

AGENDA ITEM

JANUARY 143 - Role of the President re Contracts to Employ an Executive Director

Date: December 6, 2010

To: Board Planning, Program Development and Budget Committee
Board of Governors

From: Staff

Re: **Role of the President re Contracts to Employ an Executive Director**

ISSUE

The President recommends that any contracting or employment of the Executive Director should require direct consultation with the Board Operations Committee as attached in the revised Board Book, Tab 5 (Officers), Article 2, Section 2 (a) (1 – 11).

Under Business and Professions Code, section 6024, the officers of the State Bar have only such duties as the Board may prescribe.¹ Pursuant to State Bar Rule 6.20, all State Bar officers, agents, committees, commissions, and other entities have only the powers, duties, and authority delegated by the board and is subject to its supervision and control. Notwithstanding any delegation, the board reserves authority over all matters pertaining to the State Bar, including whether actions or positions taken by a State Bar officer, agent, committee, commission, or other entity are consistent with State Bar policies.²

FISCAL / PERSONNEL IMPACT:

None

RULE AMENDMENTS: None

BOARD BOOK/ ADMINISTRATIVE MANUAL IMPACT: Board Book, Tab 5 (Officers), Article 2, Section 2(a) (*new section 5*)

¹ It is the Board of Governors that has the powers and duties specified in the State Bar Act. (Bus. & Prof. Code, § 6010. The only duty delegated by statute to the officers of the State Bar is the authority of the president and the vice-president, in the president's absence or inability to act, to preside over meetings of the State Bar and Board, (Bus. & Prof. Code, § 6024.) Other duties are "such as the [B]oard may prescribe." (*Ibid.*)

² Bus. & Prof. Code, §§ 6010, 6025 and 6030.

RECOMMENDATION

Contracting or employment of the Executive Director, including the duties, compensation, and term of office, should require direct consultation with the Board Operations Committee as attached in the revised Board Book, Tab 5 (Officers), Article 2, Section 2(a)(5).

PROPOSED BOARD COMMITTEE RESOLUTION:

Should the Board committee agree with the above recommendation, the following resolution would be appropriate

Board Committee Resolution:

RESOLVED, that the Board Planning, Program Development, and Budget Committee recommends that Board of Governors amend Board Book, Tab 5 (Officers), Article 2, Section 2(a)(5) in the form attached hereto.

PROPOSED BOARD RESOLUTION:

Should the Board concur with the board committee's recommendation, the following resolution would be in order:

RESOLVED, that upon the recommendation of the Board Planning, Program Development, and Budget Committee the Board of Governors amends Board Book, Tab 5 (Officers), Article 2, Section 2(a)(5) in the form attached hereto.