

Move that the Board of Selectmen (the “Board”) establish a Town Counsel Study Committee (“Study Committee”) to study, advise on, develop and recommend possible changes to provisions of the Town Charter (the “Charter”) and/or Town Bylaws (the “Bylaws”) relating to Town Counsel, including, without limitation, Article 22 (Town Counsel) and Article 44 (Conflicts Between Town Agencies) of the Bylaws.

Such Committee to be consisting of seven (7) members, who are residents of the Town, comprised of:

- One representative nominated by the Moderator;
- One representative nominated by the School Committee;
- One representative nominated by the Zoning Board of Appeals;
- One representative nominated by the Planning Board; and

Three members of the public (who may be Town Meeting members or from other volunteer boards and committees but not otherwise Town employees) to be selected by the Board.

In selecting the three members of the public, the Board shall review the four nominees provided above and insure that at least two members of the overall Committee shall be members of the Massachusetts Bar in good standing and at least three members of the Committee shall not be current or previous members of the Massachusetts Bar.

And that the Board may appoint members of the public or of other boards and committees in the event nominations are not made.

Said Committee to have reasonable access to Town Counsel, for those matters not involving any possible conflicts of interest under applicable laws or rules (including, without limitation, the rules governing attorney conduct), and to staff from within the Administration for resource support and interviews.

Said Committee shall have the responsibility and authority to evaluate all matters connected to the office of Town Counsel under the Charter and Bylaws.

Without limiting the generality of the foregoing, said Committee shall have the responsibility and authority to:

- i) interview Town agencies who are authorized to request the advice or services of Town Counsel;
- ii) evaluate whether Town Meeting should have its own independent legal counsel;
- iii) evaluate whether parties requiring the advice or services of Town Counsel have reasonable access to same;
- iv) distinguish, if possible, between services and advice;
- v) analyze whether the authority to settle litigation should reside solely with the Board on all matters;
- vi) consider whether the selection and appointment of Town Counsel should include any other elected town agency/ies;
- vii) consider whether any terms and provisions of the Bylaws unduly impede any elected Town official's (or agency's) access to the services of Town Counsel;
- viii) consider whether certain legal functions might be appropriate to be performed by an internal Town employee and, if so, conduct a cost benefit analysis of changing all or part of the Town Counsel function to such an internal Town employee;
- ix) engage with the Town Counsel Screening Committee and/or the Collins Center based at UMass Boston as such Screening Committee and Center proceed with their respective work;
- x) identify, if determined advisable by the Committee, such changes required to be made to the Charter and Bylaws in order to make all or any part of the office of Town Counsel a Town employee and/or to implement any recommendations that the Committee may make; and
- xi) identify potential Charter changes regarding Town Counsel at least 10 weeks before the start of 2019 Fall Annual Town Meeting.

Said Committee to report to the Board not less than three (3) months prior to 2020 Spring Annual Town Meeting.