



POLICY TITLE: Legal Counsel and Auditor Policy

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, Standing Committees, and department managers. Legal Counsel shall perform such duties as may be prescribed by the Board of Directors. Such duties include, but are not limited to, attending Board meetings either in person or remotely, assisting when necessary, as parliamentarian to assist the Board in complying with the Brown Act and other legal requirements, providing legal assistance necessary for formulation and implementation of legislative policies and projects; representing the District's interests, as determined by the Board, in litigation, administrative hearings, negotiations and similar proceedings, and keeping the Board and District staff apprised of court rulings and legislation affecting the legal interests of the District.

- Legal Counsel shall draft or comprehensively review ordinances, resolutions, contracts, leases, opinions and similar documents, to approve as to form all ordinances, resolutions and contracts, and to perform all other tasks as set forth in his or her contract.
- Legal Counsel shall present and report on all legal issues and any closed session items before the Board. Legal Counsel shall give an oral or written report to the public after the closed session meeting, as further described in the Brown Act.
- Legal Counsel shall serve at the pleasure of the Board and shall be compensated for services as determined by the Board.
- Legal Counsel reports to the Board as a whole but is available to each Director for consultation regarding legal matters particular to that Director's participation. No Director may request a legal opinion of Legal Counsel without concurrence by the Board, except as such requests related to questions regarding that Director's participation. Legal Counsel shall be available to the District General Manager for consultation on applicable issues and activities.

1045.3 The District Auditor shall be appointed by the Board by a majority vote in a public meeting. The Board shall determine the duties and compensation of the Auditor. The Auditor shall serve at the pleasure of the Board. Selection of the Auditor shall be done in a noticed public meeting at least every five years.

The Board may appoint a committee to oversee the work of an independent auditor, who will report to the Board, to conduct an annual audit of the District's books, records, and financial affairs in accordance with state law and the Finance Committee Charter for Audit Compliance. The Chief Financial Officer and General Manager will install and maintain an accounting system that will completely, and at all times, show the financial condition of the District.