
**FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)
EXECUTIVE OFFICER'S REPORT**

CONSENT AGENDA ITEM NO. 6-B

DATE: July 14, 2010

TO: Fresno Local Agency Formation Commission

FROM: Jeff Witte, Executive Officer

SUBJECT: **Consider Approval: Approve and Authorize Chairman to Executive an Engagement Agreement for provision of Special Legal Counsel Services with the Law Firm of Kahn, Soares and Conway (Michael Noland)**

Recommendation:

Approve and authorize the Chairman to execute an Engagement Agreement for the provision of Special Legal Counsel Services with the Law Firm of Kahn, Soares and Conway (Michael Noland).

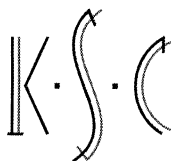
Discussion:

As the Commission is aware, LAFCo contracts with the law firm of Baker, Manock & Jensen for legal services (Ken Price). On occasion, Ken Price has a conflict and is unable to advise the Commission on LAFCo related issues and at Commission meetings. In view of this, there are times which may require the Commission to obtain special legal services for which staff is proposing the Commission to authorize the Chairman to execute an Engagement Agreement for special legal counsel with the Law Firm of Kahn, Soares and Conway.

The Commission first entered into an agreement in 2000, with Kahn, Soares and Conway for special legal counsel, covering very specific purposes. The agreement was amended several times but not so recently. This Engagement Agreement would generalize the services covered and approve the increase in cost for services,

Reason for Recommendation:

The Commission has the continued need for such specialized, independent counsel which is knowledgeable in the area of law pertaining to local agency formation commissions, including, but not limited to, the Cortese-Knox Local Government Reorganization Act of 1985, and the Cortese-Knox Hertzberg Local Government Reorganization Act of 2000 and the California Environmental Quality Act.



KAHN, SOARES & CONWAY, LLP

ATTORNEYS AT LAW

MICHAEL J. NOLAND
HANFORD OFFICE
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July 8, 2010

Victor Lopez, Chairman
Fresno Local Agency Formation Commission
2115 Kern Street, Suite 310
Fresno, CA 93721

**Re: Engagement Agreement for Special Legal Counsel Services Rendered
By Kahn, Soares & Conway, LLP;
Our File No. 8978.04**

Dear Chairman Lopez:

This letter summarizes the terms and conditions under which Kahn, Soares & Conway, LLP ("KSC") will provide special legal counsel services to Fresno LAFCo.

KSC is hereby retained by Fresno LAFCo to provide special legal counsel services to Fresno LAFCo when legal counsel for Fresno LAFCo has declared a conflict in representing Fresno LAFCo. Michael J. Noland, a partner in KSC will act as special legal counsel for Fresno LAFCo.

Fees for the special legal counsel legal services will be billed at the rate of Two Hundred Seventy-Five Dollars (\$275.00) per hour for work performed by Mr. Noland or other partner level attorneys at KSC and One Hundred Dollars (\$100.00) per hour for work performed by KSC paralegals. KSC associate attorneys will be billed at their regular hourly rate.

In addition to the fees for special legal counsel services, Fresno LAFCo will be responsible of costs and expenses incurred on its behalf such as filing fees, document coping and reproduction charges, and postage and overnight delivery service charges.

All billing invoices are due and payable in full within twenty (20) days after the date of the billing invoice. Fresno LAFCo shall immediately notify KSC of any concerns regarding any fees, costs, and expenses contained in any invoice, and KSC shall give Fresno LAFCo every reasonable consideration to address such concerns.

If the terms and conditions of this letter agreement are satisfactory, please indicate the agreement of Fresno LAFCo by executing the original and copy of this letter agreement which is enclosed and returning the original to us, in the self-addressed, stamped envelope provided. The extra copy is for Fresno LAFCo records.

If you have any questions, please do not hesitate to contact me.

On behalf of Kahn, Soares & Conway, LLP, I want to thank Fresno LAFCo for its confidence in KSC.

Sincerely,

KAHN, SOARES & CONWAY, LLP



Michael J. Noland

MJN:ja
Enclosure

FRESNO LAFCO AGREES TO THE TERMS AND CONDITIONS OF THIS LETTER AGREEMENT.

DATED: July ____, 2010

Fresno Local Agency Formation Commission

By: _____
Victor Lopez, Chairman