

**Town of Nantucket**  
**Town Counsel Policy**  
*Adopted: April 1, 2009*  
Revised: September 8, 2010

**Purpose**

To ensure that impartial and unbiased legal advice is provided clearly, efficiently, and cost effectively to all members of the Board of Selectmen and the Town Manager.

**Contractual Services**

As required by contract, "Town Counsel shall be obligated to bring new matters to the Board of Selectmen, by the established policy of clearance through the Town Administrator (Manager), for instructions."

1. Pursuant to the contract, a scope of work must be provided in writing for any new matter not covered by the retainer. The scope of work shall include: (1) detail of the legal services to be provided; and (2) a cost estimate for the legal services to be provided. The scope of work must be authorized and signed by the Town Manager prior to Town Counsel commencing work on a new matter. The Town will not pay for the development of the scope of work or cost estimate, or for legal services for which a scope of work or written authorization was not provided.
2. Legal advice and opinions shall be provided clearly in writing to the Board of Selectmen and Town Manager.

**Communication**

1. The Town Manager must approve all requests for legal services prior to legal services being provided. With the exception of the Board of Selectmen, a "Request for Legal Services" form must be completed and approved by the Town Manager if any department, board, committee, commission, or entity for which the Town provides payment for legal services, wishes to utilize legal services.
2. The Town Manager shall manage communication between all entities for which the Town provides payment for legal services and Town Counsel. Any communication between an entity for which the Town provides payment of legal services and Town Counsel shall have the consent of the Town Manager.

3. The Town Manager shall be copied on all written correspondence, including electronic mail, and be kept informed on all communication between entities for which the Town provides payment of legal services and Town Counsel.
4. Individual members of the Board of Selectmen may communicate directly with Town Counsel on retainer matters, which include:
  - a. Educational programs for boards, commissions, or department heads;
  - b. Advice throughout the year of changes in law, court decisions or regulations which may have an effect upon the department;
  - c. Services regarding town meetings (review of Articles for legal correctness, and review of recommendations of the Planning Board and Finance Committee); and
  - d. Review of standard forms (invitations to bid, contracts for construction, contracts for material procurement, contracts for services, and contracts for leases).
  - e. Consultation regarding conflict of interest issues.
5. Individual members of the Board of Selectmen may not contact Town Counsel on any matter not covered by the retainer unless approved by the Board of Selectmen or Town Manager in writing.
6. Town Counsel shall keep the Town Manager informed of any communication with individual members of the Board of Selectmen, or advice provided to individual members of the Board of Selectmen, on any matters not covered by the retainer.