

Background

In the summer of 2007 the Board engaged in discussion regarding the School Board attorney position vacated by the prior attorney. Historically, the School Board attorney has been employed by local government in the County Attorney's Office to represent the School Division and Board, as well as to represent local government agencies. This position is funded through local government and not through the School Division budget. The position currently is supervised by the County Attorney, but input into the performance of the attorney for the School Board is requested by the County Attorney. Other staff in the County Attorney's Office assist with some aspects of School Board and Division business in matters such as real property, Human Resources and contracts, since the School Board attorney spends about 80% of her time on school business and the other 20% on other duties for local government.

In 2007, the Board discussed their concerns that, on occasion, the School Board attorney has been unable to serve in that capacity because of conflicts of interest with work assigned as part of responsibilities to local government, typically, but not limited to, budgetary items or contractual agreements. At that time, the Board also discussed the merits of the School Board attorney's relationship with the local government attorneys, including consultation and use of the expertise of the local government attorneys on School Board matters.

Discussion

Because of the impending vacancy effective July 11, the Board needs to consider whether to continue the agreement with local government in regards to the School Board Attorney or to hire its own attorney. Considerations include:

- 1) Cost benefit analysis of both models
- 2) Supervision considerations regarding legal issues and requirements
- 3) Timely access to attorney services
- 4) Conflicts of interest

If the Board decides to continue the relationship with local government at this meeting, then advertisement for the position will begin immediately with projected hiring by August and a start date in September. If the Board decides not to continue the relationship, the decision needs to be made to advertise for and hire its own attorney or contract hourly services with an outside attorney. This decision is time-sensitive due to the length of time needed to advertise, screen applicants, set up interviews, and hire a new attorney preferably by the beginning of the 2011-12 school year.

Attachments 1-3 provide additional information about the arrangements used by other Virginia school divisions:

- 1- School Board Representation by Local Government Attorneys' Offices (prepared by the County Attorney's Office).
- 2- School Board Representation by Board-Employed Attorneys (prepared by the County Attorney's Office and Human Resources).
- 3- School Board Representation by Contracted Law Firms (prepared by the County Attorney's Office).

Budget

The Department of Human Resources, in consultation with Fiscal Services, has developed the following cost information for hiring a Board-employed School Board Attorney. The current School Board Attorney is a Senior Assistant County Attorney (Paygrade 23) reporting to the County Attorney, with a salary of \$93,273.75.

The estimated total cost for the Board to hire a School Board Attorney is \$143,216.

Assumptions include:

Based on scope and impact, reclassification to paygrade 25

Hiring at 20% into range: \$102,991

Benefit cost: \$27,725

Start-up cost: \$5,000

Recurring Operational: \$7,500 (Office expenses, legal publications/research software, travel, professional development/legal continuing education, misc.)

Total Cost to hire: \$143,216

The Board would also need to hire a legal services assistant to support the School Board Attorney. The estimated total cost to hire a full-time legal services assistant is \$58,669.

Assumptions include:

Legal Services Assistant at paygrade 11

Hiring at 20% into range: \$38,451

Benefits cost: \$15,218

Start-up Cost: \$5,000

Total Cost to hire: \$58,669