

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1592

Short Title: New Bern City Attorney Duties.

(Local)

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Sponsors: Representatives Nichols; Wainwright and Edwards.

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Referred to: Local and Regional Government I.

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May 25, 1994

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THE DUTY OF THE CITY ATTORNEY OF THE CITY OF  
2 NEW BERN WHEN AN INSURANCE CARRIER CAN PROVIDE DEFENSE TO  
3 THE CITY.  
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5 The General Assembly of North Carolina enacts:

6 Section 1. Section 31 of Chapter 1281 of the Session Laws of 1957, being  
7 the Charter of the City of New Bern, reads as rewritten:

8 "Sec. 31. **City Attorney.** The city attorney shall be an attorney at law who shall  
9 have practiced in the State of North Carolina for at least two years. He shall be the  
10 chief legal adviser of and attorney for the city and all departments and officers thereof  
11 in matters relating to their official powers and duties. It shall be his duty, either  
12 personally or by such assistants as he may designate, to perform all services incident to  
13 the department of law; to attend all meetings of the board of aldermen, unless excused  
14 by the mayor; to give advice in writing, when so requested, to the board of aldermen or  
15 city manager; to prosecute or defend, as the case may be, all suits or cases to which the  
16 city may be a ~~part~~-party, except litigation in which the city is a defendant, has adequate  
17 liability insurance, and is defended by counsel employed by the insurance carrier, which  
18 said decision shall be made by the board of aldermen in its sole discretion; to prepare all  
19 contracts, bonds and other instruments in writing in which the city is concerned, and to  
20 endorse on each his approval of the form and correctness thereof; and to perform such  
21 other duties of a legal nature as the board of aldermen may require. In addition to the  
22 duties imposed upon the city attorney by this Charter or required of him by ordinance or  
23 resolution of the board of aldermen, he shall perform any duties imposed upon the chief  
24 legal officers of municipalities by law."

1           Sec. 2. This act is effective upon ratification.