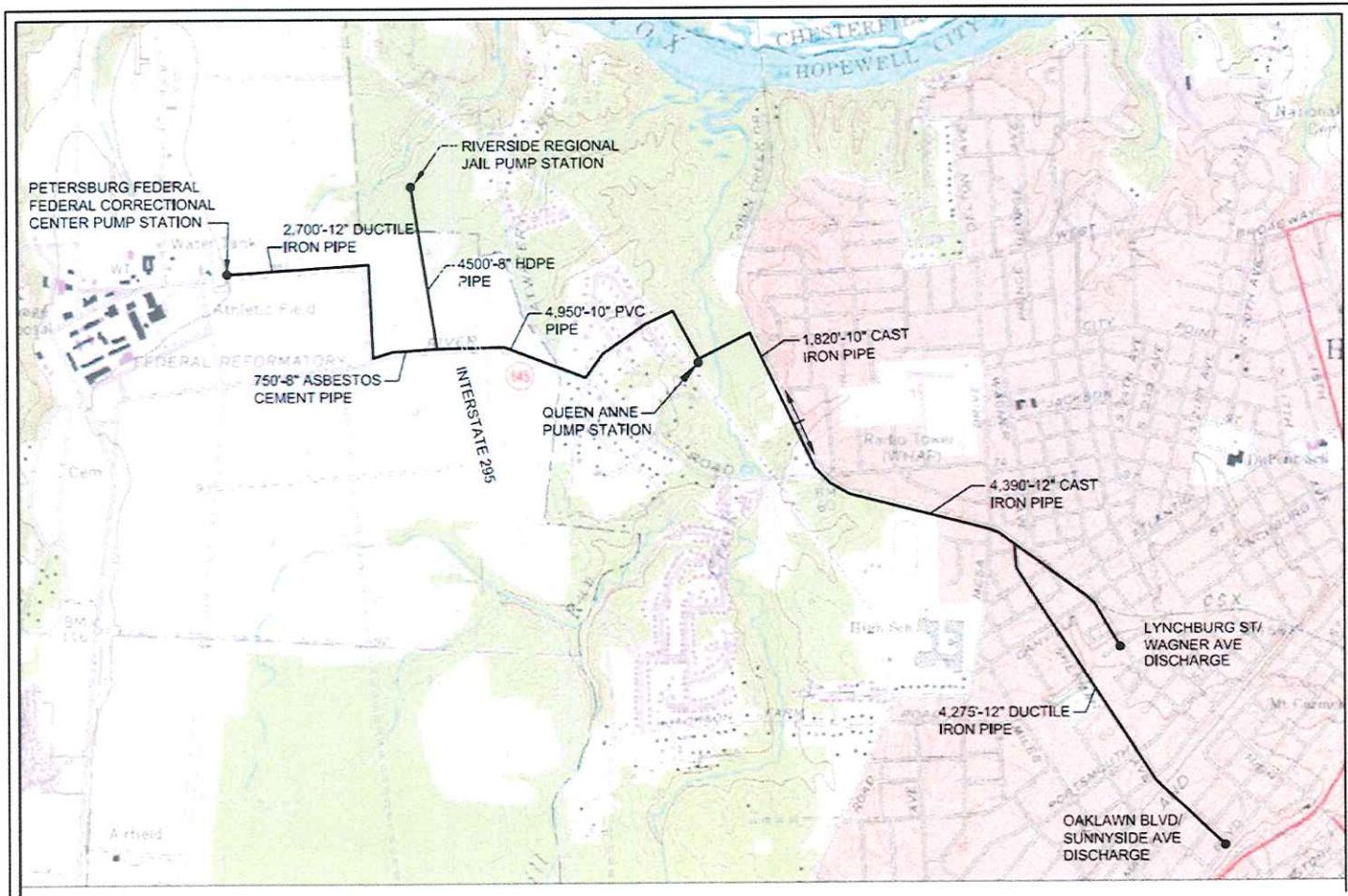
- | Y | N | |
|--------------------------|--------------------------|-----------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Rita Joyner, Ward #1 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Michael Harris, Ward #2 |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor John B. Partin, Ward #3 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Jasmine Gore, Ward #4 |

- | Y | N | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Dominic Holloway, Sr., Ward #7 |

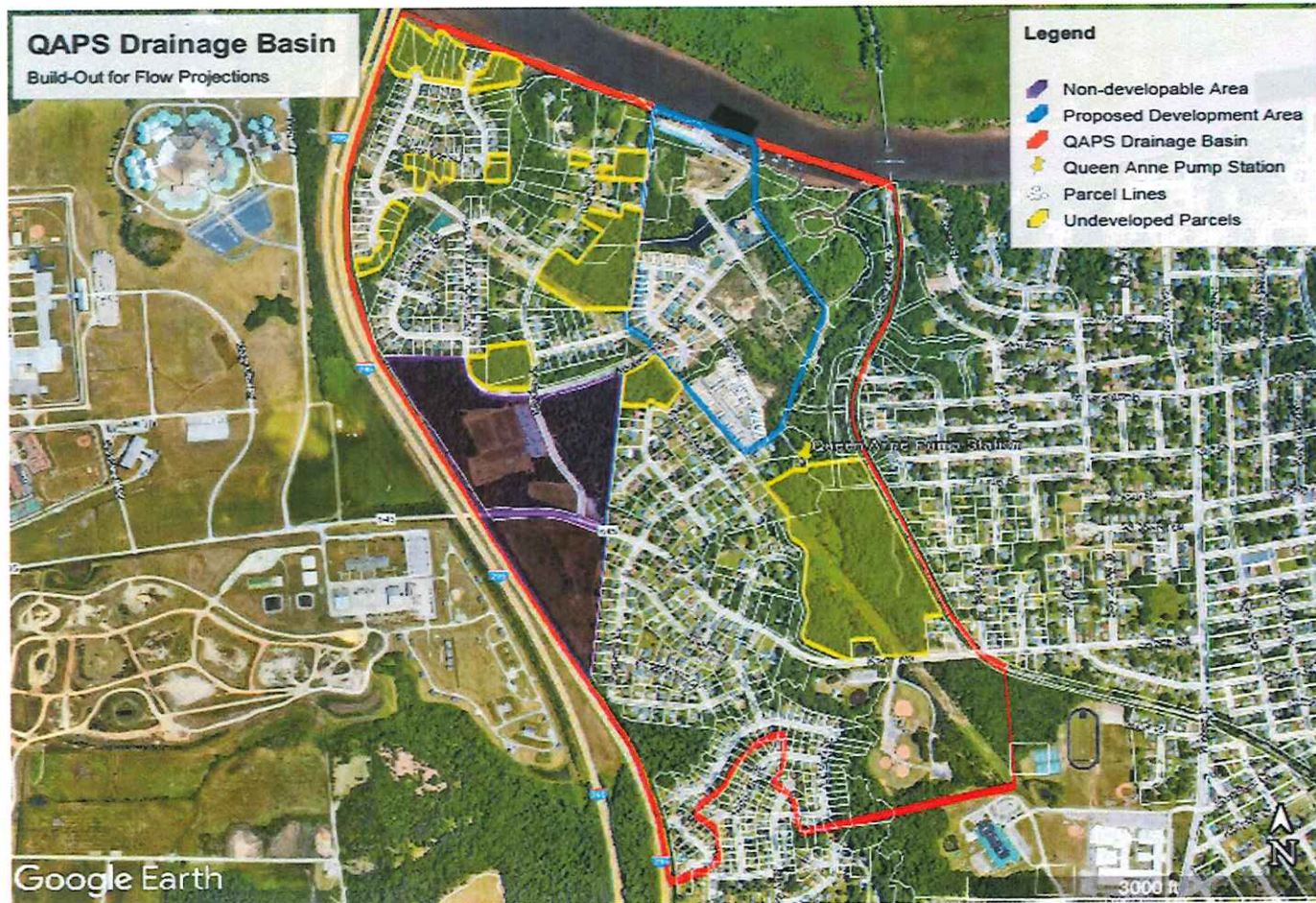
Queen Anne Pump Station (QAPS) Improvements Presentation to City Council



Existing Sewer System Near QAPS



QAPS Drainage Basin



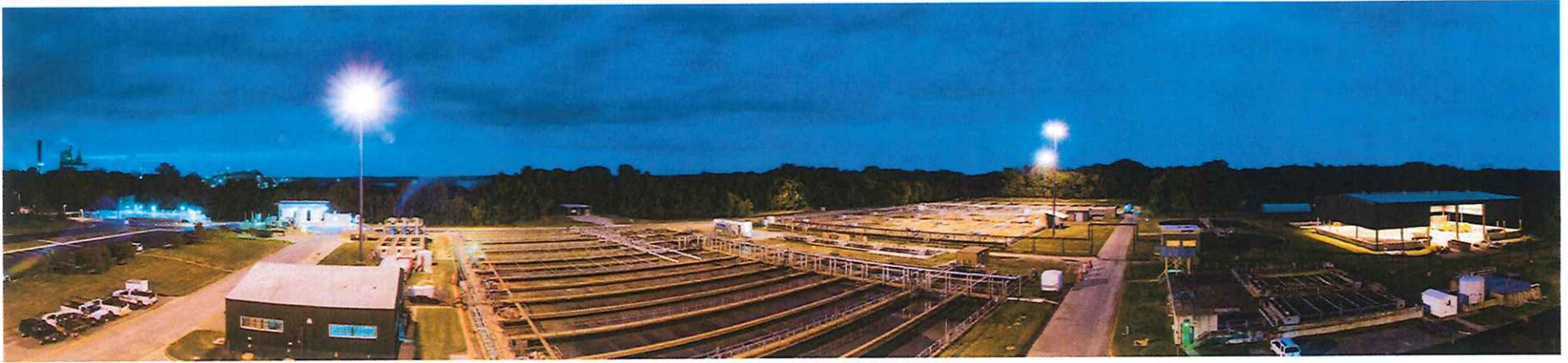
QAPS Conditions at time of Evaluation



Queen Anne Pump Station & Force Main Improvements

Project Scope – Upgrade existing pump station (pumps, controls, electrical and backup power) and construct 8” force main (10,500 lf)

- Estimated Total Project Costs - \$ 3,000,000
 - Construction and Soft Costs - \$ 2,600,000
 - Contingencies - \$400,000
- Funding Options
 - Sewer Improvement and Redemption Fund - \$1,125,000
 - Rate Stabilization Fund - \$2,400,000
- **Recommendation from Davenport (City’s Financial Advisor)**
 - **Use Sewer Improvement and Redemption Fund - \$1,125,000**
 - **Allocate \$1,875,000 from Sewer Rate and Stabilization Fund**



QUESTIONS?

Water Renewal Department

To: Concetta Maker
From: Dickie Thompson *dt*
Date: September 20, 2023
Re: QUEEN ANNE PUMP STATION & FORCE MAIN IMPROVEMENTS

Hopewell Water Renewal (HWR) owns and operates the Queen Anne Pump Station (QAPS) located off of Queen Anne Drive in Hopewell, VA. The QAPS shares a force main with two (2) other pump stations – the Riverside Regional Jail Pump Station (RRJPS) and the Petersburg Federal Correction Facility Pump Station (PFCCPS). The QAPS currently has a rated capacity of approximately 200 GPM. However, the QAPS occasionally receives peak flows of up to 300 GPM. Additionally, development within the QAPS drainage basin is expected to increase peak flows at the station to nearly 400 GPM in the coming years. As such, the City is seeking to perform improvements at the station.

The shared force main that the QAPS ties into is shared by three (3) pump stations and this configuration has caused issues for the QAPS. As a result, there is increased pressure in the force main, which reduces the pumping capacity of the QAPS and has resulted in Sanitary Sewer Overflows (SSOs) that are report to the Department of Environmental Quality (DEQ). In an effort to restore capacity and avoid overflows, HWR is renting multiple back-up, emergency portable pumps at the QAPS. This is not a sustainable operating condition; hence, upgrades to the QAPS and the force main are necessary.

Estimated engineering and construction costs to correct the issues at the QAPS are approximately \$2.5-2.7M. HWR and City staff met with Davenport & Company LLC, financial advisor to the City of Hopewell, to determine the availability of funds within the City's Sewer Service Fund to pay for this project. Davenport, in conjunction with City Staff, determined that there are two distinct funds established under the City's Agreement of Trust that are NOT pledged to bondholders and that can be used to pay for the capital needs. Each of these funds is tracked as a separate fund held in the City's name at LGIP.

Therefore, we are requesting to use the Sewer Improvement and Redemption fund, which currently contains in excess of \$1,125,000, and the Rate Stabilization Fund that has a balance in

excess of \$2,400,000. The Sewer Improvement Fund can be used specifically for capital improvements of the system and is not pledged as security to bondholders and the Rate Stabilization fund is also not pledged as security to bondholders.

The request is as follows:

- Pay the estimated \$2.5-2.7M capital cost, the City could use \$1,125,000 from the Improvement and Redemption Fund and use the additional needed from the Rate Stabilization Fund.
- Beginning with the FY 2025 budget, the City's Sewer Fund would budget up to \$150,000 each year until the Improvement and Redemption Fund is equal to \$1,000,000.
- Once our audits are up to date, Davenport recommends that we review the deposit amount in the Rate and Stabilization Fund to determine if it should be replenished to its prior level.
- Appropriate \$3M from the two funds for contingencies.

**A RESOLUTION
AMENDING THE FISCAL YEAR 2023-2024 OPERATING BUDGET**

WHEREAS, the City Council of the City of Hopewell accepted and adopted its original budget on June 30, 2023 for FY24; and

WHEREAS, Hopewell Water Renewal (HWR) owns and operates the Queen Anne Pump Station (QAPS) located of Queen Anne Drive in Hopewell, VA and was constructed in 1971; and

WHEREAS, The Queen Anne Pump Station QAPS shares a force main with the Riverside Regional Jail Pump Station (RRJPS) and the Petersburg Federal Correction Facility Pump State (PFCCPS); and

WHEREAS, Queen Anne Pump Station (QAPS) improvements will resolve pump capacity issues for current and future demands as well as reducing the risk of sanitary sewer overflows to neighboring waterways; and

WHEREAS, The City's Financial Advisor, Davenport recommended funding from the Sewer Improvement and Redemption Fund in the amount of \$1,125,000 and the Sewer Rate Stabilization Fund in the amount of \$1,875,000; and

WHEREAS, The City's Financial Advisor, Davenport and approved by our bond counsel recommended as a requirement that the city sewer fund budget \$150,000 each year until the Improvement and Redemption is replenished to its prior level; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hopewell hereby approves and adopts the Fiscal Year 2023 budget amendment and appropriate all funds as set forth in the resolution below:

Sewer Improvement and Redemption & Sewer Rate Stabilization Fund	AMOUNT
<u>Appropriations</u>	
1. Queen Anne Pump Station Improvement	\$3,000,000.00
Total	\$3,000,000.00

ADOPTED BY THE CITY COUNCIL OF THE CITY OF HOPEWELL ON OCTOBER 10, 2023.

Witness this signature and seal

Johnny Partin, Mayor
City of Hopewell

VOTING AYE:
VOTING NAY:
ABSTAINING:
ABSENT:

ATTEST:

Brittani Williams, City Clerk
City of Hopewell

ADJOURNMENT