

**AUBURN AREA RECREATION AND PARK DISTRICT MEETING OF THE
PROGRAM, PERSONNEL, POLICY, FEE & LEGAL REVIEW COMMITTEE AGENDA**

WEDNESDAY, MAY 19, 2021, 1:00 PM

**CANYON VIEW COMMUNITY CENTER, FOOTHILL ROOM
AUBURN, CA 95603**

Materials related to an item on this Agenda submitted to the District after distribution of the agenda packet are available for public inspection by contacting the District Administrator at kmuscott@auburnrec.com or by calling (530) 537-2186 (M-F).

Due to the current COVID-19 crisis, the public will not be allowed to physically attend the meeting. The public may participate in the meeting through Zoom. The link for this meeting is <https://zoom.us/j/91494206765>. The public can use this link and/or call **1 669 900 6833** Webinar ID: 914 9420 6765 to participate.

People using the Zoom website will be able to see and hear the Committee, and the Committee will be able to hear the public. The Committee will not receive any visual/video from the public. This is done to avoid inappropriate visual content at the meeting.

Questions and comments can be sent via email to the District Administrator no later than one hour before the meeting. These emails will be read aloud at the meeting and responded to accordingly. Emails can be sent during the meeting, and staff will work to ensure that all are read, however the best way to have your comment heard is through the Zoom meeting or the associated phone number.

If you are a person with a disability and need an accommodation to participate in the District's programs, services, activities and meetings, contact Kahl Muscott at (530) 537-2186 or kmuscott@auburnrec.com at least 48 hours in advance to request an auxiliary aid or accommodation.

1.0 CALL TO ORDER

Holbrook _____ Ainsleigh _____

2.0 ANNOUNCEMENTS, AGENDA REVIEW, CHANGES AND APPROVAL

3.0 PUBLIC COMMENT – This is the time wherein any person may comment on any item not on the agenda within the subject matter jurisdiction of the Committee Chairperson, please state your name and address for the record (optional). There is a time limitation of three minutes.

4.0 BUSINESS

- 4.1 Approval of Minutes from the April 21, 2021 Program, Personnel, Policy, Fee & Legal Review Committee Meeting (Pages 3 – 4)**

Recommendation: Review and approve minutes.

4.2 ARD Legal Counsel (Pages 5 – 54)

Shall the Auburn Area Recreation and Park District (ARD) review RFP's and contract with a new law firm for legal counsel?

4.3 Approval of Legal Bills

Recommendation: Review and approval of legal bills.

4.4 Discussion items:

1. Electric Charging Stations and Electric Vehicle Fleets.(Pages 55 – 61)
2. Additional cameras at Regional Park. (Page 62)

5.0 ITEMS TO BE CONSIDERED AT FUTURE PROGRAM, PERSONNEL, POLICY & FEE COMMITTEE MEETINGS

None.

6.0 PENDING ITEMS REQUIRING MORE DETAILED RESEARCH

None.

ADJOURNMENT

AUBURN AREA RECREATION AND PARK DISTRICT
This agenda is hereby certified to have been posted as follows:

5-14-21
Date

12:35pm.
Time

T. Luason
Secretary to the Board

**Auburn Area Recreation and Park District
Minutes
of the Program, Personnel, Policy, Fee & Legal Review Committee Meeting
Wednesday, April 21, 2021 at 1:00 PM
Canyon View Community Center
471 Maidu Drive
Auburn, CA 95603**

1.0 CALL TO ORDER

The meeting of the Program, Personnel, Policy, Fee & Legal Review Committee was called to order at 1:08 p.m.

ROLL CALL

Directors Ainsleigh was present, Director Holbrook was absent.

2.0 ANNOUNCEMENTS, AGENDA REVIEW, CHANGES AND APPROVAL

The agenda was approved by Director Ainsleigh.

3.0 PUBLIC COMMENT- This is the time wherein any person may comment on Any item not on the agenda within the subject matter jurisdiction of the Committee. After you are recognized by the Committee Chairperson, please state your name and address for the record (optional). There is a time limit of three minutes.

None.

4.0 BUSINESS

4.1 Approval of Minutes from the March 17, 2021 Program, Personnel, Policy, Fee & Legal Review Committee Meeting

The minutes from the March 17, 2021 Program, Personnel, Policy, Fee & Legal Review Committee meeting were reviewed and approved by the Committee.

4.2 UAL CalPERS Pension 115 Trust Agreement

Director Ainsleigh reviewed the information and forwarded it to the Board of Directors for review and approval.

4.3 ARD Legal Counsel, 2021

Director Ainsleigh reviewed the information and forwarded the RFP's from Best, Best & Krieger, Bartkiewicz, Kronick & Shanahan, and Cole Huber to the Board of Directors for review and consideration.

4.4 Facilities Maintenance Worker/Senior Facilities Maintenance Worker Job Description Creation

Director Ainsleigh reviewed this item and forwarded it to the Board of Directors with a positive recommendation.

4.5 Approval of Legal Bills – the legal bills were reviewed and approved by Director Ainsleigh.

4.6 Discussion Items:

None.

5.0 ITEMS TO BE CONSIDERED AT FUTURE PROGRAM, PERSONNEL, POLICY, FEE & LEGAL REVIEW COMMITTEE MEETINGS

None.

5.1 PENDING ITEMS REQUIRING MORE DETAILED RESEARCH

None.

ADJOURNED

As there was no further business, the meeting was adjourned at 1:21 a.p.

Board Secretary

Date

Item 4.2 Cover sheet – ARD Legal Counsel, 2021

Auburn Area Recreation and Park District Policy, Program and Fee Committee Meeting January, 2021; Board of Directors meeting January, 2021; Policy Committee April, 2021; Board of Directors meeting April, 2021; **Policy Committee meeting May, 2021**

The Issue

Shall the Auburn Area Recreation and Park District (ARD) review RFPs and contract with a new law firm for legal counsel?

Background

District Policy, Section VI, Policy on Authorization for Legal Services, states the following:

- D. Policy to Re-Address Performance of Legal Counsel. The District will re-address performance of the contracted Legal Counsel every two years. If services and fees are not found to be in accordance with the Legal Services Agreement as signed by the District Administrator and Legal Counsel, the District may seek new counsel.

ARD's current legal counsel is Cole Huber. Cole Huber has been with ARD since August of 2016. ARD's main contact at Cole Huber, Ron Scholar, has worked with the District since 2006.

ARD staff sent out a Request For Proposal (RFP) for new legal counsel in 2016. After review, the District decided to switch from Kronick, Moskovitz, Tiedemann and Girard (KMTG) to Cole Huber.

The ARD Board of Directors readdressed the performance of KMTG in July, 2012 and June, 2014, May, 2016 and January, 2019. The ARD Board considered whether or not to go out to RFP in March of 2019, however that motion did not pass.

The ARD Board voted to go out RFP at the January, 2021 Board of Directors meeting. Staff prepared an RFP and sent it to over 40 law firms. Six firms replied. Staff has put together a matrix of the firms that replied, their relevant experience and fees.

After review, the Program, Personnel, Policy, Fee and Legal Review Committee recommended asking the following firms to make a presentation at the April 29, 2021 Board meeting:

BKS (Bartkiewicz, Kronick & Shanahan)

BBK (Best, Best and Krieger)

Cole Huber

These firms all made a presentation at the April Board meeting. The Board voted to send the information back to the committee to seek further information. Per direction from the committee, staff reached out to the recreation and park districts that were represented by BKS and BBK (ARD is familiar with Cole Huber). The results of those phone surveys are attached.

Recommendation for the Program, Personnel, Policy, Fee and Legal Review Committee

Review and discuss the information. Provide a recommendation for the Board.

Staff is using CAPRI free attorney Patti Eyres much more frequently now, and recommends staying with Cole Huber as ARD's attorney of record. As of 11/30/20, ARD had only spent \$1,340 in legal expenses (2/3 of the Fiscal Year).

Alternatives Available

1. Send this item back to the June, 2021 Policy Meeting for further review.

Fiscal Impact

There is no projected fiscal impact to perform this review.

The following is a chart of ARD's legal costs for the past 11 Fiscal Years:

FY 06/07	FY 07/08	FY 08/09 *	FY 09/10	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16
\$30,652	\$24,824	\$1,363	\$20,131	\$13,475	\$7,710	\$6,648	\$8,421	\$15,301	\$6,693

FY 16/17	FY 17/18	FY 18/19	FY 19/20
\$4,533	\$12,552	\$8,634	\$14,908

*Note: ARD moved its Fiscal Year Calendar in 2009/2010, resulting in a 9-month Fiscal Year.

Attachments

RFP responses from:

- BB&K
- BKS
- Cole Huber

Phone surveys with other recreation and park districts



BEST BEST & KRIEGER
ATTORNEYS AT LAW

www.BBKlaw.com

Proposal to Provide **Legal Services**

Presented to:

Auburn Area Recreation and Park District

March 26, 2021

INDIAN WELLS

IRVINE

LOS ANGELES

MANHATTAN BEACH

ONTARIO

RIVERSIDE

SACRAMENTO

SAN DIEGO

WALNUT CREEK

WASHINGTON, D.C.

Joanna Gin
500 Capitol Mall, Suite 1700
Sacramento, CA 95814
(916) 551-2857
joanna.gin@bbklaw.com

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I. COVER LETTER/LETTER OF INTEREST

March 24, 2021

OVERNIGHT DELIVERY

Auburn Area Recreation and Park District
471 Maidu Dr. Ste. 200
Auburn, CA 95603

Re: Response to Request for Proposal for Legal Services

Dear Board of Directors:

On behalf of Best Best & Krieger LLP (BB&K), I am pleased to present this proposal in response to the Auburn Area Recreation and Park District's (District) request for proposals (RFP) for legal services. BB&K has one of California's most extensive practices in providing legal services to a multitude of public agencies, including park and recreation districts, and other governmental entities. Serving more than 800 public agencies nationally, BB&K is uniquely qualified to provide the highest quality legal representation to the District.

BB&K is a limited liability partnership established in Riverside, California in 1891 that has been in business for 130 years. BB&K's main office remains in Riverside:

Best Best & Krieger LLP
3390 University Avenue, 5th Floor
PO Box 1028
Riverside, CA 92502

Phone: (951) 686-1450
Fax: (951) 686-3083
www.BBKLaw.com

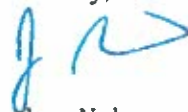
I, Josh Nelson, will be your primary contact during the proposal evaluation period. The District may contact me for any clarification or to request additional information:

Joshua Nelson
Best Best & Krieger LLP
500 Capitol Mall Street, Suite 1700
Sacramento, CA 95814

Phone: (916) 551-2859
Fax: (916) 325-4010
Email: joshua.nelson@bbklaw.com

The attached proposal is a firm offer to enter into a contract with the District according to the terms of your RFP. We look forward to discussing our qualifications with the District in more detail. We also welcome the opportunity to meet in person to discuss our capabilities and readiness to provide the legal services requested by the District.

Sincerely,



Joshua Nelson
of BEST BEST & KRIEGER LLP

II. FIRM ORGANIZATION/CREDENTIALS/PROFESSIONAL EXPERIENCE

A. Firm Description

BB&K is a limited liability partnership that has been in business for 130 years. We are a full-service law firm composed of approximately 225 attorneys, 35 paralegals, and 150 secretarial and administrative staff. BB&K consists of equity and non-equity partners, of counsels, associates, and governmental affairs directors as well as administrative directors, paralegals, and administrative staff.

In order to serve our clients' local and national interests, BB&K maintains nine offices throughout California — Walnut Creek, Sacramento, Riverside, San Diego, Irvine, Los Angeles, Manhattan Beach, Ontario, and Indian Wells — and one office in Washington, D.C. We deliver effective, timely, and service-oriented solutions to complex legal issues facing public agencies, businesses, and individuals across the U.S. and the world.

BB&K's range of services includes the following:

- ARC: Advanced Records Center
- Business planning & transactions
- Education law
- Eminent domain
- Energy and public utilities
- Environmental law & natural resources
- Government relations
- Labor & employment
- Litigation
- Public works & infrastructure
- Public-private partnerships
- Telecommunications
- Water
- Bankruptcy
- Economic development, real estate, & affordable housing
- Employee benefits & executive compensation
- Fees, taxes, & assessments
- Health care
- Land use & planning
- Municipal law
- Public finance
- Special districts
- Transportation

Our municipal and public agency talent is unmatched. We are the largest firm in California whose practice is primarily focused on the representation of public entities. We work in the public interest and on many of the most challenging issues our society faces today. Our experience with public agencies, especially agencies in Northern California, combined with our nationally recognized practice in municipal and environmental law will allow us to efficiently, intelligently, and meaningfully assist the District with complex, multi-disciplinary issues. We will provide creative solutions and successfully guide the District through legal complexities and governmental mandates.

B. Summary of Experience

Parks and Recreation Experience

BB&K understands national and state trends for parks and recreation districts. BB&K attorneys provide general and special counsel services to public agency parks and recreation departments in all areas of concern. We counsel public agencies on first amendment rights in parks, including the right to free speech and the right to assemble, and help public agencies to create regulations for

Proposal to Auburn Area Recreation & Park District

special events or activities in public parks without violating constitutional rights. Additionally, our attorneys regularly work with agencies and law enforcement on regulations to reduce criminal and troublesome activities — including graffiti, vandalism, underage drinking, congregating after hours, vicious animals, and loud music — in parks .

BB&K is familiar with the unique relationship between parks and recreation districts and local city or county law enforcement; we will work with local agencies to ensure that the District retains its sovereign immunity over its parks while allowing law enforcement to provide crime prevention services.

Special District Law

The BB&K Special Districts practice group focuses solely on helping public clients successfully maneuver through legal complexities and governmental mandates. From issues related to processing tort liability claims by third parties, utility theft, customer bankruptcy, local agency formation commission (LAFCO) proceedings, and labor and employment matters, we have the specific experience necessary to assist the District. Because BB&K has a history of extensive involvement in all aspects of special district and municipal law, we have pioneered methods to deliver advisory and litigation services in a comprehensive and cost-effective manner. Our approach ensures the highest quality and most timely representation available in California. As a result, we never have to "reinvent the wheel" when it comes to providing advice and sample documents.

Our attorneys are very familiar with the Recreation and Park District Law (Public Resources Code Section 5780 et seq.). We are able to assist the District with complying with these requirements including election requirements, budget adoption procedures, regulation of District facilities and properties, and acquisition or disposal of public land.

Public Agency Law and California Codes

Brown Act. BB&K provides advice regarding the interpretation and application of the Ralph M. Brown Act (Open Meeting Law) to its public agency clients. Advice often pertains to:

- Requirements for agenda preparation, posting, and distribution
- Closed session topics and reporting
- Notices and agendas for special and emergency meetings
- Adding agenda items after an agenda is posted
- Conducting meetings by teleconference
- Application of the Brown Act to committees of official bodies
- Avoiding violations and penalties

We also defend challenges to our clients' compliance with the Brown Act.

Public Records Act. BB&K attorneys regularly advise clients on all aspects of California's Public Records Act (CPRA). We routinely brief our clients on pertinent pending legislation and cases. With the emergence of new technology, we regularly advise clients regarding the use of email, records retention, and the public's right to access electronic information. We often speak at seminars and workshops about updates to the CPRA and email and technology issues.

Proposal to Auburn Area Recreation & Park District

BB&K's Advanced Records Center (ARC) combines legal acumen and experience with cutting-edge technology to provide comprehensive and cost-effective support for non-routine, records-related matters. Upon request, the ARC team assists public agencies with non-routine CPRA processing and policy drafting as well as e-discovery advice.

Conflicts of Interest. BB&K provides advice to elected and non-elected public officials regarding conflicts of interest laws including:

- Political Reform Act (Government Code § 81000 et seq.)
- Self-interested contracts (Government Code § 1090)
- Campaign contribution conflicts (Government Code § 84308)
- Incompatible public offices (Government Code § 1099)

Proposition 218. BB&K has extensive experience forming assessment and improvement districts, including addressing the post-Proposition 218 challenges to finding special benefits from a proposed assessment. BB&K has experience forming districts under the Improvement Act of 1911, the Municipal Improvement Act of 1913, the Improvement Bond Act of 1915, and other applicable improvement acts. We believe that successful district formation requires a collaborative approach that ensures the responsible attorneys work with District staff and the consulting engineer to identify and address any issues. As the courts have recently raised the legal standard for assessable special benefits, early review and comment help to avoid future challenges and accompanying litigation expenses.

BB&K advises local governments on revenue matters associated with the adoption, levy, and defense of taxes, assessments, and fees and charges. We take an active role in helping clients with the requirements of Propositions 13, 26, 62, and 218. We were a major donor to the campaign to pass Proposition 1A and are involved in assisting our clients in understanding and implementing the opportunities Proposition 1A presents. Our experience enables us to successfully facilitate the current shift of decision-making power regarding revenue matters from elected officials to property owners and registered voters.

Human Resources

BB&K provides a full range of legal counsel and litigation services for all types of workplace issues and needs. Our attorneys work closely and personally with employer clients to develop effective compliance and dispute resolution strategies. If complex labor, disability, discrimination, or workers' compensation issues arise, the District can call upon the services of BB&K's Labor and Employment Law practice group. When necessary, our attorneys also provide a vigorous defense in discrimination, harassment, wrongful termination, wage and hour, and other labor and employment litigation. Because labor and employment problems often involve high stakes and intense time pressure, we are committed to giving employers highly responsive service.

We counsel clients on all aspects of employment laws and human resources management issues, including wage and hour standards, layoffs, employee termination, discipline matters, and personnel policies. We provide advice on compliance with state and federal laws such as Title VII, the Fair Employment and Housing Act, the Fair Labor Standards Act, the Americans with Disabilities Act, family leave laws, and the Worker Adjustment and Retraining Notification (WARN) Act. When workplace concerns arise out of the collective bargaining process, we handle contract negotiations, impasse procedures, grievance and arbitration proceedings, union representation proceedings, and

Proposal to Auburn Area Recreation & Park District

unfair labor practice charges before local, state, and federal agencies.

Our attorneys regularly represent employers before the National Labor Relations Board, Public Employment Relations Board, California Department of Fair Employment and Housing, U.S. Equal Employment Opportunity Commission, U.S. Department of Labor, California Labor Commissioner, and Division of Occupational Safety and Health as well as before public agency personnel boards and civil service commissions. While our goal is to help employers avoid litigation, we have extensive experience in every aspect of employment litigation, from single or multiple employee discrimination cases and sexual harassment allegations to class action wage and hour claims in all state and federal courts throughout California. We are committed to providing an aggressive defense for our clients while remaining cognizant of economic realities.

For public sector employers considering employee discipline, our firm provides advice and representation in every step of the process. We advise on initial investigation and evaluation of evidence supporting discipline, review the consistency and appropriateness of discipline, prepare all required notices, conduct due process hearings, and defend employers in administrative as well as judicial appeals. Our attorneys have appeared on behalf of governmental clients in proceedings before the Public Employment Relations Board, in arbitration hearings, in matters before commissions on professional competence (involving the discharge of permanent certificated employees), and in classified personnel commission hearings.

Finally, BB&K assists its clients in developing, implementing, and administering employee handbooks and employment policies designed to avoid liability in the workplace. These policies run the gamut of labor and employment law and address such subjects as family and medical leave; drug and alcohol testing; e-mail and internet usage; disability laws and interactive processes; workplace violence; and discipline, discrimination, harassment, privacy, and other employee rights and obligations. Our emphasis is on helping clients prevent workplace liability.

Contracts and Contract Codes

Our construction and contract attorneys routinely provide advice on all aspects of public agency contracting, including selecting project delivery methods and drafting the full suite of associated contract documents to minimize risk and maximize legal protections available to our clients. On a daily basis, we address bid questions and protests; handle performance disputes; assist with evaluation of change order requests; administer subcontractor substitution processes; and resolve claims. Our attorneys are fully conversant in all aspects of the California Public Contract Code and all potential federal requirements including the Davis-Bacon Act and American Iron and Steel requirements.

Our attorneys prepare sophisticated model public works bid packages and contract documents as well as purchasing and other related contracts tailored to individual clients' objectives. Further, we frequently help our clients avoid construction and other contract disputes. Our attorneys have extensive experience with bid protests and other contract award issues, patent and latent construction defects, contractor and subcontractor performance issues, contract claims, contractor default issues, prompt payment disputes, liquidated damages issues, performance and payment bond issues, contract scheduling, and dispute resolution. We also provide advice regarding compliance with competitive bidding, prevailing wage laws, and state and federal procurement laws. Additionally, we assist special districts with complex negotiations and litigation matters relating to public works projects.

Proposal to Auburn Area Recreation & Park District

CEQA and Environmental Law

BB&K represents municipal clients in environmental issues arising under the California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), and California and federal Endangered Species Acts (ESAs). We assist public agency clients with pre-project planning and strategy before CEQA is triggered to minimize costs and maximize environmental protection. We also have extensive CEQA, NEPA, and ESA litigation experience. We prepare local CEQA guidelines on behalf of over 70 public agency clients, including water districts, cities, school districts, and other special districts. Our attorneys assist public agency clients in all aspects of CEQA and NEPA compliance, including the preparation and review of notices of exemption, initial studies, findings and statements of overriding considerations, mitigation monitoring and reporting plans, addenda, negative declarations, environmental impact reports (EIRs), and environmental impact statements. We are also experts at writing and editing EIRs to fully comply with CEQA requirements. If a legal challenge should arise, our attorneys are skilled in the procedural and substantive intricacies of litigating a CEQA or NEPA case, including short statutes of limitations, administrative record requirements, and unique briefing and oral arguments.

In addition, BB&K routinely advises both public agency and private industry clients on obtaining water quality permits and maintaining compliance with applicable requirements under the federal Clean Water Act, the National Pollutant Discharge Elimination System (NPDES), the California Porter-Cologne Water Quality Control Act, and the Safe Drinking Water Act.

III. PROJECT TEAM

BB&K proposes Joanna Gin to serve as general counsel to the District. Joanna will be the primary contact person for all legal matters and attend regular board meetings. Her work will be supervised by Josh Nelson, the partner in charge, who will serve as assistant general counsel to the District. Additionally, we propose Laura Fowler to provide counsel on human resources matters. The District will also have access to BB&K's full roster of attorneys, which boasts a broad base of knowledge and resources.

Joanna and Josh will always be available by phone, cell phone, or email. Given the depth of the firm's resources, in both personnel and experience, the firm is capable of responding to complex requests in an expedited manner. Routine matters can often be responded to immediately, as it is likely that one of our attorneys has already handled a matter of the same or similar nature.

We believe that communication technology, flexibility, and responsiveness are critical to providing high-quality client service and developing long-term client relationships. Consequently, BB&K has invested in state-of-the-art teleconference technology as well as video and electronic conference services. We will work closely with the board of directors, management, and staff to employ a suitable level of communication technology for as long as we provide legal services.

Joanna will manage and maintain primary responsibility for all BB&K work with the District. She is prepared to represent and advise the board, District administrator, and District staff in all matters pertaining to their roles. She will provide guidance on the legality of all matters under consideration by the board and District staff.

A. Joanna Gin, Associate - General Counsel



Phone (916) 551-2857

Email joanna.gin@bbklaw.com

Location Sacramento

Education University of California, Davis, School of Law, J.D.; University of California, Berkeley, B.A.

CA Bar Number 323715 (2018)

Joanna Gin is an attorney in BB&K's Municipal Law practice group. She serves as assistant city attorney for the City of Winters. In addition to general, public agency work, Joanna focuses on compliance with Propositions 218 and 26; solid waste, including the implementation of SB 1383 regulations; and elections.

Joanna has worked on general governance and contracting issues for special districts and provided Brown Act training to local officials and employees. She has provided webinars on Propositions 218 and 26, reviewed rate studies, and advised on fee adoptions.

Proposal to Auburn Area Recreation & Park District

In addition, Joanna has guided various cities in updating their water efficient landscape ordinances and fulfilling their annual reporting requirements. She has helped cities place sales tax measures on ballots and worked with them to implement the collection of voter-approved taxes.

Before joining BB&K, Joanna clerked for the Sacramento City Attorney's Office and assisted the civil litigation and advisory units on municipal affairs. Prior to attending law school, Joanna worked in legislative affairs in Sacramento for nearly a decade. She was appointed by Governor Jerry Brown to the position of assistant deputy director in the office of legislative affairs at the department of general services. While there, she helped oversee the office in the preparation of legislative analyses and policy recommendations relating to state contracts and property.

Before her role as assistant deputy director, Joanna worked as a policy consultant with the California State Assembly Business and Professions Committee at the state capitol. She provided guidance to legislators and their staff on legislation related to licensed professionals, building standards, and state contracts and property.

B. Joshua Nelson, Partner - Assistant General Counsel



Phone (916) 551-2859

Email joshua.nelson@bbklaw.com

Location Sacramento

Education University of California, Davis School of Law, J.D.; Cornell University, B.S.

CA Bar Number 260803 (2008)

Josh Nelson is a member of BB&K's Municipal Law practice group and provides city attorney and general counsel services to a number of clients. Josh serves as city attorney for the City of Jackson and as general counsel for a number of special districts, including the American Valley Community Services District, North Tahoe Public Utility District, and Soquel Creek Water District.

In addition to general governance issues, Josh has extensive experience representing public agencies before LAFCOs, including assisting agencies with consolidation. His practice emphasizes solid waste, Proposition 218 and 26 compliance, and general utility issues. He also regularly represents public and private clients before the California Public Utilities Commission on energy and telecommunications matters.

Josh serves as the managing partner for BB&K's Sacramento office.

Proposal to Auburn Area Recreation & Park District

C. Laura Fowler, Partner - Human Resources Matters



Phone (916) 551-2085

Email laura.fowler@bbklaw.com

Location Sacramento

Education University of the Pacific, McGeorge School of Law, J.D., *with great distinction*; California State University, Sacramento, B.A.

CA Bar Number 186097 (1996)

Laura Fowler is an attorney in the Labor & Employment Law practice group of BB&K. Laura's practice includes providing employers with day-to-day advice regarding wage and hour issues, leaves of absence, disability accommodations, and decisions regarding discipline and termination. Laura also drafts employee handbooks and personnel policies and assists in responding to and investigating complaints of workplace harassment.

On the litigation side, Laura represents employers responding to administrative complaints filed with state and federal agencies, including the California Department of Fair Employment and Housing and the Equal Employment Opportunity Commission. She also represents employers in state and federal court in employment-related matters involving claims of discrimination, harassment, failure to accommodate, and unpaid wages.

Prior to joining the firm, Laura was an attorney with McDonough Holland & Allen in Sacramento. She graduated from law school as valedictorian and was selected by law school faculty as the outstanding graduating senior for her graduating class. After law school, she served as law clerk for the Honorable Milton L. Schwartz of the U.S. District Court for the Eastern District of California. She is admitted to the California State Bar, all the districts of the U.S. District Court in California, and the U.S. Ninth Circuit Court of Appeals.

IV. FIRM RESOURCES & RELEVANT CLIENTS

BB&K is best suited to serve as the District's legal counsel for the proposed work; because we will provide practical, personalized advice through a single attorney while drawing on extensive, firm-wide knowledge for specialized needs. We have the experience of a large national firm, offer lower specialized legal rates, and provide a unique understanding of public agency law.

Our municipal and public agency talent is unmatched. We are the largest law firm in California whose practice is primarily focused on the representation of cities and other public entities. We work in the public interest and on many of the most challenging issues society faces today. Our experience with public agencies, especially agencies in the Sacramento metropolitan area, combined with our nationally recognized practice in municipal and special district law will allow us to efficiently, intelligently, and meaningfully assist the District with its legal needs.

Fundamentally, BB&K's experience and makeup provide efficiency that will be beneficial to the District. Our team can draw on attorneys in other sectors when necessary to provide a full spectrum of legal advice.

BB&K has one of California's most extensive practices providing legal services to special districts, including parks and recreation districts and community services districts that provide parks and recreation services. We currently serve nearly 350 special districts as either general or special counsel. Below is a representative list of the clients we currently represent as general or special counsel that provide parks and recreation services.

- Arden Park Recreation and Park District
- Beaumont-Cherry Valley Recreation & Park District
- Cosumnes Community Services District
- Hesperia Recreation and Park District
- Rio Linda Elverta Recreation and Park District
- Southgate Recreation and Park District
- Valley Wide Recreation & Park District

V. FINANCIAL/INSURANCE

BB&K recognizes the need to keep legal costs under control. We have a longstanding commitment to the affordable delivery of legal services to municipalities and public agencies. Given the depth and breadth of our experience, we often get the job done in much less time, resulting in lower overall costs.

A. Hourly Rates

General Counsel Services

For general counsel services, BB&K proposes a rate of \$230 for Attorneys and \$150 per hour for Paralegals, Law Clerks, and Litigation Analysts. General counsel services shall include the following:

- Attendance at meetings
- Agenda and document review
- Brown Act matters
- Public Records Act assistance
- Conflict of interest issues

Special Counsel Services

For special counsel services, BB&K proposes a rate of \$300 for Attorneys and \$160 for Paralegals, Law Clerks, and Litigation Analysts.

Special counsel services shall include the following:

- Employee relations and labor negotiation matters
- Non-routine contract negotiation matters (including non-BB&K model agreements and franchise agreements)
- Acquisition, disposal, and resolution of real estate, easements, right-of-ways, leases, licenses, and other property transactions
- Complex land use, development, and environmental law (CEQA) matters
- Water law matters (e.g., water rights and quality)
- Tort liability and risk management matters
- Fees, taxes, and assessments matters
- Complex public utility matters
- Litigation and formal administrative or other adjudicatory hearing matters
- Other matters mutually agreed upon between BB&K and the District

B. Reimbursements

BB&K does not charge for routine word processing, legal assistants, clerical costs, administrative support staff, secretarial costs, and office costs including telephone and fax charges. Reimbursement of costs advanced by BB&K on behalf of the District as well as other expenses will be billed at actual cost. These include, but are not limited to, travel costs (mileage) at the IRS authorized rate; expenses for being away from our offices on District business; postage; legal research; and any cost of printing or reproducing documents, photographs, or other items necessary for legal representation.

Proposal to Auburn Area Recreation & Park District

C. Insurance

BB&K carries professional liability (errors and omissions) coverage with Lloyd's of London and certain London companies with a total limit of liability in excess of \$1,000,000 per claim and \$2,000,000 in the annual aggregate including claims expenses. The firm also carries general liability, business automobile liability, and employer's liability insurance with standard coverage consistent with a business of our type and nature as well as workers' compensation coverage as required by law.

VI. CLIENT REFERENCES

Please do not hesitate to contact any of the following references for a more in-depth discussion of our ability to provide legal services for the District.

BB&K References

Kathleen Salguero Trepa, City Manager
City of Winters
318 1st Street
Winters, CA, 95694
Phone: (530) 794-6710
Email: kathleen.trepa@cityofwinters.org

Yvonne Kimball, City Manager
City of Jackson
33 Broadway
Jackson, CA 95642
Phone: (209) 223-1646
Email: ykimball@ci.jackson.ca.us

Katie Nunn, Business Manager
American Valley Community Services District
900 Spanish Creek Road
Quincy, CA, 95971
Phone: (530) 283-0836
Email: katie@americanvalleycsd.com

Brad Johnson, General Manager/CEO
North Tahoe Public Utility District
P.O. Box 139
Tahoe Vista, CA 96148
Phone: (530) 553-5410
Email: bjohnson@ntpud.org

VII. TRANSMITTAL LETTER

March 24, 2021

Auburn Area Recreation and Park District
471 Maidu Dr. Ste. 200
Auburn, CA 95603

Dear Board of Directors:

Thank you for considering our proposal. BB&K would be pleased to work with the District to provide general legal counsel services. We are confident that we have significant experience in all areas of value to the District.

We understand that we will be expected to provide legal opinions; represent the District in legal matters; and assist with parks and recreation matters, special district issues, public agency law, human resources, environmental law, and contracts as requested.

Open lines of communication between the District and the District's staff are essential. BB&K's top priority is to keep the District regularly apprised of all new legislative developments. We will consistently update the District on all matters through frequent communication, prioritizing matters as the District sees fit. It is very important that we are always available to District officials. This means that we are available in person, by phone, or by email at all times of the day. Our clients judge us on the quality, speed, and delivery of our service. We return phone calls as quickly as possible, frequently check our email, and promptly answer routine inquiries.

I, Josh Nelson, am a BB&K partner and am authorized to bind the firm to all provisions of the request for proposals, to any subsequent changes, and to the contract if we are awarded one. Our proposal is valid for 60 calendar days from the submission date of March 26, 2021.

We look forward to the opportunity to discuss our proposal with you in more detail; and, if selected, we would be honored to work with you. If you require any additional information, please feel free to contact me.

Sincerely,



Joshua Nelson
of BEST BEST & KRIEGER LLP

VIII. LICENSE TO PRACTICE IN CALIFORNIA

BB&K affirms that the firm and all of its attorneys who would be assigned to handle legal work on behalf of the District are currently and properly licensed to practice law in the State of California.

BARTKIEWICZ, KRONICK & SHANAHAN

A Professional Corporation
1011 Twenty-Second Street
Sacramento, California 95816-4907
Tel. (916) 446-4254
www.bkslawfirm.com

March 24, 2021

Auburn Area Recreation and Park District
Attn: Legal RFP
471 Maidu Dr. Ste. 200
Auburn, CA 95603

Re: Proposal for District General Counsel Services for Auburn Area Recreation
and Park District

Dear Legal Review Committee:

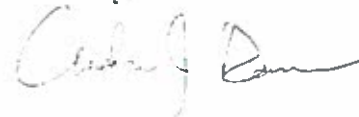
The attorneys at Bartkiewicz, Kronick & Shanahan (BKS) are pleased to submit this proposal for District General Counsel Services to the Auburn Area Recreation and Park District (ARD).

Our proposed BKS team of Joshua Horowitz, Christine Dugger and I have extensive experience advising California special districts. We offer:

- Skill as attorneys for over 30 special district and public agency clients; and
- Value through efficient billing, use of technology to reduce costs, and discounted hourly rates for public agency clients like ARD.

Thank you for the opportunity to submit this proposal. The firm and I commit to perform the work requested in the time period required by ARD. This proposal is a firm and irrevocable offer good for 60 days. We hope to have an opportunity to speak with the ARD Board of Directors and staff further about how we can help the District. If you have any questions about this proposal, I can be reached at (916) 717-7278 or ajr@bkslawfirm.com.

Sincerely,



Andrew J. Ramos

Response to Request for Qualifications and Proposal

District General Counsel Services for Auburn Area Recreation and Park District

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1.0 SCOPE OF WORK

BKS proposes to provide full-service general counsel legal services to ARD on an ongoing basis. We anticipate these services would include:

- providing comprehensive legal advice to ARD regarding general California public agency law, including the Brown Act, California Public Records Act, conflict of interest laws, public contracting, fees and assessments, and other areas of law of impact to ARD;
- advising ARD regarding natural resources and environmental law, including the California Environmental Quality Act and the National Environmental Protection Act;
- attending meetings of the Board of Directors, Board Committees, and other meetings or public hearings, as requested by ARD;
- providing strategic advice regarding relationships, transactions, and other matters, with other public and private entities, as requested;
- preparing and reviewing contracts, legal memoranda, ordinances and resolutions and other legal documents for ARD;
- investigating any claims and complaints against ARD;
- representing ARD in litigation; and,
- advising the ARD Board of Directors and staff on other legal matters as requested.

The proposed BKS team members are Andrew Ramos, Joshua Horowitz, and Christine Dugger. Their collective qualifications are described below and individually in section 3.0. Andrew would have primary responsibility for providing legal services to ARD. He would be available for in-person and virtual meetings whenever required by ARD. Joshua would serve as the designated backup attorney. Both will be supported by Christine. Other BKS attorneys would be available to them and ARD as needed.



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2.0 FIRM BACKGROUND AND QUALIFICATIONS

2.1 FIRM BACKGROUND

Since 1989, BKS has specialized in providing comprehensive legal services to local government agencies. We currently represent over 30 special district and public agency clients in California, including several parks and recreation districts and community services districts. Currently, we provide counsel services to the North Highlands Recreation and Park District, Fair Oaks Recreation and Park District, Templeton Community Services District, and Lockeford Community Services District. A more comprehensive list of current public agency clients is included in section 5.0 below.

BKS attorneys pride themselves on being part of a collaborative team with the officials, staff and consultants of our public agency clients. We are proud of our history of long-standing relationships with our clients; in fact, we continue to represent agencies that have been BKS clients since the firm opened.

The firm's office is in Sacramento, California. The firm employs five principal attorneys, one senior-level of counsel attorney, and two associate attorneys. All BKS attorneys are admitted to practice in the State of California and are in good standing with the California Bar. BKS has two staff members that serve in administrative support roles.

2.2 STATEMENT OF QUALIFICATIONS: ABILITY TO PROVIDE COMPREHENSIVE LEGAL SERVICES

The following sections describe how the proposed BKS team is qualified to handle all of the legal matters described in the Request for Proposal, including.

A. Public Agency Law – Andrew, Joshua, and Christine provide public agency law services to firm clients on a daily basis, including counsel and advice on Brown Act and Political Reform Act issues.

B. Environmental Law - Andrew and Joshua regularly represent public agency clients in matters involving CEQA, NEPA, state and federal Endangered Species Acts and state and federal water quality law. Regarding environmental review, Andrew and Joshua have advised public agency clients on compliance with CEQA and NEPA, including drafting, reviewing and commenting on Environmental Impact Reports and Addenda, Negative Declarations and Notices of Exemption, as well as development of district CEQA policies and procedures.

C. Public Records Act – Providing guidance on the Public Records Act and document retention laws is a core subject for BKS. Andrew, Joshua, and Christine provide guidance on these issues, including assisting clients with responding to requests, on a daily basis.



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D. Taxes and Fees, Proposition 218, and Assessments – BKS attorneys regularly counsel public agency clients on Proposition 218 and related issues, including assessment districts. Andrew and Joshua have represented several clients in litigation over rate issues and they have worked with public and private clients in setting rates. BKS attorney Richard Shanahan advised Pajaro Valley Water Management Agency in its development of a groundwater assessment that the Court of Appeal upheld in litigation. (See *Griffith v. Pajaro Valley Water Management Agency* (2013) 220 Cal.App.4th 586.)

E. Public Financing – Andrew, Joshua, and Christine have assisted clients in grant and loan agreements involving USDA, State Water Board, Department of Water Resources and other agencies. We regularly assist clients with development and administration of subrecipient agreements in connection with grant agreements.

F. Public Works and Construction Law, Contracts, and Claims – The firm’s team has substantial experience in public works projects, including all legal aspects of planning, design, bidding, contracting, permitting, land and rights-of-way acquisition, construction documents, construction management, operation and maintenance of all types of public works projects such as hydroelectric projects, water diversion, storage, delivery and treatment projects, sewage collection, treatment and disposal projects, street improvement projects and administrative facilities. Recently, Andrew provided primary legal counsel for the Templeton Community Services District’s East Side Force Main Project, the largest public works project in the district’s history.

G. Contracts and Transactions – Contract drafting and negotiation are core subjects for BKS. We provide this service to clients on a daily basis. Andrew, Joshua, and Richard Shanahan are the authors and maintainers of BKS’s long and short form public works contracts which are in use at more than a dozen California public agencies.

H. Labor and Employment – The firm team regularly advises clients regarding labor and human resources issues, including employee discipline and termination, reviewing and drafting of personnel manuals, and most recently, advising on emerging COVID-19 workplace regulations, employer paid leave obligations, and public health guidance.

I. Land Use and Development – Andrew and Joshua regularly advise clients regarding connection charges, development agreements, reimbursement agreements, and other development-related issues unique to special districts.

J. Eminent Domain – Andrew has a thorough understanding of eminent domain and real property law matters having worked at a boutique real estate law firm prior to BKS. Andrew has assisted public agency clients with negotiating, preparing and perfecting easements and access rights for major projects, including the condemnation of such rights. Christine is likewise well-versed in real property law, particularly with respect to real estate contracts.



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K. **Litigation** – Andrew and Joshua have both represented BKS clients in litigation regarding public works, employment law, and water issues. They also supervise special litigation counsel when hiring specialized counsel is within the public agency's best interest.

L. **Insurance, Liability and Tort Claims** – The firm team regularly advises clients regarding reviewing and responding to claims under the Government Claims Act. Andrew, Joshua, and Christine also assist clients with prevailing wage matters and construction claim resolution under the Public Contract Code.

2.3 FIRM RESOURCES AND OTHER RELEVANT INFORMATION

BKS is sensitive to the cost-management issues that its public agency clients face. BKS provides competitive rates appropriate for public agencies, and our attorneys work to contain legal costs by ensuring that cases are appropriately staffed and redundant efforts are avoided. To ensure appropriate staffing, BKS generally does not rely on extensive research and writing by junior attorneys. To the extent that junior attorneys are required to work on research assignments for a client, an experienced principal attorney works closely with the junior attorney to ensure that the work is focused and conducted efficiently. The principal attorney staffs and directs each project to make sure that work can be coordinated easily and the attorneys on the team are not undertaking duplicative efforts.

Because BKS has a long history of representing public agencies, the firm is able to rely on past experience and extensive research developed over many years. Our team approach in serving clients also means that an attorney with expertise on a particular issue would be the attorney called upon to assist the client in resolving that issue. We find this approach allows us to provide the best client experience in the most timely and cost-effective manner possible.

Often there are projects and issues where our clients' interests are aligned; one way BKS contains legal costs for our clients is by asking clients if they would like BKS to split its hours spent on the common issue amongst the group of aligned clients, which results in a substantial cost savings to each client. For example, on a matter where four clients have agreed to split the cost of BKS's work, each of the four clients is only billed for one-quarter of the time worked by BKS attorneys on all issues for which the clients share a common interest. Each client is then billed separately for time worked on issues that pertain only to that client, but the split-billing method still results in substantial savings to the clients overall since the vast majority of the work is performed on matters of common interest.

Finally, BKS attorneys ensure that costs are contained by taking personal responsibility to review the invoices generated and make sure they are all reasonable and fair to their clients. As the lead counsel for ARD, Andrew will supervise the work performed for ARD to assure quality control and cost-effectiveness; he will personally review all billing entries before any invoice is generated for ARD and will ensure that all time billed is appropriately charged.



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3.0 PROPOSED TEAM

3.1 ANDREW J. RAMOS

Andrew has practiced law since 2009. Since he joined BKS in 2012, his practice has been focused on advising and representing clients in legal matters concerning all facets of public agency law. His background in contracts, real property and construction law has been helpful to clients who manage small and large special districts alike.

Andrew's legal practice spans the state. Andrew serves as general counsel to Blue Lake Springs Mutual Water Company in Calaveras County, Lockeford Community Services District in San Joaquin County, and Wyandotte Creek Groundwater Sustainability Agency in Butte County. Close to ARD, Andrew works with Midway Heights County Water District, Meadow Vista County Water District, and Christian Valley Park Community Services District. He is also assistant general counsel to many other BKS public agency clients, most of which are special districts like ARD.

Andrew's representative matters include:

- Providing daily counsel to BKS public agency clients regarding the Brown Act, Public Records Act, Political Reform Act, contract, real property and general public agency law issues.
- Representing public agencies in the preparation and defense of environmental documents, including negative declarations and environmental impact reports.
- Litigating matters for public agency clients involving public works, eminent domain, labor and employment, contracts, and real property.
- Assisting clients with proper rate-setting under Proposition 218 and other laws, including the defense of rates in court, along with providing advice on myriad other public finance matters.

3.2 JOSHUA HOROWITZ

Joshua Horowitz has been an attorney for over 22 years and is a BKS senior principal. Joshua's practice focuses primarily on advising public agency clients on a variety of issues, including the following: conflict of interest, ethics and Brown Act/Public Records Act compliance; Proposition 218 and related public finance, and development and user fees; real property transactions; CalPERS pension and other employee benefits and employment matters; public works project development and construction; elections; utility enterprise operations; government claims and insurance coverage; contracting and grant funding; power production; utility service obligations and operations; water rights and water transfers; SGMA implementation and compliance; and local government organization and reorganization.



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Joshua is general counsel to Amador Water Agency, Mammoth Community Water Agency, and Sacramento Suburban Water District and provides daily counsel to these and other public agency clients on Brown Act, California Public Records Act, and Political Reform Act issues. He also serves as assistant general counsel to many of the firm's public agency clients. In addition, Joshua has represented the firm's public agency clients in administrative and civil litigation concerning tax and rate collection, property disputes, water-right disputes, and contract validation.

3.3 CHRISTINE DUGGER

Christine Dugger is an associate with the firm. She advises clients on a variety of public law issues impacting local government, special districts and public officials. Christine's practice includes advising clients on conflicts of interest, elections and redistricting, agency obligations under the Brown Act and the Public Records Act, and the obligations of public officials under the Political Reform Act.

Christine is also experienced with public works contracting and advises clients on competitive bidding and prevailing wage requirements, ensuring clients can achieve their public works project goals efficiently and in compliance with the complex laws governing such projects. In addition, Christine's practice has expanded to include advising public agency clients on labor and employment issues, most recently with regard to the impacts of COVID-19 emergency workplace regulations. Christine prides herself on her ability to navigate emerging and dynamic statutory and regulatory obligations and provide efficient solutions for BKS clients.

Christine's professional background in government affairs and politics positions her to provide strategic advice on a variety of legislative matters facing special districts. She is also well versed in statutory construction from her time spent working for the Legislature and as a lobbyist, and is regularly asked to draft ordinances and resolutions for BKS clients. This background is especially helpful to special district clients when engaged in ballot measure work to ensure districts are able to effectively educate the public without crossing over into impermissible advocacy work.

Prior to joining the firm, Christine practiced political law at Olson Remcho, formerly Olson, Hagel & Fishburn. Her practice involved advising public officials, candidates, and political action committees on their obligations under the Political Reform Act and representing clients in matters before the Fair Political Practices Commission. She

Christine received her J.D. from McGeorge School of Law. She also holds an MBA from Sacramento State University and received her B.A. in Political Science from San Diego State University.



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ANDREW J. RAMOS

Shareholder, Bartkiewicz, Kronick & Shanahan, PC
California Bar No. 267313

Andrew has practiced law since 2009. Since he joined BKS in 2013, his practice has focused on advising and representing clients in legal matters concerning water rights, water supplies, water infrastructure and public agency law issues. His background in contracts, real property and construction law has been helpful to public and private clients alike.

EDUCATION

J.D., University of California, Davis School of Law, 2009. Order of the Coif. Member, *UC Davis Law Review*. Witkin Awards for achievement in Land Use, Complex Litigation, and Environmental Practice courses

B.A., University of California, Davis, 2004. Phi Beta Kappa

HONORS

2019 Northern California Rising Star (Super Lawyers)

Top Verdict of 2018 - Jury Verdict in *Steinbeck Vineyards #1, LLC, et al. v. San Luis Obispo County, et al.* (Daily Recorder)

PUBLICATIONS AND PRESENTATIONS

"Virtual Water Agency Board Meetings During COVID-19". Panelist, Webinars for the Association of California Water Agencies and California Association of Sanitation Agencies (2020)

"The Fundamentals and Questions of Groundwater Rights: Rights in Augmented Groundwater Recharge." Association of California Water Agencies, panelist (2017).

"The View from the Foxhole: What is Happening on the Ground Under and in Reaction to SGMA," Association of California Water Agencies, panelist (2016).

"Appellate Confirmation of State Water Board Administrative Jurisdiction to Prevent Illegal or Unreasonable Water Diversion and Use: Young, Millview and Light," Environmental Law News. State Bar of California (2015).

"Understanding California Surface Water and Groundwater Rights," California Water Law and Regulations, presenter, HalfMoon Education, Inc. (2015).



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JOSHUA M. HOROWITZ

Mr. Horowitz has been an attorney since 1996. He received his undergraduate degree with honors from Middlebury College, Middlebury, Vermont. He received his law degree from the University of California, Davis King Hall School of Law and was a recipient of the Martin Luther King, Jr. Public Service Award. Mr. Horowitz is Bartkiewicz, Kronick & Shanahan's managing partner.

Mr. Horowitz's practice focuses primarily on advising public agency clients on a variety of issues, including: water rights and water transfers; Proposition 218 and related public finance, development and user fee matters; SGMA implementation and compliance; conflict of interest, ethics and Brown Act/Public Records Act compliance; real property transactions; public works project development and construction; elections, utility enterprise operations; government claims and insurance coverage; contracting and grant funding; utility service obligations and operations; and local government organization and reorganization.

Mr. Horowitz serves as General Counsel to a number of special districts, including urban water and wastewater agencies and agricultural water suppliers. Mr. Horowitz also serves as an assistant counsel to other public agency clients. Mr. Horowitz has represented the firm's public agency clients in administrative and civil litigation concerning water rate and elections challenges, tax and rate collection, property disputes, water-right disputes, and contract validation.

Mr. Horowitz's practice has included the following specific projects:

- Advising water and wastewater agency clients on Proposition 218 rate increase proceedings, including working with rate consultants to produce defensible rate studies, preparing rate increase notices, and advising governing bodies and management on rate approvals and responding to challenges to proposed rates.
- Representing a public agency client in litigation challenging a proposed referendum to roll back a new water rate structure, which ultimately resulted in a new legal precedent confirming that a referendum cannot be used to challenge an agency's adoption of new water rates.
- Representing a countywide water agency in administrative proceedings and litigation challenging a proposed initiative to tax water transfer revenues.
- Advising clients on SGMA implementation and compliance, including GSA formation and basin boundary adjustments.
- Participating as co-drafter of the Sites Reservoir joint powers agreement.
- Advising an irrigation district and a county water district on multiple cross-Delta water transfers.
- Advising a client on forming a new California water district.
- Advising a City on its water rights and service obligations related to the proposed annexation of a major new development project.
- Advising various public agencies in the issuance and closing of over \$575 million in debt issuances to finance capital facilities projects.



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- Advising a county water district during its consolidation with a neighboring county water district under the Cortese-Knox-Herzberg Local Government Reorganization Act of 2000 and providing continuing counsel to the consolidated district.
- Advising an irrigation district on all aspects of providing a water supply to a proposed 3,500-unit residential development including: (1) determining whether to provide retail treated water service to the development; (2) issuing will-serve letters; (3) negotiating a funding agreement; (4) preparing and executing a public outreach strategy; and (5) assisting in the preparation of a SB 610 water supply assessment.
- Advising a community services district on the formation of community facilities districts to finance a wastewater treatment facilities expansion and negotiating annexation, mainline extension and reimbursement and bond refunding agreements with the developers to ensure that they pay the full, fair share of the district's costs of facilities to serve their developments.
- Negotiating on behalf of a county water agency, which was Pacific Gas & Electric's largest contact hydroelectric generator, for PG&E's assumption of the generation contract in its 2001 bankruptcy proceedings.

Mr. Horowitz also has been active in professional and legislative matters, including:

- Co-author of the revised *Guidelines for Conduct and AB 1234 Compliance – A Primer for Public Agency Officials* published by the Association of California Water Agencies.
- Co-designing ACWA's AB 1234 ethics training program and conducting ethics training seminars for ACWA in the northern California area.
- Reviewing and editing the League of California Cities' *Open and Public IV: A User's Guide to the Ralph M. Brown Act*.
- Assisting in drafting and updating the ACWA handbook on Proposition 218 compliance issues.
- Presenting on SGMA, drought, public agency governance, and district consolidation issues.

Before joining BKS in 2000, Mr. Horowitz practiced at Bardellini, Straw & Cavin in San Ramon, California, specializing in real property litigation and transactions. In 1997, Mr. Horowitz served as law clerk to the Honorable Elaine M. Watters of the Sonoma County Superior Court. During law school, Mr. Horowitz interned in the Chief Counsel's Office of the California Department of Water Resources, assisting staff counsel on various issues including water rights, supply and quality, endangered species, and dam operations. Before practicing law, Mr. Horowitz worked for over eleven years in agribusiness management with a major multi-national exporting company.

Mr. Horowitz is a member of the State and Sacramento County Bar Associations and is admitted to practice in all state courts and the United States Court of Appeals for the Ninth Circuit and the United States District Courts for the Eastern and Northern Districts of California.



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CHRISTINE M. DUGGER

Associate Attorney, Bartkiewicz, Kronick & Shanahan, PC
California Bar No. 317120

Christine is an associate with BKS and has practiced law since 2017. She advises clients on a variety of public law issues impacting local government, special districts and public officials.

Prior to becoming an attorney, Christine spent many years as a government affairs professional, working for both the Legislature and as a lobbyist for a statewide business trade association. Christine's practice is focused on providing general counsel services to public agency clients.

EDUCATION

J.D., University of the Pacific, McGeorge School of Law, 2016, with distinction. Dean's Honor List and Traynor Society for Academic Honors. Member and Staff Writer, *California Initiative Review*. Witkin Awards for Legal Writing & Research.

MBA, California State University, Sacramento, 2011.

B.A., Political Science, San Diego State University, 2005.

HONORS

2005-2006 Jesse M. Unruh Assembly Fellow

PUBLICATIONS AND PRESENTATIONS

"Education vs. Advocacy", Panelist. Association of California Water Agencies' 2020 Continuing Legal Education Workshop Series. (2020)

"Measure L: Sacramento Checks and Balances Act of 2014." *California Initiative Review*: Vol. 2014, Article 2. (2014)



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4.0 FINANCIAL MATTERS

4.1 COMPENSATION AND REIMBURSEMENT RATES

Hourly Rates:

Principal I (Mr. Horowitz):	\$325 per hour
Principal II (Mr. Ramos):	\$290 per hour
Associate II (Ms. Dugger):	\$215 per hour

Travel is billed at the attorney's normal hourly rate, but BKS is willing to consider alternatives if ARD believes another arrangement could meet its needs.

BKS will send ARD monthly statements. Cost reimbursements would include all necessary and actual costs and expenses incurred by BKS, including: long distance telephone charges; facsimile mail (at \$.20/page for incoming, and actual long distance telephone charge for outgoing); messenger and other delivery fees; postage; photocopying (at \$.20/page black and white and \$.30 for color); parking; mileage (at the then-current IRS rate); computer-assisted research charges, travel costs and other out-of-pocket expenses incurred by BKS. BKS will itemize all costs incurred on each monthly statement.

BKS offers discounted rates to public agencies such as ARD, and the quoted hourly rates above reflects those discounted rates. We offer lower rates to public agencies such as ARD in recognition of the public function that they perform and because of our firm's successful history representing such clients.

4.2 INSURANCE

BKS carries professional liability insurance with coverage limits exceeding the minimum mandatory limits.



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5.0 LIST OF PUBLIC AGENCY CLIENTS

Alameda County Water District	Rancho Murieta Community Services District
Amador Water Agency	Regional Water Authority (Sacramento)
Browns Valley Irrigation District	Roseville, City of
Buena Vista Water Storage District	Sacramento, City of
Christian Valley Park Community Services District	Sacramento Suburban Water District
Coastside County Water District	Sacramento-Yolo Mosquito & Vector Control District
Fair Oaks Recreation and Park District	San Juan Water District
Folsom, City of	Santa Cruz, City of
Hilton Creek Community Services District	Sonoma County
James Irrigation District	Sonoma County Water Agency
Kirkwood Meadows Public Utility District	Stanislaus Regional Water Authority
Lee Vining Public Utility District	Starlite Community Services District
Lincoln, City of	Templeton Community Services District
Linda County Water District	Tahoe-Truckee Sanitation Agency
Lockeford Community Services District	University of California
Mammoth Community Water District	Vector Control Joint Powers Agency
Marin-Sonoma Mosquito and Vector Control District	Volcano Community Services District
Meadow Vista County Water District	Westside Water District
Midway Heights County Water District	Wheatland, City of
Napa County	Willits, City of
North Highlands Recreation and Park District	Woodland-Davis Clean Water Agency
North Yuba Water District	Wyandotte Creek Groundwater Sustainability Agency
Orland-Artois Water District	Yolo County Flood Control & Water Conservation District
Pajaro Valley Water Management Agency	Yuba County Water Agency



6.0 CLIENT REFERENCES

1. Jeff Britz, General Manager
Templeton Community Services District
420 Crocker Street, Templeton, CA 93465
(805) 434-4900
jbritz@templetoncsd.org
2. Robert Maginnis, President
Blue Lake Springs Mutual Water Company
1011 Blagen Road, Arnold, CA 95223
(510) 483-7965
irishgarda@gmail.com
3. Brian Lockwood, General Manager
Pajaro Valley Water Management Agency
36 Brennan Street
Watsonville, CA 95076
(831) 722-9292
lockwood@pvwater.org
4. Paul Gosselin, Manager
Wyandotte Creek GSA
308 Nelson Avenue
Oroville, CA 95965
(530) 552-3591
PGosselin@buttecounty.net



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A Professional Corporation
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Ronald J. Scholar
rscholar@cohuber.com

REPLY TO:
 ROSEVILLE ONTARIO

March 25, 2021

VIA HAND DELIVERY

Kahl Muscott
District Administrator
Auburn Area Recreation and Park District
471 Maidu Drive, Suite 200
Auburn, CA 95603

Re: Response to Request for Proposal

Dear Mr. Muscott:

Pursuant to Item 7 of the Request for Proposal for Legal Services, this letter serves as Cole Huber LLP's Transmittal Letter. Enclosed with this letter are three bound and one unbound copy of Cole Huber LLP's Response to the Auburn Area Recreation and Park District's Request for Proposal for Legal Services. Our proposal is a firm offer to provide legal services and is irrevocable for 60 days from the date of this letter.

Given our longstanding relationship with the District, rest assured that we have a clear understanding of the District's legal needs and look forward to the prospect of continuing our partnership into the future.

As always, if you have any questions or require any further clarification, please do not hesitate to contact me.

Sincerely,



Ronald J. Scholar
COLE HUBER LLP

RJS/kgm

INTRODUCTION

Cole Huber LLP is a municipal law firm founded on a commitment to excellence. From our Northern California (Roseville) and Southern California (Ontario) offices, our firm provides full-service advice and representation to local agencies throughout the state. The firm's tagline, "Advancing Your Agenda," is more than a tagline; it's what we do.

Cole Huber LLP currently serves as City Attorney to multiple cities, general counsel to several special districts, and special counsel to a number of counties. Our 13 attorneys advise our public agency clients on the full range of issues affecting California local government.

Our firm has equally excelled as a provider of public agency litigation services. We have a proven record of obtaining successful results for local agency clients in court (bench and jury trials), before administrative agencies, during arbitration or mediation, and through pre-litigation settlement discussions.

Whether in advice of counsel or litigation matters, the touchstones of the firm's services are responsiveness, communication, and accuracy. We make great efforts to ensure our attorneys are always available to clients, we regularly communicate with clients regarding the status of pending matters, and, most important, we correctly interpret the law. Our firm is mindful of the budgetary challenges public agencies face today. To provide cost-effective legal services, we provide competitive hourly rates to our clients to ensure they get the best value for their scarce public funds.

Under the leadership of Cole Huber LLP Partner Ronald J. Scholar, we currently enjoy the privilege of representing the Auburn Area Recreation and Park District and would like to continue our successful and longstanding partnership. Therefore, Mr. Scholar would remain as general counsel with the representation needs of the District further supported by a team of highly experienced attorneys whose practices emphasize general public agency representation, labor and employment, land use and CEQA and public agency litigation.

We note that the District's Proposal Requirements states that while it respects senior partners, the District wants to meet the lawyers who will actually be working for it. With Cole Huber, you get both. Not only is Mr. Scholar a senior, experienced partner in the firm, he takes pride in maintaining a close working relationship with his clients, just like he does with District Administrator Kahl Muscott.

SPOTLIGHT

- General Counsel to a number of special districts and other public agencies
- City Attorney to seven cities
- Public Agency practice focused on responsiveness, communication, and accuracy
- Accomplished litigation counsel to several local agencies
- Cost conscious approach to providing services

FIRM QUALIFICATIONS

Cole Huber LLP attorneys have the experience to cover nearly all subjects of public agency advice and litigation. The following are some of the key subjects for which we provide municipal advisory and litigation services.

Advisory Services

General Public Agency Law

Our attorneys routinely advise clients regarding the Ralph M. Brown Act, California Public Records Act, and public agency ethics requirements. Our public agency attorneys are prepared to attend public agency meetings on an as needed basis and advise on the full range of questions and procedural matters that arise in those settings. We have worked with cities, counties, and special districts, and thus are familiar with all types of California local government. Our attorneys also provide trainings regarding public agency ethics (AB 1234 training), Brown Act compliance and prevention of sexual harassment and abusive conduct in the workplace (AB 1825). Further, firm attorneys regularly author legal updates about these subjects in our California Municipal Law Blog and publications such as the *Daily Journal* (the newspaper of record for the California legal industry).

Labor and Employment

Our firm has advised our public agency clients on all aspects of employee relations, up to and including employee separation and discipline, “Skelly” hearings, and employee administrative hearings. Our attorneys also have extensive contract negotiating experience with employee unions (general and public safety). Additionally, we are able to provide full legal counsel at all stages of contract negotiations, from inception through the final stages of contract (MOU) drafting and acceptance. We have successfully resolved issues with all types of bargaining groups, both informally and through formal processes, such as fact-finding.

Land Use and CEQA

Cole Huber LLP attorneys regularly advise on matters involving general and specific plans, zoning, and land use. Firm attorneys have drafted as well as interpreted a number of zoning ordinance amendments and have often advised hearing bodies concerning the approval of conditional use permits, variances, and other zoning entitlements. Our attorneys have also



Key Areas of Legal Services:

- Advisory Services
 - General Public Agency Law
 - Labor and Employment
 - Land Use
 - CEQA
 - Taxation/Proposition 218
 - Elections
 - Condemnation/Real Estate
- Litigation Defense
 - Tort Claims
 - Labor and Employment
 - Writs

reviewed and drafted development agreements and related entitlement documents. Firm attorneys are well-versed in the Subdivision Map Act and the processes for reviewing tentative maps, preparing subdivision improvement agreements, and approving final maps.

Cole Huber LLP attorneys regularly advise public agency clients on all matters involving CEQA compliance and work with planning staff, consultants and applicants throughout the environmental review process. This includes determination of the applicable CEQA review necessary, review of environmental documents for CEQA compliance, circulation, and other processes for third-party review of CEQA documents.

Taxation/Proposition 218

Cole Huber LLP has ample experience in handling local taxation matters. Firm attorneys have advised regarding the legal requirements and process for submitting general taxes, special taxes, and transaction and use (“sales”) tax measures to the local electorate.

Our attorneys have also advised on several matters concerning Propositions 218 (and Proposition 26) compliance. Firm attorneys have drafted protest notices, handled the hearings and counting of protests/ballots the initiative requires, and have advised on several issues created by the drafting and text of the initiative.

Elections

Our team of attorneys has advised public agency clients on many questions regarding election filing requirements and retention of election records. Our attorneys have also advised on the process for submitting and qualifying ballot initiatives and referenda, including providing advice regarding substantive Elections Code limitations.

Condemnation/Real Estate

The firm has advised in all facets of the eminent domain process—from the initial notice of appraisal to the adoption of resolutions of necessity—and has handled eminent domain litigation when formal condemnations have been necessary.

Cole Huber LLP attorneys have further drafted and reviewed real estate and commercial documents. These documents have included real property donation and purchase and sale agreements, lease agreements, easements, deeds of trust, reciprocal parking easements, and secured notes.

Litigation Services

Our municipal litigation attorneys handle a wide array of litigation matters for our public clients. Our experience includes the following:

Tort Claims

Our litigation attorneys have handled all types of public-entity cases, whether arising under state law or as federal "Section 1983" claims. We are well versed in the applicable immunities provided under the Government Code and federal law, as well as the claims presentation requirements of the Government Claims Act.

Labor and Employment

Our attorneys have distinguished themselves in employment litigation. We have handled all types of municipal employment litigation, defense of Department of Fair Employment and Housing claims, Civil Service Commission claims, proceedings before the Public Employee Relations Board, defense of actions arising from claims before the Equal Employment Opportunity Commission, and the State Personnel Board, and actions under the Family Medical Leave Act.

Writs

Cole Huber LLP attorneys have handled writs of mandamus (traditional and administrative) and declaratory relief cases concerning governmental obligations. The subjects of such proceedings have been diverse, including such matters as property taxation, Proposition 218, the Subdivision Map Act, CEQA, the State Planning and Zoning Law, code enforcement, and interpretation of agency agreements.

PROPOSED ATTORNEY TEAM

Cole Huber LLP proposes the team of attorneys below to provide general counsel and support services. For each attorney, we identify the attorney's proposed position as well as his or her areas of expertise.

General Counsel

Ronald J. Scholar, Bar No. 187948, admitted 1997.

Areas of expertise: General public agency advice and counsel, employment, civil rights, municipal torts, public contracting, and general business litigation.

Years in practice: 28 (25 devoted to local government clients).

A partner in the firm's Roseville Office, Mr. Scholar brings 25 years of experience in the representation of public entity clients, including the Auburn Area Recreation and Park District which he has represented for the last 15 years. Mr. Scholar's expertise is in providing advice and counsel to, and litigating on behalf of, public agencies in matters involving employment law and general public agency matters.

Mr. Scholar dedicates focus and attention to detail in advising public agency clients as he assists them in navigating complex laws and regulations and conducting investigations, all with an eye toward avoiding costly disputes. He is adept in matters involving access to public records, open meeting requirements, employee investigations, law enforcement, employee discipline and arbitration, discrimination and harassment in the workplace, employee privacy, and the use of social media and technology in the workplace.

A skilled trial attorney, Mr. Scholar is experienced in a wide range of litigation matters, including federal and state civil rights, Section 1983, employment law, dangerous conditions of public property, claims of wrongful death, general liability, as well as contract and business disputes. Mr. Scholar has brought 14 cases to verdict.

Mr. Scholar joined Cole Huber LLP after 11 years with one of Sacramento's largest law firms where he was a shareholder and represented numerous public agency clients in employment, liability, law enforcement, and litigation matters. From 1998 to 2005, Mr. Scholar was a partner at a small law firm where he specialized in representing public entities in all manners of litigation, including Section 1983, law enforcement, and employment matters. Prior to that, Mr. Scholar was a Public Defender in Atlanta, Georgia, where he represented indigent defendants in felony criminal matters at trial and on appeal.



Your Legal Team:

Ronald J. Scholar – *General Counsel*

Derek P. Cole – *Land Use and Environmental Counsel*

David G. Ritchie – *Labor and Employment Counsel*

Elizabeth M. Fratareangeli – *Assistant Counsel*

In 2016, Mr. Scholar was named to Sacramento Magazine's Top Lawyers List. He also enjoys the privilege of serving on the Presiding Judge's Civil Advisory Committee for Sacramento County Superior Court. A founding member of the Sacramento County Bar Association's Civil Litigation Section, Mr. Scholar has also served as one of its Board Members and its Chairperson. Mr. Scholar also serves as an Adjunct Professor of Law at the University of California, Davis School of Law, where he teaches Trial Practice and is a Mock Trial Competition Team Coach.

Mr. Scholar graduated from Santa Clara University School of Law in 1993. At Santa Clara, Mr. Scholar was an Emery Scholarship recipient, a member of the Moot Court Honors Board, and a participant in nationwide Moot Court Competitions. Prior to attending law school, he graduated with honors from the University of California, Santa Barbara in 1990 with a Bachelor of Arts degree in Sociology.

Land Use and Environmental Counsel

Derek P. Cole, Bar No. 204250, admitted 1999.

Areas of expertise: General public agency, land use, CEQA, public agency finance, real estate transactions, and elections.

Years in practice: 21 (16 devoted to local government clients).

Mr. Cole is a co-founder of Cole Huber LLP. He serves as the City Attorney for the Cities of Oakley (since 2010) and Sutter Creek (since 2010). He twice served as Interim City Attorney for the City of Antioch while that city recruited for its in-house attorney (2015-2016 and 2017-2019). Mr. Cole also previously served as the City Attorney for Angels Camp (2012-2017) and as County Counsel for Trinity County (2008-2013).

Although Mr. Cole is familiar with all aspects of public agency law, his emphasis is in land use and environmental law. He has ample experience in matters concerning CEQA, planning and zoning, development agreements, the Subdivision Map Act, and air and water quality laws. He also has significant experience in litigating post-approval challenges to projects under CEQA, the Planning and Zoning Law, and other applicable land use and environmental laws. Most recently, Mr. Cole has devoted significant time to the handling of matters regarding local land-use ballot measures proposed by environmental organizations as well as developers.

Mr. Cole also has expertise in public agency and municipal finance matters, including all aspects of Propositions 218 and 26 compliance and general and special taxes. He has recently handled matters concerning transactions-and-use ("sales") tax ballot measures, utility users taxes, and a variety of special taxes.

Mr. Cole was selected to the Northern California *Super Lawyers* list from 2015 to 2020; was named as a “Top Lawyer” in *Sacramento* magazine from 2015 to 2020; and was honored by the *Sacramento Business Journal* with “Best of the Bar” awards in 2014, 2016, and 2018.

Mr. Cole is active in the City Attorneys’ Department of the League of California Cities. He presently serves on the Department’s Attorney Development Succession Committee. He previously served on the Department’s Nominating Committee, which is responsible for appointing the Department’s Officers, and as Chair of the Municipal Law Handbook Committee, which is responsible for publishing the League’s comprehensive guide concerning municipal law. For two years, Mr. Cole served on the Department’s Legal Advocacy Committee, which provides counsel to the Cal Cities on its amicus or “friend-of-the-court” efforts. Mr. Cole has further authored several amicus briefs on behalf of Cal Cities and other local government organizations.

Mr. Cole is a frequent writer on a wide range of legal subjects. He is the author of *California Surface Mining Law* (Solano Press Books, 2009), a number of articles in various legal publications, including the *Daily Journal* (the newspaper of record for the California legal community), and several blogs in the California Municipal Law Blog (www.colehuber.com/blog).

Mr. Cole graduated with distinction from the University of the Pacific, McGeorge School of Law in 1999. At McGeorge, Mr. Cole was admitted to the Order of the Coif, Order of Barristers, and Traynor Honor Society. He was also a member of the Editorial Board of the *McGeorge Law Review* and published two student comments in that journal. Prior to attending law school, Mr. Cole graduated from the University of California at Santa Barbara in 1996 with a Bachelor of Arts degree in Law and Society.

Labor and Employment Counsel

David G. Ritchie. Bar No. 283303, admitted 2012.

Areas of expertise: Labor and employment, general municipal.

Years in practice: 8 (6 devoted to public agency clients).

Mr. Ritchie represents cities, counties and special districts in a broad range of labor and employment matters including collective bargaining with police, fire and emergency services employee associations and professional, technical, and miscellaneous employee groups. Mr. Ritchie currently serves as City Attorney for the City of Willows. He acts as lead attorney representing public agency clients before the Public Employment Relations Board, in other employment-related administrative proceedings, and in arbitration of disputes.

Mr. Ritchie assists employers with employee investigations, employee discipline, and defending against employee grievances and complaints. He provides public agency clients with

training on the Peace Officers Procedural Bill of Rights, Firefighters Procedural Bill of Rights, negotiation and other agency obligations under the Myers-Milias-Brown Act, prevention of harassment and abusive conduct in the workplace, and governmental ethics obligations.

Mr. Ritchie serves as the General Counsel for the Housing Authority of the County of Merced, General Counsel for the Del Puerto Health Care District, and Deputy City Attorney for the City of Oroville. Mr. Ritchie previously served as Deputy County Counsel for Trinity and Modoc Counties and as Special Counsel for Alpine County, principally providing Labor and Employment and Labor Relations services as well as collective bargaining, and on Dependency law matters. Mr. Ritchie is a regular contributor to the *California Municipal Law Blog* and columnist for the *Daily Journal*.

Mr. Ritchie received his Master of Laws (I.J.M.) from Santa Clara University with the C.M.I. Award winning achievement for Excellence in Remedies and a specialization in Intellectual Property Law. He received his Juris Doctor (JD) from the University of Manitoba Law School where he was the Articles Editor and Technical Editor for two years with the *Manitoba Law Journal*. He received his B.A. with Distinction from Bishop's University, Lennoxville, QC Canada.

Assistant Counsel

Elizabeth M. Fratarcangeli, Bar No. 309321, admitted 2016.

Areas of expertise: General public agency, contracts, public records, condemnation/ eminent domain, and code enforcement.

Years in practice: 4 (all devoted to local government clients).

During her tenure with Cole Huber LLP, Ms. Fratarcangeli has worked on a wide variety of matters, including public law procedural and legal issues, labor and employment matters, general civil litigation and land use litigation. Currently, Ms. Fratarcangeli serves as Assistant City Attorney for the City of Oakley and previously served in that capacity for the City of Antioch.

Ms. Fratarcangeli has conducted numerous trainings on open-meeting laws and the Brown Act for her municipal clients. She is also actively involved in the League of California Cities events and trainings.

Ms. Fratarcangeli received her Juris Doctor in 2015 from Valparaiso University School of Law, graduating with honors. Her Bachelor of Arts degree is in Psychology from Loyola Marymount University in 2011, where she was on the Dean's List.

During law school, Ms. Fratarcangeli was an extern at the U.S. District Court, Northern District of Indiana and the Associate Editor of the Valparaiso University Law Review.

COMPENSATION

Hourly Rates for Professional Services

Cole Huber LLP proposes continuing with the same hourly rates we have charged for the last four years for all billing professionals:

Partners:	\$250.00 per hour
Associates:	\$220.00 per hour
Paralegals:	\$140.00 per hour



Hourly Rates:

- Partners: \$250 per hour
- Associates: \$220 per hour
- Paralegals: \$140 per hour

We do not charge monthly fees, overhead fees or percentage add-ons. Instead, our proposed rates are for the time we spend performing professional services. Rates would be billed to the nearest 6-minute intervals (1/10 of an hour). The firm does not charge mandatory minimums (e.g., 0.5 hour for each telephone call or 0.5 for each letter) for any tasks its professionals perform. In short, we are here when you need us and not charging you flat fees when you do not.

Included Training

As we did this year, Cole Huber LLP will continue to provide Sexual Harassment and Abusive Conduct Prevention in the Workplace (AB 1825) training on a biennial basis free of charge.

Reimbursement for Expenses

In addition to the above rates, our firm would request reimbursement for all client-advanced expenses. These include, but are not limited to, process server fees, subpoenas of records, fixed fees by laws or assessed by Courts or other agencies, court reporter fees, long distance telephone calls, messenger and other delivery fees, postage, photocopying, parking, mileage, and other similar items.

The firm would not charge for travel expenses for any court, client meeting, or other client event that occur within Placer County from Auburn to the south.

Professional Liability Insurance Coverage

Cole Huber LLP carries errors and omissions insurance with Lloyds of London. After a standard deductible, this insurance provides coverage beyond what is required by the State of California.

REPRESENTATIVE CLIENTS & REFERENCES

Special Districts and Other Public Agency Clients

Arcade Creek Recreation and Park District
Desert Recreation District
Georgetown Divide Recreation District
Idyllwild Fire Protection District
Jackson Valley Fire Protection District
Monterey Peninsula Airport District
San Bernardino International Airport Authority

City Attorney Clients

Canyon Lake
El Centro
Hemer
Oakley
Oroville
Sutter Creek
Willows

County Litigation/Special Counsel Clients

Riverside
Sacramento
San Joaquin
Trinity

Jacqui Brunton, General Manager
Georgetown Divide Recreation District
P.O. Box 274
Pilot Hill, CA 95664
(530) 823-9090
jbrunton@gdrd.org

Alex Vassar, Chair of the Board of Directors
Arcade Creek Recreation & Park District
4855 Hamilton Street
Sacramento, CA 95841
(916) 482-8377
avassar@acrpd.com

Bryan Montgomery, City Manager
City of Oakley
3231 Main Street
Oakley, CA 94561
(925) 779-7011
montgomery@ci.oakley.ca.us

Amy Gedney, City Manager
City of Sutter Creek
18 Main Street
Sutter Creek, CA 95685
(209) 267-5647
agedney@cityofsuttercreek.org

District: Fair Oaks RPD – Mike Aho

Attorney used: BKS

1. Do you feel that your legal firm is fair with their billing? Do you ever question the amount of time on a bill? They are accurate and fair. Mike has never questioned their time.
2. Does your legal firm get back to you within a reasonable time frame? If pushing or a deadline given, yes; if left open-ended, can a be a little slower, but that is ok.
3. What are the best aspects of your legal firm? Have been assigned a partner (Dick Shanahan). Dick understands Recreation and Park Districts. They know their stuff and will offer up new ideas, concepts.
4. What are the worst aspects of your legal firm? If Fair Oaks was assigned an associate, they may get more time with an attorney

District: North Highlands RPD – Larry Mazzuca

Attorney used: BKS

1. Do you feel that your legal firm is fair with their billing? Do you ever question the amount of time on a bill? **Thinks it fair. Hard to compare vs. another firm. They do regularly raise rates based on the CPI; have never questioned their hours (sometimes it seems like they undercharge)**
2. Does your legal firm get back to you within a reasonable time frame? **Absolutely; meet deadlines**
3. What are the best aspects of your legal firm? **Have been assigned a partner (Dick Shanahan). Dick is great. Lots of experience and familiarity with other agencies, developers, etc.**
4. What are the worst aspects of your legal firm? **Cannot think of any**

A current North Highlands Board member, a retired Sacramento County auditor, feels that the District is getting a very good deal with BKS

District: **Southgate RPD – Ward Winchell**

Attorney used: **BBK**

1. Do you feel that your legal firm is fair with their billing? Do you ever question the amount of time on a bill? **Yes, definitely fair; have never questioned their billing**
2. Does your legal firm get back to you within a reasonable time frame? **Yes; if they don't hear back in a reasonable time frame can always contact another attorney at the firm**
3. What are the best aspects of your legal firm? **Depth; lots of specialists**
4. What are the worst aspects of your legal firm? **None**

Southgate RPD uses several different law firms. They use BBK for their personnel/HR issues

District: Rio Linda RPD – Mike Heller

Attorney used: BB&K

1. Do you feel that your legal firm is fair with their billing? Do you ever question the amount of time on a bill? **Fine; expensive but fine.**
2. Does your legal firm get back to you within a reasonable time frame? **Immediately; notes are well put together**
3. What are the best aspects of your legal firm? **Their commitment to Rio Linda RPD. Treated like they are their only client.**
4. What are the worst aspects of your legal firm? **Expensive**

Their experience with BB&K was specifically with Ann Sitrelle on a special land use deal, vs. the City of Sacramento, an 8 month case. Mike was extremely pleased.

District: **Valley Wide RPD – Dean Wetter**

Attorney used: **BB&K**

1. Do you feel that your legal firm is fair with their billing? Do you ever question the amount of time on a bill? **Yes, very fair. Have never questioned their time.**
2. Does your legal firm get back to you within a reasonable time frame? **Yes, absolutely**
3. What are the best aspects of your legal firm? **They have a winning team. They have an expert for everything**
4. What are the worst aspects of your legal firm? **None**

Dean said that they are very pleased with BB&K. They work directly with attorneys Jeff Ballinger and Todd Leashman

Cover sheet – Discussion Item #1. - Electric Charging Stations and Electric Vehicle Fleets

Auburn Area Recreation and Park District Policy Committee; May, 2021

The Issue

A discussion about electric vehicles and electric vehicle charging stations.

Background

Auburn City Councilwoman and ARD liaison Rachel Radell-Harris shared information at the April, 2021 Board of Directors meeting about grants that are coming available for electric vehicle charging stations. Rachel also spoke about new laws that will require public and private fleets to switch to electric.

Staff met with Rachel to discuss these items. The following is a brief synopsis:

Electric Vehicle Charging Stations

Rachel suggested that ARD consider installing Level 2 chargers. Rachel does not recommend that ARD make these free for the users. Rachel feels that these Level 2 chargers will be adequate for what most of our park users will need – the ability to top off the battery, as opposed to a rapid, full charge from a DC Fast Charger. These DC Fast Chargers are generally found right off of a freeway.

Rachel explained that there is grant money coming available through the CALeVIP Inland Counties Incentive Program. This incentive program will provide a rebate up to \$3,500/connector. Each charging station generally has two connectors (\$7,000 rebate). The cost to install a charging station depends on the location (distance to existing power, necessary ADA upgrades, possible additional lighting, etc.). Rachel put ARD staff in touch with a local engineer that specializes in review and providing specs and diagrams on how/where to install charging stations.

Applications for the Inland Counties Incentive Program can be submitted beginning May 18th. ARD staff have set up an account with CALeVIP in preparation for these applications. Rachel recommends applying for all possible sites. ARD can always withdraw their application, if desired.

Clean Fleet Regulations

A new law, which should go into effect in Fall, 2021, will require all public and private fleets to begin purchasing only electric vehicles (with a few exceptions for police, fire, etc.). A high level summary of the proposed new law follows:

The regulation applies to:

Vehicles with a gross vehicle weight over 8,500 lbs (Medium-Duty and Heavy-Duty)
Private, Public, Drayage

Does not cover: transit vehicles subject to the ICT regulation, emergency vehicles defined by vehicle code section 165, school buses

- * Implementation timeframe is from 2023 to 2045
- * For public fleets:

Requirement is on fleet purchases and replacements. No requirement to replace early.

50% of 2024-2026 model years must be Zero Emission Vehicles (ZEV) or Plug In Hybrid Electric Vehicles (PHEV)

100% of 2027 and newer model years must be ZEVs or PHEVs

PHEVs allowed until 2035

The current costs for electric trucks (as ARD will need) are very high, however prices are continuing to drop and there are grants to pay for these electric vehicles.

ARD will also need to look at its fleet of gator carts and lawn mowers.

Recommendation for the Policy Committee

Review and provide direction.

Fiscal Impact

Unknown at this time

Attachments

Information about the Inland Counties Incentive Program

Information on Public Fleet ZEV purchases

Inland Counties Incentive Project

Crucial Project Requirements

- Unique login credentials are required for application submittals. CALeVIP prohibits the sharing of login credentials for submitting applications among individuals, including staff within the same organization. Please create individual accounts prior to project launch. Failure to do so may lead to application cancellations.
- CALeVIP does not permit submissions by bots or automated processes. We reserve the right to cancel applications using any method that could disadvantage other applicants.

Inland Counties Incentive Project

✦ LEVEL 2 CHARGERS & DC FAST CHARGERS (DCFC)

📍 BUTTE, EL DORADO, IMPERIAL, KINGS, MERCED, NAPA, NEVADA, PLACER, SOLANO, STANISLAUS, SUTTER, TULARE, AND YOLO COUNTIES

💰 LEVEL 2 UP TO \$6,000 PER CONNECTOR, DCFC UP TO \$80,000 PER CHARGER

Applications will open on May 18, 2021 sometime between 9:30 a.m. – 12:30 p.m. (PDT) and will remain open once available.

□ Overview

The Inland Counties Incentive Project promotes easy access to zero-emission vehicle infrastructure for the purchase and installation of eligible electric vehicle (EV) chargers in Butte, El Dorado, Imperial, Kings, Merced, Napa, Nevada, Placer, Solano, Stanislaus, Sutter, Tulare, and Yolo counties – with a total of \$17.5 million in available funds.

Eligible Rebates for Level 2 Chargers:

Eligible Rebates for Level 2 Chargers

Amount per Connector

Eligible Rebates for Level 2 Chargers**Amount per Connector**

Base Rebate

Up to \$3,500, or 75% of project costs, whichever is less

Inland Counties Incentive Project

Disadvantaged Community (DAC) or Low-Income Community (LIC)

Additional \$500

Multi-unit dwelling (MUD) site

Additional \$2,000

Please note: If the site qualifies as both a DAC and LIC, each Level 2 connector is only eligible for an additional \$500.

Eligible Rebates for DC Fast Chargers:**DCFC****Power****Level****General Market Rebate****Disadvantaged Community (DAC)/Low-Income Community (LIC) Rebate**50 kW -
99.99 kW

Up to \$30,000; or 75% of the total project cost, whichever is less

Up to \$40,000; or 75% of the total project cost, whichever is less

100 kW+

Up to \$60,000; or 75% of the total project cost, whichever is less

Up to \$80,000; or 75% of the total project cost, whichever is less

A minimum of 35% of funding in each county is required to be invested in DAC/LIC applications. This minimum investment is by technology type (DCFC, Level 2).

A minimum of 25% of funding is required to be invested in unincorporated communities in Placer, Solano, Stanislaus, and Yolo counties. This minimum investment is enforced by county, not technology type.

All final rebate amounts are determined by the total eligible project costs. Find out more about eligible site types and eligible rebate amounts for DAC/LIC and non-DAC/LIC applicants in the FAQ section.

You will need the following to begin your application:

- Authority to apply — All applicants must submit a completed Site Verification Form (</sites/default/files/docs/inland-counties/site-verification-form.pdf>) within five calendar days of applying
- Installation site address
- TIN/EIN for recipient of rebate check

Eligibility Requirements

Project cost requirements:

- **All costs** may be incurred starting **March 10, 2021** but are incurred at your **own risk** prior to the date your funds are reserved (e.g., application may be determined ineligible, or funds may be unavailable at time of

application)

- Rebates are reserved on a **first-come, first-served** basis

Applicant requirements:

Inland Counties Incentive Project

- Be a site owner or their authorized agent with a Site Verification Form (</sites/default/files/docs/inland-counties/site-verification-form.pdf>) submitted within five calendar days of application date
- Be a business, nonprofit organization, California Native American Tribe listed with the Native American Heritage Commission or a public or government entity based in California or operate as a California-based affiliate

Installation site requirements:

DC Fast Chargers

- Located in Butte, El Dorado, Imperial, Kings, Merced, Napa, Nevada, Placer, Solano, Stanislaus, Sutter, Tulare, or Yolo counties
- Chargers are publicly available 24 hours per day, 365 days a year
- Charger(s) must not be located behind a fence or in a gated parking lot closed to the public after hours
- Premises must be well-lit, secure, and in compliance with all federal, state and municipal laws, ordinances, rules, codes, standards and regulations
- Be an eligible site: airport, casino, city/county/private-owned parking lot or garage, college/university, gas station, grocery store, hospital, hotel, library, public transit hub, restaurant, retail shopping center, sheriff/police station, urban/suburban retail core, or curbside charging
- All eligible DC fast charger sites are also eligible for Level 2 chargers as part of a combination application

Level 2 Chargers

- Located in Butte, El Dorado, Imperial, Kings, Merced, Napa, Nevada, Placer, Solano, Stanislaus, Sutter, Tulare, or Yolo counties
- Premises must be well-lit, secure, and in compliance with all federal, state and municipal laws, ordinances, rules, codes, standards and regulations
- Be an eligible site: commercial (public availability), workplace (Public or private parking facilities, but must be shared use parking spaces), multi-unit dwelling (Public or private parking facilities, but must be shared use parking spaces), or curbside charging
- New construction sites are not eligible for Level 2 funds, except for affordable housing new construction sites

Equipment requirements:

DC Fast Chargers

- New EV charging equipment
- Purchased after the application Funds Reserved date
- Include DCFC dual standard chargers with both CHAdeMO and SAE CCS connector options
- Networked: Equipment and network must have remote diagnostics and be capable of "remote start." Must also be capable of usage data collection. Minimum five-year networking agreement (eligible towards total project cost)
- Capable of 50 kW or greater
- If payment is required, must accept some form of credit cards and multiple forms of payment
- Must be approved by a Nationally Recognized Testing Laboratory Program (NRTL)

Level 2 Chargers

- New EV charging equipment
- Purchased after the application Funds Reserved date
- ENERGY STAR® Certified

- Networked: Equipment and network must have remote diagnostics and be capable of "remote start." Must also be capable of usage data collection. Minimum two-year networking agreement (eligible towards total project cost)
- Capable of 6.2 kW or greater per connector

Inland Counties Incentive Project

If payment is required, must accept some form of credit cards and multiple forms of payment

DOWNLOAD

INLAND COUNTIES IMPLEMENTATION MANUAL ([HTTPS://CALEVIP.ORG/SITES/DEFAULT/FILES/DOCS/INLAND-COUNTIES/IMPLEMENTATION-MANUAL.PDF](https://calevip.org/sites/default/files/docs/inland-counties/implementation-manual.pdf))

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Eligible Equipment Costs

Eligible Costs

The following equipment and costs are eligible for rebate funds under a Level 2 or DC fast charger application:

- Electric vehicle supply equipment (EVSE)
- Transformer
- Electric Panels
- Energy storage equipment
- Installation costs (labor and materials)
- Utility service order
- Planning and engineering design costs
- Project signage
- Network agreement with network provider
- Extended warranties
- Stub-outs
- Demand management equipment

Permits as required by authorities having jurisdiction are not eligible costs. Rebate funds do not cover solar panels.

Application Process

Public Fleet ZEV Purchases

- Scope includes cities, counties, special districts, state agencies*
 - Entities with exempt plates from DMV
- ZEV purchases required when adding to the fleet
 - 50% of 2024-2026 model year vehicles must be ZEVs
 - 100% of 2027 and newer model years must be ZEVs
- Three-year exemption in designated counties until 2027
- Plug-in hybrids (NZEVs) count same as ZEVs until 2035



* Federal fleets addressed with private fleets

NZEV: Near-zero-emission vehicle as defined in ACT regulation

Discussion Item #2. Cover sheet – Additional Cameras at Regional Park

Auburn Area Recreation and Park District Policy Committee meeting March, 2021; May, 2021

The Issue

A discussion about the possibility of adding additional battery-operated “Blink” type cameras at Regional Park. Director Holbrook requested that this be considered.

Background

Staff has investigated adding battery-powered cameras to Regional Park. Staff found an outdoor camera made by “Blink” that could work. The biggest issue with using these types of cameras is the need for Wi-Fi. Unfortunately, the Wi-fi signal at Regional Park is weak everywhere except around the building.

Increasing the Wi-fi capability around the park can be done in a couple of different ways. Per Larry Freitas, part of ARD’s IT team with California Computer Services, there are a couple of different options:

We can certainly extend the Wi-fi coverages a couple different ways.

1. Point-to-Point- extend Wi-fi by installing point-to-point devices to reach the far edges of your facility. Power would be needed on each side. All devices provided would be weatherproof designed for outdoor installations.
We were going to do this for the sprinkler control system but your people came up with another solution.
2. Provide long range wifi access points- these could provide coverage out to 600ft which probably isn’t that far for what you want cover.

Solution #1 requires power on both sides, if there is a power source on the far end somewhere we could tap into then this would be the best solution

Recommendation for the Policy Committee

Review and provide direction.

Fiscal Impact

The cost for three of the cameras is \$250

The cost for the install of the point-to-point Wi-Fi extender is approximately \$1,000, not including the costs involved with providing power to the devices.

Attachments

None