



VILLAGE OF MARVIN

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VILLAGE COUNCIL MEETING MINUTES

Tuesday, April 20, 2021 – 11am
North Carolina General Assembly
16 W Jones St, Raleigh, NC 27601

MEETING AGENDA

On Tuesday, April 20, 2021 from approximately 11am-3pm at the North Carolina General Assembly (16 W Jones St, Raleigh, NC 27601), members of the Marvin Village Council will meet with state legislators to discuss and advocate for a piece of legislation drafted by the Village and supported by our local representatives.

AGENDA ITEMS

Present: Mayor Pollino, Councilman Lein, Councilman Marcolese

Absent: Mayor Pro Tem Vandenberg, Councilman Wortman

Staff Present: Christina Amos, Austin W. Yow

Legislators Present: Senator Todd Johnson, Representative David Willis, Speaker Pro Tem Representative Sarah Stevens

The meeting began at approximately 11:15am in Senator Todd Johnson’s office, at which point the group discussed the proposed legal defense legislation, as well as the planned roundabout at New Town Road and Marvin Road. *(See attached legislation, which is included as a reference in these minutes).*

At 12:15pm, Council and Staff then proceeded to the gallery of the House of Representatives and stayed until 1pm.

From there, Council and Staff met with Representative David Willis who provided the group with a tour of the legislative buildings and then met with Speaker Pro Tem Representative Sarah Stevens. During the meeting, the group discussed the proposed legal defense legislation and the benefits and implications of such legislation. Prior litigation of both Councilman Lein and Speaker Pro Tem Stevens was discussed. The meeting concluded with Council and Staff meeting with Representative Willis in the cafeteria, at which point the group discussed the November elections relating to the delayed Census data, as well as additional funding from the General Assembly for the planned roundabout at New Town Road and Marvin Road.

No action was taken during this meeting.

ADJOURNMENT

The meeting adjourned at approximately 3:30pm.

Adopted: 6-8-21

Joseph E. Pollino Jr., Mayor
Village of Marvin

Austin W. Yow
Village Clerk & Assistant to the Manager



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

HOUSE BILL _____

Short Title: DEFENSE OF PERSONS SEEKING ELECTED OFFICE

Sponsors: _____

Referred to: _____

A BILL TO BE ENTITLED
AN ACT TO EXTEND N.C.G.S.A. § 160A-167 – DEFENSE OF EMPLOYEES AND OFFICERS;
PAYMENT OF JUDGMENTS TO PERSONS SEEKING ELECTED OFFICE.

The General Assembly of North Carolina enacts:

SECTION 1. (a) G.S. 160A-167(a) reads as rewritten:

Upon request made by or in behalf of any member or former member or any person seeking elected office of the governing body of any authority, or any city, county, or authority employee or officer, or former employee or officer, any soil and water conservation supervisor or any local soil and water conservation employee, whether the employee is a district or county employee, or any member of a volunteer fire department or rescue squad which receives public funds, any city, authority, county, soil and water conservation district, or county alcoholic beverage control board may provide for the defense of any civil or criminal action or proceeding brought against him either in his official or in his individual capacity, or both, on account of any act done or omission made, or any act allegedly done or omission allegedly made, in the scope and course of his employment or duty as an employee or officer or within the scope of such campaign of the city, authority, county or county alcoholic beverage control board. The defense may be provided by the city, authority, county or county alcoholic beverage control board by its own counsel, or by employing other counsel, or by purchasing insurance which requires that the insurer provide the defense. Providing for a defense pursuant to this section is hereby declared to be for a public purpose, and the expenditure of funds therefor is hereby declared to be a necessary expense. Nothing in this section shall be deemed to require any city, authority, county or county alcoholic beverage control board to provide for the defense of any action or proceeding of any nature.

SECTION 1. (b) G.S. 160A-167(b) reads as rewritten:

Any city council or board of county commissioners may appropriate funds for the purpose of paying all or part of a claim made or any civil judgment entered against any of its members or former members or any persons seeking elected office of the governing body of any authority, or any city, county, or authority employees or officers, or former employees or officers, or any soil and water conservation supervisor or any local soil and water conservation employee, whether the employee is a district or county employee, when such claim is made or such judgment is rendered as damages on account of any act done or omission made, or any act allegedly done or omission allegedly made, in the scope and course of his employment or duty as a member or former member or persons seeking elected office of the governing body of any authority, or any city, county, district, or authority employee or officer of the city, authority, district, or county; provided, however, that nothing in this section shall authorize any city, authority, district, or county to appropriate funds for the purpose of paying any claim made or civil judgment entered against any of its members or former members or

[persons seeking elected office](#) of the governing body of any authority, or any city, county, district, or authority employees or officers or former employees or officers if the city council or board of county commissioners finds that such members or former members [or persons seeking elected office](#) of the governing body of any authority, or any city, county, or authority employee or officer acted or failed to act because of actual fraud, corruption or actual malice on his part. Any city, authority, or county may purchase insurance coverage for payment of claims or judgments pursuant to this section. Nothing in this section shall be deemed to require any city, authority, or county to pay any claim or judgment referred to herein, and the purchase of insurance coverage for payment of any such claim or judgment shall not be deemed an assumption of any liability not covered by such insurance contract, and shall not be deemed an assumption of liability for payment of any claim or judgment in excess of the limits of coverage in such insurance contract.

SECTION 1. (c) G.S. 160A-167(c) reads as rewritten:

Subsection (b) shall not authorize any city, authority, or county to pay all or part of a claim made or civil judgment entered unless (1) notice of the claim or litigation is given to the city council, authority governing board, or board of county commissioners as the case may be prior to the time that the claim is settled or civil judgment is entered, and (2) the city council, authority governing board, or board of county commissioners as the case may be shall have adopted, and made available for public inspection, uniform standards under which claims made or civil judgments entered against members or former members [or persons seeking elected office](#) of the governing body of any authority, or any city, county, or authority employees or officers, or former employees or officers, shall be paid.

SECTION 1. (d) G.S. 160A-167(e) is added as follows:

For the purposes of this section, “persons seeking elected office” means a person actively campaigning for elective office of the governing body of any authority, city, county or district that was properly registered with the governing board of elections.

SECTION 1. (e) G.S. 160A-167(f) is added as follows:

For the purposes of this section, persons seeking elected office may seek reimbursement for costs and expenses paid prior to the effective date of the amendment allowing payment for such defense costs allowed under subsection (a) and any claim made or civil judgment entered allowed under subsection (b) for a period up to four (4) years prior to the effective date of the amendment.

SECTION 1. (f) G.S. 160A-209(c)(10a) reads as rewritten:

Defense of Employees and Officers.--To provide for the defense of, and payment of civil judgments against, employees and officers or former employees and officers, [or any person seeking elected office](#), as authorized by this Chapter.

SECTION 2. The remaining provisions of N.C.G.S.A. § 160A-167 are reenacted and shall remain in full force and effect and are incorporated in this act by reference.

SECTION 3. This act is effective when it becomes law.