

1.0 Purpose.

The purpose of this policy is to establish procedures for communication with the town attorney by members of the Council, the town manager, and staff.

2.0 Charter Provisions.

Article II, Section 3(B) of the Charter grants the authority to the Council to “appoint and remove on the affirmative vote of five (5) members... the Town Attorney who shall serve at the will of the Council.” The town attorney is responsible to the Council as a whole, rather than to individual Council members.

3.0 Council.

- 3.1** The Council chair and vice chair are authorized to communicate with the town attorney on any matter of town business. Such communication and any response(s) from the town attorney must be shared with the Council as a whole. Depending on the nature of the communication it may be shared either publicly (at a meeting, electronically, individually, etc.) or in a duly authorized executive session.
- 3.2** Individual councilors who wish to consult with the town attorney must obtain permission from the Council chair or, in her/her absence, the Council vice chair, or the town manager. Should that permission be denied, the councilor may bring his/her request before the Council as a whole for consideration.
- 3.3** The town manager shall be included in any communication, response, or consultation with the town attorney, except any personnel matter involving the town manager.

4.0 Town Manager & Staff.

- 4.1** The town manager is authorized to communicate with the town attorney on any matter of town business. Communications with the town attorney relating to the Council, Council business, or other matters relevant to the Council in the manager’s judgment shall be shared with the Council as a whole. Depending on the nature of the communication it may be shared either publicly (at a meeting, electronically, individually, etc.) or in a duly authorized executive session.

- 4.2** Department heads and other staff may contact the town attorney only with the prior authorization of the town manager, which may be on a case-by-case or continuing basis as the manager may determine.

5.0 Other Considerations.

- 5.1** Requests for legal services by boards or committees may be made through support staff to the town manager, or directly by the board or committee chairperson through the Council chair, vice chair, or the town manager.
- 5.2** Wherever possible, efforts should be made to determine whether a question has already been addressed by the town attorney and to find and review any prior opinion, or, where appropriate, refer the question to the Maine Municipal Association Legal Services Department before engaging the town attorney.

Adopted by the Town Council: Order __-__, [date]