



Lou Ann Teixeira  
 Executive Officer

**MEMBERS**

|   |  |
|---|--|
| <b>Candace Andersen</b><br><i>County Member</i>   | <b>Michael R. McGill</b><br><i>Special District Member</i> |
| <b>Donald A. Blubaugh</b><br><i>Public Member</i> | <b>Rob Schroder</b><br><i>City Member</i>                  |
| <b>Federal Glover</b><br><i>County Member</i>     | <b>Igor Skaredoff</b><br><i>Special District Member</i>    |
|   | <b>Don Tatzin</b><br><i>City Member</i>                    |

**ALTERNATE MEMBERS**

|   |
|---|
| <b>Diane Burgis</b><br><i>County Member</i>               |
| <b>Tom Butt</b><br><i>City Member</i>                     |
| <b>Stanley Caldwell</b><br><i>Special District Member</i> |
| <b>VACANT</b><br><i>Public Member</i>                     |

April 18, 2018

April 18, 2018  
 Agenda Item 10

Contra Costa Local Agency Formation Commission  
 651 Pine Street, 6<sup>th</sup> Floor  
 Martinez, CA 94553

**Contract for Alternate Legal Services**

Dear Commissioners:

Two potential changes of organization will be presented to the Commission in the next several months. In January 2018, the Commission adopted a resolution initiating dissolution of the Rollingwood Wilart Park Recreation & Park District with intent to name Contra Costa County as successor agency to wind up the affairs of the District. While the County has been cooperative, it has not taken a formal position regarding its potential role as successor agency, and it may concur or object as this matter proceeds.

In November 2017, the Contra Costa County Board of Supervisors adopted a resolution requesting that LAFCO initiate proceedings to dissolve the Los Medanos Community Healthcare District (LMCHD). Subsequently, the County filed an application with LAFCO to dissolve the LMCHD. This proposal will be presented to the Commission within the next several months.

As you know, County Counsel Sharon Anderson serves as LAFCO’s legal counsel. Other counties follow a similar practice (for example Alameda, Monterey, Riverside, San Mateo, Santa Barbara, Sonoma, Stanislaus, and Ventura LAFCOs are represented by their respective county counsel’s offices). This type of dual representation is a normal part of a public law practice and ordinarily does not give rise to a conflict. However, with respect to the projects listed above, as well as other potentially controversial County projects that may arise in the future, it’s possible that the interest of the Board of Supervisors and LAFCO’s interest may not be in accord. Legal counsel has advised that, when a conflict occurs, the Commission should have alternate legal counsel available to advise it, as necessary, on matters that arise during LAFCO deliberations.

Government Code section 56384(b) provides for the following:

- The Commission shall appoint legal counsel to advise it.
- If the Commission’s counsel is subject to a conflict of interest on a matter before the Commission, the Commission shall appoint alternate legal counsel to advise it.
- The Commission may recover its costs by charging fees pursuant to Gov’t. Code Sec. 56383.

Several firms employ attorneys that have LAFCO experience, including Best Best & Krieger LLP, Colantuono, Highsmith & Whatley, PC, Meyers Nave, and P. Scott Browne. These firms are also associate members of CALAFCO.

LAFCO staff is familiar with these firms, and recommends that Contra Costa LAFCO enter into a contract with Best Best & Krieger for the services of Kara K. Ueda, who works out of that firm's Sacramento Office (see attached resume). Ms. Ueda's hourly rate for legal services is \$270.

**RECOMMENDATIONS:** Authorize LAFCO staff to execute a contract with Best, Best & Krieger, for legal services on an as-needed basis, at the discretion of the Executive Officer, commencing May 1, 2018, in an amount not to exceed \$20,000. Sufficient funds are included in the LAFCO budget.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

Attachment – Resume of Kara K. Ueda, Partner, Best Best & Krieger

# Kara K. Ueda

Partner

✉ [KARA.UEDA@BBKLAW.COM](mailto:KARA.UEDA@BBKLAW.COM)

Tel: (916) 551-2822

500 Capitol Mall, Suite  
1700

Sacramento, CA 95814

Office (916) 325-4000

Fax (916) 325-4010



## At a Glance

Kara advises municipal clients in conflicts of interest, elections, land use and CEQA matters.

She has extensive experience working as city attorney or assistant city attorney.

Kara is an adjunct professor, teaching local government law at University of California, Davis School of Law.

## Profile

Kara K. Ueda is a partner in Best Best & Krieger LLP's Municipal Law practice group. She has served as city attorney or assistant city attorney to a number of California municipalities. Kara is a trusted advisor and litigator on a variety of issues cities regularly confront, including drafting and updating local laws, board governance, ethics, and environmental regulations regarding development and conservation.

## Municipal Law Experience

Kara is city attorney for the City of Woodland, a position she's held since 2013. She previously served as city attorney for the City of Rio Vista. She was the assistant city attorney for the cities of Davis, Marysville, Paso Robles and Winters. Kara also serves as general counsel for the El Dorado County LAFCO and Murphys Sanitary District, and has done so since 2013.

Kara provides a wide range of services to public agencies, including assisting with crafting ordinances, drafting resolutions, providing advice on land use matters, helping clients navigate the Fair Political Practices Commission's

## Areas of Focus

### Practices

[California Environmental Quality Act \(CEQA\)](#)

[Elections](#)

[Environmental Law & Natural Resources](#)

[Environmental Litigation](#)

[Fees, Taxes & Assessments](#)

[Government Policy & Public Integrity](#)

[Land Use, Planning & Zoning](#)

[Local Agency Formation Commission \(LAFCO\)](#)

[Municipal Law](#)

[Public Agency Litigation](#)

### Industries

[Municipal](#)

[Special Districts](#)

conflict of interest laws and other regulations, and writing conflict of interest opinions. She also regularly provides advice and counsel on elections, including initiative, referenda and city-sponsored ballot measures and assists clients with legal challenges under the California Voting Rights Act, and through the process of converting from at-large to by-district or by-division elections. Kara regularly provides ethics training for public officials to comply with AB 1234. She also regularly provides advice and counsel on California Environmental Quality Act matters, including reviewing environmental documents, assisting with determining CEQA compliance and reviewing findings for adoption.

Kara also negotiates and drafts a variety of agreements, including purchase and sale agreements consultant contracts, open space acquisitions and conservation easements. She has guided municipal clients through contentious Proposition 218 rate-setting processes for sewer and water rate increases and is working on a large general plan update for a city client. Kara routinely provides advice and training on the Public Records Act and the Brown Act, with a particular focus on email and social media. Kara is admitted to the U.S. District Court for the Eastern District of California and the Ninth U.S. Circuit Court of Appeals. She is admitted to practice law in the State of California.

### **Municipal Litigation**

Kara litigates in both state and federal courts. Her recent matters include:

- Representing the City of Hayward in a CEQA case in the First District Court of Appeal against the California State University Board of Trustees.
- Representing the Mills-Peninsula Health Care District in a case alleging violations of a ground lease and special election campaign expenditures. (*Peninsula Guardians, Inc. v. Peninsula Health Care District*, 168 Cal. App. 4th 75 (2008)).
- Successfully represented the City of Paso Robles in a CEQA case brought against the City over the preparation of a mitigated declaration. The case resulted in a dismissal and a denial of an award of attorneys' fees to the petitioner.
- Prevailed on a motion for summary adjudication on legal issues involving a Section 8 Housing Choice voucher contractual dispute. (*Redevelopment Agency of the City of Roseville v. Maidu Village III, LP*).

### **Experience and Background**

Prior to joining BB&K, Kara practiced at the law firm of McDonough Holland & Allen PC. She began her legal career at the League of California Cities as a fellow, and became the deputy general counsel. Even after entering private practice, Kara remained active with the LCC, having served on the LCC City Attorneys' Department ad hoc committee that recently updated a publication entitled "Providing Conflict of Interest Advice." Additionally, Kara has served on the LCC City Attorneys' Department FPPC Committee, on the Municipal Law Handbook Committee and on the LCC Environmental Quality and

Administrative Services Policy committees.

Kara is an adjunct law professor, teaching local government law at the University of California, Davis School of Law, where she is also a frequent guest lecturer and volunteer. She is licensed to practice law in the State of California.

## Education

- University of California School of Law, Davis, J.D.
- University of California, Davis, B.S.

## Awards

- *Sacramento Magazine* Top Lawyers, State, Local & Municipal, 2015-2017
- *Northern California Super Lawyers*, 2017
- *Sacramento Business Journal* Best of the Bar, 2014-2016
- Super Lawyers Top Women Attorneys in Northern California, 2014
- Super Lawyers Northern California Rising Star, 2012-2014
- *Sacramento Business Journal* 40 Under 40, 2011

## Affiliations

- Sacramento County Bar Association
- State Bar of California Public Law Section
- American Leadership Forum Senior Fellow
- League of California Cities City Attorneys' Department ad hoc committee
- American Leadership Forum – Mountain Valley Chapter, Class XVII senior fellow
- League of California Cities' Municipal Law Handbook Committee, former member
- League of California Cities' Environmental Quality Policy Committee, former liaison
- League of California Cities City Attorneys' Department, former representative to the Administrative Services Policy Committee
- League of California Cities City Attorneys' Department FPPC Committee
- University of California, Davis School of Law Alumni Association, past president and current Board member
- Asian/Pacific Bar Association of Sacramento, past president and current Board member
- Milton L. Schwartz/David F. Levi American Inn of Court, former member
- Women Lawyers of Sacramento, former member

## Authorships

LEGAL ALERTS | AUG 7, 2015

**Uncertainty of Legislative Earmarks Not Enough to Deem Mitigation Infeasible**

- [“FPPC Revises Regulations Regarding Conflicts of Interest Involving Real Property,”](#) *BBKnowledge*, July 14, 2014
- [“Senator Wright Convicted of Perjury and Voter Fraud,”](#) *BBKnowledge*, Jan. 31, 2014
- [“Best Practices For Compliance With SB 751,”](#) *BB&K Legal Alert*, Jan. 29, 2014
- [“\[Video\] Ethics Laws and the Importance of Transparency for Public Officials,”](#) *BBKnowledge*, Jan. 2, 2014
- [“New Laws Affecting Public Agencies in California,”](#) *Riverside Press-Enterprise*, Nov. 25, 2013
- [“New Law Requires Public Report on Action and Vote of Each Member in Open Sessions,”](#) *BB&K Legal Alert*, Nov. 25, 2013
- [“FPPC to Establish Electronic Filing and Public Disclosure System for Statements of Economic Interests,”](#) *BB&K Legal Alert*, Oct. 14, 2013
- [“New California Law Authorizes FPPC to Provide Advice or Opinions, Investigate and Enforce Violations of Government Code Section 1090,”](#) *BB&K Legal Alert*, Oct. 10, 2013