

City attorney: Richmond mayor lacked authority to unilaterally authorize \$1.9 million in bonuses

By NED OLIVER Richmond Times-Dispatch | Posted: Wednesday, December 21, 2016 10:15 pm

Outgoing Richmond Mayor Dwight C. Jones lacked the authority to unilaterally authorize \$1.9 million worth of bonuses for city employees as an “end of term thank you,” according to City Attorney Allen Jackson.

“Only the City Council may authorize bonuses,” Jackson wrote in a memo to council members Tuesday, citing a state law that requires a locality’s governing body — in Richmond’s case the council — to pass an ordinance authorizing any such payments.

Mayor-elect Levar Stoney and several council members have criticized Jones’ decision to grant the bonuses as fiscally irresponsible given the city’s tight finances. Stoney and the incoming council will be left to reconcile the payments with other expenses when the fiscal year closes at the end of June.

Jones’ press secretary, Tammy Hawley, disputed the city attorney’s analysis in an email, asserting that the mayor’s office has the authority to provide bonuses, citing a 1993 ordinance that lays out the city’s pay plan.

But in his memo, Jackson said the ordinance cited by Jones allows for bonuses only in a narrow set of circumstances, such as when an employee demonstrates “extraordinary performance.”

Jackson notes in the memo that Jones’ administration has sought the City Council’s authorization for past bonuses to city employees.

In an email, Jackson declined to comment directly on Hawley’s response, citing confidentiality requirements.

On Wednesday, two council members said Jones should call a special council meeting to consider the issue before his term concludes at the end of the year, though they said they doubted he would do so.

“The right thing to do would be to call a special meeting and do this the way state law requires it,” said outgoing Councilman Jonathan T. Baliles. “But I don’t think anybody expects the current mayor to do the right thing.”

Councilman Chris A. Hilbert called Jones’ actions “sloppy.”

“For this mayor to have come out from under an investigation with a positive outcome for him and then go right back into another controversy, it is just unfathomable for me,” he said. “Especially on his way out the



Mayor Jones

Richmond Mayor Dwight C. Jones announced last week that full-time city employees, not including school workers, would receive an extra \$500.

door. This mayor has done some good things for the city, but these kinds of mistakes are unforced errors that don't need to happen.”

Jones announced the bonus in an email to city employees last week titled “Mayor’s End of Year/End of Term Thank You.”

Full-time employees received \$500 extra in their paychecks, and part-time employees received \$250. The bonuses did not extend to employees of the city school system.

It’s unclear what, if any, recourse the council might have to address the issue, since the payments were already included in employees’ paychecks on Friday.

In his memo, Jackson floated two potential remedies. One would be to require city employees to repay the money — something he said he recognized would be “undesirable.” The other option, he said, “would be to seek to recover the payments from those who authorized them” — presumably Jones.

The council members interviewed for this story suggested neither avenue appeared likely.

“While I’d love to point to somebody and have them be able to reach into their pocket and produce the money, I’m not sure that’s realistic,” Hilbert said.

Baliles offered a similar take: “I think the faster we can move on, the better off we’ll be as a city.”