

PARTNER

Scott C. Smith

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Irvine

Best Best & Krieger LLP Partner Scott C. Smith advises public and private clients on issues of state and local regulatory and land use law, including advice on critical issues relating to the First and Fifth Amendments, development and environmental law and municipal law. Scott's career in public law at BBK began immediately after law school graduation.

City Attorney, General Counsel, Special Counsel
Scott's principal clients include the cities of Aliso Viejo and Laguna Niguel, where he serves as contract city attorney. He is general counsel to the Orange County Sanitation District, Santa Margarita Water District and Orange County Local Agency Formation Commission. Scott also served as city attorney in San Clemente, Lake Forest, Santee, La Verne and Big Bear Lake. He advises public and private clients on issues of election law, land use regulation, public-private partnerships and water quality and recycling. He regularly presents ethics training to public officials.

First Amendment, Election and Constitutional Law
Scott's work includes providing regular legal guidance on issues surrounding First Amendment, election and campaign laws. He is also well-versed in helping public agencies navigate emerging legal trends relating to protected speech, social media, public records and privacy.

Scott is often called upon to provide advocacy and litigation support to clients on Constitutional issues relating to the use of public spaces, including free speech on public websites, political speech in public forums and camping and homelessness in public spaces.

Land Use and Development
Scott enjoys working on complex real estate and regulatory matters, usually for public agencies. He coordinates BBK's service teams to acquire and consolidate real estate, review environmental impacts, obtain state and federal permits and licenses, assure water availability and meet affordable housing goals. His approach is to work collaboratively and constructively as he coordinates these firm resources for clients. His municipal, land use and environmental law practice includes work on large-scale entitlement and development agreements, growth management initiatives, project permitting, local agency formation (LAFCO) and land use initiatives. The *Los Angeles Daily Journal* named Scott one of California's top 25 land use attorneys.

CORE PRACTICES

California Environmental Quality Act (CEQA)

Housing, Economic Development and Real Estate

Election Law

Open Government & Ethics

Local Agency Formation Commission (LAFCO)

Municipal Law

Special Districts

EDUCATION & ADMISSIONS

Education

Brigham Young University, J. Reuben Clark Law School, J.D.

Utah State University, B.A., political science, valedictorian

Bar Admissions

California

He also served as a land use and environmental law instructor for the University of California, San Diego Extension and University of California, Los Angeles Extension courses.

Leadership
Scott has served two terms on the Executive Committee of the California State Bar Association's and California Lawyers Association's Public Law Section, where he served as co-editor in chief of the State Bar's *Public Law Journal*. He has served multiple terms on the Executive Committee of CalCities' Legal Advocacy Committee. Scott served for 10 years as general counsel to the California Chapter of the American Planning Association. He was president of the Orange County City Attorneys Association in 2016.

Scott began his practice in the firm's Municipal Law practice group in the Riverside, then moved to San Diego to serve as the firm's first office managing partner there. He served for 9 years on the Solana Beach School District Board of Trustees. He was a founding partner of the firm's Orange County office in 2001. He served two terms on the firm's five-member Executive Committee. He founded and continues leading the firm's Best Writers Club, an internal collaboration focused on quality legal writing.

Some of Scott's most significant projects include:

- **Land use regulation** – advise clients on regulation of sensitive land uses, including vacation rentals, sober living homes, public camping and retail marijuana dispensaries. Work on various general plans and housing element certifications.
- **Election law** – special counsel to Los Angeles County in developing special legislation and County enactments for a special tax to address homelessness. He also advises the firm's city clients on issues relating to growth management initiatives.
- **Local agency formation** – representation of Orange County LAFCO in review of several cityhood applications and pre-annexation/development agreements for Newport Coast (Newport Beach), Talega (San Clemente), Tonner Hills (Brea), Bolsa Chica and Sunset Beach (Huntington Beach).
- **Retail and commercial uses** – work to assist clients on retention of retail uses and revitalization of aging commercial centers.
- **Master plans and development agreements** – work with the City of Lake Forest to prepare, negotiate and finalize development agreements for the Opportunities Study, a comprehensive planning process to rezone nearly 838 acres to create and vest residential, retail, commercial, school, government and park uses, with landowner/developers providing approximately $200 million in city facilities.

Scott lives in San Clemente where he and his wife, Wendy, raised their three sons and a daughter.

Accolades

- The Best Lawyers in America®, Land Use and Zoning Law, Municipal Law, 2019–2027
- *Daily Journal* Top 50 Land Use Attorneys in California, 2014

Professional & Community Involvement

- California State Bar Public Law Section Executive Committee
- Orange County City Attorneys Association, president, 2016
- California Chapter of the American Planning Association, former general counsel
- Solana Beach School District Board of Education, former member
- City of San Clemente's Coastal Advisory Committee, served two terms

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Thought Leadership

Publications

- “Cash Crop: Local Government Taxation of Marijuana Business," State Bar of California *Public Law Journal*, winter 2017
- “Public Officials and Agencies: To Campaign or Not to Campaign?,” *BBKnowledge*, Sept. 8, 2014
- “Ninth Circuit Strikes Down Initiative Disclosure Requirement,” *BBKnowledge*, June 26, 2014
- “Supreme Court Invalidates Federal Aggregate Limit on Campaign Contributions,” *BBKnowledge*, Apr. 2, 2014
- “[Video] Ethics Laws and the Importance of Transparency for Public Officials,” *BBKnowledge*, Jan. 2, 2014
- “Prop. 8 Ruling Complicates Process For California Initiative Proponents,” *BBK Legal Alert*, July 8, 2013
- “Ninth Circuit Upholds Opening Prayers at City Council Meetings,” *BBK Legal Alert*, April 1, 2013
- “FPPC Approves Amendment Clarifying Appointments to Paid Positions,” *BBK Legal Alert*, Mar. 16, 2012
- “Court of Appeal Reverses Lower Court Decision to Close Medical Marijuana Stores in Lake Forest,” *BBK Legal Alert*, Mar. 1, 2012
- “Fight Between Rehab Facilities and Cities Felt Across Orange County,” *Orange County Register,* Oct. 22, 2015

Presentations

- “Ascending the Organizational Chart - How to Get and Keep the Public Agency Job You Want,” League of California Cities City Attorneys Spring Conference, May 8, 2024
- “Significance & Lifespan of Municipal Service Reviews,” California Special Districts Association Webinar, Mar. 7, 2023
- “Dangerous Currents! Recognizing and Avoiding Conflicts of Interest,” The California Association of Local Agency Formation Commissions Annual Conference, Oct. 20, 2022
- “Constitutional Potholes in the Post-COVID Resilience Roadmap,” International Municipal Lawyers Association's Annual Conference, Sept. 30, 2020
- “Voting Rights in California,” Association of California Water Agencies Election Law Webinar, Sept. 21, 2022
- “Reopening During the Coronavirus Pandemic: How to Serve the Public and Avoid Liability,” Webinar, Association of California Cities, July 8, 2020
- “Reopening During the Coronavirus Pandemic: How to Serve the Public and Avoid Liability,” BBK Webinar, June 11, 2020
- “MSRs: You Get Out What You Put In,” CALAFCO 2019 Annual Conference, California Association of Local Agency Formation Commissions, Oct. 31, 2019
- “Masterpiece Cakeshop v. Colorado Civil Rights Commission: A Recipe for Fair Hearings,” ACWA 2018 Fall Conference & Exhibition, Association of California Water Agencies, Nov. 29, 2018
- “Records Retention & Best Practices,” Public Law Section of the California Lawyer’s Association California Public Records and Open Meetings Conference, Apr. 27, 2018
- “Taxing Marijuana Businesses - Local Gov't Authority, Limits and Possible Implications,” BBK Prop. 64 Webinar Series, Jan. 12, 2017