

POSITION DESCRIPTION FOR GENERAL COUNSEL FOR THE PERALTA COLLEGES

The General Counsel represents the Peralta Community College District (“The Peralta Colleges”) in all matters of litigation, arbitration, and administrative proceedings by preparing pleadings, negotiating between parties, and participating in the trial of cases of importance to educational programs, and administrative and financial functions. The General Counsel monitors for legal compliance all functions performed by The Peralta Colleges and certifies to the Board, when and where directed, that all operations are in accordance with applicable laws, regulations, and policy. The General Counsel serves as the staff attorney for The Peralta Colleges and reports directly to the Governing Board.

The General Counsel, under the direction of the Governing Board of The Peralta Colleges, provides legal advice to the Governing Board, the Chancellor, managers, faculty, and staff. However, at no time will an attorney-client relationship exist with any person or organization other than the Governing Board and those individuals acting vicariously on behalf of the Governing Board. The General Counsel does not represent any individual Board member, the Chancellor, or any individual manager. Thus, any written legal opinion requested by a Board member will be shared with the full Governing Board; any request by the Chancellor may be shared with the full Governing Board; and any request by a manager may be shared with the Chancellor.

The following are responsibilities, inter alia, of the General Counsel:

- Provides legal services required in all areas of law affecting The Peralta Colleges.
- Coordinates and reviews specialized legal services provided by outside counsel.
- Prepares and conducts litigation and participates in federal, state and local administrative proceedings as authorized by the Governing Board.
- Has as his/her priority the containment of legal costs for both the legal fees associated with litigation and the amounts awarded to plaintiffs by the courts or via a settlement agreement. Provides to the Governing Board quarterly briefings on legal expenses to date.
- Develops a position paper for each significant legal action underway or anticipated that includes (1) the basic elements of the legal claim, including names, dates, and financial damages sought; (2) insurance coverage; (3) range of options available to the Board, with a quantified probability of an outcome associated with each; (4) rationale for outsourcing, where utilized; (5) identity of the law firm assigned to each case and rationale for their selection; (6) predicted time horizon to successful termination; (7) overall general prognosis; (8) evaluation as to whether the claim

involved is considered to be a relative one-of-a-kind issue or the result of a systemic problem in the operation of The Peralta Colleges; and (9) a recommendation, where appropriate, for actions to be taken to reduce the risk of a reoccurrence of this type of legal claim.

- Prepares formal and informal opinions, drafts proposed legislation and regulations, and drafts and reviews contracts and instruments effecting transfers of property, and all other legal documents or instruments, as needed or requested.
- Attends and provides legal advice at all meetings of the full Governing Board and other such meetings as the Board may direct.
- Serves as a liaison with other governmental entities in the area of legal affairs.
- Serves as the legal advisor to the Board Policy Committee to ensure that all policies are consistent with the law, regulations, and policies and to further ensure that administrative procedures are developed and approved by the Governing Board.. Apprise the Governing Board regularly all policies that do not have approved implementing administrative procedures in place.
- Serves as the custodian of all FPPC Form 700 disclosure documents required for Board members and applicable employees of The Peralta Colleges. Manages an electronic data bank of appropriate information from the disclosure documents. Provides the information to the Governing Board by “sunshining” the information and noting any possible conflicts of interest, based on known information provided at the time, for contracts being recommended to be agreed upon between The Peralta Colleges and any and all outside entities.
- Provides certification as to legal form, by signature, on all documents of significance that are referred to the Governing Board for approval that the proposals are in compliance with all applicable laws, regulations, and policies.
- Assumes the legal role of Contract Administrator for The Peralta Colleges by developing and implementing a system of accountability on contract administration, and thereby has line authority to ensure full compliance.
- Plans and conducts legal trainings.
- Supervises the staff of the Office of the General Counsel, including the risk manager and other professional, legal research and clerical staff.
- Serves as a member of the Chancellor's executive staff and Strategic Management Team.
- Signs a negotiated, annual performance contract that includes merit pay increases with the Governing Board and submits a report of accomplishments to be used by the Governing Board for an annual evaluation.
- Performs other duties as assigned by the Governing Board.