

VLCT Municipal Assistance Center Legal Inquiry Service

Terms of Use

The Vermont League of Cities and Towns (“VLCT”) Municipal Assistance Center (“MAC”) Legal [Inquiry Service](#) (“Service”) assists municipal officials by answering their questions (inquiries) concerning general municipal law and local government management and administration. The purpose of this document is to explain the Service and its conditions by specifying the types of member questions covered as well as its scope and limitations. The provision of the Service is a benefit of each municipalities’ membership in VLCT. As such, the use of the Service is restricted to VLCT member municipalities. Questions from non-VLCT members (e.g., the public) or from municipal officials that fall outside the scope of these Terms of Use can be directed to either the municipality’s attorney, a personal attorney, or the Vermont Secretary of State’s Director of Municipal Assistance at (802) 828-1027.

Use of the Service creates an attorney-client relationship. The Service is also governed by the Vermont Rules of Professional Conduct for attorneys.

These Terms of Use are agreed upon as a condition of the use of the Inquiry Service and are not subject to change or alteration by any member municipality.

Who can use the Service? In general, any municipal official, whether they are elected or appointed, a volunteer, or an employee may use the Service, so long as their municipality is a VLCT member. Because the Service is a VLCT membership benefit, MAC staff cannot answer inquiries from or on behalf of the public.

Scope and Limitations. The Inquiry Service is for municipal officials to ask general legal questions related to municipal law and is not for comprehensive legal services. It is a benefit of each municipality’s membership in VLCT and is not a right to counsel for any particular municipal official. MAC staff endeavors to serve the best interests of its member municipalities by helping all its officials fulfill their statutory roles and responsibilities.

Due to the volume of inquiries associated with assisting all of Vermont’s municipalities, the Service typically does not provide legal opinions or reviews of complex documents, such as contracts, or decisions of local boards, nor does it provide direct legal representation such as providing litigation or mediation services. Inquiries that depend upon a set of complex or voluminous facts and documents, or those that involve litigation, potential litigation, or litigation strategy, in most instances, should be directed to municipal counsel. Members seeking formal legal opinions or other comprehensive legal review services may make a request for a [MAC fee-based service](#) (see below).

There will also be occasions when MAC staff cannot advise given that the provision of the Service creates an attorney-client relationship that is governed by the Vermont Rules of Professional Conduct.

MAC staff can only respond to inquiries that are relevant to the municipal official’s job duties or statutory responsibilities. As such, MAC staff cannot advise municipal officials on their own private legal

matters, questions that may pose a conflict for its municipal client, or questions unrelated to their job duties or statutory responsibilities, unless the unrelated question is being asked on behalf of or at the direction of the affected municipal official. Further, MAC 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 into question its actions.

Because MAC services are available to all member municipalities, MAC staff cannot advise one member municipality in a matter involving a dispute, or potential dispute, with another member municipality without the express written consent of both members and if deemed appropriate to do so by MAC staff.

The Service is not intended to interfere with or replace local legal representation, nor is it meant to fulfill the role of municipal counsel. Accordingly, MAC staff cannot advise on matters that have already been directed to or discussed with municipal counsel. In such circumstances, a member municipality's counsel may use the Service on behalf of the member municipality.

MAC staff do not advise or represent VLCT's Property and Casualty Intermunicipal Fund (PACIF) or Employment Resource and Benefits Trust (VERB), nor do they act as corporate counsel to VLCT. MAC staff do not speak on PACIF or VERB's behalf, nor can they advise on insurance coverage or on matters concerning insurance policy language. While MAC staff may discuss issues of general liability, any advice provided is unrelated to a member municipality's PACIF or VERB coverage or other insurance and should not be construed as a guarantee or representation of coverage, either generally or in any specific case. All insurance and coverage-related inquiries should be directed to the municipality's VLCT PACIF or VERB representative at underwritingdept@vlct.org or at kavery@vlct.org respectively, or another insurer.

Who's the Client? Use of the Service creates an attorney-client relationship that is governed by the Vermont Rules of Professional Conduct for attorneys. Those rules instruct that the client in the attorney-client relationship is between VLCT and the member municipality acting through the majority of its legislative body (e.g. selectboard, village trustees, city council, prudential committee, alderpersons, etc.) and not with any other municipal official.

Confidentiality. Pursuant to the Vermont Rules of Professional Conduct, an attorney generally cannot reveal information relating to the representation of a client unless that client gives informed consent. The attorney-client relationship exists between VLCT MAC and its member municipality acting through the majority of its legislative body (e.g. selectboard, village trustees, city council, prudential committee, alderpersons, etc.).

Because an attorney-client relationship exists between MAC staff and the municipality, the right to keep information confidential belongs to the municipality and its officials. This means that information produced or received while using the Service will, in most instances, not be publicly disclosed by MAC staff. However, because the right to confidentiality belongs to the municipality and not with any particular official, MAC staff may disclose confidential information with other affected officials in the municipality who use the Service, provided that official is a member of the municipality's legislative body or such information pertains to that official's statutory roles and responsibilities.

Information disclosed to MAC staff by a member of a municipality's legislative body however will not be disclosed to another municipal official outside of that body, regardless that such information also pertains to that municipal official's duties.

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

Non-identifiable information disclosed to MAC staff may also be disclosed to other federal, state, and local officers of other municipalities, and their attorneys in order to assist member municipalities and their collective interests.

MAC Fee-Based Services. Members seeking formal legal opinions or other comprehensive legal review services may make a request for a [MAC fee-based service](#). Inquiries requiring more than one hour of MAC staff 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.