

**Bylaws of the Board**

**ATTORNEY**

The County Board of Education recognizes that the complex legal environment in which it discharges its functions creates the need for sound and dependable legal services and advice. The County Board shall arrange to obtain legal services and advice in accordance with law.

The County Board and the County Superintendent shall together appoint a legal counsel and fix the compensation to be paid to the legal counsel. The legal counsel shall be admitted to practice law in California and shall not be required to have any certification qualification.

The duties of the legal counsel shall include: (Education Code 35041.5)

1. Rendering legal advice to the County Board, the County Superintendent, the County Committee on School District Organization, and other officers and employees as appropriate;
2. Serving the County Board, the County Superintendent, and the County Committee on School District Organization in the preparation and conduct of litigation and administrative proceedings;
3. Performing other administrative duties as assigned by the County Board, County Superintendent, and the County Committee on School District Organization.

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. (Education Code 1042)

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 County Board member to consult with the legal counsel on behalf of the County Board.

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***Legal References:***

**EDUCATION CODE**

1042 *County Boards: authority*

1302 *Increases of salary or bonus of employees by county superintendent of schools*

35041.5 *Legal counsel: Relieving duties of county counsel and district attorney*

**GOVERNMENT CODE**

814-895.8 *Liability of public entities and public employees*

995-996.6 *Defense of public employees*

53060 *Miscellaneous*

**BOARD BYLAW:**

**First Reading:** November 20, 2001

**Adopted:** December 18, 2001

**Revised:** February 15, 2005