

Resolution 2025-009
TOWN OF EDGEWOOD

Resolution Establishing Procedures for Commissioners Seeking Legal Counsel

WHEREAS, the Governing Body recognizes the need to obtain legal counsel from time to time, and

WHEREAS, the town seeks to control costs associated with legal fees; and

WHEREAS, it is essential to establish a clear and transparent process to ensure proper oversight, avoid redundant charges, and promote efficient communication;

NOW, THEREFORE Be It Resolved by the Governing body of the Town of Edgewood:

Section 1: Designation of the Town Manager as the Primary Point of Contact

1. To address concerns about Commissioners independently making excessive or redundant legal counsel requests, all legal services requests shall go through the Town Manager for review and coordination.
 - a. The Town Manager shall serve as the primary point of contact for all requests for legal counsel on behalf of the Town and its commissioners.
 - b. All commissioners must submit any legal inquiries or requests for legal advice through the Town Manager, who will ascertain appropriate options to obtain the information requested, be that through legal counsel or other resources available to the town.

Section 2: Coordination of Legal Inquiries

1. The Town Manager shall review each request for legal counsel and ensure that similar or duplicate inquiries from multiple commissioners are consolidated into a single request when applicable.
2. Before initiating contact with legal counsel, the Town Manager shall confirm the scope of the inquiry and communicate with the relevant commissioner(s) to ensure alignment on the issues to be addressed.

Section 3: Participation in Legal Discussions

1. The Town Manager shall be included in all calls, meetings, or correspondence with legal counsel initiated on behalf of the Town or any commissioner.
2. Commissioners requesting legal advice may also participate in such discussions, with the Town Manager facilitating that arrangement.

Section 4: Cost Control and Reporting

1. Legal counsel shall not be engaged without prior knowledge of the Town Manager.
2. The Town Manager shall maintain records of all legal inquiries, including the nature of the inquiry.

3. Regular reports detailing legal expenditures and activities shall be provided to the Commissioners, specifically the commissioner legal liaisons, for review.
4. If any Commissioner or the Town Manager identifies wasteful spending on legal services, it should be added to a future Commission agenda for discussion and action.

Section 5: Compliance and Accountability

1. Any commissioner engaging legal counsel independently, without the Town Manager's knowledge, shall be personally responsible for any costs incurred as a result.
2. This resolution shall be communicated to all current and future commissioners to ensure compliance with the established process.

Section 6: Commission Decision for Obtaining Legal Counsel

1. In the event the Town Manager determines it is not necessary to engage legal counsel, the requesting commissioner may seek a second opinion from the Town Clerk.
2. If the request for legal counsel is declined by both the Town Manager and the Town Clerk, the Commissioner may have the request placed on an agenda and brought to the Commission for a decision on the request to engage legal counsel.
 - a. If the request for legal counsel pertains to a matter that is provided for as an exception to the Open Meetings Act, the Town Clerk shall place the request for counsel on the agenda for closed session in accordance with state statute.
 - b. During the closed session, the Commission shall discuss the Commissioner's request and hear from the Town Manager and/or Town Clerk on the rationale for the decline.
3. In open session, by majority vote, **the** commission shall determine whether to approve the engagement of legal counsel for the issue in question.

Section 7: Effective Date

This resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED THIS 11th Day of February 2025.

TOWN OF EDGEWOOD, NEW MEXICO.


Kenneth Brennan, Mayor

ATTEST:


Michelle Jones Clerk/Treasurer

