

**LOCAL AGENCY FORMATION COMMISSION  
COUNTY OF SAN BERNARDINO**

175 West Fifth Street, Second Floor, San Bernardino, CA 92415-0490  
• (909) 387-5866 • FAX (909) 387-5871  
E-MAIL: [lafco@lafco.sbcounty.gov](mailto:lafco@lafco.sbcounty.gov)  
[www.sbclafco.org](http://www.sbclafco.org)

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**DATE:** AUGUST 9, 2005  
**FROM:** KATHLEEN ROLLINGS-McDONALD, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: Agenda Item #8:** Consideration of Special Counsel for LAFCO  
2994 – Reorganization to Include Hi-Desert Water District  
Annexations (Annexation Project 2005)

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**RECOMMENDATION:**

That the Commission retain Jeffrey Goldfarb of Rutan and Tucker as  
Special Counsel for LAFCO 2994.

**BACKGROUND:**

LAFCO Legal Counsel Clark H. Alsop is a partner in the firm Best Best and Krieger (BB&K) which is Counsel for the Hi-Desert Water District. Pursuant to the Commission's policy related to Legal Counsel conflicts (copy included as Attachment #1), the Executive Officer and Legal Counsel have reviewed the application identified as LAFCO 2994 (vicinity map included as Attachment #2). During this review, it was identified that controversy could exist in the processing of the application; therefore, a waiver of conflict would not apply.

In accordance with adopted procedures, staff has contacted Jeffrey Goldfarb from Rutan and Tucker to represent the Commission as he has in previous circumstances. Mr. Goldfarb has indicated his willingness and ability to serve as Special Counsel.

The actions before the Commission are to note Mr. Alsop's disqualification on the application and to direct staff to retain Mr. Goldfarb for legal services as LAFCO Special Counsel. Pursuant to Commission policy, the Hi-Desert Water District will be required to pay the cost for Special Counsel representation and this has been discussed with the District.

/KRM

Attachments:

1. Commission Policy #34 Waiver of LAFCO Legal Counsel Conflicts
2. Vicinity Map for LAFCO 2994 (Annexation Project 2005) for Hi-Desert Water District