

Colleagues Chide Patton On Legal Case

By PAUL BEATTY

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A private attorney hired two weeks ago by the county Board of Supervisors and apparently given instructions by Chairman Gary Patton has not carried out the closed-session orders of the full board, two board members are saying today.

Supervisors Wayne Moore and Dan Forbus have challenged a friend-of-the-court brief filed on behalf of the county in appellate court by San Francisco attorney Marc B. Mihaly.

Forbus has gone further, writing to Judge Quentin White, presiding justice of the First Appellate District, telling him the Mihaly brief should be withdrawn as it does not represent the unanimous directions of the county board.

Mihaly's brief was filed in the Resource Defense Fund's lawsuit to stop Scotts Valley from annexing 22 acres located east of Highway 17. The lawsuit was filed against the Local Agency Formation Commission which approved the annexation on April 1 with the two county supervisors' members of the commission—Patton and Supervisor Robley Levy—voting against it.

Moore claims that in three places in Mihaly's brief and a subsequent legal letter the private attorney supports the Resource Defense Fund's attempts to stop the annexation.

Moore and Forbus say the board in closed session only asked the attorney to petition the appellate judge to determine if the LAFC can continue with future annexations prior to its drawing sphere of influence maps for each city. Their opinion of the board's intent was supported this morning by Supervisor Joe Cucchiara.

Patton refused to say anything about the board's actions, claiming they were confidential under the law. He did, however, castigate Forbus for taking an individual action "to intervene in a county legal matter."

Mihaly said he carried out the instructions given him by Patton "and I talked with county counsels," he said.

He said the county's request of the appellate court "tried not to emphasize overly the specific facts in this annexation" in addressing the broader issue of spheres of

influence.

However, Mihaly said that "we are advocating and the board asked us to advocate a legal principle that is the same as that advocated by the Resource Defense Fund."

Mihaly said if he wins the issue involving spheres of influence, chances for immediate annexation probably would be stopped.

That apparently was unknown to Moore and Forbus when they voted to hire the attorney.

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