

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

POLICIES

ARTICLE 1 - ADMINISTRATION AND GOVERNANCE
PART 1.4 - AUTHORITY POSITIONS
SECTION 1.41 - POWERS AND FUNCTIONS OF THE GENERAL COUNSEL

PURPOSE: To establish a policy governing the exercise of powers and functions of the general counsel (“**General Counsel**”) for the San Diego County Regional Airport Authority (“**Authority**”).

POLICY STATEMENT:

- (1) The General Counsel shall be directly responsible to the Authority’s Board of Directors (“**Board**”).
- (2) The General Counsel shall furnish the Board, the Authority’s President/CEO, the Authority’s Auditor, and Authority staff with all legal assistance necessary for the performance of their respective duties as prescribed under the San Diego County Regional Airport Authority Act, §§170000 *et seq.* of the California Public Utilities Code, as amended from time to time, and under any policies and codes adopted by the Board.
- (3) The General Counsel shall approve, as to legality:
 - (a) All ordinances, resolutions, policies, and codes prior to submission to the Board for action;
 - (b) All leases, contracts, and other documents prior to execution; and
 - (c) Any amendments to such documents described above.
- (4) The General Counsel shall be responsible for the conduct of all cases and proceedings involving the Authority before all courts, tribunals and administrative agencies; provided, however, that appropriate Authority personnel may be authorized by the President/CEO or the Board to appear before administrative agencies in connection with specialized matters not involving legal issues or requiring legal counsel.
- (5) When in the opinion of the General Counsel it is desirable to retain outside legal counsel in connection with the Authority’s legal matters, the General Counsel shall make such recommendation to the Board together with recommendations as to attorneys to be retained. The Board shall make the final determination as to the Authority’s retention of outside legal counsel, and the specific counsel to be retained. The initial terms of engagement for such legal counsel shall be approved by resolution of the Board. Any subsequent amendments shall be subject to Policy 5.01.

- (6) The General Counsel shall be subject to any and all policies and codes that relate to Authority employees.
- (7) The General Counsel shall keep the Board and President/CEO or his or her designee(s) informed on any legislation or other legal matters that may affect the Authority.
- (8) The General Counsel shall have the authority to negotiate and settle or compromise any claims, causes of actions, suits, liens, costs, damages or liabilities against the Authority (“**Claim**”) where:
- (a) The General Counsel believes settlement or compromise of the Claim is in the best interest of the Authority;
 - (b) The amount of the Authority’s obligation to settle or compromise the Claim is Twenty-five Thousand Dollars (\$25,000) or less; and
 - (c) The President/CEO approves, in writing, the General Counsel’s recommendation to settle or compromise the Claim.
- (9) The General Counsel shall have the authority to negotiate and settle or compromise any claims, causes of actions, suits, claims, or liens brought by the Authority (“**Action**”) where:
- (a) The General Counsel believes settlement or compromise of the Action is in the best interest of the Authority;
 - (b) The amount the Authority is to receive through the settlement or compromise is Twenty-five Thousand Dollars (\$25,000) or less; and
 - (c) The President/CEO approves, in writing, the General Counsel’s recommendation to settle or compromise the Action.
- (10) The General Counsel shall have the authority to negotiate and settle any Actions where the Authority is fully compensated for all known damages without prior Board approval.
- (11) The General Counsel shall report all settled/compromised Claims and/or Actions to the Board.

[Amended by Resolution No. 2018-0133 dated December 6, 2018.]
[Amended by Resolution No. 2010-0038 dated April 1, 2010.]
[Amended by Resolution No. 2008-0088 dated July 10, 2008.]
[Adopted by Resolution No. 2002-02 dated September 20, 2002.]