

## SCHOOL BOARD BYLAWS

**Legal Counsel P 1-5**

The school board shall retain and shall compensate the city attorney to advise and to represent it on legal matters when necessary. When the school board deems it in the best interest of the school division, the school board may employ other legal counsel for special purposes.

Legal Reference:

Code of Va., § 11-37. Definitions.--. . . 'Professional services' means work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy or professional engineering. "Professional services" shall also include the services of an economist procured by the State Corporation Commission. . . " (1999)

Code of Va., § 11-41. Methods of procurement.--. . . B. Professional services shall be procured by competitive negotiation." (1996)

Code of Va., § 22.1-82. Employment of counsel to advise or defend school boards and officials; payment of costs, expenses and liabilities; consent of governing bodies required prior to institution of proceedings.--"A. Notwithstanding any other provision of law, the attorney for the Commonwealth or other counsel may be employed by a school board to advise it concerning any legal matter or to represent it, any member thereof or any school official in any legal proceeding to which the school board, member or official may be a party, when such proceeding is instituted by or against it or against the member or official by virtue of his actions in connection with his duties as such member or official.

B. All costs and expenses of such advice and all costs, expenses and liabilities of such proceedings shall be paid out of funds appropriated to the school board.

C. A school board shall, prior to instituting any legal action or proceeding against any other governmental agency in Virginia or expending any funds therefor, first secure the authorization of the governing body of the county, city, or town constituting the school division or the governing bodies of the counties or cities in the school division if the division is composed of more than one county or city except as to legal actions or proceedings arising between the school board and the governing body or bodies." (1980)

Code of Va., § 22.1-83. Payment of employee's legal fees and expenses.--"If an employee of a school board is arrested, indicted or otherwise prosecuted on any charge arising out of any act committed in the discharge of his duties as such employee and such charge is subsequently dismissed or a verdict of not guilty is rendered or if an employee of a school board is made a defendant in any civil action arising out of his actions in connection with his duties as such employee, the school board may pay the

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Legal Counsel (continued)

legal fees and expenses of such employee." (1980)

Code of Va., § 22.1-128. Title to school board real estate.--"Whenever any school board purchases real estate or acquires title thereto, the title to such real estate shall be certified in writing by a competent and discreet attorney-at-law selected by the school board, or title insurance, approved by a competent and discreet attorney-at-law selected by the school board, shall be purchased for such real estate. Such certification or policy of insurance shall be filed with the clerk of the school board along with the recorded deed or other papers by which the title is conveyed. No contract for any such purchase shall bind the school board until the title to such real estate is thus certified or insured. The school board shall pay to the attorney reasonable compensation for these services." (1987)

Adopted by School Board: January 6, 1981