

San Luis Obispo County Integrated Waste Management Authority
BOARD MEETING AGENDA

Wednesday, April 12, 2023

In-person Meeting:

1:30 PM

Hard Stop (Meeting End Time) 3:45 PM

City of San Luis Obispo

Council Chambers

990 Palm Street, San Luis Obispo, CA. 93401



Mission Statement:

The Mission of the IWMA is to provide coordinated efforts to follow state waste and recycling policy on behalf of member agencies through practical, cost-effective programs, education, and technical support.

IWMA BOARD MEMBERS:

Jan Marx, President, City of San Luis Obispo,
Robert Robert, Vice President, City of Grover Beach
Charles Bourbeau, Past President, City of Atascadero
James Guthrie, City of Arroyo Grande
John Hamon, City of El Paso de Robles
Laurel Barton, City of Morro Bay
Scott Newton, City of Pismo Beach
Robert Enns, Special Districts

Public Comment - The IWMA Board and Executive Committee welcomes your remote input. State law does not allow the Board to discuss or act on issues not on the agenda, except that members of the Board or Staff may briefly respond to statements made or questions posed. Limited to three (3) minutes per speaker. All persons desiring to speak during any public comment may do so in the following ways: Community members are encouraged to submit agenda correspondence in advance of the meeting via email to the Clerk of the Board at sdelgiorgio@iwma.com. Correspondence will be published on the IWMA website with a final update at 9:00 AM, the day of the meeting.

Americans with Disabilities Act Compliance - In compliance with the Americans with Disabilities Act (ADA), the IWMA is committed to including the disabled in all its services, programs, and activities. If you need special aid to participate in this meeting, please contact the IWMA Sasha Del Giorgio, Clerk of the Board at least 72 hours before the meeting to enable the IWMA to make reasonable arrangements to ensure accessibility to the meeting. The IWMA Clerk of the Board can be reached at (805) 781-2192 and through email at sdelgiorgio@gmail.com.

The IWMA Board Meeting Agenda is available for public viewing from the exterior of the IWMA's office found at 870 Osos Street, San Luis Obispo, California, and on the IWMA website <https://iwma.com/about/agendas-and-minutes/>. Persons with questions concerning any agenda item may call the IWMA at (805) 782-8530.

1. **Call to Order**
Led by President Jan Marx.
2. **Roll Call**
Taken by Clerk of the Board, Sasha Del Giorgio.
3. **Pledge of Allegiance**
Led by President Jan Marx.

Non-Agenda Public Comment Period

Presentations

4. **Executive Directors Report**
Led by Peter Cron.

Consent Agenda Public Comment Period

Consent

5. **Executive Committee Minutes Receive and File – February 24, 2023** [Page 4](#)
Recommendation: Staff recommends that your Board receive and file the following minutes of the Executive Committee:
 - February 24, 2023
6. **Board Minutes Review – March 8, 2023** [Page 7](#)
Recommendation: Staff recommends that your Board approve the following minutes of the IWMA Board:
 - March 8, 2023
7. **Receive and File Monthly Financial Reports** [Page 11](#)
Recommendation: Staff recommends that your Board receive and file the attached monthly financial reports.
8. **Resolution 2023-04-01, Authorizing Signatures for Banking and Financial Services** [Page 16](#)
Recommendation: Staff recommends that your Board adopt Resolution 2023-04-01, modifying the IWMA authorized signatories for banking and financial services.

Regular Agenda Public Comment Period

Regular Agenda

9. Proposal Selection for Outside Legal Counsel [Page 19](#)

Recommendation: Staff recommends that your Board approve firm selection Adamski Moroski Madden Cumberland & Green LLP, authorize the Executive Director to negotiate a contract award on behalf of the IWMA Board, and authorize the Board President to sign and execute the contract.

10. Discussion of the Status and Impacts of the County's request to initiate discussions [Page165](#) with the San Luis Obispo County IWMA and its member agencies in order to rejoin the IWMA.

Recommendation: Staff recommends that your Board discuss the request from the County to return to the IWMA and, if accepted, appoint a committee from the Board to work with IWMA staff in conducting discussions and setting conditions for the County's potential return to the IWMA.

Adjournment

Upcoming Meetings and Events			
Board of Directors Meetings	May 10, 2023	June 14, 2023	July 12, 2023
Executive Committee Meetings	April 28, 2023	June 2, 2023	June 30, 2023
IWMA County-Wide Solid Waste Orientation	May 16, 2023		

Item No. 5
April 12, 2023

TO: San Luis Obispo County Integrated Waste Management Authority
FROM: Sasha Del Giorgio, Clerk of the Board
RE: Executive Committee Minutes Receive and File – February 24, 2023

BACKGROUND:

N/A

RECOMMENDATION:

Staff recommends that your Board receive and file the following minutes of the Executive Committee:

- February 24, 2023
-

FISCAL IMPACT:

N/A

ATTACHMENTS:

- A. 2023-02-24 EC Minutes



SAN LUIS OBISPO COUNTY
INTEGRATED WASTE MANAGEMENT AUTHORITY
Connecting the Community to Waste Solutions

Executive Committee Meeting Minutes

February 24, 2023, 11AM
890 Osos Street, Suite B
San Luis Obispo, CA. 93401

Executive Committee Members Present:

Jan Marx, President

Charles Bourbeau, Vice President

Executive Committee Members Absent:

Robert Robert, Vice President

1. Call To Order

The Executive Committee was called to order on February 24, 2023 at 11:00AM by President Marx.

2. Roll Call

Roll Call was taken by Sasha Del Giorgio, Clerk of the Board.

3. Pledge Of Allegiance

President Marx led the Committee in the Pledge of Allegiance.

Non-Agenda Public Comment Period

Public Comment was not made.

4. Executive Directors Report

Led by Executive Director, Peter Cron.

Consent Agenda Public Comment Period

Public Comment was not made.

Consent Agenda

5. Review Executive Committee Minutes – January 27, 2023

Recommendation: Staff recommends that your Executive Committee approve the January 27, 2023, IWMA Executive Committee Minutes.

Motion By Vice President Bourbeau

Second By President Marx

To approve Item 5.

Ayes: Bourbeau, Marx

Absent: Robert

CARRIED (2 to 0)

Regular Agenda Public Comment Period

Public Comment was not made.

Regular Agenda

6. Review Board Meeting Draft Agenda – March 8, 2023

Recommendation: Staff recommends that your Executive Committee review, discuss, and approve the draft March 8, 2023, IWMA Board Meeting Agenda, and provide staff direction, as deemed appropriate.

Motion By Vice President Bourbeau

Second By President Marx

To take the following action and revisions:

- Add a regular agenda item "Amendment to Vintage Properties Lease Agreement".

Ayes: Bourbeau, Marx

Absent: Robert

CARRIED (2 to 0)

Adjourned 11:35AM



Sasha Del Giorgio
IWMA, Clerk of the Board

TO: San Luis Obispo County Integrated Waste Management Authority
FROM: Barbara Aspernelson, Accountant
RE: Board Minutes Review – March 8, 2023

BACKGROUND:

N/A

RECOMMENDATION:

Staff recommends that your Board approve the following minutes of the IWMA Board:

- March 8, 2023
-

FISCAL IMPACT:

N/A

ATTACHMENTS:

- A. 2023-03-08 BOD Minutes



SAN LUIS OBISPO COUNTY
INTEGRATED WASTE MANAGEMENT AUTHORITY
Connecting the Community to Waste Solutions

Board of Directors Meeting Minutes

March 8, 2023, 1:30 PM
City of San Luis Obispo
Council Chambers
990 Palm Street, San Luis Obispo, CA. 93401

Board of Directors:
Jan Marx, President, City of San Luis Obispo
Robert Robert, Vice President City of Grover Beach
Charles Bourbeau, Past President, City of Atascadero
James Guthrie, City of Arroyo Grande
John Hamon, City of El Paso de Robles
Laurel Barton, City of Morro Bay
Scott Newton, City of Pismo Beach
Robert Enns, Special Districts

1. Call To Order

The Board Meeting was called to order on March 8, 2023, at 1:30 PM by Vice President Robert Robert.

2. Roll Call

Board Members Present: Bourbeau, Enns, Guthrie, Hamon, Newton, Robert
Board Members Absent: Barton, Marx.

3. Pledge Of Allegiance

Led by Vice President Robert.

Non-Agenda Public Comment Period

Public Comment was not made.

Presentations

4. Resolution No. 2023-03-01, Jeff Heller Recognition and Welcome Laurel Barton

Recommendation: Staff recommends that your Board approve Resolution No. 2023-3-01, recognizing Jeff Heller for services to the IWMA and welcoming Laurel Barton to the IWMA Board.

5. **Resolution No. 2023-03-02, Keith Storton Recognition and Welcome James Guthrie**
Recommendation: Staff recommends that your Board approve Resolution No.2023-3-02, recognizing Keith Storton for services to the IWMA and welcoming James Guthrie to the IWMA Board.
6. **Executive Directors Report**
Led by Peter Cron.

Consent Agenda Public Comment Period
Public Comment was not made.

Consent Agenda

7. **Executive Committee Minutes Receive and File – December 2, 2022, and January 27, 2023**
Recommendation: Staff recommends that your Board receive and file the following minutes of the Executive Committee:
 - December 2, 2022
 - January 27, 2023
8. **Board Minutes Review – January 11, 2023, and February 8, 2023**
Recommendation: Staff recommends that your Board approve the following minutes of the IWMA Board:
 - January 11, 2023
 - February 8, 2023
9. **Receive and File Monthly Financial Reports**
Recommendation: Staff recommends that your Board receive and file the attached monthly financial reports.
10. **Renewal of Agreement for Recyclist Program Tracker Compliance Software**
Recommendation: Staff recommends that the Board approve the agreement with Recyclist for the 12-month period of March 2023 through February 2024, and give the IWMA Board President the authority to sign the agreement.
11. **Amendment to Vintage Properties Lease Agreement**
Recommendation: Staff recommends the Board approve and allow the Board President to sign the Amended Vintage Property Lease for six (6) months with a six (6) month option to renew.

Motion By Bourbeau
Second By Guthrie

To approve Items 7, 8, 9, 10, and 11.

Ayes: Bourbeau, Guthrie, Enns, Hamon, Newton, Robert
Noes: None
Absent: Barton, Marx

CARRIED (6-0)

Regular Agenda Public Comment Period

Public Comment was not made.

12. Proposal Selection for Waste and Recycling Education Programs

Recommendation: That your Board approve firm selection Science Discovery, authorize the Executive Director to negotiate a contract award on behalf of the IWMA Board, and authorize the Board President to sign and execute the contract.

Motion By Hamon
Second By Enns

To approve item 12.

Ayes: Hamon, Enns, Bourbeau, Guthrie, Newton, Robert
Noes: None
Absent: Barton, Marx

CARRIED (6-0)

13. Creation of Ad-Hoc Budget Committee

Recommendation: That your Board create an Ad-Hoc Budget Committee and select members to participate pursuant to Section 2 of the IWMA Rules of Procedure.

The Ad-Hoc Budget Committee was formed with the following committee members:

- Bourbeau
- Enns
- Hamon.

Adjourned 2:00 PM

Barbara Aspernelson, Accountant
San Luis Obispo County
Integrated Waste Management Authority

TO: San Luis Obispo County Integrated Waste Management Authority
FROM: Barbara Aspernelson, Accountant
RE: Receive and File Monthly Financial Reports

BACKGROUND:

Below are the summaries of the March 2023 Revenue, Expense, and Credit Card Expense Detail Reports. These reports show Revenues when payment is received (any outstanding amounts owed are noted on the bottom), and when a Payment Authorization Form is created, also known as Cash Basis. This is done so the Board can get a better understanding of cash inflows and outflows.

Revenues:

Total Revenue:	\$226,771
• Solid Waste Management Fee	209,190
• Landfill Tipping Fees Surcharge	10,479
• Waste Programs	6,682
• Other	420

Expenses:

Total Expenses	\$230,505
Significant purchase detail (listed as they appear on the report):	
• Sure Close Inc.	14,400
• Stericycle	33,711
• SDRMA	8,448
• Science Discovery (two months' worth of payments)	66,383
• Nationwide	29,507.90
• Payroll	49,870.17

Credit Card Expense Summary:

Total credit card expenses were \$7,206.24 for the month of March 2023, see report for details. The "Credit Card Detail Report" contains details for two months' worth of credit card expenses and statements.

RECOMMENDATION:

Staff recommends that your Board receive and file the attached monthly financial reports.

FISCAL IMPACT:

Revenues: \$ 226,771

Expenses: \$ 230,505

ATTACHMENTS:

- A. March 2023 Revenue Report
- B. March 2023 Expense Report
- C. March 2023 Credit Card Expense Detail



San Luis Obispo County IWMA Revenue for March 2023

	Amount
400 Non_Operation Revenue	
4200105 Grants	\$ 420.00
Total for 400 Non_Operation Revenue	\$ 420.00

435- Operation Revenue	
4350200 CESQG Payment	\$ 2,415.00
4350820 Solid Waste Management Fee	209,190.01
4350825 Landfill Tipping Fee Surcharge	10,479.00
4350955 Retail Take Back Fees	4,267.00
Total for 435- Operation Revenue	\$ 226,351.01
TOTAL	\$ 226,771.01

	Amount
Account Receivable	
Landfill Tipping Fee Surcharge-Cold Canyon March	TBD
CalRecycle-OPP Cycle 13 Grant	37,741.00
CalRecycle-City County Beverage Container Grant	48,229.00
County of San Luis Obispo Public Works-MOU	72,934.10
Paso Robles Landfill-3rd and 4th Quarters	TBD
Waste Management Franchise Hauler March	TBD
Retail Take Back	6,286.00
TOTAL	\$ 165,190.10



San Luis Obispo County IWMA Expense Report March 2023

P.O. Date	P.O. Number	Invoice Number	Amount	Vendor name	Brief Description
03/02/2023	23-512 through 23-517	March 03 Payroll	9,820.46	Nationwide Retirement	Employee retirement contrib
03/06/2023	23-518	2949	14,400.00	Sure Close Inc	Food Waste Pails
03/06/2023	23-519	4750	2,000.00	Pacific Waste Services	E-waste collection
03/06/2023	23-520	254662	720.69	ASAP Reprographics	Copy/printing services
03/06/2023	23-521	60353	700.00	Adamski Moroski Madden Cumberland & Gree	Legal services
03/06/2023	23-522	72403718629	33,711.05	Stericycle	HHW waste disposal and labor
03/06/2023	23-523	0010023	349.86	Digital West Networks inc.	Telephone services
03/06/2023	23-524	43	2,400.00	Andrea Biniskiewicz	Social media management
03/06/2023	23-526	J Lane 6482	4,147.24	US BANK Corporate Payment System	Credit Card Payment
03/06/2023	23-527	03312023	19.95	Richetti Water Solutions	Reverse osmosis system rent
03/06/2023	23-528	SM-01-853218	4.00	Culligan Water	Crock Rental and Water
03/06/2023	23-529	8000959U110	42.82	San Luis Garbage Co.	Garbage Pickup
03/06/2023	23-530	065900	125.00	Rainscape	Landscape svcs
03/06/2023	23-531	518740685	35.90	Mission Linen and Uniform Service	Janitorial svc - rug cleaning
03/06/2023	23-532	H41128	8,448.68	SDRMA	Employee Insurance Premiums
03/13/2023	23-533	9420947	260.92	TIAA BANK	Copier lease
03/13/2023	23-534	1147124022623	39.99	Charter Communications/Spectrum	Telephone
03/13/2023	23-535	L3833939	127.00	Quinn Company	Forklift maintenance
03/13/2023	23-536	6853433343-7	15.46	PG&E	Utility-electricity
03/13/2023	23-537	1354IW	7,594.70	Science Discovery-Classroom Education	Classroom Education
03/13/2023	23-538	1355IW_CR	22,149.07	Science Discovery	Business Outreach
03/13/2023	23-539	1356IW	3,655.64	Science Discovery	Public Outreach
03/16/2023	23-540	2282023	2,000.00	Chicago Grade Landfill & Recycling	E-waste collection
03/16/2023	23-541	5764071	109.74	Marborg (American Marborg)	HHW restroom rental
03/16/2023	23-542	5764070	109.74	Marborg (American Marborg)	HHW restroom rental
03/16/2023	23-543	5764068	109.74	Marborg (American Marborg)	HHW restroom rental
03/16/2023	23-544	5764069	109.74	Marborg (American Marborg)	HHW restroom rental
03/16/2023	23-545	5764067	109.74	Marborg (American Marborg)	HHW restroom rental
03/13/2023	23-546	0671462030423	129.99	Charter Communications/Spectrum	--
03/13/2023	23-547	301894.2	330.69	Poor Richard's Press AP	Apparel Embroidery
03/13/2023	23-548	February Rent	1,800.00	Vintage Properties	Office Space Rent/Lease
03/16/2023	23-549	42386	105.00	Integrity Systems	Office Security Monitoring
03/16/2023	23-550 through 23-555	March 17 Pay	9,814.48	Nationwide	Employee retirement contrib
03/16/2023	23-556	1364IW_CR	22,245.38	Science Discovery	Business Outreach
03/16/2023	23-557	1363IW	10,738.13	Science Discovery	Classroom Education
03/23/2023	23-559	86227	295.00	Executive Janitorial	Janitorial services
03/23/2023	23-560	3312	1,206.00	Mountaineer IT Inc	IT Services
03/23/2023	23-561	03202023	1,204.70	Opolo Wine LP	Compost Rebate Program
03/23/2023	23-562	March Rent	1,800.00	Vintage Properties	Office Space Rent/Lease
03/28/2023	23-564	INV0602700	4,555.90	Call2Recycle	Battery Recycling
03/28/2023	23-565	24068	77.97	Hart Impressions	Business cards
03/28/2023	23-566	Acct# 010254-000	64.77	City of San Luis Obispo-water	Utility-water
03/28/2023	23-567	Acct# 05911513686	17.70	SoCalGas	--
03/28/2023	23-568 through 23-569		3,059.00	US BANK Corporate Payment System	Credit Card Charges
03/28/2023	23-575	March 31 Payroll	9,872.96	Nationwide	Employee retirement contrib
		March Payroll	49,870.17	March Payroll Net	
		TOTAL	230,504.97		



San Luis Obispo County IWMA
Credit Card Expense Detail Report
March 2023

Date	P.O. Number	Amount	Description	Account	Class
03/06/2023	23-526	\$60.00	SLO Chamber of commerce presentation attendance 1/25/23	Trainings and Seminar Registration	
03/06/2023	23-526	\$15.00	UPS Store Notary Services	Contracted Services	
03/06/2023	23-526	\$1,875.00	Event Planner for County-wide orientation	Contracted Services	
03/06/2023	23-526	\$101.14	Past Board Member Recognition Awards	Office Supply Expenses	
03/06/2023	23-526	\$166.92	Home Depot-safety hats and vests	Safety Equipment	HHW
03/06/2023	23-526	\$53.23	Trader Joes Board member tour of Cold Canyon Landfill and MRF refreshments	Office Supply Expenses	
03/06/2023	23-526	\$126.00	USPS - Postage for SB1383 Notifications	Postage	SB 1383
03/06/2023	23-525	\$295.00	Handheld scanner repair	Maintenance-Equipment	HHW
03/06/2023	23-525	\$20.00	Mailchimp subscription	Computer Software	Public Outreach
03/06/2023	23-525	\$126.00	USPS postage for programs flyers	Postage	SB 1383
03/06/2023	23-525	\$29.95	QuickBooks Training portal	Trainings and Seminar Registration	
03/06/2023	23-525	\$725.00	CRRA - Conference Registration	Trainings and Seminar Registration	SB 1383
03/06/2023	23-525	\$6.00	Microsoft firewall	Computer Software	
03/06/2023	23-525	\$513.00	Microsoft 365 Subscription	Computer Software	
03/06/2023	23-525	\$35.00	GFOA Training registration	Trainings and Seminar Registration	
		\$ 4,147.24			
03/28/2023	23-569	\$126.00	USPS-Stamps	Postage	SB 1383
03/28/2023	23-569	\$72.65	Lincoln market-lunch provided for Education Outreach Raters	Office Supply Expenses	
03/28/2023	23-569	\$1,832.33	Webstaurant Store- Blue Recycling Containers for Businesses	Other Minor Equipment	Non-SB 1383 Outreach
03/28/2023	23-569	\$316.62	Webstaurant Store- Green Containers for Businesses	Other Minor Equipment	SB 1383
03/28/2023	23-568	\$20.00	Mail Chimp Subscription	Computer Software	Public Outreach
03/28/2023	23-568	\$125.06	Trophy Hunters: Name plates	Office Supply Expenses	
03/28/2023	23-568	\$29.95	Real World Trainings-QB Training Subscriptions	Computer Software	
03/28/2023	23-568	\$17.39	Best Buy-Thumb drive	Office Supply Expenses	
03/28/2023	23-568	\$513.00	Microsoft 365 Subscription	Computer Software	
03/28/2023	23-568	\$6.00	Microsoft firewall subscription	Computer Software	
		\$3,059.00			
		<u>\$7,206.24</u>			

TO: San Luis Obispo County Integrated Waste Management Authority

FROM: Barbara Aspernelson, Accountant

RE: Resolution 2023-04-01, Authorizing Signatures for Banking and Financial Services

BACKGROUND:

On July 13, 2022, the Board approved Resolution 2022-07-02, Authorizing Signatures for Banking and Financial Services. Resolution 2022-07-02 authorized the following list of signatories on the IWMA Union Bank Account:

President, Charles Bourbeau
Executive Director, Peter Cron
Deputy Director, Kelly York

Resolution 2023-04-01 authorizes the following updated list of signatories on the IWMA Union Bank Account:

President, Jan Marx
Executive Director, Peter Cron
Deputy Director, Jordan Lane

Signatories are authorized to sign on orders for payment or withdrawal money on behalf of the IWMA.

RECOMMENDATION:

Staff recommends that your Board adopt Resolution 2023-04-01, updating the IWMA authorized signatories for banking and financial services.

FISCAL IMPACT:

N/A

ATTACHMENTS:

A. Resolution 2023-04-01, Authorizing Signatures for Banking and Financial Services

RESOLUTION NO. 2023-04-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN LUIS OBISPO COUNTY INTEGRATED WASTE MANAGEMENT AUTHORITY AUTHORIZING SIGNATURES, INCLUDING FACSIMILE SIGNATURES, FOR BANKING AND FINANCIAL SERVICES ON BEHALF OF THE SAN LUIS OBISPO COUNTY INTEGRATED WASTE MANAGEMENT AUTHORITY

WHEREAS, the San Luis Obispo County Integrated Waste Management Authority ("IWMA") desires to facilitate banking services with IWMA financial institutions including, but not limited to, _____ Bank (collectively "Financial Institution(s)", excluding County of San Luis Obispo Auditor-Controller functions), and

WHEREAS, the IWMA Board of Directors updates the authorized signatures from time to time based on designated staff and officers appointed from time to time, and determines it necessary and appropriate to change the authorized signatures for said Financial Institutions; and

WHEREAS, the IWMA Board of Directors wishes to designate and authorize the undersigned signatories, and to supersede any previous signatory authorizations, on the IWMA Financial Institution account(s).

NOW, THEREFORE, BE IT RESOLVED by the San Luis Obispo County Integrated Waste Management Authority, as follows:

1. The following persons are authorized to sign on orders for payment or withdrawal of money on behalf of the IWMA: **Jan Marx, President; Peter Cron, Executive Director and Jordan Lane, Deputy Director**. Any such authority shall remain in force until revoked by written notice to the applicable Financial Institution of the action taken by the Board of Directors of the San Luis Obispo County Integrated Waste Management Authority. All prior authorizations are superseded.

<u>Name</u>	<u>Position</u>	<u>Signature</u>
Jan Marx, President		_____
Peter Cron, Executive Director		_____
Jordan Lane, Deputy Director		_____

2. The Financial Institution is authorized and directed to honor and pay any checks, drafts, or other orders for the payment of money withdrawing funds from any account of the IWMA when bearing or purporting to bear the above-identified

signatures. The Financial Institution is authorized and directed to honor and to charge the IWMA by whom such actual or purported signatures were made, provided they resemble the signatures duly certified above and filed with the Financial Institution by the IWMA.

PASSED, APPROVED, and ADOPTED by the Board of Luis Obispo County Integrated Waste Management Authority this _____day or _____2023 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Jan Marx, Board President
San Luis Obispo County Integrated Waste Management Authority

APPROVED AS TO FORM AND LEGAL EFFECT:

Linda Somers Smith, Legal Counsel
Adamski Moroski Madden Cumberland & Green LLP

ATTEST:

Sasha Del Giorgio, Clerk of the Board
San Luis Obispo County Integrated Waste Management Authority

TO: San Luis Obispo County Integrated Waste Management Authority

FROM: Jordan Lane, Deputy Director

RE: Proposal Selection for Outside General Legal Counsel

BACKGROUND:

The San Luis Obispo Integrated Waste Management Authority (IWMA) has been operating under a current contract with Adamski Moroski Madden Cumberland & Green since May 1, 2006. The current contract does not contain a term period, so as a measure of government transparency, the IWMA Executive Committee approved a Request for Proposals (RFP) for Outside General Legal Counsel on October 28, 2022 inclusive of a defined term of contract. The motion permitted the Executive Director to release the RFP and review and rank proposals to bring back to the full IWMA Board for final selection and contract award. The RFP was published on the IWMA website on January 20 and closed on March 6, 45 days later. A non-mandatory pre-proposal phone conference was held on February 9. The following six firms submitted proposals by the March 7 deadline:



1. Adamski Moroski Madden Cumberland & Green (AMMCG)
2. Lozano Smith (LS)
3. Peltzer & Richardson (P&R)
4. Richards, Watson & Gershon (RW&G)
5. Shute, Mihaly & Weinberger (SM&W)
6. White Brenner (WB)

On March 24, 2023, a panel comprised of the IWMA Executive Director, IWMA Deputy Director, and three local attorneys from public and private sectors reviewed and rated the proposals based on the criteria established in the RFP and pictured below.

CRITERIA SCORES	WEIGHT
1. QUALIFICATIONS OF FIRM AND PERSONNEL	0.30
2. EXISTING AND POTENTIAL CONFLICTS OF INTEREST	0.25
3. ADDITIONAL INFORMATION	0.10
4. LOCAL AND STATE GOVERNMENT CLIENT REFERENCES	0.05
5. BUDGET, RETAINER, AND/OR RATES	0.30
OVERALL SCORE	1.00

Each proposal was reviewed critically by the five panelists and each panelist rated individually. As established in the RFP, the greatest weight was assigned to the categories of “Qualifications of Firm and Personnel” and “Budget, Retainer, and Rates”. Scores under each criteria were averaged and the averages were combined for final ratings. The panelists provided unanimous feedback of having confidence in the strong pool of candidates. The final ratings resulted in the top two scores of 22.96 out of a possible 25 points for RW&G, and 21.51 out of a possible 25 points for AMMCG.

Panelists	RW&G	SM&W	AMMCG	WHI-BRE	PEL-RIC	LOZ-SMI
Rater 1	4.64	3.35	4.93	3.89	2.90	3.48
Rater 2	4.62	3.60	4.72	3.49	2.73	3.22
Rater 3	4.56	3.85	4.75	3.42	3.02	3.41
Rater 4	4.65	4.14	4.14	3.89	2.45	3.48
Rater 5	4.50	3.99	2.97	3.60	2.62	3.53
OVERALL SCORE	22.96	18.93	21.51	18.27	13.71	17.11
TOTAL POSSIBLE	25.00	25.00	25.00	25.00	25.00	25.00

Based on feedback from the three outside panelists, an interview with each of the top two ranked firms was scheduled. Executive staff interviewed RW&G and AMMCG to better understand their vision for serving the agency over the next five to seven years. Staff recommends that AMMCG is selected as Outside Legal Counsel for the IWMA because of their proven ability to:

- Deliver comprehensive general counsel and specialized counsel on employment and personnel law, intergovernmental relations, and complex contracts.
- Successfully navigate complex matters specific to joint powers authorities including those impacting joint powers agreements and memorandums of understanding.
- Provide expertise in the legal fields most relevant to a governmental agency including: Brown Act, conflicts of interest, public records act, contracts, joint powers authorities and litigation.
- Appoint an experienced and highly rated General Legal Counsel primary, Linda Somers Smith, and an experienced and highly regarded litigation attorney, Josh George, as Linda’s support among a network of 15 attorneys.
- Submit a competitive rate of compensation for general counsel and litigation services rendered to the IWMA.

Should the recommendation be approved, contract negotiations will take place between AMMCG and the IWMA with an anticipated effective date of July 1, 2023.

RECOMMENDATION:

Staff recommends that your Board approve firm selection Adamski Moroski Madden Cumberland & Green LLP, authorize the Executive Director to negotiate a contract award on behalf of the IWMA Board, and authorize the Board President to sign and execute the contract.

FISCAL IMPACT:

The AMMCG proposal includes an hourly rate for general counsel services. An estimated annual cost of services will be incorporated in a presentation of the IWMA FY 23/24 budget to the IWMA Board of Directors in June 2023.

INITIAL RATE TABLE			
Firm	General Services	Attorney Rate	Paralegal Rate
Adamski Moroski Madden Cumberland & Green (AMMCG)	General Counsel and Litigation Services	\$275 per hour	\$125 per hour

ATTACHMENTS:

- A. RFP for Outside Legal Services
- B. Proposal from Adamski Moroski Madden Cumberland & Green
- C. Proposal from Lozano Smith
- D. Proposal from Peltzer & Richardson
- E. Proposal from Richards, Watson & Gershon
- F. Proposal from Shute, Mihaly & Weinberger
- G. Proposal from White Brenner



Request for Proposal
For Outside General Legal Counsel
for the San Luis Obispo County
Integrated Waste Management Authority

RFP Released:

Friday, January 20, 2023

RFP Submission Deadline:

**Monday, March 6, 2023
at 3:00 PM**

San Luis Obispo County IWMA
870 Osos Street
San Luis Obispo, CA 93401
805.782.8530
[W: www.iwma.com](http://www.iwma.com)
[E: jlane@iwma.com](mailto:jlane@iwma.com)

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SECTION I - INTRODUCTION AND BACKGROUND

A. Introduction

The San Luis Obispo County Integrated Waste Management Authority (“IWMA”) invites interested law firms or individual attorneys (“firm(s)” or “proposer(s)”) with a minimum of five (5) years of experience representing public agencies in general governmental procedures, compliance, contracts and transactions, and civil litigation to submit proposals to provide general counsel legal services for the IWMA. Legal services will include managing and determining the need to engage special counsel services.

The objective of this request is to provide the IWMA Board and staff with reliable and effective legal services on an as-needed basis. A firm selected as General Counsel will serve at the pleasure of the Board of Directors of the agency and under the discretion of the IWMA Executive Director. It is anticipated that the selected firm will enter into a professional service agreement for a term of five (5) years, with an opportunity for up to two (2) additional consecutive twelve (12) month extensions.

All proposals must be received by, on, or before Monday, March 6, 2023. The preferred method for proposal submission is electronic via jlane@iwma.com. However, if you wish to submit a paper copy, please submit it in a sealed envelope to:

Peter Cron, Executive Director
SLO County IWMA
870 Osos Street
San Luis Obispo, CA 93401

B. Background

The San Luis Obispo County Integrated Waste Management Authority (IWMA) is a government entity formed through a Joint Powers Agreement governed by an eight-person Board of county wide elected officials. The IWMA Board of Directors consists of seven incorporated City Council representatives and one Special District representative. The Board of Directors oversees the IWMA office and its mission to provide coordinated efforts to comply with state waste and recycling policy on behalf of San Luis Obispo County member agencies through practical, cost-effective programs, education, and technical support.

A quorum of the Board of Directors requires five members. Twelve regular Board meetings are held each year and are currently scheduled for the second Wednesday of every month at 1:30 p.m. The Board may meet in-person in San Luis Obispo County, virtually, or in a hybrid setting, as prescribed by law. The length of the meetings depends on the issues being considered.

The Board maintains an Executive Committee whose primary responsibility is to set Board Meeting Agendas. The Executive Committee consists of the President, Vice President, and most current active past President.

The Executive Director reports directly to the Board of Directors and performs all duties necessary for the proper and efficient management of the IWMA, as determined by the Board, state and federal law. The IWMA has a professional staff of five (as of the publishing date of this RFP), working under the direction of the Executive Director.

Typically, legal counsel advises on complex resolutions or reports that have specific legal issues. Routine matters and/or reports generally do not require review by legal counsel.

SECTION II – QUALIFICATIONS AND SCOPE OF SERVICES

A. Qualifications

The IWMA is seeking a legal firm or individual committed to providing the highest quality legal representation to serve as Legal Counsel to the IWMA for a minimum term of five (5) years.

Required qualifications include that the firm must:

- be admitted to practice in the State of California and be members in good standing with the State Bar of California;
- be familiar with the function and purpose of Joint Powers Authorities;
- have knowledge of California and federal solid waste management regulations; and
- have experience in public agency law and advising public officials, administrators and employees on laws pertaining to local government administration, organization, regulations, transactions and litigation matters.

Experience in litigation and other legal issues that are routine with a Joint Powers Authority or other public agency is highly desirable.

B. Scope of Services

The legal services provided to the IWMA include, but are not limited to:

- providing general legal advice to the Board of Directors and the Executive Director when requested;
- providing legal counsel pertaining to compliance with CalRecycle Regulations, Codes, State and Federal Acts, contracts, the California Environmental Quality Act (CEQA), the Brown Act, ethics and conflict-of-interest law, public records requests, personnel and employment law, and intergovernmental relations;
- providing annual updates on important developments concerning the Political Reform Act and other conflict of interest issues, legislation and judicial decisions;
- preparing legal opinions or responses on specified issues when needed;

- serving as the IWMA Legal Counsel and representative in all Board matters, including litigation and administrative proceedings, as necessary;
- attending regular IWMA Board meetings, Executive Committee meetings, special meetings, Local Task Force meetings, Industry meetings, strategic planning sessions, and study sessions, as necessary;
- attending in-person and remote meetings with the IWMA Executive Director and/or Board when required and/or maintaining telephone and e-mail contact as needed;
- reviewing and commenting on documents prepared by the IWMA staff including staff reports, resolutions, contracts, correspondence, administrative policies, and other documents as needed and within the requested timeframe;
- preparing and/or reviewing agency agreements, CEQA documentation, and other materials on request;
- preparing occasional reports and presenting information at public meetings as needed; and
- assisting the Executive Committee in conducting an annual performance evaluation for the IWMA Executive Director by compiling and distributing the annual review to the Board (including alternates), presenting a summary of the evaluation at a closed session conference, and completing the evaluation.

SECTION III - TIMELINE AND SUBMITTAL INSTRUCTIONS

The following represents the tentative schedule for this RFP. Any change in the scheduled dates for the Pre-Proposal Conference, Deadline for Final Questions, Proposal Submission Deadline, or Interviews will be advertised in the form of an addendum to this RFP. The schedule for other milestones dates may be adjusted without notice.

A. Timeline

DATE - 2023	EVENT
Friday, January 20	RFP release date
Thursday, February 9	Pre-proposal phone conference at 1:30 p.m. (PST)
Tuesday, February 14	Deadline to submit written questions due by 3:00 p.m. (PST)
Monday, March 6	Proposals due by 3:00 p.m. (PST)
Tuesday, March 7 – Wednesday, April 5	Preliminary screening process complete, including reference checks
Wednesday, April 12	Board consideration and approval of staff recommended firm (including proposer presentation, if requested)
Thursday, April 13 – Thursday, April 27	Negotiate and finalize contract
Friday, April 28	IWMA Board President signs contract (if applicable)

B. Proposal Format and Content Requirements

All proposals must include, and will be evaluated on, the following criteria:

1. Qualifications of Firm and Personnel

Including:

- detailed scope of services that reflects the firm's understanding of the agency's requirements
- description of the firm
- statement of qualifications and experience
- the individual to be assigned to the IWMA as Legal Counsel and their qualifications and professional credentials
- summary of previous experience with Joint Powers Authorities and local government agencies relative to the legal issues and practices described above

2. Identify Existing and Potential Conflicts of Interest

List all current public clients in San Luis Obispo County for which the legal firm provides service. To the extent they are reasonably foreseeable, please indicate any actual or potential conflicts of interest that might arise from the firm's or individual attorney's representation of the IWMA. Please outline the manner in which conflicts would be resolved, mitigated, or avoided.

3. Local Government Client References

List two primary references of the legal firm and of the individual who would serve as the IWMA Legal Counsel. Please include contact information for references and permission to contact those references. Additional professional references may be provided.

4. Budget, Retainer, and/or Rates

Include an estimate of a rate or retainer for all proposed services that would be the basis for monthly invoices during the life of the contract with the IWMA. All hourly rates, fees, and reimbursable costs must be clearly stated. Identify billing preferences as a retainer or hourly rate.

5. Additional Information

Include the location of the legal firm and the availability of appropriate professionals as needed for legal counsel. Identify any other related qualifications and information not specified in this RFP which the firm may consider to be essential and relevant to the IWMA.

C. Questions

All questions (requests for interpretations or corrections) pertaining to the content of this RFP must be made in writing to jlane@iwma.com with the email subject line of: **QUESTIONS - Legal RFP** by February 14, 2023, 3:00 p.m. (PST). Requests submitted after said date may not be considered. Questions will receive a response within five (5) business days. Questions and responses will be posted (anonymously)

on the IWMA website: <https://iwma.com/about/requests-for-proposal/>. The IWMA reserves the right to determine the appropriateness of comments/questions that will be posted on the IWMA website.

D. Submittal Instructions

If you or your firm is interested and qualified, please submit one (1) electronic copy of your proposal, in Adobe (pdf), to jlane@iwma.com with the email subject line of: **PROPOSAL - Legal RFP**, by Monday, March 6, 2023, 3:00 p.m. (PST).

SECTION IV - RFP PROPOSAL EVALUATION AND SELECTION PROCESS

A. Criteria Weight

The proposals shall be reviewed based on the following criteria and scale. One of the most important criteria are the qualifications of the firm and the costs of services. The goal is to contract with a firm that is qualified and cost effective:

- 1. Qualifications of Firm and Personnel:** 30% - expertise, experience, and capability of the proposer to provide outstanding legal services regarding the Board's goals.
- 2. Identify Existing and Potential Conflicts of Interest:** 25% - potential and existing conflicts of interest.
- 3. Additional Information:** 10% - Location of firm and availability of appropriate professionals as needed for meetings or other circumstances. Other information may be provided as well.
- 4. Local and State Government Client References:** 5% - reference checks.
- 5. Budget, Retainer, and/or Rates:** 30% - Overall cost of the proposal and the levels of service the IWMA can expect to receive from the proposer.

Proposals will be reviewed upon receipt and the most qualified firms may be requested to make a presentation to the IWMA Executive Committee and/or full Board. The recommendation by IWMA Staff will also be presented to the IWMA Executive Committee and/or full Board for approval of selection.

C. Final Selection

IWMA Staff will formulate its recommendation for award of the Contract and forward its selection to the full Board for approval. The final contract will be signed by the IWMA Board President.

D. Contract Award and Execution

The IWMA reserves the right to enter a contract without further discussion of the submitted proposal. Therefore, the proposal should be initially submitted on the most favorable terms the proposer can offer. The IWMA reserves the right to withdraw the RFP in whole or in part, at any time and for any reason. Submission of a proposal

confers no rights upon a proposer and does not obligate the IWMA in any manner. The IWMA reserves the right to award no contract and to solicit additional offers at a later date.

Each proposer, by submitting a proposal, agrees that if the IWMA accepts its proposal, such proposer will furnish all items and services upon the terms and conditions in this RFP and subsequent contract. Proposals that do not meet the mandatory requirements set forth in this RFP will not be considered. Proposers may be disqualified, and the proposal may be rejected by the IWMA for any of, but not limited to, the following reasons:

- Failure to properly respond to the Request for Proposal (RFP).
- Evidence of collusion among the proposers submitting the proposals.
- Failure to comply with the specification requirements of the RFP.

Terms, conditions, prices, methodology, or other features of the proposal may be subject to negotiation and subsequent revision. As part of the negotiations, the proposer may be required to submit additional financial information and other data to allow for a detailed evaluation of the feasibility, reasonableness, and acceptability of the proposal.

The RFP document and the successful proposal, as amended by agreement between the IWMA and the successful proposer, including e-mail or written correspondence relative to the RFP, may become part of the contract documents. Additionally, the IWMA may verify the successful proposer's representations that appear in the proposal. Failure of the successful proposer to perform as represented may result in elimination of the successful proposer from competition or in contract cancellation or termination.

The requirements listed in this RFP are not negotiable and will remain unchanged unless the IWMA determines that a change in such requirements is in the best interest of the IWMA.

The IWMA expressly reserves the right, in its sole judgment, to accept or reject any or all proposals, with or without cause, modify, alter, waive any technicalities or provisions, or to accept the proposal which, in its sole judgment, is determined to be the best evaluated offer resulting from negotiation and taking into consideration other evaluation factors set forth in the RFP. The successful proposer will be expected to enter a contract with the IWMA. If the successful proposer fails to sign a contract within fifteen (15) business days, unless the IWMA grants an extension, following the delivery of the contract documents, the IWMA may elect to negotiate a contract with the next-highest ranked proposer.

The IWMA shall not be bound, or in any way obligated, until both parties have executed a contract. The selected proposer may not incur any chargeable costs

prior to final contract execution. The foregoing should not be interpreted to prohibit either party from proposing additional contract terms and conditions during the negotiation of the final Contract.

The supplies and services are to be provided in compliance with all applicable state and federal standards, rules, and regulations. The IWMA reserves the right to request additional written and/or oral information from proposers at any time before contract award, to obtain clarification of their responses.

SECTION V - GENERAL CONDITIONS

A. IWMA Rights & Options

1. All proposals must be submitted to the IWMA email address: jlane@iwma.com with the email subject line of: **PROPOSAL – Legal RFP** in Adobe (pdf) format by Monday, March 6, 2023, 3:00 p.m. (PST). **Late proposals will not be considered.**
2. All costs incurred in the preparation and submission of proposals and related documentation will be borne solely by the proposer.
3. This RFP does not constitute an offer of employment or contract for services.
4. The IWMA may, in its sole and absolute discretion, accept or reject all proposals, in whole or in part, with or without cause, in response to this RFP and to make more than one award, or no award, or postpone or cancel, at any time, this RFP process, if the IWMA determines such action to be in its best interests.
5. The IWMA reserves the right to remedy technical errors, modify the published scope of services and approve or disapprove the use of all sub-consultants.
6. The issuance of this RFP does not constitute an agreement by the IWMA that any subsequent selection process will occur, or that any contract will be entered into by the IWMA. Proposals and other materials will not be returned.
7. The IWMA has the right to use any or all ideas or concepts presented in any proposal or interview without restriction and without communication to all applicants.
8. All documents submitted to the IWMA in response to this RFP will become the exclusive property of the IWMA.

9. All proposals shall remain firm for one hundred twenty (120) days, following the closing date for receipt of proposals.
10. The IWMA reserves the right to award the contract to the firm who presents the proposal which, in the judgment of the IWMA, best accomplishes the desired results.
11. The term of the contract will be five (5) years with a start date of May 1, 2023. The contract may be renewed at the discretion of the IWMA for up to two consecutive 12-month periods. Any request by the firm to increase pricing may not exceed national or regional CPI and must align with the IWMA's budget cycle.
12. Any contract awarded pursuant to this RFP will incorporate the requirements and specifications contained in this RFP. All information presented in a proposal will be considered binding upon selection of the successful proposer, unless otherwise modified and agreed to by the IWMA during subsequent negotiations.
13. Under the provisions of the California Public Records Act (the "Act"), Government Code section 6250 et seq., all "public records" (as defined in the Act) of a local agency, such as the IWMA, must be available for inspection and copying upon the request of any person. Under the Act, the IWMA may be obligated to provide a copy of all responses to this RFP, if such requests are made after the contract is awarded. One exception to this required disclosure is information which fits within the definition of a confidential trade secret [Government Code section 6254(k)] or contains other technical, financial, or other data whose public disclosure could cause injury to the proposer's competitive position. If any proposer believes that information contained in its response to this RFP should be protected from disclosure, the proposer MUST specifically identify the pages of the response that contains the information by properly marking the applicable pages and inserting the following notice in the front of its response:

NOTICE: *The data on pages _ of this response identified by an asterisk (*) contain technical or financial information, which are trade secrets, or information for which disclosure would result in substantial injury to the proposer's competitive position. Proposer requests that such data be used only for the evaluation of the response but understands that the disclosure will be limited to the extent the IWMA considers proper under the law. If an agreement is entered into with the proposer, the IWMA shall have the right to use or disclose the data as provided in the agreement, unless otherwise obligated by law.*

14. The IWMA will not honor any attempt by proposer to designate its entire proposal as proprietary. If there is any dispute, lawsuit, claim or demand as to whether information within the response to the RFP is protected from disclosure under the Act, proposer shall indemnify, defend, and hold harmless the IWMA in any action arising out of such dispute, lawsuit, claim, or demand.
15. The proposer warrants that no official or employee of the IWMA has an interest, has been employed or retained to solicit or aid in the procuring of any contract resulting from this RFP, if any, and further warrants that such person will not be employed in the performance of the contract without immediate written notice to the IWMA.
16. Firms submitting proposals shall warrant that their offer is made without any previous understanding, agreement, or connection with any person, firm or corporation submitting a separate proposal for the same service and is in all respects fair, without outside control, collusion, fraud, or otherwise illegal action. This condition shall not apply to proposals which are submitted by firms who have partnered with others to submit a cooperative proposal that clearly identifies a primary contractor and the associated sub-contractors.
17. Proposers shall comply with all laws and regulations governing nondiscrimination in employment, including the Americans with Disabilities Act of 1990, the Fair Employment and Housing Act (California Government Code, § 12900, et seq.), and the applicable regulations promulgated thereunder (2 California Code of Regulations, § 7285, et seq.).

Nondiscrimination: The proposer, regarding the work performed by them during the Contract, shall not discriminate on the grounds of race, color or national origin or other legally protected criteria in employment or the selection and retention of any potential subcontractors.

18. Unforeseen additional items and/or services may be required. The IWMA therefore reserves the right to negotiate with the successful proposer for additional items and/or services beyond what is described in the final contract.

B. Changes to the RFP

This RFP is posted on the IWMA's website: <https://www.iwma.com/about/requests-for-proposal/>. Any changes, additions, or deletions to this RFP will be in the form of written addenda issued by the IWMA. Any addenda will be posted on the website. Prospective proposers must check the website for addenda or other relevant added information during the response period. The IWMA is not responsible for the failure of any prospective proposer to receive such addenda. All addenda so issued shall become a part of this RFP. Any proposer who has already submitted their proposal

and desires to make corrections, may remove and replace their proposal up to the date and time for which this RFP closes.

C. Communications

All communications concerning this RFP shall be directed to ilane@iwma.com with the email subject line of: **QUESTIONS - Legal RFP**. All other communication is not binding and shall in no way modify the RFP or the obligations of the IWMA.

After the solicitation has closed, proposers can view the RFP on the IWMA website where any available award information will be posted and updated within the solicitation. Any questions and requests for information must be addressed to ilane@iwma.com with the email subject line of: **QUESTIONS - Legal RFP**.

D. Insurance

The selected proposer will be required to provide insurance coverage in the amount of one million dollars (\$1,000,000) Commercial General Liability Insurance, and two million dollars (\$2,000,000) of Professional Liability Insurance.

INSURANCE REQUIRED	COVERAGE LIMITS
Commercial General Liability & Property Damage	\$1,000,000 Per Occurrence
Professional Liability	\$1,000,000 Per Occurrence \$2,000,000 Aggregate

The selected proposer shall provide, within five (5) days after the contract for services is executed by all parties, a certificate of liability insurance naming the IWMA and its employees and officers as additionally insured. This shall be maintained in full force and effect for the duration of the contract and must be in an amount and format satisfactory to the IWMA.

E. Exceptions and Deviations

Any exceptions to or deviations from the requirements set forth in this RFP must be declared in the proposal submitted by the proposer. Such exceptions or deviations must be segregated as a separate element of the proposal under the heading "Exceptions and Deviations". The IWMA may waive any immaterial deviation or defect in a proposal.

F. Award

The IWMA reserves the right to make awards within One Hundred Twenty, (120) days after the date of the RFP closing.

San Luis Obispo County INTEGRATED WASTE MANAGEMENT AUTHORITY

PROPOSAL FOR GENERAL LEGAL
COUNSEL SERVICES



March 6, 2023

**ADAMSKI MOROSKI MADDEN
CUMBERLAND & GREEN LLP**

ATTORNEYS AT LAW

Post Office Box 3835 • San Luis Obispo, California 93403-3835
T 805-543-0990 • F 805-543-0980 • www.ammcglaw.com

March 6, 2023

VIA ELECTRONIC MAIL

San Luis Obispo County
Integrated Waste Management Authority
Attn: Jordan Lane, Deputy Director
870 Osos Street
San Luis Obispo, CA 93401
Email: jlane@iwma.com

Re: Proposal for General Legal Counsel Services and Statement of Qualifications

Dear Honorable Directors of the Board:

Adamski Moroski Madden Cumberland & Green LLP (“AMMCG”) is pleased to submit the attached Statement of Qualifications and Proposal for General Legal Services to the San Luis Obispo County Integrated Waste Management Authority (“IWMA”). We would be honored to continue to provide legal services to support the IWMA’s goals and objectives. If our firm is selected, the IWMA will be supported by a strong team of attorneys and legal staff.

Though our firm attorneys function as team, Linda Somers Smith would serve as IWMA General Legal Counsel primarily responsible for performing comprehensive legal services to the IWMA. Joshua M. George would serve as litigation counsel and as back-up for Ms. Somers Smith as needed. Both Ms. Somers Smith and Mr. George would serve the IWMA from the firm’s Avila Beach office. In addition, the firm partners and associates have a variety of backgrounds that allow it to address unique and specialty areas, including CEQA, employment and personnel law, intergovernmental relations, and complex contracts. The firm members work cooperatively to provide support not only for general counsel but also special counsel services required by its public agency clients.

We can be reached at the following contact information.

Linda Somers Smith, Partner
Email: lss@ammcglaw.com

Adamski Moroski Madden Cumberland & Green LLP
<https://ammcglaw.com/>

Joshua M. George, Partner
Email: george@ammcglaw.com

Mail: P.O. Box 3835
San Luis Obispo, CA 93403-3835

Telephone: (805) 543-0990
Facsimile: (805) 543-0980

Physical: 6633 Bay Laurel Place
Avila Beach, CA 93424

The firm acknowledges and agrees that this Proposal for Legal Services will remain firm and open for acceptance by the IWMA for one hundred twenty (120) calendar days. AMMCG’s offer is made without any previous agreement, understanding, or connection with any person,

San Luis Obispo County
Integrated Waste Management Authority
March 6, 2023
Page 2

firm or corporation submitting a separate proposal for the same service and is in all respects fair, without outside control, collusion, fraud, or otherwise illegal action.

Adamski Moroski Madden Cumberland & Green LLP was established in 2001. The firm currently has 15 attorneys, including partners and associates. The firm, and Linda Somers Smith individually, both are independently rated by Martindale-Hubbell as AV Preeminent[®], the highest rating given to law firms and attorneys based on their legal ability, ethics, reliability, and diligence. AMMCG prides itself on providing practical and comprehensive guidance and advice on legal matters it handles for public entities, while remaining sensitive to its history, duty to those it serves, and political and public policy underpinnings of those matters.

We hope that you will give our Proposal and Statement of Qualifications for General Legal Counsel serious consideration. If you need additional information or require clarifications to the information provided, please contact either of us.

Sincerely,

**ADAMSKI MOROSKI MADDEN
CUMBERLAND & GREEN LLP**



LINDA SOMERS SMITH



JOSHUA M. GEORGE

Enclosures

QUALIFICATIONS OF FIRM AND PERSONNEL

FIRM QUALIFICATIONS

Adamski Moroski Madden Cumberland & Green LLP (“AMMCG”) is pleased to offer this Statement of Qualification and Proposal for legal counsel services for the San Luis Obispo County Integrated Waste Management Authority (“IWMA” or “Agency”). The firm’s legal services would be provided in accordance with the terms set forth in the Request for Proposals, this Statement of Qualifications and Proposal, and as requested by the Agency. Following are the qualifications and expertise of our firm. Linda Somers Smith would serve as the IWMA General Legal Counsel, primarily responsible for performing legal services for the Agency, with support from Joshua M. George, as necessary. The approach of having designated back-up support attorneys has proven very effective for the firm’s other agencies and assures there is always capable and effective legal counsel available to the Executive Director, staff, and Board of Directors.

AMMCG was established in 2001. The firm currently has 15 attorneys, including partners and associates. The firm is rated by Martindale-Hubbell as “AV,” the highest rating given to law firms and attorneys based on their legal ability, ethics, reliability, and diligence. The firm’s attorneys represent a number of significant public entities, including: San Luis Obispo County Air Pollution Control District, San Luis Coastal Unified School District, Port San Luis Harbor District, Santa Maria Public Airport District, the City of San Luis Obispo, Cambria Community Healthcare District, Oceano Community Services District, Heritage Ranch Community Services District and numerous other cities and public entities. The firm also served as legal counsel for the San Luis Obispo County LAFCO from 2011 – 2018.

AMMCG’s attorneys represent governmental, corporate, and individual clients in a diverse array of litigation and transactional matters involving government, joint powers authority, and administrative law, governmental and tort claim defense, labor and employment law, land use and environmental law, eminent domain, construction law, real property and litigation, business formation and counseling, business litigation, business transactions, real estate, air quality and water rights.

The firm’s long-time representation of many diverse public entities, and the broad skill levels of the firm’s various attorneys in numerous areas of governmental law, give it an understanding of and appreciation for the important public policy and political issues faced by the IWMA. AMMCG is sensitive not only to the procedural and legal elements of the matters it handles for public entities, but also to the political and public policy underpinnings of those matters.

SCOPE AND APPROACH TO LEGAL SERVICES

Role of the Attorney. The role of Agency Counsel is to provide 24/7 access and service to the Executive Director and the Board of Directors. Responsiveness is an essential element of quality representation, and Legal Counsel will be available for questions, Agency meetings, and situations as they arise. The firm, as Agency Counsel through its team, including associates and paralegals, will continue to foster positive professional working relationships with the Board of Directors, Executive Director, and IWMA staff to maximize effective representation.

Commitment to Scope of Services. Adamski Moroski Madden Cumberland & Green LLP understands that to best meet the needs of the IWMA, the firm will provide an array of legal services, including but not limited to the following:

- Providing clear and concise legal advice and consultation (by telephone, in person, and written), as requested or required, to the Board of Directors, Executive Director, and IWMA staff on a variety of matters pertaining to all aspects of Agency governance and public office.
- Researching and interpreting complex laws, court decisions, and other authorities in order to prepare written legal opinions and to advise the Agency on legal matters pertaining to IWMA policies, procedures, programs, activities, and other matters.
- Attending regular and special meetings of the Board of Directors (open and closed sessions, remotely and in person), Executive Committee meetings, Local Task Force meetings, industry meetings, strategic planning sessions, and study sessions, as needed, and advising the IWMA on matters on the agenda as well as procedural matters that may arise during and following the meeting.
- Drafting, reviewing, commenting on, revising and/or approving documents, within the requested timeframe, including but not limited to memoranda concerning legal issues, contracts and agreements, CEQA documentation, State filings, resolutions, administrative policies, notices, leases, correspondence, and staff reports.
- Investigating claims and complaints by and against the Agency and representing the Agency in legal proceedings, administrative proceedings, and litigation (civil, tort, liability, labor and employment, general writ, etc.).
- Representing the IWMA in intergovernmental projects and all Board matters, as needed.
- Recommending and coordinating the work of outside legal counsel when required as directed by the Executive Director or Board of Directors.
- Providing legal advice and assistance with regard to personnel matters, including but not limited to, employee disciplinary actions; providing advisory services to the Agency during appeal hearings; conducting the annual performance evaluation of the Executive Director and compiling and presenting the evaluation summary related thereto.

- Providing guidance and annual updates, as appropriate, related to the requirements of key statutes and provisions of law, such as: CalRecycle Regulations, Ralph M. Brown Act, Meyers-Milius-Brown Act, California Public Records Act, State and Federal law related to solid waste management, conflict of interest law, CEQA, Political Reform Act, California Tort Claims Act, California Code of Regulations, personnel and employment laws and requirements, contracts, Americans with Disabilities Act, and other legal requirements imposed by statute and common law.
- Preparing and presenting information at meetings related to legislative updates, actions taken by the Board of Directors, or other legal items pertaining to the IWMA.
- The performance of other duties as directed by the Executive Director and/or Board of Directors.

Proactive Legal Advice. As a general matter, as IWMA Counsel, the Firm will advise the IWMA of changes in law, developments and/or issues by communicating with the Executive Director.

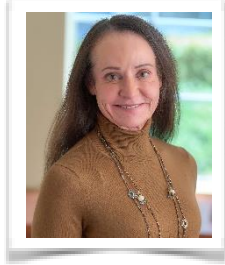
A recent example of this proactive advice was the firm's response to the COVID-19 emergency. AMMCG provided public entity clients with tools to meet the Governor's "Shelter-At-Home" Order as it related to remote public meeting requirements, personnel policies, and response plans. With the termination of the State of Emergency, the firm is now guiding public entity clients through the transition out of the emergency requirements and allowances, and into the new rules under AB 2449.

AMMCG has provided public entity clients with memoranda and PowerPoint presentations on the topics of Brown Act compliance and compliance with the Public Records Act to assist in day-to-day operations.

AMMCG has also prepared multiple policies for local agencies including: (1) document retention/destruction policies; (2) Brown Act compliance guidelines; (3) Public Records Act request guidelines; and (4) memoranda on a variety of issues.

STATEMENT OF ATTORNEY QUALIFICATIONS AND EXPERIENCE

PROPOSED ATTORNEYS



Linda Somers Smith, General Legal Counsel

Linda Somers Smith has been a partner with Adamski Moroski Madden Cumberland & Green LLP since associating in 2015. She has a broad and diverse legal background across practice areas that enables her to provide general counsel, transaction and business, and operational planning advice to multiple diverse clients across industries, including private, nonprofit and public. Linda's experience allows her to provide practical advice, while adhering to regulatory and legal requirements.

Upon graduating from Martin Luther King, Jr. School of Law at University of California at Davis, Ms. Smith started out her practice in the public agency, employment, and healthcare fields, beginning in Sacramento and the Bay Area before relocating to San Luis Obispo in 1996. She was the majority owner and managing principal of the San Luis Obispo firm Duggan Smith & Heath LLP for 15 years before bringing her practice to Adamski Moroski Madden Cumberland & Green LLP.

Ms. Somers Smith is a member of the California Bar Association and the San Luis Obispo County Bar Association. She has achieved an AV[®] Preeminent by Martindale-Hubbell, the highest peer review rating given to attorneys based on legal ability and ethical standards. She is a board member of the Community Foundation of San Luis Obispo County, currently serving as Secretary, and on the Finance & Administration and Investment Committees.

Ms. Somers Smith will advise public entity clients on matters related to the Ralph M. Brown Act, the California Public Records Act, Political Reform Act, CEQA and other routine matters that arise with Joint Powers Authorities.

Please see Ms. Somers Smith's full resume, including scholastic and professional honors and affiliations, on Attachment A.



Joshua M. George, Litigation and Assistant General Legal Counsel

Josh George is a partner in the firm and a graduate of Cal Poly San Luis Obispo and McGeorge School of Law. The main focus of his practice is public entity defense, business litigation, personal injury, and real property litigation. In addition to his private clients, he represents cities and other public entities throughout San Luis Obispo and Santa Barbara counties in a wide variety of litigation matters. Mr. George has worked as a litigator for his entire career.

Mr. George has twelve years of experience representing public agencies in litigation matters and also serves as District Counsel for the Santa Maria Public Airport District, Cambria Community Healthcare District, and Heritage Ranch Community Services District. He regularly represents cities in San Luis Obispo and Santa Barbara Counties including San Luis Obispo, Paso Robles, Arroyo Grande, Grover Beach, Carpinteria, and Atascadero, as well as other entities such as the Port San Luis Harbor District. His experience in representing public agencies includes, but is not limited to, public works projects, employment matters, public meetings/Brown Act, defense of injury claims against public agencies, and defense of civil rights claims.

Mr. George is admitted to practice in all courts of the State of California and United States District Courts, Northern, Eastern and Central Districts of California. He is the past President of the San Luis Obispo County Bar Association and former Chair of the Committee for the Lawyer Referral and Information Service.

Mr. George has a Bachelor of Arts (Agribusiness), California Polytechnic State University, San Luis Obispo, and a Juris Doctor, University of the Pacific, McGeorge School of Law.

Please see Mr. George's full resume, including scholastic and professional honors and affiliations, on Attachment A.

RELATED WORK EXPERIENCE

Brown Act

AMMCG routinely provides advice regarding the interpretation and application of the Ralph M. Brown Act. Advice regularly pertains to the following: (1) Avoiding violations and penalties; (2) Closed session topics and reporting; (3) Notices and agendas for special and emergency meetings; (4) Conducting meetings by teleconference and virtual meeting protocols; (5) Application of the Brown Act to committees; and (6) Requirements for agenda preparation and distribution. We work closely with staff on the preparation of agendas and agenda packets and participate in board meetings to assist with legal questions and parliamentary procedures.

Conflicts of Interest

AMMCG attorneys regularly provide advice and presentations to public officials regarding conflict of interest laws and the Political Reform Act. We remain aware of decisions from the Fair Political Practices Commission (FPPC) and advise clients on FPPC concerns.

Public Records Act

AMMCG has extensive experience in assisting public agencies in responding to Public Records Act requests. We provide our public agency clients with easy-to-use guidelines and training in the handling of Public Records Act requests, and we regularly advise clients regarding responses to public requests for documents and the public's right to access electronic information.

Contracts

AMMCG has experience negotiating and drafting all types of contractual agreements for both private and public agency clients. AMMCG attorneys have experience with construction, land use, public works, professional services agreements, memorandums of understanding, and all types of routine agreements that arise in the course of public agency administration.

Real Property Transactions

AMMCG represents both public and private entities in all types of real property matters such as land acquisitions, purchase and sale agreements, ground leases, acquisition through eminent domain, subdivisions of real property, land development, and all other types of land use agreements.

Joint Powers Authorities

Recently, AMMCG worked with the incorporated cities and special districts within San Luis Obispo County toward the amendment of the IWMA joint powers agreement. The revised JPA involved complex issues arising out of the Government Code and the Public Resources Code as well as interagency coordination and collaboration and individual concerns.

Litigation

The firm has successfully defended public agencies in San Luis Obispo and Santa Barbara Counties against multi-million-dollar claims including public works contract, personal injury, and constitutional claims. In particular, the majority of Mr. George's practice consists of public entity litigation defense.

LOCAL GOVERNMENT CLIENT REFERENCES

We urge you to contact the individuals below regarding their experiences with our legal services, particularly with regard to our commitment to providing prompt, expert, effective, and reasonable legal assistance.

City of San Luis Obispo

Christine Dietrick, City Attorney
Phone: 805-781-4058
Email: cdietric@slocity.org
San Luis Obispo, California

Port San Luis Harbor District

Suzy Watkins, Harbor Manager
Phone: 805-595-5400
Email: suzyw@portsanluis.com
Avila Beach, CA

PUBLIC ENTITY CLIENTS AND CONFLICTS OF INTEREST

*A list of the public entities represented by the firm is attached to this Proposal as **Attachment B**.* The firm provides general legal counsel and/or litigation support to the entities listed. AMMCG has on file conflict waivers related to IWMA for the following entities on Attachment B: Heritage Ranch Community Services District, Los Osos Community Services District, Oceano Community Services District, and San Simeon Community Services District (past client). Our office will endeavor to secure conflict waivers from the following IWMA participating agencies: California Valley Community Services District, Cambria Community Services District, City of Arroyo Grande, City of Atascadero, City of Grover Beach, City of Morro Bay, City of Paso Robles, City of San Luis Obispo, and Nipomo Community Services District. At this time, we are aware of no conflicts of interest related to the remaining public entities on Attachment B that would limit our ability to provide the legal services requested by the IWMA. However, if a conflict did arise, we would inform the Agency and work through the matter.

COMPENSATION AND REIMBURSEMENT

Adamski Moroski Madden Cumberland & Green LLP proposes that the rate for Ms. Somers Smith and Mr. George will be \$275.00 per hour for general counsel and litigation services rendered to the Agency. The rates will remain constant for the first two years of service, but may increase by no greater than the percentage increase calculated using the Consumer Price Index after year 2. The firm reserves the right to bill special project services at a higher rate based on the area of law involved, though such rates will be discussed with the IWMA in advance. Although the law firm's normal hourly billing rates are substantially higher than the rates quoted in this proposal, the law firm is willing to provide legal services to the Agency at a reduced rate. To the maximum extent possible, the law firm will endeavor to minimize its charges to the Agency throughout the duration of the contract. AMMCG's large public entity client base means that any one entity client will pay only a fraction of the cost for legal work on matters that are common to other public entity clients.

Fees for Clerical Staff and Paralegals. The firm does not intend to charge for clerical staff in the ordinary course of business. However, if certain projects can be performed by firm paralegals in a manner that

ensures the highest level of representation with a decreased cost to the Agency, the firm will do so at a rate of \$125.00 per hour.

Reimbursable Expenses. The firm will pass through costs to the Agency, with no upcharge, for mileage, legal research, registered/certified/overnight mail, third-party invoices, and litigation/court filing fees, as necessary.

Charges and Expenses for Incidentals. The firm will not charge IWMA for copying, telephone charges, fax charges, or any other office-based charges incidental to the practice of law.

Tracking and Managing Legal Fees. The firm's billing statements will appear in the "block billing" format. In other words, while the work performed by firm attorneys on any given day will be stated in some detail, the time spent in performing those tasks will be aggregated and will appear as a single time entry for each attorney on that day. The minimum billing block is 0.2 hours for each task.

Rate Increases. Rates increase requests will not exceed national or regional CPI increases and will align with IWMA's budget cycle.

ADDITIONAL INFORMATION

Adamski Moroski Madden Cumberland & Green LLP is a limited liability partnership with two offices in San Luis Obispo County. Our Avila Beach office is located at 6633 Bay Laurel Place, Avila Beach, CA 93424. Our Paso Robles office is located at 1948 Spring St., Paso Robles, CA 93446. Both Ms. Somers Smith and Mr. George would serve the Agency from the firm's Avila Beach office.

ATTACHMENT A
ATTORNEY RESUMES

LINDA SOMERS SMITH
PROFESSIONAL CV

Professional Background

2015-Present **Adamski Moroski Madden Cumberland & Green LLP**

Partner

Avila Beach, CA

- General Counsel and related services to clients across varied industries, including private, non-profit and public agencies. Advise on regulatory issues and legal compliance, corporate governance, real property structures.
- Advise multiple business clients on corporate governance, collaborative agreements, strategic alliances, employment matters, privacy and regulatory compliance.

2001-2015 **Duggan Smith & Heath LLP**

San Luis Obispo, CA

Managing Partner/Founder

- Business Formation and Transaction Law, with an emphasis in healthcare, finance, real property and strategic alliances.
- Advise business clients on formations, investments, securities regulations and private offerings, finance, strategic alliances, intellectual property, employment matters, privacy and regulatory compliance.

1997 -2000 **Sinsheimer, Schiebelhut & Baggett**

San Luis Obispo, CA

Associate

- Specialized in business transactions, real property, employment and education law. Work with business mergers and acquisitions, and business succession planning.

1992-1995 **Medical Evaluation Specialist/Medical Evaluation Solutions, Inc.**

Legal Counsel 1992-1995

Concord, CA

Vice President of Business Development 1993-1995

- In house legal and business position for national privately held medical management company, including providing general legal advice on legal compliance and regulatory issues; oversaw implementation of custom scheduling and insurance company/client interactive computer program; managed five California offices, including negotiating and managing leases, recruiting and contracting with physicians, insurance companies; provided risk management analysis; and day to day management of operations and employees, with coordination through national office.

1986-1992 **Kronick, Moskovitz, Tiedemann & Girard**

Sacramento, CA

Associate Attorney

- Statewide law firm, provided legal advice as an associate in the public agency department, including advising educational institutions, joint powers associations, special districts, cities and counties. Work included board of trustee representation and joint powers authority formation and representation, public bond issuance and underwriting.

Education

1983-1984	Duke Law School	Durham, NC
1984-1986	U.C. Davis (King Hall) School of Law	Davis, CA

- Juris Doctorate -1983
- Finalist, National Client Counseling Competition - 1986
- Admitted State Bar of California, November 1986

1979-1983	University of California	Davis, CA
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- B.A., Economics
- Graduated with high honors/magna cum laude
- Phi Beta Kappa
- All American Honors, Cross Country and Track 1982 and 1983
- U.C. Davis Athlete Hall of Fame – Inducted 1997

Memberships and Awards

- Community Foundation of San Luis Obispo County – Board Member 2018- Present
Secretary of Board. Service on Investment and Finance and Administration Committees
- State Bar of California – 1986-2023
- San Luis Obispo County Bar Association
- Top 50 Women in Business, Pacific Coast Business Times, 2011
- U.S. Olympic Team 1996 Women’s Marathon; U.S. National Teams 1989-2013; U.S. Olympic Trials: 7 time qualifier for Women’s Marathon Trials: 1984, 1992, 1996, 2000, 2004, 2008, 2012
- USA Track and Field Masters Hall of Fame
- RRCA Hall of Fame (Road Runners Club of America)

JOSHUA MICHAEL GEORGE

6633 Bay Laurel Place, Avila Beach, CA 93424 • (805) 543-0990 • george@ammcglaw.com

WORK EXPERIENCE

Adamski Moroski Madden Cumberland & Green LLP, Avila Beach, California

Partner July 2009 – Present

- Civil Litigation primarily for Public Agencies:
 - Personal Injury
 - Real Estate/Land Use
 - Employment
 - Public Contract and Construction Defect Primarily
- District Counsel:
 - Santa Maria Public Airport District
 - Cambria Community Healthcare District
 - Heritage Ranch Community Services District

Cumberland, Coates & Duenow LLP, San Luis Obispo, California

Associate Attorney June 2006 – June 2009

- General Civil Litigation work in areas of Personal Injury, Real Estate/Land Use, and Construction Defect, primarily with regard to Government Entities.

EDUCATION

University of the Pacific, McGeorge School of Law, Sacramento, California

Class Rank Top 2%

California Polytechnic State University San Luis Obispo, San Luis Obispo, California

B.S. in Agribusiness with a concentration in Policy, Department Rank Top 2%

- President's List, 2000-2001 academic year

ATTACHMENT B

PUBLIC ENTITY CLIENTS

- Atascadero Unified School District
- California Joint Powers Insurance Authority
- California Valley Community Services District
- Cambria Community Healthcare District
- Cambria Community Services District
- City of Arroyo Grande
- City of Atascadero
- City of Carpinteria
- City of Goleta
- City of Grover Beach
- City of Lompoc
- City of Morro Bay
- City of Paso Robles
- City of San Luis Obispo
- Heritage Ranch Community Services District
- Independence Ranch Community Services District
- Nipomo Community Services District
- Oceano Community Services District
- Port San Luis Harbor District
- San Luis Coastal Unified School District
- San Luis Obispo County Air Pollution Control District
- San Luis Obispo County Pension Trust
- San Luis Obispo First Five Commission
- Santa Maria Public Airport District
- Squire Canyon Community Services District

For contact information please see the list of references included in the response.

2023

Proposal Prepared For

**San Luis Obispo County
Integrated Waste Management Authority**

Submitted by Lozano Smith
Robert Lomeli, Attorney at Law
rlomeli@lozanosmith.com
656 Santa Rosa St., Suite 3B
San Luis Obispo, CA 93401
805.471.7080

March 6, 2023

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Executive Summary

Overview

Lozano Smith, LLP was formed in 1988 with four partners in two offices, and has grown to our present size of 115 attorneys (and 189 total employees) with offices in eight California cities: San Luis Obispo, Monterey, Walnut Creek, Sacramento, Fresno, Bakersfield, Los Angeles, and San Diego. As a law firm, Lozano Smith has provided legal services in the public sector field for more than 35 years.

With our statewide office locations, clients have the benefits of a large firm, but with the comfortable relationships of a small firm. Currently representing over 600 public agencies of all types throughout the State of California, our attorneys understand the intricacies and range of ever-changing laws affecting local public agencies.

Related Experience

With a local San Luis Obispo office, we understand the unique demands of this region. We are confident that our statewide team of 115 attorneys is available to provide consultation and services to assure that your Agency receives high-quality and efficient legal services. We represent over 30 related special districts and JPAs, as well as hundreds of other public agencies. Representative examples include:

- > Madera LAFCo
- > South Coast Fire Protection District
- > Winton Water and Sanitary District
- > Branciforte Fire Protection District
- > Oak Valley Hospital District
- > Madera County Mosquito and Vector Control District
- > Los Angeles Department of Water and Power
- > Humboldt Bay Fire Joint Powers Authority
- > Santa Cruz County Regional Transportation Commission
- > Olivehurst Public Utility District
- > Kern County Mosquito and Vector Control District
- > Winton Water and Sanitary District

The firm's Municipal Practice Group is comprised of attorneys who have served in city attorney, county counsel, and general counsel capacities for many years, gathering a wealth of knowledge and understanding of client needs. For example, we serve the following municipalities as city attorney:

- > City of Chowchilla
- > City of Clovis
- > City of Dos Palos
- > City of Fowler
- > City of Firebaugh
- > City of Greenfield
- > City of Hollister
- > City of Lemoore
- > City of Merced
- > City of Reedley

We also serve as legal counsel to several counties and other cities, including for example:

- > County of Madera
- > County of Kern
- > County of Los Angeles
- > County of Fresno
- > City of Los Angeles
- > City of Sacramento

Diversity, Equity & Inclusion

We value diversity and the strength and perspective fostered by bringing together people of different backgrounds and experiences. As an illustration of the Firm's commitment and focus on diversity, equity and inclusion, Lozano Smith was named by Law360 as a leading law firm in the areas of diversity and gender equity within the 101-250 attorney category. The firm ranked first overall in Law360's 2022 Glass Ceiling Report, a data-driven review of female attorney representation at law firms, and third overall in the 2022 Diversity Snapshot.

National Rankings in the 101-250 attorney category include:

Diversity Snapshot (Representation of minority attorneys within the firm)

- > #1 Ranking - Equity Partners: 35.7%
- > #2 Ranking - Nonequity Partners: 28.6%
- > #5 Ranking - Associates: 45.2%

Glass Ceiling Report

- > #1 Ranking - Nonequity Partners: 60.7%
- > #3 Ranking - Total Partners: 50.0%
- > #4 Ranking - Associates: 64.3%

Client-Centered Billing Practices and Collaborative Practice Model

Our existing and proposed rates are competitive with leading public agency law firms offering similar services. In addition, it is important to know that our bills reflect time actually spent on legal work. We bill in 1/10 (.10) hour increments as compared to the common industry practice of billing in minimum increments of either 2/10 (.20) or 3/10 (.30) hour increments regardless of actual time spent. Moreover, the culture of our firm encourages our attorneys to collaborate with each other which consistently results in saving time and money for our clients. With our statewide practice, we often see trends and ways to avoid significant legal issues to the benefit of our clients.

Areas of Practice

Scope of Services

Lozano Smith is able to provide a full complement of legal services to the San Luis Obispo County Integrated Waste Management Authority (IWMA), including the listed scope of services outlined in the RFP.

Municipal Law

To best meet the needs and ensure the ongoing success of its clients, Lozano Smith's Municipal Practice Group provides advice in all areas of law affecting public agencies, and provides specialized services to the firm's clients in the following areas:

- > Open Meeting Laws/Brown Act
- > Records Request/Public Records Act
- > Conflicts of Interest and Ethics
- > Fees, Taxes & Assessments
- > Claims Against Public Agencies
- > Public Financing/Tax Exempt Bonds
- > Economic Development
- > Real Estate Law
- > FPPC Regulations
- > Environmental Law

- > Employment/Personnel and Collective Bargaining for Public Agencies
- > Water Rights and Regulation
- > Land Use and CEQA
- > Construction Advice and Litigation
- > Public Safety, Police and Fire
- > Code Enforcement
- > Americans with Disabilities Act
- > Intergovernmental Relations
- > Elections, Redistricting and Voting Rights Act
- > Public Agency Formation and Organization
- > The Subdivision Map Act
- > Contract Law
- > Municipal Tort law
- > Public Contracts and Franchises
- > Parliamentary Procedure
- > Litigation
- > Groundwater Sustainability Plans
- > PUC Proceedings
- > Eminent Domain
- > Joint Powers Shared Services Agreements

Experience and Qualifications

Governing Special Districts and Attendance at Meetings

Our attorneys attend public agency meetings on a daily basis, both to participate and to ensure compliance with open meetings laws. In addition, we routinely attend a wide range of committee meetings, including ad hoc committees, successor agency oversight boards, citizen oversight committees, budget committees, community advisory committees, and joint committees with other public agencies.

Individual Board Member Liability

When advising the Board, Lozano Smith is mindful of political realities as well as potential liability exposure for individual board members. There are specific statutes that govern the rights and obligations of individual board members, including defense and indemnity for acts within the scope of their official duties, fiduciary responsibilities and conflicts of interest. Lozano Smith has worked with many public agency boards when issues arise.

Brown Act

We regularly provide advice regarding the open meeting requirements of the Ralph M. Brown Act. The firm also publishes handbooks and materials for clients to use in understanding and complying with the Brown Act.

CLIENT EXPERIENCE

We also have successfully defended Brown Act suits at the trial and appellate levels. For example, *Duval v. Board of Trustees* 93 Cal.App.4th 902. The *Duval* case established the principle that a legislative body may conduct comprehensive personnel evaluations in closed session, including a discussion of evaluation criteria and setting goals for future performance.

Public Records Act

We routinely handle Public Records Act requests. Our attorneys and paralegals handle complex issues such as requests for salary or personnel information, electronic documents, and documents related to closed-session meetings or pending litigation. All Lozano Smith attorneys are well versed in the Public Records Act, and they remain abreast of recent legislation and case law.

Conflicts of Interest/Ethics Issues

We train and advise public agencies regarding a wide range of conflicts of interest and ethics issues. Our attorneys have expertise in the Political Reform Act; Government Code section 1090; and the common law doctrine of conflicts of interest.

We frequently advise public agencies on public officials' obligations to disclose their economic interests, to abstain from participating in governmental decisions that can have a material effect on their economic interests, and to properly disclose potential conflicts at public meetings.

Legislative and Administrative Law

Our firm tracks upcoming legislation which could affect our clients. Additionally, we are often called to conduct administrative hearings for personnel matters, code enforcement issues, and other administrative tasks needed by municipal clients. Our attorneys are also responsible to draft local ordinances, laws and administrative procedures.

Water Rights and Regulations

California has a rich history of effectively managing the many different water rights present in the State. As the State has matured, competition for water use and water acquisition priority between residential/local government, industrial and agricultural users has increased. In response to long term water use and priority issues, and now as magnified by the drought conditions we all are experiencing, the Federal government, State government, counties and cities are all adopting, or considering, laws that serve to allocate and separate the right to obtain and use water between the competing interests. Careful formulation of local regulations and thorough analysis of the impacts arising from other new laws is critically necessary for public entities. Equally important is the need to ensure that their community is on solid legal footing and being allocated the most water at the least cost or regulation that is possible.

Lozano Smith is prepared to help your agency both craft regulations that are sound and recommend the best approach for you to best serve the water needs of all your constituents. Every agency will be fighting to obtain the most water at the lowest price. Lozano Smith attorneys are experienced in this area and set to help you achieve your leadership goals.

Public Utility Issues; Including Solid Waste and Water

Rates, Fees, and Charges

Through our Water Rights and Regulation specialty area, our firm has assisted clients throughout the State to craft regulations and establish a rate structure that is sound and allows the client the best approach for them to serve the utility needs of their constituents.

Lozano Smith attorneys have advised clients in a variety of roles with respect to water law. This includes handling other cases under Comprehensive Environmental Response, Compensation and Liability Act and assisted clients in navigating the Resource Conservation and Recovery Act. In addition, Lozano Smith attorneys have represented clients in cases involving groundwater contamination, petroleum tank leaks, air quality boards, the State Water Resources Control Board, and perchloroethylene (dry cleaning chemical known as PERC).

CLIENT EXPERIENCE

Collectively, our group of attorneys in the Water Rights and Regulation specialty area has significant experience handling water treatment issues and environmental matters. This includes notable projects and litigation for the City of South San Francisco, City of Clovis, City of Fresno, City of Sacramento, City of Lemoore, City of Dixon, Napa Sanitation District, and the Stringfellow Waste Facility.

CLIENT EXPERIENCE

Lozano Smith attorney, Mark Kitabayashi, is experienced in hazardous/toxic materials. This is evident in *Newman v. Stringfellow*. At the time, it was the largest toxic tort personal injury case in U.S. history. It encompassed a claim of personal injury and property damage by approximately 3000 plaintiffs due to claimed exposure to a "toxic soup" of materials that emanated from the Stringfellow waste facility. Plaintiffs' verdict against the client was less than \$200,000.00. Mr. Kitabayashi was responsible for all aspects related to 8 of the first 17 test plaintiffs, psychiatric/emotional distress/fear of cancer claims for all first trial plaintiffs, all complaints related to internal medicine issues, and pediatric oncology issues.

Labor and Employment Law Counsel

Our background in advising public employers throughout California provides us with the practical knowledge of such matters when it comes to negotiations, contract grievances, disciplinary appeals, unfair labor practice charges, and personnel investigations. We have represented and defended public sector employers in virtually all matters involving state and federal labor and employment laws, including:

- > Title VII of the Civil Rights Act of 1964 / Civil Rights Act of 1991 ("Title VII")
- > Fair Labor Standards Act / Equal Pay Act of 1963 ("FLSA")
- > Age Discrimination in Employment Act of 1967 ("ADEA")
- > Family Medical Leave Act ("FMLA")
- > Title I and Title V of the Americans with Disabilities Act of 1990 ("ADA")
- > Uniformed Services Employment and Reemployment Rights Act ("USERRA")
- > California Fair Employment and Housing Act ("FEHA")
- > California Family Rights Act ("CFRA") and Pregnancy Disability Act ("PDA")
- > Unruh Civil Rights Act

Our attorneys guide public employers through the gamut of personnel issues that include:

- > Recruitment and Hiring
- > Pre-Employment Screening
- > Management and Employee Contracts
- > Grievances
- > Labor Negotiations / Collective Bargaining
- > Personnel Policies
- > Family and Medical Leave Laws
- > Pregnancy Disability
- > Military Leaves
- > Sexual Harassment
- > Employee Evaluation
- > Drug and Alcohol Testing
- > Skelly Conferences
- > Drafting of Charges for Suspension and/or Termination
- > Due Process Hearings
- > Employee Discipline and Termination
- > Civil Service Commission's Rules and Procedures
- > Whistleblower Statutes

Labor Relations/Negotiations

The team members we are proposing have experience representing various public agencies in labor negotiations and provide a full range of services regarding labor negotiations. We regularly guide clients through impasse, fact-finding and preparations for concerted activities. We provide advice that is driven by the legal, political and financial realities of the client. For many clients, we conduct union negotiations as the lead negotiator. For others, we advise personnel who conduct the negotiations. In all cases, we vigorously pursue our client's labor and policy agenda through various methods of creating the best possible environment for a mutual agreement. We have successfully achieved these bargaining goals on financial issues, such as salary and benefits, and on contract language matters as well.

PERB Unfair Practice Charges and Representation Petitions

We have handled numerous contested matters before the Public Employment Relations Board. Our attorneys have obtained favorable results for clients in defending unfair labor practice charges with respect to claims that an employer has failed to negotiate, has circumvented a union, or has retaliated against employees for union activity. When needed, our attorneys also handle bargaining unit modification petitions in order to meet employer goals. It is also common for our attorneys to assist with responses to union representation petitions and any related hearings. We are often able to convince PERB regional attorneys to dismiss charges of unfair labor practices or to defer cases to arbitration. In the event of a hearing before an Administrative Law Judge, we have numerous attorneys who can successfully navigate the issues PERB reviews, including retaliation, bad faith bargaining and unilateral change cases.

General and Business Law and Litigation

Public Contracts and Bidding

Since the firm's inception, our attorneys have advised public agencies on the myriad of legal issues presented by the procurement of services, equipment and materials. Our attorneys are experienced in prevailing wage and public bidding requirements as they relate to special districts and municipalities.

More than half of the attorneys on our staff manage business transactions each day, giving us the depth of experience to successfully review and advise our clients on these types of transactions. Specific areas in which we regularly provide advice and counsel include:

- > Project delivery methods
- > Contracts (general)
- > Bid challenges
- > Ordinances and Resolutions
- > Property acquisitions
- > Legislative and judicial actions/decisions
- > Capital Improvement Projects
- > Easements
- > Notices and Dispositions

Our team has extensive experience with public bidding, from creation of bid documents, to advising through the bid process, to representing public agencies in the event of bid protests, to litigation. In addition to a strong understanding of existing statutory and case law requirements for public works projects and purchases by public agencies, the firm has represented clients with a variety of other, often less-settled, issues, such as Project Labor Agreements, preference for local bidders, lease-leaseback and design-build arrangements, piggybacking and novel delivery methods, such as progressive design-build.

Land Use, CEQA and Environmental Law

Lozano Smith attorneys are particularly skilled at preparing complex land use transactions, statutory development agreements, parcel and subdivision map agreements, general plan and zoning legislation, and developer fee agreements and implementation. Lozano Smith has negotiated easement agreements involving roads, access, utilities, and other issues; in addition to preparing and negotiating leases, including long-term and short-term facilities space leases, ground leases, tenant improvement agreements and licenses. When necessary, the firm has assisted public agencies in obtaining property rights through eminent domain proceedings.

We have extensive experience assisting clients with environmental compliance issues, including those related to DTSC, CEQA, the Division of Occupational Safety and Health (Cal-OSHA), the California Department of Fish and Wildlife and United States Fish and Wildlife Service, and others. We represent clients in these complex areas by providing advice as well as assisting clients in navigating issues through DTSC, Cal-OSHA, and other regulatory bodies.

Sample CEQA Cases Case Name	Court	Case No.
<i>Western Placer v. City of Lincoln</i>	Placer County Superior Court	SCV0032309
<i>County of Lassen v. City of Susanville</i>	Lassen County Superior Court	34687
<i>Consolidated Irrigation District v. City of Sanger</i>	Fresno County Superior Court	13CECG03007
<i>Heritage Fresno v. City of Fresno/RDA</i>	Fresno County Superior Court	06CECG00162
<i>Vagim v. Fresno RDA</i>	Fresno County Superior Court	06CECG01795
<i>Consolidated Irrigation District v. City of Parlier</i>	Fresno County Superior Court	09CECG04072
<i>City of Greenfield v. Jake’s Dream Investors LP</i>	Monterey County Superior Court	M102611
<i>Consolidated Irrigation District v. City of Parlier</i>	Fresno County Superior Court	10CECG03477
<i>Friends of Moraga Canyon v. City of Piedmont</i>	Alameda County Superior Court	RG12611028

Lozano Smith's attorneys have also assisted in assessing options for energy related contracts, including energy management consultant agreements, renewable energy projects, and contracts for energy conservation retrofits, and have also advised on identifying and maximizing funding sources for such contracts. This work has included negotiations of a number of power purchase agreements and other high-value contracts for the installation of solar photovoltaic facilities.

Litigation

The Litigation Practice Group works in partnership with clients, regularly communicating the status of their case, with an eye towards cost containment and ensuring they're timely informed about the progress of their case. As part of their overall case management, we investigate insurance coverage and the viability of indemnity claims to help pay for litigation costs and defray client expenses. Lozano Smith's Litigation attorneys also support and proactively encourage clients to consider alternative dispute resolution (ADR) procedures in appropriate cases. The firm is experienced and well versed in various forms of ADR, including arbitration, mediation and both informal and formal settlement conferences.

Lozano Smith attorneys are disciplined in compliance with client case-management requirements, including:

- > Preparation of Administrative Records
- > Preparation of Written Briefs and Motions
- > Specialized Public Agency Litigation, including Administrative Hearings, Writs of Mandate, Validation Actions
- > Successful Advocacy Before all California Courts, Including the California Supreme Court and Ninth Circuit Court of Appeals
- > Preparation of Initial Case Evaluations and Budgets
- > Preparation of Discovery Plans
- > Preparation of Case Updates
- > Monitoring of Case Budgets
- > Oral and Written Presentations to Client Senior Administration and Elected Officials
- > Electronic Discovery

Representative Cases

Lozano Smith's Litigation Practice Group offers its clients a long history of dedicated and successful representation. Sample cases, including those handled by current Lozano Smith attorneys prior to their employment at Lozano Smith, are included throughout the proposal. For example:

- > **Santa Clara Valley Water District** – \$6 million recycled water pipeline project – Obtained summary judgment against a claim by a contractor on a recycled water pipeline project. Lozano Smith's Arne Sandberg also handled the appeal, where the judgment was affirmed. After award of the contract, the District had deleted the fiber optic work from the project, and then added back a small portion of the work. As a result, the contractor claimed lost profits related to the deletion of work.
- > **City of Antioch** – \$16 million water treatment plant expansion project – Obtained a \$1.2 million settlement from the engineer and equipment provider related to an inadequate dewatering system. At the engineer's recommendation, the City agreed to include a sludge dewatering system, but it

was not properly tested or designed for the water treatment plant's footprint.

- > **City of Clovis** – \$28 million surface water treatment plant project – Recovered \$4.8 million settlement from the engineer and filter provider related to insufficient water production. The filters had failed to perform as required by the contract's specifications, and an inadequate number of filters had been included in the design.
- > **City of Dixon** – \$4.5 million new sewer trunkline project – When the contractor on the project went out of business mid-project, Lozano Smith's Arne Sandberg tendered completion to the surety and initiated litigation to recover the City's damages, ultimately recovering for \$600,000.
- > **East Bay Regional Park District** – Contra Loma swim lagoon project suffering water loss and pump insufficiencies.
- > **City of Dublin** – Water intrusion defects in \$13 million new library construction.
- > **San Ramon Valley Unified School District** – \$20 million campus expansion project – Obtained a settlement over \$3 million from a surety for delay and deficiencies caused by a contractor's failures to adequately construct two new buildings. The District had to terminate the contractor at the height of construction, and then push the surety to complete the work.
- > **Inverse condemnation defense** – Defended many cases against public agencies based on flooding, including inverse condemnation and dangerous condition of public property.

Personnel

Legal Team

IWMA would be served by a team of attorneys primarily from our San Luis Obispo and Fresno Offices, with Robert Lomeli designated as your primary attorney. We also work in teams in order to bring all the firm's resources to benefit our clients and provide cost effective services. Lozano Smith is proud to augment its municipal law practitioners with the following:



Robert A. Lomeli is an Associate in Lozano Smith's San Luis Obispo Office. Mr. Lomeli primarily serves municipal clients with a focus on public meetings and governance, contracts, investigations and labor negotiations, and works tirelessly to obtain advantageous outcomes for his clients. Mr. Lomeli is experienced in labor negotiations, and has led collective bargaining for clients, including drafting and revising contracts, working to reach tentative agreements, negotiating amendments to grievance/employee discipline procedures, and working with analysts to determine costing for proposed bargaining requests.



Jennifer P. Thompson is an Associate in Lozano Smith's San Luis Obispo office. She is an experienced government professional with years of experience managing city departments. She has extensive experience in municipal finance and utilities operations. Ms. Thompson frequently assists clients with public agency procurement issues, including request for proposals and all types of contracts. She counsels her clients on all types of development matters including affordable housing issues and development agreements. In addition, she performs investigations on a wide variety of issues. She also supports her clients by advising on board policies, City ordinances, and the California Voting Rights Act.



Mary F. Lerner is a Partner in Lozano Smith's Monterey and Fresno offices and serves as co-chair of the firm's Municipal Practice Group. Ms. Lerner is also a member of the firm's Facilities and Business, Governance, and Labor and Employment Practice Groups. Ms. Lerner advises clients regarding a wide-range of issues affecting public agencies. Ms. Lerner's practice is focused on personnel matters, finances, development, CEQA, LAFCO, the Brown Act, board governance, sustainable groundwater agencies, elections, code enforcement, First Amendment issues, labor negotiations, and public safety. Ms. Lerner is general counsel for public agency clients throughout California. In addition, she assists clients in defense of issues related to the Americans with Disabilities Act.

Conflicts

Lozano Smith currently represents the following public clients within San Luis Obispo County:

- > Atascadero Unified School District
- > Cayucos Elementary School District
- > Coast Unified School District
- > Community Action Partnership of San Luis Obispo
- > Cuesta Community College
- > Lucia Mar Unified School District
- > Paso Robles Housing Authority
- > Paso Robles Joint Unified School District
- > Pleasant Valley Joint Union Elementary School District
- > San Luis Coastal Unified School District
- > San Luis Obispo County
- > San Luis Obispo County Office of Education
- > Schools Insurance Program for Employees (SIPE) (SLOSIPE)
- > Shandon Joint Unified School District
- > Templeton Unified School District

We know of no conflicts that would prevent our representation of IWMA in all matters. Lozano Smith has implemented a conflicts checking system that will disclose conflicts, if they arise, on matters as they are assigned to us. It is our legal duty to inform you if any potential conflicts arise and to obtain the consent of both parties prior to continuing to represent either party in the matter. We are unaware of any current

conflict that would prevent us from serving as legal counsel, and do not anticipate having problems managing any potential conflicts that may occasionally arise.

Client References

Lozano Smith is pleased to present the following professional and personal references, and we would be open to provide additional client references upon request.

City of Hollister
David Mirrione, Assistant City Manager
375 Fifth Street
Hollister, CA 95023
(831) 636-4300

City of Greenfield
Paul Wood, City Manager
599 El Camino Real
P.O. Box 127
Greenfield, CA 93927
(831) 674-5591

City of Lemoore
Michelle Speer, Assistant City Manager/Administrative Services Director / HR & Risk Management Manager
711 W. Cinnamon Drive
Lemoore, California 93245
(559) 924-6744 ext 700

San Luis Obispo County District Attorney's Office
Kristy Imel, Deputy District Attorney
1035 Palm Street, 4th Floor Annex
San Luis Obispo, CA 93401
(805) 781-5800

Robbi Rizzo, Attorney at Law
Robbi Rizzo, Esq.
1141 Pacific Street, Suite F
San Luis Obispo, CA 93401
(805) 762-4766

San Luis Obispo County Sheriff's Office
Jim Voge, Undersheriff
1585 Kansas Avenue
San Luis Obispo, CA 93405
(805) 781-4540

Cost Proposal

As an appendix, we have included a professional rate schedule outlining current hourly rates. Our practice of billing in 1/10 (.10) hour increments has saved clients significant money they can reinvest into their agencies and communities. We are always mindful of costs and focus on getting our clients the best possible product in a cost-effective manner. Our numerous cost-preventive resources, workshops, and publications have been developed so that clients minimize their need for legal counsel by relying on their staff to address some of the many legal issues that arise.

Case Management Plans and Matrices; Tracking and Managing Legal Costs

Lozano Smith attorneys routinely work with clients to develop a detailed and effective case or assignment management plans, as needed, to ensure that the client is aware of the status of all pending matters. This also helps track and manage legal costs for transparency and to assist in the effort of keeping the client's legal costs to a minimal level. Specifically, for several clients we have created a case management matrix that details the following information:

- > Lozano Matter Number
- > Matter/Case Name
- > Responsible Attorney
- > Current Status
- > Next Steps
- > Budgeted Amount
- > Amount Expended

In addition to using case management matrices to manage cases/assignments, we frequently develop case timelines for complex cases. These timelines are particularly useful when a complex case or assignment requires significant work from District staff.

Lozano Smith is proactive in strategizing with clients to make sure that the quality legal services that we perform meet or exceed our clients' needs and at the same time are within budget. This is consistent with our proactive approach of advising the clients about legal developments or issues of concern in advance of being asked or receiving requests. Our attorneys, through the firm's local government and special district practice group, regularly review developments, such as new case law or legislation, which affect our special district clients.

Training and Workshops

Lozano Smith is a recognized leader statewide for its successful development and implementation of topical seminars designed to provide up-to-date, practical advice and training. The firm provides workshops on topics selected by the participants, which it conducts for individuals as well as groups of clients upon request.

Robert A. Lomeli

Associate



San Luis Obispo Office
rlomeli@lozanosmith.com
805.471.7080

Overview

Robert A. Lomeli is an Associate in Lozano Smith's San Luis Obispo Office. Mr. Lomeli primarily serves municipal clients with a focus on public meetings and governance, contracts, investigations and labor negotiations, and works tirelessly to obtain advantageous outcomes for his clients.

Experience

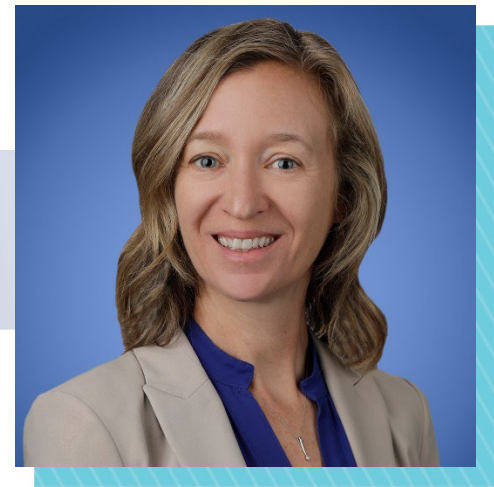
Mr. Lomeli is experienced in labor negotiations, and has led collective bargaining for clients, including drafting and revising contracts, working to reach tentative agreements, negotiating amendments to grievance/employee discipline procedures, and working with analysts to determine costing for proposed bargaining requests. He has also worked in family law and estate planning, where he worked diligently to analyze case merits, minimize risk, propel positive resolutions to complex legal matters, and obtain successful rulings and judgments in both evidentiary and motion hearings. Mr. Lomeli has prior experience in public entity negotiations, police investigations, and working with Sheriffs' offices, and utilizes that valuable experience to benefit his clients in all areas.

Education

Mr. Lomeli earned his Juris Doctor degree from San Luis Obispo College of Law. He received a Bachelor of Science in Business Administration from San José State University.

Jennifer P. Thompson

Associate



San Luis Obispo Office
jthompson@lozanosmith.com
805.471.7080

Overview

Jennifer P. Thompson is an Associate in Lozano Smith's San Luis Obispo office. She is an experienced government professional with years of experience managing city departments. She has extensive experience in municipal finance and utilities operations.

Experience

Ms. Thompson frequently assists clients with public agency procurement issues, including request for proposals and all types of contracts. She counsels her clients on all types of development matters including affordable housing issues and development agreements. In addition, she performs investigations on a wide variety of issues. She also supports her clients by advising on board policies, City ordinances, and the California Voting Rights Act.

Ms. Thompson previously served as the Utilities Business Manager for the City of San Luis Obispo. In this position, she was responsible for coordinating and facilitating Utilities department strategic planning activities. Ms. Thompson also supervised the daily operations and employees of the Revenue Division in the City of San Luis Obispo's Finance Department. Ms. Thompson monitored changes in laws, regulations and technology that impacted departmental operations, and she developed changes to policies and procedures to ensure compliance with the law. She has experience with Proposition 218, SB1383 and SB998. Ms. Thompson regularly communicated with the City Council, managers, employees, and organized employee groups. She is experienced in financial planning and analysis, preparing ordinances, and monitoring Utilities financial sections of development agreements.

Education

Ms. Thompson earned her Juris Doctor and Master of Legal Studies degrees from the San Luis Obispo College of Law. She earned a B.S. in Economics from California Polytechnic University, San Luis Obispo.

Mary F. Lerner

Partner



Fresno & Monterey Offices
mlerner@lozanosmith.com
559.431.5600

Overview

Mary F. Lerner is a Partner in Lozano Smith’s Fresno and Monterey offices and serves as co-chair of the firm’s Municipal Practice Group. Ms. Lerner is also a member of the firm’s Facilities and Business, Governance, and Labor and Employment Practice Groups. Ms. Lerner advises clients regarding a wide-range of issues affecting public agencies.

Experience

Ms. Lerner’s practice is focused on personnel matters, finances, development, CEQA, LAFCO, the Brown Act, board governance, sustainable groundwater agencies, elections, code enforcement, First Amendment issues, labor negotiations, and public safety. Ms. Lerner is general counsel for public agency clients throughout California. In addition, she assists clients in defense of issues related to the Americans with Disabilities Act.

Education

Ms. Lerner obtained her Juris Doctor degree from the San Joaquin College of Law. She graduated from California State University, Fresno with a Bachelor of Science degree in Political Science.

Community Involvement

Ms. Lerner is an adjunct professor at the University of Phoenix, where she teaches Business Law (undergraduate and graduate levels) and Ethical Legal Topics (undergraduate level), as well as serving as a mentor to new faculty. She was selected as a recipient of the Phoenix500 Award, recognizing top faculty from across the country who go above and beyond engaging and supporting students and fostering their learning. Ms. Lerner also partners with the Fresno County Bar Association on various civic engagement opportunities, including the Speaker’s Bureau, where she works on projects with local high school students.

PROFESSIONAL RATE SCHEDULE
FOR SAN LUIS OBISPO INTEGRATED WASTE MANAGEMENT AUTHORITY

1. HOURLY PROFESSIONAL RATES

Client agrees to pay Attorney by the following standard hourly rate*:

Partner** / Senior Counsel / Of Counsel	\$ 275 - \$ 375 per hour
Associate	\$ 215 - \$ 295 per hour
Paralegal / Law Clerk	\$ 150 - \$ 200 per hour
Consultant	\$ 150 - \$ 200 per hour

* Rates for individual attorneys within each category above vary based upon years of experience. Specific rates for each attorney are available upon request.

** Rates for work performed by Senior Partners with 20 years of experience or more may range from \$375 - \$450 per hour. ¹

2. BILLING PRACTICE

Lozano Smith will provide a monthly, itemized Statement for services rendered. Time billed is broken into 1/10 (.10) hour increments, allowing for maximum efficiency in the use of attorney time. Invoices will clearly indicate the department or individuals for whom services were rendered.

Written responses to audit letter inquiries will be charged to Client on an hourly basis, with the minimum charge for such responses equaling .5 hours. Travel time shall be prorated if the assigned attorney travels for two or more clients on the same trip.

3. COSTS AND EXPENSES

In-office copying/electronic communication printing	\$ 0.25 per page
Facsimile	\$ 0.25 per page
Postage	Actual Usage
Mileage	IRS Standard Rate

Other costs, such as messenger, meals, and lodging shall be charged on an actual and necessary basis.

¹ Sale or Lease of Real Property Work:

Partner / Senior Counsel / Of Counsel	\$ 400 per hour
Associate	\$ 375 per hour
Paralegal / Law Clerk	\$ 200 per hour

March 6, 2023

Sent Via Email: jlane@iwma.com

Peter Cron, Executive Director
SLO County IWMA
870 Osos Street
San Luis Obispo, CA 93401

Re: Proposal for Legal Services – General Counsel

Dear Mr. Cron,

Peltzer & Richardson Law Corporation respectfully submits the following proposal for legal services to the San Luis Obispo County Integrated Waste Management Authority. Our contact information is listed at the end of this response, please do not hesitate to contact us if you have any questions or would like to discuss our proposal.

Our firm is located in Visalia, California and our focus is representing public agencies, primarily cities and special districts. The attorneys of Peltzer & Richardson, LC have extensive experience representing government agencies. Peltzer & Richardson, LC is comprised of three attorneys: Alex M. Peltzer, Kenneth J. Richardson, and James D. Koontz and two support staff. The firm would propose that Mr. Koontz serve as the primary point of contact since he has been working with the solid waste department of another client to revise ordinances in order to comply with state requirements.

Our firm has specific experience in areas that we believe would be relevant to the IWMA. As noted above, we are already working with the solid waste department of a client in complying with state requirements. We have also worked on the formation, representation, and modification of joint powers agencies. Finally, we specialize in representing public agencies and are therefore familiar with laws that impact public agencies such as the Brown Act, ethics requirements, board member trainings, CEQA, conflict of interest issues, ordinance drafting, Public Records Act, and public employment issues.

On the following pages is an overview of each of the attorneys in the firm, a list of references and our fee proposal.

Qualifications of Attorneys in the Firm

Below is a description of each of the firm's attorneys.

James D. Koontz

Jim was admitted to the California State Bar in 2000. He is also a Real Estate Broker licensed by the California Department of Real Estate, DRE Number 01883705.

Jim currently serves as Assistant City Attorney for the City of Visalia primarily working with community development and public works issues. He attends Visalia Planning Commission meetings and serves as the principal advisor when a conflict-of-interest issue is raised before or during Commission meetings. He also advises and assists staff in responding to questions regarding land use issues, Subdivision Map Act, CEQA, and drafting or revising ordinances. He has been the lead negotiator in acquiring property on several street widening and trail construction projects. In this capacity he has drafted numerous land acquisition agreements, negotiated purchases, and when necessary prepared and filed eminent domain complaints. As projects progressed he reviewed bid documents, advised clients on bid disputes when they occur, and addressed contract questions as they relate to disputes over the scope of work.

Jim assisted the City of Visalia Public Works Department with revisions to its Solid Waste Ordinance to meet SB 1383 requirements. He has also assisted City staff in negotiating and drafting agreements with recycling companies and in revisions to these agreements as market conditions have changed over time.

Jim is the firm's lead attorney for a joint powers agency of small rural communities in northern Tulare County that maintain and operate a water treatment plant. In this capacity Jim has reviewed a variety of compliance measures with Regional Water Quality Board as well as working on the typical compliance requirements for a special district under California law. He also worked with these same agencies in forming a separate joint powers agency that would be responsible for building and operating a surface water treatment.

Jim is also the designated lead attorney for eminent domain matters and has been working with one of the firm's irrigation district clients in acquiring the land necessary for the Success Reservoir Enlargement Project as the non-federal sponsor of the Project on behalf of the Army Corps of Engineers. This project is increasing the capacity of the existing reservoir by approximately 28,000-acre feet.

For the firm's water district clients Jim is often the lead attorney in dealing with employment law issues. In the capacity he has advised clients concerning employee discipline, termination, and

drafted several employment separation agreements. He also represents private clients in various business litigation, real property, estate planning and probate matters.

Jim is a member of the Tulare County Bar Association. Jim assisted with the formation of the Visalia Arts Consortium, a nonprofit 501(c)(3) corporation, continues to provide legal services on a volunteer basis to the group and is also a frequent volunteer at their events.

Alex M. Peltzer

Alex was admitted to the California State Bar in 2001. He is experienced in drafting all types of agreements and other legal documents, reviewing and advising on a variety of municipal policies and practices, reviewing and participating in the negotiation of labor agreements, and advising city councils, planning commissions, and other ancillary bodies on the Brown Act, Public Records Act, conflict of interest laws and all other areas of California law.

Alex has drafted numerous ordinances, including the groundwater protection and mitigation ordinance establishing a well-head fee on the private water utility company that serves the City of Visalia as well as a development mitigation fee to procure water supplies and groundwater recharge facilities for the City of Visalia.

Alex has represented six other cities in Tulare County as special counsel on specific development and tax collection matters, and is general counsel to the Tulare County Council of Cities, a group of all cities of Tulare County formed for the purpose of furthering cooperation among the incorporated cities. In this capacity Alex filed a lawsuit against the County of Tulare concerning the collection and payment of taxes, which resulted in additional funds paid to the represented cities.

In addition to municipal law, Alex currently serves as general counsel to several public irrigation districts in Fresno, Kings, Kern, and Tulare counties, including Tulare Irrigation District, Lower Tule River Irrigation District, Kaweah & St. Johns Rivers Association, Deer Creek & Tule River Authority, Porterville Irrigation District, Tea Pot Dome Water District, and others. Alex is very familiar with California water law and has represented numerous clients in a variety of legal actions.

Alex also represents numerous private clients in real property and water matters. Prior to entering the practice of law, Alex was a partner/broker in a commercial real estate firm in Visalia, and prior to that served as district director, legislative assistant and press secretary for U.S. Representative Calvin Dooley from 1992 to 1996. In addition to serving as Director of the District Office centered in Hanford, he also served as an aide in the Washington, DC office, responsible for assisting in the development of environmental and foreign affairs policy; maintaining media communications in California and Washington, DC; and speaking for the Congressman at public events throughout

the central San Joaquin Valley. Prior to his political experience, Alex was a journalist, working as a county government reporter for the Hanford Sentinel, among other newspapers.

Alex is a member of the Tulare County Bar Association and the Visalia Rotary Club. He is a past board member for Self-Help Enterprises and is a past president of the Visalia Parks and Recreation Foundation, a nonprofit 501(c)(3) corporation that Alex worked in forming.

Kenneth J. Richardson

Ken was admitted to the California State Bar in 1998. Prior to his admission to the California Bar, he was admitted to the Colorado Bar in 1996. Ken serves as the City Attorney for the City of Visalia, general counsel to the Kings County Area Public Transit Agency, and as general counsel for several water districts and private water companies throughout Tulare and Kings Counties.

Ken joined Dooley Herr & Peltzer in 2005 and became a partner in Dooley Herr Peltzer & Richardson in 2008. Ken and Alex formed Peltzer & Richardson Law Corporation from the practice group within their prior firm, deciding to form their own law firm specializing in providing legal services to public agencies, with an emphasis in providing services to water districts.

Ken holds a Juris Doctorate degree from the University of Arizona College of Law. He obtained his Doctor of Philosophy degree in Environmental Microbiology and a Bachelor of Science degree in Microbiology and Immunology from the University of Arizona. During his schooling, he was honored to serve a judicial clerkship for the Honorable John E. Thorson, Special Master, Arizona General Stream Adjudication.

Ken's law practice primarily focuses on the representation of public agency clients. He has substantial experience representing California municipalities in the areas of land use and planning, redevelopment, economic development, real estate transactions, eminent domain, contract drafting, and code enforcement.

Ken was the firm's lead attorney in matters concerning the City of Visalia's Wastewater Treatment Plant \$130 million upgrade of the plant. This project involved a significant amount of documentation under CEQA, public works contract preparation, property acquisition, and contract oversight along with the review of the increased recycled water uses that are a result of the treatment plant upgrades.

Ken also has substantial experience representing public agency and private business clients in environmental and natural resources law, including significant interaction with local, state and federal regulatory agencies. His practice involves a wide range of areas including water quality laws, cleanup of brownfield properties, groundwater contamination, CEQA and NEPA

compliance, water rights, and environmental due diligence in real estate and other asset transfers. He has represented clients on water resource and environmental matters in both State and Federal District courts, and in administrative hearings before several different local and state agencies and boards.

Existing and Potential Conflicts of Interests

Peltzer and Richardson, LC has some private clients but does not represent any public agency clients in San Luis Obispo County. We do not anticipate any actual or potential conflicts with representing IWMA.

References

1. City of Visalia – Leslie Caviglia, City Manager, 425 E. Oak Ave., Visalia, CA 93291, (559) 713-4332. Leslie.Caviglia@visalia.city. Our office is the City Attorney, and we attend all City Council meetings, Planning Commission meetings, and other types of committee meetings upon the request of the City Manager. Our office reviews and provides legal advice to the City on public contracting issues; drafting and enforcing municipal ordinances and building codes; real property transactions; eminent domain; franchise agreements; environmental law issues; compliance with laws applicable to municipalities including but not limited to Brown Act, Public Records Act, Proposition 218 issues, and the Americans with Disabilities Act. The City has a separate contract with another firm that handles civil litigation matters. We charge a flat monthly rate for “in-scope” or general counsel services. Separately our firm charges hourly fees for “out-of-scope” services, such as litigation matters where our office is the lead counsel or for special projects or when our firm is the lead negotiator for property acquisitions.
2. Lower Tule Irrigation District – Eric Limas, General Manager, 357 E. Olive Ave., Tipton, CA 93272, (559) 686-4716. ELimas@ltrid.org. The firm serves as General Counsel to the District. Our office provides legal advice to the District on a variety of matters including public contracting issues; public employment issues; real property transactions; eminent domain; franchise agreements; environmental law issues; water law issues; Brown Act; Public Records Act; and Proposition 218 issues. This firm represents the District in litigation matters; unless in the opinion of the firm the District will be better served by hiring special counsel to represent it in specific matters.

Fee Proposal

Our firm has worked with clients under a system wherein “general” services are provided under fixed monthly retainer with “special” services billed separately at hourly rates.

General services would include attending meetings, agenda item review with staff, review and drafting of agreements, resolutions, policies, and ordinances, in-service training, advising staff on state and federal law questions, review of CEQA documentation, preparing reports, presenting information at IWMA meetings, and availability for miscellaneous consultation (by telephone, e-mail, or in person as necessary) with staff, and oversight of outside special counsel. We would track and account monthly for all time spent on general services matters.

Office overhead would be included within the monthly flat fee for general services. If large office expenses, such as preparing large physical packets of information (over 100 pages) would be required, then we would itemize those items and charge them at cost.

We would propose a flat monthly fee of \$3,500 for years 1-3 with years 4-5 increased to \$4,000 per month. Time spent on matters would be tracked and provided to IWMA. This amount would be based on estimated workload and could be revised based on experience with actual time spent on projects after the contract begins.

Special services would be billed at an hourly rate and primarily consist of handling litigation in state or federal courts, or representing IWMA in an administrative action where our office serves as the lead attorney instead of providing oversight to special counsel. Separately we would request any specific matter that requires extended services by our office to also be billed on hourly basis, such as assisting the Executive Committee in conducting the annual performance evaluation of the Executive Director, or if presentations by our office would be required at the legislative bodies of IWMA members.

All special services would be subject to additional itemized expense recovery charges based on actual use at conventional rates – such as applicable postal rates, or a specific photocopying cost per page.

Work billed at an hourly rate would be at \$300/hr for attorneys and \$140/hr for administrative staff for years 1-3 and \$325/hr and \$150/hr for years 4-5.

Alternative – Hourly Rate

As an alternative to the above proposal, we would also offer an hourly rate, to be charged for all hours of actual work. The rates under this proposal would be \$300/hr for attorney and \$140/hr for administrative staff for years 1-3 and \$325/hr and \$150/hr for years 4-5. Under this alternative fee

proposal, we would bill all work on an hourly basis. Travel time to IWMA meetings would not be charged. Office overhead would not be separately charged except while working on a lawsuit. In that instance then applicable postage or photocopying charges would be tracked and charged.

Thank you for your consideration of Peltzer & Richardson, LC.

Peltzer & Richardson, LC



James Koontz
Peltzer & Richardson, LC
3746 W. Mineral King Avenue
Visalia, CA 93291
(559) 372-2400 – office
(559) 372-2403 – direct line
jkoontz@prlawcorp.com

San Luis Obispo County Integrated Waste Management Authority

Proposal for Outside General Legal Counsel

March 6, 2023

Craig Steele

847 Monterey Street, Suite 206
San Luis Obispo, California 93401
Telephone: 805 439.3515
E-mail: csteele@rwglaw.com



In Your Community
At Your Side

March 6, 2023

VIA ELECTRONIC MAIL: jlane@iwma.com

Peter Cron
Executive Director
San Luis Obispo County Integrated Waste Management Authority
870 Osos Street
San Luis Obispo, California 93401

Reference: **Proposal for Outside General Legal Counsel**

Dear Mr. Cron:

Richards, Watson & Gershon (RWG) is pleased to respond to San Luis Obispo County Integrated Waste Management Authority's (IWMA) Request for Proposals for Outside General Legal Counsel. RWG is one of the pre-eminent public law firms in California, representing California public agency clients from our offices across the state. We have significant expertise in the solid waste management legal issues that are central to IWMA's important work, the representation of Joint Powers Authorities (JPAs), and the general local government laws that govern IWMA. RWG's nearly 70-year old reputation is built on the values of integrity, transparency, and quality in service of public entities. The strength of our proposal lies in RWG's ability to combine the resources, cost efficiency, substantive expertise, and work quality of a major statewide public agency law firm with the regional knowledge and client access of our San Luis Obispo office only a few blocks from IWMA's office.

RWG has a staff of about 70 legal professionals statewide, with four currently located in our Central Coast office in San Luis Obispo. Because all of our lawyers specialize in various aspects of public agency law, RWG's clients are served by subject matter experts who usually do not need to learn specialized areas of law at the client's expense. This is particularly important for an entity like IWMA, where we know that much of the legal work will be in specialized practice areas like solid waste management and the laws pertaining to the authority and operation of JPAs.

I would take the lead in RWG's representation of IWMA, primarily with the support of my colleagues in our San Luis Obispo office. I have, over the course of my 30-year career at RWG, represented numerous JPAs formed for a wide variety of public purposes. I have formed new agencies and helped them to set up necessary governmental policies and procedures, I have helped well-established agencies understand new legislative mandates and programs, and I have helped various clients through controversies, management transitions, and crises. I also have significant experience with regional and county government entities. I am excited by the opportunity to provide legal services to IWMA in furtherance of its mission to provide coordinated efforts to comply with state waste and recycling policy on behalf of

member agencies through practical, cost effective programs, education, and technical support because I believe local government serves best when it is practical, cost effective, and up-to-date substantively and technically.

IWMA's outside counsel firm should support its mission in a number of important ways. First, a huge part of providing legal services to public agencies today is helping to distill and explain new laws and regulatory mandates - like SB 1383 for example - in accessible and productive language that helps our clients understand their obligations and limitations. Second, IWMA's counsel must provide creative legal options that help the agency accomplish its mission competently, transparently, and in compliance with applicable law. Third, your counsel must be cost conscious and efficient, recognizing that every dollar spent on administrative costs is a dollar not spent on improving our environment. Finally, every public agency's legal counsel must support and promote the agency's culture of integrity and transparency. RWG's history, and my own career, demonstrate that we can provide all of that support to IWMA.

My contact information is below:

**Richards, Watson & Gershon,
A Professional Corporation**
847 Monterey Street, Suite 206
San Luis Obispo, California 93401
Main: 805.439.3515

Craig Steele
Direct: 805.706.8110
Cell: 213.709.7880
Email: csteele@rwglaw.com

I look forward to further discussing our proposal with IWMA. If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'C. Steele'.

Craig A. Steele
Shareholder and President

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- Exhibit 1 Attorney Resumes
- Exhibit 2 RWG Current Client List

Executive Summary

As is demonstrated throughout this proposal, the members of the legal team we are proposing are exceptionally well-qualified to provide high-quality, cost-effective legal services to IWMA. We have years of experience with the representation of JPAs, and that experience provides valuable perspectives regarding the needs of special purpose public agencies and the unique challenges they face in serving their constituents.

We also know that not all public agencies are alike. This is especially true of JPAs, which are made up of members with unique interests and perspectives to accomplish a common goal. But no two JPAs are truly alike. We currently represent JPAs with such diverse purposes as regional water quality control, coordinating major public works projects, providing regional law enforcement services, promoting clean energy use, and managing and protecting regional open space resources. We are committed to working with IWMA to understand its unique legal services needs and how we best can meet those needs in cost-effective ways. We are versatile and can be as involved as IWMA would like; some clients reach out to us with discrete questions, others want us to be involved more regularly with the flow of their service to the public. In short, we will tailor our services to IWMA's needs and budget. Most important, our attorneys become a part of the team for every client we work with; we are accessible, dedicated, and zealous in our advocacy for our clients.

RWG is widely recognized as a premier, full-service law firm serving local public agencies throughout the state. Our firm was founded in 1954 and has been providing public entity legal services for nearly all that time. The Firm serves as General Counsel or outside special counsel to dozens of government entities, including multiple JPAs and special districts, and as City Attorney to 24 cities. As counsel to many types of public entities, we have direct experience in helping local government understand and implement various state mandates that have been adopted over the last several years including, recently, SB 1383. We have drafted literally dozens of solid waste-related local ordinances, negotiated and drafted waste franchise agreements, made multiple presentations on SB 1383, and worked directly with CalRecycle, waste haulers, and leading consultants such as HF&H on waste management issues. We regularly represent our clients in administrative proceedings and in litigation at all levels of the state and federal court and administrative systems.

We are committed to cost efficiency and excellence in the legal services we provide. We have developed the legal expertise, technological support services, and team approach to enable us to meet deadlines and provide a full range of quality advisory and litigation services. We are known for resolving difficult issues with creative, cost-effective, and practical solutions under the highest standards of professionalism and ethics. As counsel to multiple similarly-situated agencies, we often save money for our clients by splitting charges among multiple clients for advice about new legislation that is broadly applicable, using template agreements, and sharing research and experiences throughout the Firm.

Working Relationship

RWG's consistent philosophy is that the role of the General Counsel is to be a legal advisor and facilitator, not a policy maker. Our attorneys are professional and non-partisan at all times and have significant experience maintaining this role. We will participate in public meetings at the level desired by IWMA. Unless a significant legal question or issue arises, or there is a need to address public misconduct, we will interject in meeting discussions only upon the request of an IWMA official or staff member.

We recognize and respect that IWMA's governance and legislative decision-making is exercised through its Board of Directors as whole, and not by any individual, unless assigned by the Board. We likewise recognize that while we would represent the Authority through the Board as a whole, it is important to have productive relationships with, and the trust of, individual Board members and staff. To that end, we always make ourselves available to meet or speak with individual Board members as requested, and to answer all questions. Acknowledging that some of our existing clients are either members of IWMA or a special district represented by IWMA, we are experienced at navigating that role. Many of the JPAs we have represented have other clients as members. We disclose that relationship up front, and put guardrails in place to ensure that all entities' interests are protected. In the infrequent event of an actual conflict of interest between multiple clients, we always would follow the requirements of the California Rules of Professional Conduct.

Similarly, we realize that much of the IWMA's day-to-day work is handled by the Executive Director and other staff. We work collaboratively with staff as a part of the team, again recognizing that we are there to provide legal services and to assist staff in carrying out its mission, and not to overstep our role. We are responsive, timely, and accessible, allowing IWMA's staff to get the information they need and not get bogged down in legalese.

Firm Experience

General Public Agency Law

RWG takes pride in being a full-service law firm with expertise in the wide variety of legal issues faced by public agencies. We provide public entities a full service contract legal services solution with access to experienced specialists and statewide experts, and sophisticated support services, managed, and supervised by an experienced General Counsel with more broad substantive expertise. Through this system, we have the flexibility to deploy the volume and allocation of attorney services required in particular areas to IWMA's specific needs. When it is more cost-efficient for the client to have certain services performed by a paralegal or legal assistant, we do so at reduced cost to the client. Our primary areas of specialization include:

- Brown Act
- California Coastal Act
- CEQA
- Cannabis regulation
- Civil Rights
- Code Enforcement
- Community Choice Energy
- Conflicts of Interest
- Constitutional Law
- Elections
- Eminent Domain
- Environmental Law
- Hazardous Materials
- Historic Preservation
- Inverse Condemnation
- Joint Exercise of Powers Act
- Labor and Employment
- Litigation
- Land Use
- Litigation
- NPDES
- Ordinances and Resolutions
- PERS
- Planning & Zoning
- Proposition 218 Issues
- Public Agency Law
- Public Finance
- Public Records Act
- Public Works Projects
- Real Estate
- Special Districts Law
- Subdivisions
- Telecommunications
- Tort Defense
- Utility Rates & Charges
- Solid Waste Management and Recycling
- Solid Waste Franchise Agreements
- Water Law
- Writs and Appeals

Providing advice on the Brown Act, the Public Records Act, the Political Reform Act, and other laws that govern the operations of all local public entities and the conduct of government officials is a daily focus of our practice. We have developed an AB 1234 Ethics training program, with both in-person and online sessions available, that has been very well-received by our clients, as well as trainings for records officials and meeting management trainings. In addition, we advise government agencies and public officials on Political Reform Act issues. We prepare codes of conduct, rules of procedure, and other operational policies and ordinances for our clients, and we fully embrace the higher ethical standards and transparency that are expected of public officials. Indeed, in numerous instances, RWG has been brought in as counsel for agencies recovering from scandals or misconduct because of our earned reputation for integrity. Again, quality and cost-efficient public agency law is RWG’s brand. We are proud to be public officials ourselves and have extensive experience with all areas of public agency law. Because of our Firm’s emphasis on public agency representation, we do not typically have the extensive conflicts of interest associated with firms that depend more on the representation of private clients.

We understand the fiscal challenges faced by public agencies in general, and even more so today given the economic impacts flowing from the COVID-19 pandemic. We regularly assist our public agency clients to establish and increase fees, rates, charges, taxes, and assessments in compliance with the strict limits on local governments’ revenue powers, including Proposition 218 and the related statutes, Propositions 26, 62, and 13. RWG is recognized as a statewide leader in the interpretation and implementation of the constitutional and statutory provisions enacted by these initiatives.

Our experience with various environmental laws is extensive, and our presence in this important field is statewide. RWG’s attorneys also have been advising public entities concerning CEQA compliance since the

statute was enacted in 1970. The proposed team of attorneys is well-versed in the details of CEQA, including the use of subsequent and supplemental environmental documents, addenda, and the ever-changing criteria for the study of various environmental topics such as traffic, air quality, climate change, historical resources, public services, cumulative impacts, and tribal cultural resources. We often work closely with lead agencies' CEQA consultants and planners to ensure that the EIR or mitigated negative declaration for a project will withstand legal scrutiny. We have a long history of successfully creating records that will withstand CEQA challenges. RWG attorneys regularly handle public works contracting matters, including construction contract and bid document review, bid disputes, stop notice and retention issues, construction claims, and litigation stemming from these matters. We also have negotiated numerous utility franchises, and renewals of franchise agreements.

The more specific descriptions of our practice groups below provide further detail on our experience in the various specialized substantive areas of law that may be relevant to IWMA.

Solid Waste Management

Our lawyers who practice in the area of Solid Waste Management help public agencies to address the collection of solid waste and recyclables in their communities, as well as achieving compliance with the California Integrated Waste Management Act, CalRecycle Regulations, and other applicable laws. With the expertise of our public law attorneys, our team addresses the wide range of legal issues associated with collection of solid waste and recyclables for a variety of clients.

Representative Services

- **Collection Agreements:** the procurement, negotiation, drafting, and enforcement of solid waste collection (franchise) agreements.
- **Regulatory Ordinances:** assistance in drafting and enforcing ordinances and policies relating to solid waste and recyclables.
- **Fees and Rates:** assistance in compliance with laws applicable to setting and adjusting fees and rates, including compliance with Proposition 218 and related requirements.
- **Interpretation and explanation of CalRecycle regulations and monitoring of new legislation.**

Labor and Employment

The Firm's Labor and Employment Department represents public entity employers in all aspects of the employment relationship. We offer a full range of labor and employment legal services in human resources

administration, legal compliance, employer-employee relations, and employment litigation, including the following:

- Employment related issues associated with the COVID-19 pandemic, including vaccine and testing requirements, Cal-OSHA requirements, return to work issues, and compliance with ever-changing regulations.
- Human resources administration, including work involving the application, interpretation, and updating of personnel systems, personnel rules, classification plans, compensation plans, and district policies. We assist with benefits administration, including issues involving Public Employees' Retirement System (PERS). We also provide advice and representation in discipline matters and arbitration. We have conducted training programs covering performance evaluations, workplace investigations, family and medical leave programs, and harassment prevention. Recently our Labor and Employment Department provided training programs on AB 5, the Crown Act, and Policy and Procedure Writing.
- Compliance with employment laws such as those governing wages and hours (FLSA, California Labor Code), equal employment (Title VII, FEHA, ADA, ADEA), protected leaves of absence (FMLA, CFRA, PDL, Kin Care, Labor Code, Military Leave), and other employee rights (privacy, whistleblower, etc.).
- Employee relations including labor negotiations, MOU administration, meet and confer issues, grievances, unfair labor practice charges, and grievance appeals. We work to remain flexible in providing the employee relations services that will best serve the specific client involved.
- Advice to public agency civil service commissions and employee discipline authorities. We serve as designated counsel to the decision-maker or hearing officer in public agency employee discipline matters.
- Employment litigation, with the overall goal of labor and employment counseling to avoid litigation through a positive personnel program, preventive advice, and legally compliant procedures. When litigation is unavoidable, we have been very successful in defending the decisions of public entities in actions involving labor problems, alleged discrimination and harassment, and challenges to disciplinary decisions. On behalf of our public entity clients, we also appear in administrative proceedings, such as those before the Office of Administrative Hearings, the California Public Employment Relations Board, the California State Labor Commission, the California Public Employees' Retirement System Board of Administration, the California Department of Fair Employment and Housing (DFEH), and the U.S. Equal Employment Opportunity Commission (EEOC).

Litigation

RWG's experienced litigators handle a broad variety of cases. RWG's litigators provide expertise in defeating all manner of tort claims -- ranging from an alleged dangerous condition of public property to wrongful death claims arising from fatal accidents on public property, catastrophic landslides, real estate disputes, law

enforcement shootings, and other events. RWG’s litigators collaborate extensively with clients’ staff outside of the courtroom, meeting regularly to discuss best practices to minimize risk of liability. RWG’s litigators try cases to verdict before juries and judges in both state and federal courts. In high stakes cases and with client approval, RWG’s appellate team will work directly with trial counsel to set the stage in the event of an appeal.

We also bring significant experience in defending against claims brought by current or former employees against public agencies. Lawsuits in this area range from alleged discriminatory disciplinary action based on protected status to constructive or wrongful termination. RWG attorneys have defended public agencies throughout California in numerous administrative hearings and arbitrations involving alleged employment discrimination.

We have successfully defended hundreds of petitions for writs of mandate under Code of Civil Procedure Section 1085 (traditional mandate) and Code of Civil Procedure Section 1094.5 (administrative mandamus). The subject areas involved in these lawsuits are too numerous for a comprehensive listing here, but land use and CEQA cases comprise a significant part of our writ defense work. We have successfully defended against numerous land use and CEQA lawsuits brought by neighborhood groups opposed to an approved project, as well as cases brought by a developer challenging the denial of a project. Our writ cases frequently involve challenges to the validity of various ordinances, including zoning ordinances. Elections law cases comprise a perennial part of our practice. We are experienced litigation involving claims by and against public agency contractors, and we have challenged, and also defended challenges, to the constitutional validity of ballot measures and the validity of ballot titles, ballot summaries, ballot questions, and ballot arguments.

Whatever the subject matter, our pre-litigation and litigation approach ensures that a public agency’s final decisions are supported by a well-developed and thoughtfully constructed record. This includes marshalling substantial evidence to support written findings, followed by carefully drafting findings to support the decision. In many cases, our development of a strong record has deterred parties from challenging clients’ decisions, including decisions that have been politically unpopular. While we most often defend our clients in writ proceedings, we are also experienced in filing writ actions to protect our clients’ interests when necessary.

In addition to the areas of law mentioned above, we have defended cases involving federal and state anti-discrimination laws in the areas of housing, public access, and disability; inverse condemnation; annexation; public financing; municipal solid waste disposal; environmental laws; daytime juvenile curfews; view preservation; firearms regulation; preferential parking; legislative term limits; mobile home rent control; and numerous other areas.

RWG litigators have defended many challenges brought under the United States Constitution, including First Amendment free speech, free assembly, free exercise of religion, and establishment clause cases. The Fourth Amendment’s prohibition against unlawful searches and seizures figures prominently in many of our cases

representing public safety officers. The ban in the Fifth Amendment against takings without just compensation arises with some regularity in cases challenging the denial of land use permits. Equal protection and due process claims frequently accompany other challenges to legislative and quasi-judicative land use decisions. In addition to the Federal Constitution, we have successfully defended legal challenges pursued under counterpart provisions in the California Constitution.

As diverse as the cases we handle might be, there is one common guiding principle: our job as litigators is to fully understand and appreciate the demands that confront busy staff members, and the multi-faceted challenges that regularly face board members and other appointed officials.

Public Works and Contracting

RWG assists public agencies with procuring services necessary to construct facilities for the benefit of the public, including utility facilities, water wells and transmission facilities, sewers, storm drains, and many other public works. In addition to the Public Contract Code's rigorous procurement process, public works projects are also subject to comprehensive California Labor Code requirements. Navigating the comprehensive rules governing procurement of contractors, administering construction projects, resolving contractor disputes, as well as dealing with bid protests and subcontractor claims that arise all too often, and ensuring compliance with the Labor Code requirements, necessitates having guidance by attorneys experienced in all aspects of delivery of public works projects.

Our experience in assisting public agencies runs from the conceptual stage through successful project completion, including resolution of any disputes and claims. We are also very sensitive to the fact that services provided by consultants and other contractors on a public agency's property have the potential for causing injury or financial loss for which the agency may be held responsible. In contracting for such services, it is critical that contracts are drafted and/or reviewed by attorneys having experience in allocating risk to such consultants or contractors through appropriate indemnification provisions while ensuring financial responsibility to back up such indemnities with comprehensive insurance requirements. Whether a consultant or contractor will be performing for a week or a year, or the contract is minimal or substantial in amount, in the absence of appropriate contract terms written by an experienced attorney in drafting such contracts there will always be the risk of injury or loss and resulting damages for which an agency might be responsible.

Proposed Attorneys

RWG will commit our experienced and talented group of attorneys to meeting the legal needs of IWMA by delivering timely, high quality, and practical advice on a cost-efficient basis. Our team is based in our Central Coast office on Monterey Street in San Luis Obispo, but will draw on expertise from throughout the Firm as deemed necessary by the General Counsel.

The attorneys proposed to provide services to IWMA – and all attorneys in the Firm – are admitted to practice law in the State of California and are members in good standing with the State Bar of California. The following listing is representative of the attorneys who are proposed to primarily work with IWMA. We anticipate that other specialists will serve the client as well.

General Counsel and Relationship Partner



Craig Steele | General Counsel and Point of Contact

CA State Bar No: 162523
Date of CA Bar Admission: 12/92
Years of Practice: 31 years

847 Monterey Street, Suite 206
San Luis Obispo, CA 93401-3263
Direct: 805.706.8110
E-mail: csteele@rwglaw.com

Craig is a shareholder in the Public Law Department at Richards, Watson & Gershon and serves on the Firm’s Management Committee. He has spent his entire legal career at RWG, representing public agencies. He has over 30 years of experience practicing local government law and has worked in government and politics for over 35 years. Craig is the General Counsel to the Nipomo Community Services District, City Attorney for the City of Monrovia, and served as Counsel to the Successor Agency to the redevelopment agencies in multiple cities. He recently was appointed as outside counsel to the Los Osos Basin Management Committee. He served as General Counsel to the Los Angeles County Children and Families First Proposition 10 Commission (“First 5 LA”) for nearly 20 years. Craig and his wife own a home in Orcutt. He served as Agoura Hills City Attorney from 1999-2012, Highland City Attorney from 2007-2019, Seal Beach City Attorney from 2015 - 2023, and Interim CEO of First 5 LA throughout 2012.

He has formed and/or served as counsel to multiple JPA’s, including the Agoura Hills-Calabasas Community Center JPA, the I-5 Cities Consortium, the Foothills Special Enforcement Team, Foothills Air Support Team JPA, and the Mountains Recreation and Conservation Authority, among others. Craig has guided his clients through a variety of major public works projects, solid waste matters, telecommunications contracts, and land use issues. As a public law specialist, Craig has broad experience with the Joint Exercise of Powers Act, as well as the other legal issues that are important to public entities of all types, structures, geography, and characteristics.

A former political campaign manager, Craig is an expert in government ethics laws and transparency, and elections and voting, and has frequently been asked to speak and teach about those subjects by the California Special Districts Association, League of California Cities, the USC Price School of Public Policy, USC Gould School of Law, USC Sacramento Center, and other organizations.

Craig also is the author of dozens of local ballot measures, including open space preservation, local taxes and bond measures, fireworks regulation, and transportation issues. Public agencies consult with him at all stages of the process of ballot measure process, from polling and strategic decisions, to drafting the measure, to advising about processes and permissible public agency involvement in ballot measure activities. Many public entities with “in-house” counsel have consulted with Craig on ethics, transparency and elections issues, including the Cities of San Luis Obispo, Monterey, Compton, Redondo Beach, Hawthorne, Pasadena, Fremont, Livermore, and the San Diego Association of Governments. He has advised clients on issues as significant and diverse as multi-billion dollar county sales tax proposals to fund transportation projects, marijuana taxes and regulations throughout the state, local land use measures on the Central Coast, and districting measures in Imperial, San Bernardino, and Riverside Counties.

Craig concentrates on the representation of public agency clients in a wide range of government law areas and has written extensively on open government and democracy issues including *Ballot Measures and Municipal Elections: What Local Leaders Need to Know*, *Rules Regarding Ballot Measures and Lobbying*, *The Role of Special District Board Secretaries and Clerks*, *Campaign Finance Regulation*, *Lobbying*, *Public Records*, *Open Meeting Laws*, and *Conflicts of Interest Law*. His article “The Rules on Lobbying: What Every Local Official Should Know” was published in *Western City Magazine*. He is a past member of the FPPC Committee of the League of California Cities’ City Attorneys Department and also served on a task force of the Institute for Local Government drafting a resources book on open space acquisition by cities.

Prior to joining Richards, Watson & Gershon out of law school in 1992, Craig was a political campaign consultant and public affairs professional at Cerrell Associates, Inc., one of the nation’s most prominent public affairs firms. He worked on campaigns for state, local, and federal offices, including two presidential campaigns. He also worked as advance staff in connection with events such as the 1984 Olympics and the Los Angeles visits of Pope John Paul II in 1987 and His Holiness Vazken I of the Armenian Apostolic Church in 1988. Craig is a member of the Board of Directors of the USC Trojan Marching Band Alumni Association, and serves as a member of the Executive Committee and Chair of its Personnel Committee.



Chelsea O’Sullivan | Assistant Counsel

CA State Bar No: 308369
Date of CA Bar Admission: 12/15
Years of Practice: 8 years

847 Monterey Street, Suite 206
San Luis Obispo, CA 93401-3263
Direct: 805.250.7550
E-mail: cosullivan@rwglaw.com

A native of the Central Coast, Chelsea attended the University of Virginia Law School and practiced environmental law at a major national law firm for five years before returning to San Luis Obispo and joining

RWG in 2020. She now advises local governments on a wide variety of governmental law, transactional and advisory matters. Among other assignments from our Central Coast office, she is Assistant City Attorney in Pismo Beach and Solvang. Chelsea has experience advising our public agency clients throughout the State on SB 1383 compliance issues, and has been a key part of the team that has drafted organics recycling ordinances and revised solid waste franchises for multiple public agencies. Her practice also focuses on other public law issues, including matters relating to CEQA, CESA, the Brown Act, compliance with conflicts of interest rules, and the Public Records Act.



Dave Fleishman | Labor and Employment Law Counsel

CA State Bar No: 156695
Date of CA Bar Admission: 12/91
Years of Practice: 32 years
847 Monterey Street, Suite 206
San Luis Obispo, CA 93401-3263
Direct: 805.439.3515
E-mail: dfleishman@rwglaw.com

Dave is City Attorney for the Cities of Pismo Beach and Solvang, and has practiced extensively in the area of public law and in the area of labor and employment law for both public and private employers. His practice has focused on the representation of public agencies in an advisory role as city attorney or general counsel, as well as in public entity defense litigation, including writs and appeals, civil rights, Fair Labor Standards Act, wrongful termination, employment investigations, public contracting, tort claims, and code enforcement. Dave has extensive experience with personnel investigations.



Taylor Foland | Municipal Law Counsel

CA State Bar No: 333673
Date of CA Bar Admission: 1/21
Years of Practice: 2 years
847 Monterey Street, Suite 206
San Luis Obispo, CA 93401-3263
Direct: 805.439.3515
E-mail: tfoland@rwglaw.com

Taylor is an associate in our Central Coast office and advises local governments and other public agencies on a variety of government law issues. Her practice includes advising clients on public records issues, liability issues, land use law, and other legal issues facing public agencies. She also assists staff with drafting and reviewing ordinances, resolutions, contracts, and staff reports.

References

Following are client references for Craig and the RWG team. IWMA is welcome to contact any of the following individuals for reference information.

Name/Contact Information	Scope of Services
Mario Iglesias General Manager Nipomo Community Services District Phone: 805.929.1133 E-mail: miglesias@ncsd.ca.gov	General Counsel services, including SB 1383 compliance
Dylan Feik City Manager City of Monrovia Phone: 626.932.5585 E-Mail: dfeik@ci.monrovia.ca.us	City Attorney services
Jill Ingram City Manager City of Seal Beach Phone: 562.431.2527 x1300 E-mail: jingram@sealbeachca.gov	City Attorney services, including SB 1383 and other solid waste law issues
Christine Dietrick City Attorney City of San Luis Obispo Phone: 805.781.7140 E-mail: cdi`etrick@slocity.org	Special Counsel services

Conflicts of Interest

RWG carefully monitors all of its matters for both public and private clients to ensure that no work is undertaken for one client that would conflict with another client. We maintain an extensive database of information about individuals and businesses with matters pending in the jurisdiction of our client cities. This resource allows us to quickly and accurately identify potential conflicts with our representation.

We have completed a review of our past and present clients and we have not found any relationships that could cause conflicts of interest in providing legal services for IWMA. Should a potential or actual conflict arise, we would inform the clients immediately and take appropriate action. The ethical rules for attorneys who practice law in California govern how conflicts must be addressed. Depending upon the particular issue,

the State Bar Rules of Professional Conduct allow some conflicts to be resolved by advising the clients and obtaining their informed written consent to representation. Other conflicts cannot be waived by the clients. In those cases, we would advise IWMA immediately of the conflict and of our duty to refrain from representing IWMA with respect to that particular matter. RWG agrees to inform the Executive Director in writing of any known potential or actual conflicts of interest and not to engage in litigation on behalf of another client against the Authority without first obtaining written permission from the Executive Director to do so.

As noted above, we have decades of experience ethically representing JPAs while concurrently representing some of the JPA’s members. This is a common practice for JPAs, as IWMA is aware. RWG currently represents, or has recently represented, the following clients in San Luis Obispo County for various matters:

Client	Scope of Services
City of Pismo Beach	City Attorney
City of Morro Bay	Employment matters
City of San Luis Obispo	Various matters
Basin Management Committee for the Los Osos Groundwater Basin	Outside Counsel
County of San Luis Obispo	Litigation unrelated to IWMA
Cambria Community Services District	Employment matters
Nipomo Community Services District	General Counsel

Compensation and Reimbursements

Our proposed composite fee schedule below reflects a significant discount from our standard rates for attorneys, which typically vary based on the seniority and expertise of the attorney.

1) General Services

All legal services RWG provides to IWMA, other than litigation and public finance services (if any) as defined below will be deemed to be “General Services” and billed at a composite hourly rate for all attorneys of \$275 per hour, and at a composite rate for all paralegals of \$175 per hour, all billed in 1/10 hour increments. “General Services” includes, without limitation:

1. Attendance at monthly Board of Directors meetings, or as requested by the Executive Director or designated IWMA Officer.
2. Legal research and legal advice to the IWMA and designated IWMA Staff.
3. Preparation and review of resolutions, ordinances, agreements, and other legal documents.

4. Solid Waste and Environmental law advisory services.
5. Labor and Employment law services.
6. Public Records Requests, Conflicts of Interest and Brown Act.
7. Real Estate law and Land Use matters.
8. Oversight of legal matters handled by outside legal counsel.

2) Public Finance Services

Public Finance Services for Bond Counsel, Disclosure Counsel, or Issuer Counsel services would be billed at a composite rate for all attorneys of \$425 per hour, except that the total fee shall not exceed an amount which the Executive Director deems fair and reasonable.

3) Litigation

Litigation will be defined as representation of IWMA in all aspects of the initiation, advancement, or defense of claims in litigation, arbitration, mediation, or representation of IWMA in administrative proceedings before other public agencies. Litigation shall be billed at a 10% discount from our then-current standard hourly rate for each attorney working on the matter, not to exceed \$450.

4) Reimbursable and/or Other Costs

All additional out of pocket costs associated with our services, such as legal research services, copying, or messenger or delivery services, will be charged at the Firm's actual out-of-pocket expenses. The Firm will not charge for word processing and similar clerical tasks. To minimize travel-related costs, we are equipped with video conferencing capabilities which allows us to participate in meetings and court hearings remotely. RWG believes that most non-litigation legal work for the Authority can be done remotely. Travel time and mileage reimbursement for on-site work at IWMA's offices, courts in San Luis Obispo County, or other facilities will be billed from our San Luis Obispo office. Any other travel costs will be billed at actual cost with no markup.

Our proposed rates will not be raised for two years from the date of the initial contract. We typically include automatic CPI increases in our contracts after the initial rate period, with CPI increases not to exceed 5%. Beyond that, any rate increases are always discussed with clients in advance.

5) Complimentary Training and Resources

Once each calendar year, one or more RWG lawyers will provide at no cost to IWMA an on-site training session for IWMA personnel and officials on a relevant topic that is mutually agreed between the General Counsel and Executive Director. This training session could be a legally required AB 1234 session or mandatory sexual harassment training, or cover other important topics for public agency. In addition, RWG annually provides our clients with updated instructional handbooks on the Brown Act, Public Records Act, and Conflicts of interest at no cost to the clients.

Exhibit 1

Attorney Resumes

Craig STEELE

Shareholder

LOS ANGELES

T 213.626.8484

E csteele@rwglaw.com



Craig A. Steele is a shareholder in the Public Law Department at Richards, Watson & Gershon and serves on the Firm's Management Committee. Mr. Steele has nearly 30 years of experience practicing local government law and has worked in government and politics for over 35 years. Mr. Steele is the City Attorney for the Cities of Monrovia and Seal Beach, General Counsel to the Nipomo Community Services District, and Senior Counsel to the Los Angeles County Children and Families First Proposition 10 Commission ("First 5 LA"). He served as Agoura Hills City Attorney from 1999-2012, Highland City Attorney from 2007-2019, General Counsel to First 5 LA from 2000-2022, and Interim CEO of First 5 LA throughout 2012.

A former political campaign manager, Mr. Steele is an expert in elections, voting rights, and government ethics laws and has frequently been asked to speak and teach about those subjects by the League of California Cities, California Special Districts Association, and other organizations.

Mr. Steele concentrates on the representation of public agency clients in a wide range of government law areas and has spoken and written extensively on open government issues including Public Entity Ballot Measures, Lobbying, Public Records, Open Meeting Laws, and Conflicts of Interest Law. His article "The Rules on Lobbying: What Every Local Official Should Know" was published in the January, 2010 issue of Western City Magazine. He is a past member of the FPPC Committee of the League of California Cities' City Attorneys Department and also served on a task force of the Institute for Local Government drafting a resources book on open space acquisition by cities.

Mr. Steele is a past President of the Board of Directors of the Community Center of La Cañada Flintridge, former Vice President and a member of the Board of Directors of the Spartan Boosters, and served for several years as Chair of the La Cañada Unified School District's Bond Oversight Committee. He was also an

PRACTICE AREAS

Municipal & Public Agency Law

FOCUS AREAS

Elections, Voting & Campaign Finance

EDUCATION

J.D., University of Southern California Gould School of Law

B.A., University of Southern California

adjunct professor in the USC Price School of Public Policy in 2011 and 2012. He is a frequent speaker to classes at the USC Gould School of Law where his wife, Susan Wright, is Professor of Lawyering Skills and Director of Academic Success.

WORK FOR CLIENTS

As a public law attorney, Mr. Steele has broad experience with the legal issues that are important to public agencies of all types, structures, geography, and characteristics. He has served as a city attorney in charter cities and general law cities; in full-service cities and contract cities. Mr. Steele works with cities that provide police and fire services, utilities, and independent libraries, as well as cities that contract for such services. He has served in coastal communities, a foothill community with a wilderness preserve, and both built out and rural communities.

He has served as an independent investigator on campaign finance law issues for Ventura County, and has advised candidates for local, state, and federal offices and other private interests on a variety of election and political law matters. Mr. Steele is advising numerous public entities regarding voting rights, district election issues, and redistricting.

In the land use area, Mr. Steele has worked on a range of projects ranging from large (5,000+ planned units) residential subdivisions to small mixed use projects in historic downtowns. He has authored unique ordinances on such subjects as picketing in residential areas and food truck regulation. Mr. Steele also is the author of dozens of local ballot measures, including open space preservation, local taxes and bond measures, fireworks regulation, and transportation issues. Public agencies consult with him at all stages of the process of ballot measure process, from polling and strategic decisions, to drafting the measure, to advising about processes and permissible public agency involvement in ballot measure activities. Many entities with "in-house" City Attorneys and General Counsel have consulted with Mr. Steele on elections and voting issues, including the Cities of Compton, Redondo Beach, Hawthorne, Pasadena, Fremont, Livermore, San Luis Obispo, and the San Diego Association of Governments. In recent election cycles, Mr. Steele advised clients on issues as significant and diverse as the Los Angeles County and San Diego County sales tax proposals to fund transportation projects, marijuana taxes and regulations throughout the State, local land use measures on the Central Coast, and districting measures in Imperial, San Bernardino, and Riverside Counties.

PROFESSIONAL EXPERIENCE

Prior to joining Richards, Watson & Gershon out of law school in 1992, Mr. Steele was a political campaign consultant and public affairs professional at Cerrell Associates, Inc., one of the nation's most prominent public affairs firms. He worked on campaigns for state, local, and federal offices, including two presidential campaigns. He worked as advance staff for political figures such as U.S. Senators Albert Gore, Jr., Alan Simpson, and Lloyd Bentsen, Assembly Speaker Willie Brown, Los Angeles Mayor Tom Bradley, and Honolulu Mayor Frank Fasi. He also worked

as advance staff in connection with events such as the 1984 Olympics and the Los Angeles visits of Pope John Paul II in 1987, and His Holiness Vazken I of the Armenian Apostolic Church in 1988.

HONORS & AWARDS

City of Monrovia Community Policing Award, 2013

La Cañada Unified School District Governing Board's Award for Service, 2007

PROFESSIONAL AND COMMUNITY AFFILIATIONS

Member, Los Angeles County Bar Association

EXPERIENCE

HIGHLIGHTED PROJECTS (PUBLIC LAW)

- ▶ **First 5 LA – Interim CEO Appointment (2012).** As longtime counsel to First 5 LA, a Los Angeles County public agency that invests tobacco tax dollars for the benefit of children aged 0-5 and their families, Craig advised the Board and agency through the departure of the agency's CEO. After the separation, the Board asked Craig to serve as Interim CEO while a new CEO was recruited. He served in that position, running an agency with over 100 employees and an annual budget in excess of \$170 million, for a year while also coordinating the search for a permanent CEO.
- ▶ **City of Highland – Change to City Council Districts.** In response to a claim of racially-polarized voting patterns under the California Voting Rights Act ("CVRA"), Craig advised the City throughout the process of creating a district-based election system. This work included drafting a ballot measure seeking voter approval of the district system, guiding the City through the public process to create districts, and advising the City Clerk and City Council throughout the first district-based elections.
- ▶ **City of Monrovia – Opening of Hillside Wilderness Preserve.** This nearly 20-year project created one of Southern California's largest publicly-owned and publicly-accessible wilderness preserves in the foothills of Monrovia. Craig's work on this started with drafting the initial ballot measure that created the General Plan designation and Specific Plans for the area, and then advising the City throughout the cooperative acquisition of the Preserve property from various private owners using a combination of grant funds and the proceeds of a City special tax. He helped to draft and implement a property management plan that survived a CEQA challenge and limited opposition from local residents. Craig then participated in the process of the City acquiring the final easements and accesses needed to facilitate public access and drafting public access and use rules. The Preserve

opened to the public in 2017.

NEWS

Campaign Contributions Can Create Conflicts of Interest for Local Elected Officials Under New Law
01.03.2023

Relaxed Brown Act Requirements Will Temporarily Remain in Effect After June 15
06.04.2021

County Pays \$1.35 Million Penalty for Public Funds Spent in Support of Ballot Measure
09.01.2020

“Open and Public” Meetings and the COVID-19 Virus Emergency
03.16.2020

Proposed Ballot Measure Increasing Vote Requirement for Local Tax Measures Will NOT be on November Ballot;
Local Soda Taxes Prohibited in Legislative Deal
06.29.2018

PRESENTATIONS

Local Ballot Measures: Issues for City Attorneys
BACA (Bay Area City Attorneys), 01.31.2020

Meeting Management: Tips for Efficient and Effective Public Meetings
USC Sol Price School of Public Policy Local Leader Academy, 10.2019

Meeting Management – Tips for Efficient & Effective Public Meetings
California Special Districts Association Annual Conference, September 25-28, 2019

Candidate & Ballot Measure Elections: The Role of District Board Secretaries and Clerks
California Special Districts Association Board Secretary/Clerk Conference, 2018

Public Agency Advocacy: Rules Regarding Ballot Measures and Lobbying
California Special Districts Association Annual Conference, 2018

The California Voting Rights Act and Imposed District Elections
The California Voting Rights Act and Imposed District Elections, 2016

Local Initiatives and Referenda: Key Considerations for City Attorneys
League of California Cities City Attorneys Department, 2015

Tips for Effective Lawyering
USC Gould School of Law First Year Class, 2015

Dealing with Disruptions at Public Meetings
CLE International Municipal Law Conference, 2010

PUBLICATIONS

Local Ballot Measures: The Line Between Information and Campaigning
California Special Districts, Volume 17, Issue 3, July-Aug 2022

Local Public Agency Advocacy: The Line Between Information and Campaigning
California Special Districts, Volume 13, Issue 4, Jul-Aug 2018

The Rules on Lobbying: What Every Local Official Should Know
Western Cities Magazine, 01.10.2010

Proposition 208 Implementation Guide (contributor)
League of California Cities, 2007

New Election Law May Change the Face of Some Local Government Agencies
Public Law Journal, 2003

Chelsea O'SULLIVAN

Senior Attorney

CENTRAL COAST

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Chelsea advises local governments on a wide variety of governmental law, transactional and advisory matters. Her practice focuses on public and land use law issues, including matters relating to CEQA, CESA, the Brown Act, compliance with conflicts of interest rules and the Public Records Act.

PROFESSIONAL EXPERIENCE

Prior to joining Richards, Watson & Gershon, Chelsea worked as an associate for Venable LLP in Washington, D.C. where she gained broad experience in environmental and administrative law. Chelsea has experience advising clients on environmental liability management strategies and environmental due diligence in a variety of transactional contexts and is practiced at assisting clients on environmental and natural resource issues related to infrastructure development.

HONORS & AWARDS

Rising Star in Washington D.C. edition of *Super Lawyers*, 2020

Editor-in-Chief, Virginia Environmental Law Journal, 2014-2015

PRACTICE AREAS

Environment & Natural Resources

Municipal & Public Agency Law

Real Estate

FOCUS AREAS

CEQA (California Environmental Quality Act) (Environmental)

EDUCATION

J.D., University of Virginia School of Law

B.S., Saint Mary's College of California

Dave FLEISHMAN

Of Counsel

CENTRAL COAST
T 805.439.3515



Dave Fleishman has practiced extensively in the area of public law and in the area of labor and employment law for both public and private employers. His practice has focused on the representation of public agencies in an advisory role as city attorney or general counsel, as well as in public entity defense litigation, including writs and appeals, civil rights, Fair Labor Standards Act, wrongful termination, employment investigations, public contracting, tort claims and code enforcement. He has also represented private employers throughout California in wrongful termination, wage and hour, and other employment matters.

WORK FOR CLIENTS

He currently serves as City Attorney for the City of Pismo Beach and the City of Solvang. He formerly served as City Attorney for the cities of Guadalupe, Pacific Grove and Solvang, and deputy city attorney for the City of Atascadero. He also previously served as assistant city attorney for the City of Morro Bay. He was formerly Assistant General Counsel for the Cambria Community Services District and the Los Osos Community Services District. He also previously served as General Counsel for the San Simeon Community Services District. He has served as special counsel for the City of Torrance and City of Seal Beach civil service commissions. He has represented over 40 cities and special districts in California and Nevada in various labor and employment matters.

PROFESSIONAL EXPERIENCE

Prior to returning to Richards, Watson & Gershon, where he began his legal career in 1991, Dave was a partner for nearly 25 years in the law firm of Hanley & Fleishman, LLP, which focused on public agency representation throughout California.

PRACTICE AREAS

Labor & Employment
Municipal & Public Agency
Law

FOCUS AREAS

Personnel & Human Resources
Public Records & E-Documents
Public Works & Public
Contracting

EDUCATION

J.D. *cum laude*, University of
Arizona School of Law
A.B., University of California,
Berkeley

PROFESSIONAL AND COMMUNITY AFFILIATIONS

Chairperson, Legal Advocacy Committee, League of California Cities, 2018-19, Member 2017-18, 2012-14

Past President, City Attorneys Department, League of California Cities, 2021-2022

Member of Ad Hoc Committee - League of California Cities City Attorneys Department Listserv

Moderator – League of California Cities City Attorneys Department Listserv

Legislative Consultant – League of California Cities

EXPERIENCE

PUBLISHED OPINIONS

▶ *George v. City of Morro Bay*, 177 F. 3d. 885 (9th Cir. 1999)

NEWS

Supreme Court Reaffirms "California Rule" for Public Agency Employee Pensions and Upholds PEPRAs Changes
07.31.2020

PRESENTATIONS

Email and E-Records Retention Issues under the Public Records Act
League of California Cities City Attorneys Conference, 05.2013

Dealing With Disruptive Members of the Public
League of California Cities Annual Conference, 10.2002

PUBLICATIONS

Paper Terrorism: The Impact of the "Sovereign Citizen" on Local Government
Public Law Journal, Vol. 27, No. 2, 2004

Featured Lawyer
Wired Lawyers, 11 *Law Office Computing* 2, April/May 2001

Taylor FOLAND

Associate

CENTRAL COAST

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Taylor advises local governments and other public agencies on a variety of government law issues.

PROFESSIONAL EXPERIENCE

Taylor joined Richards, Watson & Gershon in 2019 as a Summer Associate. While in law school, she externed for the City of Sacramento City Attorney's Office and provided contract legal services for tribal communities in Northern California. Taylor was also Co-Chair of the Womxn's Law Association, President of the Lawyers for Reproductive Justice Society, and a member of the UC Davis Law Review.

NEWS

Sober Living Homes May Challenge Zoning Regulations in Court

01.12.2023

PRACTICE AREAS

Municipal & Public Agency
Law

FOCUS AREAS

Land Use Planning & Zoning
(Municipal)

EDUCATION

J.D., University of California,
Davis School of Law

B.A., M.A., University of St.
Andrews

Exhibit 2

Representative Public Law Client List

REPRESENTATIVE PUBLIC LAW CLIENT LIST

CURRENT CITY ATTORNEY REPRESENTATIONS

Agoura Hills	Fairfield	Maywood	San Bruno
Banning	Hidden Hills	Mill Valley	Seal Beach
Beverly Hills	Highland	Monrovia	Solvang
Brea	Jurupa Valley	Moorpark	Temecula
Calimesa	La Mirada	Pismo Beach	Westlake Village
Covina	Manhattan Beach	Rancho Cucamonga	
Davis			

OTHER GENERAL AND SPECIAL COUNSEL CLIENTS

JOINT POWERS AUTHORITIES

Agoura Hills Calabasas Community Center	I-5 Consortium of Cities Indian Wells Valley Groundwater Authority	Orange County Fire Authority	Silicon Valley Clean Energy Authority
Burbank-Glendale- Pasadena Airport Authority	Las Virgenes-Malibu Council of Governments	Pioneer Community Energy	Sonoma Clean Power
CSCDA Community Improvement Authority	Los Cerritos Wetlands Authority	Salida Area Public Facilities Financing Agency	South Bay Regional Public Communications Authority
California Statewide Comm. Development Authority	Marin Clean Energy	San Bernardino County Transportation Authority	Southeast Water Coalition
Central Basin Water Rights Panel	Marin Emergency Radio Authority	San Francisquito Creek	Tri-City Mental Health Authority
Clean Energy Alliance	Marin General Services Authority	Schools Infrastructure Financing Agency	Valley Clean Energy Alliance
East Bay Community Energy Authority	Metro Gold Line Foothill Extension		Watershed Conservation Authority
Gateway Integrated Resources Management Plan Authority	Construction Authority		

SPECIAL DISTRICTS AND SPECIAL PURPOSE AGENCIES

Conservation

Mountains Recreation & Conservation Authority

Fire

Burney Fire Protection District

Rancho Cucamonga Fire Protection District

Ross Valley Fire Service

Libraries

Palos Verdes Library District

Parks & Community Services

Cambria Community Services District

Granada Community Services District

Nipomo Community Services District

Rubidoux Community Services District

Sonoma County Community Development Commission

Health & Human Services

First 5 LA

L.A. Care Health Plan

Utilities

Bolinas Community Public Utility District

Lost Hills Utility District

Vector Control

Greater L.A. County Vector Control District

Veterans Memorial District

Clovis Veterans Memorial District

Water & Waste Management

Antelope Valley East Kern Water Agency

Beaumont-Cherry Valley Water District

Borrego Springs Watermaster

Green Valley County Water District

Madera County Groundwater Sustainability Agency

Marina Coast Water District

Montecito Sanitary District

San Mateo County Flood and Sea Level Rise Resiliency District

San Mateo County Harbor District

Six Basins Watermaster

HOUSING AUTHORITIES

Compton
Covina
Fairfield

Highland
Huntington Park
Manteca

Pasadena
Poway
Temecula

Whittier
Yucaipa

SCHOOL DISTRICTS

Claremont Unified School District

Modesto City Schools

LOCAL AGENCY FORMATION COMMISSIONS

San Francisco

CITIES, TOWNS & COUNTIES – SPECIAL COUNSEL

Adelanto	Inglewood	Pasadena	Santa Clara County
Alhambra	La Habra	Petaluma	Santa Clarita
Anaheim	Laguna Niguel	Pittsburg	Sausalito
Baldwin Park	Lemon Grove	Placentia	Seaside
Blythe	Livermore	Redondo Beach	Simi Valley
Buena Park	Long Beach	Rialto	Sonoma County
Carlsbad	Los Gatos	Richmond	South Lake Tahoe
Commerce	Madera County	Sacramento County	Sunnyvale
Compton	Manteca	San Buenaventura	Taft
Contra Costa County	McFarland	San Diego	Tehachapi
Culver City	Montclair	San Jose	Torrance
Del Rey Oaks	Morro Bay	San Juan Capistrano	Upland
Downey	Newport Beach	San Luis Obispo, City of	Ventura County
Folsom	Oceanside	San Luis Obispo County	Vernon
Fremont	Oxnard	San Rafael	Vista
Hawthorne	Palm Desert	Santa Ana	Wasco
Huntington Beach	Palmdale	Santa Barbara	Westminster
Indio	Palo Alto	Santa Clara, City of	Whittier
			Yucaipa

SUCCESSOR AGENCIES*

Agoura Hills	Hawthorne	Moorpark	Seaside
Blythe	Highland	Palm Desert	Turlock
Compton	Manteca	Pasadena	Whittier
Covina	Monrovia	Seal Beach	Yucaipa
Fairfield			

* Successor agencies are agencies that were constituted as a result of the dissolution of former redevelopment agencies. We have not separately listed these successors’ respective redevelopment agencies that we previously represented.

RICHARDS WATSON GERSHON

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e-mail: oc@rwglaw.com

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Temecula, California 92590-2764
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Facsimile: 951.695.2372
e-mail: tem@rwglaw.com



SHUTE
MIHALY &
WEINBERGER
LLP

PROPOSAL

Outside General Counsel,
San Luis Obispo County
Integrated Waste
Management Authority

March 6, 2023

Heather Minner
Richard Taylor

Shute, Mihaly & Weinberger LLP
396 Hayes Street
San Francisco, CA 94102
Phone: (415) 552-7272
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minner@smwlaw.com
rtaylor@smwlaw.com

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March 6, 2023

Peter Cron, Executive Director
SLO County IWMA
870 Osos Street
San Luis Obispo, CA 93401
jlane@iwma.com

Re: General Legal Counsel Services - Response to Request for Proposals

Dear Mr. Cron:

We are pleased to submit Shute, Mihaly & Weinberger's proposal for Outside General Counsel Legal Services for the San Luis Obispo County Integrated Waste Management Authority (IWMA). SMW is ideally suited to serve as General Counsel for the IWMA. Since the early 1980s, we have provided general counsel services to the Alameda County Waste Management Authority (ACWMA), assisting it in adopting cutting-edge programs and navigating the complexities involved with governing a Joint Powers Authority consisting of 17 member agencies. The Firm's experience with the legal issues associated with solid waste management and sustainability has further expanded with our representation of the Central Contra Costa Solid Waste Authority. And as city attorney to three cities and counsel to dozens of other cities and special districts we offer top-notch public agency law services, efficiently leveraged from our representation of numerous clients.

Under this proposal, Heather Minner would serve as General Counsel. Heather is a highly experienced government attorney who recently served as City Attorney for the City of Cupertino, and Assistant City Attorney for the City of Half Moon Bay. Heather also has a deep knowledge of governance and jurisdictional issues associated with JPAs through her representation of the Transbay Joint Powers Authority and the ACWMA. Richard Taylor would serve as Assistant General Counsel. Richard currently serves as general counsel to the ACWMA and City Attorney for the City of Saratoga. Other members of the Firm could lend their expertise to special projects and assist in litigation if the need arises.

SMW will provide prompt responses to day-to-day legal issues that arise in the course of IWMA's business as well as provide strategic advice on programs and JPA governance issues. We will work efficiently and assist with staff trainings so that the IWMA can stay within its budget for legal counsel services.

This proposal provides an overview of the Firm, summarizes the relevant experience of our attorneys, and offers our proposed rates, references, and other requested information. We will of course be happy to work with you to further tailor our proposal to meet the IWMA's needs.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Heather Minner

PROPOSAL FOR GENERAL COUNSEL SERVICES**1. QUALIFICATIONS OF FIRM AND PERSONNEL****A. SCOPE OF SERVICES**

For the legal services requested by IWMA, we would designate two partners, Heather Minner and Richard Taylor, as the principal client contacts. Heather would serve as General Counsel for the IWMA, with Richard serving as a consulting attorney and Heather's primary backup. Heather and Richard both have substantial experience in the areas discussed below.

Our Firm will fulfill the requirements of the role of the IWMA General Counsel by:

- Providing prompt legal advice to the Board and Executive Director when requested on general legal issues that arise in the course of IWMA's business. As needed, our advice will address compliance with CalRecycle Regulations, state and federal statutes and regulations, contracts, CEQA, the Brown Act, ethics and conflict-of-interest law, the Public Records Act, personnel and employment law, and intergovernmental regulations.
- Developing legal opinions or responses on specific issues when needed, and maintaining an inventory of opinions and responses provided to IWMA to assure eliminating redundancies and consistent direction of recurrent issues.
- Providing updates on important developments concerning the Political Reform Act and other conflict of interest issues, legislation, and judicial decisions relevant to conduct of IWMA's business.
- Reviewing and commenting on documents prepared by IWMA staff including staff reports, resolutions, contracts, correspondence, administrative policies, and other documents as needed within the requested timeframe.
- Preparing or reviewing agency agreements, CEQA documentation, and other materials on request, and preparing occasional reports and presenting information at public meetings as needed.
- Serving as General Counsel in all Board matters, including litigation and administrative proceedings, by developing an effective strategy with the Executive Director, the Board and staff, while also seeking to resolve litigation when possible and in the best interests of IWMA and recommending outside counsel when it would best serve the interests of the IWMA.

- Maintaining regular contact with IWMA staff and Board. Heather Minner and other designated attorneys will be available to consult with IWMA staff and Board members on a daily basis by phone, video, and email. We will return emails and telephone calls within 24 hours. Heather will attend monthly IWMA Board meetings in person, and can attend other meetings remotely as requested. Heather is also available to attend other meetings in-person when warranted by a particular occasion. SMW partners Richard Taylor and Seph Petta are available to serve Heather's back-up when needed.
- Assisting the Executive Committee in conducting an annual performance evaluation for the Executive Director by compiling and distributing the annual review to the Board, presenting a summary of the evaluation at a closed session conference, and completing the evaluation.
- Providing practical and pragmatic advice to achieve Client objectives, while utilizing the fact that we represent, as general or special counsel, many public agencies and can spread the cost of preparing legislative and other reports over many clients.
- Evaluating the most efficient method of completing the work by understanding how we complement the work done by staff and other officials and empowering staff to perform recurring tasks.
- Constantly evaluating new methods to achieve efficiencies, including the development of forms, contracts, and training for IWMA staff.
- Staying on or below budget by carefully avoiding overstaffing cases, avoiding duplicative work, and adjusting work assignments to take advantage of attorneys with lower billing rates when possible.
- Utilizing lawyers in our Firm who are specialized and therefore efficient in their areas of practice.

B. DESCRIPTION OF THE FIRM

Shute, Mihaly & Weinberger LLP is California's preeminent public agency, land use, environmental law, and renewable energy law firm. The firm was founded in 1980 by three former members of the state Attorney General's office. Our first case was a unanimous decision from the U.S. Supreme Court in *Agins v. Tiburon*, 447 U.S. 255 (1980), which upheld the ability of cities and counties to protect open space. Since that time, the firm has achieved an exceptional record of victories in the U.S. and California Supreme Courts, in lower federal and state courts, and before a wide range of state and federal administrative agencies. Outside of court, we have brought our clients success in a variety of complex, and often highly controversial, matters.

This track record, along with our singular focus on providing well-reasoned, clear, and practical advice to our clients, has garnered the firm a well-deserved reputation as the “go to” firm for public agencies, environmental organizations, and community groups alike. We believe that this mix of clients gives us a unique perspective on the constraints and opportunities that laws regulating local governments create for parties on opposite sides of frequently contentious issues. In many situations, it also gives us the experience, contacts, respect, and relationships to develop, negotiate, and implement creative solutions to seemingly insoluble problems. We take pride in the fact that we frequently are able to achieve these solutions without the need for any court proceedings, even where litigation was initially thought to be inevitable. We also take pride in the number of referrals and accolades we receive not only from our current and past clients, but also from our colleagues and opposing counsel.

The firm is majority women-owned, and it is certified as both a green business and a small business enterprise. Our over 40 lawyers and in-house land use planners provide interdisciplinary and integrated legal representation across the full spectrum of public agency, land use, environmental, and renewable energy law. The firm’s attorneys have won ten prestigious “California Lawyer Attorney of the Year” (CLAY) Awards, including three in 2020.

C. STATEMENT OF QUALIFICATIONS AND SUMMARY OF RELATIVE PREVIOUS EXPERIENCE

Since 1980, SMW has specialized in government, land use, renewable energy, and environmental law. We provide public agencies, non-profits, tribes, and community groups with the highest quality legal representation, offering an array of litigation, regulatory, counseling, and planning services, including the following:

Public Law. SMW serves as City Attorney for the cities of Saratoga, Orinda, and Half Moon Bay. Additionally, the Firm serves as general counsel and special counsel to various other cities and counties, joint powers authorities, and special districts. In these capacities, as well as in our representation of other public agencies across the state, we regularly advise clients on the California Tort Claims Act, the Brown Act, the California Public Records Act, ethics and conflict-of-interest requirements, and general liability issues. In particular, the Firm has extensive experience with public works contracting, labor compliance, and state and federal grant compliance. When requested, we provide engaging and highly relevant training tailored to our public agency clients. We also assist with drafting policies/procedures and code updates.

Joint Powers Authorities. The Firm serves as General Counsel to four Joint Powers Authorities (JPA): the Alameda County Waste Management Authority (aka StopWaste), consisting of Alameda County, every city in Alameda County, and two sanitary districts; the Energy Council, consisting of all StopWaste member agencies except the sanitary districts); the Central Contra Costa Solid Waste Authority (aka RecycleSmart), consisting of the Town of Danville, City of Lafayette, Town of Moraga,

City of Orinda, City of Walnut Creek and portions of unincorporated Contra Costa County; and the Transbay Joint Powers Authority, the JPA established to develop the Transbay Terminal in downtown San Francisco.

The Firm also represented the cities of Livermore and Pleasanton in connection with comprehensive revisions to the Joint Powers Agreement for the Livermore-Amador Valley Water Management Agency. The Agency operates wastewater disposal facilities for three cities in eastern Alameda County and a portion of a fourth city in Contra Costa County. The revised Agreement provides for the repair of an existing pipeline and expansion of the wastewater disposal system to meet the planned growth of the member communities. The Firm also assisted in the preparation of environmental documentation and other agreements, permits and documentation required for implementation of the project.

Solid Waste. The Firm has extensive experience in a range of solid waste matters. The Firm serves as General Counsel to the Alameda County Waste Management Authority (Stop Waste) and has worked on a variety of special projects for the Authority since the early 1980s. These include negotiations with the waste industry to ensure accurate reporting and payment of fees; developing and successfully defending a countywide fee for disposal of household hazardous wastes, drafting a countywide ordinance for implementation of SB 1383, litigation defending a challenge to an amendment of its Countywide Integrated Waste Management Plan (CoIWMP); processing CoIWMP amendments; drafting ordinances regulating single use plastic bags, and imposing mandatory recycling requirements and green waste disposal standards; and advice in connection with fees to finance agency programs. We are currently advising StopWaste in developing a model ordinance for the regulation of disposable foodware and sales of polystyrene foam and other non-recyclable/non-compostable materials.

The Firm also serves as General Counsel to the Central Contra Costa Solid Waste Authority (RecycleSmart), a joint powers authority providing recycling, compost, and solid waste diversion and disposal for five cities and a portion of the County. In addition to typical public agency legal services, we have provided the JPA legal counsel on a variety of topics pertinent to solid waste agencies, including resolving disputes with franchised haulers, responding to implications of China National Sword, advising on annual maximum rate setting and franchisee requests for special rate review, implementing SB 1383 obligations, and preparing for procurement of the agency's next franchise agreements.

In the course of the Firm's work for public agency clients, the firm has negotiated with a number of major companies in the waste industry, including Waste Management and Republic Services, Recology, and Waste Connections.

Recently, the Firm assisted numerous public agencies adopting municipal ordinances to implement SB 1383, California's groundbreaking law aiming to reduce disposal of

organic waste at landfills by 75 percent from 2014 levels by 2025. We assisted the Alameda County Waste Management Authority, the Central Contra Costa Solid Waste Authority, Cupertino, Half Moon Bay, and Saratoga with the drafting of ordinances to accomplish this important part of the state's strategy to reduce methane and greenhouse gas emissions, and address food insecurity.

As the Alameda County Waste Management Authority found that its past work and sustainability expertise created opportunities to promote energy conservation in addition to its waste reduction work we advised in the formation of The Energy Council, a new Alameda County joint powers agency focused on energy retrofits, green building, and similar undertakings

Public Contracting. As City Attorneys for several Bay Area cities and general and special counsel to other public agencies, SMW has experience with complying with federal and state requirements related to public contracting. The Firm also has experience advising community organizations who receive federal and state grants on procurement requirements.

The Firm routinely advises clients with respect to implementation and refinement of bid protest procedures to ensure best practices and minimize litigation risk. The firm has successfully resolved numerous bid protests without litigation, and advises on matters related to bid mistakes and bid relief, changes to subcontractors, and change orders.

Labor Compliance. Related to its practice in advising public agencies and community organizations on public contracting, the Firm provides advice related to complying with State and Federal labor standards. The Firm also has experience with serving as counsel to investigatory bodies conducting contractor compliance investigations after receiving complaints of labor code violations related to prevailing wage.

Real Estate Law. SMW guides several public agencies in large development projects of different types. The Firm's work often begins with land assembly, generally either through negotiating complex agreements with state and local agencies or through leading eminent domain processes and the subsequent litigation and/or purchase negotiations. Both of these paths involve extensive work on appraisal, title issues, and the negotiation of purchase or exchange agreements. SMW attorneys also implement such agreements through complex closings, often involving clearing difficult title exceptions. These projects frequently involve construction-period leases and licenses and long-term ground leases for development; the Firm advises on such leases and has additionally negotiated leases for many other landowner public agencies, and provides advice to such lessors on ongoing tenant and land-management issues.

On behalf of municipal and water district clients such as the Contra Costa Water District (CCWD), the Firm routinely drafts and negotiates easement agreements for flood control, pipeline and infrastructure projects. In addition, the Firm has

negotiated and litigated to acquire land and easements for flood safety projects on behalf of the Sacramento Area Flood Control Agency, including litigating application of zoning designations limiting development of property being acquired. The firm regularly negotiates easements for land trust and conservation work including negotiating and closing multiple easements for Agricultural Natural Resources Trust across Sacramento, Sonoma, Contra Costa, and Alameda Counties.

Rates, Fees, and Charges. SMW advises public agencies on mechanisms for bridging the public funding gap resulting from Propositions 13, 218, and 26 and a sharp decline in financial assistance to local agencies. The firm has broad expertise in studies to demonstrate the need for development impact fees and regulatory fees, drafting fee and tax legislation, defending challenges to these programs in the courts, and establishing assessment and Mello-Roos Community Facilities Districts.

For example, the firm recently assisted the City of Half Moon Bay with its Proposition 218 process for its 2020 sewer rate adjustments and in 2014 advised the Alameda County Waste Management Authority in setting a countywide fee collected via the property tax roll to support the household hazardous waste program for Alameda County.

Litigation. SMW attorneys are experienced and effective litigators, both bringing and defending lawsuits on behalf of public agencies, and supervising outside counsel Representative examples include:

- The Firm successfully defended litigation against the Alameda County Waste Management Authority, challenging its annual Household Hazardous Waste fee as an illegal assessment under Proposition 218. *Crawley v. Alameda Cty. Waste Mgmt. Auth.* (2015) 243 Cal.App.4th 396.
- The Firm successfully enforced the Alameda County Waste Management Authority's demand under the Integrated Waste Management Act for landfill weight tickets associated with the unreported hauling of solid waste originating in Alameda County. The court of appeal agreed that the Act does not require a showing that weight tickets are "necessary" for the purpose of enforcing agency fees, in order to obtain the tickets from landfills. The ruling will assist in the recovery of millions of dollars in unpaid landfill fees, which are critical for implementing the agency's Waste Management Plan. *Alameda Cty. Waste Mgmt. Auth. v. Waste Connections US, Inc.* (2021) 67 Cal.App.5th 1162.
- The firm successfully defended the Alameda County Waste Management Authority against a CEQA lawsuit challenging an amendment to its Waste Management Plan on grounds that a recycling and composting project addressed in the amendment had changed since it was first approved. The court held that the project had not significantly changed in a manner that

required additional environmental review. *Stein v. Alameda Cty. Waste Mgmt. Auth.*, 2020 WL 4745561 (unpublished).

- The Firm defended the East Bay Regional Park District in a lawsuit challenging its approval of an MOU allowing safety-related tree removal for gas pipelines. The Park District prevailed on demurrer at the trial court and on appeal against multiple arguments. In a question of first impression, the Firm successfully argued that the Park District's enabling legislation granted it the authority to independently manage its resources on park property. The appellate action resulted in the published decision of *Save Lafayette Trees v. East Bay Regional Park District* (2021) 66 Cal.App.5th 21.
- Representing the Silverado-Modjeska Recreation and Park District, SMW successfully appealed a trial court ruling that required the Park District to pay \$350,000 in attorney's fees to the developer of a proposed complex of luxury equestrian estates in Orange County, due to an alleged breach of contract associated with a CEQA action against the development. The Fourth District Court of Appeal reversed the fee award, thus allowing the District to continue working to protect and provide access to open space in the Silverado-Modjeska canyons.
- The Firm represents public agencies in a wide variety of eminent domain actions to conserve natural areas, create parks, and acquire rights-of-way for public transit and public utilities.

Risk Management. The Firm helps its public agency clients identify, assess, and prioritize risks to guard against accidents, legal liability, and other problems. SMW adopts a pragmatic, problem-solving approach and works with staff in a proactive manner to streamline legal review and risk management. The Firm regularly updates public agency documents such as model contracts for services and construction, waivers/releases, insurance requirements, and indemnity agreements. We advise our clients on legal issues related to insurance coverage, and we are frequently called on to help clients supervise counsel retained by public agency insurance pools to ensure the representation provided is appropriate.

Environmental Law. Environmental law, including the California Environmental Quality Act (CEQA), has been at the core of SMW's practice since its founding. SMW advises a wide variety of clients, from state and local governments to environmental organizations, community groups, and Indian tribes, on compliance with and enforcement of these statutes. SMW assists public agencies in all aspects of the administrative process, including determining the proper scope of environmental review, reviewing drafts of CEQA/NEPA documents, preparing and reviewing responses to comments, and advising agencies on the approval process. The firm also regularly engages in CEQA/NEPA litigation on behalf of public agencies, including CEQA/NEPA defense and prosecution.

Asset and Facilities Management. The Firm represents public agency clients in connection with complex property and facilities management issues. The Firm has advised the Alameda County Waste Management Authority regarding the acquisition and management of the hundreds of acres of rangeland owned by the Authority for reserve landfill capacity, habitat protection, and demonstration rangeland management. SMW has provided advice regarding the bidding process for leases and licenses, drafted and provided advice regarding grazing leases, and negotiated and drafted residential leases and leases with Sprint/Nextel, T-Mobile and Comcast. The firm has also advised the Authority on use of its property for habitat mitigation, and negotiated conservation easements, endowments, and other related agreements to ensure the agency can effectively use and manage its mitigation property. The firm also provided advice and negotiated the resolution of a boundary dispute with one of the agency's neighboring property owners.

As general and outside counsel to the Transbay Joint Powers Authority (TJPA) since 2005, the Firm has drafted and negotiated numerous real estate agreements, including leases, easements, and purchase agreements for the acquisition of right-of-way, construction and operation of a new multi-modal Transit Center in Downtown San Francisco and the extension of Caltrain from its current terminus to the new Transit Center. Our work for the TJPA has included assisting with legal issues related to the 5.4-acre rooftop park at the Transit Center.

D. QUALIFICATIONS OF PROPOSED LEGAL COUNSEL AND OTHER DESIGNATED ATTORNEYS

Heather Minner, Proposed Legal Counsel

Heather Minner is a partner with Shute, Mihaly & Weinberger LLP. She joined the firm in 2008 after serving as a judicial clerk for the Honorable Garland E. Burrell Jr. of the United States District Court for the Eastern District of California.

Ms. Minner received her J.D. from the University of California, Berkeley School of Law in 2007 where she earned a certificate in environmental law and was elected to the Order of the Coif for graduating in the top 10 percent of her class. She was admitted to the California Bar that same year. Ms. Minner also holds an M.A. in Urban Planning from the University of California, Los Angeles.

During the past 15 years with SMW, Ms. Minner has regularly advised and provided transactional services to the firm's public agency clients including the cities of Cupertino, Saratoga, Half Moon Bay, and Orinda as well as the firm's other public agency clients, including the Alameda County Waste Management Authority, the Transbay Joint Powers Authority (TJPA), and the South Coast Air Quality Management District. Ms. Minner served as the City Attorney for the City of Cupertino for two and a half years and then assisted the City with a transition to in-house city

attorney services. Before her appointment to Cupertino, Ms. Minner served as the Assistant City Attorney to the City of Half Moon Bay for two years. She currently serves as Legal Counsel for the San Bruno Community Foundation, a nonprofit organization created by the City of San Bruno to administer \$70 million in restitution funds received from PG&E after the devastating 2010 gas pipeline explosion in San Bruno's Crestmoor neighborhood.

Ms. Minner's practice includes municipal law, election law, environmental review, state planning and zoning law, public contract law, renewable energy law, and real estate transactions.

Representative Experience

Public Agency Law: Ms. Minner advises public agencies on compliance with the Public Records Act, the state's records retention laws, the Brown Act, and the Political Reform Act.

- Currently serves as Legal Counsel for the San Bruno Community Foundation. Advises the Executive Director and Board members on Brown Act compliance and potential conflicts of interest. Reviews service contracts and advises on insurance requirements.
- Advised the City Council for the City of Cupertino during City Council Meetings. Advised the Half Moon Bay Planning Commission during their meetings and served as back-up to the Half Moon Bay City Attorney. Previously served as acting General Counsel for the TJPA.
- Advised Planning Commissioners and City Council members on potential conflicts of interest under the Political Reform Act and common law, and compliance with Brown Act requirements for public meetings and closed sessions.
- Formalized a PRA response process for the TJPA that allows staff to comply with routine requests while identifying when issues should be referred to the City Attorney.
- Advised the TJPA on its powers and jurisdictional issues under the Joint Powers Agreement and state law related to Joint Powers Authorities.
- Drafts PRA response letters and reviews responsive documents for applicable exemptions from disclosure.
- Advised City Managers on routine employment law matters and provided referrals to and oversight of employment law special counsel when advisable.
- Oversaw outside counsel from other firms in her role as City Attorney.

Legislation: Ms. Minner is well-versed in drafting legislation with an eye towards ease of administration and placing cities and other agencies in the best position to defend against any potential challenge to the new law.

- Drafted general plan and zoning code amendments for the City of Cupertino.
- Drafted municipal ordinances, such as establishing a licensing and regulatory scheme for commercial cannabis cultivation in the City of Half Moon Bay. Supervised development and adoption of Cupertino's all-electric Reach code, restricting natural gas infrastructure in new buildings, and its ordinance to implement SB 1383.
- Drafted street vacation ordinances for the TJPA and helped oversee several street vacation applications.

Municipal Finance: Ms. Minner advises municipal and public agency clients on compliance with the Quimby Act, the Mitigation Fee Act, and Propositions 13, 218, and 26 regarding fees, taxes, and assessments.

- Analyzes the scope of various exceptions to the definition of taxes in Proposition 26 to assist public agencies in adopting new fees.
- Assisted the Alameda County Waste Management Agency in adopting a property-related fee under Proposition 218.
- Reviews staff reports and findings for budget and fee actions.

Public Contracting: Ms. Minner regularly engages in the detail-oriented work necessary to review and negotiate public contracts and agreements.

- Drafted a model public works contract for Orinda, which streamlined contracting procedures, and oversaw updates to Half Moon Bay's and Cupertino's public works and professional services agreements to address new state laws and improve ease of administration.
- Reviews public contracts and interagency agreements and drafts staff reports and resolutions for their approval.
- Reviews evidence of insurance for compliance with contract requirements.
- Assisted public agencies in contract disputes, and drafted demand and tender of defense letters.
- Advises and trained city staff on compliance with prevailing wage requirements for public contracting.

Real Estate Transactions: Ms. Minner has broad real estate transaction experience, having assisted municipalities in the purchase, sale, and lease of real property.

- Drafted and negotiated a lease agreement for the City of Cupertino's lease of its Community Hall to the Santa Clara County Library District Joint Powers Authority.
- Drafted license agreements for the use of facilities and land owned by the City of Half Moon Bay.
- Negotiated two public trail easements for the City of Saratoga and litigated eminent domain actions to acquire those easements through friendly condemnation actions.
- Advised the Clean Power Alliance of Southern California in establishing the Power Ready Program to support community energy reliability efforts in its service territory by engaging a developer to install and operate behind-the-meter PV solar and energy storage systems at leased public locations.

Land Use Planning and Development Applications: Ms. Minner regularly advises public agencies on land use planning and processing development applications.

- Advised Cupertino as it processed land use applications, including an application for a hotel with a general plan amendment and development agreement, and a mixed-use residential and commercial project. Advised Half Moon Bay as it processed applications for single-family homes, commercial hotels, and specific plans.
- Reviews staff reports, resolutions, and findings for city actions on land use applications. Advises on CEQA compliance.
- Advised the City of Half Moon Bay on comprehensive general plan updates.
- Assists in identifying and implementing solutions to land use disputes and/or navigating neighbor disputes to avoid law suits against city clients.

Litigation and Administrative Proceedings: Ms. Minner has litigated suits in both state and federal court.

- Drafted a response to amicus briefs to defend the City of Cupertino's record on approving affordable housing projects.
- Successfully defended the South Coast Air Quality Management District's technology-forcing air quality regulations in a California Supreme Court decision.
- Acquired public trail easements through the courts.

- Advocated on behalf of the Transbay Joint Powers Authority in dealings with the California High Speed Rail Authority.
- Represented community groups and farmers in CEQA and Planning and Zoning Law suits successfully challenging proposed developments and oil and gas projects that threatened open space lands, public health, parks, and historic districts.
- Represents the California Solar and Storage Association in rulemaking proceedings before the Contractors State License Board. Obtained repeal of regulations limiting installations by solar contractors adopted in violation of state law.

Election Law: Ms. Minner is well versed in the requirements of the Elections Code and advises both community group clients and cities on election law matters.

- Advises cities on processing referendum petitions.
- Drafted resolutions and other materials to place one ordinance, three advisory measures, and one tax measure related to commercial cannabis on the 2018 ballot for the City of Half Moon Bay.
- Advises cities and special districts on complying with restrictions on the use of public funds during elections.
- Represented numerous community group clients as proponents of initiative and referenda petitions.

See Biography in the Appendix for additional qualifications.

Richard Taylor, Proposed Assistant Legal Counsel

Richard S. Taylor is a partner with Shute, Mihaly & Weinberger LLP. He joined SMW in 1991 after working for two years in the Washington, D.C., office of Paul, Weiss, Rifkind, Wharton & Garrison, and serves as the firm's Managing Partner. Mr. Taylor received his J.D. from the University of California, Berkeley School of Law and an M.B.A. from the Haas School of Business at Berkeley in 1988 and was admitted to the California Bar that year and the U.S. Circuit Court of Appeals for the Ninth Circuit bar in 1991. He has practiced law for over 30 years. In 2009 he was recognized as a California Lawyer Attorney of the Year for his work advising a coalition of conservation groups in negotiating an agreement for preservation of 240,000 acres of the 270,000 acre historic Tejon Ranch in Kern and Los Angeles Counties.

Mr. Taylor is City Attorney to the City of Saratoga and General Counsel to the Alameda County Waste Management Authority and Alameda County Energy Council. He also advises local governments and nonprofits on a wide range of issues, including complex planning and land use matters, CEQA compliance, growth

management, open space preservation strategies, election law, and other public agency law issues.

See Biography in the Appendix for additional qualifications.

Team Members for Specialized Work or Litigation

With over 40 attorneys on staff, SMW has ample capacity to provide IWMA with timely, responsive, and high quality legal services. SMW also has two full-time urban planners on staff, who draft and review environmental documents, supervise projects, and provide other assistance to our clients. Key to the Firm's success is also our excellent staff, which includes six legal secretaries, two paralegals, and two administrative assistants.

To the extent legal research or writing is required, Heather would typically assign those tasks out to the Firm's fellows and associates. Such delegation conserves client resources due to the lower billing rates of junior attorneys and planners.

Finally, all of the partners and senior associates at the Firm have developed areas of special interest and knowledge within the overarching subject areas of public agency, land use, real property, and environmental law. Heather would take advantage of this deep and varied experience by consulting with her partners and colleagues to efficiently address the IWMA's needs. Law firm members that we are specifically identifying to help serve the IWMA on occasion for specialized legal services or litigation include:

- a. **René Alejandro Ortega**, Partner: public contracting.
- b. **Joseph "Seph" Petta**, Partner: real property transactions; litigation.

See Biographies attached in the Appendix for additional qualifications.

2. POTENTIAL CONFLICTS OF INTEREST

We currently represent the City of San Luis Obispo in negotiating a conservation easement and land management agreement for the Chevron Tank Farm property that Chevron or its successor will grant to the City (the "City Matter"). To the best of our knowledge, IWMA and the City are not adverse to each other in the City Matter, nor is the City Matter related in any way to the proposed scope of work for the IMWA.

We also currently represent Central Coast Community Energy (3CE), a JPA whose member agencies include the cities of Paso Robles, Morro Bay, San Luis Obispo, Grover Beach, Pismo Beach, and Arroyo Grande. 3CE was formed to source clean and renewable electricity for its customers. SMW was retained to advise 3CE on matters related to compliance with requirements of the California Public Utilities Commission. To the best of our knowledge, IWMA and 3CE are not adverse to each

other in this matter, nor is this matter related in any way to the proposed scope of work for the IMWA.

Thus, we do not believe that there is any present or potential conflict of interest between our potential representation of IWMA and our concurrent representation of the City of San Luis Obispo and 3CE. We do not currently represent any other public clients in San Luis Obispo County.

We are not aware of any current or foreseeable conflicts of interest if we were selected to provide Legal Counsel services to the IWMA. If a conflict were to arise with any client, we would seek conflict waivers from both parties. Further, Heather Minner would not work with that client on that or any other matter.

3. LOCAL GOVERNMENT CLIENT REFERENCES

Heather Minner

Deborah Feng

Former City Manager (retired)
City of Cupertino
Personal contact information submitted separately.

Leslie Hatamiya

Executive Director
San Bruno Community Foundation
Email: LHatamiya-SBCF@sanbruno.ca.gov
Phone: 650-763-0775

Richard Taylor/Firm

Timothy Burroughs

Executive Director
Alameda County Waste Management Authority
Email: tburroughs@stopwaste.org
Phone: 510-891-6500

Wendy Sommer

Former Executive Director (retired)
Alameda County Waste Management Authority
Personal contact information submitted separately

4. RATES PROPOSAL

We propose to provide General Counsel services (excluding litigation) at the following hourly rates:

Partner	\$ 315
Associate III	\$ 290
Associate II	\$ 280
Associate I	\$ 265
Fellow	\$ 265
Planner	\$ 265
Paralegal	\$ 200
Law Clerk	\$ 120
Of Counsel	\$ 315

We are available to provide litigation services to IWMA, if requested, and propose those services at the following hourly rates: Partner \$380, Associate III \$ 350, Associate II \$335, Associate I \$ 320, Fellow \$320, Paralegal \$240, Law Clerk \$145, Of Counsel \$380.

We are mindful of IWMA’s desire to contain costs and stay within its fiscal year budget for legal services. We carefully avoid overstaffing matters, avoid duplicative work, and adjust work assignments to take advantage of attorneys with lower billing rates when possible. We will work with IWMA to identify tasks that are most efficiently performed by IWMA staff.

We would provide monthly billing statements that describe in detail the services provided, including the number of hours worked by each attorney. Fees would be calculated in increments of one-tenth of an hour. Beginning in January 2024, the Firm would annually increase these billing rates consistent with any annual increase in the Consumer Price Index for All Urban Consumers (not seasonally adjusted) San Francisco-Oakland-Hayward area.

Our Firm would bear all expenses related to support staff, general overhead, continuing legal education and attendance at public agency/municipal-law functions. We would bill for reimbursement for the following costs incurred in the course of representation: messenger services, postage, large photocopying or color copy jobs (\$0.10 per page), and mileage reimbursement (\$0.655 per mile, adjusted annually). We would bill IWMA for its pro-rata share of the Firm’s flat-rate computer-assisted legal research subscription (Westlaw).

To minimize costs associated with our location, we would charge only three hours of attorney travel time for round trips between from San Francisco and San Luis Obispo. We would not charge for any meals or lodging.

5. ADDITIONAL INFORMATION

SMW is located in San Francisco. We have structured this proposal to ensure that the Firm can provide prompt legal services while minimizing any costs to the IWMA as a result of our location.

Heather Minner is available to immediately assume the position of IWMA General Counsel. Seph Petta and René Ortega have reserved time in their schedules to be available for special projects on an as-needed basis. Richard Taylor always makes time to consult with his colleagues. We have sufficient secretarial staff to assist our attorneys with administrative matters without charge to the IWMA.

Finally, we enjoy working with our clients, do not shy from controversy, and pride ourselves as being creative problem-solvers. As a public interest environmental law firm, SMW is ideally suited to zealously represent the IWMA.

APPENDIX

Biographies



Heather M. Minner

Partner | Joined SMW in 2008

PRIMARY PRACTICE AREAS:

Municipal Law, Renewable Energy Law, State Planning & Zoning Law, Election Law, Environmental Review, Real Estate Transactions

Heather Minner is a partner with Shute, Mihaly & Weinberger LLP. She joined the firm in 2008 after serving as a judicial clerk for the Honorable Garland E. Burrell Jr. of the United States District Court for the Eastern District of California. Her practice includes municipal law, renewable energy law, election law, the California Environmental Quality Act (CEQA), state planning and zoning law, and real estate transactions.

Ms. Minner frequently assists cities and local agencies in land use and administrative matters. She has extensive experience drafting local ordinances and assisting in the acquisition of public land and easements. She regularly advises public agencies on open meetings and ethics laws, public contracting, processing development applications, responding to Public Records Act requests, and the adoption of fees and taxes. Ms. Minner has served as City Attorney for the City of Cupertino and Assistant City Attorney for the City of Half Moon Bay. She currently serves Legal Counsel for the San Bruno Community Foundation.

Ms. Minner also represents environmental and community groups before local governments and in the courts to protect open space and public health across California. As a member of the firm's initiative and referendum committee, Ms. Minner has drafted numerous ballot and advises cities in processing initiative and referendum petitions.

Representative Litigation

- *California Solar and Storage Association v. Contractors State License Board* (2021) San Francisco County Superior Ct., Case No. CGC-21-594911 (repealing underground regulation that would have prevented solar contractors from installing energy storage systems).
- *King and Gardiner Farms, LLC v. Kern County* (2020) 45 Cal. App.5th 814 (invalidating ordinance to streamline approval of oil and gas development).
- *Friends of Better Cupertino v. City of Cupertino* (2020) Santa Clara County Superior Ct., Case No. 18CV330190 (upholding City's approval of SB 35 project and accepting City's response demonstrating its long track record of approving and facilitating affordable housing).
- *Solano County Orderly Growth Committee v. Solano County* (2017) Solano County Superior Ct., Case No. FCS0466724 (vacating County approval of a subdivision on

open space lands that would have required municipal water and sewer services in contravention of a city initiative).

- *Save Our Historic Town Center v. City of San Juan Capistrano* (2016) Orange County Superior Ct., Case No. 30-2014-00760231 (vacating approval of development proposed in the City's downtown historic area due to inconsistency with City's general plan).
- *American Coatings Assn. v. South Coast Air Quality Management District* (2012) 54 Cal.4th 446 (upholding air district's authority to adopt "technology-forcing" rules).

California Trout, Inc. v. Bureau of Reclamation (2009) United States District Court, Central District of California, Case No. CV09-0312 (litigation settlement resulted in greater flows into Santa Clara River to protect endangered steelhead trout).

Publications and presentations:

- *The California Municipal Law Handbook*, Chair of Chapter 8 (Public Property) 2021-2023, reviewer of Chapter 11 (Protecting the Environment) multiple years, League of California Cities/CEB.
- *Residents Can Play a Vital Role in Establishing Funding Streams for Local Programs*, SMW In the Public Interest (Jan., 2022).
- "Don't Get Pinched by *Golden Door*: Records Retention Best Practices for Projects Subject to CEQA," presentation to the Contra Costa County City Attorneys' Association (Nov., 2021).
- "Commercial Cannabis Activities: Regulating a 'New' Land Use at the State and Local Level," Dan Curtin Land Use Law Lecture, Sonoma State University Planning Commissioners Conference (Dec., 2017).
- *Public Records Act Ruling: Inadvertent Disclosure Does Not Waive Exemptions. But Then What?*, SMW In the Public Interest (Spring 2016).
- *Local Control of Oil and Gas Operations: Getting a Handle on Fracking and Cyclic Steaming Through Land Use Prohibitions, Moratoria, Discretionary Permits, and Citizen Initiatives*, Environmental Law News (Fall 2014).
- "Recent Developments in the Regulation of Fracking at the Local, State, and Federal Levels," panelist, State of California Environmental Law Section annual environmental law conference at Yosemite (Fall 2014).
- *The Open Space and Land Conservation Handbook*, contributing author (Solano Press, 2011).

EDUCATION

Ms. Minner received her J.D. from the University of California, Berkeley School of Law where she earned a certificate in environmental law and was elected to the Order of the Coif for graduating in the top 10 percent of her class. From 2001 to 2004, she worked at the California State Resources Agency in the Office of the Secretary and served on the boards of the Santa Monica Mountains Conservancy and the Rivers and Mountains Conservancy.

Ms. Minner holds an M.A. in urban planning from UCLA and a B.A. in history from the University of California, Berkeley.

BAR MEMBERSHIPS

Ms. Minner is a member of the State Bar of California.



email: rtaylor@smwlaw.com

Richard S. Taylor

Richard S. Taylor joined Shute, Mihaly & Weinberger LLP in 1991 and serves as the firm's Managing Partner. He is General Counsel to the Alameda County Waste Management Authority and City Attorney to the City of Saratoga. He also advises local governments and community groups on a wide range of issues, including complex planning and land use matters, CEQA compliance, growth management, open space preservation strategies, trails and recreation planning, election law, and other public agency law issues.

Mr. Taylor advises public agencies in preparation of complex planning and environmental review documents. Major projects include the city of Saratoga, Marin County, and El Dorado County comprehensive General Plan updates, Saratoga and Napa County Housing Element updates, the Midpeninsula Regional Open Space District's Coastal Protection Program and Service Plan for 140,000 acres of coastal San Mateo County, and the Santa Clara County Trails Master Plan. His work involves drafting policies and implementing ordinances and resolutions as well as providing advice concerning compliance with the California Environmental Quality Act, Planning and Zoning Law, and other applicable laws.

As General Counsel for the Alameda County Waste Management Authority Mr. Taylor advises the joint powers agency on the full range of issues arising in the course of its operations. These include advising the Board regarding open meeting laws and legal issues associated with the various matters before it, working with the Executive Director to implement the Board's direction in accord with applicable law, and drafting ordinances, resolutions, contracts, easements, and other legal documents for the agency in connection with its policy goals and property holdings. Mr. Taylor also serves as City Attorney to the City of Saratoga and as special counsel to public agencies for a range of specific projects including negotiation of development agreements, negotiating development agreements, and drafting ordinances and other legislation.

In 2009 he was recognized as a California Lawyer Attorney of the Year for his work advising a coalition of conservation

groups in negotiating an agreement for preservation of 240,000 acres of the 270,000 acre historic Tejon Ranch in Kern and Los Angeles Counties. He has been repeatedly selected as a Northern California SuperLawyer and as one of the Green 500: Leaders in Environmental Law in the U.S.

Mr. Taylor frequently assists organizations in understanding settlement objectives, identifying the needs and interests of other parties, and working with opposing counsel to develop agreements implementing settlement principles. His ongoing work with community groups in the Sierra has led to a series of settlement agreements with private developers to limit development on identified lands and secure a long term stream of funding for acquisition of open space in areas previously targeted for development.

Before joining the firm he practiced law in Washington D.C. and worked as a planner with the Governor's Office of Planning and Research and Santa Barbara County. He served as Managing Editor of the Ecology Law Quarterly and received his J.D. and his M.B.A. from the University of California at Berkeley in 1988. He received his B.S. in Environmental Policy Analysis and Planning with Honors from the University of California at Davis in 1982.

Mr. Taylor is a member of the Bars of the State of California and the U.S. Circuit Court of Appeals for the Ninth Circuit.



René Alejandro Ortega

Partner | Joined SMW in 2022 | He/Him/His

PRIMARY PRACTICE AREAS:

City Attorney & General Counsel Services, Housing, Land Use Planning & Zoning, Public Works Labor Compliance, Litigation & Appeals

Rene Alejandro Ortega is a Partner with Shute, Mihaly & Weinberger, LLP. He has over 19 years of experience practicing law. He joined the Firm as a Partner to complement the Firm’s City Attorney & General Counsel Services. Prior to joining the firm, Rene served as Chief Deputy City Attorney for the City of San Jose advising several city departments, including Housing, Public Works, Parks, Planning, and Airport (SJC) departments.

Beginning in 2003, Mr. Ortega first practiced at a Northeast regional law Firm providing advice to a diverse client base of developers, manufacturers, utilities, power-generating companies, and individuals on a range of land use and environmental transactions as well as complex litigation involving real estate, contract, property tax, administrative, enforcement, public utility, and environmental matters.

Rene Ortega has litigated housing, environmental, land use, property and related commercial/contract claims in state and federal courts, including state appellate courts as well as the Second Circuit Court of Appeals. He has also litigated before the Connecticut Department of Energy and Environmental Protection and the federal Environmental Protection Agency. Mr. Ortega also has transactional experience related to housing, and the acquisition of real estate, and power-generating assets.

CAREER HIGHLIGHTS / REPRESENTATIVE EXPERIENCE

- Advising several cities and counties on a variety of matters, including the Cities of Half Moon Bay, and Cupertino as well as the County of Stanislaus.
- Served as Chief Deputy City Attorney for City of San José; member of leadership team in City Attorney’s Office; advised Housing, Parks, Planning (Historic Preservation), Public Works (Labor Compliance), Environmental Services, Real Estate/Economic Development, Airport (SJC), Police, and Transportation Departments.
- Served as Planning Commissioner for the City of Redwood City.
- Former land use counsel for a Northeast Ivy League educational institution.
- Former environmental counsel for various regulated entities.
- Experience in landlord-tenant law issues

- Appellate litigation experience in state and federal courts.

COMMUNITY SERVICE / RECOGNITIONS

- Connecticut Super Lawyer in Environmental Law, Land Use/Zoning, Appellate

PUBLICATIONS / PRESENTATIONS

- Panelist, "Homeless Encampments en Nuestras Comunidades: Navigating Constitutional and Practical Concerns", **Hispanic National Bar Association Convention**, Washington, D.C., September 2022.
- Co-author, "Injunctive Relief Under the Connecticut Environmental Protection Act," **Connecticut Lawyer**, April 2013.
- Co-author, "Federal Preemption in the Environmental Law Context," **Connecticut Lawyer**, January 2012.
- Co-author, "Federal District Courts Begin to Apply the Lessons of Burlington but Questions Remain Unanswered," **Connecticut Lawyer**, November 2009.
- Co-author, "Supreme Court Confirms Decades-Old Purpose of Pillar of Environmental Law," **Connecticut Lawyer**, February 2008.
- Co-author, "Application of Daubert in Environmental Cost Recovery and Toxic Tort Cases," **ABA Environmental Litigation and Toxic Torts Committee Newsletter**, Winter 2007/2008.
- Co-author, "A Split in the Circuits Will Force the Supreme Court to Decide Whether PRPs Have Additional Remedies Under CERCLA," Environmental Commentary, **Andrews Litigation Reporter**, Vol. 27, Issue 12, January 10, 2007.
- Co-author, "Obstacles Exist to Grid Upgrading," **The National Law Journal**, March 15, 2004.

BAR MEMBERSHIPS

Member, States of California (2016), New York (2004), and Connecticut (2003);
Second Circuit Court of Appeals; Various Federal District Courts

EDUCATION

Boston College Law School, JD, 2003
University of California, Santa Cruz, BA, 1996



Joseph "Seph" Petta

Partner | Joined SMW in 2012 | He/Him/His

PRIMARY PRACTICE AREAS:

CEQA & NEPA, City Attorney & General Counsel Services, Litigation & Appeals (incl. community group litigation practice, public agency defense), Land Use Planning & Zoning, Renewable Energy

Seph Petta is a partner with Shute, Mihaly & Weinberger LLP. He joined the Firm in 2012 after graduating from the University of California, Berkeley, School of Law where he earned a certificate in environmental law. Mr. Petta's practice focuses on representation of public agencies and environmental groups in California Environmental Quality Act (CEQA) litigation and municipal, real estate and land use law.

During the past ten years with SMW, Mr. Petta has regularly advised and provided transactional services to the Firms' public agency clients including the cities of Cupertino, Half Moon Bay, and Orinda as well as the Firms' other public agency clients, including the Alameda County Waste Management Authority, the City of El Segundo, and the San Francisco Office of Community Investment and Infrastructure. Mr. Petta serves as general counsel to the Ladera Recreation District in unincorporated San Mateo County.

Mr. Petta also represents environmental and community groups in their efforts to protect open space, quality of life, and public health from proposed development projects. His practice includes litigation under CEQA, state planning and zoning law, land assembly and entitlement processes, and conservation easement drafting and enforcement. He has also represented clients in proceedings before multiple state public utility commissions.

REPRESENTATIVE EXPERIENCE

- Serves as general counsel to the Ladera Recreation District, a single-purpose special district providing pool, tennis, and other recreational facilities in unincorporated San Mateo County.
- Served as Assistant City Attorney for the City of Cupertino. Advised the Planning Commission on development applications, land use regulations, open meeting laws, public contracts, and conflicts of interest.
- Drafted general plan and zoning code amendments and municipal ordinances for the City of Cupertino.
- Advises public agency decisionmakers on potential conflicts of interest under the Political Reform Act and common law, and compliance with Brown Act requirements for public meetings and closed sessions.

- On behalf of the City of Half Moon Bay, drafted and negotiated the terms of temporary and permanent sewer easements to provide City wastewater transport beneath a private golf course property.
- Reviews staff reports, resolutions, and findings for city actions on land use applications.
- Advises municipal and special district clients on California Environmental Quality Act, real estate, and land use matters, and on the imposition of taxes and fees.
- Successfully defended litigation against the Alameda County Waste Management Authority (ACWMA), challenging its annual Household Hazardous Waste fee as an illegal assessment under Proposition 218. *Crawley v. Alameda Cty. Waste Mgmt. Auth.* (2015) 243 Cal.App.4th 396.
- Successfully litigated a landfill corporation’s challenge to ACWMA’s demand for landfill weight tickets associated with the unreported hauling of solid waste originating in Alameda County. The ruling will assist ACWMA’s recovery of millions of dollars in unpaid landfill fees, which are critical for implementing its Waste Management Plan. *Alameda Cty. Waste Mgmt. Auth. v. Waste Connections US, Inc.* (2021) 67 Cal.App.5th 1162.
- Advised on real estate and public trust matters to further a multi-agency project at the site of former Candlestick Park, which will include substantial affordable housing and redevelop the Candlestick Point State Recreation Area.

COMMUNITY SERVICE, PUBLICATIONS, AND RECOGNITIONS

- Northern California Super Lawyer Rising Star, 2022.
- Member, League of California Cities’ Committee on Attorney Development and Succession.
- Author (former), California Bar Environmental Law Section’s Environmental Law Update.
- Sky Stanfield, Seph Petta and Sara Baldwin Auck, Interstate Renewable Energy Council, Inc., Charging Ahead: An Energy Storage Guide for Policymakers (Apr. 2017).
- Sky Stanfield, Erica McConnell, and Seph Petta, “A New Frontier: The Interconnection of Energy Storage,” Greentech Media (Jan. 4, 2018).
- Seph Petta, “Funding Public Transit in California After Proposition 26,” Public Law Journal (Vol. 36, No. 1, Winter 2013).

BAR MEMBERSHIPS

Member of the Bar of the State of California, the U.S. Court of Appeals for the Ninth Circuit, and the U.S. District Court for the Eastern District of California.

EDUCATION

UC Berkeley School of Law, JD, 2012
 Georgetown University, BA in English, 2002

**Proposal to Provide General Legal Counsel
– San Luis Obispo County Integrated Waste
Management Authority**

March 6, 2023

Presented By:

White Brenner LLP

1414 K Street, 3rd Floor
Sacramento, CA 95814

Telephone: 916.468.0950

Fax: 916.468.0951

General Information

White Brenner LLP (the “Firm” or “White Brenner”) is pleased to present this proposal to provide General Counsel services to the San Luis Obispo County Integrated Waste Management Authority (the “Authority”) in response to the Authority’s Request for Proposals (“RFP”). Our attorneys practice virtually every legal specialty that would be of interest to the Authority, providing full-service advice and counsel to our clients. The Firm is uniquely qualified and prepared to deliver the highest quality legal services at competitive rates.

Values

What sets a law firm apart from all others? Its culture, its brand, and its commitment. White Brenner delivers on its commitment to clients and to the people that work so hard to deliver exceptional service and value to clients each and every day. What makes White Brenner unique is that we don’t just write down values and ignore them when things get tough or when following them earns us less money. We honor them. We live by them.

Our values serve as a framework for our Firm and guide every aspect of our business strategies. We believe that if we continue to honor these values, we will continue to accomplish our goal of being a leading provider of highly sophisticated, government-related legal services. Our attorneys and professionals work for the Firm because they enjoy delivering high level, creative legal work with a true commitment to our clients and the communities we represent.

Diversity

At White Brenner, diversity is an essential part of our Firm’s identity. We are committed to fostering an inclusive community of professionals of all races, religions, genders, sexual orientations, and family structures. We see our individual differences as an asset that enhances the quality of life for each of us and strengthens what we can accomplish as a firm. We believe our success is directly attributable to the unique skills, talents and viewpoints contributed by attorneys from a variety of different backgrounds and beliefs. The groundbreaking work we handle at White Brenner benefits from our diversity.

White Brenner works hard to create a workplace that allows our attorneys, paralegals, and staff to transcend differences and value similarities to ensure we provide our clients with a distinctive level of client service.

Scope and Location

Throughout our ten years of operation, the Firm has been proud to represent a range of public interests across the state as City Attorney or special counsel to the cities of Angels Camp, Ceres, Dixon, Newman, Oakdale, Patterson, Redwood City, Riverbank, and Sonora, to name a few. The Firm also serves as general counsel or special counsel to the San Miguel Community Services District, San Simeon Community Services District, County of San Joaquin, and the Port of Oakland, among others. In addition, our attorneys are often hired by other prominent public and municipal law firms seeking assistance with complex litigation, transactional, and regulatory compliance matters.

Legal Name and Address

White Brenner LLP
Type of Entity: Partnership
1414 K Street, 3rd Floor
Sacramento, CA 95814

Telephone: 916.468.0950

Fax: 916.468.0951

Legal Form of Submitter

White Brenner LLP is a limited liability partnership formed in California. The Firm was established in 2013 to serve as a comprehensive resource for clients' legislative, regulatory and litigation needs. White Brenner has been in business ten years, primarily servicing municipal clients.

Location of Office

White Brenner LLP has one office located at the address above which would serve the Authority.

Proposed Principal Attorney

Douglas L. White, Managing Partner
1414 K Street, 3rd Floor
Sacramento, CA 95814
T: 916.468.0950
Doug@whitebrennerllp.com

Proposed Secondary Attorney

Nubia Goldstein, Partner
1414 K Street, 3rd Floor
Sacramento, CA 95814
T: 916.468.0950
Nubia@whitebrennerllp.com

Scope of Services

The Firm works collectively as a team to offer a range of services for the benefit of our clients, and the Authority will benefit from the full resources of the Firm. In addition to the proposed legal team, the Firm's other partners and associates are highly trained and qualified in a wide range of legal areas. Below is a list of the Firm's practice areas and the attorneys that practice in each area. Full resumes detailing each attorney's background and experience may be found under the "Attorney Resumes" section of this proposal.

- Public Law (municipal and special districts): Douglas White, Barbara Brenner, Nubia Goldstein, Tom Hallinan, Joshua Varinsky, Christina Pritchard, Juliet Vaughn, Christian Smit, Jeresia Ewell
- Water (rights, quality, rate setting): Barbara Brenner, Kerry Fuller, Christian Smit
- Employment and Labor Law: Douglas White, Nubia Goldstein, Debra Hinshaw Vierra, Angela Schrimp de la Vergne, Maria Fatima Gioletti, Jeresia Ewell
- Litigation: Barbara Brenner, Nubia Goldstein, J. Scott Miller, Angela Schrimp de la Vergne, Maria Fatima Gioletti, Christina Pritchard
- Environmental and Natural Resources: Barbara Brenner, Kerry Fuller, Christian Smit
- Land Use: Douglas White, Barbara Brenner, Nubia Goldstein, Joshua Varinsky
- Administrative and Regulatory: Barbara Brenner, Nubia Goldstein
- Ethics and Conflicts of Interest: Douglas White, Nubia Goldstein
- Legislative Advocacy: Randy Pollack, Elisabeth White, Nubia Goldstein

Relevant Prior Experience

The Firm is well-versed in the laws that regulate cities and other public agencies in the State of California. In order to provide the best service to our clients, our attorneys stay up to date on current general municipal and public law issues and trends that affect public agencies. For example, there have been recent changes in state law governing the ability of public agencies to conduct remote and hybrid meetings under Brown Act. Our attorneys are well-versed in the implementation requirements for AB 361 and AB 2449 and help our clients navigate the ever-changing regulatory landscape. The Firm has significant experience in emerging case law and regulations that may impact local government entities in areas including code enforcement, real estate, land use and planning, environment and natural resources, CEQA/NEPA, water law, general plans, administrative law, employment and personnel matters, Proposition 218, ethics and conflicts of interests. The Firm rounds out the legal services offered to clients by providing governmental affairs and lobbying services at the State Capitol.

Municipal and Other Public Sector Experience

Our attorneys assist clients in successfully maneuvering through legal complexities and governmental mandates. Serving as city attorney and general counsel to several public agency clients, our attorneys regularly provide day-to-day legal advice and counsel on transactional and litigation matters, including, but not limited to, the following areas:

- General counsel services at city council or district board meetings, as well as other special meetings;
- The Ralph M. Brown Act and California Public Records Act;
- Election law, including initiatives and referenda;
- The Political Reform Act and conflicts of interest;
- Municipal contracts, including professional consultant, public works and commercial services and prevailing wage compliance;
- Code enforcement;
- Proposition 218 and government finance;
- Environmental issues, including the California Environmental Quality Act (“CEQA”), the National Environmental Policy Act (“NEPA”), the Endangered Species Act and toxic substances;
- Natural resources issues, including water law, toxic waste health hazards, and air quality compliance; and
- Litigation.

As part of the Firm’s commitment to providing exceptional service to its clients, White Brenner is an active member of several public law organizations and associations, such as the League of California Cities, California Special Districts Association, California Airport

Land Use Consortium, and Association of California Water Agencies, as well as other similar organizations.

Solid Waste, Waste Hauling, Recycling, Landfills, and Related Fields

White Brenner's attorneys have negotiated solid waste franchise agreements and MOUs between cities, counties, and contract haulers within the counties of Stanislaus, Solano, San Luis Obispo, and Calaveras. They have also worked on proposals to state agencies to accelerate financing for anaerobic digestion and other facilities needed for local agencies to meet increasing diversion requirements for organic waste from landfills. Our attorneys have worked to implement the mandates of SB 1383 and advise clients on meeting the state-wide goals of SB 1383. CalRecycle has established numerous organic waste disposal program requirements impacting public jurisdictions, generators, processors, and haulers of organic waste. We work closely with our impacted clients to update applicable solid waste disposal regulations to set protocols and enforcement for self-hauling, requirements for waivers, an inspection and enforcement protocol for organic waste collection service and enforcement of edible food recovery program requirements.

The Firm understands the benefit of developing long-term solutions that can successfully adapt to new and proposed state and federal laws and regulations related to solid waste disposal. Our attorneys assist private and public agency clients to meet constantly changing requirements for the treatment, storage and distribution of solid waste. Our team has worked with the Regional Water Quality Control Boards, Local and State Air Resources Board, Solid Waste Management Authorities and the California Environmental Protection Agency, as well as represented clients before regional, state, and federal agencies.

Furthermore, our attorneys are actively engaged in representing businesses and trade associations on chemical and waste management and public policy initiatives. Our practice includes legislative, regulatory, and litigation assistance.

Litigation Experience and Track Record

The Firm takes a proactive approach to providing advice and counsel to its public agency clients. We feel strongly that each litigation matter should be evaluated based on legal costs, staff resources, public response, risk of litigation, and potential for actual financial recovery. An evaluation of the potential benefits against cost, certainty of outcome, and litigation timeframe versus settlement should all be considered. Our attorneys effectively utilize alternative dispute resolution techniques to resolve matters quickly. The overall philosophy of the Firm is to first attempt good faith negotiations before either party decides to go to court. Our attorneys always seek informal resolution or formal mediation prior to recommending litigation as an option.

In some instances, litigation is the best option for enforcing the rights of one party over another. In this context, our attorneys have experience taking numerous cases to trial on behalf of local agencies, and the Firm takes pride in its track record of success in reaching favorable settlements and judgments. Our attorneys are equally adept at initiating or defending cases involving CEQA, challenges to development entitlements and specific plans, fee and rate challenges (including Proposition 218), disputes regarding hazardous materials and toxic clean-up, the Brown Act, the Public Records Act, water resources and quality, real estate, employment, public contracting and bidding disputes, equal protection and civil rights claims, First Amendment issues, and more. Currently, the Firm is involved in groundwater adjudication cases, challenging surface water rights, and pre-1914 rights challenges at the State Water Resource Control Board. Our attorneys also handle a number of administrative actions on behalf of our municipal clients, including wage and hour claims, Public Employment Relations Board (“PERB”) claims, and sexual harassment claim filings. The Firm’s litigation attorneys practice in both federal and state court, at both the trial and appellate level.

Examples of the Firm’s litigation and administrative action successes:

- Successfully represented the City of Dixon in a pre-election challenge to two initiatives filed by a local taxpayer association on the basis that the initiatives were unconstitutional and beyond the power of the electorate. By prevailing against the local taxpayer group, the City of Dixon was able to move forward with increasing its sewer rates to comply with a state regulatory mandate in order to protect the City’s groundwater from contamination and implement a wastewater solution for the next generation.
- Amador Water Agency recently engaged the Firm to defend a similar taxpayer challenge to the Agency’s water rate increase. In 2015, the Agency raised its rates in order to deal with a crippling budget deficit as a result of the drought and reduced water consumption. The Firm successfully defended the Agency in superior court. As a result, the water rate remains intact, helping to ensure that the Agency will remain financially solvent (pending an appeal by the taxpayer group).
- *Mount Shasta Bioregional Ecology Center v. County of Siskiyou* (210 Cal. App. 4th 184), where CEQA findings were successfully defended and costs on appeal were awarded.
- Successfully represented the City of Riverbank in a CEQA litigation matter, which resulted in a \$4,000,000 settlement awarded to the City. This case was featured in the *California Journal’s* Top Plaintiff Settlement and Verdicts.
- Successfully defended the City of Benicia in proceedings before the federal Surface Transportation Board, to preserve local land use authority in connection with a conditional use permit application to develop a crude-by-rail transfer facility.

- Successfully represented the City of Dixon in challenging the constitutionality of local initiatives filed by a local taxpayer association. By prevailing in the lawsuit, Dixon was able to move forward with a sewer rate increase to comply with state mandates to protect groundwater, and thereby avoid additional fines and penalties from the State Water Board.
- Successfully represented the Bermuda Dunes Airport, through the nonprofit California Pilots Association, by filing a CEQA action against the City of Indio to invalidate its approval of a conditional use permit, and to prevent the encroachment of incompatible uses near the airport.

In addition to general litigation, the Firm provides guidance on procedural and substantive responses to claims against public entities and employees under the California Government Claims Act. Our experience generally involves the defense of public entities and public employees. We utilize defenses based on claims procedures, late claims, general and specific immunities of public entities and employees, and laws regarding dangerous conditions on public property. Our attorneys will vigorously defend the Agency. We have a thorough understanding of liability theories and the applicable immunities that can be claimed.

Our litigation attorneys are also extremely familiar with insurance law. Several attorneys at the Firm have significant experience in insurance litigation. In addition, the Firm often coordinates with Joint Powers Insurances Agencies (“JPIA”) to resolve claims in the most expeditious and cost-effective manner for our clients. We have worked with the Association of California Water Agencies (“ACWA”), JPIA outside counsel to assist in the defense of basic tort and wrongful termination claims, for example.

Land Use, Environmental Issues, and Other Related Law

Land Use and Planning

The Firm provides a full range of legal services in the context of land use planning, environmental review under CEQA and NEPA, infrastructure finance, natural resources management, land conservation, and municipal law. The Firm represents public agencies in all aspects of the land use entitlement process, from project applications to administrative proceedings and legislative approvals.

Our land use group specializes in the development and financing of technologies that maximize the economic potential of backbone infrastructure. We embrace “green” principles, such as tertiary water treatment and alternative energy, not only for their environmental benefits, but for improving the bottom line of public agencies and the operators of those systems.

CEQA/Environmental/Hazardous Waste

White Brenner understands the dual responsibility of protecting our unique and valuable natural resources while continuing to progress as a society. As such, attorneys at the Firm have worked consciously to develop a deep expertise in all aspects of environmental law, with a particular emphasis on California's unique regulations and requirements.

Attorneys at the Firm represent clients in environmental permitting, regulatory compliance, enforcement and litigation, business transactions, and legislative advocacy that involve environmental problems or risks. Whether the project involves water quality, compliance with CEQA and NEPA or the California Coastal Act, as well as matters involving air quality, hazardous waste, asbestos, and the California and Federal Endangered Species Acts, the Firm has led private and public clients to a successful outcome. The Firm assists clients with due diligence requirements, site audits, site remediation, and cost recovery. The environmental and natural resources practice at White Brenner includes working with the California Environmental Protection Agency, U.S. Environmental Protection Agency, U.S. Bureau of Land Management, California Department of Toxic Substances Control, California Air Resources Board, and California State Water Resources Control Board and Regional Water Quality Control Boards.

Our attorneys assist both private and public clients through all aspects of CEQA. We assist with pre-project planning and strategy before CEQA is triggered to minimize costs and maximize environmental protection. Our attorneys are proficient at reviewing and preparing notices of exemption, initial studies, negative declarations, findings, and statements of overriding considerations, addenda, and mitigation monitoring and reporting plans. We are also experts at writing and editing Environmental Impact Reports to fully comply with CEQA's requirements. If a legal challenge should arise, our CEQA lawyers are skilled in the procedural and substantive complexities of litigating a CEQA case, including the short statutes of limitations, administrative record requirements, and unique briefing and oral argument at trial. Similarly, we have experience in dealing with issues presented by NEPA. Our attorneys assist both private and public clients through the entire NEPA procedural process and document preparation, as well as through any subsequent litigation.

Our attorneys are skilled at reviewing and preparing notices of exemption, environmental assessments, and findings of no significant impact (FONSI)s. We are also experienced at writing and editing Environmental Impact Studies to fully comply with NEPA's requirements as implemented by the various federal agencies. If a legal challenge should arise, we are skilled in the procedural and substantive intricacies of litigating a NEPA case in federal court.

The Firm also advises public and private clients on acquisitions, sales, and exchanges of various natural resources such as timber, minerals, water, and other natural resources. We advise clients on the development of renewable energy projects, such as hydroelectric, solar, wind, and biomass, from site acquisition to resource management and local, state, and federal approvals. Our attorneys have expertise in water resource planning, endangered species regulations, and wetlands conversion and use. The Firm's expertise in environmental and natural resources includes administrative hearings, appeals, and state and federal litigation.

We have assisted clients in complex enforcement issues requiring the application of overlapping general plan policies, ordinances, easements, and quasi-public enforcement of CC&Rs.

Contracts and Franchises

The attorneys at White Brenner regularly assist our public clients in the preparation and review of ordinances, resolutions, agreements, contracts, and related documents, forms, notices, certificates, deeds, and other documents required by the Agency. We are experienced in drafting a variety of contracts and agreements, including JPAs, development, construction and public works contracts, and real estate contracts. The Firm provides advice regarding competitive bidding, prevailing wage laws, and state and federal procurement, budgeting processes, and franchise negotiations. Our goal is to help our clients avoid litigation through excellent transactional documents and agreements.

Ordinances and Resolutions

All of our public law attorneys are experienced in drafting ordinances, resolutions, and policies. While our experience in representing other clients affords us the ability to spare you from unnecessary legal costs by allowing us to draw upon the vast library of documents and sample policies that currently exist in our network, we also have the experience required to tailor our ordinance and policy examples to meet your needs. We have drafted special ordinances relating to tree and hillside preservation, landscape and water conservation, drought restrictions, habitat conservation, growth management, and more. Our attorneys are also experienced in revising Employee Handbook policies and have contributed to the California Special District Association's Sample Policy Handbook.

Memorandums of Understanding

On behalf of both public and private clients, the Firm has experience with negotiating, drafting, interpreting, and enforcing MOUs. Negotiations of MOUs and other contractual instruments is a key area of our practice. The variety of legal matters relative to MOUs that

we have negotiated range from water supply to real estate, and public/private partnerships to electric supply.

Joint Powers Authority

By representing local governments that have common interests with neighboring jurisdictions, the Firm is knowledgeable on the benefits and challenges in the participation of joint powers authorities (JPAs). We assist our clients with the formation of JPA agreements and the ongoing monitoring of applicable rules and regulations including agency bylaws and contractual requirements.

Public Records Act and Brown Act

All of the proposed attorneys attend regular meetings and closed sessions for several cities and special districts, where they provide public law advice on a regular basis. In addition, each attorney at the Firm is well-versed in the Ralph M. Brown Act (“Brown Act”), primarily because the Firm provides trainings to public agency clients, and each associate must present a Brown Act seminar as part of their development at the Firm.

White Brenner fully understands both the Agency’s burden and the public’s interest in obtaining timely responses to California Public Records Act (“CPRA”) requests. The Firm has worked with many of our clients to streamline responses to records requests, by assisting with the creation of internal process flow-charts, and through agreements with internet consultants to implement electronic form requests and responses. In 2016, the Firm’s legislative advocacy team worked with a state assemblyperson to successfully sponsor a bill (“SB 441”) to expressly authorize public agencies to redact sensitive financial information from public records. This was in direct response to an attempted, fraudulent transfer of funds made against one of our clients. The Firm also regularly provides e-alerts on legal updates to our public clients, such as the recent California Supreme Court case holding that private devices of local agency employees and public officials are covered under the CPRA.

Establishing Rates for Collection and Landfill Services

The Firm has extensive experience assisting municipal providers and special districts in compliance with Proposition 218. Our attorneys oversee the review of rate studies, resolutions and ordinances, notice and hearing requirements, and subsequent litigation involving rate-setting matters. The Firm has assisted the following clients in Proposition 218 proceedings: Amador Water Agency, Georgetown Divide Public Utility District, Rio Linda-Elverta Community Water District, Grizzly Flats Community Services District, San Miguel Community Services District, and the cities of Dixon, Riverbank, and Oakdale.

The Firm also represents state agencies and affiliated organizations in connection with fees imposed on the carpet industry through Proposition 26.

Additional Services

In addition to the above, the Firm can provide representation in the following matters and, if desired, provide more information upon request:

- Employment & Labor Law
- Environmental Law
- Real Estate
- Water Quality
- Eminent Domain
- Administrative and Regulatory Matters
- Legislative Advocacy
- Water Rights
- Election Law

Finally, as part of the Firm's commitment to providing exceptional service to its clients, White Brenner is an active member of several public law organizations and associations, such as the League of California Cities, California Special Districts Association, and Association of California Water Agencies, as well as other similar organizations.

Staffing

Proposed Lead Counsel

White Brenner is committed to proposing the most qualified attorney(s) to meet the needs of each client. In line with that commitment, the Firm proposes Mr. Douglas White as Principal Attorney and Ms. Nubia Goldstein as Secondary Attorney to lead the Authority's legal team. Both proposed attorneys are partners of the Firm with extensive experience representing cities and other public agencies throughout the state and could capably help lead the Authority's legal team.

The Firm culture of White Brenner embraces a collaborative work model, while taking care to respect the needs and desires of each client regarding sensitive information. As such, the Principal Attorney will coordinate with the Secondary Attorneys and any other approved attorneys to provide significant opportunities to contribute to the success of Authority matters. Therefore, if a scheduling conflict or unforeseeable extended absence should occur for the Principal Attorney, the Authority may rest assured that one of the Secondary Attorneys, or any of our other attorneys or of counsels, will be able to step in to attend meetings and participate knowledgeably, and assist the Authority in any way necessary.

Support Staff

In addition to the proposed team, White Brenner currently employs a total of 17 attorneys, 3 paralegals, and 1 legal secretary who assist as needed.

Proposed Principal Attorney

Douglas L. White

Mr. White is the Firm's Managing Partner, and his practice focuses on every aspect of municipal law, including the Brown Act, Public Records Act, Political Reform Act, Elections Code, Proposition 218, real estate, land use, planning, and redevelopment law. His clients include numerous cities and special districts. He has specific expertise in land use entitlements and project approvals, environmental reviews, real estate contracts and commercial transactions, leasing, building and project certifications, project financing, eminent domain, public contracting, and regulatory and governmental affairs. In addition to his municipal work, Mr. White has also successfully represented public and private clients in high-profile litigation matters and has obtained favorable judgments and settlements, including a \$4 million settlement for the City of Riverbank in a CEQA litigation matter.

Mr. White currently serves as City Attorney for the cities of Angels Camp, Dixon, and Sonora; serves as General Counsel for the San Miguel Community Services District; and serves as Deputy City Attorney for the cities of Ceres, Livingston, Oakdale, Patterson, and Riverbank. He also provides Special Counsel services for a number of other cities. He advises public entities and officials on issues pertaining to the Brown Act, Political Reform Act, Public Records Act, public contracting, code enforcement, and other municipal and public law matters.

Prior to joining White Brenner, Mr. White served as legal counsel and Vice President of Government Affairs for the California Bankers Association, legal staff for the Fair Political Practices Commission, and Chief of Staff, Legislative Director, and a consultant to various elected officials, including former Congressman Dennis Cardoza and former State Superintendent of Public Instruction Jack O'Connell.

Mr. White has been recognized as one of the leading attorneys in the United States on issues related to renewable energy and sustainability and been named by the California Real Estate Journal as one of California's Green Leaders. He has been selected as a Northern California Super Lawyer by *Super Lawyers Magazine* and been featured as a speaker and moderator at state and national conferences. Mr. White is an AV Rated attorney by Martindale-Hubbell and has been honored by his peers as Best of the Bar by the Sacramento Business Journal every year since 2014.

Attorney Name:	Douglas L. White
Areas of Expertise:	Municipal, Land Use, Real Estate
Education:	J.D., McGeorge School of Law, 1998 B.A., University of California, Davis, 1995
Date of Admittance to the California State Bar:	5/2000
Years of Practice:	20+
Employment History:	White Brenner LLP (formerly Churchwell White LLP), 2013-Present DL White Law Group, 2011-2013 Weintraub Tobin, 2010-2011 Greenberg Traurig LLP, 2009 Hoge Fenton Jones & Appel, 2007-2008
Scholastic Honors and Professional Affiliations:	Member, California State Bar, Real Estate Section Member, California State Bar, Environmental Section Former licensed Real Estate Broker
Municipal and Public Sector Experience:	<ul style="list-style-type: none"> • 20+ years of Local Government Experience • Current City Attorney for the cities of Angels Camp, Dixon, and Sonora • Deputy City Attorney for the cities of Ceres, Livingston, Oakdale, Riverbank, and Patterson • General Counsel to the San Miguel Community Services District • Mr. White has contributed to the California Municipal Law Handbook • Advises municipal clients on matters relating to land use and planning, development and redevelopment, real estate, and public contracting • Represents public clients in land use entitlements and project approvals, CEQA and NEPA, real estate contracts and commercial transactions, leasing, building and project certifications, and project financing • Successfully represented the City of Riverbank in a CEQA litigation matter, which resulted in a \$4,000,000 settlement awarded to the city. This case was featured in the Daily Journal's Top Plaintiff Verdicts and Settlements • Successfully represented the City of Dixon in a pre-election challenge to two initiatives filed by a local taxpayer association on the basis the initiatives were unconstitutional and beyond the power of the electorate. By prevailing against the local taxpayer group, the City of Dixon was able to move forward with increasing its sewer rates to comply with a state regulatory mandate in order to protect the City's groundwater from contamination and implement a wastewater solution for the next generation

Proposed Secondary Attorney

Nubia I. Goldstein

Ms. Goldstein's areas of practice include municipal law, litigation, eminent domain, and legislative advocacy. Ms. Goldstein serves as City Attorney for the cities of Newman and Patterson, Deputy City Attorney for the cities of Angels Camp, Dixon, Ceres, and Sonora, and General Counsel for the California Electronic Recording Transaction Network Authority. She also advises the Firm's public agency clients on issues related to the Brown Act, Public Records Act, Political Reform Act, Elections Code, Proposition 218, conflicts of interest, and personnel and employee negotiations. She represents the firm's public and private clients in all stages of litigation and alternative dispute resolution. She is a member of the Public Law section of the California State Bar, a member of the Hispanic National Bar Association, and a registered lobbyist. Ms. Goldstein is also fluent in Spanish.

In addition to handling day-to-day municipal matters for her clients, Ms. Goldstein has guided the Firm's public clients through several high-profile litigation cases. On behalf of the City of Patterson (against Patterson Hotel Associates), the City of Dixon (against the Solano County Taxpayers Association) and Amador Water Agency (against the Howard Jarvis Taxpayers Association), she prevailed, receiving favorable decisions for all clients. Ms. Goldstein also assists the Firm's cities with labor, personnel, and elections issues.

Prior to joining White Brenner, Ms. Goldstein gained both legislative experience working at the State capitol for a California Assemblywoman and political know-how while working on local election campaigns. She also built upon her governmental relations and legal experience at the California Attorney General's Office, Fair Political Practices Commission, and the Department of Fair Employment and Housing. She also previously worked in the Civil Law and Motion Department of the Sacramento County Superior Court. The accumulation of all these experiences naturally led Ms. Goldstein towards municipal law as an intersection of politics, policy, and law.

Ms. Goldstein has been selected every year since 2015 to the Super Lawyers Northern California Rising Stars list for the areas of State, Local & Municipal, General Litigation, and Lobbying, as well as to *Sacramento Magazine's* Top Lawyers list. She has also contributed to the *California Municipal Law Handbook*, California Special Districts Association's *Sample Policy Handbook*, and has been published in *TYL*, a publication of the American Bar Association.

Attorney Name:	Nubia I. Goldstein
Areas of Expertise:	Municipal, Litigation, Legislative Advocacy
Education:	J.D., McGeorge School of Law, 2010 B.A., California State University, Sacramento, 2006
Date of Admittance to the California State Bar:	12/2010
Years of Practice:	10+
Employment History:	White Brenner LLP (formerly Churchwell White LLP), 2013-Present DL White Law Group, 2011-2013
Scholastic Honors and Professional Affiliations:	Advocate, National Institute for Trial Advocacy (NITA) Member, Hispanic National Bar Association California Bar, Public Law Section Recipient, Witkin Award for Excellence Member, Traynor Honor Society Outstanding Student Service Award, McGeorge School of Law President and Executive Chair, McGeorge's Public Legal Services Society
Municipal and Public Sector Experience:	<ul style="list-style-type: none"> • Current City Attorney for the cities of Newman and Patterson • Deputy City Attorney for the cities of Angels Camp, Dixon, Ceres, and Sonora • General Counsel for the California Electronic Recording Transaction Network • Special Counsel for City of Redwood City • 10 years of Municipal Law experience • Served as a contributor and editor of the California Municipal Law Handbook • Advises municipal clients on issues pertaining to the Brown Act, Political Reform Act, Public Records Act, public contracting, code enforcement, and other municipal and public law matters • Successfully represented the City of Patterson in a decade-long lawsuit against members of the Patterson Hotel Associates, LLC (PHA). This three-week trial stemmed from the city's claim for unpaid taxes in the amount of \$237,000 and PHA's various cross claims for approximately \$4,000,000. The court found in favor of the city for all taxes owed, plus interest, and nothing owed by the city to PHA. Since the city was the prevailing party, the city was also awarded attorneys' fees and costs. • Successfully negotiated fair monetary reimbursement to landowners subject to eminent domain claims by the West Sacramento Area Flood Control Agency • Successfully represented public and private clients in various ADR proceedings, including mediation and arbitration

Proactive Approach

Our attorneys are committed to staying at the forefront of legal developments. A benefit to having an active governmental relations group within the Firm is their immediate involvement in the early stages of any and all legislation that may have a direct effect on our municipal clients. In addition to our government relations communications, the Firm also tracks and regularly sends out e-alerts to clients on a variety of relevant topics, including the latest water rights and quality regulations; Fair Political Practices Commission, ethics, conflicts of interests, and political updates; new and ongoing legislation; and major state and federal decisions. As a complimentary service to our clients, and to keep them in full compliance with the law, the Firm regularly coordinates and schedules mandated trainings, covering topics such as AB 1234, AB 1825, and AB 1661. We also offer trainings on the Ralph M. Brown Act, the Public Records Act, Robert's Rules of Order and parliamentary procedures, and many other topics that may be of interest to the Authority. In conjunction to these trainings, the Firm frequently publishes other resources, such as the Brown Act Pocket Guide, which serves as a handy reference material for clients.

Communication and Response Times

Communication is key to delivering exceptional client service. The Firm believes that before taking significant action, it is imperative that we consult with our clients to keep them informed of major developments. The attorneys at White Brenner believe in being readily available and accessible to their clients and are committed to providing whatever turnaround time is needed to meet each client's expectation. It is customary for attorneys to provide same-day response to all emails and phone calls, in the absence of an established expectation. If Mr. White is unavailable for any reason, Ms. Goldstein would step in to attend a meeting or assist, as needed. Authority staff is encouraged to communicate with us on any issue that needs attention. We encourage our clients to share with us all expectations and concerns regarding our services during the course of our representation.

In order to facilitate communication and timely responses, the Firm is committed to staying at the leading edge of technology. All attorneys at White Brenner have smart phones, laptop computers, and state-of-the-art, highly secure remote access to the Firm's document management system and other critical software applications. The Firm utilizes Microsoft Office 365 Suite, as well as Microsoft Word for word-processing of all documents. Our office is equipped for video and phone conferencing, which allow for direct and efficient communication and, in some cases, reducing the cost and hassle of travel. The Firm prides itself on providing its attorneys and staff with the most recent technology available in order to support the Firm's commitment to being readily accessible to clients and providing exceptional service.

Transmittal of Requests

Authority leadership should be actively involved in the strategy and management of your legal affairs, and our goal is to encourage candid and frequent communication between the Authority and our Firm. Authority staff is encouraged to communicate with us directly on any issue or matter that you feel deserves attention, and we will endeavor to respond promptly. In order for us to assist you effectively and efficiently, we assume that you will provide us with the factual information you have which relates to the subject matter of our agreement, and that you will make any appropriate business or technical decisions. In addition, we encourage you to share with us, at all times, your expectations and any concerns regarding our services during the course of our representation.

The Firm can provide files electronically or via mail. Clients can upload and download documents and files of all types and sizes through the Firm's secure client portal, which is accessed through the Firm's website by selecting "Login" at the bottom of the navigation bar or through the URL <https://whitebrennerllp.sharefile.com>. The Firm also utilizes FedEx as one of our primary overnight freight services for physical and original files.

Professional Development

Each attorney at White Brenner attends continuing legal education training each year that exceeds the minimum requirements of the State Bar of California. The Firm supports and encourages its attorneys to regularly attend workshops, seminars, and continuing legal education programs that advance their skill development in areas that add the most value to our clients. Each year, for example, the Firm sends at least two attorneys to trainings provided by the National Institute for Trial Advocacy. We also encourage our attorneys to attend and participate in several conferences, seminars, association activities, and webinars throughout the year. This includes the League of California Cities' Annual Conference, the League of California Cities' Annual City Attorney Conference, the California Special District Associations' Annual Conference, and the Association of California Water Agencies' conferences, as well as many other diverse seminars and symposiums across the state and country. Our legislative advocates also participate in the League of California Cities' City Caucus meetings, as well as the California Special Districts Association's Legislative Committee in order to stay up-to-date on bills affecting cities and keep our municipal clients aware of and engaged in any legislation that may affect cities throughout the state.

Transference of Institutional Knowledge

In order to proactively advise our clients, one of the first steps that we take with a new client is to arrange an initial kick-off meeting between our team and the Authority. This would include the proposed legal team and any other relevant attorneys or legal staff who may assist the Authority during our representation, as well as the Executive Director, Board, and whomever else the Authority designates. During this meeting we would brief the Authority on our own processes, as well as discuss in further depth the Authority's short-term and long-term plans and any ongoing legal issues. Not only does this allow everyone to familiarize themselves with each other, it allows us to create a more specific plan for the Authority's legal work and sets a precedent for cooperative communication moving forward. Following this initial meeting with the Authority's leadership, our proposed team can better assess what the Authority's most urgent legal needs are, what issues may arise in the future, and which areas should be proactively tracked and handled. We do not bill for these meetings. The Firm also performs a legal audit of the Authority to inform the Board and Executive Director of any issues that may be of concern.

References

White Brenner is proud to identify the following municipal references, for which the Firm currently provides services to, and that demonstrate our ability to provide the scope and complexity of services listed in the RFP:

Reference 1

Jim Lindley, City Manager
City of Dixon
600 East A Street, Dixon, CA 95620
Phone: (707) 678-7000 ext. 1101
Email: jlindley@ci.dixon.ca.us
City Attorney: Douglas White

Reference 2

Melissa Eads, City Administrator
City of Sonora
94 North Washington Street, Sonora, CA 95370
Phone: (209) 532-4541
Email: meads@sonoraca.org
City Attorney: Nubia Goldstein

Reference 3

Ken Irwin, City Manager
City of Patterson
1 Plaza, Patterson, CA 95363
Phone: (209) 895-8015
Email: kirwin@ci.patterson.ca.us
City Attorney: Nubia Goldstein

Reference 4

Sean Scully, City Manager (former City
Manager for the City of Riverbank)
City of Lincoln
600 6th Street, Lincoln, CA 95648
Phone: (916) 434-2490 ext. 4

Reference 5

Kelly Dodds, General Manager
San Miguel Community Services District
1150 Mission St., San Miguel CA 93451
Phone: (805) 467-3388
Email: kelly.dodds@sanmiguelcsd.org
General Counsel: Douglas White

The Authority has full permission to contact any of the references listed above. Additional references are available upon request.

Law Firm Clients and Projects

Below is a list of the Firm's current public agency clients. Additional information is provided where the Firm has provided City Attorney, General Counsel, Administrative Hearing Officer, or similar services in the last five years:

- **California Electronic Recording Transaction Network Authority**
2018-present: providing general counsel services.
- **City of Arroyo Grande**
2021-present: providing representation with regard to Water Rights Issues.
- **City of Angels Camp**
2018-present: providing city attorney and special counsel services.
- **City of Ceres**
2014-present: providing city attorney and special counsel services.
- **City of Dixon**
2013-present: providing city attorney and special counsel services.
- **City of Newman**
2013-present: providing city attorney and special counsel services.
- **City of Oakdale**
2013-present: providing city attorney and special counsel services, including municipal infraction prosecutions.
- **City of Patterson**
2013-present: providing city attorney and special counsel services.
- **City of Riverbank**
2013-present: providing city attorney and special counsel services.
- **City of Sonora**
2016-present: providing city attorney and special counsel services.
- **City of Vallejo**
2022-present: providing special counsel services.
- **Georgetown Divide Public Utility District**
2013-present: providing general counsel and special counsel services.
- **Grizzly Flats Community Services District**
2014-present: providing general counsel and special counsel services.
- **Los Rios Community College District**
2017-present: providing general and special counsel services.
- **Reclamation District 799**
2016-present: providing general counsel and special counsel services.
- **Rio Linda-Elverta Community Water District**
2013-present: providing general counsel and special counsel services.
- **Riverbank Local Redevelopment Authority**
2013-present: providing general counsel and special counsel services.

- **San Miguel Community Services District**
2015-present: providing general counsel and special counsel services.
- **San Simeon Community Services District**
2023-present: providing general counsel services.
- **Westley Community Services District**
2014-present: providing general counsel services.

Potential Conflicts of Interest

White Brenner maintains a comprehensive database on client representation. Prior to accepting any representation, the database is accessed to determine whether there are any existing conflicts. Additionally, each attorney is separately e-mailed a description of the proposed representation and asked to comment on any potential conflicts. A preliminary conflict check was conducted which indicated that there are no current conflicts with our representation of the Authority.

At this time, the Firm does not foresee any potential conflicts of interest that may arise with representing the Authority. Neither White Brenner, nor any of our attorneys, has represented any entity or individual with an interest adverse to the Authority, its Board of Directors, its staff, or any of the boards, agencies, commissions, or organizations to which the Authority belongs. Nor does the Firm have any known former or current clients within the boundaries of the Authority. Should the Firm become aware of a potential conflict of interest, the Authority would be notified immediately, and the Firm would assist the Authority in coordinating professional advice or outside legal counsel that best suits the Authority's needs.

Maintained Insurance

White Brenner currently maintains general liability insurance of \$2,000,000 per occurrence and \$4,000,000 aggregate, automobile, workers compensation of \$2,000,000 per occurrence, and errors and omission insurance of \$1,000,000 per occurrence and \$3,000,000 to comply with Authority requirements.

Fee Proposal

Our Firm understands the challenges public agencies face in trying to balance selecting a firm that is the most qualified with the firm that is the most cost-effective. White Brenner combines both of these factors by implementing more cost-effective and efficient systems for delivering high quality legal services in a timely fashion and at an affordable cost. We believe the quality and depth of our experience and expertise is unmatched by any other firm, large or small. Our Firm will monitor the Authority's legal expenses and budget on a regular basis. Actively monitoring expenses allows our Firm the ability to work with the Authority to proactively address any budgetary concerns and set expectations. Overwhelmingly, our Firm is able to keep General Counsel legal charges at or below the budgeted amount. However, when adjustments need to be made it is largely due to unforeseen issues such as unexpected litigation. When these unexpected events do occur, the Board of Directors and Executive Director are immediately informed and an estimated budget for the unexpected event is created. Most importantly, the Board of Directors and Executive Director are put in a position to be able to put together a budgetary plan even when the unexpected happens. During the interview process, our Firm would welcome the opportunity to discuss a fee structure that would best suit the Authority's needs. Until then, the Firm proposes the following compensation arrangement.

Hourly Rates

The Firm can bill straight by-the-hour for General Counsel legal services. White Brenner bills at a blended rate for all legal professionals including attorneys, paralegals, and law clerks. Hourly time is billed in increments of 1/10 of an hour.

Legal Services: Blended at \$250.00 per hour for all attorneys, paralegals, and law clerks.

The Firm does not charge for administrative professionals.

Reimbursements and Expenses

The Firm makes no separate charge for secretarial or other administrative charges. Our fees include all routine word processing, secretarial, and office costs associated with the provision of legal services. Reimbursement of costs advanced by us on behalf of the Authority, as well as other expenses, will be billed in addition to the amount billed for fees. These currently include, but are not limited to, automobile mileage at the authorized IRS rate, actual expenses away from our office on Authority business, long distance telephone calls, extraordinary photocopy charges at \$0.20/page, and any costs of producing or reproducing photographs, documents, and other items necessary for legal representation.

Travel Billed to the County

The Firm will charge a flat fee of \$500.00 when our physical presence is requested at meetings and other events including regular Board meetings. In the event our physical presence is requested at any hearings outside of the County we will charge the actual cost of travel, including mileage billed at the then effective IRS mileage reimbursement rate.

Monthly Itemized Billing

White Brenner will provide the Authority with detailed monthly invoices for legal services performed and expenses incurred. Each monthly invoice reflects both fees for services rendered through the end of the prior month, as well as expenses incurred on the Authority's behalf that have been processed by the end of the prior month. Processing of some expenses may be delayed until the next month and billed thereafter. Fees are not contingent upon any aspect of the matter. Our invoices for hourly services reflect the activity of each billing professional (attorney/clerk/paralegal) in detail as to the date, amount of time, nature of work performed, and cost. The invoices provide sufficient detail to track reimbursable legal expenses. The Firm can accept payment via check, ACH transfer, or credit card. However, please note that a 3.75 percent (3.75%) processing fee is attached to payments submitted via credit card by the third-party vendor. Payment is due within thirty (30) days after the date of our invoice.

Rate Increases

The Firm's rates may be adjusted annually according to All Urban San Francisco-Oakland-Hayward Consumer Price Index ("CPI").

Conclusion

White Brenner is excited about this opportunity, and we would be pleased to provide legal counsel services to the San Luis Obispo County Integrated Waste Management Authority. We encourage the Authority to focus on our qualifications, our commitment to the provision of quality legal services and exceptional service, as well as our ability to offer these services at the most cost-effective rates available. We hope that you will strongly consider offering our Firm the opportunity to interview with the Authority so we can discuss our qualifications and experience in more detail.

Thank you for your consideration. If you require any additional information, please contact me at 916.468.0950 or at doug@whitebrennerllp.com.

Respectfully submitted,
WHITE BRENNER LLP



Douglas L. White
Managing Partner

TO: San Luis Obispo County Integrated Waste Management Authority

FROM: Peter Cron, Executive Director

RE: Discussion of the status and impacts of the County's request to initiate discussions with the San Luis Obispo County IWMA and its member agencies in order to rejoin the IWMA.

BACKGROUND: On October 15, 2021, the IWMA received a formal notice of the County's intent to withdraw from the IWMA JPA, effective November 15, 2021. On March 23, 2023, the IWMA received a formal notice of the County's intent to rejoin the IWMA JPA, pending further discussion between the agencies (Attachment A).

When the County left the JPA, a Memorandum of Understanding was entered into between the IWMA and County for certain IWMA services. The MOU permitted ongoing IWMA service to the residents of the unincorporated county area. Those services include:

- Household and business hazardous waste collection and management.
- Universal waste collection.
- Electronic waste collection.
- Curbside used motor oil collection and filter disposal.
- School education and outreach for the 2021-2022 school year.
- Retail Take-Back of batteries, fluorescent lighting, paint, mercury thermostats, sharps and unwanted medication.

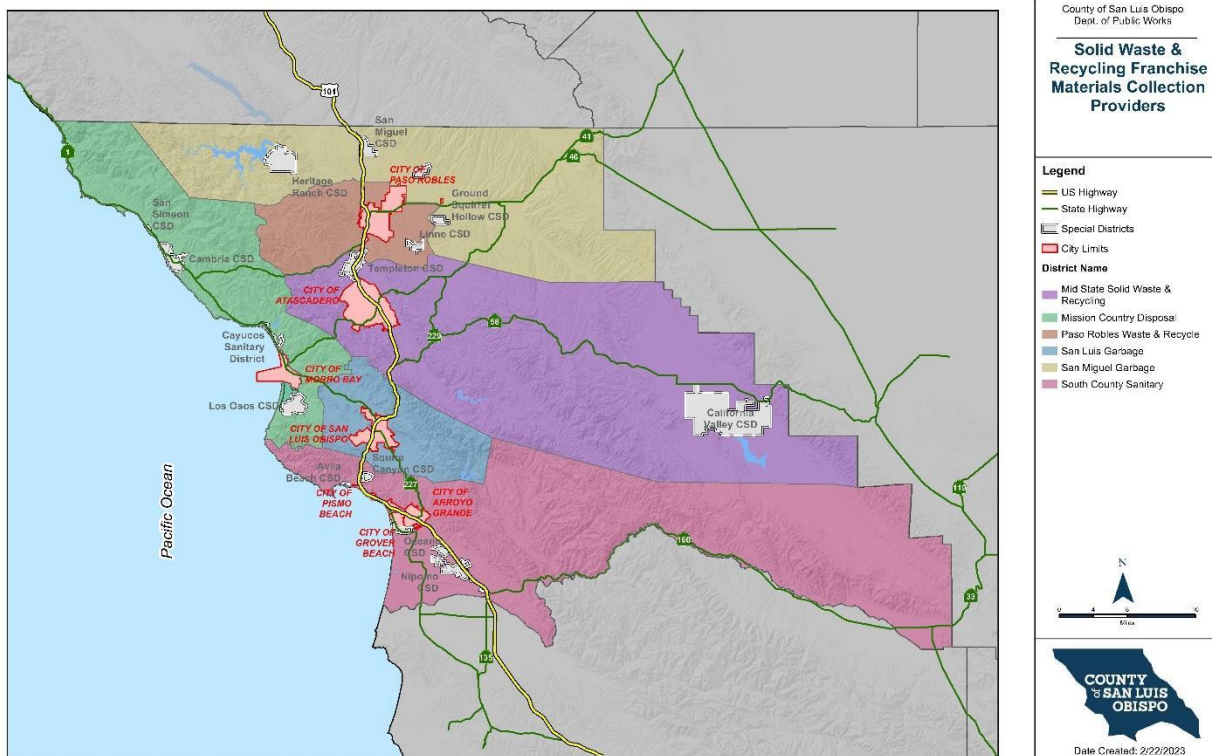
The County would assume the roles and responsibilities of reporting to the State of California on its progress in meeting CalRecycle solid waste and recycling requirements. Those requirements include:

- Capacity Planning.
- Electronic Annual Reporting.
- Non-Disposal Facility Element.
- Siting Element.
- SB 1383 requirements.
- Integrated Waste Management Plan as defined in the Source Reduction and Recycling Element.

These efforts were initially funded by the County through monies shifted from the general fund to a new solid waste division. Once the solid waste division was established, a fee study was conducted to determine the real cost of maintaining the program (Attachment B). At the conclusion of the fee study, it was determined that a rate of 8.1% was needed to fund the solid waste division at the County meaning a fee of 8.1% would be assessed on the solid waste collection rates of the unincorporated County areas.

At the March 21, 2023, Board of Supervisors meeting the Board was presented two recommendations: a) adopt the 8.1% fee or b) direct staff to initiate discussion on the prospect of the County rejoining the IWMA. The Board of Supervisors chose Option B and directed County Public Works to initiate these discussions.

On March 27, 2023 IWMA Executive Committee directed staff to explore the potential impacts of the County returning to the IWMA. The unincorporated county represents approximately 18.5% of the total population and is comprised of rural areas covering a large geographic area of San Luis Obispo County.



The unincorporated county area of San Luis Obispo has approximately 14,000 residential solid waste customers and approximately 2,000 commercial solid waste customers. Much of the area served by the San Luis Obispo County is rural and does not require mandatory solid waste services. These areas are covered by a low population waiver issued by CalRecycle that exempts them from many of the reporting requirements of SB 1383.

However, these areas are still subject to the rules of AB 939, AB 341 and AB 1826 and as such would require IWMA efforts for compliance.

The rejoining of the County to the IWMA may yield the following benefits:

- More efficient reporting and record keeping for compliance with CalRecycle requirements.
- Reduced record keeping and staff time in managing MOUs with the County for the following services:
 - Household Hazardous Waste Services.
 - Retail Take-Back.
 - Electronic Waste Collection.
 - Curbside Used Motor Oil.
- B. Continuity in messaging through public outreach and education.
- c. Potential savings to the rate payers through a scale of economics in providing services.

The rejoining of the County to the IWMA may yield the following challenges:

- Configuration and representation of the IWMA Board.
- Assurances of stability of membership.

FISCAL IMPACT:

If your Board were to agree to the County returning as a member of the IWMA, fiscal impacts would be realized by IWMA once staff assumes the following responsibilities from County staff:

- Capacity Planning. (Edible Food, Organics Processing)
- Electronic Annual Reporting for the County Areas.
- Management of Non-Disposal Facility Element.
- Management of the Siting Element.
- Compliance with SB 1383 requirements in unincorporated areas.
- Maintenance of the Integrated Waste Management Plan as defined in the Source Reduction and Recycling Element.

Staff has estimated that an additional 1.5 FTE may be necessary to accomplish the task work while continuing to provide services to current member jurisdictions. While there are some savings to the IWMA and its member jurisdictions in a scale of economics, there are some fiscal impacts that the agency would need to address. Anticipated changes in expenses and revenues are listed below.

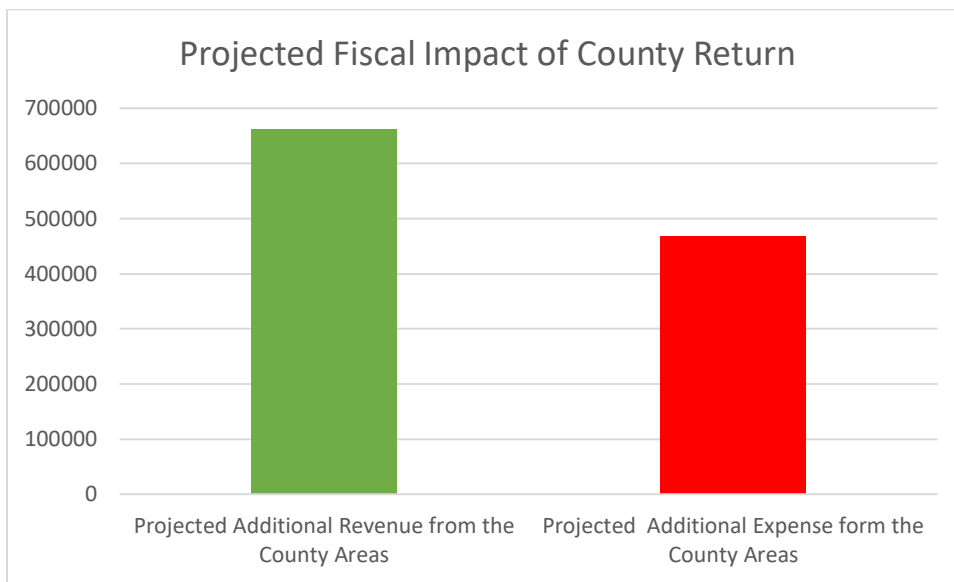
Additional Expenses

- Expenses for school education and outreach.
- Expenses for public education and outreach.
- Labor expenses for compliance programs (1.5 FTE).
- Additional administration.

Revenue

- Increase in revenue from Solid Waste Management Fee (4.4% of collection bill¹).
- Increase in revenue from Landfill Tipping Fee Surcharge (\$3 per ton from unincorporated area sources).
- Increase in revenue from Block Grant Funding.
- Decrease in revenue from billing to outside agencies.

Based on the information provided by the MSW Consultants rate study funded by the County, the fiscal impact of the County returning would generate approximately \$662,000 in additional revenue and an additional \$470,000 in expenses to the IWMA. These projections take into account a proposed reduction in the IWMA Solid Waste Management Fee from the current 5.4% to the proposed 4.4% for the Fiscal Year 2023/2024.



RECOMMENDATION:

Staff recommends that your Board discuss the request from the County to return to the IWMA and, if accepted, appoint a committee from the Board to work with IWMA staff in conducting discussions and setting conditions for the County’s potential return to the IWMA.

¹ IWMA Solid Waste Management Fee is currently 5.4% but is expected to decrease to 4.4% in FY 23/24.

ATTACHMENTS:

- A. Letter of Intent of County Rejoining IWMA 2023-03-23
- B. County MSW Report 2023-03-21



COUNTY OF SAN LUIS OBISPO
Department of Public Works
John Diodati, *Director*

March 23, 2023

EMAIL ONLY

San Luis Obispo County Integrated Waste Management Authority
Attn: Peter Cron, Executive Director
pcron@iwma.com

Subject: Letter of Intent for the County of San Luis Obispo to Rejoin IWMA

Dear Mr. Cron,

On March 21, 2023, the County of San Luis Obispo (County) Board of Supervisors directed and authorized County staff to initiate discussions on the prospect of the County rejoining the IWMA.

This letter is submitted as the County's formal request to meet with representatives of the IWMA and explore the steps and process needed for the County to become a member of the IWMA.

We would like to setup a meeting time at your earliest convenience.

I can be reached at (805) 788-2832 or via email at jdiodati@co.slo.ca.us.

Sincerely,

John Diodati

JOHN DIODATI
Director of Public Works

c: Wade Horton, County Administrative Officer, email
Rebecca Campbell, Assistant County Administrative Officer, email

File: 755.500.10.01

L:\Solid Waste\2023\March\Letter of Intent_IWMA.docx.MB.sb

Letter of Intent_IWMA

Final Audit Report

2023-03-23

Created:	2023-03-23
By:	Shannon Brown (SBrown@co.slo.ca.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAA78h1QhfrNN9I9wjVwVr8O-ReFxpwtR-O

"Letter of Intent_IWMA" History

-  Document created by Shannon Brown (SBrown@co.slo.ca.us)
2023-03-23 - 4:37:09 PM GMT
-  Document emailed to John Diodati (jdiodati@co.slo.ca.us) for signature
2023-03-23 - 4:38:01 PM GMT
-  Email viewed by John Diodati (jdiodati@co.slo.ca.us)
2023-03-23 - 4:51:11 PM GMT
-  Document e-signed by John Diodati (jdiodati@co.slo.ca.us)
Signature Date: 2023-03-23 - 4:51:31 PM GMT - Time Source: server
-  Agreement completed.
2023-03-23 - 4:51:31 PM GMT

Names and email addresses are entered into the Acrobat Sign service by Acrobat Sign users and are unverified unless otherwise noted.



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works	(2) MEETING DATE 3/21/2023	(3) CONTACT/PHONE Mladen Bandov Solid Waste Division Manager (805) 781-5116	
(4) SUBJECT Request to receive a presentation by MSW Consultants on a fee study for solid waste compliance activities and provide direction to staff on how to proceed. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> 1. Receive a presentation by MSW Consultants on a fee study for solid waste compliance activities; and 2. Provide direction to staff on how to proceed, which may include: <ol style="list-style-type: none"> a. Initiating the processes required to adopt the recommended solid waste management fee increases, which may include but not be limited to, following the constitutional requirements for fee adoption (e.g., Propositions 218 and 26); or b. Initiating discussions with the San Luis Obispo County Integrated Waste Management Authority (IWMA) and its member agencies in order to re-join the IWMA; or c. Other direction to staff. 			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT N/A	(8) ANNUAL FINANCIAL IMPACT N/A	(9) BUDGETED? N/A
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. _____) <input checked="" type="checkbox"/> Board Business (Time Est. <u>30 min.</u>)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input checked="" type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP No	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date: 11/8/22 #15, 6/21/22 #30, 4/19/22 #19, 11/16/21 #43, 11/2/21 #27, 9/14/21 #22, 8/10/21 #47	
(17) ADMINISTRATIVE OFFICE REVIEW Zachary A. Lute			
(18) SUPERVISOR DISTRICT(S) All Districts			

Reference: 23.036



COUNTY OF SAN LUIS OBISPO

TO: Board of Supervisors

FROM: Public Works
Mladen Bandov, Solid Waste Division Manager

VIA: John Diodati, Director

DATE: 3/21/2023

SUBJECT: Request to receive a presentation by MSW Consultants on a fee study for solid waste compliance activities and provide direction to staff on how to proceed. All Districts.

RECOMMENDATION

It is recommended that the Board:

1. Receive a presentation by MSW Consultants on a fee study for solid waste compliance activities; and
2. Provide direction to staff on how to proceed, which may include:
 - a. Initiating the processes required to adopt the recommended solid waste management fee increases, which may include but not be limited to, following the constitutional requirements for fee adoption (e.g., Propositions 218 and 26); or
 - b. Initiating discussions with the San Luis Obispo County Integrated Waste Management Authority (IWMA) and its member agencies in order to re-join the IWMA; or
 - c. Other direction to staff.

DISCUSSION

The mission of the Solid Waste Division is to support the County's compliance with solid waste management laws and regulations, following the County's withdrawal from the San Luis Obispo County IWMA. Solid waste compliance activities include planning and implementing the programs required under various State laws such as Assembly Bill (AB) 939, AB 341, AB 1826, AB 1276, Senate Bill (SB) 1383 and their associated regulations.

In addition to the solid waste compliance activities that were tasked to Public Works and historically performed by the IWMA, the Solid Waste Division performs two previously existing functions related to

solid waste: 1) post closure compliance of the Los Osos Landfill, and 2) administration of franchise solid waste haulers for collection and disposal services in the unincorporated areas of the County.

On January 24, 2023, during the Board Business item on budget goals and priorities, your Board voted 3-2 to direct staff to consider re-joining the IWMA. Since financial considerations are a key component in decision making, staff has included an option to initiate discussions with the IWMA on becoming a member again with this Board item.

Solid Waste Fee Study

On August 10, 2021 your Board considered two options regarding participation in the IWMA. Option A was to initiate withdrawal from the IWMA and Option B was to re-negotiate terms of the existing JPA. After deliberation, the Board chose Option A, which included the provision that staff would return with funding recommendations. Staff wanted at least one year of real costs before conducting any kind of rate study or analysis.

During the Consent Agenda item on December 13, 2022, your Board commented on expecting to review costs and implications, given that a year has passed in which the County has been directly performing solid waste compliance activities. Staff hired MSW Consultants to perform a study on the fees needed to support the solid waste activities to comply with State's regulatory requirements, which included evaluating the sources of revenue available to the County to fund these activities and to recommend any needed fee adjustments (Attachment 1). When the County left the IWMA, the funding needed for compliance was provided by a general fund contribution. An objective of the study was to establish how the general fund contribution could be converted to a fee paid by existing county customers for County solid waste compliance.

The County is currently receiving fee revenue from two sources:

- Solid Waste Management Fee
 - These are fees paid by waste haulers to the County that are included in their charges to collection customers in the County's solid waste jurisdiction.
 - Fee amounts:
 - \$0.30 per month for residential customers charged less than \$50 per month;
 - 2% for residential customers charged more than \$50 per month; and
 - 2% for all commercial customers.
- Tipping Fee Surcharge
 - These are fees paid by waste facilities (e.g., landfills, transfer stations) to the County that are collected at the gate for waste that originated from the County's solid waste jurisdiction.
 - Fee amount: \$ 3.00 per ton.

The cost of the County's solid waste compliance activities currently exceeds the fee revenues and is being supported by the general fund. The fee study projected for this fiscal year that the total revenue collected from both sources for customers in the County's solid waste jurisdiction would be approximately \$393,749. The projected expenditures for the County to provide solid waste compliance activities would be approximately \$1,177,082. As a result, the County is projected to realize a shortfall of approximately \$783,333 in FY 2023/24.

The fee study recommended the following adjustments¹ to the fee amounts and structure:

- Maintain the tipping fee surcharge at waste facilities at \$3.00 per ton;
- Discontinue the \$0.30 per month fee for residential customers charged less than \$50 per month; and
- Increase the current solid waste management fee of 2% for all residential and commercial customers to 8.1%.

The recommended fee adjustments would be used to independently fund the County's projected expenditures for solid waste compliance activities and to reduce general fund support until revenue from those new fees are established and received.

Direction to staff

Staff is seeking direction on how to proceed following the presentation of the solid waste fee study.

Option A: Should the Board decide to direct staff to implement the recommended solid waste management fee adjustments, the following steps would be taken:

1. Initiate the processes required to adopt the recommended fee adjustments, which may include but is not limited to following the constitutional requirements for fee adoption (e.g., Propositions 218 and 26); and
2. Return to the Board for approval and adoption of said proposed fee adjustments including any increases to fees, changes to fee structures, and other requirements.

It is estimated that it may take at least 2-3 months to adopt the recommended fees.

Option B: Should the Board decide to direct staff to re-join the IWMA, the following steps would be taken:

1. Initiate discussions with the IWMA and its member agencies, including developing an understanding of the processes, conditions, and requirements needed to re-join the IWMA;
2. Collaborate on the preparation and development of documents and any needed revisions, updates, or amendments to effectuate the County as a member of the IWMA, including, but not limited to: the IWMA Joint Powers Agreement (JPA), the Memorandum of Understanding (MOU) between the County and IWMA for certain continued services (e.g., household hazardous waste collection), the Memorandum of Agreement (MOA) establishing landfill tipping fee surcharges, letter of designation (as required for grants by the California Department of Resources Recycling and Recovery), etc.; and
3. Return to the Board for approval and execution of agreements, letters, fees, and other documents needed to complete the process for the County to re-join the IWMA, including a proposal to re-assign existing staff and impacts to Public Works.

¹ The proposed fee adjustments are based on projected estimates from the best available information to date and may change based on actual revenue collected and received, etc.

Option C: If either of these options are not desired, your Board may direct staff to proceed in a different manner.

Depending on successful negotiations and collaboration with the IWMA and member agencies, it is estimated to take 4-5 months to return to the Board for approval and execution of the necessary agreements and documents to finalize the County as a member of the IWMA. Until the membership process is complete, the County will continue to be responsible for solid waste compliance activities. Fees charged to IWMA member agencies are 5.4%, compared to the proposed 8.1% recommended in the fee study, which would result in a lower fee charged to County customers.

OTHER AGENCY INVOLVEMENT/IMPACT

Public Works staff has worked with the Administrative Office and County Counsel regarding the results of the solid waste fee study and possible direction to staff.

The IWMA is the agency responsible for solid waste management compliance for its member agencies which includes all seven cities and twelve special districts with solid waste powers in San Luis Obispo County.

FINANCIAL CONSIDERATIONS

The costs associated with preparing the solid waste fee study and receiving a presentation are included in the Fund Center (FC) 335 Waste Management FY 2022-23 Budget.

Revenue for solid waste compliance activities in FC 335 are currently provided by the solid waste management fees, tipping fee surcharges, and general fund support.

Depending on the direction provided to staff, including whether to implement the recommended fee adjustments, initiate efforts to re-join the IWMA, or otherwise, staff will return to the Board for approval of budget adjustments as needed.

RESULTS

The proposed actions will provide staff with direction regarding the County's responsibilities for solid waste compliance including establishing sufficient fees to fund those activities, or the County's future participation in the IWMA, resulting in a well-governed community.

ATTACHMENTS

- 1 Solid Waste Fee Study prepared by MSW Consultants
- 2 PowerPoint Presentation

File: 755.500.10.01

Reference: 23.036

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