

Draft Resolution No. 3170

Attachment 2

RESOLUTION NO. 3170

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
FOR SAN BERNARDINO COUNTY, STATE OF CALIFORNIA,
AMENDING ITS POLICY AND PROCEDURE MANUAL,
SUBSECTION PROJECT/APPLICATION PROCESSING,
GUIDELINES FOR EVALUATING PROPOSALS TO INCLUDE WAIVER OF
LAFCO LEGAL COUNSEL CONFLICTS OF INTEREST**

On Wednesday, November 21, 2012, on motion of Commissioner _____, duly seconded by Commissioner _____, and carried, the Local Agency Formation Commission adopts the following resolution:

SECTION 1. The Local Agency Formation Commission for San Bernardino County, State of California (hereafter shown as "LAFCO"), hereby finds and determines that it wishes to amend its Policy and Procedure Manual, Subsection Project/Application Processing, Guidelines for Evaluating Proposals to include the Policy and Procedure related to LAFCO Legal Counsel Conflict Waiver.

SECTION 2. The Local Agency Formation Commission for San Bernardino County therefore resolves and orders that the following amendment to Subsection Project/Application, Guidelines for Evaluating Proposals is adopted:

...

10. **WAIVER OF LAFCO LEGAL COUNSEL CONFLICTS OF INTEREST**
(Adopted May 18, 2005)

Subject to procedures defined below, the Commission authorizes the Executive Officer to waive conflicts of interest under Rule 3.310 of the California Rules of Professional Conduct for LAFCO Counsel's public agency clients.

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The adopted procedure for the Waiver of LAFCO Legal Counsel Conflicts Policy is as follows:

LAFCO Counsel and the Executive Officer shall discuss each potential conflict and make the following determinations:

- 1) Where controversy is identified by either party, no waiver is approved.
- 2) Where no controversy is identified, a waiver will be tentatively approved subject to the following:
 - a) In each case where a waiver is tentatively approved, the Executive Officer shall individually notify the Commission members of his/her proposed decision.
 - b) In the event the Executive Officer receives no objection from any Commissioner, the waiver is approved.

...

SECTION 3. The Executive Officer of LAFCO is ordered to certify the passage of this resolution and to cause a copy of the amended Policy and Procedure Manual to be posted on the LAFCO Website, and a certified copy of this resolution to be forwarded to the County Executive Officer, each City, Town, and Independent Special District in the County and to affected County Departments for implementation.

THIS ACTION APPROVED AND ADOPTED BY THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

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STATE OF CALIFORNIA)
)ss.
COUNTY OF SAN BERNARDINO)

I, KATHLEEN ROLLINGS-McDONALD, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission, by vote of the members present, as the same appears in the Official Minutes of said Commission at its meeting of November 21, 2012.

DATED:

KATHLEEN ROLLINGS-McDONALD
Executive Officer

DRAFT