



Chairman

Bill Horn
County Board of
Supervisors

March 2, 2015

Vice Chairman

Sam Abed
Mayor
City of Escondido

TO: Local Agency Formation Commission

FROM: Executive Officer

Members

Dianne Jacob
County Board of
Supervisors

SUBJECT: Appointment of LAFCO Legal Counsel Pursuant to Government Code Sections 56384(b) and 56380

Andrew Vanderlaan
Public Member

As the Commission is aware, the San Diego LAFCO has dealt with several changes with respect to the provision of legal counsel services since 2014. After former Legal Counsel Thomas Bosworth received a new assignment with the Office of County Counsel on June 2, 2014, the Commission's Special Legal Counsel, Michael Colantuono, has been acting as both Special and General LAFCO Counsel. Rachel Witt, Senior Deputy County Counsel (Office of County Counsel) has in turn been acting as backup to Mr. Colantuono.

Lorie Zapf
Councilmember
City of San Diego

Lorraine Wood
Councilmember
City of Carlsbad

This arrangement has worked out favorably and has provided the Commission with an extensive depth of resources. The qualifications of both Mr. Colantuono and Ms. Witt are outstanding. Mr. Colantuono and his law partner, Ms. Holly Whatley (Colantuono, Whatley, and Highsmith, PC), have represented the Commission for nearly 10 years with respect to a number of priority assignments and litigation. They have also been active with San Diego LAFCO staff on various statewide educational, professional, and legislative projects. Most importantly, though, is the responsiveness shown by Mr. Colantuono and his firm in providing advisory and litigation assistance. Mr. Colantuono's law offices are accessibly located within both Southern and Northern California. Ms. Witt also has LAFCO experience and is responsive to LAFCO staff. She provided advisory legal representation to the Commission at the November 3, 2014 LAFCO meeting. Ms. Witt also has municipal and county government legal experience.

Jo MacKenzie
Vista Irrigation District

Alternate Members

Greg Cox
County Board of
Supervisors

The current arrangement with Colantuono, Whatley, and Highsmith, PC, and the Office of County Counsel provides LAFCO with extensive legal resources. The fees charged by the Office of County Counsel (\$223/hour) and Colantuono, Whatley, and Highsmith (\$245 to \$325/hour) are both comparable and discounted, especially when compared to the market rate for attorney fees.

Chris Cate
Councilmember
City of San Diego

Racquel Vasquez
Councilmember
City of Lemon Grove

Ed Sprague
Olivenhain Municipal
Water District

Harry Mathis
Public Member

Executive Officer

Michael D. Ott

Special Counsel

Michael G. Colantuono

In summary, the overall legal arrangement LAFCO has had with Colantuono, Whatley, and Highsmith, PC and the Office of County Counsel is working very effectively and should be formalized at the March 2nd LAFCO meeting. In particular, this arrangement is cost-effective and provides the Commission with effective legal representation. The arrangement also minimizes situations where

LAFCO may be left without adequate legal services due to conflict of interest. Both Mr. Colantuono and Ms. Witt will be at the Dais on March 2nd, should there be any questions about the recommendation. It is therefore recommended that your Commission formalize this legal arrangement and approve the respective Legal Counsel appointments at the March 2nd LAFCO meeting.

RECOMMENDED: That your Commission

Pursuant to Government Code Sections 56384(b) and 56380, appoint Michael Colantuono (Colantuono, Whatley, and Highsmith, PC) as the San Diego LAFCO's Legal Counsel, effective March 2, 2015, and Rachel Witt (Office of County Counsel), as the San Diego LAFCO's Special Counsel, effective March 2, 2015.

Respectfully Submitted,

MICHAEL D. OTT
Executive Officer

MDO:ra