

SAN MATEO COUNTY HARBOR DISTRICT

Policy Title: District Counsel & Board Relationship	Number: 3.5	Date of Approval: MM/DD/YYYY
Other Revisions: N/A	Prepared By: Julie van Hoff	

1. STATEMENT OF POLICY

The San Mateo County Harbor District Board of Harbor Commissioners relationship with District Counsel is integral to the success of the District. The relationship should be amicable, and District Counsel should have intimate knowledgeable of the challenging and evolving public policy issues and how these issues may impact the District. District Counsel acts as the Chief Legal Officer and proactively represents the District in all legal matters pertaining to District business. Counsel provides clear, open and complete reporting, particularly in advance of significant activity.

[Add Employment & Labor Counsel role? Maintain autonomy?]

A. Attributes of District Counsel

1. Experience in broad range of municipal law.
2. Stays current and is well versed in the “art of the possible” and is not risk adverse in terms of problem solving or approaches to best meet the District’s needs.
3. Is an advisor, sounding board, confidant, and a resource; recognizes the importance or retaining trust and confidence and is accessible.
4. Provides his/her best professional advice on legal issues; is politically astute, but not political.
5. Recognizes what the Harbor Commission is trying to achieve and helps them reach their objective.
6. Knows when to argue and when to settle without unnecessarily giving away District resources.
7. Seeks justice and develops a full and fair record and does not use the economic power of the District to harass parties or to bring about unjust settlements or results (American Bar Associate Model Code of Professional Responsibility, Ethical Consideration 7-14)
8. Excellent communicator, critical thinker, analytical and creative.

B. Obligations

1. District Counsel is governed by the ethical obligations of an attorney (Rules of professional conduct of the State Bar of California).
2. District Counsel has a duty to represent the District competently and in a professional and ethical manner.

C. Duties

1. Fully complies with this Policy.
2. Attends regular meetings of the Harbor Commission and special meetings when called.
3. Frames all ordinances, resolutions, and contracts as required by Harbor Commission. Reviews public meeting agendas.
4. Responds to and remains in reasonable contact with the District. Keeps the Harbor Commission properly informed and fully explains matters that are crucial to significant activities.
5. Defends the District against non-meritorious claims and disputes
6. Resolves as soon as practicable, claims or disputes where liability is reasonably clear (including informal settlement negotiations).
7. Collects necessary information about the matter as quickly as possible and prepares an evaluation of the matter with an appropriate case handling plan to be provided to the Harbor Commission. The plan should include a description of the matter, and estimated timeline for disposition, a discussion of early disposition potential, and estimated costs.
8. Explains proposed legal tactics and strategies and receives direction from Harbor Commission prior to proceeding.
9. Reevaluates the case posture and to ensure the best possible outcome and communicates with the Harbor Commission when new facts, legal issues, or other matters discovered are discovered.
10. If informal settlement negotiations fail but other alternatives become at all encouraging, Counsel, in consultation with the Harbor Commission, shall seek the use of programs such as mediation or stipulated arbitration.
11. Provides a written status report every 60 days or sooner if it is warranted by significant developments.
12. All settlements/offers/demands shall be discussed in advance with Harbor Commission before being communicated to others. Final settlement requires approval of the Harbor Commission.

13. Provides recommendations and advice when requested by the Harbor Commission pertaining to the retention of and employment of outside law specialists.

14. Responds annually, in a timely manner, to the District's outside auditor regarding legal confirmation letters.

D. Expertise

1. Ralph M. Brown Act

2. California Public Records Act

3. Conflict of Interest Law and Political Reform Act

4. Tort Claims Act

5. Environmental laws

6. Public Works Construction regulations and laws