

Town of Amherst



Legal Counsel Policy
Effective July 12, 2004

Town of Amherst Legal Policy

Section 1. Purpose

This policy establishes guidelines for all official interaction with the various attorneys and legal organizations for all Town of Amherst boards and commission members and employees. These guidelines are intended to designate the authority to contact legal counsel, and ensure an accurate, consistent, and reliable flow of information to the various Town Attorneys.

This policy shall be known as the "Town of Amherst Legal Counsel Policy" and may be cited as such.

Section 2. Definitions

For the purposes of this Policy, the following terms, phrases, words and their derivations shall have the meanings ascribed to them in this section:

- 2.1 Town Counsel** – Any attorney working on behalf of the Town of Amherst. This may include the standard Town Counsel, as well as land use and employment attorneys, and attorneys hired by the Town's insurance provide to work on behalf of the Town.
- 2.2 Legal Organization** – Any organization that is affiliated with the Town of Amherst and provides legal advice or services. This would include the attorneys that work on behalf of insurance companies.

Section 3. Authorized Persons

- 3.1** The persons authorized to directly access the Town's designated legal counsel are the Chairman of the Board of Selectmen, the Chairman of the Board of Adjustment, the Chairman of the Planning Board, the Chief of Police for potential-criminal investigations involving a Town employee, and the Town Administrator. All other boards, commissions and department heads shall go through the Town Administrator prior to contacting legal counsel.

Section 4. Procedures

- 4.1** Chairmen who are authorized by this policy may contact the general legal counsel directly only on official Town matters that directly relate to their official duties of their position and their board.

- 4.2** It is recommended that the authorized Chairmen check with the Town Administrator on legal issues to see if a legal opinion already exists for the matter before the board, prior to contacting legal counsel.
- 4.3** All other Board or Commission chairmen, department heads shall contact the Town Administrator regarding legal questions. In the absence of the Town Administrator, the Chairman of the Board of Selectmen shall be contacted.
- 4.4** Board or commission members, other than chairmen shall contact their respective chairman prior to contacting the Town Administrator.
- 4.5** The Town Administrator shall review the request and determine if an opinion already exists and if so, forward the information on to the requesting board, commission, or department head.
- 4.6** If the opinion does not exist, the Town Administrator or his designee shall contact legal counsel for advice on the matter.
- 4.7** For ongoing zoning enforcement matters, once the Director of Planning and Development Services confers with the Town Administrator on the course of action to be taken, direct contact and communication with town counsel is authorized.

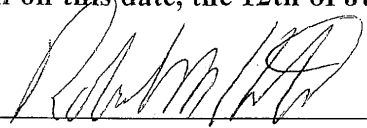
Section 5 Duties of Legal Counsel

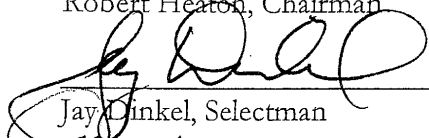
- 5.1** All attorneys and entities providing service to the Town of Amherst shall:
- 5.2** Only take calls or correspondence from authorized individuals and if contacted by another member or employee, redirect that individual to their respective Chairman, or the Town Administrator.
- 5.3** Copy the Town Administrator and Board of Selectmen on all correspondence to the various boards, commissions, or department heads, with the exception of material that is specifically related to police matters.

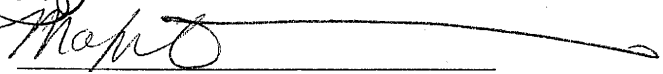
Section 6 Implementation

- 6.1** To facilitate conduct in accordance with this policy, a copy of this policy shall be made available to town officials, legal counsel, employees, volunteers, board and commissions upon hiring, appointment or election to office and at such other times as may be necessary.

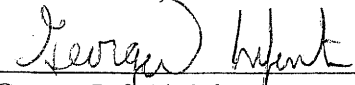
Adopted by vote of the Board of Selectmen on this date, the 12th of July, 2004.

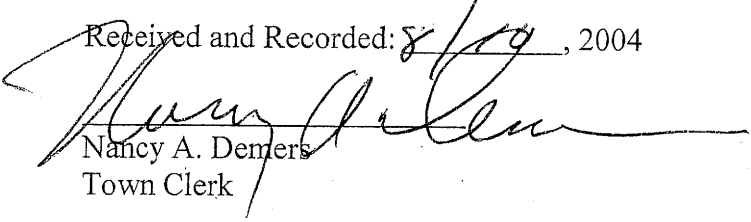

Robert Heaton, Chairman


Jay Dinkel, Selectman


Marilyn Peterman, Selectman

Signature on File
Bruce Bowler, Selectman


George Infanti, Selectman

Received and Recorded:  8/10, 2004

Nancy A. Demers
Town Clerk