



**TOWN OF DEWEY-HUMBOLDT
PUBLIC BODY RULES OF
POLICIES AND PROCEDURES**

**PG No TC~~12-02~~
13-01**

**All Public Bodies : Town Council, Board,
Commission, and Committees**

Effective Date: December 1, 2013

Subject:
parameters of obtaining legal services

1. **Purpose:** To establish guidelines for ~~staff~~, individual council members, and all boards, commissions and committees to obtain legal services from the Town Attorney. This policy is to update and replace PG No. TC 12-02 which was modified in November 2013 at the Town Council's direction.

2. **Scope:** This policy applies to all town ~~staff members~~, councilmembers and public bodies of the Town. In this Policy, "public bodies" shall mean the Town Council and all boards, commissions and committees of the Town.

3. **Background:**

3.1 The Town does not have a full time attorney on staff but contracts with a qualified legal firm to perform legal services for the Town on an as-needed basis. The town attorneys represent the Town of Dewey-Humboldt Town Council and the Town as a governmental entity. The Town Attorneys do not represent individual members of the Town Council, staff or citizens of the Town. Town Council recognizes the necessity of obtaining legal opinions for decision deliberation and legal services with respect to other matters such as contracts, employment issues, public records, elections, ordinances and other legal issues that may arise from time to time. The Town Council also recognizes that as public bodies of the Town, the Town's boards, commissions, and committees and its members may encounter legal issues and have specific questions for the attorneys. In order to conserve Town funds and avoid obtaining unnecessary or redundant legal services, the Town Council hereby establishes a centralized and unified process for contacting the Town Attorney.

3.2 Pursuant to Town Code Sections 32.15 and 32.16 the Town Council is authorized to establish written policies outlining and defining town matters within the powers and duties granted to the Town council under state law and town ordinances.

4. **Policies:**

4.1 Nonessential contacts with the City Attorney are prohibited for all staff members and members of public bodies.

4.2 All staff members shall obtain permission from the Town Manager prior to contacting the town attorneys for services.

4.3 All requests for legal advice regarding an issue related to a committee, commission or board shall be made through the chair. The chair may submit a request form stating the specific question the public body needs answered to the Town Clerk for the Town Manager to process. If the Town Manager believes that the amount of time required is more than 15 minutes, the question will be put on the agenda for Council approval. Otherwise, it will be forwarded to the Town Attorney to answer without the Council approval.

4.4 The Town Manager is the Council's point of contact to contact the attorneys. Councilmembers' requests for legal advice shall be directed to the Town Manager.

4.5 If the matter is urgent or time-sensitive and the Town Manager is unavailable due to sickness or otherwise out of the office, the Town Manager's designee or the Town Clerk will assume the duties outlined in this policy relating to Town Attorney services.

4.6 Legal research results and opinions on specific questions directed by the Council will be disseminated to all Council members ~~and staff, at the discretion of the Town Manager.~~

TERRY NOLAN, MAYOR _____

ATTEST:

JUDY MORGAN, TOWN CLERK _____

Notes: _____