



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on the Appointment of Counsel

(Adopted: April 11, 2001; Last Amended: August 1, 2022)

I. BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires the Commission to appoint legal counsel to advise it and to appoint alternate legal counsel in the event of a conflict of interest consistent with [California Government Code §56384\(b\)](#).

II. PURPOSE

The purpose of this policy is to guide the Local Agency Formation Commission (LAFCO) of Napa County in appointing legal counsel and, when appropriate, alternate legal counsel.

III. PROCEDURES

The Commission shall appoint a Commission Counsel for a term specified as part of the appointment. Further, the policy of the Commission is:

- A. If the Commission determines that a conflict of interest exists for its counsel in the processing and review of a proposal, the Commission will appoint alternate legal counsel for that proposal. If the Commission determines that an applicant should bear the costs of alternate counsel, it shall require that the applicant put on deposit with the County Auditor funds sufficient to cover associated costs.
- B. The Commission will consider written requests that alternate legal counsel advise the Commission and its staff on matters pertaining to a particular proposal. This request may be made by any applicant, affected agency, or affected individual. Requests will be considered at the next regular meeting of the Commission for which the matter may be noticed properly. Approval of any such request is contingent upon the placement on deposit with the County Auditor of funds sufficient to cover associated costs.
- C. In all instances, appointment of alternate legal counsel is solely at the discretion of the Commission.
- D. When alternate legal counsel is used, the Commission reserves the right to make final approval of a proposal contingent upon payment of any outstanding legal costs in excess of the deposit on hand with the County Auditor.
- E. When alternate legal counsel is used, upon written confirmation from the Executive Officer that all billing matters have been resolved, the County Auditor will return any unexpended portion of funds on deposit.