



AGENDA ITEM 7B

MEETING: March 20, 2019
TO: Humboldt LAFCo Commissioners
FROM: Colette Metz, Executive Officer
SUBJECT: **Designation of LAFCo General Counsel and Assistant Counsel**
The Commission will consider approving a contract amendment with The Mitchell Law Firm, LLP for a change in designation of general counsel and assistant counsel to LAFCo.

BACKGROUND

Local Agency Formation Commissions (LAFCOs) are individually responsible under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) 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 under Government Code Section 56384, including the requirement that each LAFCo appoint an executive officer and legal counsel to advise it.

DISCUSSION

The Mitchell Law Firm, LLP, with Paul Brisso as primary LAFCo Counsel, has provided legal counsel services to LAFCo by contract since 2012. Paul has recently transitioned to "emeritus" status with his firm and has selected Ryan Plotz to do much of the day-to-day work for LAFCo. With this change assignments, it is necessary to amend the agreement to provide for the designation of Russ Gans as general counsel and Ryan Plots as assistant counsel. The recommended change in assignments will ensure that LAFCo has sufficient legal service assistance and coverage.

RECOMMENDATION

Staff recommends the Commission approve the Fourth Amendment to the Agreement with Mitchell Law Firm, LLP for a change in designation of general counsel and assistant counsel.

Attachments

Attachment A: Fourth Amendment to Agreement

AMENDMENT NO. 4

**AGREEMENT TO PROVIDE LEGAL SERVICES TO THE
HUMBOLDT LOCAL AGENCY FORMATION COMMISSION**

This Amendment (Amendment No. 4) is made and entered into by and between the Humboldt Local Agency Formation Commission (“LAFCo”) and The Mitchell Law Firm, LLP (“Attorney”). LAFCo and Attorney agree to the following terms and conditions by which Attorney will be engaged to represent LAFCo in connection with the provision of legal services.

RECITALS

WHEREAS, Government Code Sections 56380 and 56384 provide that the Commission may contract for professional and consulting services to carry out and affect the functions of the Commission; and

WHEREAS, the original Agreement with Attorney provided for services through the 2013-2014 fiscal year, and was extended by Amendment 1 through the 2014-15 and 2015-16 fiscal years, Amendment 2 through the 2016-17 and 2017-18 fiscal years, and Amendment 3 through the 2018-19 and 2019-20 fiscal years; and

WHEREAS, LAFCo and Attorney now desire to amend the Agreement to change the individual designated as general counsel and assistant counsel by LAFCo.

NOW THEREFORE, the parties agree to amend the Agreement as follows:

1. Scope of Services

Section 2 of the Agreement is hereby amended in its entirety to read as follows:

“Attorney shall serve as legal counsel to LAFCo and shall perform and provide legal services as may be required from time to time by LAFCo and its officers as set forth below by this Agreement (“Legal Services”).

Russell S. Gans shall be the individual designated as general counsel by LAFCo. Ryan T. Plotz shall be the individual designated as assistant counsel by LAFCo. No change in these assignments shall be made without LAFCo consent.

Legal Services:

- Routine legal advice, telephone and personal consultations with members of LAFCo and LAFCo staff.
- Review and/or preparation of staff reports, applications for changes of organization or reorganization, environmental studies (California Environmental Quality Act), policy

and procedures, ordinances, resolutions, agreements, contracts, indemnification agreements, forms, notices, certificates, and other documents required by LAFCo.

- Special legal services, such as confidential legal opinions, litigation and formal administrative hearing matters, employment matters, fees and charges matters, and other matters mutually agreed upon.
- Attendance at LAFCo regular and special meetings.
- Attend meetings with members of LAFCo and LAFCo staff when necessary.”

2. Binding Effect

Except as specifically amended by the terms of this Fourth Amendment, all provisions of the Agreement and subsequent Amendments shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, LAFCo and Attorney have executed this Amendment as of the date of last signature below.

HUMBOLDT LOCAL AGENCY FORMATION COMMISSION

By: _____
Estelle Fennell, Chair

Date: _____

THE MITCHELL LAW FIRM, LLP

By: _____
Russell Gans, Partner

Date: _____