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LG BULLETIN

LOCAL GOVERNMENT LAW BULLETIN

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A BASIC LIBRARY FOR A NEW CITY ATTORNEY

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New city attorneys sometimes ask the Institute what works would be useful additions to their libraries to help them best serve their municipal clients. This Bulletin will try to answer that question. The works suggested represent a consensus of an informal poll of twenty-five experienced city attorneys plus the experiences of several members of the Institute faculty who work in the local government field.

Obviously the amount of work expected of a city attorney will go far toward determining how large a library investment he should make. In some cases, it may be that the amount of work would justify several additions to the attorney's library but the size of the fee would not. Perhaps, in such a case, the town or city might be persuaded to purchase some of the necessary works, with the understanding that the attorney would keep them so long as he remained city attorney.

The prices given for these works are, to the best of our knowledge, correct as of the summer of 1976. In any event, they will indicate about what you should expect to pay.

Basic Lawyer's Tools

This Bulletin assumes that the attorney has the basic library of any practicing lawyer in North Carolina: statutes, reports, digests, indexes, etc. The new city attorney may be unfamiliar with one such volume, however. The Local Government Commission has issued a one-volume compilation of most of the principal statutes affecting local government: General Statutes Chapters 153A, 159, and 160A, plus a number of other articles and sections, such as the public purchasing law, the open-meetings law, the conflict-of-interest law, and so on. Many city attorneys find it a handy volume to have at council meetings and conferences of various sorts. The citation is:

ADMINISTRATIVE AND FINANCIAL LAWS FOR LOCAL GOVERNMENT IN NORTH CAROLINA (1973)
Issued by the Local Government Commission
\$15.60

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A specialized set of "reports" that many city attorneys find useful is the compiled opinions of the Attorney General. His office answers many questions of public law; although these opinions are not binding, they do offer the thinking on particular problems of attorneys experienced in dealing with public law matters. The citation is:

N.C. ATTORNEY GENERAL REPORTS
P.O. Box 620
Raleigh, N.C. 27602
\$5.00 per year

Basic Works on Municipal Law or Local Government Law

The standard multi-volume treatise on municipal corporation law is:

E. McQuillin
THE LAW OF MUNICIPAL CORPORATIONS, 3d ed.
(Clark A. Nichols and others)
Callaghan & Co., 21 vols.
\$300.00

A shorter work that often deals with problems not mentioned in McQuillin is:

C. J. Antieau
MUNICIPAL CORPORATION LAW
Matthew Bender, 5 vols.
\$102.50

There is no good hornbook on local government law, but a casebook can often serve some of the same functions as a hornbook. Those that would seem most valuable to a practicing attorney are:

S. Sato and A. Van Alstyne
STATE AND LOCAL GOVERNMENT LAW
Little, Brown & Co.
\$18.00

J. B. Fordham
LOCAL GOVERNMENT LAW, revised ed.
Foundation Press
\$20.75

With both, however, it should be remembered that North Carolina statutes might lead to an answer different from what case law from other states might suggest.

Ordinances

There are two satisfactory sources of model ordinances. With both of them, the attorney must be careful to fit the form offered to the particular circumstances of his city or town and the particular provisions of North Carolina law. The two publications are:

T. Matthews and B. Matthews
 MUNICIPAL ORDINANCES: TEXT--FORMS, 2d ed.
 Callaghan & Co., 4 vols. (3 1/2 are forms)
 \$130.00

National Institute of Municipal Law Officers
 MODEL ORDINANCE SERVICE
 NIMLO, 839 17th St., N.W., Washington, D.C. 20006
 \$120.00 per year

When you are drafting ordinances another useful service is:

SHEPARD'S ORDINANCE LAW ANNOTATIONS
 Shepard's Citations, 6 Vols.
 \$195.00

This publication annotates a wide variety of ordinance provisions. However, the publication does not always clearly indicate the exact language of the provision being litigated. Therefore you will need access to a full set of West Reporters to use it most effectively. (Shepard's North Carolina Citations also contains a section on North Carolina ordinances, listed by city and cross-indexed by subject.)

In North Carolina, other city attorneys' efforts can be useful models. The League of Municipalities maintains a file of city ordinances, and the Institute can also provide copies of ordinances from the city codes maintained in its library.

Planning and Zoning

Of the several multi-volume works on planning and zoning law the best seem to be:

R. M. Anderson
 AMERICAN LAW OF ZONING: ZONING, PLANNING, SUBDIVISION CONTROL
 Lawyers Cooperative Publishing Co., 4 vols.
 \$100.00

E. C. Yokley
 ZONING LAW AND PRACTICE, 3d ed.
 Michie, 4 vols.
 \$60.00

The best single-volume work is

D. G. Hagman
 URBAN PLANNING AND LAND DEVELOPMENT CONTROL LAW
 West (Hornbook Series), 1973.
 \$15.50

Eminent Domain

If a city is involved in a large number of condemnation actions, such

as the actions to take water or sewer easements often necessitated by major annexations, a work on eminent domain may be useful. The standard is;

J. L. Sackman, R. P. Van Brunt, and P. Nichols
 NICHOLS' THE LAW OF EMINENT DOMAIN, 3d ed.
 Matthew Bender, 8 volumes
 \$300.00

The Property Tax

Often city attorneys become involved in the collection of delinquent property taxes. Two works of value on the North Carolina property tax are:

W. A. Campbell
 PROPERTY TAX COLLECTION IN NORTH CAROLINA, 2d ed.
 Institute of Government, Chapel Hill
 \$10.00

W. A. Campbell
 PROPERTY TAX LIEN FORECLOSURE FORMS
 Institute of Government, Chapel Hill
 \$10.00

Civil Rights

Local officials are increasingly finding themselves defendants in federal civil right actions, particularly actions alleging some sort of employment discrimination. A good one-volume treatise on this subject is:

C. J. Antieau
 FEDERAL CIVIL RIGHTS ACTS: CIVIL PRACTICE
 Lawyers Co-operative Publishing Co.
 \$35.00

Three Agencies That Can Be Helpful

Finally, the new city attorney should know of three agencies that can offer assistance on various questions of local government law.

League of Municipalities. The League is, of course, the organization of cities in North Carolina. It has published a number of works that set out procedures and forms for particular actions, e. g., annexations, street closings, and special assessments. Also, the League's staff includes three attorneys who are available to discuss particular problems with city attorneys.

Attorney General. The Attorney General's office will respond--either informally or by formal opinion letter--to the questions of city attorneys about municipal law. A list that shows the area of legal speciality of each attorney in the Attorney General's office is available from that office.

Institute of Government. The Institute, a part of the University of North Carolina at Chapel Hill, exists to help state and local officials do their jobs.

As a part of their responsibility, Institute faculty members write publications concerning various areas and questions of public law, and a list of current Institute publications is available upon request. In addition, most of the Institute faculty are attorneys, and those who specialize in local government law areas will answer inquiries from city attorneys about particular problems.