



DENNIS J. HERRERA  
City Attorney

ITEM NO. 3

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May 31, 2002

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OFFICE OF SUPERVISOR  
SAN FRANCISCO  
2002 MAY 31 AM 9:36  
BY *for*

President Matt Gonzalez  
Members, San Francisco LAFCO  
1 Dr. Carlton B. Goodlett Pl.  
City Hall, Rm. 244  
San Francisco, CA 94102

Re: Legal Representation

Dear Mr. President and Members of the San Francisco Local Agency Formation Commission ("LAFCO"):

I understand that at your June 7<sup>th</sup> meeting you will consider the question of who to retain as legal counsel for the next fiscal year, that you have shown interest in having the City Attorney perform those services, and that you have requested that the City Attorney appear at the meeting to address this matter. Unfortunately, I will be unable to appear at the meeting because I will be out of town.

As you know, this Office performed the legal work to establish LAFCO but last July was compelled to withdraw from representing LAFCO. We have considerable expertise in the laws governing LAFCO's activities. In response to your request, I write to express interest in our providing legal services to LAFCO for this coming fiscal year subject to two conditions:

- While we have no reason to believe there would be any conflict, to avoid the problems we have had in the past, LAFCO would have to agree to waive any potential conflict of interest arising out of our simultaneous representation of the City and County and the LAFCO. The primary duty of the City Attorney under the Charter is to represent San Francisco. Under State law, we can also serve as counsel to LAFCO. Indeed, it is common throughout the State for county counsel to also serve as legal advisor to the county LAFCO.

If an actual conflict of interest between the City and County and LAFCO were to arise in the future, we would – consistent with our ethical duties - promptly notify you of that conflict and your need to retain outside counsel; we would continue to represent the City and County.

Letter to LAFCO

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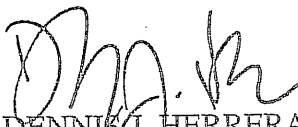
May 31, 2002

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- Second, LAFCO must budget sufficient funds to pay for our legal services. I understand that LAFCO has set aside \$125,000 for legal and consulting services. We will provide LAFCO with monthly reports of our fees so that we can, together, make sure that we are staying within budget. If at any time it appears that our fees may exceed the total amount budgeted, we will work with you to prioritize requests.

I look forward to hearing from you about whether you wish to retain this Office as legal counsel consistent with the terms of this letter.

Very truly yours,

  
DENNIS J. HERRERA  
City Attorney

cc: The Honorable Willie L. Brown, Jr., Mayor  
The Honorable Tom Ammiano, President of the Board of Supervisors  
The Honorable Members of the Board of Supervisors  
Gloria L. Young, Executive Officer, LAFCO