

## TOWN OF NORTHFIELD

### POLICY FOR CONSULTING TOWN ATTORNEY

#### I. Purpose

- a. The purpose of this policy is to clarify the proper procedure to consult the Northfield Town Attorney.
- b. This policy applies to all elected and appointed town officials.

#### II. Definitions

Town Attorney: the attorney or attorneys designated to represent the town by the Board of Selectmen. The term also applies to any attorney working on town business at the request of an attorney designated as Town Attorney and to attorneys employed by the New Hampshire Municipal Association for the purpose of advising its member communities. At the time of passage of this policy the Town Attorneys designated by the Board of Selectmen are the firm of Upton and Hatfield, primary contact Barton Mayer and Scott McGuffin.

Consult: to contact a Town Attorney by telephone, fax, email or written correspondence. Consultation does not include conversations initiated by the Town Attorney or follow-up conversations to matters previously discussed.

#### III. Standards

- a. The Town Attorney may be consulted only for issues that arise during the conduct of town business where a legal opinion is required in order to proceed, decide or adjudicate matters or to assist town officials in developing a course of action which will minimize exposure to future litigation.
- b. Selectmen may consult with the attorneys employed by the New Hampshire Municipal Association at will on matters arising during the conduct of town business. Selectmen shall refrain from contacting other Town Attorneys without prior approval of the full Board of Selectmen, except that the Chair may consult with any Town Attorney as necessary in the fulfillment of his/her duty to plan and organize town business for Selectmen's meetings, when the Town is threatened with litigation, and in emergency situations.
- c. The Chairs of the following boards have permission to consult with the Town Attorney on matters of consideration before their Boards without prior approval of the Chair of the Board of Selectmen:
  - Planning Board
  - Zoning Board of Adjustment
  - Conservation Commission

- d. The following employees have permission to consult with the Town Attorney as needed in the fulfillment of their duties without prior approval of the Chair of the Board of Selectmen:
- Code Enforcement Officer
  - Police Chief
- e. The Town Administrator may contact attorneys employed by the New Hampshire Municipal Association without prior approval of the Chair of the Board of Selectmen.
- f. Other elected and appointed town officials shall not consult with the town attorney without the express permission of the Chair of the Board of Selectmen.

#### **IV. Authorization to work with Town Attorney**

No section of this policy shall prohibit elected and appointed town officials from responding to requests for information received from the Town Attorney. All elected and appointed officials shall provide the Town Attorney with all requested information promptly.

Adopted this 27th day of May 2014 by the Northfield Board of Selectmen

Margaret Shepard, Chair

Wayne Crowley

Kevin Waldron