

TOWN OF YORK
SELECTMEN'S POLICY
LEGAL COUNSEL POLICY

1. Planning Board, Appeals Board

- a. All requests for attendance by Town Counsel at hearings before the Planning Board and Board of Appeals shall be submitted to the Selectmen for approval.
- b. All requests by the Planning Board and Board of Appeals to communicate with Town Counsel to obtain legal advice shall be submitted to the Town Manager.
- c. Before Town Counsel's advice is sought, all attempts should be made to utilize the legal department of the Maine Municipal Association.
- d. The Town Manager or his/her designee will monitor and advise the Selectmen on the current status of all pending litigation.
- e. If there is insufficient time to obtain required approval from the Selectmen, the Town Manager may authorize the attendance by Town Counsel in a matter before the Planning Board or Board of Appeals. The Town Manager shall advise the Selectmen in writing of said authorization.
- f. When feasible and advisable, i.e., would not reveal confidential information, communications between Town Counsel and the Planning Board or Board of Appeals shall be in writing with copies of both the question and the answer sent to the Selectmen.

2. All Committees, Boards and Commissions other than the Planning Board and Appeals Board

- a. Legal Advice can be sought by Boards, Commissions and Committees after a majority vote of the members and approval by the Board of Selectmen.
- b. Before Town Counsel's advice is sought all attempts should be made to utilize the legal department of the Maine Municipal Association.
- c. The Town Manager or his/her designee will monitor and advise the Selectmen on the current status of all pending litigation.
- d. If there is insufficient time to obtain required approval from the Selectmen, the Town Manager may authorize a Board, Commission or Committee to obtain legal advice from Town Counsel. The Town Manager shall advise the Selectmen in writing of said authorization.

- e. When feasible and advisable, i.e., would not reveal confidential information, communications with Town Counsel shall be in writing with copies of both the question and the answer sent to the Selectmen.

3. Board of Selectmen

- a. Legal advice from Town Counsel can be sought only by a majority vote of the Board of Selectmen, at a regularly scheduled meeting, a special meeting, or at a work session by consensus.
- b. Every attempt should be made to utilize the service of Maine Municipal Association.
- c. Individual members of the Board of Selectmen may contact Maine Municipal Association but should inform the Selectmen in writing as to the questions asked and responses given.
- d. When feasible and advisable, i.e., would not reveal confidential information, communications with Town Counsel shall be in writing with copies of both the question and the answer sent to the Selectmen.

4. Administrative Requests

- a. The Town Manager may request a legal opinion on behalf of the Board of Selectmen pursuant to a majority vote of the Selectmen.
- b. The Town Manager may request legal opinions on Administrative matters.
- c. The Town Manager may authorize certain employees to obtain legal advice within the area of responsibility of their position.
- d. When feasible and advisable, i.e., would not reveal confidential information, communications with Town Counsel shall be in writing with copies of both the question and the answer sent to the Selectmen.
- e. By majority vote, the Selectmen may direct the Town Manager or authorized employee not to seek legal advice on a specific issue.
- f. The Town Manager shall keep a complete log of all communications between MMA and/or Town Attorney and all Town personnel – elected, appointed or employees.