



AGENDA ITEM 6B

MEETING: May 18, 2022
TO: Humboldt LAFCo Commissioners
FROM: Colette Santsche, Executive Officer
SUBJECT: **Professional Services Contracts for Legal Counsel and Engineering**
The Commission will consider authorizing an amendment to its professional services contracts for Legal Counsel and on-call Engineering Services.

Local Agency Formation Commissions (LAFCo) 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, including appointment of legal counsel and additional staff as it deems appropriate in fulfilling its regulatory and planning duties.

BACKGROUND

Humboldt LAFCo has contracted with Mitchell Law Firm for legal counsel services since 2012, with Ryan Plotz as primary counsel since 2019. In addition, 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. Contract amendments have been prepared for both firms (see Attachments A and B).

DISCUSSION

Both firms provide valuable contract services to the Commission. Legal Counsel regularly attends LAFCo meetings and provides general legal support and guidance to the Commission. Engineering services are provided as needed for technical review of proposals, such as providing engineering evaluation of assets to be transferred to the Peninsula CSD during formation.

RECOMMENDATION

Staff recommends the Commission authorize the extension of its professional services agreements with Mitchell Law Firm for legal counsel services and GHD for engineering and environmental related services for an additional two-years through June 30, 2024.

Attachments

Attachment A: Mitchell Law Firm Contract Amendment
Attachment B: GHD Contract Amendment

AMENDMENT NO. 6

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

This Amendment (Amendment No. 6) 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, Amendment 3 through the 2018-19 and 2019-20 fiscal years, Amendment 4 to change the individual designated as general counsel and assistant counsel by LAFCo, and Amendment 5 through the 2020-22 fiscal year; and

WHEREAS, LAFCo wishes to extend the term of the Agreement through the 2022-23 and 2023-24 fiscal years.

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

1. Term

Section 1 of the Agreement is hereby amended in its entirety to read as follows:

The term of this Agreement shall be effective through the 2022-23 and 2023-24 fiscal years, unless terminated in accordance with Agreement Section 12. This Agreement may be renewed or extended by mutual written agreement of the parties hereto.

2. 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”).

Ryan T. Plotz shall be the individual designated as general counsel by LAFCo. Russell S. Gans 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.

3. Rates for Services

Section 3 of the Agreement is hereby amended in its entirety to read as follows:

For all legal services provided to LAFCo, Attorney will bill the blended hourly rate of One Hundred Ninety-Five Dollars (\$195.00) per hour for partners, One Hundred Seventy Five Dollars (\$175.00) per hour for associates, and One Hundred Dollars (\$100.00) per hour for paralegals.

4. Binding Effect

Except as specifically amended by the terms of this Sixth 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: _____
Virginia Bass, Chair

Date: _____

THE MITCHELL LAW FIRM, LLP

By: _____
Ryan Plotz, Partner

Date: _____

**EXTENDED AGREEMENT BETWEEN THE
HUMBOLDT LOCAL AGENCY FORMATION COMMISSION
AND GHD FOR ON-CALL SERVICES**

This is an extension to the on-call services agreement (herein referred to as “Agreement”) between the Humboldt Local Agency Formation Commission (herein referred to as “LAFCo”), and GHD (hereinafter referred to as “Contractor”) for on-call engineering and environmental related consulting services. Said Agreement was approved by LAFCo on April 25, 2007, based on a LAFCo subcommittee report and recommendation for the transition of LAFCo support from the County of Humboldt to independent consultants. This extension is to continue to June 30, 2024.

NOW THEREFORE in consideration of the mutual agreements herein, to be performed, the parties agree as follows:

1. The scope of the Agreement between LAFCo and Contractor includes the availability to provide on-call services. These services are to be assigned by task order, based on LAFCo needs related to application review. All services must be have authorized scope and budget prior to proceeding.
2. This authorization for the work extends to June 30, 2024.
3. All other provisions of the Agreement remain in effect.

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

HUMBOLDT LAFCo

Virginia Bass, Chair

Date: _____

GHD

Steve McHaney, Associate

Date: _____