

RESOLUTION NO. 2025-05

**A RESOLUTION ESTABLISHING A POLICY
GOVERNING USE OF THE COUNTY ATTORNEY**

WHEREAS, the Board of County Commissioners of Spencer County, Indiana ("Board") is the county's executive and administrative body and is charged under Indiana Code § 36-2-3-5 with the duty to manage the county's legal business and affairs; and

WHEREAS, the County Attorney serves as legal counsel to the Board and, by extension, to Spencer County as a corporate entity, providing legal advice, representation, and drafting services as directed by the Board; and

WHEREAS, the Board desires to ensure consistent legal positions on behalf of the County, efficient coordination of legal resources, and proper oversight of legal expenses; and

WHEREAS, from time to time various County departments, boards, commissions, and elected officials may seek legal advice or assistance in carrying out their official duties; and

WHEREAS, it is the intent of the Board to establish a clear and orderly procedure governing access to the County Attorney while preserving the lawful independence of other elected officials and compliance with the Indiana Rules of Professional Conduct.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SPENCER COUNTY, INDIANA, AS FOLLOWS:

Section 1. Purpose. This Resolution establishes a uniform policy to coordinate and manage requests for legal services from the County Attorney and to ensure that such services are provided in a manner consistent with Indiana law, ethical obligations, and sound fiscal management.

Section 2. County Attorney as Counsel to the Board. The County Attorney shall serve as legal counsel to the Board of County Commissioners and, subject to the direction of the Board, shall represent Spencer County as a corporate body in all legal matters.

Section 3. Requests for Legal Services. Except as otherwise provided in this Resolution, all requests for legal opinions, drafting of legal documents, or representation

by the County Attorney shall be directed to and approved by the Board of County Commissioners prior to engagement. Departments, boards, commissions, and county employees shall provide notice to the Board when legal assistance is desired and shall refrain from contacting the County Attorney directly without prior authorization.

Section 4. Exceptions. This policy shall not apply in the following circumstances:

- (a) When an elected county official or board is entitled by statute to employ separate counsel for specified duties;
- (b) When a conflict of interest exists between the Board and another county official, board, or department, as defined by the Indiana Rules of Professional Conduct, and the County Attorney cannot ethically represent both; or
- (c) When prompt legal consultation is required to preserve rights, prevent imminent harm, or comply with a legal deadline, provided that the official seeking counsel shall notify the Board as soon as practicable thereafter.

Section 5. Coordination and Reporting. The County Attorney shall keep the Board reasonably informed of all significant legal work performed on behalf of the County and shall report any request for services received directly from other offices or officials.

Section 6. Implementation. The Board may adopt administrative guidelines to implement this Resolution. All County departments, boards, and officials are directed to cooperate in carrying out its provisions.

Section 7. Effective Date. This Resolution shall take effect immediately upon its adoption.

So adopted this 30th day of Dec, 2025.

**THE BOARD OF COMMISSIONERS OF
SPENCER COUNTY, INDIANA**

By: Jim Seiler
Jim Seiler, President

By: Heather Gries
Heather Gries, Vice President

By: Malcolm "Mac" Webb
Malcolm "Mac" Webb, Member

ATTEST:

I, the undersigned Auditor of Spencer County, Indiana, do hereby certify that above and foregoing is a full, true, and complete copy of Resolution No. 2025-05 passed by the Board of Commissioners of Spencer County, Indiana, on the 30th day of Dec 2025, by a vote of 3 AYES and 0 NAYS and now remains on file and on record in my office.


Melissa Bunner, Auditor