

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF MARCH 23, 2011

REGULAR MEETING

TO: Ken Humphreys, Chair, and
Members of the El Dorado County Local Agency Formation
Commission

FROM: José C. Henríquez, Executive Officer

AGENDA ITEM #2L: APPROVAL OF AMENDMENT TO CONTRACT WITH BEST,
BEST & KRIEGER

RECOMMENDATION

Staff recommends that the Commission approve the attached amendment to the Best, Best & Krieger contract.

REASON FOR RECOMMENDED ACTION AND BACKGROUND

In August 2004, El Dorado LAFCO contracted with the firm Best, Best & Krieger to provide general counsel services. The hourly contracted rate from seven years ago, \$175, has not been updated since. In addition, the current contract's hourly rate applies to both attorneys and any work done by paralegals and clerks. The attached amendment increases the hourly rate for general legal services to \$200.

While this will raise LAFCO's costs, staff recommends approval for these reasons:

- The increase amounts to an annual increase of \$3.60 a year, which is reasonable;
- The new rate is still lower than BB&K's current rate charged to other customers. Also, unlike the current contract, the amendment differentiates rates. So the attorneys' rate is separate and lower from those of the paralegals and clerks;
- BB&K provides not just general counsel services. The firm has a team of experts in various legal fields, most notably CEQA, Brown Act, the Fair Political Practices Act and labor relations, which LAFCO staff has used extensively; and
- Special legal services have a separate and slightly higher hourly rate. However, any extensive amount of time that BB&K spends on these subjects, such as CEQA, is usually because of some application. In those cases, the costs are borne by the applicant and not LAFCO.

Fiscal Impact

For the current fiscal year, the total projected legal costs will be under the budgeted amounts, so there should be little impact to the agency's finances for the remainder of the fiscal year. In addition, as the Commission can see in item 7 of this agenda, staff projects that legal service costs in the coming year will be at roughly the same as the current year, even with an increased hourly rate. There is also a clause tying the rates to the Consumer Price Index starting in Fiscal Year 2012-2013. This should allow LAFCO to be able to budget appropriately in future years.

Consequently, the impact does not appear to be out of line or unwarranted. For the reasons specified above, staff recommends approval.

Attachments

Attachment A: Amended and Restated Agreement to Provide Legal Services to the El Dorado Local Agency Formation Commission