

LAFCO

Santa Barbara Local Agency Formation Commission
105 East Anapamu Street ♦ Santa Barbara CA 93101
805/568-3391 ♦ FAX 805/647-7647
www.sblafco.org ♦ lafco@sblafco.org

Date February 1, 2024 (Agenda)

Title
County Counsel Appointment

RECOMMENDATION

Consider execution of an agreement with County of Santa Barbara for appointment of County Counsel to serve as legal counsel to the Commission pursuant to Government Code section 56384(b), to be effective when executed by the County, scheduled for February 13, 2024.

DISCUSSION


Pursuant to Government Code section 56384(b), the proposed contract will, appoint Santa Barbara County Counsel as Commission legal counsel and provide for the Commission to reimburse County for the cost of services provided by County Counsel, including expenses. The cost of services shall be billed at hourly rates that reflect the cost of services provided, with such rates established by County annually. The initial cost shall not exceed \$65,000 for the first full fiscal year. Such amount may be increased or decreased for any fiscal year through the Commission's budget adoption and modification process.

If County Counsel is subject to a conflict of interest on any matter before the Commission, and such conflict cannot be addressed through appropriate "ethical walls" within County Counsel, the Commission will appoint alternative legal counsel to advise on such matter.

This agreement will automatically renew each fiscal year unless notice to terminate is given by County or Commission at least sixty (60) days before end of the fiscal year.

The contract will be effective when fully executed by the parties. The Board of Supervisors is scheduled to approve the contract on February 13, 2024.

Please contact me if you have any comments or questions.

Sincerely,

William M Dillon
Law Office of William Dillon
LAFCO Counsel

**AGREEMENT BETWEEN
COUNTY OF SANTA BARBARA AND
SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION
FOR APPOINTMENT OF COUNTY COUNSEL AS
COMMISSION'S LEGAL COUNSEL**

This Agreement is made by and between the County of Santa Barbara ("County") and the Santa Barbara Local Agency Formation Commission ("LAFCO" or "Commission") with respect to services for legal counsel.

Whereas, on July 1, 2001, County and the Commission entered into the "Services Agreement" that memorialized the relationship between County and LAFCO in light of amendments to the Cortese Knox Hertzberg Act, Government Code section 56000 et seq., and provided a mechanism for County to recover the cost of services provided to LAFCO.

Whereas, the Services Agreement is still in effect and covers a wide array of County services for LAFCO including office space, financial systems, acquisition and purchasing, risk management, and communication services.

Whereas, Paragraph 4 of the Services Agreement recognized the Commission had appointed County Counsel to serve as the Commission's legal counsel pursuant to Government Code section 56384 and that such appointment would continue.

Whereas, on February 7, 2019, the Commission appointed private counsel to serve as the Commission's legal counsel, thereby, ending County Counsel's appointment.

Whereas, the Commission's legal counsel position is about to become vacant and the Commission wishes to appoint County Counsel as the Commission's legal counsel and County Counsel is prepared to accept that appointment.

Whereas, it is the intent of the parties that this Agreement shall supersede the Services Agreement as it pertains to legal services and that in all other respects the Service Agreement shall remain in full force and effect.

NOW, THEREFORE, IT IS HEREBY AGREED by the parties as follows:

1. The Commission hereby appoints County Counsel as the Commission's legal counsel pursuant to Government Code section 56384 and County Counsel hereby accepts that appointment.

2. LAFCO shall reimburse County for the cost of services, including approved expenses, provided by County Counsel to LAFCO. The cost of services shall be billed at hourly rates that reflect the cost of services provided, as established by County annually. The initial cost shall not exceed \$65,000 for the first full fiscal year. Such amount may be increased for any fiscal year through the Commission's budget adoption and modification process.

3. If County Counsel is subject to a conflict of interest on a matter before the Commission, and such conflict cannot be addressed through appropriate “ethical walls” within County Counsel, the Commission will appoint alternative legal counsel to advise on such matter.

4. This agreement shall automatically renew each fiscal year unless notice to terminate the agreement is given by County or Commission at least sixty (60) days before the end of the fiscal year.

The Agreement shall be effective on February 13, 2024 or on such later date when fully executed by the parties.

COUNTY OF SANTA BARBARA

Chair, Board of Supervisors

By: _____

Steven Lavagnino

Date _____

ATTEST:

Clerk of the Board

By: _____

Deputy

Approved as to Form

Auditor Controller

Risk Management

By: _____

By: _____

County Counsel

Rachel Van Mullem

By: _____

SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION

Chair of the Commission

By: _____

Jay Freeman

Date: _____

ATTEST


Clerk of the Commission

By: _____

Natasha Carbajal

Approved as to Form

LAFCO Counsel

By: 
William M Dillon