Bylaws of the Board

ATTORNEY

The Board of Trustees recognizes the complex legal environment in which districts operate and desires reliable, high-quality legal advice at reasonable rates. In order to meet the district's legal needs, the Board may 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.

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

Contacting Legal Counsel

At his/her discretion, the Board president or Superintendent may confer with the district legal counsel subject to any limits or parameters established by the Board. In addition, the Superintendent or Board president 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 the district legal counsel on matters of district business unless so authorized by a majority of the Board.

(cf. 3320 - Claims and Actions Against the District)
(cf. 3400 - Management of District Assets/Accounts)
(cf. 4312.1 - Contracts)
(cf. 9000 - Role of the Board)
(cf. 9260 - Legal Protection)
(cf. 2121 - Superintendent's Contract)
(cf. 9200 - Limits of Board Member Authority)
(cf. 9321 - Closed Session Purposes and Agendas)
ATTORNEY (continued)

Legal Reference:

**EDUCATION CODE**
- 35041  Administrative adviser
- 35041.5  Legal counsel
- 35161  Powers and duties of governing board
- 35200-35214  Liabilities, especially:
  - 35204  Contract with attorney in private practice
  - 35205  Contract for legal services

**GOVERNMENT CODE**
- 814-895.8  Liability of public entities and public employees
- 995-996.6  Defense of public employees
- 26520  Legal services to school districts
- 53060  Special services and advice

Management Resources:

**CSBA PUBLICATIONS**
The Brown Act: School Boards and Open Meeting Laws, rev. 2007
Maximizing School Board Leadership: Boardsmanship, 1996

**NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS**

**WEB SITES**
CSBA: http://www.csba.org
California Council of School Attorneys:
http://www.csba.org/LegislationAndLegal/Legal/CaliforniaCouncilOfSchoolAttorneys.aspx
National School Boards Association: http://www.nsba.org
State Bar of California: http://www.calbar.ca.gov

8/14/91
4/14/93
(6/91 12/92) 7/08
6/17/09