

ADMINISTRATION OF GOVERNMENT

Chapter 3

ADMINISTRATION OF GOVERNMENT

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GENERAL REFERENCES

Officers and employees - See Ch. 15.

[HISTORY: Adopted by the Council of the Town of Middleburg at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

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**ARTICLE I
General Provisions****§ 3-1. Execution of deeds and instruments requiring Seal.**

All deeds for the conveyance or exchange of the property of the town and all agreements or other instruments requiring the Seal of the town to be affixed thereto shall, when authorized by the Council, be authenticated in the name of the town by the Mayor; and the Seal of the town shall be affixed thereto and the same shall be attested by the Clerk of the Council.

§ 3-2. Recording of legislation and minutes.

The Clerk of the Council shall record each ordinance and resolution having the effect of law or containing a provision for a permanent regulation or proceeding of the Council as soon as passed or adopted. The Clerk of the Council shall record all other resolutions and minutes of proceedings of the Council in the current minute book, upon its passage or adoption.

**ARTICLE II
Council Rules of Procedure****§ 3-3. Time and place of meetings. [Amended 11-20-2008]**

The Council shall meet in formal session at 6:00 p.m. on the second Thursday in each month in the Council Chambers or at such other time and place as the Council has determined from time to time.

§ 3-4. Quorum.

The majority of the members of the Council shall constitute a quorum. If a quorum fails to exist, the meeting shall stand adjourned to a time and place agreed upon by a majority of the members present.

§ 3-5. Journal of proceedings; approval of minutes.

The Clerk shall keep a journal of the Council's proceedings and shall read the minutes recorded in the journal at the next regular meeting of Council following each regular meeting and intervening special meetings, unless each member has previously been furnished a copy of such minutes. Council shall approve the minutes, which shall be signed by the person presiding when the previous meeting adjourned or, if he be not present, by the person presiding when presented.

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§ 3-6. Applicability of Robert's Rules of Order.

The provisions of Robert's Rules of Order, revised, shall govern the Council and all committees of the town in its meetings, except insofar as such provisions are inconsistent with law.

ARTICLE III

Promotion of Public Safety; Rewards

[adopted 7-13-07]

§ 3-7. Rewards for arrest of persons convicted of or charged with offenses; rewards for conviction or unknown offenders.

(a) When any felony or misdemeanor has been committed, or there has been any attempt to commit a felony in the Town, the Mayor may offer and pay a reward for the arrest and final conviction of the person or persons who committed the felony or misdemeanor or attempted to commit the felony.

(b) In order to promote the purposes set forth in the subsection (a) above, the Town Council may from time to time appropriate funds to an account to be invested and held for such purposes and any person may donate funds to the Town to be used for such purposes. The Treasurer shall account for such funds as for all other funds held and managed for the Town.

(c) No officer or employee of the Town shall be eligible to receive any reward established pursuant to this section.

ARTICLE IV

Miscellaneous

[adopted 5-10-12; amended 9-13-18]

§3-8. Fee for Returned Checks

Unless otherwise indicated in each applicable chapter of the Town Code, if any check, draft or other means of payment tendered to the Town in the course of its duties is not paid by the financial institution on which it is drawn, because of insufficient funds in the account of the drawer, no account is in the name of the drawer, or the account of the drawer is closed, and the check, draft or other means of payment is returned to the Town unpaid, the amount thereof shall be charged to the person on whose account it was received, and his liability and that of his sureties shall be as if he had never offered any such payment. A penalty of \$35.00 or the amount of any costs, whichever is greater but not exceeding \$50.00, shall be added to such amount, and said penalty shall be in addition to any other penalty provided by law.

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§3-9 Employee Monetary Bonuses [Added 6-22-17]

The Town Council may provide in its annual budget and appropriations ordinance for payment of monetary bonuses to its officers and employees, other than the members of Town Council. The Town Administrator shall pay bonuses in accordance with the applicable provisions of the Town of Middleburg Employee Handbook.

**ARTICLE V
GIFTS & DONATIONS
[Article added 10-11-18]**

§3-10 Solicitation of Gifts

No elected official; appointed official and/or member of a Town sanctioned board, commission or committee; or employee of the Town, appointed or otherwise, hereinafter referred to as “official”, shall solicit a gift for him/herself or a member of his/her immediate family from any person, business or organization due to his/her position with the Town of Middleburg.

§3-11 Limitation on the Acceptance of Gifts by Town Officials and Employees

No official shall accept or receive any single gift with a value in excess of one hundred dollars (\$100) or any combination of gifts with an aggregate value in excess of one hundred dollars (\$100) within any calendar year for him/herself or a member of his/her immediate family from any person, business or organization due to his/her position with the Town of Middleburg.

§3-12 Exceptions

Section 3-11 shall not apply in the following cases:

- (A) If a gift was provided to an official on the basis of a personal friendship. In determining whether a person is a personal friend, the following factors shall be considered: (i) the circumstances under which the gift was offered; (ii) the history of the relationship between the person and the donor, including the nature and length of the friendship and any previous exchange of gifts between them; and, (iii) to the extent known to the person, whether the donor personally paid for the gift or sought a tax deduction or business reimbursement as a gift;
- (B) To the receipt of food, refreshments and entertainment valued at less than one hundred dollars (\$100) at a widely attended event that is open to the public and where the invitation is from someone who is not a prohibited source as identified in the Virginia Conflict of Interests Act;
- (C) Voluntary gifts among individuals for annual occasions, such as birthdays and holidays, and on special occasions, such as marriage or the birth of a child. An employee may solicit voluntary contributions of a nominal amount from fellow employees to contribute to a gift;
- (D) Items such as food and refreshments to be shared in the office;

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- (E) Items, other than cash, valued at ten dollars or less;
- (F) Personal hospitality provided at a residence which is of a type and value customarily provided by the individual to personal friends;
- (G) Discounts and similar benefits offered to a broad class, including a broad class of government employees;
- (H) Free attendance, food, refreshments and materials provided at a conference, widely attended gathering or social event which an individual attends in his official capacity with the approval of the Town Administrator or designee, with approval only being required for individuals other than the Mayor and members of the Town Council; and,
- (I) Participation in a conference in his/her official capacity as an organizer, speaker, panel member or upon the determination that the individual's attendance is in the interest of the Town, for which the individual receives free attendance, travel, lodging and/or meals.

§3-13 ACCEPTANCE OF DONATIONS TO THE TOWN OF MIDDLEBURG

- A. The Town Council must approve the acceptance of all donations, either in the form of cash, real or personal property and/or services, to the Town by a majority vote of the Council in advance of their acceptance. If associated with a Town sponsored activity or event, upon approval of the Council for the acceptance of donations for that activity or event, the details of the donations need only be approved in advance by the Town Administrator and/or designee.
- B. Cash donations not earmarked for a specific approved Town activity or event, or one identified by the adopted Capital Improvement Program, shall be deposited into the General Fund and such funds shall be spent according to the needs of the Town as determined by the Town Council.
- C. The Town shall not place a monetary value on any non-cash donated items, including those that may be eligible as a charitable contribution as identified by the U. S. Internal Revenue Service.
- D. In order to assure complete transparency, the details of all donations to the Town of Middleburg shall be public information. The Town Administrator or designee shall acknowledge the donation in writing upon its acceptance and receipt.