

TOWN OF ACUSHNET

Access to Town Counsel Policy

1. Purpose:

- To ensure that access to Town Counsel is controlled in order to maintain a record of legal opinions and advice.
- To ensure that budgetary limitations are maintained.

2. Policy:

- Access to Town Counsel for all town employees, appointed Board/Committee members, or elected Board/Committee members, shall be managed by the Town Administrator.
- Every effort shall be made to identify the answer to routine legal questions independently through examination of MA General Laws, local bylaws, regulations and/or by contacting a State agency or counterpart in another community.
- Members of the Board of Selectmen and the Town Administrator are authorized to contact Town Counsel with requests for opinions and advice on any/all matters related to their administrative powers and duties.

3. Procedure

- All requests for opinion and/or use of Town Counsel services shall be made using the form attached. Both paper and digital submissions of this form are acceptable.
- Requests for opinion and/or use of Town Counsel services by any appointed Town Board, Committee, or Commission shall be directed to the Town Administrator by the Board, Committee, or Commission's agent for approval.
- Any requests for opinion and/or use of Town Counsel services by any appointed Town Board, Committee, or Commission shall be by majority vote of the Board, Committee, or Commission members. Requests will be forwarded in writing, using the form provided, with as full an explanation of the issue as possible.
- Requests for opinion and/or use of Town Counsel services by any Town employee will be directed to the Town Administrator by the employee's Department Head for approval.

- Requests will be forwarded in writing, using the form provided, with as full an explanation of the issue as possible.
- The Town Administrator shall review all requests for access made by employees, appointed Town Boards/Committees, or elected Town Boards/Committees.
- If approved by the Town Administrator, the request for opinion will be forward to Town Counsel. If not approved, such action may be appealed to the Board of Selectmen.
- Town Counsel's written opinion will be returned to the Town Manager who will make a record of such opinion before forwarding to the employee, appointed Town Board, Committee, or elected Town Board/Committee, through the appropriate Department Head or Board/Committee agent.

4. Litigation

- Requests for the initiation or defense of litigation require the approval of the Board of Selectmen or by the Chairman of the Board of Selectmen in instances requiring expeditious action by the Town. In either case a written record of the approval will be maintained by the Town Administrator.

**Town of Acushnet
Request for Legal Services**

Date: _____

Name: _____

Title: _____

Committee or Department: _____

Have you tried to identify the answer to your question independently through examination of MA General Law, bylaws, regulations or by contacting a State agency or your counterpart in another community?

☐ Yes ☐ No

Description of Request

(Include "Request for Legal Opinion" or "Relates to pending litigation")

- Is this request from a Board/Committee, or is it an individual Board/Committee member's or agent's concern?

- Is the request of high or low priority, and why?

Time Frame

By what date is a response needed? Please explain.

The above request for legal services was:

☐ Forwarded to Town Counsel on Date:

☐ Returned from Town Counsel on Date:

James F. Kelley
Town Administrator