

**TOWN OF LEESBURG
NOTICE OF PUBLIC HEARING**

TO CONSIDER THE FOLLOWING AMENDMENTS TO THE TOWN CODE:

**CHAPTER 2 (ADMINISTRATION), ARTICLE V (BOARDS AND COMMISSIONS),
SECTION 2-197 (COMPENSATION)**

**CHAPTER 2 (ADMINISTRATION), ARTICLE II (TOWN COUNCIL), SECTION 2-23
(RULES OF ORDER AND PROCEDURE)**

**CHAPTER 2 (ADMINISTRATION), ARTICLE V (BOARDS AND COMMISSIONS),
DIVISION 1 (GENERALLY), SECTION 2-196 (GENERAL MEETING
REQUIREMENTS)**

Pursuant to Code of Virginia of 1950, as amended, § 15.2-1427, § 2.2-3708.1, § 15.2-1411, §15.2-2212 and § 15.2-2306, the **LEESBURG TOWN COUNCIL** will hold a public hearing on **TUESDAY, NOVEMBER 26, 2013, at 7:30 p.m.**, in the Council Chambers at Town Hall, 25 West Market Street, Leesburg, Virginia, 20176, to consider amending Chapter 2 (Administration), Article V (Boards and Commissions), Section 2-197 (Compensation) and Chapter 2 (Administration), Article II (Town Council), Section 2-23 (Rules of Order); and Chapter 2 (Administration), Article V (Boards and Commissions), Division 1 (Generally), Section 2-196 (General Meeting Requirements). The following amendments will be proposed:

Section 2-197. Compensation

An amendment will be considered to require board and commission members to complete the State and Federal payroll withholding forms to be paid for service and to be present and produce identification as required by law; that compensation shall be waived by the appointed member until such time as the proper documentation has been submitted to the town; and that compensation will commence at the time of submission of the proper documentation.

Section 2-23. Administration

Section 2-196 General Meeting Requirements

Amendments will be considered enumerating the conditions which must be present for members of the town council and boards and commissions to participate electronically from a remote location.

Copies of the proposed ordinances are available from the Town Clerk, located in Town Hall. Additional information regarding these proposed amendments is available in the Executive Department, located on the first floor of the Leesburg Town Hall, 25 West Market Street, Leesburg, Virginia, during normal business hours (Monday-Friday, 8:30 a.m. to 5:00 p.m.), or by calling Lee Ann Green, Clerk, at 703-731-2733.

At this hearing, all persons desiring to express their views concerning these matters will be heard. Persons requiring special accommodations should contact the Clerk of Council at 703-771-2733, three days in advance of the meeting. For TTY/TDD service, use the Virginia Relay Center by dialing 711.

7/18/13



Date of Council Meeting: Novmeber 26, 2013

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: Changes to Town Code Regarding Boards and Commissions Compensation

Staff Contact: Jeanette A. Irby, Town Attorney

Recommendation: To amend the Town Code to require members of boards and commissions to submit proper identification and complete and submit appropriate federal and state payroll withholding forms to the town before receiving compensation.

Issue: Some appointed members of boards and commissions have not submitted proper identification and have not completed and submitted the appropriate state and federal payroll withholding forms resulting in the inability of the town to pay compensation to these members.

Fiscal Analysis: None.

Background: The Department of Finance has informed the Town Attorney's Office that it is unable to pay compensation to members of town boards and commissions because certain members have not shown proper identification and have not completed and submitted the appropriate state and federal payroll withholding forms, as required by law. A resolution was passed on the October 8, 2013, initiating an amendment to the town code to require the submission of identification and the proper withholding forms by members of boards and commissions prior to receiving compensation.

Attachment:

Proposed Ordinance Amendment

PRESENTED: November 26, 2013

ORDINANCE NO. _____

ADOPTED: _____

AN ORDINANCE: TO AMEND AND REORDAIN CHAPTER 2 (ADMINISTRATION), ARTICLE V (BOARDS AND COMMISSIONS), DIVISION I (GENERALLY), SECTION 2-197 (COMPENSATION)

WHEREAS, Code of Virginia of 1950, as amended, § 15.2-1411 authorizes the town council to establish boards and compensation and establish compensation for the members of such; and

WHEREAS, in order to properly compensate members of the these boards and commissions, federal and state withholding forms, as well as proper identification must be completed and submitted to the town.

The Council of the Town of Leesburg in Virginia hereby ordains:

SECTION I. That Chapter 2, Article V, Division I, Section 2-197 be and the same is hereby amended to read as follows:

Sec. 2-197. Compensation.

- (a) Compensation for the mayor and councilmembers, after July 1, 2013, shall be \$16,200.00 and \$15,600.00 per annum, respectively, payable in equal monthly installments.
- (b) Unless specifically noted; compensation of members of boards, exclusive of the councilmanic liaison, shall be \$900.00 per annum, payable in equal monthly installments.
- (c) To be compensated, every board and commission member must present themselves with proper identification to the appropriate town department and must complete and submit all federal and state payroll tax withholding forms, as required by law.

SECTION II. All prior ordinances in conflict herewith are hereby repealed.

AN ORDINANCE: TO AMEND AND REORDAIN CHAPTER 2
(ADMINISTRATION), ARTICLE V (BOARDS AND COMMISSIONS), DIVISION I
(GENERALLY), SECTION 2-197 (COMPENSATION)

SECTION III. Severability. If a court of competent jurisdiction declares any provision of this ordinance invalid, the decision shall not affect the validity of the ordinance as a whole or any remaining provisions of the Leesburg Town Code.

SECTION IV. This ordinance shall be effective upon its adoption.

PASSED this _____ day of _____, 2013.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council

PRESENTED: November 26, 2013

ORDINANCE NO. _____

ADOPTED: _____

AN ORDINANCE: TO AMEND AND REORDAIN CHAPTER 2 (ADMINISTRATION), ARTICLE II (TOWN COUNCIL), SECTION 2-23 (RULES OF ORDER AND PROCEDURE)

WHEREAS, Code of Virginia of 1950, as amended, § 2.2-3708.1 (Participation in meetings in the event of emergency or personal matter; certain disabilities; distance from meeting location for certain public bodies) was amended this year to allow for participation of members of public bodies by electronic means from a remote location under certain circumstances; and

WHEREAS, in order for those conditions to be readily accessible and to expedite the process for the approval or disapproval of the member's electronic participation, the Town Code shall contain a section outlining the requirements for electronic participation at a remote location by town council members.

THEREFORE, the Council of the Town of Leesburg in Virginia hereby ordains:

SECTION I. That Chapter 2, Article II, Section 2-23 be and the same is hereby amended to read as follows:

Section 2-23. Rules of Order and Procedure

- (a) The town council may adopt by resolution such rules of procedure as it may deem proper for the regulation of the time, place, cancellation, and special meetings; the mayor as presider of meetings, order of business, time limits of speakers, mayor and town council comments, new business items, Robert's Rules of Order, special rules of order, committee of the whole/work session, order of business at meetings, quorums, and the journal of proceedings.
- (b) The rules of procedure dated July 8, 2008, attached to Ordinance No. 2008-0-18, are adopted.

AN ORDINANCE: TO AMEND AND REORDAIN CHAPTER 2
(ADMINISTRATION), ARTICLE II (TOWN COUNCIL), SECTION 2-23 (RULES OF
ORDER AND PROCEDURE)

- (c) A member of the town council may participate by electronic means from a remote location only under the circumstances set forth in Code of Virginia of 1050, as amended, § 2.2-3708.1 and that if the member meets the criteria as set forth in the code section a member of council may not vote against said request.

SECTION II. All prior ordinances in conflict herewith are hereby repealed.

SECTION III. Severability. If a court of competent jurisdiction declares any provision of this ordinance invalid, the decision shall not affect the validity of the ordinance as a whole or any remaining provisions of the Leesburg Town Code.

SECTION IV. This ordinance shall be effective upon its adoption.

PASSED this _____ day of _____, 2013.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council