

TRUMBULL COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

Policy

Section 2.26

LEGAL ADVISOR, ADDITIONAL COUNSEL

The Prosecuting Attorney shall be the legal advisor to the Trumbull County Board of Developmental Disabilities in accordance with ORC 309.09.

The Superintendent shall be authorized to request written opinions or instructions from the Prosecutor in matters connected with his official duties on behalf of the Board and/or at the request of the Board. Seeking such opinions or instructions should not ordinarily require Board action, although in sensitive litigious situations the Superintendent shall inform the Board and seek their input.

Notwithstanding the policy and law above, the Trumbull County Board of Developmental Disabilities may, without the authorization of the Court of Common Pleas, employ legal counsel to obtain legal advice/ representation for members or employees in matters of public business coming before the Board. This ability requires the written consent of the Prosecuting Attorney if the Prosecutor is otherwise fully able to perform his statutory duty without a conflict of interest. Should the Prosecutor be unable, for any reason, to represent the Board, he shall so notify the Board.

Should legal counsel other than the Prosecutor be utilized in accordance with this policy, a personal services contract shall be entered into between the Board and the attorney/firm. This contract shall conform to the State Auditor Handbook for County Boards of Developmental Disabilities guidelines to clearly establish the firm/attorney as an independent contractor. The contract shall be approved by the Board and such contract shall fix compensation and terms and conditions of utilization.

Adopted 08/25/93
Revised 10/27/97
Updated 7/24/2012

Reference:
ORC 309.09
ORC 305.14
State Auditor Handbook for
County Boards of DD