

BYLAWS OF THE BOARD

Attorney

County Superintendent of Schools Legal Counsel

The duties of the Legal Counsel of the County Superintendent of Schools and County Board of Education may include rendering legal advice to the Board of Trustees, officers and employees of the District. The duties of the Legal Counsel of the County Superintendent of Schools and County Board of Education may also include other administrative duties as may be assigned by the County Superintendent of Schools, the County Board of Education and the Governing Board of Education and the Governing Board of the District in the preparation and conduct of School District litigation and administrative proceedings. (Education Code Section 35041.5)

Neither the County Counsel nor the district attorney shall have a duty to perform for the District any legal services which the legal counsel of the County Superintendent of Schools is authorized by the Board of Trustees to perform for the District. (Education Code Section 35041.5)

County Counsel or County District Attorney

On request of the Board of Trustees the County Counsel or district attorney will defend, without fee or other charge, the District in any suit brought against the District pursuant to Part 2 (commencing with Section 814) of Division 3.6 of Title I of the Government Code, or any employee or servant of the District as the District or any employee or servant of the District a provided in Part 7 (commencing with Section 995) of Division 3.6 of Title I of the Government Code. (Education Code Section 35203)

The Board of Trustees may contract with the office of the County Counsel or the County District Attorney for additional services, at a fee and in a manner agreed upon by the Board and the office of the County Counsel or District Attorney. (Education Code Section 35206)

Joint Exercise of Power to Appoint Counsel

The Board of Trustees may enter into joint exercise of powers agreements with other school districts and the County Superintendent of Schools to appoint counsel to provide legal representation to the District. (60 Opinions Attorney General 206). The Board of Trustees may contract with the employ persons for the furnishing to the District special services and advice in legal matters if such persons are specially trained and experienced and competent to perform the special services required. (Government Code Section 53060).

Attorney in Private Practice

The Board of Trustees may appoint an attorney in private practice as an employee or independent contractor, or utilize an administrative adviser for whatever purpose the Board of Trustees deems appropriate, and fix and pay such attorney according to the contract,

but the District shall first obtain the written views of the district attorney or County Counsel as to the form of the proposed contract of employment with the private attorney. (Education Code Section 35204)

Legal Reference: Education Code
3504I Administrative adviser
3504I.5 Legal counsel: Relieving duties of county counsel and district attorney (CCD--Education Code 724I9.5)
35204 Contract with attorney in private practice
35205 Contract for specialized legal services
35206 Contract for additional services from county counsel or district attorney

Government Code:
814 et seq. Liability of public entities and public employees (in general)
53060 Contract for special services

Adopted: November 25, 1986