

Mr. Danny Espino, Vice-Chair

**SUBJECT: PROPOSED AMENDMENT TO SCHOOL BOARD POLICIES TO PROVIDE GENERAL COUNSEL FURTHER DISCRETION IN CONTRACTING FOR LEGAL SERVICES**

**COMMITTEE: FISCAL ACCOUNTABILITY & GOVERNMENT RELATIONS**

**LINK TO STRATEGIC PLAN: EFFECTIVE & SUSTAINABLE OPERATIONAL PRACTICES**

The School Board has a skilled team of in-house attorneys under the direction of the General Counsel who “render[s] legal services as needed by the Board or Superintendent for school matters” (School Board Policy 0156, *Legal Counsel*). Pursuant to state law and Board policy, an RFP or a competitive solicitation is not required in procuring legal services. However, the General Counsel’s Office issues a Request for Proposal (RFP) every 4 to 5 years to establish a list of law firms that can be utilized to assist with legal matters generally not handled by the General Counsel’s Office (e.g., Eminent Domain, Secured Transactions, Patent Infringements, Workers’ Compensation, and other specified matters).

There are also situations when the General Counsel must contract with outside counsel due to significant increases in litigation or to respond to unique lawsuits, which require legal expertise in areas not typically handled by in-house counsel and not addressed by the list of firms established through the RFP process, or in situations where there exists a conflict. Accordingly, the Board’s General Counsel will contract from time to time, with outside counsel to assist with these matters. Presently, if the retention of outside legal counsel is deemed necessary by the General Counsel and such services are expected to exceed \$50,000, the General Counsel must seek prior Board approval from the Board.

This item seeks to amend relevant Board policies to facilitate the General Counsel’s ability to contract for legal services on behalf of the School Board without having to request prior Board authorization as currently required by Board policy. In order for the Board to remain properly apprised of such contracts and to ensure transparency in this practice, the General Counsel should provide quarterly reports to the Board indicating the type of legal services contracted and the expenditures for such services.

This item has been reviewed and approved by the School Board Attorney’s Office as to form and legal sufficiency.

**ACTION PROPOSED BY THE VICE CHAIR  
MR. DANNY ESPINO:**

That The School Board of Miami-Dade County, Florida, authorize the Superintendent of Schools to:

1. initiate rulemaking to amend relevant Board policies to authorize the Board's General Counsel to contract for outside legal services without prior Board approval; and
2. to require General Counsel to provide quarterly reports to the School Board delineating all contracts for legal services provided by outside counsel, which exceed or are anticipated to exceed \$50,000.