

Commission Policy

Subject: Legal Services	Index: 1-21.01
Authority Statute:	Page: 1 of 3
Resolution: 77-149-12D(3)j, 88-073-5, 90-055-6(17)a-n, 98-027-1(02), 02-136-7; 10-049-3; 20-157-10	Issued: 01/10/80 Last Revised: 10/26/2020 12/18/2023 Effective: 10/26/2020 12/18/2023

Policy Purpose: This policy outlines the duties and authority of the Legal Services Division.

I. Establishment of Legal Services Division

There shall be a Legal Services Division within the District, under the direction of the Director of Legal Services. The Director of Legal Services shall report to the Executive Director. The Division shall conduct all legal business of the District and of the Commission (hereinafter referred to as "District").

The Division shall at all times conduct its activities in such a way as to develop good working relationships between the private and public sectors with which it deals and to prevent unnecessary litigation.

II. Ability to Report to the Commission

The Director of Legal Services may provide a report to the Commission, with only the Director of Legal Services present when the report is properly noticed on the agenda in closed session.

The Director of Legal Services will report to the Commission on any actions involving allegations concerning discrimination and similar issues and those matters requiring Commission direction.

III. Division Power and Duties

The powers and duties of the Division without limitation by enumeration are to:

- A. Initiate, move to intervene, or file a friend of the court brief only in such actions having significant environmental, legal, community relations, employee relations, or fiscal impacts when it has been determined by the Commission to be in the District's interests to participate in such actions.
- B. After consultation with the Executive Director and the Commission Chairperson, initiate those actions and proceedings as required to protect the District's interest, which do not have significant environmental, legal, community relations, employee relations, or fiscal impacts, or which are required on an emergency basis to protect the District's interests.
- C. Settle or compromise any formal action or proceeding in an amount not to exceed \$~~5~~100,000 not having, in the opinion of the Director of Legal Services, a significant environmental, legal, community relations or employee relations impact. Any settlement

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greater than \$100,000, but within the spending authority of the Executive Director, and not having a significant environmental, legal, community relations or employee relations impact, requires approval of the Executive Director and notice to the Commission Chair. Any settlement greater than the Executive Director's authority \$50,000 must be approved by the Commission. Settlement or compromise of any informal matter may be reported to the Commission at the discretion of the Director of Legal Services.

- D. Assign experienced staff attorneys in areas of major District concern and retain outside counsel as needed for an amount not to exceed \$19,999 per assignment, subject to paragraphs A and B above and report the same to the Commission on a quarterly basis.

IV. Actions Not Requiring Commission or Executive Director Approval

The following routine actions may be commenced by the Director of Legal Services without prior consultation with the Commission Chairperson or the Executive Director:

- A. Actions to obtain title to lands, sites for which have been previously approved by the District, including condemnation and quiet title actions.
- B. Actions to collect damages for injury to District property.
- C. Actions to enforce warranties.
- D. Actions to enforce minority business enterprise provisions in District contracts.
- E. Actions to protect the District's interests in bankruptcy and related matters.
- F. Actions relating to workers' compensation claims.
- G. Actions to enforce contracts when the amount in question is less than \$150,000.

~~V. Registered Lobbyist~~

~~The Director of Legal Services shall be one of the registered lobbyists for the District, assist in the development of a legislative program, and prepare an analysis of all legislative proposals having a significant impact on the District. These analyses will be presented to the Executive Director and will consist of a summary of the bill and its potential policy, financial, and administrative implications to the District.~~



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