



Before the  
**Colonial Beach Town Council**  
Held at

Colonial Beach Town Center  
22 Washington Avenue, Colonial Beach, VA 22443

**WEDNESDAY FEBRUARY 16, 2022 at 6:00 PM**  
**TOWN COUNCIL REGULAR MEETING**  
**AGENDA**

1. Call To Order
2. Moment of Silence and Pledge of Allegiance
3. Roll Call of Members
4. Approval of the Agenda
5. Consent Agenda **(TAB A)**
  - a. Approval of Minutes
    - i. July 7, 2021
    - ii. July 21, 2021
    - iii. July 23, 2021
  - b. Resolution #11-22, Adopts Financial Policies
6. Council Member Announcements
7. Town Manager Update
  - a. Council Priorities Update
8. Presentations
  - a. Proclamation, 130<sup>th</sup> Anniversary of Town of Colonial Beach Incorporation
  - b. Westmoreland County, Tim Trivett, District V County Supervisor
  - c. Colonial Beach Schools, Dr. Clint Mitchell, Superintendent
  - d. Colonial Beach Police Department Monthly Report, Interim Chief Kenny Miller
  - e. Recognition & Appreciation for Interim Chief Kenny Miller
  - f. Financial Analysis, R.T. Taylor, Davenport & Associates
9. Citizen Input (3 minutes allowed, per citizen)
10. Old Business
  - a. **PUBLIC HEARING Ordinance No. 721, Amends Ch. 13.1 Licenses, Article I. Business and Occupational Licenses**, Adam Schaefer, Payment & Revenue Management and Lisa Okes, Chief Financial Officer **(TAB B)**
11. New Business
  - a. Resolution #12-22, Authorizes Contract with Chief of Police **(TAB C)**

- b. Resolution #13-22, Amends the Town of Colonial Beach Special Events Policy, Bobby Duke, Director of Parks and Recreation (TAB D)**
- c. Discussion of Tenancy of 106 Hawthorn Street, Vivian Seay-Giles, Town Attorney**

**12. Closed Meeting**

- a.** Pursuant to Virginia Code § 2.2-3711 (A)(8) for consultation with legal counsel employed regarding specific matters requiring legal advice from counsel for development and real estate agreement contract analysis
- b.** Pursuant to Virginia Code § 2.2-3711(A)(7) consultation with legal counsel pertaining to pending litigation, where such consultation in open meeting would adversely the litigating posture of the public body in the pending court cases
- c.** pursuant to Virginia Code §2.2-3711(A)(3) discussion of the acquisition of real property for a public use, or of the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body

**13. Adjournment**

**Tab A**

COUNCIL PAPER

At the meeting held on Wednesday, February 16, 2022 at the Colonial Beach Town Center

---

**RESOLUTION #11-22, Adopts Financial Policies**

**WHEREAS**, it is the objective of the Town to provide sound financial management policies establishing guidelines and goals for financial decisions.

**NOW, THEREFORE BE IT RESOLVED**, that the Colonial Beach Town Council at a regular meeting on February 11, 2022, hereby authorize the Town Manager to approve and incorporate the attached financial policies

---

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

	AYE	NAY		AYE	NAY
Mayor Schick	___	___	Thomas Moncure	___	___
Vicki Roberson	___	___	Andrea Clement	___	___
David Williams	___	___	Caryn Self Sullivan	___	___
Kenneth Allison	___	___			

## BASIS FOR SOUND FINANCIAL MANAGEMENT POLICIES

The primary objective of sound financial management policies is for the Town Council to create a framework within which financial decisions can be made. These policies are a statement of the guidelines and goals that influence and guide the financial management practices of the Town of Colonial Beach. Financial management policies that are adopted, adhered to, and regularly reviewed are recognized as the cornerstone of sound financial management. Sound financial management policies:

- Contribute significantly to the Town's ability to insulate itself from fiscal crisis and economic disruption.
- Enhance short-term and long-term financial credit ability by managing to the parameters that would put the Town in-line with the highest credit and bond rating categories as possible.
- Promote long-term financial stability by establishing clear and consistent guidelines.
- Direct attention to the total financial picture of the Town rather than single-issue areas.
- Promote the view of linking long-term financial planning with day-to-day operations.
- Provide the Town Council and citizens a framework for measuring the fiscal impact of government services against established fiscal parameters and guidelines.
- Ensure that the organization has sufficient resources to perform mandated responsibilities.
- Provide a foundation for evaluating financial analysis and condition.

## FINANCIAL MANAGEMENT POLICIES

The Town intends to adhere to these policies. If there is any anticipated or unplanned variance from these policies, staff will advise Town Council and establish a plan for recovery within three to five years. If restoration cannot be accomplished within such time period without severe hardship to the Town, then the governing body will establish a different but appropriate time period.

### ***Policy I - Fund Balance***

#### **General Fund**

#### ***Unassigned Fund Balance***

The Town of Colonial Beach's Unassigned General Fund Balance (UGFB) will be maintained at a level to provide the Town with sufficient working capital and a comfortable margin of safety to address emergencies and unexpected declines in revenue without borrowing.

- The Town shall not use the Unassigned General Fund Balance to finance recurring operating expenditures.

The Town's policy is to maintain an unassigned fund balance in the general fund equal to 15% of expenditures/operating revenues. In the event the UGFB is used to provide for temporary funding of unforeseen emergency needs, the Town shall restore the Unassigned General Fund Balance to the previous level within three years.

- The Town will balance achieving its targeted fund balance level with its annual "Pay as you go" capital improvement requirements.

## ***Enterprise Funds***

### **Water Fund**

Minimum ending Unrestricted Cash and Cash Equivalents shall not be less than 50% of Operating Expenses, or 180 days of cash on hand. At this level, the Town would be able to sustain operations for one-half of the fiscal year, during an economic downturn. In the event the ending Unrestricted Cash and Cash Equivalents falls below the minimum of 50% of operating expenses, the Town shall restore the Unrestricted Cash and Cash Equivalents to the minimum of 50% within three years. Funds in excess of the annual requirements may be considered for “pay-as-you-go” capital outlay expenditures, other non-recurring expenditures or funding of necessary reserves. Operating Expenses includes payments to employees and suppliers, and [includes/excludes] debt service and transfers.

- A rate review will be conducted periodically, between 3-5 years. .

### **Sewer Fund**

Minimum ending Unrestricted Cash and Cash Equivalents shall not be less than 50% of Operating Expenses, or 180 days of cash on hand. At this level, the Town would be able to sustain operations for one-half of the fiscal year, during an economic downturn. In the event the ending Unrestricted Cash and Cash Equivalents falls below the minimum of 50% of operating expenses, the Town shall restore the Unrestricted Cash and Cash Equivalents to the minimum of 50% within three years. Funds in excess of the annual requirements may be considered for “pay-as-you-go” capital outlay expenditures, other non-recurring expenditures or funding of necessary reserves. Operating Expenses includes payments to employees and suppliers, and [includes/excludes] debt service and transfers.

- A rate review will be conducted periodically, between 3-5 years.

## ***Policy II - Debt Management***

### **Tax-Supported Debt**

Tax-supported debt obligations are those that are expected to be repaid from the General Fund tax revenue of the Town of Colonial Beach. These include general obligation bonds (except self-supporting bonds) and capital leases. General obligation bonds issued for self-supporting enterprise funds are not included in calculations of tax-supported bonds.

- The Town does not currently use nor does it anticipate using short-term borrowing to fund current operations; however, should the Town experience a financial hardship whereby a short-term Revenue or Tax Anticipation Note may be helpful in allowing enough time for fixing the structural imbalance, the Town may do so with the goal of rectifying the short-fall within 12 to 24 months.
- The Town will not use long-term debt to fund current operations.

Whenever the Town finds it necessary to issue tax-supported bonds, the following policy will be adhered to:

1. The Town will not borrow more than it has the capacity to repay.
2. The term of any bond issue will not exceed the useful life of the capital project/facility or equipment for which the borrowing is intended.

3. Annual debt service expenditures for tax-supported debt should not exceed 12% of total General Fund Expenditures plus School Component Unit Expenditures minus the General Fund Transfer to Schools.
4. Total tax-supported debt will not exceed 4-5% of the total assessed valuation of taxable property (real property and other) in the Town of Colonial Beach.
5. In the event that the Town anticipates exceeding the policy requirements stated in numbers 3. and 4. above, staff may request an exception from the governing body stating the reason and length of time anticipated to bring the measure(s) into compliance.

### ***Revenue-Supported Debt***

The Water and Sewer Funds may issue General Obligation or Revenue-Supported Debt.

Revenue-supported obligations are those for which the debt service is payable solely from the revenue generated from the operation of the project being financed or a category of facilities (i.e. water and sewer). These are not considered tax-supported debt of the Town. Whenever the Town finds it necessary to issue revenue-supported bonds, the following guidelines will be adhered to:

1. Revenue-supported and general obligation bonds for enterprise fund purposes will be structured to allow equal or declining annual debt service payments over a term not to exceed the life of the project being financed. For those revenue-supported bonds issued through the State or Federal Programs (i.e., Revolving Loan Fund, USDA Rural Development, among others), annual debt service payments shall not exceed thirty or forty years, depending upon specific program requirements.
2. For each of its enterprise funds (i.e., Water and Sewer), the Town will strive to meet a minimum for Debt Service Coverage Ratio of 1.15x debt service, with a goal in excess of 1.25x. The Debt Service Coverage Ratio will factor in all Operating Revenues less Operating Expense, to arrive at Net Operating Revenues Available for Debt Service.
3. In the event net revenues available for debt service falls below 1.15 times annual debt service of any fiscal year, the Town shall restore the net revenues available for debt service to the minimum of 1.15 within three years.

### ***Refinancing of Debt***

The Town shall issue refunding bonds to achieve debt service savings, eliminate onerous covenants or provisions in outstanding bond documents, or to respond to a financial emergency.

The Town shall continually monitor its outstanding debt to identify instances where the Town may achieve savings through an advance refunding or current refunding transaction.

The Town shall receive a written refunding analysis indicating the amount of net present value savings from its financial advisor prior to selling bonds to refund any outstanding bonds.

- A refunding transaction to achieve debt service savings should only be undertaken when the net present value of the savings, net of issuance costs, will be at least 3% of the principal amount of the refunded bonds, unless otherwise approved by the governing body. Refunding transactions for revenue bonds can be structured so that savings are realized over the life of the refunding bonds or up-front, depending on the results of a cost-benefit analysis.

### **General Debt Policies**

- In the event the Town obtains bond ratings, the Town will maintain communication with bond rating agencies to keep them abreast of its financial condition and will provide them with information on a timely basis including the Town's Annual Financial Report, Adopted Budget and Capital Improvement Program. The Town shall comply with all of its undertakings in accordance with Securities and Exchange Commission Rule 15c2-12 and will follow the Government Finance Officers' Association and Securities and Exchange Commission requirements for continuing disclosure.
- The Town may use the Virginia Public School Authority (VPSA) or State Literary Fund loans to finance school capital projects. Town bonds sold to the VPSA and Literary Fund loans constitute general obligation debt of the Town. Town Council shall approve any application to the VPSA or the Department of Education for a Literary Fund loan. Town Council shall approve the issuance of the bonds as required by the Public Finance Act. The School Board shall recommend such financings before a proposed financing is brought to Town Council for approval.

### **Policy III - Budget**

#### **Principles**

- Public participation in the budgetary process will be encouraged.
- The Town will avoid dedicating revenue to a specific project or program because of the constraint this may place on flexibility in resource allocation except in instances where programs are expected to be self-sufficient or where revenue is dedicated to a program for statutory or policy reasons.
- The budget process will be coordinated in a way that major policy issues are identified for Town Council several months prior to consideration of budget approval. This will allow adequate time for appropriate decisions and analysis of financial impacts.

#### **Policies**

- Town Council shall adopt a balanced budget in accordance with all legal requirements.
- A structured budget preparation and formulation process shall be used for all departments and agencies receiving funding from the Town.
- Departmental budgets shall be managed within the total appropriated budget for each fiscal year.
- All operating budget appropriations shall lapse at the end of the fiscal year to the extent that they are not expended or encumbered.
- The budget shall be adopted by the favorable vote of a majority of members of Town Council.
- The Vision and priorities established by Town Council as well as the Strategic and Comprehensive Plans will serve as the framework for the budget proposed by the Town Manager.
- The fiscal year for the Town is July 1 through June 30 as defined by the Town Code, Section 18-1
- One-time revenues shall be used for one-time expenditures only.

#### **Financial Management Policies**

- The Town will establish a Contingency line item in the Operating Budget up to 1% of the Estimated Revenues in order to account for unexpected Expenditures.
- A General Fund Reserve for Contingencies shall be used as a source of funding for unanticipated expenditures during the budget year. The Reserve for Contingencies is limited to one-time expenditures and shall not be considered a source for recurring financing.

### ***Process***

The Town Manager shall annually prepare a Proposed Budget for Town Council review. The Proposed Budget shall serve as a financial plan for the upcoming fiscal year and shall contain the following information:

1. A budget message that outlines the proposed revenue and expenditures for the upcoming fiscal year together with an explanation of any major changes from the previous fiscal year. The budget message should also include any proposals for major changes in financial policy.
2. Charts indicating the major revenues and expenditures in each major fund (General, Water, Sewer, etc.) as well as changes in fund balance for all funds.
3. Summaries of proposed expenditures by function, department and activity for all funds proposed to be expended in a fiscal year.
4. A schedule of estimated requirements for the principal and interest of each bond issue.
5. A three-year history of revenues and expenditures to include the prior year actual, current year adopted, revised, and proposed budgets for each major fund.
6. The proposed budget appropriation resolution, including the tax levy.
  - The Town Council shall hold a public hearing on the budget submitted by the Town Manager and all interested residents shall be given an opportunity to be heard on issues related to the proposed budget, including the Capital Improvement Program.
  - Following the public hearing on the Proposed Budget, Town Council may make adjustments. In instances where Town Council increases the total proposed expenditures, it shall also identify a source of funding at least equal to the proposed expenditures.

### ***Capital Improvement Program***

- A five-year Capital Improvement Program (CIP) that serves as the basis for annual capital appropriations and debt financing requirements shall be prepared and updated annually.
- The CIP shall include descriptions, timeline, cost estimates, and a schedule of expected expenditures for each project.
- Debt service requirements and funding needs for schools and Town government shall be determined based on the Adopted CIP.
- Long-term borrowing shall be confined to major capital improvements and equipment purchases.
- Short-term borrowing shall be limited to bond anticipation notes and equipment leasing, where feasible, with a life of less than 8 years or equal to the useful life of the asset being purchased.
- Capital project appropriations shall lapse upon project completion, allowing for an adequate warranty period. Lapsed appropriations shall remain in the Capital Fund for reallocation to other projects.

- Incremental operating costs associated with capital projects shall be funded in the operating budget after being identified and approved in the Capital Improvement Program.
- Pay-as-you-go funding, including State Highway Maintenance Funds, State Revenue Sharing Funds, State and federal grants, and other cash sources, shall not be less than 10%, with a goal of 15%, of the Town's 5-Year CIP.

### ***Quarterly Financial Reporting***

- The Chief Financial Officer & Town Manager will present to the Town Council quarterly financial reports identifying meaningful trends in revenues and expenditures for the General, Water, and Sewer, Funds.
- First Quarter Review
  - Budget staff will evaluate requests for the carry forward of funds remaining from prior year appropriations and other possible budget adjustments. Section 15.2-2507 of the Code of Virginia requires that a public hearing be held prior to Town Council action when a proposed budget amendment exceeds one percent of the total expenditures shown in the currently adopted budget.
  - Third Quarter Review - Budget staff will evaluate all expenditures and revenues as compared to budget and make recommendations to Town Council regarding possible budget adjustments. Section 15.2-2507 of the Code of Virginia requires that a public hearing be held prior to Town Council action when a proposed amendment of the budget exceeds one percent of the total expenditures shown in the currently adopted budget.

### ***Policy IV - Investment***

#### **I. Policy Statement**

It is the policy of The Town of Colonial Beach, Virginia ("the Town") that the investment and administration of its funds be made in accordance with the Code of Virginia Investment of Public Funds Act, the applicable provisions of any outstanding bond indebtedness, and this policy. The Town shall be in complete compliance with all applicable federal, state, and local laws, and other regulations and statutes governing the investment of public funds. Within those parameters, the goal of this policy is to invest the Town's moneys based upon the following in order of priority:

- Protection and preservation of principal;
- Liquidity; and
- Yield.

The Town Manager, Finance Director/Chief Financial Officer and Finance Liaison will review the town's investments along with the Town's Financial Advisors quarterly.

This Committee will provide broad policy oversight over investments and, at a minimum, provide quarterly reporting to the governing body. This policy will be reviewed on an annual basis. Any changes must be approved and adopted by Town Council.

## II. Receipt of Donations

From time to time, the Town may receive donations directly from other entities. Prior to accepting the gift, the Town Staff will consult with Town Council and Legal Counsel in order to obtain direction on how best to:

- Account for the gift within its financial statements;
- If applicable, Invest the gift, keeping in mind the potential for protecting principal and maximizing interest earnings; and
- Further restrict or program the gift for future use (i.e., selling the asset, restricting it for specific purposes, spending on specific projects, among others).

**Tab B**



**TO:** Town Council  
**FROM:** Adam Schaefer, Finance  
**COPY:** India Adams-Jacobs, Town Manager  
**SUBJECT:** Business License Fee and Tax – ordinance change  
**DATE:** February 16, 2022

**SUMMARY:**

Staff is proposing the adoption of a new business license tax ordinance. Setting a minimum business license tax is more cost-effective. Staff propose to reduce the rate for the Professional Services / Financial & Real Estate Services categories from \$.35 per \$100 gross revenues to \$.20 per \$100 of gross revenues. Staff recommends that Town Council set a date for a public hearing on this matter.

**BACKGROUND:**

The current business license tax structure is not cost-effective for the Town. Many smaller businesses have gross receipts under the minimum to produce a license fee of \$30.00. Based on the tax per \$100 of gross receipts, the license tax collected is less than the cost of the materials and staff time used to produce and mail the license. In December 2021, staff brought a proposal to Council to implement a minimum business license tax fee and to raise rates to meet the State allowed maximums. After subsequent analysis and discussion, staff now propose to reduce the rate for the Professional Services / Financial & Real Estate Services categories, as well as implementing a minimum charge of \$30.00 per license.

**ISSUE:** Staff seeks Council direction on implementation of a minimum business license fee as well as reduction of rates for business that provide Professional/Financial and Real Estate services.

**ALTERNATIVES:**

There are three alternatives. The first is to continue with the current business license tax structure based on gross revenues only. The second alternative is to implement a minimum business license fee without making any changes to the rating structure. The final alternative would be to implement a change to the rating structure without implementing a minimum fee.

**FISCAL IMPACT:**

The proposed changes will reduce Town General Fund revenues by approximately \$5,000.00. The second alternative would increase general fund revenues by approximately \$1,000.00. The final alternative would result in lost revenues of approximately \$6,000.00.

**RECOMMENDATION:**

Staff recommends that Town Council set a date for a public hearing on this matter. After the public hearing, staff request Town Council considers adopting a new business license ordinance adding a minimum license tax fee and reducing the rate for Professional/Financial and Real Estate services to 0.20 per \$100 of gross revenues.

**ORDINANCE NO. 721, AMENDS THE COLONIAL BEACH TOWN CODE, CHAPTER 13.1 (LICENSES), SEC. 13.1-4, TO ADD UPDATED VIRGINIA CODE REFERENCES AND REMOVE OLD VIRGINIA CODE REFERENCES, SEC. 13.1-5, TO ADD UPDATED VIRGINIA CODE REFERENCES, REMOVE OLD VIRGINIA CODE REFERENCES, AND ADD UPDATED VIRGINIA CODE LANGUAGE, SEC. 13.1-6 AND 13.1-7, TO ADD UPDATED VIRGINIA CODE REFERENCE, SEC. 13.1-10, ADDING A MINIMUM LICENSE FEE, ADD VIRGINIA CODE REFERENCE AND UPDATE LICENSE TAX RATES, SEC. 13.1-11, ADD UPDATED VIRGINIA CODE LANGUAGE, AND DELETING SEC. 13.1-17, DUPLICATE OF SEC. 13.1-11**

**NOW, THEREFORE, BE IT ORDAINED** by the Colonial Beach Town Council at its regular meeting on the 19<sup>th</sup> of January 2022, that the Town Code, Chapter 13.1, Sec. 13.1-4 (License requirement), be amended as follows (additions in italics):

### **Chapter 13.1 LICENSES**

#### **ARTICLE I. BUSINESS AND OCCUPATIONAL LICENSES**

##### **Sec. 13.1-4. License requirement.**

*Pursuant to Virginia Code § 58.1-3703.1:*

- (a) Every person engaging in the town in any business, trade, profession, occupation or calling, ~~except for persons renting property by the week,~~ (collectively hereinafter "a business") as defined in this chapter unless otherwise exempted by law, shall apply for a license for each such business if (i) such person maintains a definite place of business in the town, (ii) such person does not maintain a definite place of business anywhere and does reside in the town (iii) there is no definite place of business but such person operates amusement machines, or is classified as a peddler, itinerant merchant, carnival, circus ~~as specified in sections 58.1-3717, 3718, or 3728, respectively of the Code of Virginia,~~ contractor subject to section 58.1-3715 of the Code of Virginia, or is a public service corporation ~~subject to section 58.1-3731 of the Code of Virginia.~~ A separate license shall be required for each definite place of business and for each business. A person engaged in two (2) or more businesses or professions carried on at the same place of business may elect to obtain one (1) license for all such businesses and professions if all of the following criteria are satisfied: (i) each business or profession is licensable at the location and has satisfied any requirements imposed by state law or other provisions of the ordinances of the town; (ii) all of the businesses or professions are subject to the same tax rate, or, if subject to different tax rates, the licensee agrees to be taxed on all businesses and professions at the highest rate; and (iii) the taxpayer agrees to supply such information as the assessor may require concerning the nature of the several businesses and their gross receipts.
- (b) Each person subject to a license tax shall apply for a license prior to beginning business, if he was not subject to licensing in the town on or before January 1 of the license year, or no later than March 1 of the current license year if he had been issued a license for the preceding license year. The application shall be on forms prescribed by the assessing official *along with the required identification pursuant to Virginia Code § 58.1-3703.2.*

- (c) The tax shall be paid with the application in the case of any license not based on gross receipts. If, the tax is measured by the gross receipts of the business, the tax shall be paid on or before *May 1*.

**NOW, THEREFORE, BE IT ORDAINED** by the Colonial Beach Town Council at its regular meeting on the 19<sup>th</sup> of January 2022, that the Town Code, Chapter 13.1, Sec. 13.1-5 (Situs of gross receipts), be amended as follows (additions in italics):

## **Chapter 13.1 LICENSES**

### **ARTICLE I. BUSINESS AND OCCUPATIONAL LICENSES**

#### **Sec. 13.1-5. Situs of gross receipts.**

*Pursuant to Virginia Code § 58.1-3703.1:*

- (b) Apportionment. If the licensee has more than one (1) definite place of business and it is impractical or impossible to determine to which definite place of business gross receipts should be attributed under the general rule ~~(and the affected jurisdictions are unable to reach an apportionment agreement), except as to circumstances set forth in section 58.1-3709 of the Code of Virginia~~, the gross receipts of the business shall be apportioned between the definite places of businesses on the basis of payroll. Gross receipts shall not be apportioned to a definite place of business unless some activities under the applicable general rule occurred at, or were controlled from, such definite place of business. Gross receipts attributable to a definite place of business in another *locality jurisdiction* shall not be attributed to this *locality jurisdiction* solely because the other jurisdiction does not impose a tax on the gross receipts attributable to the definite place of business in such other jurisdiction.
- (c) Agreements. The assessor may enter into agreements with any other political subdivision of Virginia concerning the manner in which gross receipts shall be apportioned among definite places of business. However, the sum of the gross receipts apportioned by the agreement shall not exceed the total gross receipts attributable to all of the definite places of business affected by the agreement. Upon being notified by a taxpayer that its method of attributing gross receipts is fundamentally inconsistent with the method of one (1) or more political subdivisions in which the taxpayer is licensed to engage in business and that the difference has, or is likely to, result in taxes on more than one hundred (100) percent of its gross receipts from all locations in the affected jurisdictions, the assessor shall make a good faith effort to reach an apportionment agreement with the other political subdivisions involved. *If an agreement cannot be reached, either the assessor or taxpayer may seek an advisory opinion from the department of taxation pursuant to Code of Virginia, § 58.1-3701; notice of the request shall be given to the other party. Notwithstanding the provisions of Code of Virginia, § 58.1-3993, when a taxpayer has demonstrated to a court that two or more political subdivisions of Virginia have assessed taxes on gross receipts that may create a double assessment within the meaning of Code of Virginia, § 58.1-3986, the court shall enter such orders pending resolution of the litigation as may be necessary to ensure that the taxpayer is not required to pay multiple assessments even though it is not then known which assessment is correct and which is erroneous.*

**NOW, THEREFORE, BE IT ORDAINED** by the Colonial Beach Town Council at its regular meeting on the 19<sup>th</sup> of January 2022, that the Town Code, Chapter 13.1, Sec. 13.1-6 (Limitations and extensions), be amended as follows (additions in italics):

### **Chapter 13.1 LICENSES**

#### **ARTICLE I. BUSINESS AND OCCUPATIONAL LICENSES**

##### **Sec. 13.1-6. Limitations and extensions.**

*Pursuant to Virginia Code § 58.1-3703.1:*

(c) The period for collecting any local license tax shall not expire prior to the period specified in section 58.1-3940 of the Code of Virginia, two (2) years after the date of assessment if the period for assessment has been extended pursuant to this ~~subdivision~~ subsection, two (2) years after the final determination of an appeal for which collection has been stayed pursuant to section 13.1-7(b) or (d) of the Colonial Beach Code of Ordinances, or two (2) years after the final decision in a court application pursuant to section 58.1-3984 of the Code of Virginia or similar law for which collection has been stayed, whichever is later.

**NOW, THEREFORE, BE IT ORDAINED** by the Colonial Beach Town Council at its regular meeting on the 19<sup>th</sup> of January 2022, that the Town Code, Chapter 13.1, Sec. 13.1-7 (Appeals and rulings), be amended as follows (additions in italics):

### **Chapter 13.1 LICENSES**

#### **ARTICLE I. BUSINESS AND OCCUPATIONAL LICENSES**

##### **Sec. 13.1-7. Appeals and rulings.**

*Pursuant to Virginia Code § 58.1-3703.1:*

**NOW, THEREFORE, BE IT ORDAINED** by the Colonial Beach Town Council at its regular meeting on the 19<sup>th</sup> of January 2022, that the Town Code, Chapter 13.1, Sec. 13.1-10 (License fee and tax), be amended as follows (additions in italics):

### **Chapter 13.1 LICENSES**

#### **ARTICLE I. BUSINESS AND OCCUPATIONAL LICENSES**

##### **Sec. 13.1-10. License fee and tax.**

*Every person or business subject to licensure under this chapter shall be assessed and required to pay annually a license fee of \$30 or the applicable rate per \$100 of gross receipts, specified below, whichever is greater.*

Except as may be otherwise provided in sections 58.1-3712, 58.1-3712.1 and 58.1-3713 of the Code of Virginia, every such person or business with annual gross receipts shall be assessed and required to pay annually a license tax on all the gross receipts, *pursuant to the Code of Virginia § 58.1-3706, of such persons includable* as provided in this chapter at a rate set forth below for the class of enterprise listed:

- a. For contractors as defined by section 58.1-3714.D of the Code of Virginia, sixteen cents (\$0.16) per one hundred dollars (\$100.00) of gross receipts;
- b. For retailers, financial services, real estate, professional services, repair, short-term rentals, direct sellers (as applicable by VA State Code section 58.1-3719.1), restaurants, personal and business services and all other businesses and occupations not specifically listed or exempted in this chapter or otherwise by law, twenty cents (\$0.20) per one hundred dollars (\$100.00) of gross receipts;
- e. For wholesale sales, five cents (\$0.05) per one hundred dollars (\$100.00) of purchases;
- f. For carnivals, circuses and speedways, one hundred dollars (\$100.00) for each day in the Town of Colonial Beach;
- g. For peddlers or itinerant merchants with gross receipts totaling fifteen thousand dollars (\$15,000) or less participating under a special event permit, vendor fees as applicable by the permit, Peddlers in excess of fifteen thousand dollars (\$15,000) within the Town limits, twenty cents (\$0.20) per one hundred dollars (\$100.00), not to exceed \$500, in accordance with 58.1-3717 of the Code of Virginia.

**NOW, THEREFORE, BE IT ORDAINED** by the Colonial Beach Town Council at its regular meeting on the 19<sup>th</sup> of January 2022, that the Town Code, Chapter 13.1, Sec. 13.1-11 (Payment of delinquent taxes prerequisite to issuance of business license), be amended as follows (additions in italics):

### **Chapter 13.1 LICENSES**

#### **ARTICLE I. BUSINESS AND OCCUPATIONAL LICENSES**

##### **Sec. 13.1-11. Payment of delinquent taxes prerequisite to issuance of business license.**

Pursuant to the authority granted to the town council by section 58.1-3700 of the Code of Virginia (1950), as amended, no business license shall be issued until the applicant has produced satisfactory evidence that all delinquent business *license, real estate*, personal property, meals, transient occupancy, severance and admissions taxes owed by the business to the town have been paid.

*Any person who engages in a business without obtaining a required local license, or after being refused a license, shall not be relieved of the tax imposed by the ordinance.*

**NOW, THEREFORE, BE IT ORDAINED** by the Colonial Beach Town Council at its regular meeting on the 19<sup>th</sup> of January 2022, that the Town Code, Chapter 13.1, Sec. 13.1-17 (Payment of delinquent taxes prerequisite to issuance of business license), be deleted as it is a duplicate of 13.1-11:

### **Chapter 13.1 LICENSES**

#### **ARTICLE I. BUSINESS AND OCCUPATIONAL LICENSES**

##### **~~Sec. 13.1-17. -- Payment of delinquent taxes prerequisite to obtaining business license.~~**

~~No business license under this article shall be issued until the applicant has produced satisfactory evidence that all delinquent business license, personal property, meals, transient occupancy, severance and admissions taxes owed by the business to the town have been paid.~~

~~Any person who engages in a business without obtaining a required local license, or after being refused a license, shall not be relieved of the tax imposed by the ordinance.~~

---

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

AYE

NAY

AYE

NAY

Mayor Schick  
Vicki Roberson  
David Williams  
Kenneth Allison

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thomas Moncure  
Andrea Clement  
Caryn Self Sullivan

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Tab C

COUNCIL PAPER

At the meeting held on Wednesday, February 16, 2022 at the Colonial Beach Town Center

---

**RESOLUTION # 12-22, Appointments and Authorization of Employment Agreement for Colonial Beach Chief of Police**

**WHEREAS**, the Colonial Beach Town Council executed a Memorandum of Understanding on October 22, 2021 with the Virginia Association of Chief’s of Police (VACP) for assistance in recruitment; and

**WHEREAS**, the VACP vetted and interviewed a number of qualified applicants; and

**WHEREAS**, final interviews were performed by the Town Council and the Virginia Association Chief’s of Police panelists; and

**WHEREAS**, the Town Council and the VACP are confident that the candidate selected will be able to successfully fulfill the requirements of the position of Chief of Police based on education, training and experience.

**NOW THEREFORE BE IT RESOLVED** by the Colonial Beach Town Council at its regular meeting on February 16, 2022 approve the Employment Agreement provided by VACP with the selected candidate for the position of Colonial Beach Chief of Police and authorize the Town Manager to sign on behalf of the Town of Colonial Beach

**BE IT FURTHER RESOLVED** after the execution of the Employment Agreement the Colonial Beach Town Council hereby appoints the candidate as the Colonial Beach Chief of Police.

---

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

	AYE	NAY		AYE	NAY
Mayor Schick	___	___	Thomas Moncure	___	___
Vicki Roberson	___	___	Andrea Clement	___	___
David Williams	___	___	Caryn Self Sullivan	___	___
Kenneth Allison	___	___			

# Tab D

**RESOLUTION #13-22, Approves the Town of Colonial Beach Special Events Support policy**

**BE IT RESOLVED** that the Town Council meeting at its regular meeting on February 16, 2022 , hereby approves the following Special Events SupportPolicy effective Mach 1, 2022:

**"Town of Colonial Beach  
Special Events Support  
Policy**

Effective: March 1 2022

I. Purpose

Special events provide opportunities to promote community welfare and quality of life, help build a sense of community, showcase local and regional talent, enrich cultural opportunities, draw first time visitors to Colonial Beach and contribute to the local economy.

The Town of Colonial Beach recognizes the benefits and opportunities made available through special events. Therefore, the Town seeks to facilitate, promote, coordinate and/or participate in special events that provide a benefit to the larger community and fit within the capacities of public parks, facilities and streets.

This policy outlines a process for approval of events requiring special assistance from the Town of Colonial Beach. It further aids in identification of resources required and cost allocation for the provision of services during special events. It is the policy of the Town of Colonial Beach that any approved special event should not result in the expenditure of excessive public resources and that the Town should be compensated by the event organizer for costs incurred by the Town of Colonial Beach.

This Policy is intended to work in concert with all other applicable rules, regulations, laws, and ordinances of the Town of Colonial Beach.

II. Definitions

**Community Programming Partners:** Any individual, group or organization which has a contractual agreement and a budgeted arrangement with the Town of Colonial Beach to offer special events. Support offered by the Town of Colonial Beach for special events will be limited to those terms and conditions outlined in the contract between the Town and the Community Programming Partner.

**Event Organizer:** Any individual, firm, or organization proposing a special event on public property controlled by the Town of Colonial Beach.

**Event Permit:** Upon approval and payment of fees, the Director of Parks, Recreation and Events shall issue the event organizer a permit to conduct the special event, with approval of the Town Manager and Town Council for “Large” Class “A” events.

**Public Property:** Refers to all Town-owned or maintained parks, buildings, facilities, athletic fields, public streets and the right-of-way of public streets.

**Special Event:** An event occurring on public property controlled by the Town of Colonial Beach. This includes, but is not limited to: road races, public gatherings, parades, competitions, concerts, festivals, neighborhood events, and entertainment/amusement events. This does not include events conducted by the Town of Colonial Beach. The Town reserves the right to require event organizers for events held on private property to make application pursuant to this policy if the nature and scope of the event dictate an impact on the Town of Colonial Beach manpower and resources.

**Special Event Application:** A form required by the Town of Colonial Beach whereby the event organizer applies to utilize public property and/or public resources for a special event. The application will be submitted to the Director of Parks, Recreation and Events.

**Special Events Coordinator:** The staff member assigned by the Town Manager's Office to serve as liaison between the Town and the event organizer during the application review process. This individual will seek input from the affected departments and any support organizations (Fire, EMS, Police, Westmoreland County, State of VA) as may be necessary. This individual is also responsible for ensuring that all deadlines and requirements of this policy are met.

**Support Services:** Services provided by the Town of Colonial Beach to ensure that a special event is conducted in such a way as to protect the safety, health, property and general security of the public and integrity of public property. Each Department Director or designee shall estimate the Town support service requirements and costs for each special event. This includes manpower, equipment, supplies, and consumables required to service the special event.

### III. Classes of Special Events

**Class A:** A special event that meets either of the following criteria:

- a. May require 200 or more extra staff hours by Town employees, or
- b. Is expected to draw an approximate number of spectators and participants that is greater than 5,000 persons within a consecutive

24 hour time period. Completed Class A event applications must be submitted to the special events coordinator no later than (6) months prior to the event date. Class A event requires approval by Town Council.

**Class B:** A special event that meets either of the following criteria:

- a. May require between 100-199 extra staff hours by Town employees or
- b. Is expected to draw an approximate number of spectators and participants that is between 2,001 and 5,000 persons within a consecutive 24 hour time period.
- c. Completed Class B event applications must be submitted to the special events coordinator no later than (4) months prior to the event date.

**Class C:** A special event that meets either of the following criteria:

- a. May require between 99 or less extra staff hours by Town employees, or
- b. Is expected to draw an approximate number of spectators and participants that is 2,000 persons or less within a consecutive 24 hour time period. Completed Class C event applications must be submitted to the special events coordinator no later than (4) months prior to the event date.

**Class D:** A special event which may require no or very limited staff hours by Town employees other than dropping off barricades or cones, etc. Staff time is limited to permit application review and nominal support for the event. Events of this nature are normally confined to a single block on a street or limited use of public facilities. Completed Class D event applications must be submitted to the special events coordinator no later than 2 months prior to the event date.

**Exceptions to Deadlines:** Applications that fail to meet the deadlines outlined above may be accepted by the Town if, in the opinion of the special events coordinator, there is sufficient time to process and approve the application, identify any conditions of approval, and arrange resources to effectively service the event.

#### IV. Special Events Permit Process

- a. **Application** - Any event organizer desiring to hold a special event on any public property in Colonial Beach must complete an application on the appropriate form and submit it to the special events coordinator no later than the time specified by the Event Class outlined in Section III above. At the time of submission, the

event organizer shall pay the application fee and submit the event layout. Applications for special events will be available on the Town's web site or in the reception area in Town Hall.

- b. **Department Review** - The Department Director of any Town of Colonial Beach department impacted by a special event will review the application and make specific recommendations concerning the following:
  - i. Recommended changes to the proposed location, scope, date and time for the special event.
  - ii. The type, amount and anticipated charges for any Town manpower or other resources needed for the special event. Costs will be identified pursuant to the current Fee Schedule. The Department Director shall ensure that the review and action on the proposed special event is completed and returned to the special events coordinator no later than 180 days prior to the date of the a Class A event and 90 days prior to a Class B or Class C event.
- c. **Town Administrative Review** - The completed application and department review materials will be forwarded to the Town Manager's Office for review and analysis. With the exception of Class D events, the Town Manager's Office shall ensure that their review and action on the proposed Special Event is completed no later than 60 days prior to the event date.
- d. **Town Council Approval** – All Class A events require approval by the Town Council.
- e. **Appeal** - Written appeals to a decision made by the Town Manager to deny approval of an application may be presented to Town Council, within 15 calendar days of said decision. Applicants may appeal only in the event of a denial of an application. The appeal must demonstrate that the applicant has met **all** conditions required by this policy and that the denial was arbitrary and capricious. Appeal of decisions pertaining to fees, costs, or conditions of a special event are not permitted.
- f. **Payment of Fees** - No later than 30 days prior to the event date, the event organizer will remit to the Town of Colonial Beach the fees for the special event at which time the permit will be issued by the Director of Parks, Recreation and Events.

g. **Issuance of Event Permit** - No Special Event shall take place without a duly executed and issued permit pursuant to the guidelines outlined in this policy.

h. **Execution of Event** - Event is executed by the event organizer.

V. **Criteria for Evaluation**

The criteria for evaluating and scheduling community festivals and special events are as follows:

- Completeness of application and event layout.
- Impact and cost of the event on public health, welfare and safety.
- Impact and cost of the event on Town support services.
- Impact of the event on the environment.
- Frequency of the same or similar event(s) as well as potential conflicts with previously approved events
- Impact on the surrounding businesses or residences.
- Ability for the park or public place to remain open to other users, unless a street closure permit has been issued.
- Perceived benefit of event for Town of Colonial Beach community.
- Likelihood of participation by Town of Colonial Beach residents.
- Previous history of event organizer in facilitating special events.
- Ability of event organizer to achieve goals set forth for special events.

VI. **Special Event Estimated Cost Matrix**

A non-refundable application processing fee will be charged for all events. The application fee and bond are due at the time of application. Please refer to the attached fee schedule.

**All other fees** are due no later than 30 days prior to the event date. A permit will not be issued until all fees for the special event have been paid to the Town of Colonial Beach. Payments will be made to: Office of Finance.

<b>Event Information Classification</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
Event Size*	Large (>1,000)	Medium (<3,500)	Small <1,000)	<100/Private
Daily Fee**	\$1,250	\$450	\$100/\$75	\$100
***Park rental fee of \$75 for Torrey Smith pavilion and Mini Golf				
****Tent Rental fee	\$1,250	\$1,250	\$1,250	\$1,250
***** Parking package	\$20/car/day	\$20/ car/day	\$20/car/day	\$20/car/day
Deposit (subtracted from daily fee)	\$425	\$75	\$75	\$50
Bond Amount	\$1,000	\$500	\$500	N/A
Application & Deposit Due	120 days prior	90 days prior	60 days prior	30 days prior
*****CBVA Marketing Promotions Package	\$250/\$500 based on the package			

- \* Event Sizes Classifications include certain services, see page 5 if you're not sure what event size to choose.
- \*\* 50% discount for 501(c) Organizations
- \*\*\* Park rental fee for private events with more than 25 people but less than 100
- \*\*\*\* Tent Rental fee
- \*\*\*\*\* Event parking package (Limited to 17 spots)
- \*\*\*\*\* CBVA Marketing and Promotions Package
- Information that is specific to your event that will affect services may be added to the application up to 14 days prior to the event.
- Additional Certifications or Permits (i.e ABC License, Health Permits, VDOT, etc..) are due 60 days prior to event date.
- Deposit and Bond (and or additional costs) must be paid at time of application submission.
- A Bond is required for A, & B events. Provided there is no claim to harm, damages, or incidence to the town, the bond will be refunded within 60 days post event.

- Delays in providing required documents and permit fees impact the ability to review and approve the application in a timely manner.
- Event organizers may be requested to meet with town representatives and others to review event plans, layout and logistics.
- All events that require road closure (parade) will be moved into the highest classification (A)
- Town Council must approve all “Large” events (classification A)
- Staff reserves the right to change classifications based on historical data.
- Any event with less than 25 people is not considered a special event and DO NOT include any town department services.

The application fee, facility usage fee, and staff charges fees are non-refundable. The sanitation deposit will be returned in full provided that the property is left in appropriate order and no damage is reported. Failure to return the Town facilities to their pre-event condition will result in loss of deposit/bond, liability for repair and/or additional clean up fees as determined by the Town, as well as potential denial of future applications. The Town's decision on any loss of deposit shall be final.

The Town will charge facility usage or rental fees for the use of specific facilities.

The fees are intended to cover wear and tear, initial supplies, water, electricity, etc. Facility fees shall not apply to special events that are solely within the right of way of public streets. The Town reserves the right to obtain additional fees for other arising or unusual expenses as it deems necessary.

VII. Event Cancellation/Refund of Fees

If the special event is cancelled after the payment of fees because of conditions beyond the control of the event organizer, the Town may consider a partial to full refund of fees paid, with the exception of the application fee. The special events coordinator will assess any costs already incurred by the Town and coordinate with the affected Department Directors to ascertain the amount of refund.

VIII. Rules and Prohibitions

- a. **Adherence to Town Ordinances and Rules** -All applicants must adhere to all Town ordinances and posted park/facility rules, with the exception of any items extended by written permission only. A copy of the park rules and guidelines will be issued upon event approval
- b. **Resource Estimates** - The Town of Colonial Beach reserves the right to be the final authority in estimates of attendance, need for additional staff hours, and/or assignment of manpower and equipment to special events.

- c. **Sanitation** -A sanitation deposit shall be submitted to the Town as outlined herein. Said deposit is refundable within 30 days of the end of an event provided the facility is left in a satisfactory post event condition.

The event organizer is responsible for making arrangements with the Town for additional trash receptacles. Plastic trashcan liners will be placed in all existing trash cans prior to the event. It is the event organizer's responsibility to deposit any trash into appropriate trash receptacles following the event in order to ensure return of the sanitation deposit. If the size of the event warrants additional receptacles, the Public Works department will review application and the organizer will be contacted. It will be the event organizer's responsibility to make all arrangements and pay any fees applicable for any additional equipment or services.

All trash receptacles should be dumped upon completion of the event into pre-determined receptacles or dumpsters as approved by the Town and prior to the park opening the next day, unless arranged in advance with the Town. Dumpster locations shall be approved or determined by the Town at time of permit issuance.

- d. **Restroom Facilities** - For all Class A - C Permit events of 4 hours duration or more, portable toilets may be required. This requirement may be met if sufficient Town restroom facilities are available on-site. The special events coordinator will assist the event organizer in determining the number of toilets needed, although a ratio of two toilets per 500 attendees can be used as a guide. An appropriate mix of male and female toilets must be provided. In compliance with the Americans with Disabilities Act, the event organizer must provide sufficient handicap accessible portable toilets. It is the event organizer's responsibility to make all arrangements (drop-off, pumping during the event, and pick-up) and pay any rental fees. *Town will stock supplies for permanent restroom facilities prior to start of event.*
- e. **Medical** - For all Class A-C Permit events of 4 hours duration or more, medical personnel may be required to be on site. The special events coordinator will contact Colonial Beach EMS and assess the costs for the provision of medical services.
- f. **Utilities** - Specific requirements for the use of electricity must be submitted with the application. Electricity is not available without permission from the Town. For projects that utilize large amounts of electricity, the Town reserves the right to require payment for

electricity used at event based on the greater of: the minimum usage fee of \$10 or meter readings at current electricity cost per unit taken prior to and following each event. Additionally, the Town may require the applicant to arrange for the installation of a temporary service with Dominion Virginia Power. Any expenses related to the installation of temporary electrical service shall be the responsibility of the applicant. The Town reserves the right to designate the location for the erection of poles or other devices pertaining to temporary electrical service on public property. Individual vendor plug-in connections to the Town power supply outlets will be charged a minimum of \$10.00 per day per plug connection fee.

If the special event requires the use of more than small amounts of water, the Town Public Works Director will assign costs for said water usage as a part of the permitting process.

- g. **Sound System** - Sound system equipment is not provided. The special events coordinator must be notified in writing of any intended use of a sound system during the event. Sound System requirements should be provided on event application. Approval of such sound systems and other amplified music will be in accordance with the Town's Noise Ordinance, all outdoor concerts must conclude by 11 pm EST or EDT, whichever is in effect.
- h. **Alcohol** - Alcohol sales, consumption and possession are prohibited on Town property. Alcohol sales, consumption and possession may be permitted by the Town of Colonial Beach provided that the event organizers have acquired all necessary permits from the Virginia Alcohol Beverage Control (ABC) Board. Copies of all ABC permits must be provided to the Town of Colonial Beach, prior to the release of a Special Event permit to the event organizer.
- i. **Parking** - Participants must adhere to all parking regulations established by the Town of Colonial Beach. Event organizers are prohibited from charging patrons for parking in public spaces. Event organizer must secure additional parking for larger events as well as transportation/shuttle routes for off-site parking, both of which must be approved by the Town of Colonial Beach.
- j. **Event Equipment and Layout** - Tables, chairs, stages, tents and other set-up equipment *may be* permitted on public property with prior approval. A layout of the event area, including locations of all tables, chairs, tents, stages, vendor set-up, portable restrooms, road closures, parking plans, and other equipment must be submitted

with the application. Approval will be given prior to the event. Tables and chairs will not be provided by the Town of Colonial Beach. A final layout must be submitted two weeks prior to the event.

- k. **Fire Safety Plan** -Applications will be submitted to the Fire Marshal for the State of Virginia when the Town deems necessary. When a fire official determines that the gathering of persons will impact the provision of fire safety services, a plan for the provision of safety services will be prescribed by the State Fire Marshall. Applicants will be required to include any additional information required by the Fire Marshall, including but not limited to, a layout of the event area including road closures, parking plans, vendor set-up (particularly food concessions), and, the need for fire suppression services.
- i. **Food Sales** -Any intention to sell food must be indicated in the application. It is the responsibility of the event organizer to contact the Westmoreland County Health Department and obtain any necessary permits. Additional vendor requirements will be issued upon event approval.
- m. **Alterations to Public Property and Parks** -Alterations to park facilities including the attachment or installation of decorations and displays are prohibited unless advance permission has been received from the Town. Construction and installation of special service facilities must be approved prior to the event. Damage to any structure or plant material will be billed to the event organizers at replacement cost plus labor. The Town reserves the right to regulate placement and method of placement of items or structures on any public property.

#### IX. Insurance

A comprehensive liability insurance policy with at least one million dollars (\$1,000,000) coverage for Class A- C events per occurrence for bodily injury and property damage with an endorsement naming the Town of Colonial Beach, specifically and separately, as an additional insured under the policy is required. Do not include any specific department or person. A certificate of insurance is to be provided to the town coordinator no less than 14 days prior to the scheduled event. If an event is approved, it will be approved pending receipt of the insurance certificate.

The insurance agency must be licensed to do business in the State of Virginia.

The company providing insurance must provide at least thirty (30) days written notice of cancellation or termination. If such cancellation or termination of the

policy is to occur prior to the indicated expiration date on the face of the certificate. In the event of any changes or cancellation in the policy, the Town of Colonial Beach must be notified immediately.

X. Release and Indemnity

Each event organizer must execute a release and indemnity agreement. Event organizers must demonstrate that they are either personally or organizationally responsible for liability; will guarantee orderly behavior/will underwrite any damage due to use of the premises. Liability is assumed by the applicant in regard to any personal or property damage rising out of activities of the applicant. It is the responsibility of the event organizer to read the application form completely and understand fully his/her responsibilities.

XI. Assignment

The applicant/user shall be prohibited from assigning any rights under this agreement or use of the premises to any other party.

XII. Discrimination

The applying organization, association, or entity shall not discriminate or advocate discrimination on account of race, color, religion, creed, national origin, age, gender, or disability.

XIII. Permits for Picket Lines and Group Demonstrations are not covered in this Policy

Applications for permits to picket or engage in group demonstrations must be filed in writing with the Town Manager.

*Group demonstration* shall mean any assembling together or concert of action between or among two (2) or more persons for the purpose of protesting any matter or of making known a position or promotion of such persons or on behalf of any organization or class of persons for the purpose of attracting attention to such assembly.

*Picket line* shall mean any two (2) or more persons formed together for the purpose of making known any position or promotion of such person or on behalf of any organization or class of persons.

XIV. Revocation of Permit

The Town shall have the authority to revoke any permit upon violation of the conditions set forth herein and/or where staging of the event would have an immediate and adverse effect on the welfare and safety of persons or property. The Chief of Police or Fire Marshal or his or her designee shall have the authority to close any event immediately upon violation of conditions set forth herein or to preserve safety of persons or property."