

CHAPTER 2 ADMINISTRATION

TABLE OF CONTENTS

ARTICLE I – IN GENERAL	
Sec. 2.1	Adoption, Etc. of Ordinances
Sec. 2.2	Fiscal Year
Sec. 2.3	How Instruments Executed by Town
Sec. 2.4	Hearing on Proposed Increase in Local Tax Levy
ARTICLE II - COUNCIL AND MAYOR	
DIVISION I - MAYOR	
Sec. 2.5	Mayor to Convene and Organize New Council
Sec. 2.6	Duties of Mayor Generally
Sec. 2.7	Vice Mayor
Sec. 2.8	Vacancy in Office of Mayor
DIVISION II - COUNCIL	
Sec. 2.9	Regular Meetings
Sec. 2.10	Special Meetings
Sec. 2.11	Duty of Council Member to Attend Meetings
Sec. 2.12	Duties of Presiding Officer Generally; Rules of Order Generally
Sec. 2.13	Quorum
Sec. 2.14	Voting; Pecuniary Interest in Question
Sec. 2.15	Appointment of Special Committees; Questions of Order
Sec. 2.16	Order of Business
Sec. 2.17	Motions
Sec. 2.18	Addressing Chair
Sec. 2.19	Interrupting Speakers
Sec. 2.20	Talking While Member is Speaking
Sec. 2.21	Who May Speak
Sec. 2.22	Council Judge of Election, Etc., of Members; Discipline, Disqualification, Etc., of Members
Sec. 2.23	Appointment of Boards and Commissions
ARTICLE III - COUNCIL COMMITTEES	
Sec. 2.24	Appointment
Sec. 2.25	Committees
Sec. 2.26-30	Reserved
ARTICLE IV - OFFICERS AND EMPLOYEES GENERALLY	
Sec. 2.31	Reports to Mayor and Council
Sec. 2.32	Oath of Office
Sec. 2.33	Term of Officers Appointed by Mayor and Council
Sec. 2.34	Salaries
Sec. 2.35	Official bonds
Sec. 2.36	Removal from Office
Sec. 2.37	Accountability for Town Property
Sec. 2.38	Accountability for Books, Records and Documents

- Sec. 2.39 Books and Accounts to be Available for Inspection
- Sec. 2.40 Unlawful Expenditures

ARTICLE V - TREASURER

- Sec. 2.41 Duties Generally; Issuance of Licenses
- Sec. 2.42 Deposits
- Sec. 2.43 Disbursements
- Sec. 2.44 Deduction of Debts from Payments
- Sec. 2.45 Accounts and Account Books Generally
- Sec. 2.46 Inspection and Audit of Books
- Sec. 2.47 Accounts of Bonded, Etc., Indebtedness
- Sec. 2.48 Statements and Settlements
- Sec. 2.49 Annual Report
- Sec. 2.50 Tax Tickets
- Sec. 2.51 Collection of Penalty for Nonpayment of Taxes

ARTICLE VI - TOWN CLERK

- Sec. 2.52 Clerk of Council
- Sec. 2.53 Custodian of Town Documents
- Sec. 2.54 Custodian of Seal
- Sec. 2.55 Reserved
- Sec. 2.56 Furnishing Copies of Documents
- Sec. 2.57 Reserved
- Sec. 2.58 Keeping of Land and Property Books; Extension of Taxes; Delivery of Books to Town Treasurer
- Sec. 2.59 Certification of Claims
- Sec. 2.60 Inspection of Books and Records

ARTICLE VII -- TOWN MANAGER

- Sec. 2.61 Appointment and Duties
- Sec. 2.62 Relations with the Manager and Council

ARTICLE I – IN GENERAL

Sec. 2.1 Adoption, Etc., of Ordinances

No ordinance shall be acted upon until reduced to writing. Ordinances may be acted upon at the meeting at which presented. *(Code 1950, Section 2.4)*

An ordinance shall become effective upon adoption or at a date fixed by the council. *(Code of Virginia, 15.2-1427)*

Sec. 2.2 Fiscal Year

The fiscal year of the town shall begin on the first day of July and end on the thirtieth day of June. *(Code of Virginia Sec. 2.2-805)*
(As to definition of year generally, see Section 1.3 of this Code.)

Sec. 2.3.....How Instruments Executed by Town

All deeds, bonds, notes, leases, contracts, conveyances and other instruments, of whatsoever nature or description, authorized by law to be made or entered into by the town, shall, unless otherwise specially provided by the council, be signed by the mayor and when necessary, acknowledged by the mayor and sealed with the corporate seal and attested by the town clerk. Such instruments, when so signed and sealed, shall be taken as and for the true acts of the town.

(Code 1950, Section 2.2)

Sec. 2.4.....Hearing on Proposed Increase in Local Tax Levy

Before any local tax levy shall be increased, such proposed increase shall be published in a newspaper having general circulation in the town at least seven days before the increased levy is made and the citizens of the town shall be given an opportunity to appear before, and be heard by, the town council on the subject of such increase.

(Code of Virginia, Sec. 58.1-3007)

This section shall not be construed as in any way interfering with the requirements of state law as to the matter and form of publicity prior to the adoption of the yearly budget.

(Code 1950, Sec. 2.8)

ARTICLE II -- COUNCIL AND MAYOR

(For charter provisions as to election of mayor and council, see Charter 1999, Section 3. For state law as to oath of office of mayor and councilmen, see Code of Virginia, Section 15.2-1522)

DIVISION I – GENERALLY

Sec. 2.5.....Mayor to Convene and Organize New Council

The mayor shall, on the first regular meeting in July of each year, convene the town council elect, and shall organize the council in accordance with the provisions of this code.

Sec. 2.6.....Duties of Mayor Generally

a The mayor shall preside at all meetings of the council, when present. He shall have power to call special meetings of the council at any time. He shall give a deciding vote in all cases of a tie in the council, rule on any question under consideration and shall perform such other duties and exercise such other powers as are or may be imposed and conferred upon mayors of towns by the general laws of the state and conferred upon him as mayor by Charter and ordinances of the town.

(Charter 1999, Sec. 3.1 C, 3.6; Code of Virginia Sec. 15.2-1423)

b He shall have power to investigate the acts of the town's officers and employees, have access to all books and documents in their offices and may make such examinations thereof as he may deem necessary. *(Code of Virginia Sec. 15.2-1409)*

c In the absence of the town manager, he shall fulfill the functions of the town manager unless the council provides otherwise. *(Code of Virginia Sec. 15.2-1423)*

Sec. 2.7 Vice Mayor

In the absence or inability of the mayor to act, the vice-mayor shall perform the duties and exercise all powers and authorities of the mayor. (*Code of Virginia, Sec. 15.2-1422*)

Sec. 2.8 Vacancy in Office of Mayor

In case of vacancy in the office of mayor by death, resignation, removal from the town or for any other cause, such vacancy shall be filled by the council, from their membership, who will then take the oath prescribed for the Mayor. The vacancy on the council shall be filled by the remaining council members to serve until successors have qualified.

(*Charter 1999, Sec. 3.5*)

DIVISION II – COUNCIL**Sec. 2.9 Regular Meetings**

The days, times and places of regular council meetings to be held shall be established at the first organizational meeting of the council in July, or as thereafter set by resolution of the council with appropriate notice of such resolution given. (*Charter 1999, Sec. 3.6; Code of Virginia Sec. 15.2-1416*)

Sec. 2.10 Special Meetings

The mayor, or any four members of the council may call a special meeting of the council by reasonable notice prior to such meeting, to every member of the council. No business shall be transacted at the special meeting except that for which it shall be called. If the mayor and all the members of the council are present, this provision requiring prior notice for special meetings is waived.

Notice of any meeting of council shall be in accordance with the provisions of the Freedom of Information Act as contained in the Code of Virginia.

(*Charter 1999, Sec. 3.6; Code of Virginia Sec. 15.2-1418 and 2.2-3700 et seq.*)

Sec. 2.11 Duty of Council Member to Attend Meetings

Any member of the council failing to attend any meeting of the same without valid excuse may be fined not less than one dollar nor more than five dollars, unless excused by the mayor. Any member so fined shall have the right to appeal to the council over the decision of the mayor. Any member of the council who continuously and successively absents himself without cause, from three regular meetings of the council, shall thereby forfeit his office as council member and the council shall declare his office vacant and elect his successor. (*Code 1950, Section 2.27*)

Sec. 2.12 Duties of Presiding Officer Generally; Rules of Order Generally

The mayor or acting mayor, at the hour appointed for the council to meet, shall take the chair, call the meeting to order and preserve proper order and decorum. Except where otherwise provided by ordinance, the rules of order of Roberts Rules of Order shall obtain in all meetings of the council.

(*Code 1950, Section 2.17; Charter 1999, Sec. 3.4*)

Sec. 2.13..... Quorum

A majority of the members of the council shall constitute a quorum for the transaction of business at any meeting.

(Code of Virginia Sec. 15.2-1415)

Sec. 2.14..... Voting; Pecuniary Interest in Question

Every member present when a question is put shall vote unless excused by the council. No member having any personal or pecuniary interest in the results of any question before the council shall rule thereon. *(Code of Virginia Sec. 2.2-3107)*

(For state law as to conflicts of interest, see Code of Virginia, 2.2-3100 et seq. As to recording roll call votes at the request of council member, see Code of Virginia, Section 15.2-1427.)

Sec. 2.15..... Appointment of Special Committees; Questions of Order

2.15.1 The mayor shall, with the approval and consent of the council, appoint all special committees, unless otherwise ordered by the council. *(Code of Virginia Sec. 15.2-1411)*

2.15.2 The mayor shall decide all questions of order. Any question of order decided by the chair may be appealed to the council. *(Code 1950, Section 2.19)*

2.15.3 Unless otherwise ordered by the council, the mayor shall appoint members of council to serve on all boards and bodies of the town which require one or more council members be seated.

Sec. 2.16..... Order of Business

2.16.1 The order of business at regular meetings shall be set forth on an agenda, the form of which may be modified time to time by resolution of the council. The order of business may be suspended or changed by the presiding officer or by rule of council before the taking up of business. A copy of the agenda packet less any material legally exempt from disclosure shall be available for public inspection at the same time such material is provided to the council. *(Council July 9, 1984; Charter 1999, Sec. 3.4; Code of Virginia Sec. 2.2-1307 F)*

21.16.2 The agenda for regular meetings shall include at a minimum adoption of previous minutes, a time for public expression, old business and new business with other items.

21.16.3 Unless otherwise ordered by council, public expression shall be limited to five (5) minutes per person.

Sec. 2.17..... Motions

No motion shall be entertained by the presiding officer until it has been seconded nor shall any motion, after being seconded, be withdrawn, if any member objects to such withdrawal.

(Code 1950, Section 2.22)

Sec. 2.18..... Addressing Chair

No member of the council shall address the chair until he is recognized by the chair.

(Code 1950, Section 2.24)

Sec. 2.19 Interrupting Speakers

No member of the council shall interrupt any member who is speaking on any subject, except to rise to a point of order.

(Code 1950, Section 2.24)

Sec. 2.20 Talking While Member is Speaking

Members of the council shall not hold conversation while any matter is being discussed by any member of the council.

(Code 1950, Section 2.25)

Sec. 2.21 Who May Speak

No person other than a member of the council shall have the right to discuss any matter in a meeting of the council unless requested by of a majority of the council.

(Code 1950, Section 2.26)

Sec. 2.22 Council Judge of Election, Etc., of Members; Discipline, Disqualification, Etc., of Members

The council shall be the judge of the election, qualification and returns of its members may fine them in an amount not exceeding one hundred dollars for disorderly behavior and, with the concurrence of two-thirds, may expel a member for just cause. If any member returned is adjudged disqualified or is expelled, the vacancy shall be filled by the council.

(Code 1950, Section 2.28; Code of Virginia Sec. 15.2-1400)

Sec. 2.23 Appointment of Boards and Commissions

All members of boards and commissions may be reimbursed for incidental expenses incurred in connection to their duties, with the approval of council.

2.23.01 Planning Commission

- a The number of members of the planning commission shall be no less than five and no more than seven members, with one member to be a town council member and one to be a town administrative official.
- b The Town Manager shall serve as the town administrative official on the planning commission.
- c 2.23.04 Terms for commissioners shall be on a one, two, three and four years, at the discretion of council. *(3/6/84)*

2.23.02 Economic Development and Revitalization Committee

- a The committee shall consist of six members, two to be members of town council. Appointments will be for such terms as set by town council, unless sooner vacated by resignation or other cause.
- b The committee shall have general responsibility to develop business and tourism opportunities within the town.
- c The committee shall consult with other committees and authorities within the region as needed.

2.23.03 Park and Recreation Committee

- a The committee shall plan for recreational development within the town, and act as an advisory body to the town council.
- b The membership shall be as established by the existing legal agreement between the Town of Gate City and the Gate City Civitan Club, Inc. Should the agreement lapse or be dissolved by either party, the four members shall be appointed by town council with two members to be representative of the governing body.

2.23.04 Historical Committee

- a The committee shall consist of six members, two to be members of town council. Appointments will be for such terms as set by town council, unless sooner vacated by resignation or other cause.
- b The Historical Committee shall plan for and make recommendations for planned Historical Districts within the town.

ARTICLE III - COUNCIL COMMITTEES

Sec. 2.24 Appointment

The mayor shall at the organizational meeting of the council in July appoint members of the council to serve on the following:

- a Street Committee
- b Water Committee
- c Personnel Committee
- d Property Maintenance Committee
- e Codification Committee

Sec. 2.25 Committees

2.25.1 Street Committee

The committee on streets, consisting of two members, shall exercise a general supervision over the culverts and public right-of-ways of the town. It shall from time to time recommend to the council such repairs and improvements as it may deem advisable, describing where such work is needed or proposed.

The committee shall annually propose to council sections of any public roads to be submitted to the state for adoption into the secondary system of state highways as allowed under state code.

2.25.2 Water Committee

The committee shall consist of two members, who shall develop a policy of fair and uniform administrative procedures dealing with water and sewer issues within the town. They shall submit such policy and any amendments to the council for adoption as necessary.

2.25.3 Personnel Committee

The personnel committee shall consist of two members. They shall work with town manager to develop and administer the personnel policy of the town, and submit the same to council for adoption. The committee shall assist in the interview of potential full time employees and make recommendations to council. The committee shall have input into the hiring of all employees. The committee shall hear grievances in accordance with the adopted personnel policy of the town. The committee shall ensure compliance with OSHA as regards personnel safety.

2.25.4 Property Maintenance Committee

The property maintenance committee shall consist of two members. They shall work with the Code Official and any employees of the town as needed to ensure that all matters related to the property maintenance ordinances of the town are proceeding so as to properly enforce the ordinances of the town, and report to the council monthly on their progress.

2.25.5 Codification Committee

The Codification Committee shall consist of two members. They shall work with any employee of the town as needed to ensure that codes and ordinances brought before the council are properly framed, and that existing ordinances are properly maintained.

Sec. 2.26 Reserved

Sec. 2.27 Reserved

Sec. 2.28 Reserved

Sec. 2.29 Reserved

Sec. 2.30 Reserved

ARTICLE IV - OFFICERS AND EMPLOYEES GENERALLY

(As to fire chief, see Sections 6-5 and 6-6 of this code. As to personnel regulations generally, see Chapter 12. As to adoption of personnel regulations, see Section 12-1. As to duties of water commissioner generally, see Sections 16-1, 16-2 and 16-11.)

Sec. 2.31 Reports to Mayor and Council

The officers and employees of the town shall make such reports to the mayor and council as may be called for by the mayor or council from time to time.

(Code 1950, Section 2.36)

Sec. 2.32 Oath of Office

Every person elected or appointed to any office in the town shall, before entering upon the duties of his office, take the oath of office prescribed by the laws of the state to be taken by persons holding offices under the state.

Such oath shall be taken before any person duly qualified to administer it under the laws of the state. His certificate that such oath has been taken shall be filed with the town clerk.

If any person appointed or elected to any office in the town neglects to take oath for thirty days after receiving notice of his election or appointment, his office shall be deemed vacant.

(Code 1950, Section 2.37)

(For state law as to oath of town officers, see Code of Virginia, Section 15.2-1512 and 49.1)

Sec. 2.33 Term of Officers Appointed by Mayor and Council

All officers appointed by the mayor and council shall be chosen at its first meeting in July following the election of such council and shall exercise the duties of their respective offices for the term for which members of such council have been elected, unless sooner vacated by death, resignation, removal or for other causes.

(Code 1950, Section 2.38)

Sec. 2.34 Salaries

Except where otherwise expressly provided by statute, the mayor, councilmen and other officers and employees of the town shall be paid such salaries as the council shall authorize from time to time by annual appropriation ordinance or other action in regard thereto, at such periods as may be provided by the council. Any increase for mayor and council shall not take effect until July 1 following the first election after council approves such increases.

(Code 1950, Section 2.39; Charter 1999, Sec. 3.7)

Sec. 2.35 Official Bonds

Every official bond required by the council shall be given with such security as may be approved by it and shall be made payable to the town, conditioned for the faithful discharge of the duties of the office to which the person giving it has been appointed.

In addition to his official bond, any officer who will be in control of any of the property of the town may be required by the council to furnish an additional bond with security and conditioned that such property will be used solely for town purposes and will be delivered by such officer to his successor in office.

All official bonds given by town officers shall be filed with the town clerk.

Any person elected or appointed to any office who shall, for thirty days after notification of his election or appointment, fail to give such bond and security as may be required of him, shall thereby vacate his office.

The surety on any bond given by an officer or employee of the town shall be equally liable for the acts of any deputy of such officer or employee as for those of the officer or employee himself.

(Code 1950, Sections 2.40 and 2.41)

Sec. 2.36 Removal from Office

For malfeasance, misfeasance, neglect of duty, incompetence or any other good cause, the council and mayor may remove from office any officer or employee appointed by them.

(Code 1950, Section 2.42)

Sec. 2.37 Accountability for Town Property

Every officer of the town, when entering upon the discharge of his official duties, shall file with the town clerk an itemized receipt for all personal property furnished him by the town, specifying, in detail, its cost or estimated value. He shall also be responsible for the safekeeping of such property as he may receive from the town and at the expiration of his term of office, shall surrender the same to the town clerk in as good condition as when received by him, reasonable wear and tear excepted.
(Code 1950, Section 2.43)

Sec. 2.38 Accountability for Books, Records and Documents

All books, records and documents used by any town officer or employee in his office or in connection with his duties shall be deemed to be the property of the town and the officer in charge of the department for which such books, records and documents are kept shall be responsible therefore. Any person or officer made responsible by this section for the keeping of such books, records and documents shall, within ten days after the date of his resignation or removal from office or expiration of his term, as the case may be, deliver to the town clerk all such records and documents.
(Code 1950, Section 2.44)

Sec. 2.39 Books and Accounts to be Available for Inspection

All books, records and documents in the custody of any officer or employee of the town shall be available and open for inspection by the members of the council and the mayor at any time.
(Code 1950, Section 2.44)

Sec. 2.40 Unlawful Expenditures

No expenditure shall be incurred by any officer or employee of the town for any purpose in excess of the amount dedicated for such purpose in the general appropriation ordinance for that fiscal year, unless such expenditure is authorized by a vote of a majority of all members elected to the council or as authorized by the Small Purchase Procedure Policy adopted by council.

ARTICLE V – TREASURER

Sec. 2.41 Duties Generally

2.41.1 Receipts and Collections

The treasurer shall receive and be the custodian of all revenue of the town, and unless otherwise provided by the council, shall render all statements for and collect all taxes, levies and assessments imposed by the council and such rents, charges, fees and other monies due the town which it is not made the duty of some other officer to collect.
(Code 1950, Section 2.48)

2.41.2 Powers and Duties as Commissioner of the Revenue

The treasurer shall be, ex officio, Commissioner of the Revenue for the town. For the purpose of taxation, he shall assess all persons and property, real and tangible personal and such other subjects as may at the time be assessable with taxes within the town. As

Commissioner of the Revenue, he shall have all authority and power of a Commissioner of the Revenue of the County of Scott so far as applicable to the town.

2.41.3 Issuance of Licenses

The Treasurer shall be responsible for business licenses under Chapter 11 of the Gate City Code of Ordinances

Sec. 2.42 Deposits

As monies and revenue belonging to the town are received by the treasurer, who shall promptly pay over the same to the town by depositing the same, subject to the order of the town, in a depository or depositories designated by the council.

(Code 1950, Section 2.49)

Sec. 2.43 Disbursements

All disbursements of town monies shall be by check or order of the town signed by the town manager and countersigned by the mayor or vice mayor. All disbursements shall be reported to the council monthly.

Every check or order drawn as provided herein shall be numbered and shall set forth on its face the date of its issue, the name of the party to whom it is payable, the amount for which it is drawn and the department or account to be charged with the expenditure.

Sec. 2.44 Deduction of Debts from Payments

Before paying any claim against the town, the treasurer shall discover whether the person in whose favor the payment is to be made is indebted to the town and, if he is so indebted, the treasurer shall deduct the amount of the account so due the town from the amount of money to be paid such claimant.

(Code 1950, Section 2.51)

Sec. 2.45 Accounts and Account Books Generally

The treasurer shall keep all accounts and books of account relating to the finances of the town. Such books shall be kept regularly posted up to date and shall exhibit accurate and detailed statements of all monies received and expended by the town and such other information as may be necessary to show accurately the town's financial condition or as may be required by the council.

(Code 1950, Section 2.52)

Sec. 2.46 Inspection and Audit of Books

The books of the town treasurer shall at all times be open to inspection by the mayor or any council member and shall be open to any auditor employed by the town council to audit the books.

(Code 1950, Section 2.53)

Sec. 2.47 Accounts of Bonded, Etc., Indebtedness

The treasurer shall keep an account of each bond or other evidence of debt issued or executed by the town, which shall show the amount of each bond or other evidence of indebtedness and its character; the date when issued and when due and where payable; under what law it was issued; if

registered, in whose name it is so registered; its rate of interest and when and where payable; and what interest has been paid and to whom paid. The treasurer shall cancel all coupons paid and retain the same until the accounts are settled for the fiscal year.

(Code 1950, Section 2.54)

Sec. 2.48 Statements and Settlements

At the end of each fiscal year and more often when directed by the council, the treasurer shall submit to the council a statement of all monies collected for the account of the town from any source and a full and detailed statement of the financial condition of the town and of any receipts and disbursements since the last settlement of the accounts and shall make such settlement with the council as it may require.

(Code 1950, Section 2.55)

Sec. 2.49 Annual Report

The treasurer shall make a report to the council as of the thirtieth day of June in each year, showing the amount of taxes assessed, the amount collected for town purposes, the amounts expended and the purposes for which they were spent and the balance on hand.

(Code 1950, Section 2.56)

Sec. 2.50 Tax Tickets

The town treasurer shall, after the land and property books have been made out and delivered by the County Commissioner of the Revenue, prepare the tax tickets according to such books.

(Code 1950, Section 2.58)

Sec. 2.51 Collection of Penalty for Nonpayment of Taxes

A penalty of five percent (5%) will be charged on taxes not paid by the fifth day of December of the year in which such taxes are levied or assessed. Payment of interest on delinquent taxes at the rate of ten percent (10%) per annum shall commence the first day of January of the year following that in which such taxes are levied or assessed. Such penalty shall be added to the amount of taxes or levies due from such taxpayer which, when collected by the treasurer, shall be accounted for in the treasurer's settlement. *(Code 1950, Section 2.59)*

No penalty imposed for failure to pay a tax on real property shall exceed 10 percent of the tax past due on such property. *(Code of Virginia, Sec. 58.1-3916)*

ARTICLE VI- TOWN CLERK

Sec. 2.52 Clerk of Council

2.52.1 The town council may appoint annually a clerk of the council, who shall issue notices to each of the council members in case of a called meeting, attend all meetings of the council, and keep a properly indexed, complete record of its transactions.

2.52.2 The clerk shall notify all parties presenting communications or petitions to the council of the final action of the council on such communication or petition

2.52.3 The clerk shall publish such reports and ordinances as the council is required by law to publish and such other reports and ordinances as the council may direct.

2.52.4 The clerk shall record all ordinances in a book to be kept for that purpose.

Sec. 2.53 Custodian of Town Documents

The town clerk shall keep all official bonds and contracts executed by order of the council and shall take charge of and carefully preserve all books, papers, records and other documents of the town that are not specially placed in the charge and keeping of some other officer. The town clerk shall not permit the original copy of any such document to be taken from the clerk's custody without leave of the council unless required so to do by law. All such documents shall be kept in a safe and suitable place to be designated by the council.

(Code 1950, Section 2.61)

Sec. 2.54 Custodian of Seal

The town clerk shall have the custody of the corporate seal of the town and shall affix and attest the same whenever required so to do by the laws of the state, the ordinances or regulations of the town, or when directed by the council.

Sec. 2.55 Reserved

Sec. 2.56 Furnishing Copies of Documents

The town clerk shall upon request make available a copy of any ordinance or public record in the town's custody to any officer or employee of the town or to the public as provided under the Virginia Freedom of Information Act as contained in the Code of Virginia. Except for copies furnished officers and employees of the town, the clerk shall charge a fee for copies of records as allowed by state law in accordance with town policy.

(Code of Virginia Sec. 2.2-3700 et seq)

Sec. 2.57 Reserved

Sec. 2.58 Keeping of Land and Property Books; Extension of Taxes; Delivery of Books to Town Treasurer

The Treasurer of Scott County annually provides the land and property books to the town. The clerk shall retain copies of such books in a secure location designated by the council.

Sec. 2.59 Certification of Claims

The town clerk shall duly certify to the treasurer all claims allowed by and ordered to be paid by the council.

Sec. 2.60 Inspection of Books and Records

All books and records of proceedings kept by the town clerk shall at all times be subject to the examination and inspection by the mayor or council and any other person designated by the mayor or council to inspect or examine the same. Public records, etc., shall be open to public inspection during regular office hours. Copies may be provided as in Section 2.56 of this Code.

ARTICLE VII - TOWN MANAGER**Sec. 2.61 Appointment and Duties**

The council shall appoint a Town Manager as provided by charter. In the absence of a town manager, the mayor shall perform the duties assigned to the town manager.

- 2.61.01 The town manager shall be the chief administrative officer of the town and be responsible to the town council for the proper administration of all affairs of the town.
- 2.61.02 The town manager shall appoint and, when necessary, suspend or remove officers and employees of the town except as otherwise provided by the town charter or law, and direct and supervise their work.
- 2.61.03 The town manager shall prepare the budget annually, and submit it to the Council, together with a message describing its important features, and be responsible for its administration after adoption.
- 2.61.04 The town manager shall prepare and submit to the Council as of the end of the fiscal year a complete report on the finances and administrative activities of the town for the preceding year.
- 2.61.05 The town manager shall keep the council advised of the financial condition and future needs of the town and make such recommendations as he may deem desirable.
- 2.61.06 The town manager shall recommend to the governing body a standard schedule of pay for each appointed office and position in the town service, including minimum, intermediate, and maximum rates.
- 2.61.07 The town manager shall recommend to the governing body {from time to time} adoption of such policies as he may deem necessary or expedient for the health, safety, or welfare of the community or for the improvement of the administrative services.
- 2.61.08 The town manager shall consolidate or combine offices, positions, or departments, or units under his jurisdiction, with the approval of the town council.
- 2.61.09 The town manager shall attend all meetings of the town council unless excused and take part in the discussion of all matters coming before the council.
- 2.61.10 The town manager shall supervise the purchase of materials, supplies, and equipment for which funds are provided in the budget or in accordance with the Small Purchase Procedure Policy.
- 2.61.11 The town manager shall ensure that all laws and ordinances are properly enforced.
- 2.61.12 The town manager may investigate the activities of the town or of any department or division. The town manager shall investigate all complaints in regard to matters concerning the administration of the government of the town and in regard to service maintained by the public utilities in the town, and see that all franchises, permits, and privileges granted by the town are faithfully observed.
- 2.61.13 The town manager shall be available as required to discharge the business of the town.
- 2.61.14 The town manager shall perform such other duties as may be required by council.
- 2.61.15 The town manager shall issue and place in the hands of the proper officer to be served all such notices as may be required to be issued under the provisions of any ordinance of the town. Any such notice shall be issued in the manner prescribed by law and shall

be attested by the town clerk. The town manager shall file the return of the officer upon any such notice.

(For similar state code, see Code of Virginia, Section 15.2-1541)

2.62..... Relations with the Manager and Council

The town manager expects certain things from the Council; In order to govern effectively, the town council shall attempt to:

- 2.62.01 Give the manager the tools he needs for his jobs to accomplish tasks assigned to him.
- 2.62.02 Makes clear what task is to be accomplished and when work is to be completed.
- 2.62.03 criticize the work of the manager when it is deserved, but gives criticism in private and in an impersonal manner so that the issue can be objectively analyzed in an atmosphere of mutual understanding.
- 2.62.04 Assure the manager of a fair hearing in all situations, and not question the manager's motives until he has had a chance to tell his side of the story.
- 2.62.05 Act in an understanding and sympathetic manner.
- 2.62.06 Gives the manager a respectable hearing on his recommendations and proposals.
- 2.62.07 Avoid ridicule and sarcasm in relations with fellow councilmen, the town manager, or other town employees.
- 2.62.08 Members of council shall deal with administrative officers or employees who are under the jurisdiction of the town manager solely through the manager in any matters of importance, or as provided in the personnel policy of the town.
- 2.62.09 Members of council shall issue directives only as a body to the manager.

2.63..... Adoption; effective Date

To the extent the provisions appearing in this ordinance, as far as they are the same as those of the ordinances existing at the time of the adoption of this Code, shall be considered as a continuation thereof and not as new enactments.

Chapter 2 of the Gate City Code of ordinances is adopted and effective at 11:59 p.m., 8 December 2009.

Mayor _____ Date _____

Town Clerk _____ Date _____

Seal