

**COUNTY OF SAN MATEO**  
**INTERDEPARTMENTAL CORRESPONDENCE**

**To:** Honorable Board of Supervisors  
**From:** County Counsel  
**Subject:** Contract for School District Legal Services  
**Date:** June 14, 2001

**RECOMMENDATION:** Adopt a resolution authorizing the San Mateo County Counsel to execute agreements with the San Mateo County School Districts for legal services.

**DISCUSSION:** The County Counsel, pursuant to contract, provides legal services to 22 of the 24 school districts in the County, including the Community College District and the County Superintendent of Schools. These contracts are for a fixed fee based upon the average daily attendance (A.D.A.) of the districts, with the College District and the County Superintendent charged a flat negotiated rate. Last summer, following budget hearings, the Board was presented with a recommendation, which is attached, for new five year contracts. At that time there was no action taken but the Board discussed the amount of reimbursement. The views expressed ranged from the recommended used rate of reimbursement of 80% of County Counsel costs to full reimbursement of all costs. The Board deferred action until pending further discussions with the school districts. During the past year, extensive discussions have been held with the school districts and numerous different formulas were reviewed. The schools have requested that last year's recommendation be resubmitted for the Board's consideration.

The proposal being recommended would be that school districts be charged \$5.25 per ADA, or in the alternative, a district could pay an hourly rate of \$120.00 per hour. This would provide reimbursement for 80% of the County Counsel's historical costs. Each year, the rate would be adjusted based on the salary and benefits increase which the Board had authorized for Deputy County Counsels. Additionally, the County Counsel would charge \$2.00 per ADA for special education services. Currently, the County Counsel provides special education legal services for eighteen school districts, including the Cabrillo School District which resumed using County Counsel for special education in May.

The advantages of this proposal to the school districts are substantial. For a fixed fee, the school districts are assured of full legal services. This eliminates the need risk to the school district of higher legal fees for private counsel.


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There are also benefits to the County. This longstanding, successful arrangement is a clear example of the benefits of collaboration and partnership among local entities. Because of these relationships, the risk of adversarial relationships between the schools and the County is certainly reduced, if not eliminated. Sometimes difficult legal issues are addressed and resolved rather than resorting to litigation. This has been particularly evident in special education where both the schools and Mental Health share legal obligations. Also, in financial matters, the County and the schools have avoided the kinds of difficult, expensive litigation which has occurred in other counties.

The agreement for legal services is an excellent example of the Board's continuing support of public school districts in the County.

  
THOMAS F. CASEY III, COUNTY COUNSEL

Enclosure

cc: John Maltbie, County Manager

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# COUNTY OF SAN MATEO

## INTERDEPARTMENTAL CORRESPONDENCE

**To:** Honorable Board of Supervisors  
**From:** County Counsel  
**Subject:** Contract for School District Legal Services  
**Date:** June 7, 2000

**RECOMMENDATION:** That the Board of Supervisors adopt a resolution authorizing the County Counsel to enter into five-year agreements with the various school districts in the County for the provision of legal services.

**DISCUSSION:**

Historically, the County Counsel, and previously the District Attorney, has provided legal services to school districts in the County including the Community College District and the County Superintendent of Schools. These services consist of the full range of legal support which a school district may require, including the handling of litigation. Prior to 1990, these legal services were provided without charge. However, beginning in 1990, charges were instituted to help defray some of the cost of this service. The policy of the Board has been for the County to partially underwrite approximately twenty-five (25%) percent of the cost.

In the past, the charges have been calculated on an ADA (Average Daily Attendance) basis and the current charge is four dollars per ADA. Based on this system which has been in place for the last five years, the current charges range from \$64,000 for the Community College District to \$1,700 for the Woodside School District. For this fee, which is really in the nature of insurance, the County Counsel provides all the legal services a school district may require including the handling of any litigation. For some school districts an hourly rate charge could result in a significantly higher cost for legal services. Since the demand for legal services can fluctuate significantly from year to year, often through no fault of the district, the per ADA charge has been and continues to be the system which most school districts prefer.

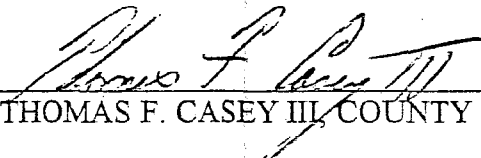
The current charges are pursuant to five-year contracts which expire at the end of June. In discussions with the school district Superintendents, a number of different charging systems were analyzed. The Superintendents support a continuation of the current system with raising the fee to \$5.25 per ADA. For the Community College District and the County Superintendent, the charges would be a flat rate of \$65,000 and \$67,500, since neither agency operates an ADA based system. Based upon the twenty-two school districts that the County Counsel currently represents, this would raise \$455,000. The actual cost to the County based upon the historical usage of County

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Counsel services would be approximately \$550,000.

The proposed contractual arrangement provides several distinct benefits to the schools of the County and the County as a whole. Because the charge is at a flat rate, school districts can budget for a specified amount knowing that their legal fees are not subject to possibly substantial change. Since the County Counsel provides legal services to twenty-two of the twenty-four school districts, all these districts are receiving the same high quality legal advice rather than neighboring districts with separate attorneys receiving different and perhaps conflicting advice. Also, this relationship helps to maintain what have generally been positive relations between the County and school districts which is often not the case in other Counties. Based on discussions with school district Board members and Superintendents over the years, the provision of legal services to school districts by the County Counsel is highly valued and a prime example of this Board's ongoing support for education in this County.

It is proposed that the County Counsel be authorized to enter into five-year contracts with the various school districts in the County for legal services at a charge of \$5.25 per ADA and contracts with the Community College District and the County Superintendent in the amount of \$65,000 and \$67,500, respectively, and that this charge annually increase by the percentage amount of the salary increase which the Board may grant to deputy county counsels. An alternative is also recommended for Districts which don't currently need as much legal services. Some of the districts have somewhat underutilized County Counsel legal services for the last few years based on the amount which they annually pay. In particular, South San Francisco Unified School District has proposed that instead of an ADA based system, it pay a lower flat fee for a fixed annual number of hours and then pay on an hourly basis for any extra hours of service which might be needed. Under this option, a school district would take the risk that its need for legal services could increase and this increase would be paid for at the rate of \$150 per hour.

  
THOMAS F. CASEY III, COUNTY COUNSEL

TFC:pek

cc: John Maltbie, County Manager  
Dr. Floyd Gonella, County Superintendent of Schools  
Dr. Earl P. Johnson, Chancellor-Superintendent, San Mateo Co. Community College Dist.  
San Mateo County District Superintendents of Schools

RESOLUTION NO. \_\_\_\_\_

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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**RESOLUTION AUTHORIZING THE SAN MATEO COUNTY COUNSEL  
TO EXECUTE AGREEMENTS WITH THE SAN MATEO COUNTY  
SCHOOL DISTRICTS FOR LEGAL SERVICES**

**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that:

**WHEREAS**, there has been presented to this Board of Supervisors for its consideration and acceptance a recommendation that the County Counsel be authorized to execute agreements to provide legal services for five (5) years to the various San Mateo County school districts; and

**WHEREAS**, this Board has reviewed this recommendation and approved same;

**NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** that the County Counsel be, and he is hereby, authorized to execute said agreements for legal services with the various San Mateo County school districts.

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