

HUDSON SELECT BOARD

Select Board Policy to Engage Town Counsel

It is understood that, from time to time, members of the Select Board may wish to engage the services of Town Counsel. The purpose of this policy is to provide guidance to the members of the Select Board on how such an engagement should occur.

This policy acknowledges that there may be instances when Select Board members may wish to obtain guidance from Town Counsel about whether to recuse themselves from a particular vote or other informal guidance on general administrative matters. In these instances, it is deemed acceptable for the member to engage directly with Town Counsel. It is expected that the member shall disclose to the other Board members, via the Executive Assistant, the response received from Town Counsel.

By contrast, there may be instances when Select Board members may wish to obtain a formal legal opinion from Town Counsel about a particular policy matter or other business matter that either may be before the Board currently or is anticipated to come before the Board in the future. In these instances, this policy directs Select Board members to initiate the request with the Executive Assistant's Office by completing and returning to the Executive Assistant the attached Request for Legal Opinion.

The Executive Assistant shall then confer with the Chair to assess the appropriateness of the request. The Chair may then use his or her discretion to determine a) that the request is appropriate to be submitted to Town Counsel, or b) that the request should be presented to the full Board so that the Board may vote on whether to authorize the request. It is expected that if Town Counsel is authorized to render a legal opinion, such opinion will be furnished to all Board members via the Executive Assistant.

Nothing in this policy shall prevent members of the Select Board, in their capacity as chief elected officials, from exercising their unfettered access to Town Counsel with regard to confidential legal matters.

TOWN OF HUDSON LEGAL OPINION REQUEST FORM

FACTS: *Please outline the pertinent facts or information relevant to the legal issue. Such facts or information should be in chronological order attaching any plans, minutes, correspondence, or other necessary documents. Use additional sheets if necessary.*

ISSUE: *Identify all legal questions/issues which need to be addressed.*

DATE LEGAL OPINION RESPONSE IS NEEDED BY: _____

NOTE: *Please allow up to one week for Town Counsel's submission of legal opinion response. If there is a time sensitive issue, we will expedite upon request.*

Submitted by [Insert Name]: _____

On behalf of [Town Board]: _____

Authorization by Executive Assistant to forward opinion request to Town Counsel:

Executive Assistant

Date

NOTE: *All legal opinion requests must be approved and executed by the Executive Assistant before the commencement of any legal review for internal billing purposes.*