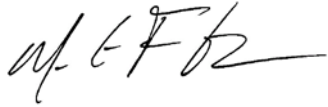





PRESENTED TO THE BOARD OF TRUSTEES

DATE: August 6, 2018

SUBJECT: Delegation to Conduct Search for Legal Counsel		Item Number: 5	
		Attachment: Yes (1)	
CATEGORY:	Office of General Counsel	TYPE OF BOARD CONSIDERATION:	
Recommended By:	 Marc LeForestier, General Counsel	Consent/Routine	
		First Reading	
Approved for Consideration:	 Eloy Ortiz Oakley, Chancellor	Action	X
		Information	

**ISSUE:** This item seeks adoption of Resolution 2018-04, delegating certain authority from the Board of Trustees to the Chancellor of the California Community Colleges (“Chancellor”) “to guide the formation” of the California Online Community College District. In this case, specifically to conduct a search for and retain independent legal counsel for the District.

**BACKGROUND:** The California Online Community College Act requires the Board of Trustees to administer the California Online Community College as its governing board. (Ed. Code, § 75003, subd. (a).) The legislation also provides broad authority to the Board to delegate its authority to members of the Board, to the Chancellor, and to others, under appropriate circumstances. (Ed. Code, §§ 70901, subd. (d); 75005, subd. (d).)

Under the proposed Resolution 2018-04, the California Online Community College Board of Trustees would delegate to the Chancellor the authority to take official actions to identify and retain independent legal counsel to represent the Board, in consultation with the President and Vice-President of the Board.

The Resolution would specifically authorize the Chancellor to enter a contract with a firm or firms at or below market rates for such services. To allow the Chancellor to move swiftly on this contract, it will be effective upon execution, and shall not require subsequent ratification by the Board of Trustees or the Executive Committee.

**RECOMMENDED ACTION:** The Board of Governors is asked to adopt the following resolution:

Be it Resolved,

that the California Online Community College District Board of Trustees directs the following actions:

- Consistent with Education Code section 75005, subdivision (d)(1), the Board of Trustees authorizes the Chancellor to take official actions to secure qualified legal representation for the District. The Chancellor shall consult with the President and Vice-President of the Board of Trustees in the selection of legal counsel.
- The contract (or contracts) for legal services shall be at or below market rates for such services, and shall not exceed a term of two years, including any extensions.
- Any contract entered by the Chancellor under the authority of this Resolution shall be effective upon execution, and shall not require subsequent ratification by the Board of Trustees or the Executive Committee.

**ANALYSIS:** The proposed Resolution 2018-04 is necessary to allow the Chancellor and his designees to commence the work on behalf of the Board of Trustees to guide the formation of the District, as contemplated by the Legislature.

**ATTACHMENTS:** Resolution 2018-04 (Attachment 1).