

# LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO

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**DATE:** OCTOBER 8, 2004  
**FROM:** KATHLEEN ROLLINGS-McDONALD, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: Agenda Item #11** – Designation of Special Counsel Representation for City of Rancho Cucamonga Reorganization Proposals (LAFCO 2967 & LAFCO 2970) and City of Fontana Reorganization Proposal (LAFCO 2968)

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## **RECOMMENDATION:**

Retain Jeffrey Goldfarb of Rutan and Tucker as special counsel for the following proposals:

- LAFCO 2967 – City of Rancho Cucamonga Reorganization et al. (Richland-Pinehurst – DRC 2002-0865)
- LAFCO 2968 – City of Fontana Reorganization No. 161 et al.
- LAFCO 2970 – City of Rancho Cucamonga Reorganization et al. (Tracy Development – DRC 2003-01051)

## **BACKGROUND INFORMATION:**

LAFCO Legal Counsel Clark H. Alsop is a partner in the firm Best Best and Krieger (BB & K), which is the City Attorney for the City of Fontana. Because of that dual representation, Mr. Alsop has declared a conflict on the City of Fontana reorganization proposal identified above. In addition, Mr. Alsop has also indicated a conflict on two City of Rancho Cucamonga proposals (LAFCO 2967 and LAFCO 2970) since BB & K is representing the property owners within these applications in regard to environmental litigation.

In accordance with adopted Commission procedures, staff has contacted Jeffrey Goldfarb from Rutan and Tucker to represent the Commission as he

has in previous similar circumstances. Mr. Goldfarb has indicated his willingness and ability to serve as special counsel for all three applications.

The action before the Commission at this hearing is to note Mr. Alsop's disqualification on the three applications and to direct staff to retain Mr. Goldfarb for legal services as LAFCO Special Counsel. Pursuant to Commission policy, the City of Rancho Cucamonga and the City of Fontana will be required to pay their respective costs for special counsel representation and each have been apprised of this requirement.

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