

COUNTY OF SONOMA AGENDA ITEM SUMMARY REPORT	Clerk of the Board Use Only Meeting Date Held Until ___/___/___ ___/___/___ Agenda Item No: Agenda Item No: _____ _____	
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Department: Transportation and Public Works	<input type="checkbox"/> 4/5 Vote Required
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Contact: Jon Stout	Phone: (707) 565-7243	Board Date: 05/05/09	Deadline for Board Action:
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Agenda Short Title:

Agreement for Legal Services, Mark Mispagel

Requested Board Action:

Approve and authorize Chair to execute an Agreement for Legal Services with Mark Mispagel in the amount of \$180,000 over three years in connection with legal services for Charles M. Schulz-Sonoma County Airport.

CURRENT FISCAL YEAR FINANCIAL IMPACT			
<u>EXPENDITURES</u>		<u>ADD'L FUNDS REQUIRING BOARD APPROVAL</u>	
Estimated Cost	\$25,000	Contingencies	\$
		(Fund Name:)	
Amount Budgeted	\$25,000	Unanticipated Revenue	\$
291013-6610		(Source:)	
Other Avail. Approp		Other Transfer(s)	\$ _____
(Explain below)	\$		\$
Additional Requested	\$ -0-	Add'l Funds Requested:	
Explanation (if required): Subsequent legal costs will be included in the Proposed Budgets for FY09/10, FY 10/11 and FY 11/12.			
Prior Board Action(s): None			

Alternatives - Results of Non-Approval: Consultant's expertise cannot be utilized on projects at the Charles M. Schulz-Sonoma County Airport on airport related projects.

Background:

The Charles M. Schulz-Sonoma County Airport entered into an agreement with Mr. Mispagel on August 29, 2005, for assistance in securing scheduled air passenger service, obtaining state and federal funding, advising on aviation industry issues, and negotiating and drafting an Airline Operating Agreement. Mr. Mispagel's contract was amended twice on 7/14/06 and 1/8/08 for continuing legal assistance arising from the development of the amended Master Plan and the associated capital projects incorporated in the Master Plan. Mr. Mispagel's specialized skills and unique experience have contributed greatly toward the continual success of the Airport's projects.

The Charles M. Schulz-Sonoma County Airport is requesting a new three (3) year agreement for legal services. The term of this agreement will be from effective date until June 30, 2012, and will not exceed \$180,000. The scope of work will include legal services related to aviation industry, airport management, air service development, commercial and government contract negotiations, environmental and hazardous waste issues, noise abatement procedures, policy development, regulatory proceedings, land use regulations, and government relations.

FY 08/09 includes sufficient appropriations in the Airport Operations index within the Legal Services sub-object, and the Department has budgeted appropriations in the proposed FY 09/10 for this agreement. Adequate appropriations will be budgeted in subsequent fiscal years until the end of the agreement. The agreement contains language stating that if there is not sufficient funding available, the agreement can be terminated within 30 days by written notice to the vendor. It is anticipated that Mr. Mispagel will also be working on projects funded by FAA grants.

The Department and County Counsel have been very pleased with Mr. Mispagel's services in the past. Mark has extensive experience with the FAA and the aviation industry and his office is in Healdsburg, which eliminates travel time to the Airport. In preparation for award of this agreement, Airport Staff researched law firms in the Bay Area with FAA and aviation industry experience. Staff also contacted local airports and aviation engineering firms for the names of appropriate law firms. Staff then sent out requests for a prospectus to two San Francisco law firms with appropriately qualified staff. Both firms listed fee schedules more than twice Mr. Mispagel's quoted hourly rate. Since the Department has been extremely satisfied with Mr. Mispagel's services, his proximity to the Airport, his knowledge of the history of the Airport and his reasonable fee schedule, the Department is requesting a new three year contract with Mr. Mispagel.

This agreement has been reviewed and approved by County Counsel.

(continued on next page)

Attachments: None

On File With Clerk: Agreement

CLERK OF THE BOARD USE ONLY

Board Action (If other than "Requested")

Vote:

Recommendation:

Approve and authorize Chair to execute an Agreement for Legal Services with Mark Mispagel in the amount of \$180,000 over three years in connection with legal services for Charles M. Schulz-Sonoma County Airport.