



Response to Questions on the 2016 LOBs

Request By: Supervisors Smyth and Smith

Relevant LOB(s): LOB #47

Question: Explain how the Office of the County Attorney supports Fairfax County Public Schools (FCPS), including types of assistance provided.

Response:

As a result of the 2009 County–FCPS Smart Savings Task Force, Division Counsel for the Fairfax County Public Schools (FCPS) and the County Attorney created a joint County-FCPS Shared Services Initiative. Specifically, both the County Attorney and FCPS Division Counsel agreed that economies could be achieved to the benefit of both FCPS and the County by referring school-related matters to the Office of the County Attorney in areas in which County attorneys have extensive experience, rather than FCPS referring such matters to outside counsel. In cases such as these, this is only practical when the County Attorney has the capacity to provide legal services within its existing staffing level.

Since 2009, FCPS has requested the assistance of the County Attorney for twenty-six matters. Ten of those matters were lawsuits filed against FCPS or its employees. Four lawsuits involved automobile accidents in which FCPS employees were sued. Three lawsuits involved employment-related claims filed against FCPS by employees or former employees of FCPS. Two lawsuits were filed against FCPS or its employees by an individual complaining about being banned from FCPS property. In addition to the ten lawsuits that the County Attorney defended on behalf of FCPS, two lawsuits were filed on behalf of FCPS for breach of contract against the same defendant. Judgments in favor of FCPS were obtained in both cases, and collected \$30,150 on behalf of FCPS.

In addition, in late 2009 and 2010, the County Attorney advised the FCPS Division Counsel of the procedure for conducting a special election to fill a School Board vacancy. This Office prepared the necessary petition and court order for a special election that was presented to the Fairfax County Circuit Court, and prepared a preclearance submission to the Department of Justice to comply with Section 5 of the federal Voting Rights Act of 1965, as amended.

The remaining legal matters handled on behalf of FCPS included a variety of assignments. Those matters included eleven subpoenas, either for witnesses or documents, that FCPS requested be quashed, one employee grievance before the Civil Service Commission, and one motion that was filed against FCPS in a domestic case by the individual referenced above who was banned from FCPS property. Another such assignment involved a demand made on behalf of FCPS for breach of contract, which eventually resulted in the filing of the two breach of contract lawsuits referenced above.