

Date: March 21, 2008

Item No. 6

**LOCAL AGENCY FORMATION COMMISSION  
AGENDA PACKET CONTENTS LIST\***

- Memo from the Interim Executive Officer
- Amendment No. 7 to Legal Service Agreement between the  
SF LAFCo and Miller, Owen & Trost
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Completed by: Linda Wong

Date: 3/18/08

**\*This list reflects the explanatory documents provided**

# **San Francisco Local Agency Formation Commission**

City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. 415.554.5184  
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TO: LAFCO Commissioners

FROM: Nancy C. Miller, Interim Executive Officer

DATE: March 21, 2008

SUBJECT: Item No. 6: Consideration and Approval of Legal Services Agreement between the SF LAFCo and Miller, Owen & Trost

Miller, Owen & Trost has proved legal services to the Commission and currently acts as Interim Executive Officer. Legal service costs range between \$15,000 and \$31,000 per fiscal year. LAFCo has spent approximately \$27,000 to-date during the current fiscal year. The current contract expired on January 1, 2008.

This request is to extend the contract from January 1, 2008 through December 31, 2008. The contract amount shall not exceed \$ 40,000 without further amendment. The higher amount is due to the potential of CCA services. The contract provides that it may be terminated at any time by the Commission.

**AMENDMENT NO. 7**

**TO LEGAL SERVICES AGREEMENT  
BETWEEN THE  
SAN FRANCISCO LOCAL AGENCY FORMATION COMMISSION  
AND  
MILLER, OWEN & TROST**

This Amendment to Legal Services Agreement Between the San Francisco Local Agency Formation Commission and Miller, Owen & Trost ("Amendment"), is effective the 1<sup>st</sup> day of January, 2008, in the City and County of San Francisco, State of California, by and between Miller, Owen & Trost, and the San Francisco Local Agency Formation Commission ("LAFCo").

**Recitals**

WHEREAS, LAFCo and Miller, Owen & Trost entered into a monthly Legal Services Agreement which expired on December 31, 2007, and

WHEREAS, LAFCo and Miller, Owen & Trost desire to extend the term of the Agreement and amendment thereto until December 31, 2008,

NOW THEREFORE, the parties agree as follows:

**1. Term of the Legal Services Agreement**

The term of the Agreement shall be extended on a month-to-month basis until December 31, 2008.

**2. Terms and Conditions of Legal Services Agreement**

The terms and conditions set forth in the Agreement are extended and carried over in this Amendment as though fully set forth herein.

**3. Termination**

LAFCo shall have the option, in its sole discretion, to terminate this Amendment, at any time during the term hereof, for convenience and without cause. LAFCo shall exercise this option by giving Miller, Owen & Trost written notice of termination.

**4. Severability**

Should the application of any provision of this Amendment to any particular facts or circumstances be found by a court of competent jurisdiction to be invalid or unenforceable, then (a) the validity of other provisions of this Amendment and the Agreement shall not be affected or impaired thereby, and (b) such provision shall be enforced to the maximum extent possible so as to effect the intent of the parties and shall be reformed without further action by the parties to the extent necessary to make such provision valid and enforceable.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment on the day first mentioned above.

SAN FRANCISCO LOCAL AGENCY FORMATION COMMISSION

\_\_\_\_\_  
Ross Mirkarimi, Chairperson

Date \_\_\_\_\_

MILLER, OWEN & TROST

\_\_\_\_\_  
Nancy C. Miller

Date \_\_\_\_\_

## Exhibit A

### RATE SCHEDULE

Nancy C. Miller	\$260.00
Kirk E. Trost	\$260.00
William L. Owen	\$260.00
Paul J. Chrisman	\$215.00
Christiane E. Layton	\$215.00
Madeline E. Miller	\$195.00
Jennifer V. Gore	\$165.00
Law Clerks	\$140.00
Paralegals	\$90.00