

NONCERTIFICATED PERSONNEL SHALL BE DETERMINED IN ACCORDANCE WITH THE BALTIMORE CITY CHARTER.

REVISOR'S NOTE: This section presently appears as Art. 77, §54.

The only changes are in style.

4-104. COUNSEL.

(A) RETENTION OF COUNSEL BY COUNTY BOARD — IN GENERAL.

(1) EXCEPT IN BALTIMORE COUNTY AND BALTIMORE CITY, EACH COUNTY BOARD MAY:

(I) RETAIN COUNSEL TO REPRESENT IT IN LEGAL MATTERS THAT AFFECT THE BOARD; AND

(II) CONTRACT FOR THE PAYMENT OF A REASONABLE FEE TO THE COUNSEL.

(2) FUNDS FOR THESE FEES SHALL BE INCLUDED IN THE ANNUAL BUDGET.

(B) RETENTION OF COUNSEL BY BALTIMORE COUNTY BOARD.

THE BALTIMORE COUNTY BOARD MAY RETAIN COUNSEL TO REPRESENT IT IN LEGAL MATTERS THAT INVOLVE DISPUTES WITH THE BALTIMORE COUNTY GOVERNMENT.

(C) PAYMENT FOR COUNSEL IN SUITS AGAINST BOARD MEMBERS.

EACH COUNTY BOARD MAY PAY ALL OR PART OF THE COUNSEL FEES FOR THE DEFENSE OF A COUNTY BOARD MEMBER WHO IS INVOLVED IN LITIGATION BECAUSE OF HIS SERVICE AND IN HIS OFFICIAL CAPACITY ON THAT BOARD. THESE PAYMENTS ARE A VALID EDUCATIONAL EXPENSE.

(D) COUNSEL TO BE PROVIDED IN SUITS AGAINST TEACHERS AND OTHER BOARD AGENTS AND EMPLOYEES.

(1) IN ANY SUIT OR CLAIM BROUGHT AGAINST A PRINCIPAL, TEACHER, SCHOOL SECURITY GUARD, OR OTHER AGENT OR EMPLOYEE OF A COUNTY BOARD BY A PARENT OR OTHER CLAIMANT WITH RESPECT TO AN ACTION TAKEN BY THE AGENT OR EMPLOYEE, THE BOARD SHALL PROVIDE FOR COUNSEL FOR THAT INDIVIDUAL IF:

(I) THE ACTION WAS TAKEN IN THE PERFORMANCE OF HIS DUTIES, WITHIN THE SCOPE OF HIS EMPLOYMENT, AND WITHOUT MALICE; AND

(II) THE BOARD DETERMINES THAT HE WAS ACTING WITHIN HIS AUTHORIZED OFFICIAL CAPACITY IN THE INCIDENT.

(2) THE COUNSEL REQUIRED BY THIS SECTION MAY BE PROVIDED THROUGH THE OFFICE OF THE COUNTY ATTORNEY OR CITY