

Aptos lawsuit cost LAFCO \$29,012

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STAFF WRITER

It cost \$29,012 to fight a lawsuit brought by proponents of Aptos incorporation, figures compiled this week by the Local Agency Formation Commission show.

LAFCO, an agency of local public officials that oversees incorporations and annexations, was sued in 1990 by the Aptos Incorporation Group, which has been working since 1987 to make Aptos a city.

The Incorporation Group sued when LAFCO determined in 1990 that an environmental impact report was required for the cityhood drive. The case dragged on until last September, when Superior

Court Judge Tom Black ruled that LAFCO was correct in requiring an EIR.

Incorporation backers fought the EIR requirement because the document would cost \$90,000 or more to prepare, far more than the Incorporation Group has shown it could raise.

Some Incorporation Group members had criticized LAFCO, saying the money spent on defending the suit could have been used to help pay for the EIR.

LAFCO executive director Pat McCormick said he's not aware of this or any other county's LAFCO ever paying for incorporation EIRs, although some county gov-

ernments have loaned money for such studies.

"Whatever we would have done, we would have been sued by somebody," McCormick said. "It's a lot better to be right in the first place, so you don't have a court overturn you."

Richard Allen, one of the leaders of the incorporation drive, said he was surprised at the amount of the legal work, which was done by the Sacramento firm of Hyde, Miller and Savage. Attorney Nancy Miller, who handled the bulk of the work, made \$115 an hour, slightly below the going rate for attorneys in Santa Cruz County.

The Incorporation Group's legal work was handled by Kelly Walker, a Santa Cruz attorney who lives in Aptos and is active in the cityhood effort.

Allen said there is no current fund-raising drive, but the Incorporation Group hasn't given up, Allen said.

"It's close to \$100,000 that has to be raised. It could all come from one person, although I don't know who that would be," Allen said.

Incorporation backers owe LAFCO about \$3,200 for various other fees connected with the matter.

"I imagine it will be paid," Allen said.