

Bylaw 9124: Attorney

The ~~Board of Education~~ **Governing Board** recognizes the complex legal environment in which school districts operate and desires reliable, dependable legal advice. The Board also supports collaborative legal efforts with other agencies and districts in order to promote the district's interests. ¶

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The Board may use the county counsel, district attorney, or private attorneys to meet the needs of the district, the need to provide legal representation for the district, and the importance of reliable, cost-effective, high-quality legal advice and services.

In order to meet the district's legal needs, the **Governing** Board may appoint legal counsel and fix and order paid legal counsel's compensation as an employee or as an independent contractor. (Education Code 35041.5)

The **Governing** Board may enter into independent contractor services agreements with county counsel, law firms, attorneys in private practice, and other public or private legal services entities. (Education Code 35204, 35205; Government Code 26520, 26529)

The **Governing** Board also supports pursuing collaborative legal efforts with other districts as well as other government agencies as appropriate.

Duties of Legal Counsel

The district's legal counsel may: (Education Code 35041.5)

1. Render legal advice to the **Governing** Board ~~or individual board members~~ and the Superintendent or designee
2. Serve the **Governing** Board and the Superintendent or designee in the preparation and conduct of district litigation and administrative proceedings
3. Render advice on school bond and tax increase measures and prepare the necessary forms for the voting of these measures
4. Perform other administrative duties as assigned by the **Governing** Board and Superintendent or designee

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~~The Superintendent may confer with the district's legal counsel at his/her discretion and shall provide the Board with desired legal information when so directed by a majority of the Board. The Board also may authorize a specific member to~~**Retaining Legal Counsel**

When the district is seeking legal advice or representation, the Superintendent or designee shall identify prospective attorney(s), firm(s), and/or legal services entity(ies).

The district may, but is not required to, initiate a Request for Proposals to advertise and solicit proposals for legal services. In evaluating the prospective attorney(s), firm(s), and/or entity(ies), the Board and Superintendent may consider the attorney's, firm's, and/or entity's background, experience, and relevant legal reputation; experience advising and representing school districts in California; fees; and experience of attorneys at the firm who will provide legal services.

Any attorney representing the district shall be admitted to practice law in California. (Education Code 35041.5)

The **Governing** Board and Superintendent shall periodically evaluate the performance of the firm(s) and/or attorney(s); the efficiency and adequacy of advice; the results obtained for the district; the reasonableness of fees; and the responsiveness to and interactions with the Board, administration, and community.

The **Governing** Board may use such evaluation(s) to determine whether to renew any current agreement(s) for legal services.

The **Governing** Board may also contract for specialized legal services, as appropriate, when a majority of the Board determines that the unique demands of a particular issue or emergency situation require such representation.

Contacting Legal Counsel

The **Governing** Board president, or Superintendent or designee, may, at their discretion, confer with district legal counsel on behalf of the Board. ~~Board members shall be conscious of the cost and limit individual consultation with county counsel to no more than five hours per year.~~¶ subject to any limits or parameters established by the Board. In addition, the **Governing** Board president, or Superintendent or designee, may contact district legal counsel to provide the Board with legal information or advice when so directed by a majority of the Board.

Individual **Governing** Board members other than the Board president may not seek advice from district legal counsel on matters of district business unless so authorized by the Superintendent, the Board president, or a majority of the Board.