

POLICY TITLE: Board Use of Legal Counsel

POLICY NUMBER 4000

4000.1 - The NCSB Board will choose one attorney (or legal firm) to serve as the “General Counsel” for the District. This attorney will advise the Board regarding legal and policy matters which arise in the normal course of performing the Board’s duties serving the needs of the public. This attorney works for and reports to the NCSB Board.

4000.2 - In cases of litigation where the District is either Plaintiff or Defendant in a civil or criminal lawsuit or investigation, the Board may utilize the services of a second attorney (or legal firm) to represent the interests of the District specifically with regard to that lawsuit as “Special Counsel”. This includes attorneys hired by the District’s Joint Powers Authorities who may be assigned to represent the District. This attorney also works for and reports to the NCSB Board.

4000.3 – The President of the Board may contact the attorney or attorneys representing the NCSB Board at any time regarding legal issues or matters brought before the Board. The General Manager (GM) may, at the direction of the Board President, contact the attorney or attorneys regarding legal issues or matters brought before the Board. If another Board member wishes to speak with General Counsel on a District related subject, the contact must be approved by either 1) a majority of the Board or 2) the Board President and the GM.

4000.4 - The GM will maintain a confidential Attorney Telephone Log of all telephone calls and text messages to and from the District’s attorney or attorneys. The log shall be marked “Confidential—Attorney Client Communication.” The log will contain the following information: date, the name of the attorney contacted, the contacted attorney’s telephone number, the name of the party who originated the call, the time the call started, the time the call ended, the total call duration and the reason for the call.

4000.5 - The Attorney telephone log will be maintained confidentially by the NCSB General Manager. Because it will, in many cases, contain information regarding attorney/client matters, it is a confidential document legally subject to attorney/client confidentiality. This log will not be subject to Public Records Act requests.

4000.6 – NCSB Directors may access the confidential Attorney Telephone Log at the District’s office during normal office hours.