

Chapter 4

ADMINISTRATION OF GOVERNMENT

[HISTORY: Adopted by the Town Council of the Town of Grottoes 2-3-1970 as Title 2 of the 1970 Ordinances of the Town of Grottoes. Amendments noted where applicable.]

ARTICLE I

General Accounting Provisions

§ 4-1. Deposit of funds. [Amended 11-11-1980; 7-8-1996]

All money belonging to the Town shall be deposited by the Treasurer in accordance with commonwealth law.

§ 4-2. Fiscal year. [Amended 7-1-1999]

The fiscal year of the Town shall begin on the first day of July of each year and shall end on the following 30th day of June.

§ 4-3. Annual audit.

An annual audit of the financial and administrative affairs of the Town shall be made by a qualified and competent certified public accountant.

§ 4-4. Authority to sign checks. [Amended 4-12-2010]

The Mayor or Finance Committee Chair and the Treasurer are hereby authorized to sign checks for duly authorized disbursements of the Town's funds.

ARTICLE II

Mayor

§ 4-5. Powers and duties.

The Mayor shall perform the duties set out in the Charter and shall exercise general supervision of all of the Town's rights, franchises, properties and affairs and shall perform other duties and functions as he or she may be directed to perform by the Council.

ARTICLE III

Meetings

§ 4-6. Meeting time. [Amended 1-8-1990]

The Council shall meet in regular session on the second Monday of each month at 7:00 p.m.

§ 4-7. Special meetings.

Special meetings shall be called by the Town Clerk at the request of the Mayor or any three Councilpersons. Reasonable notice shall be given, and no business shall be transacted at such special meeting except that for which the special meeting is called, unless the Council is unanimous.

§ 4-8. Quorum.

- A. Five members of the Council, which number may include the Mayor, shall constitute a quorum for the transaction of business. If for any reason the office of Mayor is vacant or the Mayor is not present for a meeting, four members of the Council shall constitute a quorum.
- B. If a quorum of the members of the Council fails to attend within 45 minutes after the appointed time of meeting, those present may adjourn to such time as they may deem proper, and the Clerk shall enter the names of those present and those absent on the journal.

§ 4-9. Robert's Rules of Order.

The proceedings of the Council, except as its own rules may otherwise provide, shall be governed by Robert's Rules of Order.

§ 4-10. Order of proceedings.

The order of proceedings at a regular meeting of the Council shall be as follows:

- A. Calling of the roll by the Clerk.
- B. Reading of proceedings of the previous meeting; provided, however, that the reading of proceedings of previous meetings may be dispensed with if a copy of such proceedings has been duly posted in the Town office for public inspection not less than one week prior to the meeting. [Amended 2-1-1977]
- C. Reports of standing committees.
- D. Special order of business.
- E. Unfinished business of previous meeting.
- F. Introduction of ordinances, resolutions or new business.
- G. Presentation of petitions and claims.
- H. Adjournment.

§ 4-11. Enforcement of rules.

The Mayor or other presiding officer shall enforce the rules of the Council and decide questions of order.

§ 4-12. Order of speaking.

- A. The member first rising and addressing the Chair shall speak first; but when two members rise at the same time, the Mayor shall name the one to speak.
- B. No member shall speak more than once on the same question until every member wishing to speak shall have done so, nor more than twice, nor for a greater length of time than 15 minutes on any question without permission of the Council. The member shall confine himself or herself to the question before the Council and avoid personal or indecorous language. No member shall interrupt another while speaking except to make a point of order to the presiding officer.

§ 4-13. Presentation of materials to Council.

- A. No communications, petitions or requests to the Council shall be entertained unless the same are in writing, which shall be filed with the Clerk.
- B. Every proposed franchise, before being presented to the Council, shall be printed or typewritten at the expense of the petitioner and a copy of the same provided for each member of the Council and for the Clerk at the meeting when such franchise is presented. No request for a franchise shall be considered as having been presented to the Council until so printed or typewritten.

§ 4-14. Members absent from meetings.

No Council member who has been recorded as present shall, without permission of the Council, absent himself or herself from such meeting until its adjournment.

§ 4-15. Nonmembers addressing Council.

No person who is not a member of the Council shall orally address it until leave to do so has been applied for through a member of the Council and granted by the Council or until invited to do so by the presiding officer.¹

§ 4-16. Amendment or repeal of ordinances.

No ordinance shall be amended or repealed except by an ordinance legally introduced and adopted.

§ 4-17. Motions.

- A. When a question is under debate, no motion shall be entertained unless specifically provided for, except that the following shall take precedence in the order given:
 - (1) To adjourn, to be made without preliminary remarks and decided without debate.
 - (2) To lay on the table, to be decided without debate.

¹. Editor's Note: Former Section 2-19, dealing with the adoption of ordinances, which immediately followed this section, was deleted 7-8-1996.

- (3) For the previous question, to be decided without debate.
 - (4) To postpone, either indefinitely, or to a day or hour certain.
 - (5) To refer or recommit.
 - (6) To substitute or amend.
 - (7) To adopt or approve.
- B. Any member of the Council who obtains the floor during the debate and submits no other motion or remark may move the previous question, which motion, if seconded, shall forthwith be put to the Council.

§ 4-18. Motions to adjourn.

A motion to adjourn shall always be in order, except when a member has the floor, when the Council is engaged in voting, when the previous question has been ordered, or when the motion to adjourn has been put and lost and no other business has intervened.

§ 4-19. Voting.

- A. In all matters pending before the Council a majority of the Council shall govern, except when otherwise provided. However, no tax shall be levied or corporate debt contracted unless by a vote of 2/3 of the members of the Council, which vote shall be by yeas and nays and recorded in the journal. Every member who shall be present when any question is put or ballot taken shall vote or ballot as the case may be, unless personally interested or excused by the Council.
- B. On the call of any member of the Council, the vote on any question may be taken by yeas and nays and recorded, provided that the demand to be made before other business has been taken up.

§ 4-20. Dissent; motion to reconsider.

Any member of the Council shall have the liberty to dissent from or protest against any ordinance, resolution or order of the Council and have the reason for his or her dissent entered upon the record. In all cases, a motion to reconsider will be entertained only when made by a member of the Council who voted with the prevailing side. A majority of those present can reconsider any vote, but the motion to do so shall be made at the same session of the Council during which such vote was taken. A motion to reconsider shall have precedence over all other questions, and when it has been once put and lost, it shall not be renewed.

**ARTICLE IV
Committees**

§ 4-21. Standing committees. [Amended 7-8-1996]

As soon as possible after the organization of the Council, the Council shall appoint the following standing committees:

- A. Finance Committee.
- B. Personnel, Fire and Police Protection Committee.
- C. Ordinance, Health and Property Committee.
- D. Special Events Committee.
- E. Water and Sewer Committee.
- F. Parks, Recreation and Public Facilities Committee.
- G. Streets and Streetlights Committee.

§ 4-22. Temporary committees.

The Mayor shall appoint such committees, other than those enumerated in § 4-21, as he or she may deem appropriate.

ARTICLE V
Permanent Employees

§ 4-23. Responsibility; assignments.

All permanent employees of the Town shall be directly responsible to the Council for their employment. The Town Superintendent shall have no authority to hire and discharge permanent employees of the Town, although permanent employees may be assigned by the Council to work under the supervision of the Town Superintendent from time to time.

ARTICLE VI
Emergency Council

§ 4-24. Powers and duties. [Amended 7-8-1996]

If normal maintenance of the Town government, as provided by existing law, is rendered impossible by an emergency, natural or otherwise, the following provisions shall be effective:

- A. Those members of the Council surviving and able to perform their functions as such shall constitute the Emergency Council.
- B. A quorum of the Emergency Council shall consist of 2/3 of the members thereof.
- C. The duties and powers of the Emergency Council shall be consistent with those specified by the existing charter, ordinances and state and federal law.
- D. The functions of the Emergency Council shall cease not more than six months after the disaster occurs. If vacancies shall then exist in the Town Council, they shall be filled according to the Charter and permanent ordinances of the Town.

ARTICLE VII
Town Attorney

§ 4-25. Attendance at Council meetings.

The Town Attorney shall attend Council meetings when requested by the Mayor or member of the Council.

§ 4-26. Annual report.

The Town Attorney shall make an annual report to the Council giving a condensed statement of the work done by his or her office for the Town in the year immediately preceding such report. This report shall contain a list of deeds, contracts, ordinances, etc., to which the Town was a party for which the Town Attorney drafted. Such report shall also contain a statement of the unfinished business in the hands of the Town Attorney with such suggestions with reference to the interest of the Town as he may deem pertinent.

§ 4-27. Compensation and expenses.

In addition to the annual retainer which may be paid the Town Attorney by way of salary, he or she shall have additional compensation for all special services rendered the Council, in such amount as may be agreed upon by the Town Attorney and the Council. From time to time, the Town Attorney shall present for payment any actual outlay or expense which the performance of his or her duties has entailed.

§ 4-28. Defense and indemnification of Town employees. [Amended 7-8-1996]

The Town may defend and/or indemnify any officer, employee or member of the governing body as provided in § 15.1-19.2 of the Code of Virginia.²

ARTICLE VIII
Town Treasurer

§ 4-29. Bond.

Before entering on the duties of his or her office, the Treasurer shall execute an official bond, with satisfactory surety, in such penalty as the Council may prescribe.

§ 4-30. Powers and duties.

- A. All money belonging to the Town collected by the Treasurer or paid over to him or her shall be safely kept, as provided in § 4-1.
- B. The Treasurer shall keep suitable books in which all receipts and disbursements shall be properly entered and in which the accounts of all persons accountable to the Town shall be kept. Each fund shall be separated. All accounts of the Town shall be kept correctly and plainly.

². Editor's Note: Title 15.1 of the Code of Virginia, including § 15.1-19.2, was repealed by Acts 1997, c. 587, effective 12-1-1997. For current state law provisions regarding the defense and indemnification of Town employees, see §§ 15.2-1517 through 15.2-1521.

- C. The Treasurer shall open and keep in a methodical manner, in a book kept for the purpose, an account of all Town checks issued by him or her showing number, date, to whom issued, on what account, amount and date of payment by the treasurer and shall, each month, transmit to the Council a statement of aggregate amount of checks outstanding and unpaid at the close of the preceding month.
- D. Each month the Treasurer shall make out a full statement to the Town Council of all receipts, disbursements and expenditures for the month preceding which shall also show the liabilities and resources of the Town and the balance, if any, in his/her hands at that time, as well as all other things necessary to show the true financial condition of the Town.
- E. The Treasurer's books and records shall be open at any time to the inspection of any member of the Council or such persons as the Council may direct.
- F. The Treasurer shall duly certify all claims allowed in order to be paid by the Council and shall draw the check of the Town in favor of the owner or legal holder of such claim for the amount thereof. All checks drawn against any account of the Town of Grottoes shall be signed by the Mayor or Treasurer. The Mayor or Treasurer shall issue Town checks for the salaries of Town officers and employees and for legal fees.
- G. 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.

ARTICLE IX
Town Clerk

§ 4-31. Powers and duties.

- A. Unless otherwise provided by Council, the Town Clerk shall be the clerk of the Town Council and shall attend every meeting of the Council.
- B. The Clerk shall keep an accurate journal of the proceedings of the Council. He or she shall file and preserve all papers which may come into his or her hands as Clerk and shall attest and publish, as Clerk, all ordinances or other papers or proceedings required by the Council to be published.
- C. The Clerk shall transmit to the Council, monthly, the reports of Town officers.
- D. In addition to the books of account and records provided for in this article, the Clerk shall keep such other books and records as may be necessary to the discharge of the functions of his or her office.
- E. The books and papers of the Clerk shall, at all times, be subject to examination by the Mayor, any member of the Council or any committee of the Council.³

³. Editor's Note: Original Section 2-47, Notice of Town elections, which immediately followed this subsection, was deleted 7-8-1996.

§ 4-32. Recording of ordinances; numbering.

- A. A copy of all ordinances passed by the Town Council shall be entered in a book which shall be known as "Official Ordinances of the Town of Grottoes." This book shall remain constantly within the Town office except during meetings of the Council, at which time it shall be in the Council meeting room.
- B. The book referred to in Subsection A above shall be kept accurate and up-to-date by the Town Clerk. The Town Clerk shall immediately make the proper changes in the book. He or she shall write on the first page of every ordinance entered in the book mentioned in the preceding section, if the same has been amended or repealed, as the case may be, the words "amended" or "repealed," with the reference to the page of the ordinance book where the amending or repealing ordinance can be found.
- C. All ordinances of the Town shall be consecutively numbered by the Town Clerk in annual series, the number of a particular ordinance to consist of the year in which passed and the consecutive number of the ordinance.

**ARTICLE X
Town Superintendent**

§ 4-33. Term of office.

- A. The Town Council may employ a Town Superintendent, who shall be hired for a term at the pleasure of the Council.
- B. If no Town Superintendent is appointed, his or her duties as stated in this Code may be assigned to other persons, in the discretion of the Council. Such other persons shall have the same duties and powers within the scope of their assignment as would a Town Superintendent, had one been appointed.

§ 4-34. Responsibilities. [Amended 2-8-2010]

- A. The Town Superintendent shall work under the supervision and direction of the Town Manager and shall be directly responsible to the Town Manager. The Town Superintendent may be delegated the authority to supervise all maintenance, construction and repair work necessary to be done by the Town for the efficient operation of all public works.
- B. The Town Superintendent shall report matters he or she deems pertinent to the Town Manager.
- C. In the event of any conflict between this section of the Code and any other document currently in existence which details the responsibilities of the Town Superintendent, the provisions of this section of the Code shall take precedence over any conflicting provisions.

§ 4-35. Assistant Town Superintendent. [Amended 2-8-2010]

- A. The Council may also employ an Assistant Town Superintendent, whose chief duties shall consist of carrying out the directives of the Town Superintendent, as

well as assisting the Town Superintendent in the planning of work and supervision of employees.

- B. All employees under the supervision of the Town Superintendent shall follow his or her orders in carrying out their particular tasks, accomplishing their jobs in the manner specified by the Town Superintendent.

§ 4-36. (Reserved) ⁴

ARTICLE XI
Town Equipment

§ 4-37. Maintenance program; storage.

The Town Superintendent or any person so designated by the Council shall establish a maintenance program for each truck or piece of equipment owned by the Town and shall be responsible for supervising said maintenance program. All Town employees and drivers shall exercise as much care as possible when using Town equipment in order to prolong its use and to reduce maintenance costs. All Town equipment and trucks, when not in use, shall be stored in sheds owned by the Town or in such other place as the Superintendent or other person designated by the Council may deem advisable.

§ 4-38. Use outside of Town limits.

No Town equipment shall be used outside the corporate limits of the Town without the permission of the Town Council; provided, however, that this limitation shall not be construed to oblige a police car in routine work or when it is necessary for Town trucks to go outside the Town in serving out-of-Town customers of the Town.

§ 4-39. Loaning of equipment. [Amended 7-8-1996]

No Town equipment or trucks shall be loaned or let out for hire at any time, except with permission of the Mayor.

§ 4-40. Use by Town employees.

No Town employee shall use any of the Town equipment or trucks at any time, other than during his or her working hours when he or she is working at his or her regular duties on Town projects.

ARTICLE XII
Purchases

§ 4-41. Procedures.

No purchases for or on behalf of the Town shall be made unless an order is drawn upon a purchasing form, in duplicate, with one copy being given to the Town Treasurer. The

⁴. Editor's Note: Former § 4-36, Hiring, firing and supervision of employees; temporary employees, as amended, was repealed 2-8-2010.

Treasurer shall not pay any bill unless he has one of the copies of the purchasing order properly signed by the Chairperson of the Council committee in question or other person who may have the authority to sign it.

§ 4-42. Purchase of Town's stock supplies.

No electrical supplies or any other supplies or any tools may be purchased through the Town or from the Town's stock by any person, except another governing body.

**ARTICLE XIII
Town Manager
[Added 2-8-2010]**

§ 4-43. Employment and term of office.

- A. The Town Council may employ a Town Manager, who shall be hired for a term at the pleasure of the Council.
- B. If no Town Manager is appointed, his or her duties as stated in this Code may be assigned to other persons, in the discretion of the Council. Such other persons shall have the same duties and powers within the scope of their assignment as would a Town Manager, had one been appointed.

§ 4-44. Responsibilities.

- A. The Town Manager shall perform all the duties provided for in the Charter, the ordinances of the Town, by general law, and delegated to the Town Manager by the Town Council.
- B. The Town Manager shall have authority to execute all contracts and agreements on behalf of the Town except as otherwise directed by the Council in specific instances.
- C. In the event of any conflict between this section of the Code and any other document currently in existence which details the responsibilities of the Town Manager, the provisions of this section of the Code shall take precedence over any conflicting provisions.
- D. The Town Manager shall hire and discharge all employees needed to accomplish the efficient operation of the Town; however, he or she shall not exceed the Council's budgetary requirements in the employment of such labor, and in no case shall he or she employ labor in excess of that necessary and adequate for the labor needs of the specific jobs or tasks undertaken.
- E. Any employee who fails to perform his or her duties in the manner required shall be subject to discharge by the Town Manager. Any act of insubordination by an employee shall be dealt with immediately.
- F. All employees of the Town shall be under the supervision of the Town Manager and shall follow his or her orders in carrying out their particular tasks and accomplishing their jobs, unless they are directly under the supervision of the Town Supervisor. In the

event of a conflict in employee orders between the Town Manager and the Town Supervisor, the Town Manager shall have final authority.