

CLASSIFICATION: Bylaws of the Board**ADOPTED: 3/8/95**
REVISED: 5/10/17
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The County Board of Education (County Board) recognizes the complex legal environment in which the San Diego Office of Education operates and recognizes the need for reliable, high-quality legal services and advice at reasonable rates. The County Board may arrange to obtain legal services and advice in accordance with law.

The County Board may appoint a legal counsel for services it deems appropriate and in accordance with state law and fix the compensation to be paid to the legal counsel. The legal counsel shall be admitted to practice law in California.

The duties of the legal counsel may include:

1. Rendering legal advice to the County Board
2. Serving the County Board in the preparation and conduct of litigation and administrative proceedings
3. Providing other legal services as assigned by the County Board consistent with this bylaw

The County Board may employ or contract with any qualified person for the provision to the County Board of special services and advice in legal matters. The County Board shall fix the compensation to be paid for the special service or advice and may pay such compensation from any available funds.

The County Board is a unit of authority. The County Board may consult with the legal counsel whenever a majority of its members deem such consultation necessary. The County Board may consult with the legal counsel as a group or by authorizing a specific Board member to consult with the legal counsel on behalf of the County Board.

Prior authorization by a majority of the County Board given in public session of a County Board meeting is required before an individual County Board member makes contact with the designated legal counsel. Individual County Board members have access to legal counsel only on items and issues directly involving the statutory authority of the

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County Board. Apart from the normal function as part of the unit, an individual County Board member has no individual authority. Individually, a County Board member may not commit the San Diego County Office of Education to any policy, act, or expenditure.

Board Bylaw Nos.: 9010, 9200

Derivation:

Former Board Bylaw No. 9125 Adopted 3/8/95, Amended 12/9/98. Amended and Renumbered 9124, 5/10/17.

Legal Reference:

Education Code

1042

Government Code

814-895.8, 995-996.6, 53060

Attorney General Opinions

86 Ops.Cal.Atty.Gen. 57 (2003)

Management Resources:

The Brown Act: School Boards and Open Meeting Laws, California School Boards

Association, rev. 2014: www.csba.org

California Council of School Attorneys: www.csba.org

California County Boards of Education: www.theccbe.org

Education Legal Alliance: www.csba.org