



**GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

DATE OF MEETING: April 9, 2013

TITLE: **Authorization of Legal Counsel to Take Appropriate Actions to Represent the Board and Its Agents, Assert the Board's and Its Agents' Positions, and Protect the Board's and Its Agents' Interests in U.S. District Court Case No. 4:13-cv-00179-RCC and Pima County Case No. C2013-1410, and to Ratify and Approve Such Actions Already Taken in these Matters**

BACKGROUND:

Two separate litigation matters, referenced in the title above, have been filed against the District in two separate courts. The Arizona School Risk Retention Trust has retained counsel (the law firm of Gallagher & Kennedy, P.A.) to defend the Governing Board and its agents in both matters. Counsel has requested that the Governing Board take action to authorize their representation of the Board and its agents in this matter.

Pursuant to A.R.S. §§ 38 431.03(A)(3) and (4), the Board may vote to go into Executive Session for the purpose of discussion or consultation for legal advice with its attorney, and/or for the purpose of discussion or consultation with its attorney in order to consider its position and instruct its attorney regarding the Board's position in pending or contemplated litigation and/or in settlement discussions conducted in order to avoid or resolve litigation, specifically to discuss and consult with and instruct its attorney concerning the status of U.S. District Court Case No. 4:13 cv 00179 RCC.

RECOMMENDATION:

The Administration recommends that the Governing Board authorize Gallagher & Kennedy, P.A., and its attorneys to represent the Board and its agents in Pima County Case No. C2013-1410, and to take all actions that they deem necessary or appropriate in order to represent the Board and its agents, to assert the Board's and its agents' positions, and to protect the Board's and its agents' interests in the course of such representation, and to take all such other actions in connection with such representation as they deem necessary or appropriate on such terms as they may decide in their discretion, through the final conclusion of the matter (including the exhaustion of all appeals and the final resolution of all issues relating to fees, costs, and disbursements), and that the Board ratify and approve all such actions that they may already have taken in the matter.

INITIATED BY:

A handwritten signature in cursive script that reads "Todd A. Jaeger".

Todd A. Jaeger, Associate to the Superintendent

Date: April 1, 2013

A handwritten signature in cursive script that reads "Patrick Nelson".

Patrick Nelson, Superintendent