This brief is being provided to inform the Board, staff and public of the details of an agenda item that requires action from the Board. The President of the Board will provide board members, staff, and the public the opportunity to ask questions about this topic when this agenda item is announced.

**Date:**February 13, 2021

**Originator:** Cary Curtis and Kim Seney

**Purpose**: Propose Policy #1045 Legal Services

**Supporting Documents Included: Yes / No** Yes – Proposed Policy

**Desired Action by the Board:**

First reading by the board of new Policy #1045 Legal Services. The board may choose to waive the second reading and adopt recommendation as presented. Current policy requires a 3/5th majority affirmative vote of the entire membership of the board to adopt this policy.

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1. **Description:** This new policy is intended to affirm that the Board of Directors is responsible for retaining Legal Services for the District. The Policy was drafted verbatim from the current CSDA Policy template, with minor amendments from GM CSD Staff.
2. **Reason for Recommended Board Action -** (*Consider compliance, cost savings, fixing a problem*): There is currently no GM CSD Policy on this topic and the Policy Committee recommends that one is adopted.

1. **Anticipated Impacts to the District (negative and/or positive) -** (*Consider financial impact, change in procedures, customer and staff communication and effect if recommendations are not adopted*):

None

1. **Anticipated Impacts to the Customer –** *Standby, Residential, Commercial***:** None
2. **Recommendation (s):** Adopt GM CSD Policy #1045 Legal Services as presented below.

Gold Mountain Community Services District

**POLICY HANDBOOK**

**POLICY TITLE: Legal Counsel**

**POLICY NUMBER: 1045**

1045.1 The Board of Directors shall appoint a Legal Counsel to assist the Board and District in all applicable issues and activities.

1045.2 Legal Counsel shall be the legal adviser of the District, including the Board as a whole, the General Manager and department heads. Legal Counsel shall perform such duties as may be prescribed by the Board of Directors. Such duties include, but are not limited to, providing legal assistance necessary for formulation and implementation legislative policies and projects; represent the District’s interests, as determined by the District, in litigation, administrative hearings, negotiations and similar proceedings; and to keep the Board and District staff apprised of court rulings and legislation affecting the legal interest of the District. Legal Counsel is required to review and approve as to form District legal documents, such as contracts, agreements, etc. The Legal Counsel shall present and report on all legal issues and Closed Session items before the Board. The Legal Counsel shall serve at the pleasure of the Board and shall be compensated for services.

1. The Legal Counsel reports to the Board as a whole but is available to each Director for consultation regarding legal matters particular to that Board member’s participation. No Board member may request a legal opinion of legal counsel without concurrence by the Board, except as such requests relate to questions regarding that member’s participation. The Legal Counsel shall be available to the District General Manager and staff, as directed by the General Manager for one time consultation on specific issues and activities.