

FRESNO LOCAL AGENCY FORMATION COMMISSION

REQUEST FOR PROPOSALS FOR GENERAL COUNSEL SERVICES

1. INTRODUCTION

1.1 Overview

The Fresno Local Agency Formation Commission (the “Fresno LAFCO”) is soliciting proposals from qualified law firms and attorneys to provide general counsel legal services. This Request for Proposals (“RFP”) contains information concerning the proposed engagement and the requirements for submitting proposals.

1.2 About the Commission

Fresno LAFCO is a public agency established pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Gov. Code §§ 56000 *et seq.*) (“CKH”). Fresno LAFCO is responsible for coordinating logical and timely changes in local governmental boundaries, conducting municipal service reviews that review ways to reorganize, simplify, and streamline governmental structure (“MSRs”), and establishing planning spheres of influence (“SOIs”) for each city and special district within Fresno County.

Fresno LAFCO is governed by a five-member commission (the “Commission”) composed of two elected representatives from the County of Fresno, two elected representatives from cities within Fresno County and one public member. Each seat has an alternate commissioner. Fresno LAFCO staff currently consists of an Executive Officer, Clerk to the Commission, and four Analysts. The Executive Officer is responsible for the day-to-day functioning of Fresno LAFCO pursuant to CKH and overseeing staff work. The Executive Officer reports directly to the Commission.

1.3 Purpose of RFP

Fresno LAFCO seeks to retain qualified legal counsel to advise the Commission, its staff, and committees on legal matters pertaining to Fresno LAFCO’s operations, governance, and statutory responsibilities. The selected firm or individual will serve as the Fresno LAFCO’s General Counsel and will be expected to provide high-quality, cost-effective legal services.

2. SCOPE OF SERVICES

2.1 General Counsel Services

The selected attorney or law firm will be expected to provide the following services:

(a) Attend all regular and special Commission meetings in person (approximately 11 meetings per year). All regular meetings are held on the second Wednesday of the month at 1:30 p.m. in the Fresno County Board of Supervisors chambers located at the Fresno Hall of Records. In person attendance is strongly preferred.

(b) Provide legal advice to the Commission, the Executive Officer, and staff on matters including, but not limited to:

- Interpretation and application of the Cortese-Knox-Hertzberg Act;
 - Compliance with the Ralph M. Brown Act, Public Records Act, Political Reform Act, and other applicable laws;
 - Compliance with CEQA;
 - Preparation and review of Commission resolutions, policies, and procedures;
 - Personnel matters and employment law;
 - Conflict of interest issues; and
 - Litigation management.
- (c) Contract drafting, review, and negotiation.
- (d) Prepare legal opinions, memoranda, and correspondence as requested.
- (e) Review staff reports, environmental documents, and other Commission materials as needed.
- (f) Represent Fresno LAFCO in administrative proceedings and litigation as directed (Fresno LAFCO may consider an outside attorney or firm to provide litigation support).
- (g) Provide legal updates and training to Commissioners and staff on relevant legal and legislative developments affecting LAFCOs.
- (h) Assist with special projects and other legal matters as assigned.
- (i) Attend “agenda prep” or other meetings as needed to stay apprised of LAFCO matters and maintain close collaboration, coordination, and efficiency.

2.2 Special Counsel Services

In addition to general counsel services, the Commission may occasionally require specialized legal expertise in areas such as:

- (a) Complex land use and environmental law matters
- (b) Public finance and bond issuance
- (c) Complex litigation
- (d) Other specialized areas of law

Proposals should indicate whether the firm or attorney can provide these specialized services or would recommend engaging special counsel in these areas.

3. **PROPOSAL REQUIREMENTS**

3.1 Firm/Attorney Information

- (a) Name, address, telephone number, email address, and website of the firm or individual attorney.
- (b) Name and contact information for the primary attorney who will serve as General Counsel.
- (c) Names and qualifications of other attorneys who may provide services to the Commission.
- (d) Size of the firm, location of offices, and areas of expertise.
- (e) Description of the firm's or individual's experience and qualifications in municipal law, particularly with local agency formation commissions or similar public agencies.
- (f) Professional liability insurance coverage information.

3.2 **Experience and Qualifications**

- (a) Description of the proposed General Counsel's experience in the following areas: (i) CKH; (ii) The Ralph M. Brown Act; (iii) Public Records Act, (iv) Land use, CEQA, and environmental law; (v) Public agency law, including governance, conflicts of interest, ethics, and the Political Reform Act; (vi) Administrative law and procedure; and (vii) Litigation experience relevant to local agency formation commissions.
- (b) Short list of current or former local agency formation commission or other public agency clients for which the firm or attorney has provided general counsel services within the past five years.
- (c) Description of any specialized expertise or experience relevant to the Fresno LAFCO's needs.

3.3 **Approach to Legal Services**

- (a) Description of the proposed approach to providing general counsel services to Fresno LAFCO.
- (b) Explanation of how the firm or attorney will ensure responsiveness to Fresno LAFCO's needs.
- (c) Description of the firm's or attorney's philosophy regarding client communication and service.
- (d) Explanation of how the firm or attorney will handle potential conflicts of interest.

(e) Description of the firm's or attorney's approach to controlling legal costs while maintaining quality service.

3.4 Fee Proposal

(a) Proposed fee structure for general counsel services, including:

- Hourly rates for all attorneys and paralegals who may provide services.
- Monthly retainer amount (if applicable) and services covered by the retainer.
- Proposed minimum increments for billing.

(b) Detailed description of reimbursable expenses and billing rates for such expenses.

(c) Description of any alternative fee arrangements that may benefit Fresno LAFCO.

(d) Statement regarding fee increases during the term of the engagement.

3.5 References

Provide at least three references from current or former public agency clients, preferably including at least one local agency formation commission. For each reference, include:

- (a) Name of the agency.
- (b) Name, title, telephone number, and email address of the contact person.
- (c) Dates of service.
- (d) Brief description of the services provided.

3.6 Conflicts of Interest

(a) Disclosure of any actual or potential conflicts of interest that may arise from representing Fresno LAFCO.

(b) Description of the firm's or attorney's approach to identifying and addressing potential conflicts.

(c) List of any clients currently represented that may present a conflict with representation of the Commission.

4. SUBMISSION REQUIREMENTS

4.1 Proposal Format

- (a) Proposals must be submitted in 8.5” x 11” format with 1-inch margins
- (b) Text should be in a readable font (e.g., Times New Roman or Arial) of at least 11-point size
- (c) Proposals should not exceed 25 pages, excluding cover letter, table of contents, resumes, and sample materials
- (d) Proposals must be organized according to the sections outlined in Section 3 of this RFP

4.2 Submission Instructions

- (a) Proposals must be submitted in electronic format:
 - Electronic submission: One PDF file sent via email to bspaunhurst@fresnocountyca.gov.
- (b) All submissions must be received by 5:00 p.m. on April 6, 2026.
- (c) Late submissions will not be considered.
- (d) Questions regarding this RFP must be submitted in writing to bspaunhurst@fresnocountyca.gov no later than Friday, March 27, 2026.
 - Responses to all questions will be posted on the Commission’s website at <https://www.fresnolafco.org/> by March 31, 2026.

5. EVALUATION AND SELECTION PROCESS

5.1 Evaluation Criteria

Proposals will be evaluated based on the following criteria:

- (a) Qualifications and Experience (30%)
 - Experience with local agency formation commissions or similar public agencies;
 - Knowledge of relevant laws and regulations;
 - Depth and breadth of expertise in required practice areas; and
 - Qualifications of the proposed General Counsel and supporting attorneys.

(b) **Approach to Legal Services (25%)**

- Understanding of the Commission’s needs;
- Proposed approach to providing legal services;
- Responsiveness and availability; and
- Quality of communication and client service.

(c) **References and Past Performance (20%)**

- Quality of references;
- Demonstrated success in representing similar clients; and
- Quality of sample work product.

(d) **Fee Proposal (20%)**

- Reasonableness of proposed fees;
- Value for services offered; and
- Transparency and clarity of fee structure.

(e) **Overall Quality of Proposal (5%)**

- Clarity, organization, and professionalism of the proposal;
- Responsiveness to RFP requirements; and
- Absence of conflicts of interest or mitigation of existing conflicts.

5.2 Selection Process

(a) The Selection Committee will review all proposals and may select a shortlist of candidates for interviews.

(b) Interviews, if conducted, will be scheduled for April 13 through 24, 2026.

(c) Fresno LAFCO reserves the right to request additional information from proposers, negotiate with one or more proposers, reject any or all proposals, and waive minor irregularities in the proposal process.

(d) The final selection will be made by the Commission based on the recommendation of the selection committee.

(e) The selected firm or attorney will be expected to enter into a written agreement with the Commission.

6. **TIMELINE**

The anticipated schedule for this RFP process is as follows:

- (a) RFP Issued: March 19, 2026
- (b) Deadline for Questions: March 27, 2026
- (c) Responses to Questions Posted: March 31, 2026
- (d) Proposal Submission Deadline: April 6, 2026
- (e) Review of Proposals: April 7, 2026
- (f) Discuss RFP results at Regular meeting: April 8, 2026
- (g) Interviews (if necessary): April 13 through 24, 2026
- (h) Selection of General Counsel at Regular meeting: May 13, 2026
- (i) Contract Negotiation and Approval: May 14, 2026 through June 9, 2026
- (j) Commencement of Services at regular meeting: June 10, 2026.

7. **TERMS AND CONDITIONS**

7.1 **Award of Contract**

Award may be made to the firm or attorney that presents the best qualifications after review and recommendation by the full Commission. Discussions may, at Fresno LAFCO's option, be conducted with firms that submit responses determined to be qualified for being selected for an award. Discussions may be for clarification to ensure full understanding of, and responsiveness to, the solicitation requirements. Firms shall be accorded fair and equal treatment with respect to any opportunity for discussion and written revision of responses. The selected firm or attorney will be required to enter into a written agreement with Fresno LAFCO. Fresno LAFCO reserves the right to negotiate final contract terms with the firm selected. In the event of any conflict or contradiction between or among these documents, the documents shall control in the following order of preference: the final executed contract, this RFP, any modifications and clarifications to the awarded firm's RFP response.

7.2 **Insurance Requirements**

The selected firm or attorney will be required to maintain the following insurance coverage throughout the term of the engagement:

- (a) Professional liability insurance: Minimum of \$1,000,000 per claim.
- (b) General liability insurance: Minimum of \$1,000,000 per occurrence, \$2,000,000 aggregate, as applicable.

- (c) Automobile liability insurance: Minimum of \$1,000,000 per occurrence.
- (d) Workers' compensation insurance as required by law.
- (e) Fresno LAFCO shall be named as an additional insured on all applicable policies, and certificates of insurance must be provided prior to the execution of the contract.

7.3 Confidentiality

All information contained in proposals submitted in response to this RFP will be subject to the California Public Records Act (Gov. Code §§ 6250 *et seq.*). If a proposer believes that any portion of its proposal contains confidential or proprietary information that should be withheld from public disclosure, the proposer must clearly mark such information and provide a legal basis for the claimed exemption. Fresno LAFCO will review such claims and make a determination in accordance with applicable law.

7.4 Costs of Preparation

Fresno LAFCO will not pay any costs incurred by any firm or attorney in preparing or submitting a proposal in response to this RFP.

7.5 Non-Commitment of the Commission

This RFP does not commit the Fresno LAFCO to award a contract, to pay any costs incurred in the preparation of a proposal, or to procure or contract for services. Fresno LAFCO reserves the right to accept or reject any or all proposals received as a result of this RFP, to negotiate with any qualified firm or individual, or to cancel this RFP in part or in its entirety if it is in the best interest of Fresno LAFCO to do so.

7.6 Validity

RFP responses will be valid for a period of 120 days from the due date.

8. CONTACT INFORMATION

All communications regarding this RFP should be directed to:

Brian Spaunhurst
Executive Officer
1401 Fulton Street, Suite 800
Fresno, CA 93721
(559) 600-0604
bspaunhurst@fresnocountyca.gov