

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 2.28 and 2.29, as amended, of Chapter 209 of the Acts of Assembly of*
3 *1968, which provided a charter for the City of Radford, relating to director of finance and city*
4 *attorney.*

5 [H 983]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

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

10 § 2.28. Director of finance.

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

14 § 2.29. City attorney.

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

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

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

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

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