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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1972

ENROLLED

SENATE BILL NO. 172

(By Mr. McCourt, Mr. President)

PASSED MARCH 9 1972

In Effect FROM Passage



177

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE

THIS DATE 3-28-72

ENROLLED

Senate Bill No. 177

(By Mr. McCourt, Mr. President)

[Passed March 9, 1972; in effect from passage.]

AN ACT to amend article ten, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section one-a, relating to municipalities and providing that notwithstanding any charter provision to the contrary the governing body of every municipality shall have plenary power and authority by ordinance to authorize the mayor to employ an attorney or firm of attorneys as special municipal counsel to represent the municipality in connection with any legal matter or matters; and providing that the ordinance authorizing such employment shall be consent on behalf of the municipality to such attorney or firm of attorneys to represent other clients in other legal matters involving such municipality, but requiring such attorney or firm of attorneys to file with the recorder as a public record a statement of disclosure identifying such other client and the nature of the matter in controversy directly involving such municipality.

Be it enacted by the Legislature of West Virginia:

That article ten, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section one-a, to read as follows:

ARTICLE 10. POWERS AND DUTIES OF CERTAIN OFFICERS.

§8-10-1a. Authority to hire special counsel; consent to other representation.

- 1 Notwithstanding any charter provision to the contrary,
- 2 the governing body of every municipality shall have
- 3 plenary power and authority by ordinance to authorize
- 4 the mayor to employ within the limit of funds available
- 5 for such purpose, in lieu of or in addition to the municipal

6 attorney or municipal solicitor and any assistant municip-
7 al attorneys or assistant municipal solicitors, an attorney
8 or firm of attorneys as special municipal counsel to repre-
9 sent the municipality in connection with any legal matter
10 or matters. The ordinance authorizing such employment
11 shall be the consent on behalf of the municipality to such
12 attorney or firm of attorneys to represent other clients
13 in other legal matters involving such municipality, but
14 at the time of representation of any such other client in
15 any such other legal matter in controversy directly in-
16 volving such municipality, such attorney or firm of at-
17 torneys shall file with the recorder as a public record a
18 statement of disclosure identifying such other client and
19 the nature of the matter in controversy directly involving
20 such municipality.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Russell G. Beale
Chairman Senate Committee

Phyllis J. Rutledge
Chairman House Committee

Originated in the Senate.

To take effect from passage.

Howard W. Larson
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Ed Spawt
President of the Senate

Levin J. McNamee
Speaker House of Delegates

The within approved this the 17th
day of March, 1972.

Arthur A. Shreve, Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/17/72

Time 1:00 p.m.