

LAFCO hires legal help in Aptos cityhood issue

By KEITH MURAOKA

Sentinel staff writer

SANTA CRUZ — A decision is expected next month on whether an environmental impact report should be required on making Aptos a city, and a Sacramento law firm will help make that decision.

The county Local Agency Formation Commission unanimously approved a \$20,000 contract Wednesday with the law firm of Hyde, Miller & Savage to help it with the Aptos incorporation application. Foremost in that help is answering the politically sensitive question of whether the application needs a report to identify significant detrimental environmental impacts cityhood might cause.

LAFCO Executive Director Pat McCor-

mick said a recommendation on the environmental report should come before the commission on June 6.

Attorney Nancy Miller of Hyde, Miller & Savage said in a telephone interview that her firm has never been called into an incorporation proceeding so early before.

"I don't know if 'unusual' is the right term, but normally getting special legal counsel doesn't come into the process this early," she said.

LAFCO contracted out for legal advice to avoid a potential conflict of interest if the County Counsel's office was used. Hyde, Miller & Savage also has experience in incorporations, and is currently defending LAFCO in a lawsuit filed by Sacramento County regarding the incor-

poration of the city of Citrus Heights.

Hyde, Miller & Savage was selected over six other firms, McCormick said. The firm is expected to help LAFCO throughout the Aptos incorporation process. Although cost wasn't a determining factor, McCormick said, the selected firm also was the least expensive.

Proponents of Aptos cityhood are against an environmental impact report. Such a requirement could cost tens of thousands of dollars and add as much as a year to the process. Currently, they hope to get the incorporation question before Aptos voters in June 1991.

Several public agencies including Santa Cruz County, the city of Capitola, Cabrillo College and the state Department of Transportation want a full-blown environmental impact report.

Freedom from county rule is the most often cited reason for incorporation. Increased law enforcement and improved planning and road maintenance are other factors backers cite.