

CITY OF BARRE, VERMONT
CITY COUNCIL POLICY ON LEGAL SERVICES

1. Purpose

The purpose of this policy is to establish a clear, consistent, and accountable process for requesting legal advice from the City Attorney to ensure that legal services are used appropriately and that legal guidance is provided in a timely manner.

2. Scope

This policy applies to all elected officials, staff members, and departments within the City of Barre who may require legal advice or assistance. The term “City Attorney” shall include any legal counsel retained by the City of Barre, including but not limited to the City Attorney, Labor Attorney, and/or counsel retained for specific projects.

3. Policy Statement

The City of Barre will seek legal advice from the City Attorney as needed to ensure compliance with the law, mitigate legal risks, and address specific legal issues related to the City’s operations, contracts, and governance.

4. Procedure for Requesting Legal Advice

A. Who Can Request Legal Advice?

- i. All requests for legal advice relating to City business must be made through, and approved by, the City Manager.
- ii. If the legal advice relates to a personnel or potential discipline matter directly related to the City Manager, or if the City Manager is conflicted out of a subject matter, the request for legal advice must be made through the Assistant City Manager or by the City Council as authorized by section 4(A)(iii) of this policy.
- iii. The City Council may make a direct request to the City Attorney for legal advice only under the following conditions:
 - (a) The request is made by the Council acting as a body; and
 - (b) The request is approved by a majority vote or by consent of the Council.
- iv. Councilors as individuals may not:
 - (a) Make direct requests for legal advice without approval by the City Manager or by a majority vote of the City Council as authorized by section 4(A)(iii) of this policy; and
 - (b) Seek or use in an official capacity or present in any Council proceeding a legal opinion from any outside attorney, organization or legal firm on any matter of City business unless such external legal opinion has been authorized in accordance with section 4(A)(iii) of this policy.

B. Process for Requesting Advice

- i. **Step 1: Identify the Need for Legal Advice:** The requesting party should clearly identify the legal issue or concern that requires attention. This may

- include issues related to contracts, policy implementation, litigation, compliance, personnel, land use, etc.
- ii. **Step 2: Review of Internal Resources:** Before requesting legal advice, the requesting party should review any relevant internal documents, policies, or previous legal opinions that may already address the issue. The requesting party should ensure that the matter has not already been addressed by prior legal guidance or general legal knowledge.
 - iii. **Step 3: Formal Request Submission:**
 - (a) Legal requests should be submitted in writing, either through an email or a formal memorandum addressed to the City Manager or directly to the City Attorney (if specifically authorized under section 4(A)(iii) of this policy).
 - (b) The request must include:
 - 1. A description of the legal issue or question.
 - 2. Any relevant background information, such as contracts, policies, or prior legal opinions.
 - 3. A statement of urgency (if applicable).
 - 4. A clear description of what outcome or advice is being sought.
 - iv. **Step 4: Review and Approval by City Manager:** The City Manager or their designee will review the request and determine whether it should be forwarded to the City Attorney.
 - v. **Step 5: Legal Counsel Review and Response**
 - (a) The City Attorney will review the request, gather any additional necessary information, and provide a legal opinion or advice. This may involve:
 - 1. A formal written legal opinion.
 - 2. A discussion or meeting with the requester to clarify the issue.
 - (b) If legal advice cannot be provided immediately, the City Attorney should inform the requester of the expected timeline for a response.

C. Documentation and Recordkeeping

- i. All legal requests and responses should be documented and retained in a legal file maintained by the City Manager's office.
- ii. Written legal opinions or advice provided by the City Attorney will be copied to relevant officials, including the requesting party and the City Manager, for record-keeping and further action.

D. Confidentiality and Attorney-Client Privilege

- i. Legal advice obtained from the City Attorney is considered confidential and may be subject to attorney-client privilege.
- ii. All parties involved must maintain confidentiality concerning the legal advice provided, unless attorney-client privilege is specifically waived in a specific instance.
- iii. When discussing legal matters in public meetings, only summaries or general information should be shared unless required by law or with express consent.

E. Costs and Budgeting

- i. Legal services will be provided in accordance with the City's budget for legal services.
- ii. In cases where the requested legal advice is anticipated to require substantial time or resources, the requesting party may be required to provide an estimate or obtain approval from the City Manager to ensure that the cost is within the approved budget.

F. Emergency Legal Advice

- i. In cases where immediate legal advice is needed to address urgent legal issues or prevent harm to the City, the City Manager may authorize expedited requests to the City Attorney.
- ii. In such cases, the requesting party should make a clear indication of the urgency and provide sufficient information for the City Attorney to assess the situation quickly.

5. Responsibilities

- A. **City Manager:** Ensures that the process for requesting legal advice is followed, reviews and approves requests, and tracks legal expenditure.
- B. **City Council:** Provides oversight over the legal services budget and may request specific legal opinions as specifically authorized by section 4(A)(iii) of this policy.
- C. **City Attorney:** Provides timely and accurate legal advice, maintains confidentiality, and ensures all legal advice is compliant with applicable law.
- D. **Requesters:** Ensure that legal requests are clear, complete, and appropriate, and follow the procedure as outlined.

6. Review and Updates

This policy will be reviewed periodically to ensure it remains effective and responsive to the needs of the City of Barre. Any updates to this policy will be communicated to all relevant parties.

7. Reference

- A. Adopted by City Council on _____.