



Resolution

Town of Seven Devils  
North Carolina  
Date: 1/11/2024

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**RESOLUTION FOR THE TOWN ATTORNEY TO ACT ON BEHALF OF THE  
TOWN OF SEVEN DEVILS  
Res. No. 2024-01**

**WHEREAS**, The Town of Seven Devils ("Town") is a municipal corporation and body politic of the State of North Carolina; and

**WHEREAS**, pursuant to G.S. §160A-173, the Town appoints an attorney who serves at the Town's discretion as its legal advisor; and

**WHEREAS**, G.S. §160A-12 provides that all powers, functions, rights, privileges, and immunities of the town shall be exercised by the town council, who shall act by Ordinance or Resolution; and

**WHEREAS**, the North Carolina Supreme Court in the *Town of Midland v. Harrell* concluded that the Town Council may delegate the authority to initiate legal proceedings on behalf of the Town, which it may do by Ordinance or Resolution; and

**WHEREAS**, the authority to file an action on behalf of the Town is jurisdictional in nature and the passing of this Resolution will provide for more efficient operation of the Town and avoid reluctant Defendants from imposing procedural delays and hurdles in the enforcement of Town ordinances and actions which are in the best interests of the Town; and

**WHEREAS**, the Town Council retains the right to redirect the Town Attorney on any legal matters which are being pursued by the Town as the Town Council deems just, wise, and appropriate;

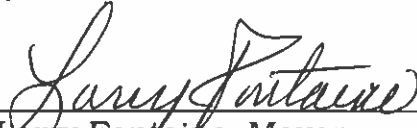
**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Seven Devils, as follows:

1. The Town Attorney is authorized to initiate and pursue legal action on behalf of the Town for the enforcement of ordinances, the collection of fines, fees, taxes, and other sums due and owing to the Town, without need of further Resolution or Ordinance to be adopted by the Town Council; and

2. The Town Attorney is authorized to initiate and pursue legal action for the Town on any matter, including but not limited to imminent domain, contractual breaches, declaratory action, and such other matters as the Town Attorney deems advisable and in the best interests of the Town, without need of further Resolution or Ordinance to be adopted by the Town Council; and

3. The Town Attorney is authorized, in his discretion, to retain outside counsel to represent the Town in various litigation matters as deemed appropriate by the Town Attorney without need of further Resolution or Ordinance to be adopted by the Town Council.

Adopted this the 11th day of January, 2024.

  
Larry Fontaine, Mayor

ATTEST:

  
Hillary Gropp, Town Clerk

