

# LAFCO

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Santa Barbara Local Agency Formation Commission  
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January 4, 2001 (Agenda)

Local Agency Formation Commission  
105 East Anapamu Street  
Santa Barbara CA 93101

## Appointment of County Counsel as Legal Counsel

Dear Members of the Commission:

### RECOMMENDATION

It is recommended the Commission appoint the County Counsel as legal counsel and direct the Executive Officer to negotiate a contract for legal services for the coming fiscal year.

### DISCUSSION

The Cortese-Knox-Hertzberg Local Government Reorganization Act, specifically Section 56384 of the Government Code, requires that LAFCO appoint its legal counsel. Changes in Section 56384 are shown below. (New wording is underlined; deleted wording is ~~crossed through~~.)

56384 (b) The commission shall ~~may~~ appoint legal counsel to advise it. ~~If the commission does not appoint legal counsel, the county counsel, or, if there is none, the district attorney, shall act as legal counsel for the commission.~~ If the county commission's ~~county~~ council is subject to a conflict of interest on a matter before the commission, the commission shall appoint alternate legal counsel to advise it. The commission may recover its costs by charging fees pursuant to Section 56383.

(d) For purposes of this section, the term "conflict of interest" shall be defined as it is for the purpose of the Political Reform Act of 1974 and shall also include matters proscribed by Article 4 (commencing with Section 1090) of Chapter 1 of Division 4 of Title 1.

It is understood that Chief Deputy County Counsel Alan Seltzer will continue to serve as the Commission's legal counsel, as he has since 1994, with backup counsel provided as appropriate.

If a situation occurs where there the legal counsel has a conflict of interest regarding a matter before the Commission, it will be necessary to secure alternate counsel.

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The appointment of legal counsel is a subject that can be discussed in closed session should the Commission wish to do so.

There are no budgetary implications for the current year but future LAFCO budgets will need to reflect funding for legal services. It is recommended that the staff be directed to negotiate a contract for legal services for Fiscal Year 2001-2002.

Please contact the LAFCO office if you have any questions.

Sincerely,

BOB BRAITMAN  
Executive Officer

cc: Alan Seltzer, Legal Counsel  
Shane Stark, County Counsel