

ADMINISTRATIVE POLICY #3

Town Counsel Opinions

Legal services are available to assist Town Departments, Boards, Committees, or Commissions in the adherence to applicable Federal, State, or Local Laws, rules and regulations.

1. Each department head, chairman of a board, committee, or commission, prior to the request for legal assistance, shall attempt to resolve their matter by:
 - a. Referencing the Massachusetts General Laws (*located in the Town Clerk's and the Town Administrator's Offices*), the Commonwealth of Massachusetts Regulations (*located in the Library*), or existing departmental or Town files;
 - b. Contact surrounding municipalities (*if the issue is general in nature and is applicable to all municipalities*); or,
 - c. Contacting Local/Regional State or Federal agencies.
2. When requiring legal services, the attached ***Town Counsel Request Form*** must be filled out and submitted to the Town Administrator's Office for approval. The Town Administrator has the authority to approve requests for the use of Town Counsel. However, if the Town Administrator rejects a request for the use of Town Counsel, the requestor may appeal the decision of the Town Administrator to the Board of Selectmen. The decision of the Board of Selectmen will be final.
3. Upon approval to utilize legal services, each department head, or applicable board, committee, or commission chairman shall submit the issue(s) in writing to Town Counsel. This will ensure that a clear set of circumstances is presented for Town Counsel to address.
4. In the event of an emergency where the need for legal assistance is immediate, said department head, or applicable board, committee, or commission chairman shall first contact and advise the Town Administrator of their intent. If the Town Administrator is unavailable, Town Counsel may be contacted. At the conclusion of contact with Town Counsel in the absence of the Town Administrator, the department, board, committee, or commission shall complete the ***Town Counsel Request Form*** and submit it to the Town Administrator's Office as notification and advisement of their action.

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5. In the event that an employee, board, committee, or commission member is served with a subpoena, or is requested to sign a written affidavit, or other legal document involving Town business, the party shall seek advice from the Town Administrator prior to signing any such document(s).

The original policy was approved by the Board of Selectmen on: March 12, 1997

The above amendments were adopted by the Board of Selectmen on:

07-17-02
Date


*Dana G. Beal, Clerk
Board of Selectmen*

attachment

TOWN/LABOR COUNSEL REQUEST FORM

DATE: _____

DEPARTMENT: _____

REQUESTED BY: _____

BRIEF DESCRIPTION OF THE NATURE OF THE REQUEST:

TOWN ADMINISTRATOR'S ACTION

DATE: _____

SIGNED: _____

Approved

Denied