

GENERAL ASSEMBLY OF NORTH CAROLINA  
1993 SESSION

CHAPTER 629  
HOUSE BILL 1592

AN ACT TO CLARIFY THE DUTY OF THE CITY ATTORNEY OF THE CITY OF  
NEW BERN WHEN AN INSURANCE CARRIER CAN PROVIDE DEFENSE TO  
THE CITY.

The General Assembly of North Carolina enacts:

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

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

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 1st day of July, 1994.

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Dennis A. Wicker  
President of the Senate

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Daniel Blue, Jr.  
Speaker of the House of Representatives