

**Open Work Session
Process for Legal Service Requests
September 21, 2021**

Mr. Mitchell said he talked with Mrs. Hurley about the process for legal service requests, and she asked him if it was appropriate to bring this matter up to Council, and he said, yes. He said one of the issues that came up during his interview was how he would know which requests he is supposed to respond to. He clarified, he does not have a real problem with it, but he does not want it to get out of hand and then have everyone come back to him and say he should not have been there. He said he needs some way to know when a request comes in. He said, generally, it has not been a big problem, but it could be. He said, when he discussed this with Mrs. Hurley, they both agreed that if it came through the council administrator it was fine, but then there was no real consensus on anything beyond that.

Mr. Dodd said, in the past, the council members contacted the Council Attorney at their discretion, but he understands how Mr. Mitchell may feel uncomfortable as he wants one point of contact, to which Mr. Mitchell responded, he does not mind doing it, but if he is supposed to be turning down the request, he would like to know the criteria for doing that. Mr. Dodd asked for clarification on what he meant by turning down the request, to which Mr. Mitchell responded, if someone contacts him and asks for him to research something or do something.

Mr. Dodd then asked the council members how they feel about this matter, and do they want to continue with what they are doing? He clarified, if they have a question, they can contact the attorney, or do they want to go through the council administrator or the council president?

Mr. Cannon said the Council meets every two weeks, so he does not know if there would be such an urgency when a council member has a concern that could not be brought up at the end of the work sessions, and make those legal requests as part of the agenda.

Mrs. Acle said she does not have any issues with council members just contacting the attorney if they have a question, to which Mr. Dodd responded, he does not have problem with that either, but he thinks Mr. Mitchell feels uncomfortable with it. Mr. Mitchell clarified, it is not so much that he is uncomfortable, it is that several things have come in pretty close to the next meeting for him to deal with. He said the longer he is with the Council, the longer he will have some background and will not be starting fresh. He said sometimes an issue comes up that has not come up before, and it is starting from ground zero, and he does not always know how intense it is going to be. He said with some of them he has done a fair amount of work, and then the answer is fairly well taken.

Mrs. Hurley said she reached out to some other administrators to find out how their counties handle requests for legal services, and it was a mixed bag. She said it seemed to be that, if they had an in-house county attorney, the council member would be able to directly ask a simple question or have them review a document, but if it was a contractual attorney, they would go through the administrator.

Mr. Holloway said, if they cannot ask their attorney questions and get his opinion on something, then why do they have an attorney? He said he thinks the Council needs to have an open book with him. He

said, if it is something that is going to take a lot of time, Mr. Mitchell can assess that pretty easy. He said, for example, if he asks if it is sunny or cloudy outside, Mr. Mitchell can tell him, but if it is something Mr. Mitchell will have to look at that will take time, the ideal situation would be to call the council administrator, or just tell the council member to contact the council administrator, but a simple question is okay. He said there probably is not a simple question, to which Mr. Mitchell responded, there have been a few simple questions.

Mr. Mitchell explained, there were some simple questions this time, and there were some where it was just a simple email asking if he agreed, so he looked at it and emailed back an answer, and those types of things are not a problem. He said, for instance, Mrs. Hurley requested information that was supposed to come from the County Executive on the interim provision for the premium pay, so he contacted her on Thursday or Friday and said he still had not seen it, which is one of the things he was asked to look at where it got to be about 4:30 p.m. on Friday, and it created a little bit of a scramble, but they got it done. He clarified, he does not have a problem with fielding questions as they may come in, and if it looks like something big, as soon as he knows that, he would report back to whomever asked for it and to Mrs. Hurley.

Mr. Cannon said they are very fortunate because their administrator is a paralegal, and he thinks it would be best to go through Mrs. Hurley. He said 90 percent of the time when he has a question, even if it is legal, Mrs. Hurley knows how to handle it, and if she does not, she can defer to Mr. Mitchell, to which Mr. Holloway responded, unless they do not like the answer, and then they call Mr. Wilber to see if they can get a different answer. Mr. Cannon continued, that would take the pressure off Mr. Mitchell to decide how much work to put into it or not.

Mr. Holloway said he is not sure about the point of waiting until the next council meeting, to which Mr. Cannon responded, instead of doing that, they could just contact Mrs. Hurley because she is a paralegal and she can help.

Mr. Dodd said there may be information they need prior to a meeting, so he does not have a problem with talking to Mrs. Hurley first, and he also does not have a problem with a council member having a short question to ask Mr. Mitchell, but he is going to charge for his legal services.

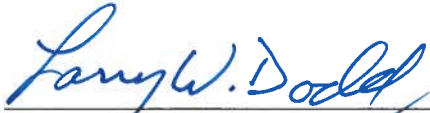
Mr. Holloway said another option is to email Mr. Mitchell and Mrs. Hurley at the same time and put a big question mark behind it or copy the entire council, to which Mr. Cannon responded, he likes that idea. Mr. Mitchell said he thinks that is a good idea, but he would ask when that happens if Mrs. Hurley would then let him know if she is looking into it. He clarified, he has gotten some emails that are to him, Mr. Wilber, and Mrs. Hurley, and he then does not know who is working on it, to which Mr. Dodd responded, if they are speaking to Mr. Wilber, there probably is not a need to ask Mr. Mitchell the same question.

Mr. Mitchell said he called Mr. Wilber about the premium pay because he had gone through the regulations, but he had not, and all he was doing was preparing the Bill the way he was asked to do it, and he thought it needed a little bit more detail, and Mr. Wilber agreed. He then apologized for the delay earlier in the meeting and said Mr. Wilber mentioned Mr. Illuminati's name, so he thought he was

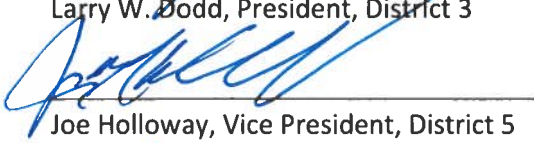
in the room at the same time and was going to make the change; otherwise he would have made the change sooner. He said he thought, since it was their Bill, they should be making the change.

Mr. Dodd asked for a consensus on sending Mrs. Hurley an email and copy the attorney for legal service requests, and possibly to the entire council so everyone is on the same page. Mr. Mitchell agreed to that idea, and there were no objections from the council members.

There was no further discussion.




Larry W. Dodd, President, District 3



Joe Holloway, Vice President, District 5



John T. Cannon, At-Large



absent

William R. McCain, At-Large



Ernest F. Davis, District 1



Nicole Acle, District 2



Josh Hastings, District 4



Laura Hurley, Council Administrator