

Uxbridge BOS Town Counsel Use Policy

The intent of this policy is to establish a proper procedure for any contact with Town Counsel or Special Counsel. This policy is intended to facilitate compliance with all laws, to ensure that consistent opinions are being obtained, and to appropriately limit costs to the Town. This policy applies to any board member(s), committee/commission member(s) and/or staff member(s) that seek access to Town or Special Counsel.

Except as may be otherwise noted herein, no department head, employee or committee/commission/board member, shall seek the advice of Town Counsel (or any Special Counsel) on any town matter unless they receive prior permission from the Town Manager. Requests for permission to access Town or Special Counsel shall be in writing or via email to the Town Manager.

The Town Manager, who is in charge of day-to-day affairs of the Town may contact Town Counsel as may be appropriate for advice and opinions on any matter solely within the Manager's authority. In the event that matters for which the Manager seeks advice is also within the authority of the Board of Selectmen, and the Board of Selectmen takes a different position than the Town Manager, the Manager shall disclose such conflict to Town or Special Counsel.

In that Town Counsel (or Special Town Counsel) must be appointed by the Board of Selectmen ("BOS") in accordance with the Town Charter, only BOS-appointed Counsel may be consulted on Town matters. No employee or board member may obtain the advice of counsel not appointed by the BOS on any matter within the scope of their duties with the Town. Any updates on counsel use or litigation will be given to all members of the BOS by the Town Manager.

A department head, employee or board member is not required to receive approval from the Town Manager each time they consult with Town Counsel on a particular matter provided original approval was granted by the Town Manager on the subject.

In the event a request for counsel services or opinion is denied by the Town Manager, the submitting party may petition the Board of Selectmen, stating in writing the reason(s) why such services or opinion are necessary, notwithstanding the denial by the Town Manager.

The following circumstances shall constitute grounds for exemption from the written request procedure:

- The Chair of the Board of Selectmen may contact Town Counsel for updates on pending matters or advice as to the agenda (or potential agenda) of the Board of Selectmen but not

may not unilaterally seek advice or opinions that affect the policy position of the Board on any particular matter without a vote of the Board. Should the Board vote to seek the advice or opinion of Town Counsel, the Chairman of the Board may contact Town Counsel without seeking or obtaining the approval of the Town Manager.

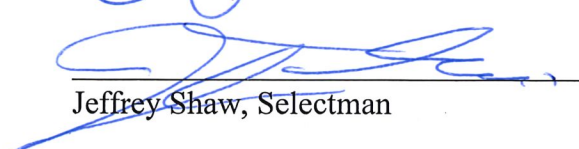
- Individual members of the Board of Selectmen may directly seek the advice or opinion of Town Counsel, without obtaining the permission of the Town Manager, with respect to purely procedural matters, and matters concerning ethics compliance, the Open Meeting Law or laws governing public records requests.
- The Police Chief, during the course of a criminal investigation and other confidential matters, may contact Counsel with respect thereto, provided that such matter is within the duties of Town or Special Counsel.
- Emergencies where an immediate response is needed to avoid a result detrimental to the best interests of the Town. However, as soon as possible written backup material should be provided on the request form. To the greatest extent possible, any request of this nature should be first presented to the Town Manager.
- Informal discussions at Town functions and meetings.
- Requests for ethics opinions by any Town official, where confidentiality is essential.

The Board of Selectmen enacted this policy, by vote, at its scheduled meeting on October 9, 2018, which was duly posted and noticed.


Jennifer Modica, Chair


Brian Plasko, Clerk


Susan Franz, Vice Chair


Jeffrey Shaw, Selectman