

# IGL BULLETIN

LOCAL GOVERNMENT LAW BULLETIN

PUBLISHED BY THE INSTITUTE OF GOVERNMENT / UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

## A BASIC LIBRARY FOR A NEW COUNTY ATTORNEY

David M. Lawrence

New county attorneys sometimes ask the Institute what works would be useful additions to their libraries to help them best serve their county clients. This Bulletin will try to answer that question. The works suggested represent a consensus of an informal poll of twenty-five attorneys experienced in local government work 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 county 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 county might be persuaded to purchase some of the necessary works, with the understanding that the attorney would keep them so long as he remained county 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 county 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 county attorneys find it a handy volume to have at commissioner 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

RECEIVED

SEP 3 1976

AUGUST 1976

NUMBER 9

INSTITUTE OF GOVERNMENT  
UNIVERSITY OF NORTH CAROLINA

A specialized set of "reports" that many county 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 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 county 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 county attorneys' efforts can be useful models. The Institute maintains a file of county ordinances, which are available upon request.

### 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

### The Property Tax

County attorneys must become familiar with the mechanics of the property tax, especially with the rules governing exemptions and classifications and with the collection of delinquent property taxes. Three works of value on the North Carolina property tax are:

H. W. Lewis  
PROPERTY TAX EXEMPTIONS AND CLASSIFICATIONS  
Institute of Government, Chapel Hill  
\$10.00

[This book is an exhaustive discussion of the case law prior to the 1973 statutory amendments on this subject. It is helpful whenever litigation threatens.]

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 county attorney should know of two agencies that can offer assistance on various questions of local government law.

Attorney General. The Attorney General's office will respond-- either informally or by formal opinion letter--to the questions of county attorneys about local government 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 county attorneys about particular problems.