

Boyce Town Code

TITLE III: ADMINISTRATION

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CHAPTER 30: TOWN COUNCIL

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ORGANIZATION

§ 30.01 ELECTION; COMPOSITION; OFFICERS; SANCTIONS.

(A) See The Charter of The Town of Boyce for provisions for elections, as to Town Council generally, and as to power of Town Council relative to appointive officers.

(B) The qualified voters of the locality shall elect a Mayor, Recorder, and Town Council. The date, place, number, term and other details of the election shall be as specified by law, general or special, including the locality's charter. Qualification for office is provided in Code of Virginia § 15.2-1522 *et seq.*

(C) The number of members on Town Council shall be designated by the charter.

(D) The Mayor and Town Council members are subject to the prohibitions set forth in Code of Virginia §§ 15.2-1534 and 15.2-1535.

(E) The Town Council may punish or fine a member of the Town Council for disorderly behavior as set forth in Code of Virginia § 15.2-1400.

(F) A Town Treasurer and Zoning Administrator shall be appointed, and a Chief Administrative Officer (CAO) may be appointed by the Town Council. (Code of Virginia § 15.2-1400)

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§ 30.03 GENERAL POWERS OF MAYOR; NO VETO POWER.

(A) The Mayor shall have such powers as established by general law or the charter. The Mayor shall perform the duties prescribed in the Charter, and shall exercise general supervision of all of the Town's rights, franchises, properties, and affairs, and shall perform such other duties and functions as he may be directed to perform by the Town Council. The Mayor shall be entitled to vote but not have veto power. In the absence of the Mayor the Recorder shall perform as a Vice Mayor.

(B) In the event that there is no chief administrative officer, it shall be the duty of the Mayor to see that the functions set forth in Code of Virginia § 15.2-1541 are carried out if the Town Council has not acted otherwise.

(Code of Virginia § 15.2-1423)

§ 30.04 VACANCIES IN OFFICE.

(A) Vacancies in the office of Town Council or an elected Mayor, for whatever reason, shall be filled as provided for in the locality's charter, or under Code of Virginia Title 24.2. A member of the Town Council may be elected or appointed to fill a vacancy in the office of Mayor. Vacancies in the Town Council shall be filled by appointment by the remaining members of the Town Council from the qualified voters of the Town for the remaining term of the vacating member.

(B) The person appointed or elected to fill the vacancy shall possess the same legal qualifications for the office as did the person whose position he is filling.

(C) In the event of a vacancy in the office of Mayor, the duties of the office of Mayor shall be performed by the Recorder until a Mayor is appointed or elected and qualifies.

(D) Vacancies in the office of Recorder shall be filled by appointment by the remaining members of the appropriate Town Council from its membership.

(Code of Virginia § 15.2-1424)

§ 30.05 ADVISORY BOARDS; AUTHORITY TO APPOINT.

(A) The Town Council may appoint such advisory boards, committees, and commissions as it deems necessary to advise the Town Council with regard to any matter of concern to the locality. Members shall be appointed to serve at the pleasure of the Town Council.

(B) The Town Council may provide for the following:

(1) Reimbursement of the actual expenses incurred by members while serving on such advisory boards, committees, and commissions; and

(2) Compensation to members for their services, not to exceed \$75 for

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attendance at regularly scheduled meetings, not to exceed one meeting per month, and for training in an amount determined appropriate by the Town Council from available funds. (Code of Virginia § 15.2-1411)

§ 30.06 ISSUANCE AND SERVICE OF NOTICES.

The Recorder shall issue and place in the hands of the proper officer all such notices as may be required to be served under the provisions of this Code or other ordinance of the Town. Any such notice shall be issued in the manner prescribed by law, and shall be attested by him as Recorder. The Recorder shall file in his office the return of the officer upon any such notice.

§ 30.07 RECEIPT AND DEPOSIT OF TAXES, ETC.

The Treasurer shall deposit all taxes, license fees, fines, and all other money which comes into the Town Treasury during the period of the Treasurer's office, and deposit the same in such bank or banks as the Treasurer may deem proper or in such bank or banks as the Town Council may direct.

§ 30.08 BANK BOOKS AND CHECK BOOKS; CHECKS AND VOUCHERS.

The Treasurer shall keep the bank books and check books so that such books will accurately reflect the state of his accounts. Each check shall be drawn payable to the order of the person for whose benefit it is drawn, and shall contain a notation on its face, which will indicate the purpose for which it is drawn. All checks and vouchers shall be carefully preserved.

§ 30.09 HOW BOOKS TO BE KEPT & INSPECTED.

The Treasurer shall keep his books so that all receipts and disbursements, and the source and character of the same may appear, and that a true and accurate understanding of the financial affairs and conditions of the Town may be readily ascertained therefrom. All of the Treasurer's books and records shall be open at any time to the inspection of any member of the Town Council or such person or persons as the Town Council may direct.

§ 30.10 RIGHT OF DISTRESS, LEVY, ETC.

For the purpose of collecting taxes, license taxes, assessments and other money, revenues, and funds due the Town, the Treasurer shall have the right of distress, levy, attachment and all other remedies provided by general law.

§ 30.11 CONVEYANCE OF PROPERTY ACQUIRED BY TOWN AT TAX SALE OR IN SATISFACTION OF OBLIGATION.

When any property, real or personal, has been acquired by the Town at a sale thereof on account of delinquent taxes or in satisfaction of any obligation due the Town, the Town may elect to retain such property for the Town's use. Otherwise any person may file with the Treasurer an application to purchase such property, and, upon the payment to the Town by the applicant of a sum at least equal to the amount of the

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obligation in settlement of which property was acquired, together with all penalties, interest, and costs, the Treasurer may convey such property to the person thus applying to purchase the same.

§ 30.12 COMPENSATION OF TOWN OFFICIALS.

The compensation of the officials of the Town shall be as follows:

Mayor	\$800.00
Recorder	\$850.00
Each Town Council member	\$300.00
Planning Commission chairman	\$600.00
Each Planning Commission member	\$300.00

This compensation shall be paid at the end of each elective year (an election year begins July 1, and ends on June 30 of the following year), and in the event that an official serves for less than one full elective year, his compensation shall be prorated.

§ 30.13 AUTHORITY OF MAYOR, RECORDER, AND TREASURER TO SIGN CHECKS.

The Mayor, the Recorder, and the Treasurer are each hereby authorized to sign checks for duly authorized disbursements of Town funds. Two signatures shall be required for each check.

MEETINGS

§ 30.20 QUORUM REQUIRED.

Unless otherwise specially provided, the Town Council may exercise any of the powers conferred upon it at any meeting of the Town Council, regular, special or adjourned at which a quorum is present. A majority of the Town Council shall constitute a quorum. Meetings of the Town Council shall be subject to the applicable provisions of the Virginia Freedom of Information Act, being Code of Virginia §§ 2.2-3700 *et seq.* (Code of Virginia § 15.2-1415)

§ 30.21 REGULAR MEETINGS; CONDUCT OF.

(A) The Town Council shall assemble at a public place as the Town Council may prescribe, in regular session in July. Future meetings shall be held on such days as may be prescribed by resolution of the Town Council but in no event shall less than six meetings be held in each fiscal year. Regular meetings of the Town Council shall be held in the Town Hall on the first Tuesday of every month at 7:30 PM. When the day of any regular meeting is a legal holiday, such regular meeting shall be held on the following

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Tuesday.

(B) The days, times and places of regular meetings to be held during the ensuing months shall be established at the first meeting which meeting may be referred to as the annual or organizational meeting; however, if the Town Council subsequently prescribes any public place other than the initial public meeting place, or any day or time other than that initially established, as a meeting day, place or time, the Town Council shall pass a resolution as to such future meeting day, place or time. The Town Council shall cause a copy of such resolution to be posted on the door of the Town Hall or the initial public meeting place and inserted in a newspaper having general circulation in the county or municipality at least seven days before the first such meeting at such other day, place or time. Should the day established by the Town Council as the regular meeting day fall on any legal holiday, the meeting shall be held on the next following regular business day, without action of any kind by the Town Council.

(C) At its annual meeting the Town Council may fix the day or days to which a regular meeting shall be continued if the Mayor, or Recorder, if the Mayor is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

(D) Regular meetings, without further public notice, may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business before the Town Council is completed.

(E) If a quorum of the members of the Town Council fail to attend within half an hour after the appointed time of a meeting, the members of the Town Council then present may adjourn to such time as they deem proper, and the Recorder shall record the names of those present and those absent in the journal.

(F) The order of proceedings of the Town Council at a Town Council meeting shall be as follows:

1. Roll Call (the Recorder shall record the names of those present and those absent).
2. Reading of minutes of previous meeting.
3. Reports.
4. Old business.
5. New business.
6. Adjournment.

This order of proceedings may be changed at any meeting with the concurrence of a majority of the members of the Town Council then present.

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(G) The proceedings of the Town Council, except as its own rules of procedure may otherwise provide, shall be conducted according to the rules of procedure then in use by the Virginia House of Delegates. No rule shall be suspended except with the concurrence of three of the members of the Town Council.

(H) After a member of the Town Council has been recorded as present at any meeting, he shall not, without permission of the presiding officer, absent himself from such meeting before the adjournment of such meeting. The Recorder shall record in the journal the time of every such absence, and the duration of every such absence.

(I) At meetings of the Town Council, no person who is not a member of the Town Council shall orally address it unless leave to do so has been applied for through some member of the Town Council, and granted by unanimous consent.

(Code of Virginia § 15.2-1416)

§ 30.22 SPECIAL MEETINGS; AUTHORITY TO HOLD.

The Town Council may hold such special meetings, as it deems necessary, at such times and places as it finds convenient. It may adjourn such special meetings from time to time as it finds convenient and necessary.

(Code of Virginia § 15.2-1417)

§ 30.23 SPECIAL MEETINGS; HOW CALLED.

A special meeting of the Town Council shall be held when called by the Mayor or requested by two or more of the members of the Town Council. The call or request shall be made to the Clerk, and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the Clerk of the Town Council, after consultation with the Mayor, shall immediately notify each member of the Town Council and the Attorney for the Commonwealth or the locality's Attorney in writing delivered in person or to his place of residence or business to attend such meeting at the time and place stated in the notice. Such notice shall specify the matters to be considered at the meeting. No matter not specified in the notice shall be considered at such meeting, unless all members are present. The notice may be waived if all members of the Town Council attend the special meeting or sign a waiver.

(Code of Virginia § 15.2-1418)

§ 30.24 MEETING TIMES OF OTHER AUTHORITIES, BOARDS AND COMMISSIONS.

Notwithstanding any contrary provision of law, general or special, the Town Council may establish the regular meeting times (day and hour) of its authorities, boards and commissions so as to prevent conflict with other meetings.

(Code of Virginia § 15.2-1419)

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§ 30.25 VOTING; MAJORITY VOTE REQUIRED.

All questions submitted to the Town Council for decision shall be determined by a majority of the members voting on any such question unless another method of determination is required by the Constitution of Virginia, general or special law including the locality's charter.

(Code of Virginia § 15.2-1420)

ORDINANCES AND RESOLUTIONS

§ 30.40 AUTHORITY TO ADOPT.

The Town Council in the performance of its duties, obligations and functions may adopt, as appropriate, ordinances, resolutions and motions.

(Code of Virginia § 15.2-1425)

§ 30.41 FORM OF ORDINANCES.

The object of every ordinance, except an ordinance approving a budget, an annual appropriation ordinance or an ordinance, which codifies ordinances, shall be clearly expressed in its title. All ordinances that repeal or amend existing ordinances shall identify by title the section to be repealed or amended.

(Code of Virginia § 15.2-1426)

§ 30.42 PROCEDURE FOR ADOPTING, AMENDING AND REPEALING.

(A) Every proposed ordinance or resolution presented to the Town Council shall be reduced to writing. A proposed ordinance or resolution may be adopted rejected at any meeting of the Town Council. No formal reading of a proposed ordinance or resolution shall be passed unless it receives the affirmative vote of at least three members of the Town Council. The Recorder, or the person acting as Recorder in the event of the absence of the Recorder, shall on the final vote on every ordinance or resolution, and regardless of whether or not the final vote was for passage of the ordinance or resolution, record the name of each member of the Town Council who voted, and how that member voted (aye or nay). If a proposed ordinance or resolution is adopted, such ordinance or resolution shall become effective at such time as may be specified therein, but if no time is so specified, such ordinance or resolution shall become effective immediately.

(B) On final vote on any ordinance or resolution, the name of each member of the Town Council voting and how he voted shall be recorded; however, votes on all ordinances and resolutions adopted before February 27, 1998, in which an unanimous vote of the Town Council was recorded, shall be deemed to have been validly recorded.

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The Town Council may adopt an ordinance or resolution by a recorded voice vote unless otherwise provided by law, or any member calls for a roll call vote. An ordinance shall become effective upon adoption or upon a date fixed by the Town Council.

(C) All ordinances or resolutions heretofore adopted by the Town Council shall be deemed to have been validly adopted, unless some provision of the Constitution of Virginia or the Constitution of the United States has been violated in such adoption.

(D) An ordinance may be amended or repealed in the same manner, or by the same procedure, in which, or by which, ordinances are adopted.

(E) An amendment or repeal of an ordinance shall be in the form of an ordinance which shall become effective upon adoption or upon a date fixed by the Town Council, but, if no effective date is specified, then such ordinance shall become effective upon adoption.

(F) No tax shall be imposed except by a two-thirds vote of the Town Council members.

(Code of Virginia § 15.2-1427)

(G) No new ordinance shall be construed to repeal a former ordinance, as to any offense committed against the former ordinance, or as to any act done, any penalty, forfeiture, or punishment incurred, or any right accrued, or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or done, or any penalty, forfeiture, or punishment so incurred, or any right accrued, or claim arising before the new ordinance takes effect; save only that the proceedings thereafter had shall conform, so far as practicable, to the ordinances in force at the time of such proceedings; and if any penalty, forfeiture, or punishment be mitigated by any provision of the new ordinance, such provision may, with the consent of the party affected, be applied to any judgment pronounced after the new law takes effect.

§ 30.43 TAX AND APPROPRIATIONS EXCEEDING \$500; PROCEDURE.

No ordinance or resolution appropriating money exceeding the sum of \$500, imposing taxes, or authorizing the borrowing of money shall be passed except by a recorded affirmative vote of a two-thirds vote of the Town Council members, unless otherwise provided by charter.

(Code of Virginia §§ 15.2-1427.G, 15.2-1428)

§ 30.44 CODIFICATION OF ORDINANCES.

(A) The locality may codify or recodify any or all of its ordinances, in permanently bound or loose-leaf form. Such ordinances may be changed, altered or

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amended by the Town Council, and ordinances or portions thereof may be deleted and new material may be added by the Town Council. Such changes, alterations, amendments or deletions and such new material shall become effective on the effective date of the codification or recodification.

(B) Ordinances relating to zoning and the subdivision of land may be included in any codification or recodification of ordinances; however, no change, alteration, amendment, deletion or addition of a substantive nature shall be made and no new material of a substantive nature shall be added to such ordinances unless, before the date of adoption of such codification or recodification, notice of such proposed changes, alterations, amendments, deletions or additions shall be published as required by the Code of Virginia and public hearings held thereon as provided by the Code of Virginia for adoption and amendment of zoning and subdivision ordinances. Renumbering or rearranging of sections, articles or other divisions of any such ordinance shall not be deemed to be a change, alteration or amendment of a substantive nature.

(C) Any such codification or recodification may be adopted by reference by a single ordinance, without further publication of such codification or recodification or any portions thereof. The ordinance adopting such codification or recodification shall comply with all laws of the Commonwealth and any provision of any charter requiring posting or publication of ordinances or notice of intent to adopt ordinances. At least one copy of such codification or recodification or a complete set of printer's proofs of the text thereof shall be made available for public inspection in the office of the Clerk of the Town Council in which such codification or recodification is proposed to be adopted.

(D) No ordinance levying or increasing taxes shall be enacted as new material in any such codification or recodification or amended in substance therein unless advertised in accordance with general law.

(E) Supplements for such codifications or recodifications may be prepared from time to time at the direction of the Town Council, either as units or on a replacement page basis; however, where replacement pages are prepared, a distinguishing mark or notation shall be placed on each replacement page to distinguish it from original pages and pages of other supplements. No further adoption procedure shall be required for supplements or replacement pages in which no substantive change is made in ordinances previously and validly adopted by the Town Council. If changes, alterations, amendments, deletions or additions of a substantive nature are made in any such supplement, then such supplement shall be adopted by the Town Council in the same manner provided by general or special law.

(Code of Virginia § 15.2-1433)

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CHAPTER 31: OFFICERS AND EMPLOYEES

Section

General Provisions

31.01 Bonds

31.02 Freedom of Information Act

31.03 Conflict of interest

31.04 Privacy protection

Officers

31.20 Recorder

31.21 Chief Administrative Officer

31.22 Other officers; authority to appoint; background check

GENERAL PROVISIONS

§ 31.01 BONDS.

(A) Before entering upon the duties of his office, the person appointed or employed by the Town Council, or its delegated representative, shall do the following:

(1) Take the oath of office if required by general law, special act or the Town Council;

(2) Give a bond before the Clerk of the circuit court serving such Town Council, if required by general law, special act or the Town Council; and

(3) Furnish surety to be approved by such Clerk in an amount to be fixed by the Town Council, if required by general law, special act or the Town Council.

(B) The premium for such bond shall be paid by the Town Council out of its general fund. The form of oath of office is that prescribed by Code of Virginia § 49-1. (Code of Virginia § 15.2-1512)

§ 31.02 FREEDOM OF INFORMATION ACT.

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The locality shall comply with all provisions of the state Freedom of Information Act, Code of Virginia §§ 2.2-3700 *et seq.*

§ 31.03 CONFLICT OF INTEREST.

Officers and employees of the locality shall comply with all requirements of the State and Local Government Conflict of Interests Act, Code of Virginia §§ 2.2-3100 *et seq.*

§ 31.04 GOVERNMENT DATA COLLECTION AND DISSEMINATION PRACTICES ACT.

The locality shall comply with all provisions of the state Government Data Collection and Dissemination Practices Act, Code of Virginia §§ 2.2-3800 *et seq.*

OFFICERS

§ 31.20 RECORDER

(A) *Duties.* It shall be the Recorder's general duty to:

(1) Record in a book the proceedings of the Town Council, and prepare written minutes of the Town Council;

(2) Make regular entries of all its ordinances, resolutions and decisions on all questions concerning the raising of money, and within five days after any order for a levy is made, to deliver a copy thereof to the Commissioner of Revenue of his locality or the person performing such Commissioner's duties, as the case may be;

(3) Record the vote of each member of the Town Council on any question submitted to the Town Council, as required by law or the Town Council; and

(4) Preserve and file all accounts acted upon by the Town Council, with its actions thereon, for a period of five years after audit and thereafter until the Town Council shall authorize their destruction in accordance with retention regulations for records established pursuant to the Virginia Public Records Act.
(Code of Virginia § 15.2-1539)

§ 31.21 CHIEF ADMINISTRATIVE OFFICER.

(A) *Appointment.* The Town Council may appoint a chief administrative officer, designated as Administrator, Manager, or Executive, as the case may be.

(Code of Virginia § 15.2-1540)

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(B) *Duties.*

(1) Every chief administrative officer (CAO) shall be the administrative head of the local government in which he is employed. The CAO shall be responsible to the Town Council for the proper management of all the affairs of the locality that the Town Council has authority to control.

(2) The CAO shall, unless it is otherwise provided by general law, charter or by ordinance or resolution of the Town Council:

(a) See that all ordinances, resolutions, directives and orders of the Town Council and all laws of the Commonwealth required to be enforced through the Town Council or officers subject to the control of the Town Council are faithfully executed;

(b) Make reports to the Town Council from time to time as required or deemed advisable upon the affairs of the locality under his/her control and supervision;

(c) Receive reports from, and give directions to, all heads of offices, departments and boards of the locality under his/her control and supervision;

(d) Submit to the Town Council a proposed annual budget, in accordance with general law, with his/her recommendations;

(e) Execute budget as finally adopted by the Town Council;

(f) Keep the Town Council fully advised on the locality's financial condition and its future financial needs;

(g) Appoint all officers and employees of the locality, except those appointed by the Town Council. The CAO may authorize the head of an office, department and board responsible to him to appoint subordinates in such office, department and board; and

(h) Perform such other duties as may be prescribed by the Town Council.

(Code of Virginia § 15.2-1541)

§ 31.22 ZONING ADMINISTRATOR.

(A) *Appointment.* The Town Council may appoint a zoning administrator for the administration and enforcement of the Zoning and Subdivision Ordinances.

Duties. The zoning administrator shall have all necessary authority on behalf of the Town Council to administer and enforce these ordinances. His authority shall include (i)

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ordering in writing the remedying of any condition found in violation of the ordinance; (ii) insuring compliance with the ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal; and (iii) in specific cases, making findings of fact and, with concurrence of the attorney for the Town Council, conclusions of law regarding determinations of rights.
(Code of Virginia: provision 4 of § 15.2-2286)

§ 31.23 OTHER OFFICERS; AUTHORITY TO APPOINT; BACKGROUND CHECK.

(A) The Town Council may appoint such other officers and employees as authorized under state law.

(B) The Chief Administrative Officer is authorized to obtain background information through the State Central Criminal Records Exchange of all potential employees.

Statutory reference:

Authority to investigate applicants for public employment, see Code of Virginia § 19.2-389.A.7

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CHAPTER 32: DEPARTMENTS, BOARDS AND COMMISSIONS

Section

Planning and Zoning

32.01 Planning Commission

Police, Enforcement Official

32.10 Town Sergeant

PLANNING AND ZONING

§ 32.01 PLANNING COMMISSION.

(A) The Town of Boyce shall by resolution or ordinance create a local Planning Commission in order to promote the orderly development of the locality and its environs. In accomplishing the objectives of Code of Virginia § 15.2-2200 the local Planning Commission shall serve primarily in an advisory capacity to the Town Council.

(B) The Town of Boyce may participate in a planning district commission in accordance with Code of Virginia § 15.2-4200 *et seq.*, or a joint local commission in accordance with Code of Virginia § 15.2-2219.
(Code of Virginia § 15.2-2210)

(C) The membership and duties of the Planning Commission shall be in accordance with Code of Virginia §§ 15.2-2210 through 15.2-2222, and other applicable provisions of Code of Virginia §§ 15.2-2200 *et seq.*

(D) The Planning Commission shall recommend a comprehensive plan to the Town Council for adoption and shall review the plan every five years. The Planning Commission shall review the subdivision ordinance and zoning ordinance and make recommendations as required.

POLICE, ENFORCEMENT OFFICIAL

§ 32.10 TOWN SERGEANT.

The Town Sergeant may be appointed by the Mayor and may be removed

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at any time by the Mayor. The Sergeant shall perform all duties pertaining to the office of Sergeant of the town and of the Police Officer within the said town, and as such shall have the same powers and duties as are by law prescribed for a Sergeant or Constable. The Common Town Council shall fix the amount of compensation, which he shall receive for his services.

It shall be the duty of the Town Sergeant to collect delinquent taxes and any levies, either by an ordinance or resolution of the Town Council, that may be placed in his hands for collection. He shall make a report and pay into the Treasury all sums collected from such delinquent taxes or levies, before the first day of each calendar month.

He shall keep the public streets and sidewalks properly cleaned and see that the laws and ordinances of the town are properly enforced.

The Town Sergeant, or any other Police Officer of the town, shall have the power and authority to arrest without a warrant, any person or persons, seen at the time of arrest engaged in committing any breach of peace, or in any way violating any of the laws or ordinances of the town, or disturbing the security of the persons or property of the citizens of the said town.

He shall identify and enforce violations of the Town Code. The Town Council shall provide a description of duties, standards of performance, and guidance on the enforcement of the Town Code. He shall serve under the general direction of the Mayor and Town Council. The Zoning Administrator shall provide daily work assignments and technical guidance.

(Code of Virginia § 15.2-1701) (Code of Virginia § 27-6.1)

§ 32.12 INTERLOCAL AGREEMENTS; MUTUAL ASSISTANCE.

(A) The Town Council may, in its discretion, authorize or require the police department, fire department or emergency medical services department or division thereof to render aid in cases of actual or potential emergency occurring beyond their limits, and may prescribe the conditions on which such aid may be rendered.

(B) The Town Council may, in its discretion, enter into contracts with nearby, adjacent or adjoining localities, within or without the Commonwealth, or with agencies of the state or federal government, for rendering or receiving aid in emergencies, on such terms as may be agreed upon by the Town Council and the governing body of the other locality or governmental agency.

(C) The Town shall be a member of the Regional Compact for Cross-Jurisdictional Enforcement of Local Motor Vehicle Licensing Requirements with the Counties of Clarke and Frederick, the City of Winchester, and the Towns of Berryville, Middletown and Stephens City.

(Code of Virginia § 46.2-752.K)

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Statutory reference:

Fire department/EMS interlocal agreements and aid, see Code of Virginia §§ 27-1 et seq.

Police department local agreements and aid, see Code of Virginia §§15.2-1724 et seq.

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CHAPTER 33: ELECTIONS

Section

31.01 State Laws Apply

§ 33.01 STATE LAWS APPLY.

The locality shall conduct its elections in compliance with all provisions of the state election laws, being Code of Virginia §§ 24.2-100 *et seq.* See also the Charter for The Town of Boyce.

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CHAPTER 34: FINANCE PROCEDURES

Section

Budget

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- 34.02 Establishment of funds
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- 34.04 Form of budget
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Small Purchases

- 34.20 Purchases not exceeding \$50,000
- 34.21 Professional services not exceeding \$30,000

Cross-reference: Taxation, see Title V

Statutory reference:

Annual audits, see Code of Virginia § 15.2-2509 et seq.

BUDGET

§ 34.01 FISCAL YEAR ESTABLISHED.

Notwithstanding any contrary provision of the local charter, the fiscal year of the locality shall begin on the first day of July and end on the thirtieth day of June.
(Code of Virginia § 15.2-2500)

§ 34.02 ESTABLISHMENT OF FUNDS.

The locality shall establish such funds as may be required by law and as may otherwise be deemed necessary to provide appropriate accounting and budgetary control

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over the activities and affairs of the locality. This section shall not be construed to require separate depository or investment accounts for the assets of each fund.

(Code of Virginia § 15.2-2501)

§ 34.03 BUDGET DEADLINE; CONTENTS.

(A) All officers and heads of departments, offices, divisions, boards, commissions, and agencies of the locality shall, on or before the first day of April of each year, prepare and submit to the Town Council an estimate of the amount of money needed during the ensuing fiscal year for his department, office, division, board, commission or agency. If such person does not submit an estimate in accordance with this section, the Clerk of the Town Council or other designated person or persons shall prepare and submit an estimate for that department, office, division, board, commission or agency.

(B) The Town Council shall prepare and approve a budget for informative and fiscal planning purposes only, containing a complete itemized and classified plan of all contemplated expenditures and all estimated revenues and borrowings for the locality for the ensuing fiscal year. The Town Council shall approve the budget and fix a tax rate for the budget year no later than the date on which the fiscal year begins.

(Code of Virginia § 15.2-2503)

§ 34.04 FORM OF BUDGET.

(A) Opposite each item of the contemplated expenditures the budget shall show in separate parallel columns the aggregate amount appropriated during the preceding fiscal year, the amount expended during that year, the aggregate amount appropriated and expected to be appropriated during the current fiscal year, and the increases or decreases in the contemplated expenditures for the ensuing year as compared with the aggregate amount appropriated or expected to be appropriated for the current year.

(B) The budget shall be accompanied by:

(1) A statement of the contemplated revenue and disbursements, liabilities, reserves and surplus or deficit of the locality as of the date of the preparation of the budget; and

(2) An itemized and complete financial balance sheet for the locality at the close of the last preceding fiscal year.

(Code of Virginia § 15.2-2504)

§ 34.05 CONTINGENCIES AND CAPITAL IMPROVEMENTS.

The locality may include in its budget a reasonable reserve for contingencies and capital improvements.

(Code of Virginia § 15.2-2505)

Boyce Town Code

§ 34.06 PUBLICATION AND HEARING; APPROPRIATIONS REQUIRED.

(A) A brief synopsis of the budget, which shall be for informative and fiscal planning purposes only, shall be published once in a newspaper having general circulation in the locality, and notice given of one or more public hearings, at least seven days before the date set for hearing, at which any citizen of the locality shall have the right to attend and state his views thereon. If the locality does not have a newspaper of general circulation, it may, in lieu of the foregoing notice, provide for notice by written or printed handbills, posted at such places as it may direct. The hearing shall be held at least seven days before the approval of the budget as prescribed in § 34.03. The Town Council may adjourn such hearing from time to time. The fact of such notice and hearing shall be entered of record in the minute book.

(B) In no event shall such preparation, publication and approval be deemed to be an appropriation. No money shall be paid out or become available to be paid out for any contemplated expenditure unless and until there has first been made an annual, semiannual, quarterly or monthly appropriation for such contemplated expenditure by the Town Council.

(Code of Virginia § 15.2-2506)

§ 34.07 AMENDMENT PROCESS.

(A) The locality may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year as shown in the currently adopted budget as prescribed by § 34.04. However, any such amendment which exceeds 1% of the total expenditures shown in the currently adopted budget or the sum of \$500,000, whichever is lesser, must be accomplished by publishing a notice of a meeting and a public hearing once in a newspaper having general circulation in the locality at least seven days before the meeting date. The notice shall state the Town Council's intent to amend the budget and include a brief synopsis of the proposed budget amendment. The Town Council may adopt such amendment at the advertised meeting, after first providing a public hearing during such meeting on the proposed budget amendments.

(B) Pursuant to the requirements of Code of Virginia §§ 15.2-1636.8, 15.2-1636.13 through 15.2-1636.17, 15.2-1609.1, and 15.2-1609.7, the locality shall appropriate as part of its annual budget or in amendments thereto amounts for salaries, expenses and other allowances for its constitutional officers that are not less than those established for such offices in the locality by the Compensation Board pursuant to applicable law or, in the event of an appeal pursuant to Code of Virginia § 15.2-1636.9, by the circuit court in accordance with the provisions of that section.

(Code of Virginia § 15.2-2507)

SMALL PURCHASES

§ 34.20 PURCHASES NOT EXCEEDING \$50,000.

Boyce Town Code

(A) The Town shall observe competitive procurement procedures for purchases that do not exceed \$50,000. The Town shall not be required to follow competitive sealed bidding or competitive negotiation for contracts that fall within the provisions of this small purchases ordinance. The Town shall advertise for bids in local media once for each of two successive weeks before awarding a contract from those bids received.

(B) Purchases under this section that are expected to exceed \$30,000 shall require the written informal solicitation of a minimum of four bidders or offerors.

(C) The Town Council may adopt additional procedures and policies regarding purchases under this section, copies of which shall be available for public inspection in the offices of the locality during normal business hours.

Statutory reference:

Similar state law, see Code of Virginia § 2.2-4303(G) Virginia Public Procurement Act, see Code of Virginia § 2.2-4300 et seq.

§ 34.21 PROFESSIONAL SERVICES NOT EXCEEDING \$30,000.

(A) The Town shall observe competitive procurement procedures for contracts for professional services that do not exceed \$30,000. The Town shall not be required to follow competitive sealed bidding or competitive negotiation for contracts that fall within the provisions of this purchases ordinance. The Town shall advertise for bids in local media once for each of two successive weeks before awarding a contract from those bids received.

(B) The Town Council may adopt additional procedures and policies regarding purchases under this section, copies of which shall be available for public inspection in the offices of the locality during normal business hours.

Statutory reference:

Similar state law, see Code of Virginia § 2.2-4303(H)