

Alternate Legal Counsel Policy
(Adopted October 11, 2013)

Background

Attorneys with the County Counsel's Office serve as Regular Counsel to LAFCO. These attorneys serve as the day-to-day legal advisors to Commission and staff on all matters that come before LAFCO.

In anticipation of a situation in which LAFCO's Regular Counsel may have a conflict of interest, or the potential for a conflict of interest, the Commission has retained several firms to serve as As-Needed Alternate Legal Counsel.

Policy

In the event of an actual or potential conflict of interest that the Executive Officer (EO) determines should result in the engagement of Alternate Legal Counsel, or in the waiver of such conflict, the EO shall promptly notify the Chair of the Commission.

The EO shall also place an item regarding the matter on the Commission's next agenda, including, as applicable, a recommendation of which Alternate Legal Counsel to engage, or alternately, a recommendation to waive the apparent conflict, for approval by the Commission. Except as provided for below, Alternate Legal Counsel shall not be authorized to proceed until after the Commission acts.

If there is an urgent legal issue that requires that LAFCO have access to immediate legal representation on a particular matter, in between regular meetings of the Commission, the EO, in consultation with the Commission Chair, may engage Alternate Legal Counsel on a preliminary basis, or alternately waive the apparent conflict on behalf of the Commission, subject to review by the Commission at the next Commission meeting. Additionally, and in consultation with the Commission Chair, the EO may schedule a Special Meeting of the Commission if it is determined that the circumstances warrant immediate action.

In all cases, if the Chair is unavailable, the EO shall notify and consult the Commission First Vice Chair or Second Vice Chair, in that order.