

Bylaw 9124: Attorney

Status: DRAFT

Original Adopted Date: 06/01/1991 | Last Revised Date: 05/11/2022 | Last Reviewed Date: 05/11/2022

The Governing Board recognizes the complex legal environment in which districts operate, the need to provide legal representation for the district, and the importance of reliable, cost-effective, high-quality legal advice and services. ~~and desires reliable, high-quality legal advice at reasonable rates.~~

In order to meet the district's legal needs, the 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). ~~contract with county counsel, attorneys in private practice, or appoint legal counsel as a district employee or independent contractor. The Board also supports pursuing collaborative legal efforts with other agencies and districts as appropriate.~~

The Board may enter into independent contractor service 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)

Duties of Legal Counsel

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

1. Render legal advice to the Board and the Superintendent or designee
2. Serve the 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 Board and Superintendent or designee

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 (RFP) to advertise and solicit proposals for legal services. In evaluating the prospective attorney(s), firm(s) and/or entity(ies) proposals, the Board and Superintendent may ~~shall~~ consider the attorney's, firm's and or entity's ~~firm's or attorney's~~ background, experience, and relevant legal reputation; ~~in education law;~~ experience advising and or 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 Board and Superintendent shall periodically ~~annually~~ evaluate the performance of the firm and/or attorneys; ~~providing legal services in such areas as the~~ efficiency and adequacy of advice; the results obtained for the district; reasonableness of fees; and responsiveness to and interactions with the Board, administration, and community. ~~Upon a successful evaluation, the Board may renew the agreement with legal counsel without initiating an RFP.~~

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

The Board may also contract for temporary, specialized legal services without initiating an RFP when a majority of the Board determines that the unique demands of a particular issue or emergency situation so requires.

Contacting Legal Counsel

At his/her discretion, the Board president or Superintendent may confer with district legal counsel subject to any limits or parameters established by the Board. In addition, the ~~Superintendent or~~ 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 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.

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