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HOUSE BILL NO. 983

Offered January 9, 2008

Prefiled January 8, 2008

A BILL to amend and reenact §§ 2.28 and 2.29, as amended, of Chapter 209 of the Acts of Assembly of 1968, which provided a charter for the City of Radford, relating to director of finance and city attorney.

Patrons—Nutter; Senator: Smith

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.28 and 2.29, as amended, of Chapter 209 of the Acts of Assembly of 1968 are amended and reenacted as follows:

§ 2.28. Director of finance.

The city manager shall appoint a director of finance with the concurrence of city council, who shall have such powers, duties and obligations in connection with the management and supervision of the fiscal affairs of the city as the city council shall direct by ordinance.

§ 2.29. City attorney.

The city attorney may be appointed, elected, or employed at the time, in the manner, and for the term provided by the provisions of this charter or by ordinance. HeThe city attorney shall at the time of his appointment be a practicing attorney qualified in the Commonwealth of Virginia for the practice of law. HeThe city attorney shall be the legal adviser of and the attorney and counsel for the city and the school board of the city, and defend all suits, actions and proceedings against the same, and shall prepare all contracts, bonds and other instruments in writing, in which the city or the school board of the city are is interested or concerned, and shall endorse on each his approval of the form and correctness thereof, provided that in the case of bonds to be issued by the city, it shall be sufficient if he the city attorney certify to the council his approval thereof as to form in a separate writing, to be filed and preserved with the records of the council.

The council, the city manager, or any officer, board or commission may require the written opinion of the city attorney upon any question of law involving their respective powers and duties.

The city attorney upon request of the council shall apply in the name of the city to a court of competent jurisdiction for such injunction or injunctions as may be necessary to restrain and prevent the misapplication and/or misuse of the funds or property of the city, or the evasion or abuse of its corporate powers, or the usurpation of authority by any city official, or the execution or performance of any contract made in behalf of the city in contravention of law, or which was procured by fraud or corruption.

When an obligation or contract made on behalf of the city granting a right or easement or creating a public duty is being evaded or violated, the city attorney, when directed by council, shall institute and prosecute such suit or suits as may be necessary to enforce the forfeiture thereof, or the specific performance thereof, as the nature of the case may require.

In case any officer, board or commission shall fail to perform any duty required by law the city attorney, upon request of the council, shall apply to a court of competent jurisdiction for a writ of mandamus to compel the performance of such duty. Wherever the city or the school board shall purchase or otherwise acquire real estate or any interest therein, unless other provision is made by the council, the city attorney shall examine and certify the title thereto before the purchase price thereof shall be paid. The city attorney shall perform such other duties as may be required by him by ordinance or resolution of the council, and shall be paid such salary or compensation as the council may from time to time prescribe, including earned fees above the retainer fee or salary established by council.

INTRODUCED

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