

Effective Date: 06/99

Town of Concord

APP # 14
Utilization of Town Counsel

1. Town Counsel provides legal services to all Town departments and agencies. Utilization of Town Counsel must be cleared by the Town Manager in advance.
2. The utilization of legal counsel, other than Town Counsel, must be expressly authorized by the Town Manager in advance when the Town is, or may be responsible for associated expenses. When an employee utilizes private legal counsel in an action arising in the course of the employee's official duties with the Town (either as defendant or plaintiff), the Town Manager must be advised immediately in order to determine any necessary coordination with Town Counsel.
3. Prior to making a new legal service request to Town Counsel, the Town Manager must be contacted for authorization. The request must include the subject and probable duration of Counsel review.
4. Copies of correspondence to and from Town Counsel are to be provided to the Town Manager.
5. From time to time, the services of special legal counsel other than Town Counsel are called for. All such use of special counsel will, again, be expressly authorized by the Town Manager.

Legal Review of Contract Documents

The following procedure shall govern the need to obtain legal review of Town contracts:

1. Generally, annual contracts or agreements and those involving expenditures less than \$2,000 will not require Town Counsel review.
2. Contracts utilizing the Town's standard contract documents will not require Town Counsel review, unless the contract is unusual or for a large amount.

3. Contracts which do not utilize the Town's standard contract documents will require Town Counsel Review.
4. All projects which are funded by borrowings will require Town Counsel review, and bonding clearance from bond counsel.
5. All building construction contracts will require Town Counsel review.

From the time that contracts are received by the Town Manager, applicants should be prepared to wait seven days for processing. In most instances, the contracts will be processed the same day. However, the seven day rule will apply in order to allow sufficient time for a decision to be made on whether or not to refer the contract to Town Counsel and to allow Town Counsel sufficient time for review.

Distribution: All Department Heads