



AP # 12 - Utilization of Town Counsel & Legal Services

I. Purpose.

This administrative policy is meant to provide guidance and procedures regarding the use of the Town's legal and attorney services. The policy is meant to cover but is not limited to general legal advice; formal legal opinions; policy, bylaw, code, or other municipal regulatory or statutory developments or updates; contract and agreement review; dispute resolution; and representation of the Town in various types of litigation matters.

II. Effective Date.

This policy shall be effective as of the date of adoption indicated above and shall remain in effect until revised or rescinded.

III. Authorization Process.

A. New Items.

- i. When an individual has a new legal item that requires review by a Town Attorney, permission should be sought from the Town Administrator and copied to the Chair of the Select Board. Either individual may provide approval.
- ii. Once permission has been received, the individual may contact counsel regarding the issue.
- iii. If permission is provided verbally, written permission in the form of an email, shall be forwarded to the requester as soon as possible. Such correspondence shall be copied to the Town Administrator, Select Board Chair and the Chair of the requesting Board or Committee or applicable Department Head.

B. Ongoing Items.

- i. Once authorization has been received relative to a legal item, permission does not need to be sought for each subsequent interaction pertaining to that item.
- ii. The Town Administrator, and their designee(s) should be copied on all matters dealing with town counsel unless otherwise specified and agreed upon by the Town Administrator or the Select Board Chair.
- iii. Should the matter engage counsel over a period of several weeks, or cause unexpected or extraordinary costs to the Town, the matter may be revisited by the requester and the Town Administrator and/or Select Board Chair.
- iv. If an open legal item does not initially begin as litigation, but turns into a litigation matter, the individual (or Board Chair or Department Head) must immediately notify the Town Administrator's Office.
- v. Litigation and legal matters are billed to the Town Administrator's Office on a monthly basis. As such, individuals seeking and utilizing counsel are expected to do so in a responsible matter.

C. Select Board Items.

- i. The Chair of the Select Board shall have direct access to Town counsel for matters related to Town business.
- ii. Counsel may request legal strategy, advise or provide updates to the Board at the request of the Chair. Such meeting shall conform with open meeting law and shall be held in executive session as specified by law.