



## AGENDA ITEM 7B

**MEETING:** May 23, 2024  
**TO:** Humboldt LAFCo Commissioners  
**FROM:** Colette Santsche, Executive Officer  
**SUBJECT:** **Professional Services Contract for Legal Counsel**  
The Commission will consider approving an amendment to its professional services contract for legal counsel services for a two-year term from July 1, 2024 to June 30, 2026.

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### BACKGROUND

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 which includes appointment of legal counsel and additional staff as it deems appropriate in fulfilling its regulatory and planning duties.

### DISCUSSION

Humboldt LAFCo has contracted with Mitchell Law Firm for legal counsel services since 2012, with Ryan Plotz as primary counsel since 2019. Legal Counsel regularly attends LAFCo meetings and provides general legal support and guidance to the Commission. All contracts may be renewed or extended by mutual written agreement. The typical term for contract extensions is two years. At the March 20, 2024 Regular Meeting, the Commission directed staff to prepare a contract amendment for legal services covering July 1, 2024 to June 30, 2026 (see Attachment A).

### RECOMMENDATION

It is recommended the Commission authorize the extension of its professional services agreement with Mitchell Law Firm for legal counsel services for an additional two-years through June 30, 2026.

### Attachments

Attachment A: Mitchell Law Firm Contract Amendment

**AMENDMENT NO. 7**

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

This Amendment (Amendment No. 7) 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, Amendment 5 through the 2020-22 fiscal year, and Amendment 6 through 2022-24; and

**WHEREAS**, LAFCo wishes to extend the term of the Agreement through the 2024-25 and 2025-26 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 2024-25 and 2025-26 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 Two Hundred and Fifteen Dollars (\$215.00) per hour for partners, One Hundred Ninety-Five Dollars (\$195.00) per hour for associates, and One Hundred and Twenty Dollars (\$120.00) per hour for paralegals.

**4. Binding Effect**

Except as specifically amended by the terms of this Seventh 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: \_\_\_\_\_  
Michelle Bushnell, Chair

Date: \_\_\_\_\_

**THE MITCHELL LAW FIRM, LLP**

By: \_\_\_\_\_  
Ryan Plotz, Partner

Date: \_\_\_\_\_