

TO: Olin Woods, Chair, and
Members of the Local Agency Formation Commission

FROM: Elizabeth Castro Kemper, Executive Officer

DATE: January 26, 2009

SUBJECT: Special Commission Counsel selection interviews

Recommended Action

1. Interview the three firms selected by the Yolo LAFCO subcommittee:
 - a. Law offices of P. Scott Browne – P. Scott Browne
 - b. Colantuono & Levin, PC – Michael G. Colantuono
 - c. Miller, Owen & Trost – Nancy Miller
2. Review interviews and discuss selection of candidates
3. Authorize the Executive Officer, with support by Commission Counsel, to negotiate an agreement with the selected firm and return to the Commission for final approval.

Fiscal Impact

The Yolo LAFCO budget has adequate appropriations for daily counsel as well as intermittent special counsel. In cases of litigation the Yolo LAFCO does have an emergency contingency fund as well as indemnification agreements with applicants in case of possible legal issues.

Reason for Recommended Action

The Yolo LAFCO directed staff to expedite a request for proposal for special counsel services upon the retirement of long-term regular Commission Counsel. The selection of

COMMISSIONERS

*★ Public Member Olin Woods, Chair ★
★ County Member Matt Rexroad, Vice Chair ★
★ City Members Tom McMasters-Stone, Stephen Souza ★ County Member Helen M. Thomson ★*

ALTERNATE COMMISSIONERS

★ Public Member Robert Ramming ★ City Member Skip Davies ★ County Member Jim Provenza ★

STAFF

*★ Executive Officer Elizabeth Castro Kemper ★ Senior Management Analyst Elisa Carvalho ★
★ Commission Clerk Terri Tuck ★ Commission Counsel Robyn Drivon ★*

three candidates for the special counsel contract was made by a subcommittee of Commissioners Woods and Rexroad.

Background

Upon the retirement of Deputy County Counsel Stephen Nocita and his subsequent vacation of the Commission Counsel position Yolo LAFCO appointed County Counsel Robyn Drivon as interim legal counsel. The Yolo LAFCO then directed staff to prepare and distribute a request for proposal (RFP) to legal firms familiar with LAFCO issues to provide special service or conflict of interest support to the County Counsel office.

Nine responses were received as a result of the RFP. Commissioners Woods and Rexroad reviewed the proposals and selected the three firms listed in the recommended action to be interviewed. The subcommittee felt these three candidates demonstrated clear and concise information about their firms and had a depth of experience working with LAFCO's throughout the state that was exceptional.

The Yolo LAFCO Executive Officer has contacted professional references for all three firms. All references were highly complimentary of the abilities, responsiveness and experience of the three finalists.

Alternatives

The Commission may:

1. discuss the three interviews and delay final selection to a future date,
2. direct staff to contract with one or all three of the interviewed legal firms on an as needed, case by case basis,
3. interview the remaining firms from the original request for proposal process,
4. decide to reopen the selection process.

On file at the Yolo LAFCO office:

Responses to Yolo LAFCO Request for Proposals for Special Counsel Services