

SPECIAL MEETING

August 3, 2021

4:00 p.m.

Location: *The public meeting will be conducted onsite with limited seating at 200 Kalmus Drive, Costa Mesa, CA 92880 and via YouTube live stream at https://www.youtube.com/watch?v=AX1GYOI_w_g*

ORANGE COUNTY BOARD OF EDUCATION

AGENDA

Special Board Meeting

WELCOME

CALL TO ORDER

STATEMENT OF PRESIDING OFFICER: For the benefit of the record, this Special Meeting of the Orange County Board of Education is called to order.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

(*)AGENDA

Special Meeting of August 3, 2021 – adoption

(*)MINUTES

PUBLIC COMMENTS

Related to closed session only.

CLOSED SESSION 1

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION-
Conference with counsel regarding potential litigation pursuant to (d) (4) of
Government Code §54956.9

EXECUTIVE BOARD RECOMMENDATIONS

1. Approve contract with outside counsel related to anticipated litigation

ADJOURNMENT



Nina Boyd
Assistant Secretary, Board of Education

Next Regular Board Meeting: Wednesday, August 4, 2021 at 2:30 p.m. The meeting will be held onsite at 200 Kalmus Drive, Costa Mesa, CA 92880 with limited seating and via YouTube live stream. Individuals with disabilities in need of copies of the agenda and/or the agenda packet or in need of auxiliary aides and services may request assistance by contacting Darou Sisavath, Board Clerk at (714) 966.4012.
(*) Printed items included in materials mailed to Board Members

ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: August 3, 2021

TO: Nina Boyd, Associate Superintendent

FROM: Mari Barke, Board President
Ken L. Williams, D.O., Vice President

SUBJECT: Contract with Outside Counsel

EXECUTIVE BOARD RECOMMENDATION

Approve contract with outside counsel related to anticipated litigation

BACKGROUND

California Education Code §1042 (d) allows County boards of education the contract with and employ any persons for the furnishing to the County Board of Education special services and advice in... legal, or administrative matters if these persons are so specially trained and experienced and competent to perform the special services required.

The Board has previously contracted with Tyler & Bursch on a pro bono basis to provide highly specialized service in the realm of constitutional litigation. By this agenda item the Orange County Board of Education ("Board") shall enter into a contractual agreement with the law firm of Tyler & Bursch. The purpose of this retention is to obtain representation regarding potential litigation against California Governor Gavin Newsom related to ongoing face coverings mandates particular to California's public school student population. Additionally, Tyler & Bursch will be authorized to associate in the Law Offices of Musick Peeler & Garrett LLP as co-counsel in the litigation.

Tyler & Bursch has advised the Board Executive Committee that the Board shall not be responsible for any legal fees payable to Tyler & Bursch or other co-counsel for petitioners in connection with this engagement and legal representation.