

**Town of Burgaw**  
**TOWN ATTORNEY**  
**Duties and Responsibilities**

The Town Attorney shall be the statutory legal adviser to the Board and as such, shall perform legal services assigned by the Board. The Town Attorney shall also work closely with the Town Manager and shall provide such legal services as may be requested by the Town Manager. It is expected that the Town Attorney will give priority to the work assigned on behalf of the Town and that he or she will perform all work in a timely manner.

**Minimum Qualifications:**

Interested individuals must meet the following minimum qualifications:

- a. Must be an attorney in good standing licensed to practice law in the State of North Carolina as of the date of appointment;
- b. Must possess J.D. or LL.B from an ABA accredited law school;
- c. Must have broad general experience in the practice of law, preferably in matters of litigation, contracts, employment law, land use, real estate, and constitutional law.
- d. Must possess a strong background in land use, land development, and planning and zoning.

**General Statement of Duties:**

Serves as legal counsel to the Mayor, Board of Commissioners, Town Manager, Town Boards and Committees, and other Town employees. Acts as General Counsel for the Municipal Corporation.

**Distinguishing Features of Position Class:**

The Town Attorney performs complex professional work in providing legal guidance for operations of the Town Government. The Town Attorney counsels the Town Board. The Town Attorney serves at the pleasure of and under the general supervision of the Town Board of Commissioners pursuant to North Carolina statute.

**Essential Functions:**

- Attends all Board meetings and provides legal counsel to Mayor, Board of Commissioners, and Municipal staff.
- Attends Planning and Zoning and Board of Adjustment Meetings as needed.
- Ensures that all laws of the State, the Town charter, and the ordinances, regulations and resolutions of the Board are executed within the Town.
- Research and submission of legal opinions on municipal or other legal matters requested by Town Manager; availability to answer questions by telephone.
- Legal consultation and general support for Mayor, Board of Commissioners and Town Manager on general legal matters.
- Provide legal advice to staff, Town Manager, Planning Board and Town Board regarding zoning matters.

- Represents the Town in matters related to the enforcement of Town land development and minimum housing codes.
- Prepare such resolutions and ordinances as the Town Manager or the Town Board shall direct.
- Review of municipal contracts, including contracts for public improvements, developments, subdivisions, joint powers agreements, construction, purchase of equipment, and the like for content, form, legality and execution as requested.
- Examine and advises the legality of all proceedings and actions of the Town Board and other boards or commissions.
- Render written opinions on law when requested, including interpretation of statutes, ordinances, rules and regulations when necessary.
- Drafting of ordinances, ordinance amendments, resolutions, developer agreements and contracts, subdivision agreements and correspondence as requested.
- Review ordinances as requested.
- Review bonds, deeds, securities and insurance requirements required by or for Town contracts or activities.
- Review data requests and related documents and advise staff regarding release and redactions.
- Review acquisition requirements with appropriate departments, evaluate any special legal or cost problems, develop acquisition timetables, make preliminary cost estimates and obtain or develop proper legal descriptions.
- Represent the Town in the acquisition of properties for public improvements, easements, parks and the like as needed, utilizing outside general real estate counsel.
- Handle all legal matters under construction contracts and any resulting litigation.
- Represent the Town in condemnation proceedings for public improvement projects, etc.
- Initiate annexation proceedings at the direction of the Town and follow through with all necessary documentation and presentation to necessary authorities.
- Representation of the Town on Economic Development related issues, including developer agreements and tax increment document review as needed. Finance tax abatement and other forms of public finance assistance. Public financing assistance in public/private partnerships.
- Where no insurance coverage is provided, make appropriate evaluation of claims for legality, investigate facts, and make recommendations to the Town Board.
- Defend in court all litigation where no insurance coverage is available. This includes but is not limited to:
  - 1) human rights claims;
  - 2) condemnation;
  - 3) zoning and land use regulation matters;
  - 4) permits and administrative actions;
  - 5) administrative citations;
  - 6) code enforcement issues;
  - 7) employment matters; and
  - 8) engage in specialized legal counsel as necessary and appropriate.
- Assist in resolving claims not resulting in litigation, including mediations.
- Investigate and evaluate all claims by the Town against others and recommend appropriate course of action, including, but not limited to code enforcement issues and administrative

citations.

- Represent the Town in litigation on zoning matters; i.e. rezoning, variances, special permits, subdivisions.
- Provide high level of professional service by responding to elected and staff clients in a prompt manner.
- Performs any other duties that may be required or authorized by Board.

**Job Related Physical Activity Requirements:**

This position involves light work requiring the employee to exert in excess of 20 pounds of force occasionally and less force frequently to move objects. Physical activity related to this position may include climbing, grasping, feeling, talking, hearing and repetitive motion. Sufficient visual acuity is required to prepare and analyze data and figures; performs functions related to accounting, transcription and extensive reading, use of measuring devices, and use of computer terminal. An employee in this position will not be exposed to adverse environmental conditions.

**Required Knowledge, Skills, and Abilities:**

Considerable knowledge in a variety of legal areas, including but not limited to: Town Charter and general municipal ordinances; employment law; general state and federal laws relating to municipal government, zoning, housing, annexation, subdivision and land use law; economic development activities including development, redevelopment, enforcement, and property/real estate law; legal activity relating to general obligation bonds, revenue bonds, and other bonding and financial processes; resolution development and interpretation, government data practices; contract law, environmental law, franchise law, and criminal/civil processes; municipal leases and property disposition; eminent domain; and trial activity. The ability to establish good working relationships with the Town Board and municipal staff, learn of various changes in local government regulations, exhibit good professional judgement, and provide sound counsel and advice.

**Acceptable Education, Experience, and Training:**

Must have juris doctor degree from an accredited law school and license to practice law in the State of North Carolina. Must be in good standing with the North Carolina Bar and possess an appropriate driver's license valid in the State of North Carolina.