

# Scotts Valley Annexation Given Legal OK

A controversial 22-acre annexation to the city of Scotts Valley has been given the legal go-ahead in appellate court, and final papers were filed this morning by the Local Agency Formation Commission.

The commission approved the annexation, but then has had to withstand two court suits from the environmentally-based Resource Defense Fund and a friend-of-the-court brief by the county Board of Supervisors.

Supervisors, after meeting in closed-door session, hired a private attorney because county attorneys represent the commission. They filed a request that the

appellate court decide if spheres-of-influence had to be established before annexations could proceed.

In Wednesday's action, the First Appellate District Court (Northern California) did not rule on the spheres-of-influence question, but did allow the county to file its amicus brief. It ruled against the Resource Defense Fund and also lifted a stay order on the annexation.

Earlier, the Resource Defense Fund lost its battle in a Santa Cruz superior court.

County supervisors made a lot of news by their action, since the press and some

members of the board said there was a question if it was legal to meet in private session on such an issue.

County Counsel Clair Carlson told the board that it could legally meet on any litigation matter under state law, but that also the board could hold such session before the public.

Two members of the board, Supervisors Wayne Moore and Dan Forbus complained the board's action had been misrepresented by the private attorney, since Moore and Forbus did not want the annexation stopped, only a ruling on future

annexations and their relationship to spheres-of-influence.

Supervisors' Chairman Gary Patton insisted the board's direction had been carried out since it was impossible to bring into question the spheres-of-influence question without benefitting the Resource Defense Fund's case.

Following that, Moore said he believed the board had met improperly in closed session since an annexation is a public issue.

He also was successful in getting the board to move toward adopting new guidelines for closed-door session.