

### Utilization of Town Counsel

1. Town Counsel provides legal services to all Town departments and agencies. The Town Administrator must clear utilization of Town Counsel in advance.
2. The Town Administrator must expressly authorize, in advance, the utilization of legal counsel, other than Town Counsel, when the Town is, or may be responsible for associated expenses. When an employee utilizes private legal counsel in an action arising in the course of the employee's official duties with the Town (either as defendant or plaintiff), the Town Administrator must be advised immediately in order to determine any necessary coordination with Town Counsel.
3. Prior to making a new legal service request to Town Counsel ***that will result in fees outside of Town Counsel's stipend***, the Town Administrator must be contacted for authorization. The request must include the subject and probable duration of Counsel review.
4. Copies of correspondence to and from Town Counsel are to be provided to the Town Administrator.
5. From time to time, the services of special legal counsel other than Town Counsel are called for. The Town Administrator will again, expressly authorize all such use of special counsel ***after consulting with the Selectboard***.
6. ***In matters involving the Town Administrator, the Selectboard Chair may consult with counsel only after discussing the issue with and obtaining approval from the other Board members.***

### Legal Review of Contract Documents

The following procedure shall govern the need to obtain legal review of Town contracts:

1. Generally, annual contracts or agreements and those involving expenditures less than \$5,000 will not require Town Counsel review.
2. Contracts utilizing the Town's standard contract documents will not require Town Counsel review, unless the contract is unusual or for a large amount.
3. Contracts, which do not utilize the Town's standard contract documents, will require Town Counsel Review.
4. All projects, which are funded by borrowings, will require Town Counsel review, and bonding clearance from bond counsel.
5. All building construction contracts will require Town Counsel review.

## #12-01

From the time that contracts are received by the Town Administrator, applicants should be prepared to wait ten days for processing. In most instances, the contracts will be processed the same day. However, the ten-day rule will apply in order to allow sufficient time for a decision to be made on whether or not to refer the contract to Town Counsel and to allow Town Counsel sufficient time for review.

Distribution: All Department Heads