



AGENDA ITEM 9B

MEETING: July 17, 2019
TO: Humboldt LAFCo Commissioners
FROM: George Williamson AICP, Senior Advisor
SUBJECT: **Legal Counsel Services for Garberville Sanitary District Out of Agency Service Application**

The Commission will consider authorizing staff to enter into a legal counsel services agreement for the Garberville Sanitary District Service Out of Agency Service Extension Application

BACKGROUND

Humboldt LAFCo's current legal Counsel, Mitchell Law Firm LLP, also provides legal services to the Garberville Sanitary District (GSD). GSD submitted an application for an Out of Agency Service Extension to LAFCo on June 21st, 2019. For further information regarding the GSD application, see Agenda Items 8A and 8B.

Following application submittal, Mitchell Law Firm declared a conflict for matters relating to GSD applications (see Attachment A). Any legal review of the GSD's application will need to be directed to a separate contract legal counsel.

DISCUSSION

In anticipation of potential legal review needs, LAFCo staff recommends engaging the services of James M. Underwood, of Underwood Law Offices, P.C., with offices in Weaverville, California. Mr. Underwood has experience in LAFCo law, providing legal services to Shasta LAFCo and other agencies. See Attachment B for Mr. Underwood's qualifications. Mr. Underwood is offering to provide services, on a time and materials basis, at rates are comparable to those charged by Humboldt LAFCo's current legal counsel.

RECOMMENDATION

Staff recommends the Commission authorize staff to enter into a professional services agreement with Underwood Law Offices, P.C., for legal counsel services relating to the GSD Out of Agency Service Extension application.

Attachments

Attachment A: Mitchell Law Firm Letter - *Declaration of Conflict for Matter Pertaining to the Garberville Community Services District*, July 8, 2019

Attachment B: James M. Underwood Resume

THE MITCHELL LAW FIRM, LLP

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July 8, 2019

Colette Metz, Executive Director
George Williamson, Senior Advisor
Humboldt LAFCo
1125 16th Street, Suite 202
Arcata, CA 95521

**RE: Declaration of Conflict for matter pertaining to the Garberville
Community Services District**

Dear Colette and George:

Following up on our telephone call today, this letter is written to confirm that our law firm declares a conflict for matters relating to any pending applications by the Garberville Community Services District (“GSD”), which is an existing client of the law firm. Our law firm has not provided legal advice to Humboldt LAFCo regarding any GSD application(s) previously, and any legal review requested by Humboldt LAFCo regarding any application(s) will be directed to conflict counsel. If the need for legal services arises during the review of the GSD application(s), we are happy to provide you recommendations for conflict counsel.

Please do not hesitate to contact us to discuss this matter further.

Very truly yours,

THE MITCHELL LAW FIRM, LLP


Ryan T. Plotz

RTP

James M. Underwood

P.O. Box 2428, Weaverville California, 96093 (530) 623-2200

Resume

Professional Experience Summary: I have 30 years of varied land-use, environmental, real estate, water, commercial construction and public agency law practice, representing both public agencies and private clients as in-house and private counsel. I also have considerable prior California local government finance and management experience, and related legal practice experience.

Education:

- Trinity High School, Weaverville, CA, 1974
- Bachelors of Arts, Political Science/Public Service, University of California, Davis, 1978
- Juris Doctorate, McGeorge School of Law, University of the Pacific, Sacramento, California, 1988

Professional Licenses:

- State Bar of California License to practice law, No. 140963, issued 1989; current and in good standing.

California Law Practice Experience:

- **Existing General Civil Law Practice** – Underwood Law Offices, P.C., of which I am the managing shareholder, is a law firm that represents assorted public agencies as contract general counsel, and private clients. The law firm has local and regional public agency clients, including Shasta LAFCO, the Shasta Co. Board of Assessment Appeals, the Butte County and Shasta County Redevelopment Agency Oversight Boards, the Trinity County Public Utility District and other local agencies throughout Northern California.
- **Interim County Counsel** – I served as the Siskiyou County Counsel from August 2016 through April of 2017, overseeing that County's legal advisor for the broad continuum of services provided by counties, including health and human services, land-use and finance functions. In that capacity I also managed complex litigation involving personal injury, property claims and financial disputes, in state and federal courts.
- **In-House Business Counsel** – Between 2005 and 2011 I served as in-house general legal counsel, initially for the DSCI Group of Companies, which were land and solar energy developers and contractors, and then for Pre-employ.com, a nationwide internet based employer services company. These general counsel roles focused on environmental and regulatory compliance, business formation and operations, and employment law.
- **Contract Public Agency Counsel** – From 1997 to 2005, while in private practice as a partner in the Wilkins, Underwood, Omstead & Johnson law firm, I represented numerous regional agencies, including Shasta LAFCO, the Shasta County Regional Transportation Planning Agency, and the Shasta County Water Agency, and also served as a Shasta County Nuisance Abatement Hearing Officer and general counsel for the Shasta County Assessment Appeals Board. During this period of time I also represented assorted local special districts, such as local sewer and fire districts, and private business clients.

- **County Counsel Practice** – From 1990 to 1997 I served as a Senior Deputy County Counsel for Shasta County. In that capacity I performed as legal counsel for a variety of regional, County of Shasta, and independent special district clients. Representative clients included the Shasta County Board of Supervisors, the Shasta County Planning Commission, the Shasta County Water Agency, Shasta LAFCO, and the Shasta Regional Transportation Planning Agency. Work performed in this capacity included transactions counsel, regulatory compliance and civil litigation.
- **Public Agency General Counsel** – For two years, as an associate with the Balfrey & Abbott law firm in Sacramento from 1989 to 1990, I helped provide contract County Counsel services to Sierra County, and advised numerous regional and local agencies.
- **Local Government Finance & Management** - From 1978 to 1984 I served as a Principal Administrative Analyst, and was responsible there for analyzing, making recommendations concerning and managing assigned Yolo County financial affairs, and oversaw land-use, public works, capital improvement and redevelopment agency management functions, in the County Administrator’s Office, in Woodland, California.

Organization Affiliations:

- Rotary International: Weaverville Rotary Club member from 2012 to the present, including Past-President in 2017-18; Redding West Rotary Club member from 1997 to 2012 and Past-President, 2009-10.
- Masonic Lodge, Weaverville, CA Chapter, Life Member since 2010.

Personal Interests:

- Wilderness Back-Packing
- Cross-Country skiing and snow camping
- White water rafting and kayaking

Personal & Professional References: To be provided upon request.