

**TOWN OF LEESBURG
NOTICE OF PUBLIC HEARING**

AMENDING THE LEESBURG TOWN CODE

**CHAPTER 2 (ADMINISTRATION), ARTICLE IV (FINANCE), SECTION 2-165
(THOMAS BALCH LIBRARY ENDOWMENT FUND)**

In accordance with Code of Virginia of 1950, as amended, Sections 15.2-107 and 42.1-35, the Leesburg Town Council will hold a public hearing on:

Tuesday, October 13, 2015, at 7:30 P.M.
in the Council Chambers of Town Hall,
25 West Market Street, Leesburg, VA

at which time the public shall have the right to present oral and written testimony on a proposed amendment to the Town Code. The following amendment will be proposed:

Section 2-165. - Thomas Balch Library Endowment Fund.

(f) The Board shall consist of five members which shall include the director of the Thomas Balch Library, an elected represented from each of the following: the Thomas Balch Library Advisory Commission, Friends of the Thomas Balch Library, a representative appointed by the Leesburg Town Council, and a member at large appointed by the remaining board members.

(h) This separate account shall be maintained by town under the supervision of the director of finance and administrative services or his/her fiscal agent to maintain the care and custody of the assets and financial documents of the Fund.

(j) The library director and the director of finance and administrative services or his/her fiscal agent shall serve as the Foundation's bookkeeper and shall keep accurate books of the Fund's accounts.

(k) All transactions and books of the Fund and Foundation shall be subject at all times to the inspection and control of the secretary/treasurer of the board, the director of finance and administrative services or his/her fiscal agent and the town council or its designee.

A copy of the proposed ordinance is available from the Town Clerk, located in 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, Town Clerk, at 703-771-2733.

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.

10/7/2015



Date of Council Meeting: October 13, 2015

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: Amendments to the Town Code for Balch Library Endowment.

Staff Contact: Barbara Notar, Town Attorney
Alexandra Gressitt, Director, Thomas Balch Library

Council Action Requested: Amend the Town Code.

Staff Recommendation: Staff supports the proposed Town Code amendments.

Commission Recommendation: Not Applicable.

Fiscal Impact: None.

Work Plan Impact: None.

Executive Summary: On November 26, 2013, Council enacted Town Code § 2-165 establishing the Thomas Balch Library Endowment Fund (“Fund”). In so doing, Council established the Foundation, and directed how the Board of Directors appointments should occur. Additionally, on June 24, 2014, Council voted to amend the department of finance title to “department of finance and administrative services,” which is not currently captured in Section 2-165.

Background: In 2013, the Virginia General Assembly enabled Council to enact Town Code § 2-165 which authorized the establishment and administration of the Thomas Balch Library Endowment by the governing body or by a nonprofit entity created or approved by the governing body. On November 26, 2013, the Town Council enacted an ordinance establishing the endowment which required, among other things that a member of the Town Council serve on the Board of Directors of any organization appointed to administer the endowment. However, on March 11, 2014, upon a motion, Council voted to appoint the Honorable Thomas D. Horne as the Town Council’s appointee to the Thomas Balch Endowment Board. This vote was consistent with Council’s intent to have a representative on the Foundation, rather than appoint one of its members to the Board. In order to align the Town Code with Council’s intent, an amendment to Town Code § 2-165 is required.

Further, in 2014, Council amended Town Code § 2-156 and all applicable sections to reflect the change from “department of finance” to “department of finance and administrative services.” This change was overlooked in the present Town Code section.

Attachment: Proposed Ordinance

PRESENTED: October 13, 2015

ORDINANCE NO. _____

ADOPTED: _____

AN ORDINANCE: AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE IV (FINANCE), SECTION 2-165 (THOMAS BALCH LIBRARY ENDOWMENT FUND)

WHEREAS, the Virginia General Assembly pursuant to Virginia Acts of Assembly, 2013 Session, Chapter 528, authorized the Town Council to establish and administer an endowment for the Balch Library, and appoint a board to administer the endowment; and

WHEREAS, Section 2-165 of the Leesburg Town Code, adopted on November 26, 2013, established the Thomas Balch Library Endowment Foundation; and

WHEREAS, Section 2-165 directed the board members of the Foundation to consist, among others, of an elected representative of the Leesburg Town Council; and

WHEREAS, upon Motion 2014-010 on March 11, 2014, the Leesburg Town Council voted to appoint the Honorable Thomas D. Horne as the Town Council's appointee to the Thomas Balch Endowment Fund; and

WHEREAS, this appointment was contrary to the Leesburg Town Code, but consistent with the intent of the General Assembly and the Town Council; and

WHEREAS, an amendment to the Town Code is necessary to reflect the desire of the Town Council which is authorized under the state code enabling section.

The Council in the Town of Leesburg, Virginia hereby ORDAINS:

Sec. 2-165. - Thomas Balch Library Endowment Fund.

(f) The Board shall consist of five members which shall include the director of the Thomas Balch Library, an elected represented from each of the following: the Thomas Balch Library Advisory Commission, Friends of the Thomas Balch Library, **a representative appointed by the** Leesburg Town Council, and a member at large appointed by the remaining board members.

(h) This separate account shall be maintained by town under the supervision of the director of finance **and administrative services** or his/her fiscal agent to maintain the care and custody of the assets and financial documents of the Fund.

AN ORDINANCE: AMENDING CHAPER 2 (ADMINISTRATION), ARTICLE IV (FINANCE), SECTION 2-165 (THOMAS BALCH LIBRARY ENDOWMENT FUND)

(j) The library director and the director of finance **and administrative services** or his/her fiscal agent shall serve as the Foundation's bookkeeper and shall keep accurate books of the Fund's accounts.

(k) All transactions and books of the Fund and Foundation shall be subject at all times to the inspection and control of the secretary/treasurer of the board, the director of finance **and administrative services** or his/her fiscal agent and the town council or its designee.

SECTION II. 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 III. This Ordinance shall become effective upon its adoption.

PASSED this _____ day of _____, 2015.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council