

A RESOLUTION NO. 23-48

Requesting the General Assembly of Virginia, in its 2024 Session, to make the following amendments to the Charter of the City of Colonial Heights: amend § 5.5 of Chapter 5, City Manager, to change the due date for submission to city council of a report of the city's annual financial audit; amend § 6.19 of Chapter 6, Budgets, to remove a requirement that the director of finance certify that an unencumbered balance exists before any payments are made and remove certain severe consequences for payments that violate the charter; amend § 8.12 of Chapter 8, Financial Administration, to remove a requirement that the director of finance must certify that an unencumbered balance exists before the purchasing agent can execute a purchase order or a contract; amend Chapter 10, Department of Law, by revising §§ 10.1, 10.2, and 10.3, and repealing §§ 10.4, 10.5, and 10.6, which modify the City Attorney's powers and duties – including the elimination of duties to the school board and the superintendent of schools – and eliminate unnecessary and redundant verbiage; amend § 12.7 of Chapter 12, Department of Public Works, to delete outdated provisions relating to capital improvement projects, specify that the city shall comply with the public procurement requirements of general law and the City Code, and provide that the city school board shall comply with the public procurement mandates of general law and adopted policies; and repeal § 12.8 of Chapter 12, concerning school board contracts for capital improvement projects, due to its provisions being antiquated and unfeasible.

WHEREAS, the Charter of the City of Colonial Heights was approved in 1960; and many of its provisions have never been amended; and

WHEREAS, charter §§ 5.5, 6.19, 8.12, and 12.7 need amendments; and § 12.8 needs to be repealed; and

WHEREAS, Chapter 10, Department of Law, needs significant revisions, including the repeal of three sections; and

WHEREAS, it is especially important to amend Chapter 10 to eliminate the City Attorney's duties to the city school board and the school superintendent; and

WHEREAS, after public notice as required by § 15.2-202 of the Code of Virginia, the city council held a public hearing on October 17, 2023 at a special meeting in Council Chambers, City Hall, 201 James Avenue, Colonial Heights, Virginia, at which the council sought public comment on the charter changes this resolution proposes; and

WHEREAS, after holding the public hearing, the city council determined that it is in the City's best interests to request such Charter amendments; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLONIAL HEIGHTS:

1. Council requests that the General Assembly of Virginia, in its 2024 Session, amend §§ 5.5, 6.19, 8.12, 10.1, 10.2, 10.3, and 12.7 of the Colonial Heights City Charter, and that the General Assembly of Virginia repeal charter §§ 10.4, 10.5, 10.6, and 12.8, as follows:

§ 5.5. Duties.

It shall be the duty of the city manager to: (a) attend all meetings of the council with the right to speak but not to vote; (b) keep the council advised of the financial condition and the

future needs of the city and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable; (c) prepare and submit the annual budget to the council as provided in Chapter 6 of this charter and be responsible for its administration after its adoption; (d) prepare or have prepared in suitable form for publication and submit to the council ~~not later than sixty days after the end of each fiscal year of the city a concise, comprehensive report of the financial transactions and administrative activities of the city government during the preceding fiscal year~~ a report of the city's annual financial audit in the format and by the due date the Commonwealth of Virginia requires, and cause to be printed such number of copies thereof as the council shall direct; (e) present adequate financial and activity reports at each regular meeting of the council; and (f) perform such other duties as may be prescribed by this charter or required of him in accordance therewith by the council or which may be required of the chief executive officer of a city by the general laws of the Commonwealth other than the duties conferred on the mayor by this charter.

§ 6.19. Certification of Funds.

No payment shall be made and no obligation incurred by or on behalf of the city except in accordance with an appropriation duly made; provided that the council shall have the power to authorize and direct ~~and~~ the making of expenditures and contracts for the expenditure of funds not appropriated in any budget for the ~~then~~ current fiscal year. No payment shall be made from or obligation incurred against any allotment or appropriation, except those of the School Board, unless the director of finance shall first ~~certify~~ determine that there is a sufficient unexpended and unencumbered balance in such allotment or appropriation to meet the same; ~~provided that nothing herein shall be taken to prevent the advance authorization of expenditures for small purchases as provided in this charter. Every payment made in violation of the provisions of this charter shall be deemed illegal and every official who shall knowingly authorize or make such payment or knowingly take part therein and every person who shall knowingly receive such payment or any part thereof shall be jointly and severally liable to the city for the full amount so paid or received. If any officer, member of a board or commission, or employee of the city shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this charter or knowingly take part therein, such action shall be cause for his removal.~~

§ 8.12. Accounting Control of Purchasing.

All purchases made and contracts executed by the purchasing agent shall be pursuant to a written requisition, in such form as may be prescribed by the director of finance, from the head of the using agency whose appropriation is to be charged, or from the head of a bureau or other operating unit to whom such authority has been delegated in writing, filed with the purchasing agent, ~~except as provided in subsection (f) of § 8.3 of this charter, by the head of the using agency.~~ No purchase order made or contract entered into by the purchasing agent shall be valid unless ~~there be endorsed thereon the certificate of the director of finance~~ determines that there is an unexpended and unencumbered balance in the appropriation and allotment applicable thereto. Nothing herein, however, shall be taken to prevent the purchasing agent from making purchases from a store's revolving fund which the council is hereby authorized to establish, or from making sales from the stores to the several using agencies based on their requisitions, provided the director of finance ~~certified~~ determined that there is an unexpended and unencumbered balance in the appropriation to be charged.

CHAPTER 10

DEPARTMENT OF LAW OFFICE OF THE CITY ATTORNEY

§ 10.1. Department of Law. Office of the City Attorney.

~~There shall be a department of law which shall consist of the city attorney and such assistant city attorneys and other employees as may be provided by ordinance. There shall be an Office of the City Attorney, which shall consist of the City Attorney and such Deputy and Assistant City Attorneys and other employees as City Council authorizes.~~

§ 10.2. Qualifications, and Appointment, and Compensation of the City Attorney.

~~The head of the department of law shall be the city attorney. He shall be an attorney at law licensed to practice under the laws of the Commonwealth. He shall be chosen in the manner provided in § 10.5. The head of the Office of the City Attorney shall be the City Attorney. The City Council shall appoint the City Attorney, who shall be an attorney at law licensed to practice law in the Commonwealth of Virginia. The City Attorney shall not be required to reside in the City when he is appointed or during his tenure as City Attorney. The City Council shall determine the City Attorney's salary and other compensation.~~

§ 10.3. Powers and Duties of the City Attorney. Powers and Duties.

The city attorney shall (a) be the legal advisor of (1) the council, (2) the city manager, (3) the city school board, and (4) ~~(3)~~ all departments, boards, commissions, and agencies of the city, in all

~~matters affecting the interests of the city, and shall, upon written request, furnish a written opinion of any question of law involving their respective official powers and duties; (b) at the request of the city manager or any member of the council, prepare ordinances for introduction and at the request of the council or any member thereof shall examine any ordinance after introduction and render his opinion as to the form and legality thereof; (c) draw or approve all bonds, deeds, leases, contracts or other instruments to which the city or city school board is a part or in which it has an interest; (d) have the management and control of all the law business of the city and of the city school board and the departments, boards, commissions and agencies thereof, or in which the city has an interest, and represent the city and the city school board as counsel in any civil case in which it is interested and in criminal cases in which the constitutionality or validity of any ordinance is brought in issue; (e) with the approval of the council or of the city school board, as the case may be, institute and prosecute all legal proceedings he shall deem necessary or proper to protect the interests of the city or the city school board; (f) attend in person or assign one of his assistants to attend all meetings of the council and any regular meeting of the city school board when requested by the Superintendent of Schools; (g) appoint and remove such assistant city attorneys and other employees as shall be authorized by the council, subject to the provisions of Chapter 9 of this charter as to employees in the classified service, and authorize the assistant city attorneys or any of them or special counsel to perform any of the duties imposed upon him in this charter; and (h) have such other powers and duties as may be assigned to him by ordinance. The city attorney may, with the concurrence of the Commonwealth's Attorney, prosecute misdemeanor violations of city ordinances not prosecuted by the Commonwealth's Attorney pursuant to § 21.7 of this charter. The approval or withholding of approval by the city attorney in the matters provided for in §§ 8.7 (c) and 8.7 (d) shall relate only to the legality of the proposed action.~~

The City Attorney shall (1) be the legal advisor of the City Council; the City Manager; and all of the City's departments, boards, commissions, and agencies; and he shall furnish to them written or oral opinions concerning any questions of law involving their powers and duties; (2) upon request of the City Manager or any City Council Member, prepare ordinances and resolutions for consideration; (3) draft or approve all bonds, deeds, leases, contracts, or other documents to which the City is a party, and review any other document in which the City has an interest; (4) manage all of the City's legal business and either represent the City as counsel in

any civil case in which the City is a party, or arrange for other legal counsel to represent the City; (5) with City Council approval, institute and litigate civil legal proceedings he deems necessary or proper to protect the City's interests; (6) whenever practicable, attend in person or have a Deputy or Assistant City Attorney attend City Council meetings; (7) employ Deputy and Assistant City Attorneys and other employees that the City Council approves, contract with special counsel, and authorize the Deputy or Assistant City Attorneys, or special counsel, to perform any duties the City Attorney delegates to them; and (8) have any other power or duty that the City Council assigns to him in an ordinance or resolution or which this Charter or general law imposes on him. The City Attorney may, with the Commonwealth Attorney's concurrence, prosecute misdemeanor violations of the City Code which the Commonwealth Attorney does not prosecute.

§ 10.4. Restrictions on Actions for Damages Against City.

No action shall be maintained against the city for injury to any person or property or for wrongful death alleged to have been sustained by reason of the negligence of the city or of any city officer, employee or agent thereof, unless a written statement by the claimant, his agent, attorney or representative, of the nature of the claim and of the time and place at which the injury is alleged to have occurred or been received shall have been filed with the city attorney within sixty days after such cause of action shall have accrued, except that when the claimant is an infant or non compos mentis, or the injured person dies within such sixty days, such statement may be filed within one hundred and twenty days. Neither the city attorney nor any other officer, employee or agent of the city shall have authority to waive the foregoing conditions precedent or any of them.

§ 10.5. Qualifications and Appointment.

The city council shall appoint a city attorney who shall be an attorney at law licensed to practice under the laws of the Commonwealth. In addition to the other powers conferred upon the city by general law, the city council shall have the power to appoint a city attorney who shall not be required to reside in or be a resident of the city at the time of his appointment or during the term of his office for which he was appointed.

§ 10.6. Salary of City Attorney.

The salary or compensation of the city attorney shall be as determined by resolution or ordinance adopted by the council.

§ 12.7. Contracts for Capital Improvement Projects.

~~Whenever any capital improvement project is to be undertaken by the city or any department, board, commission or agency thereof, including the school board, the department of public works shall cause plans, specifications and estimates of cost of such capital improvement project to be made. The school board and department of public utilities may utilize the services of the department of public works in preparing plans, specifications and estimates of cost for capital improvement projects relating to their respective functions but they may, in the discretion of the school board or director of public utilities, as the case may be, cause such plans and specifications to be prepared by their own employees or by architects and engineers engaged for the purpose. In the case of any capital improvement project, except one relating to school buildings and grounds, if the estimate of cost is \$10,000 or less it may, in the discretion of the city manager, be constructed either by contract or by the employees of the department of public works or the department of public utilities, as the case may be. If the estimate of cost is more than \$10,000, such capital improvement project shall, except as hereinafter provided, be constructed by contract. No contract for any capital improvement project estimated to cost more than \$1000 shall be let except upon sealed bids based on the plans and specifications prepared by the department of public utilities, which bids shall be advertised for, received, opened and tabulated by the purchasing agent in the manner and subject to the conditions prescribed by ordinance. The contract shall be awarded by the purchasing agent to the lowest responsible bidder, provided that the city manager, when the estimated cost of the capital improvement project is \$10,000 or less, and the council in all cases, may authorize the rejection of all bids, instruct the purchasing agent to readvertise for bids with or without modification of the plans and specifications for such capital improvement project or order the same to be constructed by the department of public works or the department of public utilities, as the case may be. A record of all bids, showing the names of the bidders and the amounts of the bids and indicating in each case the successful bidder, together with the originals of all sealed bids and other documents pertaining to the award of contracts, shall be preserved by the purchasing agent for six years in a file which shall be open to public inspection during regular business hours. No capital improvement project which is essentially a unit shall be divided for the purpose of evading the intent of this section.~~

Before and during the construction of a capital improvement project, the city, and any of

its departments, offices, or other component entities administering the project, shall comply with the public procurement requirements specified by general law and the Colonial Heights City Code. Also, before and during the construction of a capital improvement project, the city school board shall comply with the public procurement requirements specified by general law and any policies the school board has adopted.

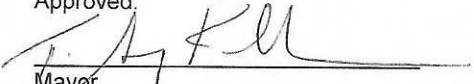
§ 12.8. School Board Contracts for Capital Improvement Projects.

~~The school board may make use of the contract procedure provided by § 12.7 and if it does so, the authority to reject all bids and order the purchasing agent to readvertise for bids shall be vested in the school board, provided that the execution of any capital improvement project relating to school buildings or grounds shall not be undertaken by the department of public works except upon the request of the school board and with the approval of the city manager. The school board may, in its discretion, adopt its own procedure for the letting of contracts for capital improvement projects, provided that no such project involving an estimated cost of more than \$10,000 shall be let except on sealed bids. No contract or bid of the city school board for capital improvements shall be let out for bid or entered into until the same shall have been first forwarded to the director of public works for approval or disapproval as to contents and to the City Attorney for approval or disapproval as to form. The director of public works and the City Attorney shall return the same to the school board within 15 days endorsed approved or disapproved and in the event the same is disapproved, the director of public works or the City Attorney, as the case may be, shall state in writing his reasons for disapproval. In the event that the director of public works or the City Attorney fail to return the contract or bid within the said 15 days, approval of the contract or bid shall be deemed approved by said official.~~

2. Copies of this resolution shall be forwarded to the representatives of the citizens of Colonial Heights in the Virginia General Assembly so that the representatives shall include legislation at the 2024 General Assembly Session incorporating these charter amendments.

3. This resolution shall be in full force and effect upon its approval.

Approved:


Mayor

Attest:


City Clerk

I certify that the above resolution was:

Adopted on October 17, 2023

Ayes: 6 Nays: 0 Absent: 1 Abstain: 0

The Honorable Kenneth B. Frenier, Councilman: Aye

The Honorable Elizabeth G. Luck, Councilwoman: Aye

The Honorable John E. Piotrowski, Councilman: Aye

The Honorable Dr. Laura F. Poe, Councilwoman: Aye

The Honorable John T. Wood, Councilman: Absent

The Honorable Robert W. Wade, Vice-Mayor: Aye

The Honorable T. Gregory Kochuba, Mayor: Aye

Pamela B. Wallace
City Clerk

Approved as to form:

Hugh P. Fratelli
City Attorney

2024 SESSION

SB 112 Colonial Heights, City of; amending charter, relating to duties of city manager, etc.

Introduced by: [Glen H. Sturtevant, Jr. \(by request\)](#) | [all patrons](#) ... [notes](#) | [add to my profiles](#)

SUMMARY AS INTRODUCED:

Charter; City of Colonial Heights. Amends the charter of the City of Colonial Heights by updating language related to the duties of the City Manager and City Attorney, including elimination of the City Attorney's duties to the school board and school superintendent. The bill also includes the update or repeal of various outdated provisions related to appropriations, purchasing, and capital improvements. This bill is identical to [HB 227](#).

FULL TEXT

[01/03/24 Senate: Prefiled and ordered printed; offered 01/10/24 24101054D](#) pdf

[02/26/24 Senate: Bill text as passed Senate and House \(SB112ER\)](#) pdf

HISTORY

01/03/24 Senate: Prefiled and ordered printed; offered 01/10/24 24101054D

[01/03/24 Senate: Referred to Committee on Local Government](#)

[01/15/24 Senate: Reported from Local Government \(11-Y 1-N\)](#)

[01/16/24 Senate: Constitutional reading dispensed \(38-Y 0-N\)](#)

01/17/24 Senate: Read second time and engrossed

[01/18/24 Senate: Read third time and passed Senate \(38-Y 2-N\)](#)

[01/18/24 Senate: Reconsideration of passage agreed to by Senate \(40-Y 0-N\)](#)

[01/18/24 Senate: Passed Senate \(40-Y 0-N\)](#)

02/13/24 House: Placed on Calendar

02/13/24 House: Read first time

[02/13/24 House: Referred to Committee on Counties, Cities and Towns](#)

[02/16/24 House: Reported from Counties, Cities and Towns \(22-Y 0-N\)](#)

02/20/24 House: Read second time

02/21/24 House: Read third time

02/21/24 House: Passed House BLOCK VOTE (100-Y 0-N)

[02/21/24 House: VOTE: Block Vote Passage \(100-Y 0-N\)](#)

02/26/24 Senate: Enrolled

02/26/24 Senate: Bill text as passed Senate and House (SB112ER)

02/26/24 House: Signed by Speaker

02/28/24 Senate: Signed by President

03/11/24 Senate: Enrolled Bill Communicated to Governor on March 11, 2024

03/11/24 Governor: Governor's Action Deadline 11:59 p.m., April 8, 2024

03/28/24 Governor: Approved by Governor-Chapter 229 (effective 7/1/24)

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 5.5, 6.19, as amended, 8.12, 10.1, 10.2, 10.3, as amended, and 12.7 of Chapter 213 of the Acts of Assembly of 1960, which provided a charter for the City of Colonial Heights, and to repeal §§ 10.4, 10.5, as amended, 10.6, as amended, and 12.8 of Chapter 213 of the Acts of Assembly of 1960, relating to city manager; city attorney; purchasing; capital improvements.

[S 112]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 5.5, 6.19, as amended, 8.12, 10.1, 10.2, 10.3, as amended, and 12.7 of Chapter 213 of the Acts of Assembly of 1960 are amended and reenacted as follows:

§ 5.5. Duties.

It shall be the duty of the city manager to: (a) attend all meetings of the council with the right to speak but not to vote; (b) keep the council advised of the financial condition and the future needs of the city and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable; (c) prepare and submit the annual budget to the council as provided in Chapter 6 of this charter and be responsible for its administration after its adoption; (d) prepare or have prepared in suitable form for publication and submit to the council not later than sixty days after the end of each fiscal year of the city a concise, comprehensive report of the financial transactions and administrative activities of the city government during the preceding fiscal year a report of the city's annual financial audit in the format and by the due date the Commonwealth of Virginia requires, and cause to be printed such number of copies thereof as the council shall direct; (e) present adequate financial and activity reports at each regular meeting of the council; and (f) perform such other duties as may be prescribed by this charter or required of him in accordance therewith by the council or which may be required of the chief executive officer of a city by the general laws of the Commonwealth other than the duties conferred on the mayor by this charter.

§ 6.19. Certification of funds.

No payment shall be made and no obligation incurred by or on behalf of the city except in accordance with an appropriation duly made, provided that the council shall have the power to authorize and direct and the making of expenditures and contracts for the expenditure of funds not appropriated in any budget for the then current fiscal year. No payment shall be made from or obligation incurred against any allotment or appropriation, except those of the School Board school board, unless the director of finance shall first certify determine that there is a sufficient unexpended and unencumbered balance in such allotment or appropriation to meet the same; provided that nothing herein shall be taken to prevent the advance authorization of expenditures for small purchases as provided in this charter. Every payment made in violation of the provisions of this charter shall be deemed illegal and every official who shall knowingly authorize or make such payment or knowingly take part therein and every person who shall knowingly receive such payment or any part thereof shall be jointly and severally liable to the city for the full amount so paid or received. If any officer, member of a board or commission, or employee of the city shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this charter or knowingly take part therein, such action shall be cause for his removal.

§ 8.12. Accounting control of purchasing.

All purchases made and contracts executed by the purchasing agent shall be pursuant to a written requisition, in such form as may be prescribed by the director of finance, from the head of the using agency whose appropriation is to be charged, or from the head of a bureau or other operating unit to whom such authority has been delegated in writing, filed with the purchasing agent; except as provided in subsection (f) of § 8.3 of this charter, by the head of the using agency. No purchase order made or contract entered into by the purchasing agent shall be valid unless there be endorsed thereon the certificate of the director of finance determines that there is an unexpended and unencumbered balance in the appropriation and allotment applicable thereto. Nothing herein, however, shall be taken to prevent the purchasing agent from making purchases from a store's revolving fund which the council is hereby authorized to establish, or from making sales from the stores to the several using agencies based on their requisitions, provided the director of finance certified determined that there is an unexpended and unencumbered balance in the appropriation to be charged.

Chapter 10.

Department of Law Office of the City Attorney.

57 § 10.1. Department of law *Office of the City Attorney.*

58 There shall be a department of law which shall consist of the city attorney and such assistant city
59 attorneys and other employees as may be provided by ordinance *an Office of the City Attorney, which*
60 *shall consist of the City Attorney and such Deputy and Assistant City Attorneys and other employees as*
61 *the City Council authorizes.*

62 § 10.2. Qualifications and, appointment, and compensation of the City Attorney.

63 The head of the department of law shall be the city attorney. He shall be an attorney at law licensed
64 to practice under the laws of the Commonwealth. He shall be chosen in the manner provided in § 10.5
65 *Office of the City Attorney shall be the City Attorney. The City Council shall appoint the City Attorney,*
66 *who shall be an attorney-at-law licensed to practice law in the Commonwealth of Virginia. The City*
67 *Attorney shall not be required to reside in the City when he is appointed or during his tenure as City*
68 *Attorney. The City Council shall determine the City Attorney's salary and other compensation.*

69 § 10.3. Powers and duties of the City attorney; powers and duties Attorney.

70 The city attorney shall (a) be the legal advisor of (1) the council, (2) the city manager, (3) the city
71 school board, and (4) all departments, boards, commissions, and agencies of the city, in all matters
72 affecting the interests of the city, and shall, upon written request, furnish a written opinion of any
73 question of law involving their respective official powers and duties; (b) at the request of the city
74 manager or any member of the council, prepare ordinances for introduction and at the request of the
75 council or any member thereof shall examine any ordinance after introduction and render his opinion as
76 to the form and legality thereof; (c) draw or approve all bonds, deeds, leases, contracts or other
77 instruments to which the city or city school board is a part or in which it has an interest; (d) have the
78 management and control of all the law business of the city and of the city school board and the
79 departments, boards, commissions and agencies thereof, or in which the city has an interest, and
80 represent the city and the city school board as counsel in any civil case in which it is interested and in
81 criminal cases in which the constitutionality or validity of any ordinance is brought in issue; (e) with the
82 approval of the council or of the city school board, as the case may be, institute and prosecute all legal
83 proceedings he shall deem necessary or proper to protect the interests of the city or the city school
84 board; (f) attend in person or assign one of his assistants to attend all meetings of the council and any
85 regular meeting of the city school board when requested by the Superintendent of Schools; (g) appoint
86 and remove such assistant city attorneys and other employees as shall be authorized by the council,
87 subject to the provisions of Chapter 9 of this charter as to employees in the classified service, and
88 authorize the assistant city attorneys or any of them or special counsel to perform any of the duties
89 imposed upon him in this charter; and (h) have such other powers and duties as may be assigned to him
90 by ordinance. The city attorney may, with the concurrence of the Commonwealth's Attorney, prosecute
91 misdemeanor violations of city ordinances not prosecuted by the Commonwealth's Attorney pursuant to
92 § 21.7 of this charter. The approval or withholding of approval by the city attorney in the matters
93 provided for in §§ 8.7 (c) and 8.7 (d) shall relate only to the legality of the proposed action. *The City*
94 *Attorney shall (1) be the legal advisor of the City Council, the City Manager, and all of the City's*
95 *departments, boards, commissions, and agencies, and he shall furnish to them written or oral opinions*
96 *concerning any questions of law involving their powers and duties; (2) upon request of the City*
97 *Manager or any City Council Member, prepare ordinances and resolutions for consideration; (3) draft*
98 *or approve all bonds, deeds, leases, contracts, or other documents to which the City is a party, and*
99 *review any other document in which the City has an interest; (4) manage all of the City's legal business*
100 *and either represent the City as counsel in any civil case in which the City is a party or arrange for*
101 *other legal counsel to represent the City; (5) with City Council approval, institute and litigate civil legal*
102 *proceedings he deems necessary or proper to protect the City's interests; (6) whenever practicable,*
103 *attend in person or have a Deputy or Assistant City Attorney attend City Council meetings; (7) employ*
104 *Deputy and Assistant City Attorneys and other employees that the City Council approves, contract with*
105 *special counsel, and authorize the Deputy or Assistant City Attorneys, or special counsel, to perform any*
106 *duties the City Attorney delegates to them; and (8) have any other power or duty that the City Council*
107 *assigns to him in an ordinance or resolution or which this Charter or general law imposes on him. The*
108 *City Attorney may, with the concurrence of the Attorney for the Commonwealth, prosecute misdemeanor*
109 *violations of the City Code which the Attorney for the Commonwealth does not prosecute.*

110 § 12.7. Contracts for capital improvement projects.

111 Whenever any capital improvement project is to be undertaken by the city or any department, board,
112 commission or agency thereof, including the school board, the department of public works shall cause
113 plans, specifications and estimates of cost of such capital improvement project to be made. The school
114 board and department of public utilities may utilize the services of the department of public works in
115 preparing plans, specifications and estimates of cost for capital improvement projects relating to their
116 respective functions but they may, in the discretion of the school board or director of public utilities, as
117 the case may be, cause such plans and specifications to be prepared by their own employees or by

118 architects and engineers engaged for the purpose. In the case of any capital improvement project, except
119 one relating to school buildings and grounds, if the estimate of cost is \$10,000 or less it may, in the
120 discretion of the city manager, be constructed either by contract or by the employees of the department
121 of public works or the department of public utilities, as the case may be. If the estimate of cost is more
122 than \$10,000, such capital improvement project shall, except as hereinafter provided, be constructed by
123 contract. No contract for any capital improvement project estimated to cost more than \$1000 shall be let
124 except upon sealed bids based on the plans and specifications prepared by the department of public
125 utilities, which bids shall be advertised for, received, opened and tabulated by the purchasing agent in
126 the manner and subject to the conditions prescribed by ordinance. The contract shall be awarded by the
127 purchasing agent to the lowest responsible bidder, provided that the city manager, when the estimated
128 cost of the capital improvement project is \$10,000 or less, and the council in all cases, may authorize
129 the rejection of all bids, instruct the purchasing agent to readvertise for bids with or without
130 modification of the plans and specifications for such capital improvement project or order the same to
131 be constructed by the department of public works or the department of public utilities, as the case may
132 be. A record of all bids, showing the names of the bidders and the amounts of the bids and indicating in
133 each case the successful bidder, together with the originals of all sealed bids and other documents
134 pertaining to the award of contracts, shall be preserved by the purchasing agent for six years in a file
135 which shall be open to public inspection during regular business hours. No capital improvement project
136 which is essentially a unit shall be divided for the purpose of evading the intent of this section.

137 *Before and during the construction of a capital improvement project, the city, and any of its*
138 *departments, offices, or other component entities administering the project, shall comply with the public*
139 *procurement requirements specified by general law and the Colonial Heights City Code. Also, before*
140 *and during the construction of a capital improvement project, the city school board shall comply with*
141 *the public procurement requirements specified by general law and any policies the school board has*
142 *adopted.*

143 **2. That §§ 10.4, 10.5, as amended, 10.6, as amended, and 12.8 of Chapter 213 of the Acts of**
144 **Assembly of 1960 are repealed.**