LGA 2019 REGIONAL SEMINAR

The LGA 2019 Regional Seminar will take place on Friday, June 28, 2019, at the Stonewall Jackson Hotel & Conference Center in beautiful downtown Staunton. Originally opened in 1924, restored in 2005, and recently renovated in 2018, the Stonewall Jackson Hotel is a perfect venue for the LGA’s premiere summer event. Topics at this year’s Regional Seminar will include code violations, employment law, a legislative update from the 2019 General Assembly session, and a 2.0 MCLE session on Ethics. Breakfast, lunch, and snacks are included in your registration fee. For more information, please visit the website at www.lgava.org, and click on “Conferences” in the navigation bar. Don’t wait as the registration deadline is Friday June 21!

CALL FOR NOMINATIONS
LGA Awards and Recognition Committee

The LGA Awards and Recognition Committee is now soliciting nominations for the following awards and recognitions to be presented at the LGA Fall 2019 Conference, which will be held from October 24 to 26, 2019, at the Kingsmill Resort in Williamsburg. For each of the awards, please send your nomination(s) to LGA
Awards and Recognition Committee Chair Eric A. Gregory (eric@heftywiley.com). Please state the reasons you believe the nominee should receive the award, along with any other pertinent information. All nominations must be received by Monday, July 15, 2019. For more information about these awards and recognitions, go to the LGA website (www.lgava.org) and click on the “Awards & Recognitions” button.

Edward J. Finnegan Distinguished Service Award

The Edward J. Finnegan Distinguished Service Award was created specifically to recognize the important contributions that staff attorneys make to the Commonwealth. The purpose of this award is to recognize a person within or without the LGA who has made significant contributions to local government law or to the LGA. All LGA members are encouraged to make nominations. Please note, however, that current LGA officers and board members are ineligible for the award.


David P. Bobzien Pro Bono Award

Established in 2010, and renamed in 2018, the LGA created this award to encourage and recognize the creative contribution by a member of the LGA to the provision of pro bono representational and nonrepresentational legal services. Attorneys employed by a current member of the LGA who have demonstrated one or more of the relevant criteria in a manner of particular relevance and application for the practice of local government law are encouraged to send their name(s), position(s), and dates of local government service to LGA Awards and Recognition Committee Chair. The LGA intends to rely solely on voluntarily submitted information for making these awards.

Special Project Award

The LGA recognizes, as appropriate, at its Fall and Spring Banquets, its members who have performed work on an LGA project or any other project of significant importance to the LGA or to local government generally. The purpose of the award is to encourage greater service to the LGA and/or to local government. An eligible attorney or project will have made significant contributions based on the evidence of effectiveness and success.
of the project, including scope, importance, and duration of benefits derived by the LGA or local government, and membership involvement. The level of difficulty in implementing and/or sustaining the project will also be a consideration. Examples of past types of such work include the recodification of Title 15.1, the Report of the LGA on Local Government Structure, the LGA Economic Development Incentives Project, the LGA Ad Hoc Committee on Noise Ordinances, and the Ad Hoc Committee on Public Demonstrations.

**Local Government Service Recognition**

The LGA annually recognizes its members who have completed 15, 20, 25, and 30 or more years of local government service. Eligibility is limited to those members who have served these periods in full-time local government employment or, if part-time, have served as general counsel for a local government. Those who qualify for this recognition should send their name, position(s), and dates of local government service to LGA Awards and Recognition Committee Chair. *The LGA intends to rely solely on voluntarily submitted information for making these recognitions.*

**Retiree Recognition**

Since 2005, the LGA has semiannually recognized its members who are retiring after 15 or more years of service to a county, city, or town. A retiree is eligible for this recognition if he or she either (1) has been employed full-time by a county, city, or town for at least 15 years, or (2) has served as chief legal counsel of a county, city, or town for at least 15 years. Those who qualify for this recognition should send their name, position(s), and dates of local government service to LGA Awards and Recognition Committee Chair. *The LGA intends to rely solely on voluntarily submitted information for making these recognitions.*

**In Memoriam Recognition**

When an LGA member passes, friends and colleagues of the deceased are invited to notify the chair of the Awards and Recognition Committee. At a minimum, such notification should state the decedent’s name, date of death, and the jurisdiction(s) he or she most recently served, along with any other pertinent information (including, but not limited to, a reference to an obituary). The past year’s deceased LGA members will be remembered at each Fall Conference as part of the banquet. *The LGA intends to rely solely on voluntarily submitted information for making these recognitions.*

**MEMBER NEWS**

Effective May 1, 2019, Dennis A. Walter began serving as Hanover County Attorney. Walter replaces Sterling Rives, who retired effective March 1, having served in that position for more than 31 years. As Dennis noted, while he “may be taking Sterling’s
former position . . . nobody can replace Sterling Rives.” Walter has spent his career in public service. After receiving his undergraduate and graduate degrees, including St. John’s University School of Law, Walter spent three years with the New York City Law Department. Then, from November 1999 to September 2001, Walter worked as a staff attorney for the Virginia Division of Legislative Services, after which Sterling hired Walter as an Assistant County Attorney, and later became Deputy County Attorney in August 2014.

Rockingham County recently hired two new Assistant County Attorneys: Sheila Paladino and Bethany Gordon. Sheila can be reached at spaladino@rockinghamcountyva.gov and Bethany can be reached at bgordon@rockinghamcountyva.gov. Sheila and Bethany have joined Thomas Miller (County Attorney) and Kim Gutterman (Assistant County Attorney) in the office.

In February 2019, the General Assembly elected the former Assistant County Attorney in Rockingham, Rachel E. Figura, to be a new judge in the Harrisonburg/Rockingham Juvenile and Domestic Relations District Court, effective May 1, 2019. A 1995 graduate of Stuart Hall School in Staunton, a 1999 graduate of the University of Georgia, and a 2002 graduate of the New England School of Law, Judge Figura had spent the past 12 years as Assistant County Attorney.

IN MEMORIAM

Paul C. Stamm Jr., the Town Attorney of Kilmarnock, passed away on December 28, 2018. In addition to having a private law practice, Chris had served as Town Attorney for nearly 25 years. Memorials may be made to White Stone Baptist Church Scholarship Fund, P.O. Box 45, White Stone, VA 22578.

RECENTLY PUBLISHED OPINIONS

The Bill of Particulars often discusses cases and opinions that are so new that they do not yet have an official citation when the Bill goes to press. For your convenience, below is a list of citations to recently published decisions that were discussed in past issues of the Bill.


VIRGINIA SUPREME COURT

EMINENT DOMAIN • JUST COMPENSATION • FINAL ORDER
APPEAL • TIMELINESS


HOLDING: The order confirming the award of just compensation was a final order that triggered the 30-day period governing a notice of an appeal.

DISCUSSION: A landowner challenged a just compensation award of $762,240 for 5.4 acres that were taken by the Town of Culpeper via eminent domain for the purpose of road construction. Condemnation actions occur in two stages, with the first being an order of just compensation and the second involving the distribution of funds. Here, the just compensation order was signed on September 11, 2017, and the order distributing funds was issued on November 7, 2017. The landowner filed his appeal on November 30, 2017, and the Town moved to dismiss the appeal as untimely.

The court held that the just compensation order on September 11, 2017, was a final order, subject to a 30-day window for appeal. See Va. Sup. Ct. R. 5:9(a). The landowner argued that because this order contained the phrase “the Court shall retain jurisdiction,” it did not constitute a final order. However, this language served only to retain the circuit court’s jurisdiction for the second stage of the proceeding, the distribution of funds. Virginia Code § 25.1-239(A) clearly states that the just compensation order in an eminent domain case “shall be final,” which signals the General Assembly’s clear intent to provide for the finality of this order. Consequently, each of the two proceedings in a condemnation action is separate and distinct, and thus each can be appealed separately from the other.

Therefore, the court dismissed the landowner’s appeal as untimely.
HOLDING: A municipality is eligible to receive an oyster-planting ground lease transfer as a “corporation” pursuant to § 28.2-625(1) of the Code of Virginia.

DISCUSSION: The City of Virginia Beach (the “City”) appealed the decision of the Virginia Marine Resources Commission (VMRC) to reject its application to receive the transfer of an oyster-planting ground lease for a section of the Lynnhaven River. The City had sought to acquire the lease in order to advance a dredging project. Virginia Code § 28.2-604 identifies three types of entities eligible to apply for oyster-planting ground leases: “(i) any resident of the Commonwealth, (ii) any county, municipality, or political subdivision of the Commonwealth, or (iii) any firm, or corporation chartered under the laws of this Commonwealth for the purpose of oyster culture.” Once granted, leases are transferable pursuant to Code § 28.2-625(1), which specifies that “[t]he transfer or assignment may be made only to a resident of the Commonwealth, or a firm or corporation authorized by Virginia laws to occupy and hold oyster-planting ground.” The circuit court affirmed the VMRC’s decision, and the City appealed.

The court held that the City was eligible to receive the oyster-planting ground lease transfer. The VMRC argued that because the General Assembly included the term “municipality” in Code § 28.2-604 but omitted it from Code § 28.2-625, the City was not eligible to receive the transfer. But the court noted that municipalities fall within the broad category of “firm or corporation” as used in Code § 28.2-625(1) because a “City” is an “independent incorporated community,” according to Code § 15.2-102, and, in other statutes, the General Assembly has expressly excluded municipalities from the term “corporation” when necessary. The context also signaled that the word “corporation” in Code § 28.2-625(1) was used more broadly than in Code § 28.2-604(iii), where it applied only to those corporations that were “chartered under the laws of this Commonwealth for the purpose of oyster culture.” According to the court’s reading of the statutes, “[t]he plain language of Code § 28.2-625(1) regarding entities authorized ‘to occupy and hold oyster-planting ground’ includes not only the specific subset of corporations listed in Code § 28.2-604(iii), but also
Therefore, the court reversed the circuit court’s ruling and remanded the case.

WORKERS’ COMPENSATION • POLICE OFFICER • SUSPECT INTERVIEW • RUN FOR COVER DUE TO SUDDEN STORM


HOLDINGS: A police officer’s injuries were not compensable under workers’ compensation because (1) her injuries did not arise out of her employment; (2) the nature of the officer’s employment did not collaborate with a force of nature to cause her injuries; and (3) the statute pertaining to weather and a public safety officer’s employment did not render the officer’s injuries compensable.

DISCUSSION: A City of Danville Police Officer (the “Officer”) sought workers’ compensation benefits after suffering knee and back injuries when she partially slipped on wet grass while fleeing for cover during a quickly occurring rain storm. The Officer had been interviewing a suspect on a porch, but sought cover when the storm rolled in. The Virginia Workers’ Compensation Commission’s Deputy Commissioner denied the Officer benefits, finding that her injuries did not arise out of her employment. Upon review by the Commission, all but one Commissioner found that the injuries were not compensable because the Officer “had ceased and suspended the work-related tasks at the time of the injury.” The Officer appealed.

The court held first that the Officer’s injuries did not arise “out of and in the course of the employment.” The Officer argued that the risk of her slipping on wet grass was an employment-related risk because her employment duties brought her to that location in order to interview a suspect where she was subjected to a blinding rain storm. But the court sided with the Commission’s finding that her purpose for leaving the porch was to seek cover from the weather, rather than “to chase the suspect or to accomplish an employment-related task.”

The court held second that the nature of the Officer’s employment did not collaborate with natural forces to cause her injuries. “[W]hen the nature of the employment . . . brings into existence a special or peculiar risk to the disastrous forces of nature, the injury . . . may be compensated as a risk of the employment.” Va. Emp’t Comm’n v. Hale, 43 Va. App. 379, 385, 598 S.E.2d 327, 330 (2004). To recover under this theory, an employee “must prove that the employment activity in which she was engaged exposed her to the injurious risk to an extent to which people were not ordinarily exposed, and thus caused her injuries.” Id. at 384-85, 598
S.E.2d at 330. Here, there was no evidence that the Officer was required to be outside while interviewing the suspect; rather, she chose that spot instead of her patrol car, and was then “exposed to the risk of being injured due to the bad weather to the exact same extent as any member of the general public who decided to move indoors after being caught in a storm.”

The court held third that Virginia Code § 65.2-301.1 did not render the Officer’s injuries compensable. This section states that “where weather constitutes a particular risk of a public safety officer’s employment and where the public safety officer’s injury arose out of and in the course of his employment . . . such injury shall be compensable.” The court stressed that the use of the conjunction “and” meant that both clauses must have been satisfied. Here, since the court had already held that the Officer’s injuries did not arise out of her employment, this section was of no help to her claims.

Therefore, the court affirmed the Commission’s ruling that the Officer’s injuries were not compensable.

WORKERS’ COMPENSATION • SLIP-AND-FALL • STRUCTURE OR MECHANICAL CHANGE • SHOULDER INJURY


HOLDING: The teacher’s classroom slip-and-fall shoulder injury was compensable, despite failing to show a structural or mechanical change to her shoulder.

DISCUSSION: An Alexandria City Public School teacher sought workers’ compensation benefits after a slip-and-fall in her classroom, resulting in numerous injuries to her right side. Subsequent imaging of her shoulder showed no abnormal results, and doctors concluded that her shoulder pain was nerve related. The Virginia Workers’ Compensation Commission’s Deputy Commissioner awarded the teacher temporary total disability benefits and lifetime medical benefits. This decision was affirmed by a full Commission review. The City appealed.

The court held that the teacher’s shoulder injury was compensable. The employer did not contest whether the teacher’s shoulder injury was related to the fall; instead, the employer argued that it was not compensable because there were no structural or mechanical changes to the shoulder itself. Yet “a claimant does not need to prove a structural or mechanical change in every body part affected by an obvious accident as long as there is at least one sudden mechanical or structural change and each injury is caused by the accident.”

Therefore, the court affirmed the Workers’ Compensation Commission’s decision of compensability.
HOLDINGS: (1) Both the district-specific and city-wide noise control code provisions were enforceable. (2) For the purpose of overcoming the motion to dismiss, the opera singer adequately alleged that the noise control code did not survive intermediate scrutiny, and (3) was unconstitutionally vague. (4) The opera singer failed to adequately allege that the provisions were overbroad.

DISCUSSION: An opera singer performing on a public sidewalk in the City of Alexandria, Virginia (the “City”), brought claims against the City following her arrest for violating certain noise control ordinances. She was performing in the central business district, where the City Code prohibits sound generation at a volume of 75 or more decibels at a distance of 10 feet or greater away, specifying also that “[a]ny sound that is plainly audible above the background noise level . . . at a distance greater than 50 feet . . . shall be presumed to exceed 75 db(A) at 10 feet of distance.” City Code § 11-5-4.1(c). The plaintiff used a portable speaker and took precautions to ensure that she did not exceed this threshold volume level. Nevertheless, City Officers arrested her under the more general city-wide provisions, which prohibit, among other things, “[t]he using or operating of any . . . machine or device for the producing or reproducing of sound . . . in such manner as to disturb unreasonably the comfort, health, peace, safety, or welfare and environment of the neighboring inhabitants.” City Code § 11-5-4(b)(2). The City moved to dismiss the plaintiff’s claims that the Noise Control Code violated the First Amendment’s Free Speech Clause and was unconstitutionally vague and overbroad.

The court held first that people making noise in the central business district of Alexandria were subject to both the district-specific and city-wide Noise Control Code provisions. The text of the district-specific provision begins with a clause reading: “Notwithstanding any conflicting provision of this chapter or other lawY.” City Code § 11-5-4.1(a). The City Council’s intentional use of the term “conflicting” indicated “strong evidence that it wished to displace the city-wide provisions only where strictly necessary.”

The court held second that, assuming the plaintiff’s allegations were true, the Noise Control Code (the “Code”) might not survive intermediate scrutiny. Her complaint adequately alleged that the Code was not narrowly tailored to serve a significant governmental interest, and it did not leave open ample alternative channels for communication. Regarding the
issue of alternative channels, the City argued that the decibel threshold level left individuals with the option of lowering their volume to comply. The court was unpersuaded, given that the plaintiff’s arrest was premised on the alleged violation of the more general, city-wide ordinance. The City also argued that the Code’s provision for allowing a speaker to apply for a permit with the City Manager provided a sufficient alternative channel, but this left the City Manager with a large degree of discretion as to whether to grant a permit, and resolving this question required further development of the record and, therefore, could not be resolved at this stage.

The court held third that the plaintiff adequately alleged that the Noise Control Code included some provisions employing vague, standardless language that might fail to satisfy the notice and separation-of-powers principles undergirding the vagueness doctrine, and that it contained multiple and overlapping types of noise regulations that might prove difficult for laymen to understand.

The court held fourth that the plaintiff did not adequately allege that the Noise Control Code was unconstitutionally overbroad. To satisfy this burden, a plaintiff must show that the challenged law “‘reaches a substantial number of impermissible applications’ and . . . is ‘not only . . . real, but substantial as well.’” According to the court, “overbreadth is only used as a last resort,” and that here, the plaintiff “has failed to satisfy her pleading burden.”

Therefore, the court denied the City’s motion to dismiss the First Amendment and vagueness claims but granted the City’s motion to dismiss the overbreadth claim.

---

U.S. SUPREME COURT

FALSE CLAIMS ACT • RELATOR SUIT • STATUTE OF LIMITATIONS • DISCOVERY RULE


**HOLDINGS:** (1) The False Claims Act’s limitations period applies to relator-initiated suits in which the government has declined to intervene. (2) The relator could not be considered a United States official for the purpose of applying the statute’s discovery rule.

**DISCUSSION:** A relator brought a qui tam suit against two defense contractors, alleging that they had violated the False Claims Act (FCA) by defrauding the U.S. Department of Defense for work they had performed in Iraq from some time prior to January 2006 until early 2007. The FCA’s statute of limitations provides that “[a] civil action . . . may not be brought—(1) more than 6 years after the date on which the
violation . . . is committed, or (2) more than 3 years after the date when facts material to the right of action are known or reasonably should have been known by the official of the United States charged with responsibility to act in the circumstances, but in no event more than 10 years after the date on which the violation is committed, whichever occurs last." 31 U.S.C. § 3731(b). Here, the relator filed his complaint in November 2013, and claimed to have revealed the contractors’ allegedly fraudulent activity to federal agents just under three years earlier. The district court dismissed the action, and the Eleventh Circuit Court of Appeals reversed. Given a conflict among Courts of Appeals in interpreting this subsection, the Supreme Court granted certiorari.

The Court held first that relator-initiated, nonintervened suits are subject to the limitations periods in 31 U.S.C. § 3731(b). The contractors argued that subsection (2) did not apply to nonintervened suits because starting a limitations period when the party entitled to bring a claim learns the relevant facts was the default rule of tolling provisions, so this clause should be read to apply only when the government is a party. However, the Court emphasized that a relator-initiated, nonintervened suit is a “civil action under section 3730,” thus, “[w]hatever the default tolling rule might be, the clear text of the statute controls this case.”

The Court held second that the statutory text provided no basis to support the contractors’ reasoning that the relator in a nonintervened suit should be considered “the official of the United States charged with responsibility to act in the circumstances.” In the words of the Court, “a private relator is not an ‘official of the United States’ in the ordinary sense of that phrase . . . [and] § 3731(b)(2)’s use of the definite article ‘the’ suggests that Congress did not intend for any and all private relators to be considered ‘the official of the United States.’”

Therefore, the Court affirmed the Eleventh Circuit’s ruling to reverse the district court’s decision to dismiss the action and remand the case for further proceedings.

ATTORNEY GENERAL’S OPINIONS

The following is the summary of recent Attorney General’s Opinion that may be of interest to local government attorneys. As far as possible, we have indicated both the subject of the opinion and the conclusion reached by the Attorney General. If you would like a copy of the opinion summarized here, it is available for review and downloading, in PDF format, from the Attorney General’s website. Go to www.oag.state.va.us (look under “Citizen Resources,” then “Opinions and Legal Resources,” and then “Official Opinions”) or just click on the hyperlinked opinion number at the conclusion of the summary below.
Whether a petition for a referendum to change municipal election dates is legally sufficient if it does not designate an election cycle as described in § 24.2-222.1(B) of the Code of Virginia.

A petition has been filed with the Clerk of the Chesapeake Circuit Court pursuant to Code § 24.2-684.1, seeking a referendum to be held on November 5, 2019, on the question of whether to move the mayoral, city council, and school board elections from the May general elections to the November general elections. Following a successful petition, the statute provides that the question to be placed on the ballot must identify an election cycle “in even-numbered or odd-numbered years or as otherwise designated in the petition.”

Here, however, the referendum question as stated on the petition filed with the Clerk does not designate an election cycle. Whether this omission invalidates the petition is a question for “the court or authority” reviewing the petition.” Code § 24.2-684.1(9) provides that “[i]f the court or authority finds that the filed petitions are valid and sufficient under law, it shall proceed, as provided by law, to order or call for the referendum election. If the court or authority finds that the filed petitions are invalid for any cause, the petitions and the signatures on them shall be invalid for all purposes.”

Attorneys General historically have declined to render advisory opinions when the request “requires the interpretation of a matter reserved to another entity . . . .” Because the final determination of the validity of the referendum petition lies with the court, the Attorney General declines to render an opinion on whether the petition is invalid.


POSITIONS AVAILABLE

HANOVER COUNTY
ASSISTANT COUNTY ATTORNEY II
or
SENIOR ASSISTANT COUNTY ATTORNEY

The Hanover County Attorney’s Office seeks qualified applicants for an Assistant County Attorney II or Senior Assistant County Attorney position, depending on candidate qualifications and experience. The successful candidate will assist the County Attorney
and Deputy County Attorney in providing a wide range of legal services to the Board of Supervisors, the School Board, constitutional officers, the Pamunkey Regional Library, and County departments, boards, and agencies. Duties include drafting and reviewing contracts, ordinances, resolutions, and other legal documents; litigating cases before administrative agencies and state and federal courts; performing legal research; and providing legal advice. The successful candidate may be responsible for assigning projects and reviewing the work product of legal assistants. Interested applicants can find more information on the opening, including how to apply for the position, at www.governmentjobs.com/careers/hanovercountyva/jobs/. The salary range for this position is $77,748 to $104,000. Applications are due by 11:59 PM on June 21, 2019.

PRINCE GEORGE COUNTY
COUNTY ATTORNEY

The Prince George County Attorney reports directly to the Board of Supervisors and represents the County in all civil legal matters involving the County. The County Attorney provides advise to the Board of Supervisors, the County Administrator, and all boards, departments, agencies, officials and employees of the County. This position is also responsible for drafting ordinances, resolutions, and other legal documents and defending and initiating court actions in which the County or its employees are a party. The County Attorney prosecutes violations of the Uniform Statewide Building Code, the Statewide Fire Prevention Code, and the County’s Zoning Ordinance. The County Attorney attends meetings of the Board of Supervisors and other County boards when necessary and assists with preparation of the County’s legislative requests for the General Assembly. The office also includes an Assistant County Attorney.

Applicants must have graduated from an accredited law school with a minimum of five years of experience as a practicing attorney in the area of local government law in Virginia. Applicants must be licensed to practice law in the Commonwealth of Virginia. The County would expect to be the sole client of any applicant that seeks to apply for the position. Salary and work schedule is negotiable. Applicants should submit their salary request when applying for the position. An online Prince George County Employment Application is required for consideration and is available at https://www.governmentjobs.com/careers/princegeorgeva. The position will be open until filled. EOE.

TOWN OF LEESBURG
DEPUTY TOWN ATTORNEY

The Town of Leesburg is seeking qualified applicants to fill the position of Deputy Town Attorney. The successful candidate will assist the Town Attorney in providing legal counsel and advice to the Mayor and Town Council, Town departments, and Town committees, and commissions. Duties touch upon all phases of local government legal work including land use, opinion writing, legal research, and drafting ordinances.
and resolutions; drafting and reviewing contracts; drafting deeds and leases and other documents related to real estate transactions, employment law; responding to requests under the Virginia Freedom of Information Act, public procurement, local taxation and zoning enforcement which may include occasional trial practice predominately in the local general district court. The successful candidate will also become the primary attorney responsible for the representation of the Leesburg Planning Commission and the Leesburg Board of Architectural Review (BAR) and is expected to attend all evening meetings of the Leesburg Planning Commission and meetings of the BAR (which are on an as-needed basis).

The successful candidate must possess a Juris Doctorate from an accredited law school, a license to practice law in the Commonwealth of Virginia, and be in good standing with the Virginia State Bar. Being licensed to practice law in the Commonwealth of Virginia and having actively practiced law for at least five years is required. Professional legal experience representing local government clients and/or land use experience is preferred. The salary range for this position will be $86,040 to $147,299 and commensurate with experience. The Town of Leesburg has a robust benefits package.

To apply, YOU MUST submit a Town of Leesburg employment application at: https://www.leesburgva.gov/government/departments/human-resources/job-op. Please also submit a résumé and two legal writing samples (client or court work products) by mail to Town of Leesburg, Town Attorney’s Office, 25 West Market St., Leesburg, VA 20176, or via email to csmith@leesburgva.gov. Applications will be accepted until the position is filled; however, to ensure immediate consideration, please submit the Town’s application and the additional materials via electronic or regular mail with postmark no later than June 31, 2019, at 11:59 p.m.

TOWN OF HERNDON
ASSISTANT/DEPUTY TOWN ATTORNEY

The Herndon Town Attorney’s Office seeks applicants for a position as an Assistant or Deputy Town Attorney. The successful candidate will provide legal services to Town departments, agencies, and Town Council in a wide variety of practice areas particular to local government. Duties may involve litigation, prosecution, and code enforcement, including proceedings concerning violations of the Town Code, proceedings pertaining to regulatory matters, and other administrative proceedings. Duties may also involve general business matters, including drafting and negotiating contracts, leases, and franchise agreements, the acquisition and sale of real property, and providing advice regarding and interpretation of contracts, codes, statutes, regulations, ordinances, and policies. The position focuses in the areas of real estate transactions, land use, and land development. Admission to the Virginia State Bar, in good standing, and at least five years of experience in the practice of Virginia
law are required; local government experience is preferred. The position and salary will be commensurate with experience and qualifications. The salary range is $85,000 to $115,000 and includes a generous benefits package. The position will remain open until filled. For more information and to apply, please visit www.herndon-va.gov/jobs.

GUYYN, WADDELL, CARROLL & LOCKABY, PC
ASSOCIATE ATTORNEY

Guynn, Waddell, Carroll & Lockaby, PC, a boutique law firm specializing in local government law and located in downtown Salem, Virginia, seeks an attorney to join its growing local government practice. The firm is seeking an attorney with three to seven years of experience and a strong interest in representing and advising local and state government entities. Ideally, such a person would have experience in some of the following areas: personnel, real estate, contracts, land use, or civil rights law. Prior experience in local government law is preferred but not required. Attorneys with either transactional or litigation focus are welcome to apply. Candidate must either be a member of the Virginia State Bar or be able to obtain a license before beginning work. Salary will depend upon qualifications and will include full benefits. Please express interest by sending a résumé, cover letter, and writing sample to Guynn, Waddell, Carroll & Lockaby, PC, Attn: Jim Guynn, Managing Partner, 415 S. College Avenue, Salem, VA [Tel: (540)387-2320; Fax: (540)389-2350; Email: lindau@guynnwaddell.com]. This position will remain open until filled. EOE/Drug Free Workplace.

AUGUSTA COUNTY
ASSISTANT COUNTY ATTORNEY

The County of Augusta is accepting applications for the position of Assistant County Attorney. The Assistant County Attorney serves as assistant to the County Attorney in providing general legal services for the Board of Supervisors, county administration, and all other boards, commissions, and agencies of the County. This position will be assisting in the handling of all legal matters, including court representation, drafting of legal opinions, ordinances, and contracts, and advising County staff on legal matters. The preferred candidate will have graduated from an accredited law school and will have a minimum of two years of experience as a practicing attorney, a considerable amount of which shall have been in the practice of local government law or any equivalent combination of experience and training. The candidate must be licensed to practice law in the Commonwealth of Virginia and must be admitted to practice before the Virginia Supreme Court or federal district courts, or be able to obtain admission within two months of employment. The starting salary range is $60,445 to $93,946, depending upon qualifications. Benefits include VRS retirement, group life insurance, health insurance, other voluntary benefits,
and paid time off leave. The County application can be downloaded from the County’s website at www.co.augusta.va.us. Please send the completed County application and résumé to County of Augusta, Attn: Human Resources Office, P. O. Box 590, Verona, VA 24482-0590 [Tel: (540)245-5617; Fax: (540)245-5175]. This position will remain open until filled. EEO.
<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Address</th>
<th>Phone</th>
<th>Fax</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>RODERICK B. WILLIAMS</td>
<td>President</td>
<td>Frederick County Attorney 107 North Kent Street, 3rd Floor Winchester, VA 22601 Tel (540)722-8383 • Fax (540)667-0370 <a href="mailto:rwillia@co.frederick.va.us">rwillia@co.frederick.va.us</a></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TIMOTHY R. SPENCER</td>
<td>Vice President</td>
<td>Roanoke Senior Assistant City Attorney 215 Church Avenue SW, Room 464 Roanoke, VA 24011 Tel (540)853-2431 • Fax (540)853-1221 <a href="mailto:timothy.spencer@roanokeva.gov">timothy.spencer@roanokeva.gov</a></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LOLA RODRIGUEZ PERKINS</td>
<td>Treasurer</td>
<td>Hampton Senior Deputy City Attorney 22 Lincoln Street Hampton, VA 23669 Tel (757)727-6127 • Fax (757)727-6788 <a href="mailto:lroperkins@hampton.gov">lroperkins@hampton.gov</a></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MICHELLE R. ROBL</td>
<td>Secretary</td>
<td>Prince William County Attorney One County Complex Court Prince William, VA 22192 Tel (703)792-6620 • Fax (703)792-6633 <a href="mailto:mrobl@pwcgov.org">mrobl@pwcgov.org</a></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ANDREW H. HERRICK</td>
<td></td>
<td>Albemarle Deputy County Attorney 401 McIntire Road, Suite 325 Charlottesville, VA 22902 Tel (434)972-4067 • Fax (434)972-4068 <a href="mailto:aherrick@albemarle.org">aherrick@albemarle.org</a></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HELIVI L. HOLLAND</td>
<td></td>
<td>Suffolk City Attorney 442 W. Washington Street, Suite 2117 Suffolk, VA 23434 Tel (757)514-7130 • Fax (757)514-7149 <a href="mailto:hholland@suffolkva.us">hholland@suffolkva.us</a></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>KELLY J. LACKEY</td>
<td></td>
<td>Chesapeake Deputy City Attorney 306 Cedar Road, 6th Floor Chesapeake, VA 23222 Tel (757)382-6586 • Fax (757)382-8749 <a href="mailto:klackey@cityofchesapeake.net">klackey@cityofchesapeake.net</a></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MARK C. POPOVICH</td>
<td></td>
<td>Guynn, Waddell, Carroll &amp; Lockaby, P.C. 415 S. College Avenue Salem, VA 24153 Tel (540)387-2320 • Fax (540)389-2350 <a href="mailto:markp@guynnwaddell.com">markp@guynnwaddell.com</a></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>REBECCA B. RANDOLPH</td>
<td></td>
<td>Hanover Senior Assist. County Attorney 7516 County Complex Road Hanover, VA 23069 Tel (804)365-6035 • Fax (804)365-6302 <a href="mailto:rbrandolph@hanovercounty.gov">rbrandolph@hanovercounty.gov</a></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OLAUN A. SIMMONS</td>
<td></td>
<td>Manassas Assistant City Attorney Vanderpool Frostick &amp; Nishanian PC 9200 Church Street, Suite 400 Manassas, VA 20110 Tel (703)369-4738 • Fax (703)369-3653 <a href="mailto:osimmons@vfnlaw.com">osimmons@vfnlaw.com</a></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ERIN C. WARD</td>
<td></td>
<td>Fairfax Deputy County Attorney 12000 Government Center Parkway Suite 549 Fairfax, VA 22035-0064 Tel (703)324-2421 • Fax (703)324-2665 <a href="mailto:erin.ward@fairfaxcounty.gov">erin.ward@fairfaxcounty.gov</a></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LEISA J. YEATTS</td>
<td></td>
<td>Herndon Town Attorney 777 Lynn Street Herndon, VA 20172 Tel (703)435-6800 • Fax (703)435-1034 <a href="mailto:lesa.yeatts@herndon-va.gov">lesa.yeatts@herndon-va.gov</a></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TARA A. Mcgee</td>
<td>Immediate Past President</td>
<td>Goochland County Attorney 1800 Sandy Hook Road, Suite 310 Goochland, VA 23063 Tel (804)556-5877 • Fax (804)556-4369 <a href="mailto:tmcgee@goochlandva.us">tmcgee@goochlandva.us</a></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Administrative Services Provider
Easter Associates, Suite 227, 1011 East Main Street, Richmond VA 23219

SUSAN W. CUSTER
Administrative Director
Tel (804)643-4433
susan.custer@lgava.org
The Bill of Particulars (Bill) is published each month by the Local Government Attorneys of Virginia, Inc. (LGA). The LGA through the Bill distributes to its members content published or supplied by third parties and LGA members. Any summaries, opinions, advice, statements, services, offers, or other information or content expressed or made available in the Bill are those of the respective author(s) or third-party distributor(s) and not of the LGA. Neither the LGA nor any third-party provider of information guarantees the accuracy, completeness, or usefulness of any content. The LGA neither endorses nor is responsible for the accuracy or reliability of any opinion, summary, advice, or statement made in the Bill. It is the responsibility of the reader to evaluate the accuracy, completeness, or usefulness of any information, opinion, summary, advice, or other content available through the Bill.

STEVEN G. FRIEDMAN, EDITOR
National Legal Research Group, Inc.
2421 Ivy Road, Suite 100
Charlottesville, Virginia 22903-4673
Tel: 800/727-6574 • Fax: 434/817-6570
sfriedman@nlrg.com

©2019 by the Board of Directors of the
Local Government Attorneys of Virginia, Inc.