



AGENDA ITEM 6E

MEETING: March 21, 2018

TO: Humboldt LAFCo Commissioners

FROM: Paul Brisso, Legal Counsel

SUBJECT: **LAFCo Executive Officer Staffing Services Contract**

The Commission will consider approving the distribution of a Request for Proposals (RFP) for its Executive Officer Staffing Services Contract. Because it is anticipated that the current contract Executive Officer, George Williamson through Planwest Partners Inc., may respond to a Request for Proposals for an Executive Officer Staffing Services contract, this staff report and associated recommendations have been prepared and will be presented by LAFCo Counsel Paul Brisso.

Local Agency Formation Commissions (LAFCos) are individually responsible under the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 for making their own provisions for personnel and facilities. In making their own provisions, LAFCos may choose to contract with a public or private entity in accordance with Government Code Section 56380. The CKH Act also prescribes personnel requirements for LAFCo under Government Code Section 56384, and marked by appointing an executive officer to conduct and perform the day-to-day business of the agency. This statute also directs LAFCos to appoint additional staff as it deems appropriate in fulfilling its regulatory and planning duties.

BACKGROUND

Humboldt LAFCo has contracted with Planwest Partners Inc. for executive officer services since 2007. Mitchell, Brisso, Delaney and Vrieze, LLP, with Paul Brisso as primary District Counsel, has provide legal counsel services by contract since 2012. GHD has provided on-call engineering and environmental related services by contract since 2007. All contracts may be renewed or extended by mutual written agreement. The typical term for contract extensions is two-years.

At the March 16, 2016 meeting, the Commission discussed its professional services contracts and approved a recommendation to extend contracts for an additional two-years, through June 30 2018, with a commitment to carry out a Request for Proposals (RFP) process for the next two-year contract period: July 1, 2018 – June 30, 2020. The Commission discussed forming a committee to guide the RFP process.

DISCUSSION

At the direction of the Chair Fennell, a Selection Recommendation Committee has been appointed consisting of Commissioners McPherson, Nicolini, and Long. A draft RFP has been prepared and included with this report that describes the duties and

responsibilities of the Executive Officer position and summarizes the proposal and submittal requirements for prospective firms. The following schedule is proposed for the RFP selection process:

**Request for Proposals
Process Timeline**

| What | When |
|--|--|
| Selection Committee formed | January 17, 2018 LAFCo Meeting |
| Commission reviews draft RFP; provides direction on RFP distribution by legal counsel | March 21, 2018 LAFCo Meeting |
| RFP Released | On or before April 2, 2018 |
| Proposal Submittal Deadline | April 20, 2018 (3 weeks) or April 27, 2018 (4 weeks) |
| Selection Recommendation Committee meets to review applications and select finalists (with discretion to conduct initial interviews if desired); finalists notified of interviews with full Commission | Completed by May 4, 2018 |
| Commission holds finalist interviews; consideration of selection/authorization | May 16, 2018 LAFCo Meeting |

RFP Distribution:

- LAFCo website posting
- Legal notice in Times Standard and other local newspapers
- Direct distribution to known consulting firms
- Submittal to CALAFCO for posting on EO list serve
- Others?

RECOMMENDATION

Staff recommends the Commission review and approve the RFP with any modifications or revisions, and direct distribution by legal counsel (or Selection Recommendation Committee) as outlined in the staff report.

Attachments

Attachment A: Draft Request for Proposal



**REQUEST FOR PROPOSALS
LAFCO EXECUTIVE OFFICER STAFFING SERVICES**

The Humboldt Local Agency Formation Commission (LAFCo) is seeking proposals from qualified individuals or professional consulting firms to provide Executive Officer staffing services on an independent contractor basis. Humboldt LAFCo intends to enter into a two-year contract for Executive Officer staffing services, with the potential for renewal. The Executive Officer position, as authorized by California Government Code Section 56384, provides management and leadership for all LAFCo activities as directed by the Commission.

Humboldt LAFCo is an independent local agency created by the State Legislature in 1963 to encourage orderly growth and development of local agencies. LAFCo's mission is to facilitate changes in local governmental structure and boundaries that fosters orderly growth and development, promotes the efficient delivery of services, and encourages the preservation of open space and agricultural lands. LAFCo seeks to be proactive in raising awareness and building partnerships to accomplish this through its special studies, programs, and actions.

For general information about LAFCos, visit the CALAFCO website: www.calafco.org. For information about Humboldt LAFCo, please visit our website: www.humboldtlafo.org.

Duties and Responsibilities

The duties and responsibilities assigned to the Executive Officer and staff will include but are not limited to the following:

- a. Scheduling and preparing for regular and special meetings of the Commission, including preparation and timely transmittal of the meeting agenda and related reports and recommendations and presentation of the reports at the meetings.
- b. Managing the day-to-day operations of the Commission.
- c. Maintaining the Commission's website, including posting meeting materials, minutes, and other public documents.
- d. Preparing special reports and studies as mandated by statute, including municipal service reviews and spheres of influence.
- e. Processing applications for city and district formations, annexations, reorganizations, consolidations, detachments, and out of agency service extensions.

- f. Administering the adopted LAFCo budget by maintaining budget controls, records, files, and making timely payments of claims and deposits of revenues with the County Auditor.
- g. Monitoring new and proposed State and local legislation that pertains to LAFCo and representing Humboldt LAFCo at CALAFCO and professional associations.
- h. Coordinating with LAFCo counsel on legal issues and other matters that may require an oral or written interpretation or opinion from legal counsel.
- i. Building and maintaining positive working relationships with regular and alternate commissioners, local governmental agencies, and members of the public.
- j. Providing technical assistance, especially with regard to applicant proposals.
- k. Other administrative and executive services as may be requested or directed by the Commission.

Experience, Education, and Training

The successful proposal will be one that demonstrates the respondent's combination of experience, education, and training which substantially demonstrates knowledge of:

- a. The organization, structure, role and functions of LAFCo, including familiarity with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act), including but not limited to an understanding of the Municipal Services Review (MSR) and Sphere of Influence (SOI) process, requests for extension of services beyond agency boundaries, and specific expertise with respect to the statutory procedures and requirements associated with processing changes of organization and reorganization proposals.
- b. The organization, structure, services and functions of local governmental agencies, including understanding of how the full range of municipal services including water, wastewater, fire protection, and stormwater are financed and delivered.
- c. Planning, management and administration principles and practices which are typically applied to Local Agency Formation Commissions and other local governmental agencies.
- d. Research methodologies, group and organization dynamics, and the communication skills and techniques necessary for gathering, evaluating, presenting and disseminating information to the Commission, other agencies, community organizations, and the general public.

Minimum Qualifications

The required knowledge and skills are typically attained through education equivalent of a Bachelor's Degree in Urban Planning, Public Policy, Public Administration or a related field. A minimum of five years of actual experience with LAFCos, either as an Executive Officer, Assistant or Deputy Executive Officer, or as a contract Executive Officer is preferred. Consideration will be given to similar experience with other local governmental/public agencies such as a county, a city, or a special district. Consideration will also be given to other unique qualifications as may be presented by the applicant.

Proposal Requirements

The nature and form of responses to this RFP are at the respondent's discretion, but must not exceed ten (10) pages. The following minimum information must be provided:

1. A signed cover letter with address, telephone, and e-mail of principal office.
2. Statement of experience in providing services to other municipal agencies, including LAFCos.
3. A brief plan explaining how the duties described and services requested will be provided. Include the duties of each person associated with the proposal, including any support staff and/or sub-contractors.
4. A cost and budget sheet detailing costs for contract staffing services by position, hourly rate per person, and estimated costs for services for the first fiscal year.
5. Proposed accommodations for operations – office location, office space, and file/record-keeping.
6. Qualification statements for the principal person who would serve as Executive Officer, as well as for all staff who will be performing work under this contract. Please limit the statement to one page per person.
7. Contact information for three professional references.
8. Disclosure of any potential conflicts of interest regarding other work or third party contracts.

Submittal Requirements

- A. An original and three (3) copies of the proposal must be received no later than 5 p.m., on Friday, April __, 2018. Proposals received after the deadline will not be accepted. Please mail or deliver the proposal to:

Mitchell, Brisso, Delaney & Vrieze LLP
Attn: LAFCo Selection Committee
814 Seventh Street
Eureka, CA 95501

- B. All proposals, whether selected or rejected, shall become property of the Humboldt LAFCo.
- C. Cost of preparation of proposals shall be borne by the proposer.
- D. Proposals must be signed by an authorized employee or officer to be considered.

Selection Process

The selection process will include review of proposals by a Selection Recommendation Committee of the Commission. The Selection Recommendation Committee will use the criteria listed below to evaluate the proposals. At the discretion of the Selection Recommendation committee, additional information may be requested to clarify and explain proposals.

- a. Applicability of overall experience and qualifications relating to Executive Officer staffing services.
- b. Evaluation of the scope of services, examining in particular any special techniques, approaches, ideas, and insights to be used in performing the services, along with additional consideration of how previous experiences may contribute to the proposer's ability to carry out the services.
- c. Demonstrated knowledge of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the California Environmental Quality Act, and California land use and planning law.
- d. Evaluation of the relevancy and quality of previous service contracts/ employment agreements on which the proposer was the sole or lead consultant. Successful experience with local public agencies of similar size and scope to the Humboldt LAFCo within the last five (5) years, including pertinent references.
- e. Evaluation of background, experience, knowledge, and capacity to perform quality work within established deadlines and within budget. Consultant shall possess all permits, licenses and insurance necessary to perform the required planning services.

In the discretion of the Selection Recommendation Committee, the Committee may, but is not required to, conduct initial interviews with one or more of the persons or principal parties of the person or entity submitting the proposal.

One or more of the persons or consulting firms with the most highly rated proposals by the Selection Recommendation Committee may be invited for interviews with the full Commission at its May 16, 2018 meeting. When a final selection is made, all applicants will be advised of the selection. Humboldt LAFCo will prepare and provide a proposed contract for professional services.

The Commission reserves the right to cancel this RFP process at any time, and award a contract to one or more firms, or to decline to award a contract to any firm. The Commission may amend the RFP at any time, which amendment shall take the form of an addendum published on the Commission's website. It is the responsibility of any prospective firm to take note of any addendum on the Commission's website.

If there are any questions concerning this Request for Qualifications or the selection process, please contact LAFCo Counsel Paul Brisso (707) 443-5643.

Insurance Requirements

The successful proposer shall be required to maintain throughout the term of the contract, and for a minimum of six months following completion by Consultant and acceptance by LAFCo of all services under the contract, the minimum insurance coverages, minimum limits, and endorsements and conditions as described below.

- a. Commercial General Liability - with a limit of not less than \$1,000,000 per occurrence combined single limit for bodily injury and property damage, including contractual liability, personal injury, products and completed operations.
- b. Commercial or Business Automobile Liability - for owned, non-owned or hired automobiles with a combined single limit of not less than \$1,000,000 per occurrence.
- c. Workers' Compensation - Statutory Limits.
- d. Employers Liability Insurance - with a limit of not less than \$100,000 per accident.
- e. Additional Insured Endorsement - The policy or policies providing insurance as required above, with the exception of commercial or business automobile liability, workers' compensation and employers liability, shall be endorsed to name as additional insured Humboldt LAFCo and their directors, officers employees and agents.

Before commencing any operations under the Agreement, the successful proposer shall furnish the Humboldt LAFCo with a Certificate of Insurance and copies of all applicable endorsements evidencing compliance with the above insurance requirements and that such insurance will not be canceled or materially changed without thirty (30) days advance written notice.