

Chapter 4

ADMINISTRATION OF GOVERNMENT

Sections:

TOWN COUNCIL

- 4-1 TIME OF MEETINGS
- 4-1.1 INDIVIDUAL MEMBER REMOTE PARTICIPATION BY ELECTRONIC MEANS
- 4-2 STANDING COMMITTEES
- 4-3 PROPOSED ORDINANCES OR RESOLUTIONS TO BE IN WRITING
- 4-4 READING/PUBLICATION OF ORDINANCES & EMERGENCY ORDINANCES
- 4-5 ATTENDANCE OF WITNESSES & PRODUCTION OF BOOKS AND PAPERS

RULES OF ORDER

- 4-6 APPLICABILITY OF *ROBERT'S RULES OF ORDER, 10TH EDITION*
- 4-7 SUSPENSION OF RULES
- 4-8 MAYOR AS PRESIDING OFFICER
- 4-9 QUESTIONS OF ORDER
- 4-10 STATEMENT OF QUESTION AND DECLARATION OF RESULT; RECORDED VOTE
- 4-11 WITHDRAWAL FROM MEETING
- 4-12 CONDUCT IN ADDRESSING COUNCIL
- 4-13 PRIORITY IN SPEAKING
- 4-14 COMMUNICATIONS TO BE IN WRITING
- 4-15 MOTIONS
- 4-16 MEETINGS AND ORGANIZATION OF COMMITTEES
- 4-17 COMMITTEE REPORTS
- 4-18 ACTIONS UPON CLAIMS AND FOR REMISSION OF TAXES
- 4-19 ORDER OF BUSINESS; PLACEMENT OF ITEMS ON THE AGENDA

OFFICERS

- 4-20 RIGHT OF ENTRY

MAYOR

- 4-21 EXECUTIVE HEAD
- 4-22 CONTRACTING DEBT
- 4-23 RECOMMENDATIONS TO COUNCIL

TOWN MANAGER

- 4-24 (RESERVED)
- 4-25 BOND
- 4-26 POSITION TO BE FULL-TIME; REMOVAL
- 4-27 GENERAL RESPONSIBILITIES AND DUTIES
- 4-28 DUTIES AS TOWN TREASURER

- 4-29 BUDGET AND FINANCIAL ADVICE
- 4-30 ATTENDANCE AT COUNCIL MEETINGS; RECOMMENDATIONS TO COUNCIL
- 4-31 EMPLOYMENT AND DISCHARGE OF TOWN EMPLOYEES
- 4-32 MONTHLY FINANCIAL REPORT
- 4-33 SINKING FUND; INTEREST ON OUTSTANDING BONDS
- 4-34 CONTROL OF TOWN-OWNED REAL PROPERTY
- 4-35 BILLS
- 4-36 DISPOSITION OF TOWN FUNDS

TOWN ATTORNEY

- 4-37 ELECTION
- 4-38 COMPENSATION
- 4-39 GENERAL POWERS AND DUTIES
- 4-40 SUITS, PROSECUTIONS AND DEFENSE DUTIES
- 4-41 REPORTS TO COUNCIL
- 4-42 ACCOUNTING FOR FUNDS

TOWN ENGINEER

- 4-43 APPOINTMENT; DUTIES

DISCLOSURE BY CERTAIN EMPLOYEES

- 4-44 FILING REQUIRED
- 4-45 APPLICABILITY

PUBLIC RECORDS

- 4-46 TOWN RECORDS - DEFINITION
- 4-47 TOWN RECORDS DECLARED PUBLIC PROPERTY
- 4-48 CUSTODY AND PRESERVATION OF TOWN COUNCIL RECORDS
- 4-49 RECORDS MANAGEMENT PROGRAM
- 4-50 RECORDS MANAGER
- 4-51 DEPARTMENT RECORDS OFFICERS

AUXILIARY POLICE OFFICERS

- 4-52 APPOINTMENT; POWER AND DUTIES
- 4-53 RESIDENCY OF TOWN EMPLOYEES

Revised/Re-codified 3-11-85. (Chapter 2 of the 1965 Code. Section 2-39 "Compensation of Town Attorney" amended 6-14-54; Section 2-4 "Ordinances" amended 6-13-60; Section 2-2 "Appointment of Standing Committees" amended 8-8-60; Section 2A "Regulate Emissions" was amended 11-9-64; 12-14-64; 8-23-65; Section 2-43 "Industrial Development Authority" was added 12-11-67; Section 2-27.1 "Duties include those of Town Treasurer" amended 8-9-71; General Provisions regarding Town Council and Town Manager are located in the Town Charter; Chapters I – VI. Other amendments noted where applicable.

TOWN COUNCIL**4-1 TIME OF MEETINGS**

A. The Council shall hold one regular meeting in the Warren County Government Center on the fourth Monday of each month at 7:00 p.m.; provided however, the regular meeting in the month of December of each year, shall be on the second Monday of that month, held at the same time and in the same place.

(Amended Time/Place 8-27-04-Effective Upon Passage)

(Amended to add *Second Monday in December* 3-22-10-Effective Upon Passage)

(Amended 11-9-20 to add *Government Center*-Effective Upon Passage)

(Amended 2-22-21 to reduce meetings to once a month-Effective Upon Passage)

B. In the event that a regular Town Council meeting shall fall on a date designated as a Town holiday, then the regular Council meeting shall be held on the following day (Tuesday) at 7:00 p.m. with location being in the Warren County Government Center or Town Hall whichever is available.

(Amended 11-9-20 to add last line-Effective Upon Passage)

C. In the event that a regular Town Council meeting cannot be conducted at the regular time or location due to circumstances beyond the Town's control, the alternative meeting date shall be the following Monday at 7:00 p.m. in the Warren County Government Center or Town Hall whichever is available.

(Amended (C) 2-27-95-Eff Upon Passage ; Repealed (C) 3-22-10-Effective Upon Passage)

(Added (C) 7-23-12-Effective Upon Passage ; Amended 11-9-20 to added last line-Effective Upon Passage)

D. The Council shall hold one work session in the Town Hall on the second Monday of each month at 7:00 P.M.; provided the work session in the month of December of each year shall be on the first Monday of that month, held at the same time and in the same place. In the event that a work session cannot be held due to circumstances beyond the Town's control the Council has the option to cancel the work session or reschedule the work session to another date and time.

(Amended Entire Section (A-C) 7-27-92 -Effective Upon Passage; Added (D) 2-22-21-Effective Upon Passage)

4-1.1 INDIVIDUAL MEMBER REMOTE PARTICIPATION BY ELECTRONIC MEANS

A. Individual members of Town Public Bodies may participate in meetings of Town Public Bodies by electronic communication means from a remote location that is not open to the public, as permitted by Virginia Code § 2.2-3708.1., as that Section may from time to time be amended, or by other future applicable law. This policy shall apply to the entire membership of Town Council, the Planning Commission, and all other entities however designated, of Town Council created to perform delegated functions of Town Council or Town government or to advise or assist Town Council or Town government, including, but not limited to, the Board of Zoning Appeals, the Board of Architectural Review, the Town Economic Development Authority and the Urban Forestry Advisory Committee (collectively, "Public

Bodies”, or in the singular, “Public Body”). Public Body Member’s requesting remote participation or the matters that will be considered or voted on at the meeting.

(Amended 11-9-20 to add various boards and *Public Body*-Effective Upon Passage)

- B. Whenever an individual Town Public Body Member wishes to participate from a remote location, a quorum of the Public Body shall be physically assembled at the primary or central Public Meeting location, and arrangements will be made for the voice of the remote Public Body Member to be heard by all persons at the primary or central Public Body Meeting location. The reason that the remote Public Body Member is unable to attend the Public Body Meeting and the remote location from which the Public Body Member participates will be recorded in the Public Body Meeting Minutes.
- C. When such remote individual Public Body’s participation is due to an emergency or personal matter, such participation is limited by the Code of Virginia to two (2) meetings or 25 percent of the meetings of the Public Body per Public Body Member each calendar year, whichever is fewer.
- D. Individual Public Body Member participation from a remote location shall be approved unless such participation would violate this ordinance or other applicable provisions of the Virginia Freedom of Information Act.
- E. If a Public Body Member's participation from a remote location is challenged, then the Public Body shall vote whether to allow such participation. If the Public Body votes to disapprove of the Public Body Member's remote participation because such participation would violate this ordinance or the provisions of the Virginia Freedom of Information Act, such disapproval will be recorded in the Public Body Meeting Minutes with specificity.
- F. This policy applies to all Meetings, Work Sessions, and committees of the Public Body.

(Amended 11-22-99-Effective Upon Passage ; Added (A-F) 1-23-17-Effective Upon Passage)

(Amended to add *Public Body* throughout entire chapter 11-9-20-Effective Upon Passage)

4-2 STANDING COMMITTEES

The Council, as soon as practicable after the qualification of the newly elected members of each Council, may appoint the following standing Committees:

- A. A Street Committee with which the Town Manager may consult on all matters with regard to streets.
- B. A Water Committee with which the Town Manager may consult on all matters with regard to water.
- C. An Electric Committee with which the Town Manager may consult on all electric matters.

D. A Sewer Committee with which the Town Manager may consult on all matters concerning sewers.

4-3 PROPOSED ORDINANCES OR RESOLUTIONS TO BE IN WRITING

No proposed ordinance or proposed resolution having the effect of an ordinance shall be considered or passed by the Council unless it shall be submitted in writing.

4-4 READING AND PUBLICATION OF ORDINANCES; AND EMERGENCY ORDINANCES

A. The Clerk of Council shall, upon receipt of ordinances requiring a public hearing, cause such publication as legally prescribed. The public hearing shall be scheduled for the first available meeting after the completion of the publication requirements.

B. Ordinances shall be adopted at the first reading. Ordinances may be read by title only and not verbatim.

(Amended 2-22-21 to one reading-Effective Upon Passage)

C. Ordinances which fail to pass during the first reading of Council, shall fail at that time and shall not be placed on a subsequent meeting agenda for twelve months unless one of the following occurs: (1) there is a change in the membership of Council, (2) one councilmember who initially voted against the ordinance concurs with its placement on the agenda, (3) an ordinance that was defeated for the lack of a second is again placed on the agenda with the concurrence of any councilman who did not make the initial motion for approval.

D. Emergency ordinances shall take effect immediately upon their passage. An emergency ordinance is an ordinance passed by the Council for the immediate preservation of the public peace, property, health, welfare, safety or morals. No ordinance granting, enlarging or affecting any franchise or amending or repealing any ordinance fixing any property tax rate or assessment shall be an emergency ordinance. Ordinances pertaining to the appropriating of money or levying taxes or licenses, or reconsideration of matters at special meetings shall be considered as provided in Town Charter Section 13.

**(Amended Entire Section 6-26-95-Effective Upon Passage ; Amended 11-22-99-Effective Upon Passage)
(Removed (C & E) 2-22-21-Effective Upon Passage)**

4-5 ATTENDANCE OF WITNESSES & PRODUCTION OF BOOKS AND PAPERS

The Council or any Committee thereof when especially authorized, shall have the power to require the attendance of any person as a witness and the production by any person of all proper books and papers when, in the opinion of such body, such attendance or such production is necessary and proper. Summons to attend as witnesses or produce books or papers shall be in writing signed by the presiding officer of the Council or committee thereof and shall be served by the Chief of Police in the same manner as a process to commence an action at law. Such witnesses shall be sworn by the officer presiding at such investigation and shall be liable for

perjury or false testimony given at any such investigation. Any person failing or refusing to testify or produce such books or papers may be summoned before the County Court and, upon failure to give a satisfactory excuse, shall be fined a sum not exceeding one hundred dollars (\$100) or imprisoned not exceeding thirty (30) days. A right of appeal shall lie to the Circuit Court of the county as in cases of a misdemeanor.

RULES OF ORDER

4-6 APPLICABILITY OF *ROBERT'S RULES OF ORDER, 10TH EDITION*

The proceedings of the Council, except as its own rules may otherwise provide, shall be governed by the rules of procedure described in *Robert's Rules of Order, 10th Edition*.

(Amended 9-24-07-Effective Upon Passage)

4-7 SUSPENSION OF RULES

No rule adopted by the Council shall be suspended without the concurrence of two-thirds (2/3) of the members elected to the Council.

4-8 MAYOR AS PRESIDING OFFICER

The Mayor, as the presiding officer of the Council, shall enforce the rules of procedure, preserve order and decorum and appoint all Committees.

4-9 QUESTIONS OF ORDER

At Council meetings, the Mayor shall decide questions of order and may, without vacating the chair, give his reasons for his decision. From any decision of the chair, an appeal may be made to the body in session, the question being "Shall the decision of the chair be sustained?" Upon such appeal no debate shall be allowed if it refers to a question of decorum, but if it relates to the priority of business or to the relevancy or applicability of propositions, the appeal may be debated.

4-10 STATEMENT OF QUESTION AND DECLARATION OF RESULT; RECORDED VOTE

At Council meetings, the Mayor shall state the question and shall declare the result of the vote. He may direct, or any member may demand, a recorded vote, which shall be taken by a call of the roll.

4-11 WITHDRAWAL FROM MEETING

After a member of the Council, at any meeting thereof, has been recorded as present, he shall not, without permission of the Mayor or the presiding officer, absent himself from such meeting until its adjournment.

4-12 CONDUCT IN ADDRESSING COUNCIL

Every member of the Council shall address the presiding officer before speaking, confine himself to the question before the body and avoid all personal or indecorous language. No such member shall interrupt another while speaking except to rise to a point of order, the point to be briefly stated to the presiding officer.

4-13 PRIORITY IN SPEAKING

At Council meetings, the person first to address the chair shall speak first. When two (2) or more members speak at the same time, the presiding officer shall name the one to speak.

4-14 COMMUNICATIONS TO BE IN WRITING

No communication to the Council shall be entertained unless such communication is in writing.

4-15 MOTIONS

Every motion or proposition at a Council meeting, except such as a subsidiary or incidental, shall be in writing. When a motion is made and seconded, it shall be stated by the presiding officer before being debated. A motion or proposition may be withdrawn by the mover at any time before it is decided, amended or otherwise acted upon.

4-16 MEETINGS AND ORGANIZATION OF COMMITTEES

The members of a Committee of the City Council shall meet on the call of the Chairman, who shall be the first-named person on the Committee. A majority of the Committee shall constitute a quorum to do business.

4-17 COMMITTEE REPORTS

Every Committee of the City Council shall, unless otherwise directed, report at the next succeeding regular meeting upon the subject matter referred to it or shall show good cause why such report is not made. Every such Committee shall have authority to report on any matter proper for its consideration, though not specially referred to it. The reports of Committees shall be in writing and shall be signed by a majority of its members. The papers referred to therein as well as all written opinions in reference thereto obtained from the attorney for the town shall be returned with the report.

4-18 ACTIONS UPON CLAIMS AND FOR REMISSION OF TAXES

No claims against the Town shall be acted upon at any Council meeting, except by unanimous consent, unless the same has been considered and laid on the table for one (1) meeting. Every application for a remission of taxes shall be verified by the oath of the applicant and, without special order, shall stand referred to the next meeting.

4-19 ORDER OF BUSINESS; PLACEMENT AND APPROVAL OF ITEMS ON AGENDAS

1. At the first regular meeting of Town Council, Town Council, by majority vote of a quorum of all members of Council, shall decide upon the order of business for all regular meetings of Town Council for that upcoming calendar year. The order of business shall be reduced to writing and certified by the Mayor and Clerk of Town Council.

**(Amended the Order of Items/Added One 4-13-09-Effective Upon Passage)
(Amended (1) in its entirety 2-22-21-Effective Upon Passage)**

2. The order of business shall not be departed from except by the consent of two-thirds (2/3) of the members of the Council present and voting.

3. Items which appear under the heading "Consent Agenda items" are intended to be routine business items which are not subject to individual debate or discussion, but are, instead, voted on as a group. However, at the time the presiding officer announces that the Consent Agenda portion of the order of business has been reached, any member of Council may request that any individual items or items may be removed from the Consent Agenda, and such item or items shall, thereafter, become the first item or items considered under the "Items for Approval" portion of the order of business.

4. At every work session meeting of the Council, the order of business shall be determined by the Mayor, or in his absence, the Vice Mayor.

(Added (4) 8-26-19-Effective Upon Passage)

B. THE PLACEMENT OF ITEMS ON AGENDAS

1. The following items shall be placed on a Council Agenda for a regular meeting or work session provided they are delivered to the office of the Town Manager.

- a. Items from members of Town Boards or Commissions whose membership is appointed by the Council.
- b. Items required for decision by the Town Manager, to include citizen requests placed in writing by the citizen or by the Town Manager.
- c. Items requested by the Mayor to include citizen requests placed in writing.
- d. Items requested by at least two (2) members of Council.

(Added (d) 8-26-19-Effective Upon Passage)

- e. Items requested from citizens who have appeared at a previous meeting of Council, and who have placed their requests in writing and asked for the matter to be considered at an upcoming meeting of Council.

C. APPROVAL OF PLACEMENT OF ITEMS ON THE AGENDAS

1. The Mayor, or in his absence, the Vice Mayor approves the final regular meeting and work session agendas before publication and shall not remove any item on said agendas placed by at least (2) council members.
2. No items may be placed on regular meeting or work session agendas after publication without unanimous vote from all members of Council present and voting.

(Amended/Added Entire Section by Placing Policy into the Code 11-10-08-Effective Upon Passage)
(Amended Entire Section 8-26-19-Effective Upon Passage)

OFFICERS**4-20 RIGHT OF ENTRY**

Whenever any officer or employee of the Town is required or authorized by statute, the provisions of this Code or any ordinance or resolution or rules and regulations or orders issued thereunder, in order to carry out his duties thereunder, to enter any premises or vehicle for the purpose of making an inspection thereof or of anything therein contained, such officer or employee shall have the right to enter any such premises or vehicle at any reasonable time in pursuance of such duties.

MAYOR**4-21 EXECUTIVE HEAD**

The Mayor of the Town shall be the executive head of its municipal government.

4-22 CONTRACTING DEBT

The Mayor shall not at any time contract any debt or liability for the Town, but he may, as agent of the Town, after being duly authorized by the recorded vote of the majority of the Council at any regular or special meeting, contract such debt or liability.

4-23 RECOMMENDATIONS TO COUNCIL

From time to time, the Mayor shall recommend to the Council such measures as he may deem needful for the welfare of the Town.

TOWN MANAGER**4-24 (RESERVED)**

(Repealed "Appointment; Term" 6-22-09-Effective Upon Passage)

4-25 BOND

The Town Manager shall give bond in such sum as the Council may deem with corporate surety to be approved by the Council; provided that such sum shall not be less than \$500,000.00; and further provided that such bond shall be for the faithful performance of the duties of the Town Manager and the Town Treasurer, provided such duties remain combined in one (1) office.

(Amended 9-24-01-Effective Upon Passage)

4-26 POSITION TO BE FULL-TIME; REMOVAL

The Town Manager shall devote his entire time to the business of the Town and shall be subject at all times to removal by the Council on proven charges of malfeasance, misfeasance, neglect of duty or incompetency.

4-27 GENERAL RESPONSIBILITIES AND DUTIES

A. The Town Manager shall be responsible to the Council for the proper administration of all affairs of the Town coming within the ordinances and resolutions of the Council.

B. It shall be the duty of the Town Manager to exercise supervision and control over all departments of the city government and to have general supervision over all public improvements, works and undertakings.

C. **SOCIAL MEDIA** - The Town Manager shall oversee all communication commonly referred to as "Social Media" given the following regulations:

1. The Town's Facebook, Twitter, or other "Social Media" communications are operated by the Town under the direction of the Town Manager.
2. The Town reserves the right, at the sole discretion of the Town Manager, to change, modify, add or delete comments, photos or videos at any time. The following is a list of justifications for deletion of comments, photos or videos by the Town Manager or designee, but is not exhaustive:
 - a. Comments, photos, or videos associated with unlawful activity
 - b. Comments, photos, or videos that contain offensive or vulgar language
 - c. Comments, photos, or videos that contain personal attacks on staff, Town Council or members of the public
 - d. Comments, photos, or videos that contain commercial solicitation or advertisement.
3. The Town has the right to reproduce any pictures or videos to this site in any of its publications or websites or any other media outlets.
4. The Town shall not share information gathered through its "Social Media" with third parties for promotional purposes.

5. The views, postings, or opinions expressed through “Social Media” do not necessarily reflect those of the Town of Front Royal

(Added (C) 2-13-12-Effective Upon Passage)

4-28 DUTIES AS TOWN TREASURER

The duties of the Town Treasurer shall be combined with those of the duties of the Town Manager, effective September 1, 1971, and from that day forward the Town Manager shall have all of the power, authority, duties, obligations and responsibilities which are set forth in the Charter of the Town Treasurer.

4-29 BUDGET AND FINANCIAL ADVICE

The Town Manager shall prepare the annual budget and keep the Town Council fully advised as to its financial conditions and needs of the Town.

4-30 ATTENDANCE AT COUNCIL MEETINGS; RECOMMENDATIONS TO COUNCIL

The Town Manager shall attend all meetings of the Council and recommend to the Council for adoption such measures as he may deem expedient or necessary.

4-31 EMPLOYMENT AND DISCHARGE OF TOWN EMPLOYEES

The Town Manager shall be authorized and empowered, except as otherwise specifically provided, to employ and discharge such employees as the Council shall determine are necessary for the proper administration and conduct of the Town and its utilities.

4-32 MONTHLY FINANCIAL REPORT

The Town Manager shall make a monthly report to the Council at its regular monthly meeting of all moneys collected, the amount then due and any sums paid out.

4-33 SINKING FUND; INTEREST ON OUTSTANDING BONDS

A. The Town Manager shall, in preparing budgets for the future years for the consideration of the Council of the Town, set up a sufficient sum per year to be covered in the sinking fund of the Town to create sufficient funds in the sinking fund of the Town to retire outstanding bonds as they mature or become callable.

B. An additional amount sufficient to pay interest on outstanding bonds shall be also set up each year in the budget when made up for the consideration of the Town Council.

4-34 CONTROL OF TOWN-OWNED REAL PROPERTY

All real property owned in whole or in part by the Town shall be under the general control and supervision of the Town Council. No private person or other entity shall use or occupy any of the real property owned in whole or in part by the Town except upon the express consent of the Town Council or its designated agent, who shall be the Town Manager. Any person or entity using or occupying any real property owned by the Town without first having obtained consent therefor shall be guilty of a misdemeanor and shall be punished as provided in Section 1-15 of the Town Code.

(Amended 7-25-05-Effective Upon Passage)

4-35 BILLS

The Town Manager shall prepare and make prompt collection of all bills for taxes, water and sewer service and electricity and shall keep separate accounts and records of the same.

4-36 DISPOSITION OF TOWN FUNDS

The Town Manager shall deposit daily to the credit of the Town, in the depositories designated in Section 75-1 of this Code, all money collected through his office or other funds coming into his hands.

TOWN ATTORNEY**4-37 ELECTION**

The Council shall elect a Town Attorney biennially, which Attorney shall be elected at the first regular meeting in September 1932, or as soon thereafter as practicable, for a term of two (2) years, beginning September 1, 1932. Such Attorney shall have been admitted to practice law in the courts of the state.

4-38 COMPENSATION

The salary of the Town Attorney shall be in such amount as may be fixed by the Council. When the duties of his office require his presence out of Town, his reasonable expenses shall be allowed him.

4-39 GENERAL POWERS AND DUTIES

A. The Town Attorney shall have charge, management and control of all legal matters affecting the Town and, in regard to all municipal affairs, shall be the legal advisor of the Mayor, Town Manager and Council or any Committee thereof, and when requested, he shall furnish written or verbal opinions upon any subjects involving questions of law in which the Town is interested.

B. It shall be the duty of the Town Attorney to draft all bonds, deeds, obligations, contracts, leases, conveyances, agreements and other legal instruments, of whatever nature, which may be required of him by any ordinance or order of the Council, or which, by law, usage or agreement, should be drawn by the Town. The Town Attorney shall perform such other duties as are or may be required of him for the Town by any ordinance or resolution of the Council.

4-40 SUITS, PROSECUTIONS AND DEFENSE DUTIES

It shall also be the duty of the Town Attorney to commence and prosecute all actions and suits to be brought by the Town before any tribunal in this state and to appear, defend and advocate the rights and interests of the town or any officer of the town in any suit or prosecution for any act in the discharge of his official duties or wherein any estate, right, privilege, ordinance or acts of the Town government may be brought in question. He shall appear before the County Court and prosecute on behalf of the Town any person or persons charged with violation of any ordinance of the Town when requested so to do by the Mayor or Town Manager. He shall also prosecute or assist in the prosecution before the Circuit Court of all appeals of criminal cases from the County Court to the Circuit Court of the county.

4-41 REPORTS TO COUNCIL

Whenever requested by the Council, the Town Attorney shall prepare and duly deliver to the Council a report showing the conditions of all cases handled by him and the conditions of all cases pending in which the Town is interested.

4-42 ACCOUNTING FOR FUNDS

The Town Attorney shall promptly account for and pay over to the Town Collector any and all funds belonging to the Town, collected or received by him, together with an itemized statement showing from whom received and for what accounts such money was received.

TOWN ENGINEER

4-43 APPOINTMENT; DUTIES

The Town Manager may appoint a Town Engineer who shall hold office at the pleasure of the Town Manager. He shall have control and supervision, under the direction of the Town Manager, over all public works of the town. He shall perform such other duties as may be required of him by the Town Manager or the provisions of this Code and other ordinances of the Town.

DISCLOSURE BY CERTAIN EMPLOYEES

(Adopted 12-12-83)

4-44 FILING REQUIRED

Commencing January 15, 2009, and annually thereafter, on or before the 15th of each January, the employees and nonsalaried citizen members of boards, commission, etc., of the Town

specified in Section 4-45 of this Code, shall file, as a condition of employment or of assuming office, a disclosure statement of their personal interests and other information as is specified on the form provided by the Secretary of the Commonwealth and set forth in Section 2.2-3117 of the Code of Virginia for employees and Section 2.2-3118 of the said Code for such nonsalaried citizen members. Such disclosure forms shall be filed and maintained as public records for five (5) years in the office of the Town Clerk. The requirements of disclosure shall be governed by the provisions of Article 5 of Chapter 31 of Title 2.2 of the Code of Virginia. Any individual who has met the requirement for filing the statement required by this Section shall not be required to file an additional statement upon such individual's reappointment to the same office or position provided such reappointment occurs within 12 months after the initial filing and provided there have been no significant changes in the initial filing.

(Amended 7-27-09-Effective Upon Passage)

4-45 APPLICABILITY

A. The Town Manager, the Town Attorney, the Finance Director and the Town Clerk shall be required to comply with the applicable requirements of Section 4-44 of this Code.

B. The Members of the Planning Commission, the Board of Zoning Appeals, and the Board of Architectural Review shall be required to comply with the applicable provisions of Section 4-44 of this Code.

(Amended Entire Section (Added A & B) 7-27-09-Effective Upon Passage)

PUBLIC RECORDS

(Adopted 11-26-90)

4-46 TOWN RECORDS - DEFINITION

The term "Town records" shall include all written books, papers, letters, documents, photographs, tapes, microfiche, microfilm, photostats, sound recordings, maps and other documentary materials or information in any recording medium, regardless of physical form or characteristics, including data-processing devices and computers, which are made or received in connection with the transaction of any public business by any office or department of the Town of Front Royal.

The following described material shall not be included in the definition of "Town records": "Nonrecord" materials shall mean reference books and exhibit materials made or acquired and preserved solely for reference use or exhibition purposes, extra copies of documents preserved only for convenience or reference and stocks of publications.

(Added 11-26-90-Effective Upon Passage)

4-47 TOWN RECORDS DECLARED PUBLIC PROPERTY

All Town records as defined in this Article are hereby declared to be the property of the Town of Front Royal. No Town official or employee shall have by virtue of his/her position any personal

or property rights to such records. All custodians of Town records shall, at the expiration of his/her term of office, appointment or employment, deliver to his/her successor or, if there be none, to the Town Records Manager, all books, writings, letters, documents and other Town records in his/her possession or otherwise entrusted to his/her care.

(Added 11-26-90-Effective Upon Passage)

4-48 CUSTODY AND PRESERVATION OF TOWN COUNCIL RECORDS

The Clerk of the Front Royal Town Council shall be responsible for the retention and preservation of the records of that body. The Clerk shall see to it that all such records, to include the minutes of its meetings, are accurately recorded on a durable medium and preserved in a manner which meets the requirements of Section 15.2-1412.

(Added 11-26-90-Effective Upon Passage ; Amended 4-11-11-Effective Upon Passage)

4-49 RECORDS MANAGEMENT PROGRAM

The Front Royal Town Manager shall develop a comprehensive records management program which establishes and provides procedures for the management of Town records from their creation to their ultimate disposition. The records management program shall provide for the efficient and economical creation, distribution, maintenance, use, preservation and disposition of all Town records.

(Added 11-26-90-Effective Upon Passage)

4-50 RECORDS MANAGER

The Front Royal Town Manager shall designate a Records Manager for all Town records. The Records Manager shall be responsible for administering the Records Management Program and for implementing the policies and procedures established thereby.

(Added 11-26-90-Effective Upon Passage)

4-51 DEPARTMENT RECORDS OFFICERS

Each department head shall designate from his/her staff personnel a Records Officer. The departmental Records Officer shall report directly to the department and shall be responsible for coordinating and implementing the Records Management Program for his/her office or department. Each Records Officer shall cooperate and work with the Town Records Manager to ensure that the provisions of Part 4 are complied with by his/her respective department. Each department Records Officer shall monitor compliance within his/her department with all provisions for the retention and disposition of Town records

(Added 11-26-90-Effective Upon Passage)

AUXILIARY POLICE OFFICERS

(Adopted 11-14-94)

4-52 APPOINTMENT; POWER AND DUTIES

A. The Director of Public Safety is hereby authorized to appoint auxiliary police officers as he deems necessary, not to exceed the number of ten (10).

B. The Director of Public Safety, with the approval of the Town Manager, shall establish rules and regulations concerning the operation of the auxiliary police officers, including their uniforms, arms and equipment and training.

C. Persons appointed as auxiliary police officers shall be of good character. Their appointment shall be revocable at any time by the Director of Public Safety or the Town Manager.

D. The auxiliary police officers may be called into service as deemed necessary by the Director of Public Safety or, in times of public emergencies, by the Town Manager. Said auxiliary may also be called into service at such times as there are insufficient numbers of regular police officers to preserve the peace, safety and good order of the Town and at any time for the purpose of training.

E. When called into service, the auxiliary police officers shall wear the prescribed uniform and shall have all the powers and authority and all the immunities of constables at common law and shall have all of the power and authority and all of the immunities of full-time law enforcement officers if all work forces have met the training requirements established by the Department of Criminal Justice Services under Section 9-170 of the Code of Virginia, 1950, as amended, or its successor statute.

F. Persons appointed as auxiliary police officers shall serve without compensation.

G. Persons appointed as auxiliary police officers may not engage in employment which may occasionally require the use of their police powers in the performance of such employment unless such employment is specifically approved by the Town Manager.

(Added Entire Section (A-G) 11-14-94-Effective Upon Passage)

4-53 RESIDENCY OF TOWN EMPLOYEES

A. As a condition of the acceptance of employment with the Town of Front Royal, and as a condition of the continuance of such employment with the Town of Front Royal, persons holding the following positions in the Town government shall be required to become residents within the Town's corporate limits as soon as practical upon the commencement of employment and to remain residents within the Town corporate limits during the duration of their employment in such offices:

1. Town Manager;
(Amended 7-25-05-Effective Upon Passage)

B. As a condition of the acceptance of employment with the Town of Front Royal, and as a condition of the continuance of such employment with the Town of Front Royal, persons holding the following positions in the Town government shall be required to become residents within the boundaries of Warren County as soon as practical upon the commencement of employment and to remain residents within the County during the duration of their employment in such offices:

1. Clerk of Council;
2. Chief of Police;
3. Director of Electrical Services;
4. Director of Public Works/Utilities.

(Added 7-25-05-Effective Upon Passage)

C. As a condition of the acceptance of employment with the Town of Front Royal, and as a condition of the continuance of such employment with the Town of Front Royal, persons holding the following positions in the Town government shall be required to become residents within a thirty (30) mile radius of Town Hall as soon as practical upon the commencement of employment and to remain residents within the thirty (30) mile radius of Town Hall during the duration of their employment in such offices:

1. Director of Finance;
2. Director of Planning;
3. Director of Human Resources;
4. Town Engineer.

(Added 7-25-05-Effective Upon Passage)

D. If any such employee required to meet such residency described above shall, after having established such bona fide residence, cease to be a bona fide resident as required above, or if any such employee fail to become a bona fide resident as required above within the twelve-month period following the commencement of such employment, the individual's employment shall be deemed to have been voluntarily vacated.

(Amended 7-25-05-Effective Upon Passage)

E. The residency requirements set forth in paragraphs B and C above may be waived or modified by Town Council in its sole discretion, for good and acceptable cause, on a case-by-case basis, for an identifiable candidate or employee in any of the designated positions.

(Added Entire Section 4-9-01; Ord. No. 18-05 Added (E) 7-25-05-Effective Upon Passage)

F. Any person occupying a position to which the aforesaid residence requirements apply, but who prior to March 1, 2001, was not required to maintain a residence as required above, shall not, by the adoption of this section, be required to establish such a residence. Such person shall, however, be subject to the residence requirements contained herein upon promotion or re-assignment to another of the positions enumerated herein, or upon establishment of a residence, as required above subsequent to July 1, 2005. **(Amended (F) 7-25-05-Effective Upon Passage)**