

LAFCO

Santa Barbara Local Agency Formation Commission

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April 5, 2012 (Agenda)

Local Agency Formation Commission

105 East Anapamu Street, Room 403

Santa Barbara CA 93101

Discussion of Executive Officer Being Subpoenaed in Pending Litigation

Dear Members of the Commission:

Chair Jeff Moorhouse asked this item be placed on the agenda. I have been subpoenaed to testify in a lawsuit entitled Lyon Santa Maria, LLC v. Santa Maria-Bonita School District et al (Superior Court Case No 1321289).

We understand this litigation is concerned with LAFCO's approval in 1994 of an annexation to the City of Santa Maria known as the Blosser Southeast Reorganization (LAFCO 93-6) and the obligations landowners have for financial contributions to schools when homes are constructed.

I did not know I would be asked to testify until I received a telephone call on March 19. Prior to that time I had conferred with attorneys on both sides and allowed them to review files and had made arrangements, at their expense, for copies of tape recordings of certain LAFCO meetings. There had been no discussion or insinuation of me testifying in the case.

On March 19 I was advised by a telephone call to "save" Tuesday, March 27 for a possible court appearance. I notified members of the Commission on March 21 when I received the subpoena. Since then I have also received a subpoena from an attorney on the other side of the litigation.

I am informed by the Chair and Legal Counsel that when served with a subpoena to appear, the served party is entitled to recover costs associated with their appearance, including preparation costs. I am keeping records and expect the Commission will be reimbursed for expenses since the subpoena was received, including my preparation time and travel expenses.

Please contact the LAFCO office if you have any questions.

Very truly yours,

BOB BRAITMAN

Executive Officer