

# Member Inquiry Service



## Hours & Submission Info

M-F, 8:30 AM – 4:00 PM

Ask a Legal Question

**We aim to provide responses in 24-48 hours if possible, and those received after 4:00 PM will be reviewed the following day. Please note if your question is time sensitive.**

*Response times vary depending on the volume of inquiries received or the complexity of the question(s) posed. Inquiries are prioritized based on when they are received, so please let us know if you have an urgent need or imminent deadline.*

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**Note that VLCT's MuniPal Chatbot is a website search tool, and it is not part of the Member Legal Inquiry Service or covered by the Terms of Use.**

## About the Member Inquiry Service

VLCT's Member Inquiry Service helps municipal officials by answering their questions ("inquiries") related to general municipal law and local government management. It is designed to help members understand their statutory roles and carry out their duties lawfully and effectively. This specialized service is governed by the Vermont Rules of Professional Conduct for attorneys and VLCT's Member Inquiry Service Terms of Use. All Inquiry Service Staff work under the MAC staff attorneys' licenses.

Legal questions are answered by MAC staff attorneys. Topics may include statutory duties and authority of municipal officials and boards, and processes, such as adopting polices and ordinances, as well as Vermont laws such as Open Meeting Law, Public Records Act, conflicts of interest/ethics, Town Meeting, zoning, and



more.

Non-legal operations questions are answered by Municipal Operations Support staff. Topics may include administration, management and operations, finance, grants and funding opportunities, project development and funding, ARPA (American Rescue Plan Act), CHIP (Community Housing and Infrastructure Program) technical assistance, project development and funding, and disaster preparedness, response and recovery.

Each year, VLCT Inquiry Service Staff answer 4000+ member inquiries! **We encourage members to submit any municipal questions. Legal questions will be routed to the MAC staff attorneys.**

When you contact us, make sure to provide:

- Your name
- The name of your municipality
- Your municipal job or position
- A brief description of your question
- Your preferred contact method

## **Inquiry Service Terms of Use**

Please see our complete [Member Inquiry Service Terms of Use](#) and the FAQs below for more information.

**What is the Member Inquiry Service ("Inquiry Service")?**



The Inquiry Service assists municipal officials by answering questions related to general municipal law and local government management. It is designed to help members understand their statutory roles and carry out their duties lawfully and effectively.

### **Who provides VLCT's Inquiry Service?**

The Inquiry Service is provided by VLCT Inquiry Service Staff ("Staff"). "Staff" refers to VLCT's Municipal Assistance Center (MAC) attorneys and Municipal Operations Support (MOS) staff who are non-lawyer professionals with expertise in management, administration, finance, operations, project development, planning, grants, and funding. All Staff work under the MAC staff attorneys' licenses.

### **Who can use the Inquiry Service?**

In general, any elected or appointed municipal official, a municipal volunteer, or a municipal employee may use the Inquiry Service, so long as their municipality is a VLCT member. Because the Inquiry Service is a VLCT membership benefit, Staff cannot answer inquiries from or on behalf of the public.

### **What types of questions are within the scope of the Inquiry Service?**



The Inquiry Service is for member municipal officials to ask questions related to municipal law, management, administration, and finance.

### **Is the Inquiry Service comprehensive legal representation for my municipality?**

No. The Inquiry Service is not for comprehensive legal services. It is a membership benefit and does not constitute a right to an attorney for any particular municipal official.

### **Does VLCT provide litigation, mediation, or legal strategy through the Inquiry Service?**

No. Due to the volume of inquiries associated with assisting all of Vermont's municipalities, VLCT does not provide direct legal representation, such as litigation or mediation services. Inquiries involving litigation, potential litigation, or litigation strategy should be directed to the municipality's attorney in most instances.

### **Will Staff draft or review complex documents (like contracts) or decisions of local boards?**



Typically, no. The Inquiry Service does not typically develop or review complex documents, such as contracts, or decisions of local boards. Inquiries that depend on complex or voluminous facts and documents should be directed to the municipality's attorney in most instances.

### **Are there situations where Staff cannot advise a member?**

Yes. There will be occasions when Staff cannot advise a member because use of the Inquiry Service creates an attorney-client relationship governed by the Vermont Rules of Professional Conduct.

### **Can Staff answer questions that are not related to my municipal role or duties?**

Staff can only respond to inquiries that are relevant to the municipal official's job duties or statutory responsibilities. Staff cannot advise municipal officials on private legal matters, questions that may pose a conflict for VLCT's municipal clients, or questions unrelated to job duties or statutory responsibilities. However, if an unrelated question is being asked on behalf of, or at the direction of, the affected municipal official, Staff may be able to assist.



**Can Staff advise on matters that challenge or are adverse to the municipality or its legislative body?**

No. Staff cannot advise on questions that are, or may be, adverse to the municipal corporation, the municipality's legislative body (e.g., selectboard, trustees, council, aldermen, prudential committee, etc.), or that call its actions into question.

**Can Staff advise one member municipality in a dispute with another member municipality?**

Not without the express written consent of all members. Even with consent, providing advice must be deemed appropriate by Staff.

**Can Staff advise on matters already directed to or discussed with the municipal attorney?**

No. The Inquiry Service is not intended to interfere with or replace local legal representation or fulfill the role of the municipality's attorney. Staff cannot advise on matters that have already been directed to or discussed with the municipal attorney. In such circumstances, a member municipality's attorney may use the Inquiry Service on behalf of the municipality.



### **Does the Inquiry Service provide advice about PACIF/VERB or insurance coverage?**

No. Staff do not advise or represent VLCT's Property and Casualty Intermunicipal Fund (PACIF) or its Employment Resource and Benefits Trust (VERB), and they do not act as VLCT's corporate attorney. Staff do not speak on PACIF or VERB's behalf and do not advise on insurance coverage or insurance policy language. While Staff may discuss issues of general liability, any advice provided is unrelated to PACIF/VERB coverage and should not be construed as a guarantee or representation of coverage. Insurance and coverage-related inquiries should be directed to the municipality's VLCT PACIF or VERB representative at [underwritingdept@vlct.org](mailto:underwritingdept@vlct.org) or [kavery@vlct.org](mailto:kavery@vlct.org) respectively, or to the municipality's other insurer.

### **Who is the "client" when someone uses the Inquiry Service?**

Use of the Inquiry Service creates an attorney-client relationship. Under the Vermont Rules of Professional Conduct, the attorney-client relationship is between Staff and the member municipality. The client is the member municipality acting through the majority of its legislative body (e.g., selectboard, village trustees, city council, prudential committee, alderpersons, etc.), not any individual municipal official.

### **Is information shared with Staff confidential?**



It depends on who Staff is communicating with. Because an attorney-client relationship exists between Staff and the member municipality's legislative body, the right to keep information confidential belongs to the municipality. While Staff, in most instances, will not disclose information produced or received while members use the Inquiry Service they may disclose confidential information with other affected officials in the municipality who use the Inquiry Service when asked, provided that official is a member of the municipality's legislative body or such information pertains to the official's statutory roles and responsibilities.

### **Can Staff share information within my municipality?**

In most instances, Staff will not publicly disclose information produced or received while using the Inquiry Service. However, Staff may disclose confidential information with other affected officials in the municipality who use the Inquiry Service, provided that official is a member of the municipality's legislative body or the information pertains to the official's statutory roles and responsibilities. Information disclosed to Staff by a member of a municipality's legislative body will not be disclosed to another municipal official outside of that body, even when that information also pertains to that municipal official's duties.

### **Can Staff share information within VLCT?**



Information disclosed through use of the Inquiry Service may be disclosed to other VLCT MAC and MOS staff, VLCT's Intergovernmental Relations (IGR) staff, and VLCT's Executive Director, all of whom agree to the confidentiality provisions set forth in the Terms of Use. Information may also be disclosed by Staff when deemed necessary to facilitate responding to the inquiry posed or to otherwise serve the best interests of the member municipality. Information shared with Staff is not shared with the VLCT Risk Management Services department (PACIF and/or VERB) without the express consent of the municipality's legislative body or its duly authorized representative.

### **Can non-identifiable information be shared outside VLCT?**

Yes. Non-identifiable information disclosed to Staff may be disclosed to other federal and state officials and local officials of other municipalities and their attorneys; other state municipal leagues; academic researchers; and others, to assist member municipalities and further their collective interests.

### **What are MAC fee-based services, and when do they apply?**

MAC fee-based services include formal legal opinions, as well as legal review of ordinances, policies, charters and bylaws. Inquiries requiring more than one hour of a MAC staff attorney's time will typically be treated as a fee-based service, billed at an hourly rate set by VLCT's Board of Directors, but only after



consultation with and contingent upon the express approval of the member municipality's legislative body. Members will not be billed without their express consent for services.

