



LAKE SHASTINA COMMUNITY SERVICES DISTRICT

AGENDA

REGULAR MEETING

Wednesday, October 18, 2017 – 1:00 p.m.

Administration Building

16320 Everhart Drive • Weed, California 96094 • (530) 938-3281

CALL TO ORDER:

LSCSD Board Roll Call: Directors: Cupp _____ Lewis _____ MacIntosh _____ Mitchell _____ Thompson _____

PLEDGE OF ALLEGIANCE:

PUBLIC COMMENTS: This is an opportunity for members of the public to address the Board on subjects within its jurisdiction, whether or not on the agenda for this meeting. Each individual comment will be limited to three minutes. The public comment portion of the meeting will be limited to thirty minutes (total time). For items that are on this agenda, speakers may request that their comments be heard instead at the time the item appears on the agenda prior to the Board addressing the agenda item. The Board may ask questions, but may not act during the Public Comments portion of the meeting, except to direct staff to prepare a report, or to place the item on a future agenda.

CONSENT CALENDAR: Items on the Consent Calendar are considered routine, not requiring separate discussion. However, if discussion is wanted, the item may be removed from the Consent Calendar and considered separately. Board members may ask questions of clarification without removing an item from the Calendar. Individual items are approved by the vote that approves the Consent Calendar, unless an item is pulled for separate consideration.

1. A. Approval of Minutes: Regular Meeting September 20, 2017 and Special Meeting October 11, 2017
- B. Ratification of Disbursements: September 1 through September 30, 2017
- C. Budget Comparison / Variance Report: FY 2017/2018
- D. Accounts Receivables Aging Analysis: FY 2017/2018

DEPARTMENT REPORTS / UPDATES: NO ACTION ITEMS:

2. Fire Department Monthly Report (FC Pappas)
3. Police Department Monthly Report (PC Wilson)
4. Sewer Department Monthly Report (PWS Moser)
5. Water Department Monthly Report (PWS Moser)

COMMITTEE REPORTS:

6. President to make appointments to re-establish committees, as needed.

APPROVED COMMITTEE MINUTES / REPORTS / VERBAL UPDATES:

- A. Budget / Finance Committee (FY 2017/18)
- B. Fire Department Advisory Committee
- C. General Manager Recruitment Committee
- D. Grant Oversight Committee
- E. Police Advisory Committee
- F. Policy Committee

DISCUSSION / REPORTS: ACTION ITEMS:

7. Consideration of proposals received for Legal Services (AGM Wilson)
8. Consideration of Budget/Finance Committee recommended amendments to FY 2017/18 Operating Budget and FY 2016/17 COPS Grant Budget (AGM Wilson / SAC Nelle)
9. Consideration of Resolution *-17 rescinding Resolution 6-15 regarding censure of Board Member (AGM Wilson)

STAFF COMMENTS:

BOARD MEMBER COMMENTS:

PUBLIC COMMENTS ON CLOSED SESSION:

ADJOURN TO CLOSED SESSION:

CLOSED SESSION:

- A. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION Existing Litigation (Gov. Code § 54956.9) Moller v. LSCSD et. al.
- B. CONFERENCE WITH LABOR NEGOTIATORS - Pursuant to Government Code Section 54957.6 Agency Negotiators: Mike Wilson, Acting General Manager; Employee Organization: Teamsters Local 137

RETURN TO OPEN SESSION:

REPORT ON CLOSED SESSION:

DISCUSSION / REPORTS: ACTION ITEMS:

10. Union Negotiations – Review and Approve Resolution *-17 to approve changes in the 2017–2021 Labor Agreement MOU – Exhibit C Minimum Certification Requirements and Certification Incentives (AGM Wilson)

ADJOURNMENT: The next LSCSD Regular Board Meeting is scheduled to be held on November 15, 2017, 1:00 p.m. at the Administration Building.

Supplementary documents and other materials distributed to the District board after their agenda packets have been distributed to the members may be viewed at the District office and obtained at the meeting.



LAKE SHASTINA COMMUNITY SERVICES DISTRICT

Regular Meeting
 Wednesday, September 20, 2017, 1:00 p.m.
 Administration Building
 16320 Everhart Drive • Weed, California 96094 • (530) 938-3281

Unapproved MINUTES

CALL TO ORDER AND ROLL CALL: 1:00 p.m.

LSCSD Board Roll Call: Cupp ☒ MacIntosh ☒ Thompson ☒ Two Vacant Seats

Directors Layne and Thomsson resigned from the Board on September 19, 2017.

Also present: AGM/PC Wilson, PWS Moser, SAC Nelle, FC Pappas and AA Charvez. There were approximately 19 people in the audience.

PLEDGE OF ALLEGIANCE: Dir. MacIntosh led the Pledge of Allegiance.

PUBLIC COMMENTS: Two (2) speakers.

CONSENT CALENDAR: (All items accepted/approved by the Board unless otherwise noted.)

1. A. Approval of Minutes: Regular Meeting August 16, 2017, Special Meeting August 24, 2017 and Special Meeting August 28, 2017
- B. Ratification of Disbursements: August 1 through August 31, 2017
- C. Budget Comparison: FY 2017/2018
- D. Approval of transfer to LAIF from SVB operating account
- E. Approval of 5% out-of-class pay for Police Chief
- F. Adopt Resolution 8-17 amending the District Money Purchase Pension Plan

Motion by Dir. MacIntosh second Dir. Thompson to approve Consent Calendar.

Ayes: Directors Cupp, MacIntosh and Thompson

Noes: None

Absent: None

Two Vacant Seats

POLICE AND FIRE DEPARTMENT REPORTS

2. Fire Department Monthly Report: FC Pappas reported.
3. Police Department Monthly Report: PC Wilson reported.
4. Sewer Department Monthly Report: PWS Moser reported.
5. Water Department Monthly Report: PWS Moser reported.

COMMITTEE REPORTS:

- A. Budget / Finance Committee (FY 2017/18): SAC Nelle reported that a committee meeting will be scheduled for the first part of October.
- B. Fire Department Advisory Committee: Pres. Cupp stated that the committee needs to be re-established.
- C. General Manager Recruitment Committee: Pres. Cupp reported that the committee is working on finalizing the job announcement.
- D. Police Advisory Committee: Pres Cupp stated that a committee meeting will be scheduled when needed.
- E. Policy Committee: Pres. Cupp stated that the committee needs to be re-established.

DISCUSSION / REPORTS: ACTION ITEMS:

6. Appoint Grant Oversight Committee: Pres. Cupp appointed a Grant Oversight Committee of two, at this time: Directors Cupp and Thompson.
7. Cal/OES Hazardous Mitigation Grant Program Application: update on SHN quote and details of grant; consideration of proceeding with application: AGM Wilson reported. The Board discussed.

Motion by Dir. Cupp second Dir. Thompson to authorize the Acting General Manager to negotiate and enter into an agreement with SHN Engineers and Geologists to develop the documentation and the grant application for the Cal/OES Hazardous Mitigation Grant Project Sub-Application for an amount not to exceed \$6,500; if the District is still eligible (the County's Local Hazardous Mitigation Plan expired in June 2017; the County is working to have a new plan in place by the end of the year).

Ayes: Directors Cupp, MacIntosh and Thompson

Noes: None

Absent: None

Two Vacant Seats

8. Consideration of proposal received from the Wastewater System Improvement Project Request for Proposals (RFP) for Engineering and Planning Services (Project No. C-06-8303-110 Planning Grant Agreement No. D16-040428): AGM Wilson reported. The Board discussed.

Motion by Dir. Thompson second Dir. Cupp to award the contract to SHN Consulting Engineers and Geologists, Inc. for Engineering and Planning Services for (Project No. C-06-8303-110 Planning Grant Agreement No. D16-040428) for a Wastewater System Improvement Project; to include the three items not included in the RFP (rate study, income survey and construction funding application), with the condition total SHN costs do not exceed the Grant Budget.

Ayes: Directors Cupp, MacIntosh and Thompson
Noes: None
Absent: None
Two Vacant Seats

9. Consideration of updated/amended Policies (1000 Purpose of Board Policies, 1002 Adoption/Amendment of Policies, 1005 Association Memberships, 1010 Basis of Authority, 1015 Board Secretary, 1020 Board/Staff Communication, 1035 Conflict of Interest, 1040 Correspondence to the Board, 1045 Legal Counsel and Auditor, 1050 Overview of the General Manager's Role and 1055 Public Records Act Document Request): SAC Nelle reported. The Board discussed. Policy 1015.3 changed as follows: delete "or become partisan in the debate on any such item," from the paragraph.

Motion by Dir. Thompson second Dir. MacIntosh to approve updated Policies 1000, 1002, 1005, 1010, 1015, 1020, 1035, 1040, 1045, 1050 and 1055 as presented, except for change made to Policy 1015.3.

Ayes: Directors Cupp, MacIntosh and Thompson
Noes: None
Absent: None
Two Vacant Seats

10. Appoint District Labor Negotiator(s) regarding MOU with General Teamsters Professional, Health Care and Public Employees Local 137: Pres. Cupp stated there were a few issues in the MOU still under negotiations. Pres. Cupp appointed AGM Wilson as the labor negotiator regarding the MOU with Local 137.

11. Appoint Acting General Manager as the Board's Secretary and District's Treasurer:

Motion by Dir. MacIntosh second Dir. Cupp to appoint Mike Wilson, Acting General Manager, as the Board's Secretary and District's Treasurer.

Ayes: Directors Cupp, MacIntosh and Thompson
Noes: None
Absent: None
Two Vacant Seats

12. Direction to staff regarding RFP for Legal Services: Pres. Cupp stated that it is good business practice to solicit proposals for legal services; RFP to request experience in Special Districts, government agencies, labor laws and union negotiations. The Board discussed.

Motion by Dir. Thompson second Dir. MacIntosh to direct staff to send out RFPs for legal services as soon as possible with a 15-day submittal deadline date.

Ayes: Directors Cupp, MacIntosh and Thompson
Noes: None
Absent: None
Two Vacant Seats

STAFF COMMENTS: AGM Wilson and SAC Nelle reported.

BOARD MEMBER COMMENTS: Two (2) Directors.

PUBLIC COMMENTS ON CLOSED SESSION: None

ADJOURN TO CLOSED SESSION: With no objections by the Board, Pres. Cupp adjourned to Closed Session at 2:43 p.m.

CLOSED SESSION: 2:53 p.m.

Also present: AGM Wilson.

- A. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION Existing Litigation (Gov. Code § 54956.9) Moller v. LSCSD et. al.

With no objections by the Board, Pres. Cupp adjourned Closed Session at 3:13 p.m.

RETURN TO OPEN SESSION: 3:15 p.m.

Also present: AGM Wilson and AA Charvez. There were approximately 10 people in the audience.

REPORT ON CLOSED SESSION: Pres. Cupp reported:

Item A: Direction was given to staff to accept Diane Deckard's resignation and request all documents related to the case be delivered to the District office.

ADJOURNMENT: With no objections by the Board, Pres. Cupp adjourned the meeting at 3:18 p.m.

The next LSCSD Regular Board Meeting on Wednesday, October 18, 2017, 1:00 p.m. at the Administration Building.

Approval Date: _____

Carol Cupp, President

ATTEST:

Mike Wilson, Secretary



LAKE SHASTINA COMMUNITY SERVICES DISTRICT

Special Meeting
 Wednesday, October 11, 2017, 1:30 p.m.
 Administration Building
 16320 Everhart Drive • Weed, California 96094 • (530) 938-3281

Unapproved MINUTES

CALL TO ORDER AND ROLL CALL: 1:30 p.m.

LSCSD Board Roll Call: Cupp ☒ MacIntosh ☒ Thompson ☒

Board Members appointed during the meeting (Item 1): Lewis ☒ Mitchell ☐ absent

Also present: AGM/PC Wilson and AA Charvez. There were approximately 9 people in the audience.

PLEDGE OF ALLEGIANCE: Dir. Thompson led the Pledge of Allegiance.

PUBLIC COMMENTS: None

DISCUSSION / ACTION ITEMS:

1. Consideration of Appointment to fill two(2) Unscheduled Vacant Board Member Seats
 - a. Administer the Oath of Office and Seat new Appointed Members

Candidate John Lewis made a brief statement to the Board. Candidates Sher Barber and Paula Mitchell were not present. The Board discussed.

Motion by Dir. Thompson second Dir. MacIntosh to appoint Paula Mitchell to fill the unscheduled vacant Board Member seat, term to December 7, 2018 (Thomsson vacancy).

Ayes: Directors Cupp, MacIntosh and Thompson

Noes: None

Absent: None

Two Vacant Seats

Motion by Dir. Thompson second Dir. Cupp to appoint John Lewis to fill the unscheduled vacant Board Member seat, term to December 7, 2018 (Layne vacancy).

Ayes: Directors Cupp, MacIntosh and Thompson

Noes: None

Absent: None

Two Vacant Seats

AGM Wilson administered the Oath of Office for John Lewis; Dir. Lewis was seated for the remainder of the meeting.

Paula Mitchell was not present due to prior commitment; Oath of Office will be completed at a later date.

2. Consideration of CPA audit quotes for year ending June 30, 2017 and consider years ending 2018 and 2019: AGM Wilson reported. The Board discussed.

Motion by Dir. Thompson second Dir. Cupp to approve a one-year audit engagement letter/contract with Larry Bain, CPA for the year ended June 30, 2017, per proposal dated September 12, 2017 in the amount of \$11,200.

Ayes: Directors Cupp, Lewis, MacIntosh and Thompson

Noes: None

Absent: Director Mitchell

STAFF COMMENTS: Comments from one staff member.

BOARD MEMBER COMMENTS: Comments from two Directors.

ADJOURNMENT: With no objections by the Board, Pres. Cupp adjourned the meeting at 2:10 p.m.

The next LSCSD Regular Board Meeting on Wednesday, October 18, 2017, 1:00 p.m. at the Administration Building.

Approval Date: _____

 Carol Cupp, President

ATTEST:

 Mike Wilson, Secretary

TREASURER'S REPORT - RATIFICATION OF DISBURSEMENTS
LAKE SHASTINA COMMUNITY SERVICES DISTRICT

1B

Board motion "To ratify the checks for expenses, including payroll and liabilities, issued on behalf of the District for the period of September 1 thru September 30, 2017 for a total of: " \$ 165,875.33

Each check has been signed by two directors with documentation attached to each check.

Submitted for September 2017 \$ 165,875.33

Expenses - Regular Checks SVB Account	\$	77,171.41
Expenses - Payroll & Liability Checks SVB Account	\$	88,703.92
<u>Subtotal</u>	<u>\$</u>	<u>165,875.33</u>
<u>Total CSD Expenses</u>	<u>\$</u>	<u>165,875.33</u>

LAKE SHASTINA COMMUNITY SERVICES DISTRICT
ACCOUNTS PAYABLE - SCOTT VALLEY BANK

1B

		LSPOA Shared Invoices		*			10	15	20	25	26	30
Date	JE or Ck #	Payee	Total Expense		Regular Expenses	Payroll Expenses	General	Sewer	Water	Police	COPS Grant	Fire
9/1/2017	JE #68520	Bank Fees	42.50		42.50		42.50					
9/7/2017	607	CalPERS-GASB 68	700.00		700.00		378.00	161.00	161.00			
9/7/2017	608	CalPERS-Arrears Employer Paid-JC	500.00		500.00		166.66	166.67	166.67			
9/7/2017	609	CalPERS-Arrears Contributions-JC	4,248.07		4,248.07		1,416.03	2,832.04				
9/7/2017	610	US Bank Equipment Finance	305.03		305.03					305.03		
9/7/2017	611	Verizon Wireless	360.95		360.95					269.64		91.31
9/7/2017	612	Williams Scotsman	293.58		293.58			146.79	146.79			
9/7/2017	22076	Computer Logistics	96.00	*	96.00		96.00					
9/7/2017	22077	Consolidated Electrical Dist.	93.63		93.63			16.98	76.65			
9/7/2017	22078	Cordio Psychological Corp.	400.00		400.00					400.00		
9/7/2017	22079	Department of Motors Vehicles	726.00		726.00					726.00		
9/7/2017	22080	Don Erickson Oil, Inc.	3,431.54	*	3,431.54		1,068.02	650.23	427.74	882.70		402.85
9/7/2017	22081	Ferguson Waterworks	2,782.55		2,782.55			2,526.09	256.46			
9/7/2017	22082	Hue & Cry	25.00	*	25.00		25.00					
9/7/2017	22083	KD Management	7,793.00		7,793.00		7,793.00					
9/7/2017	22084	Kellie Power	465.00	*	465.00		400.00			32.50		32.50
9/7/2017	22085	LSCSD Utilities	480.73	*	480.73		311.94			76.15		92.64
9/7/2017	22086	Mike's Auto Complete	194.58		194.58					194.58		
9/7/2017	22087	Personnel Preference	18.00		18.00					18.00		
9/7/2017	22088	Quill Corp.	21.44	*	21.44		18.22			3.22		
9/7/2017	22089	Shasta Auto Supply	34.13		34.13		(2.00)					36.13
9/7/2017	22090	Shasta Valley Chainsaw	34.95		34.95			17.47	17.48			
9/7/2017	22091	Siskiyou Daily News	98.83		98.83		98.83					
9/7/2017	22092	Siskiyou Disposal	250.00	*	250.00		85.00	42.50	42.50	40.00		40.00
9/7/2017	22093	Solano's Inc.	269.43	*	269.43		10.46	99.46	159.51			
9/7/2017	22094	Weed Press	38.00	*	38.00		38.00					
9/7/2017	22095	Woods Pest Control	164.00	*	164.00		82.00			41.00		41.00
9/12/2017	613	First National Bank-SP	1,421.47		1,421.47		9.99					1,411.48
9/14/2017	22096-22100	Payroll Checks (Live Checks)	13,308.77			13,308.77		1,370.69				11,938.08
9/14/2017	503077	EDD EFT	3,981.08			3,981.08	241.39	221.56		360.55	38.02	3,119.56
9/14/2017	503078	EFTPS EFT	13,734.06			13,734.06	881.11	863.21		2,383.28	280.34	9,326.12
9/14/2017	503079	American Funds EFT	434.61			434.61				366.61	68.00	
9/14/2017	503080	CalPERS EFT	2,039.22			2,039.22	1,057.28	981.94				
9/14/2017	503081	CalPERS 457 EFT	929.38			929.38	530.00	208.62		135.79	54.97	
9/14/2017	503082	SVB EFT - Payroll Checks (Direct Deposits)	24,015.22			24,015.22	5,270.67	4,047.55		6,637.18	1,574.05	6,485.77
9/21/2017	614	AT&T	59.31		59.31			29.66	29.65			
9/21/2017	615	Pitney Bowes	193.05	*	193.05		193.05					
9/21/2017	616	Pacific Power	19,238.65	*	19,238.65		788.76	6,245.10	11,755.37	166.87		282.55
9/21/2017	617	First Ntl. Bank-DN	74.33	*	74.33		46.33	2.00	2.00	20.00		4.00
9/21/2017	618	First Ntl. Bank-RM	638.25		638.25		15.40	311.42	311.43			
9/21/2017	619	First Ntl. Bank-MW	1,022.27		1,022.27					1,022.27		
9/21/2017	22101	Alanna DeBon	93.95	*	93.95		93.95					
9/21/2017	22102	AT&T	197.64		197.64				197.64			
9/21/2017	22103	AWM Construction	130.46		130.46		130.46					
9/21/2017	22104	Black Butte Auto	200.00		200.00							200.00

LAKE SHASTINA COMMUNITY SERVICES DISTRICT
ACCOUNTS PAYABLE - SCOTT VALLEY BANK

1B

Date	JE or Ck #	LSPOA Shared Invoices *		Regular Expenses	Payroll Expenses	10	15	20	25	26	30
		Payee	Total Expense			General	Sewer	Water	Police	COPS Grant	Fire
9/21/2017	22105	Capital Research and Managment	195.67	195.67			16.31	16.31	163.05		
9/21/2017	22106	Diane Deckard Lawfirm	2,289.78	2,289.78		2,289.78					
9/21/2017	22107	Hue & Cry	38.00	38.00		38.00					
9/21/2017	22108	Kirsher, Winston, and Boston	1,617.00	1,617.00		1,517.00					100.00
9/21/2017	22109	LaVerne James	203.95	203.95		203.95					
9/21/2017	22110	Lexipol LLC	2,178.00	2,178.00					2,178.00		
9/21/2017	22111	Michael Garcia	202.12	202.12		202.12					
9/21/2017	22112	Mike's Auto Complete	121.42	121.42					121.42		
9/21/2017	22113	N.C.G.T. Security Fund	16,573.00	16,573.00		4,326.00	5,152.00		3,903.00	1,596.00	1,596.00
9/21/2017	22114	Personnel Preference	375.00	375.00		375.00					
9/21/2017	22115	Quill	580.26	580.26		515.32	24.59	24.59	15.76		
9/21/2017	22116	Siskiyou Laser Products	34.24	34.24		34.24					
9/21/2017	22117	Sousa Ready Mix	314.09	314.09			314.09				
9/21/2017	22118	Steve Pappas	1,635.38	1,635.38							1,635.38
9/21/2017	22119	USA Blue Book	882.87	882.87				882.87			
9/21/2017	22120	Valley Industrial Communication	2,739.08	2,739.08							2,739.08
9/21/2017	22121	Western Business Products	55.23	55.23		55.23					
9/28/2017	22122	Payroll Checks (Live Checks)	1,471.25		1,471.25		1,471.25				
9/28/2017	22123	Union Dues	590.72		590.72	221.00	204.00		115.48	50.24	
9/28/2017	503095	EDD EFT	890.44		890.44	239.47	219.42		354.47	41.18	35.90
9/28/2017	503096	EFTPS EFT	4,679.76		4,679.76	874.51	864.99		2,364.42	296.26	279.58
9/28/2017	503097	American Funds EFT	468.09		468.09				377.42	90.67	
9/28/2017	503098	CalPERS EFT	2,039.22		2,039.22	1,057.28	981.94				
9/28/2017	503099	CalPERS 457 EFT	932.50		932.50	530.00	208.62		135.79	58.09	
9/28/2017	503100	SVB EFT - Payroll Checks (Direct Deposits)	19,189.60		19,189.60	5,238.89	3,858.37		6,777.07	1,663.71	1,651.56
			165,875.33	77,171.41	88,703.92	39,003.84	34,256.56	14,674.66	30,587.25	5,811.53	41,541.49

1.C. Budget Comparison / Variance Report: FY 2017/2018

There was no document available for packet delivery.

If document is received prior to the meeting, it will be forwarded to the Board.

Lake Shastina Community Services District Quarterly

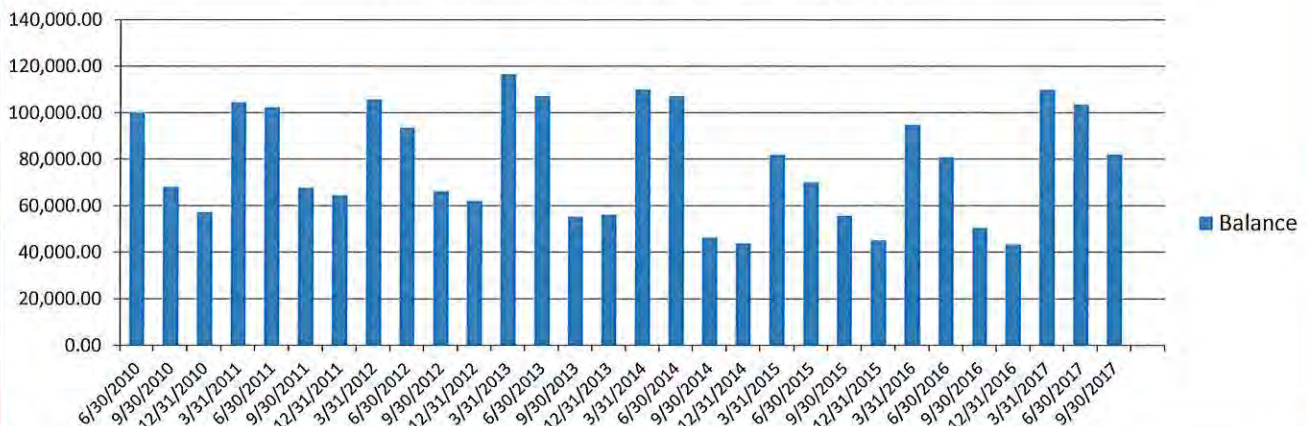
Accounts Receivable Analysis 2017/2016 YTD
June 30, 2010 to September 30, 2017

Date	<30 Days	30-60 Days	60-90 Days	>90 Days	Balance	Balance of Tax Rolls Receivable	Total Tax Rolls & A/R
6/30/2010	3,818.24	572.82	444.31	95,336.02	100,171.39		
9/30/2010	7,627.17	589.19	172.63	59,775.28	68,164.27	122,414.84	190,579.11
12/31/2010	2,511.51	1,166.60	243.00	53,366.06	57,287.17		
3/31/2011	1,451.65	8,707.07	49,643.23	44,717.88	104,519.83		
6/30/2011	3,742.66	2,543.75	155.42	95,950.10	102,391.93		
9/30/2011	8717.23	164.48	128.73	58,775.90	67,786.34	175,202.41	242,988.75
12/31/2011	1,544.52	3,041.72	333.00	59,626.85	64,546.09		
3/31/2012	7,516.60	1,118.76	62.89	97,012.76	105,711.01		
6/30/2012	2,148.52	321.90	160.10	90,977.93	93,608.45		
9/30/2012	7,203.09	288.50	16.50	58,859.23	66,367.32	196,649.49	263,016.81
12/31/2012	2,236.28	148.34	111.26	59,728.50	62,224.38		
3/31/2013	8,240.48	282.06	53,663.99	54,515.14	116,701.67		
6/30/2013	3,047.85	56.00	521.55	103,570.95	107,196.35		
9/30/2013	6,493.34	20.00	31.50	48,871.39	55,416.23	248,515.30	303,931.53
12/31/2013	2,653.17	92.58	33.30	53,340.80	56,119.85		
3/31/2014	8,360.90	65.99	52,413.07	49,243.31	110,083.27		
6/30/2014	3,156.77	30.00	317.76	103,631.03	107,135.56		
9/30/2014	5,475.68	1,131.57	0.77	39,772.05	46,380.07	245,334.21	291,714.28
12/31/2014	854.19	1,010.20	50.00	41,956.34	43,870.73		
3/31/2015	6,457.83	841.30	40,425.31	34,158.64	81,883.08		
6/30/2015	2,036.06	50.00	632.03	67,320.96	70,039.05		
9/30/2015	7,481.65	15.00	163.00	48,095.75	55,755.40	249,946.12	305,701.52
12/31/2015	928.60	1,504.10	429.37	42,257.93	45,120.00		
3/31/2016	419.41	7,981.59	103.78	86,213.68	94,718.46		
6/30/2016	2,371.53	67.41	237.21	78,228.48	80,904.63		
9/30/2016	7,400.59	183.89	31.09	42,908.53	50,524.10	302,614.41	353,138.51
12/31/2016	1,054.74	729.49	0.00	41,547.90	43,332.13		
3/31/2017	9,490.48	470.19	64,303.28	35,641.63	109,905.58		
6/30/2017	2,705.90	206.46	59.94	100,580.03	103,552.33		
9/30/2017	9,927.46	731.59	335.68	71,124.61	82,119.34	343,676.42	425,795.76

Note: 1) This report does not consider accounts that have been prepaid. 2) Police, Fire, Sewer and Water have been combined.

Analysis: Past Due / Outstanding accounts have increased 62.52% since the same period last year 9/30/16.
(This does not include past due assessments sent to tax rolls)

Lake Shastina Community Services District Accounts Receivable Analysis





Lake Shastina Fire Department

16309 Everhart Drive
Weed CA 96094

For the Month of September the Lake Shastina Fire Department had a total of 23 calls. These included

- 3 Public Assist
- 1 Vehicle Fire
- 11 Medical Aids
- 2 Structure Fire
- 2 Vegetation Fires
- 4 Traffic Collision (1 fatal)

We have good news! All engines are currently repaired and back in service. The second oil pump was replaced on E-3112 (our strike team engine) by Skinners auto repair and seems to have resolved the issue we were having. E-3113 (the engine with fire damage) is running which will allow us to explore our options on sending it to be auctioned off.

As the fire season comes to an end our community can expect LSFD to be fully staffed with volunteers and three sleepers. We have begun our annual structure fire training in preparation for the cold winter and wood stoves to be lit again. The structure fire training will last through December where we will then move on to Vehicle Extrication specific trainings.

Lake Shastina Police Department

Inter-Office Memo

Lake Shastina C.S.D. Board Report

September 2017

Due to a problem with our internet and computers in the police department for the first two weeks of the month of October, we were unable to accurately capture all call data for month of September. However based on the data we were able to capture, we are reporting the following activity for the month of September. 80 calls for service were tracked and the data from those calls are listed below.

Regular Police Calls:

Disturbance – 2	Child Custody– 1	Trespass– 1
DV - 2	Shots Heard –1	Suspicious Circ – 5
Suspicious Person – 1	Threats – 1	Petty Theft – 1 Civil
Standby – 1	Civil Dispute– 1	Citizen Asst– 3
Camp Ground Ck –3	Res Alarm – 3	Welfare Check – 1
Restraining Order – 1	Info to Citizen – 5	Missing Child – 1
House Watches –1	Case FU – 2	F.I.R. - 1
AOD SCSO – 1	Extra Patrol – 1	BOLO – 1
Medical Aid – 2	Found Prop – 2	Returned Prop – 2
Stranded Boater – 1		

Traffic:

Traffic Citations – 4	Parking Violation – 3	Traffic Collisions – 1
Reckless Driver – 1	DUI arrest – 1	Vehicle Impound – 1

Other Arrests:

Felony Warrant - 1

Animal Calls:

Dogs at Large – 6	Barking Dog – 2	Dog Other – 4
Dog Bite – 2	Dead Animal PU – 1	Wildlife – 2
Aggressive – 1	Missing Cat – 2	

Notable Cases:

On 9/24/17 Officer Owens located a subject wanted on a felony warrant for child endangerment and manufacturing of a controlled substance. Officer Owens arrested the subject and booked him into the Siskiyou County Jail.

On 9/28/17 Officer Barr conducted a traffic stop on a vehicle for unsafe speed on Lake Shore Drive. During his investigation he determined the driver to be under the influence of alcohol and drugs. Officer Barr arrested the driver for DUI. The driver had a previous conviction for DUI and was on probation for DUI. Officer Barr charged the driver an additional charge of violating probation.

Lake Shastina Sewer Department

To: Lake Shastina CSD Board
From: Robert Moser, Public Works Supervisor
Meeting Date: October 18, 2017
Subject: Board Report - September 2017 (Sewer)

The Lake Shastina Public Works Department (PW) conducted approximately 230 station checks and daily sewer pond readings and reporting for the month of September.

We completed the electrical upgrade for Sewer Station B-114 by Lost Lake in Rancho Hills. More prep work on this station for the upgrade is tentatively scheduled for the week of October 23. Notices to residents in the area will go out as soon as that date is confirmed.

Work on the dock for Pond #4 at the Wastewater Treatment Plant has been concluded and is in full service at this time.

Lake Shastina Water Department

To: Lake Shastina CSD Board
From: Robert Moser, Public Works Supervisor
Meeting Date: October 18, 2017
Subject: Board Report - September 2017 (Water)

The Lake Shastina Public Works Department (PW) conducted approximately 80 booster station checks and 58 well checks for the month of September.

We conducted meter reads for the entire District; this is done quarterly and takes 2 days with 3 employees to complete.

Lead and Copper testing, along with Nitrate as N, Perchlorate, Total Coliforms and E. Coli, was conducted this month. All tests came back with no negative results.

40 water shut off notices were posted on customers' door; out of that 40 we turned off 4 services.

DATE: 10/11/2017
Supersedes: 9/21/2017

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CSD STANDING/ADVISORY COMMITTEES:

1. FY 2017/18 Budget / Finance Committee:

10/11/17 Paula Mitchell appointed to the Board (no more than two Board Members on committee)

Director MacIntosh

Director Thompson

Paula Mitchell

SAC Nelle

AGM Wilson

2. Fire Department Advisory Committee:

Director Layne (9/19/17)

Director Thomsson (9/19/17)

Chief Pappas

AGM Wilson

3. Police Department Advisory Committee:

Director Cupp

Chief Wilson

Karla and Dwayne Chandler

Lorene Miller

AGM Wilson

4. Policy Committee:

Director Layne (9/19/17)

Director Thomsson (9/19/17)

SAC Nelle

AGM Wilson

5. GM Recruitment Committee: (two members – not required to notice meetings)

Director Cupp

Director Thompson

6. Grant Oversight Committee: (two members – not required to notice meetings)

Director Cupp

Director Thompson

OTHER appointments:

1. League of Local Agencies (LOLA) Representative: ~~Director Thomsson (no alternate appointed) – 1/21/15 (9/19/17)~~

NOTE: The General Manager is an ex-officio member of all standing committees.



6A

LAKE SHASTINA COMMUNITY SERVICES DISTRICT

MINUTES

FY 2017/18 Budget/Finance Committee Meeting

Friday, May 12, 2017 – 9:00 a.m.

Administration Building

16320 Everhart Drive • Weed, California 96094 • (530) 938-3281

CALL TO ORDER: 9:00 a.m.

Budget Committee Roll Call:

Director Graves √ Director MacIntosh √ CSD Member: Paula Mitchell √

Ex-Officio Member GM Drexel absent Staff: SAC Nelle √

There were 6 people in the audience.

PLEDGE OF ALLEGIANCE: Jim Durden led the Pledge of Allegiance.

PUBLIC COMMENTS: One (1) speaker.

COMMITTEE MEMBER COMMENTS: One (1) Member.

BUSINESS ITEM:

1. Approval of Minutes: April 26, 2017: Approved.
2. Independent Contract – KD Management Services LLC: The Committee discussed and prepared document for 5/17/17 Board packet.
3. FY 2017/2018 Draft Budget Review – All Departments: Draft budgets reviewed.
4. Next FY 2017/18 Budget Review meeting: ~~August 30, 2017, 9:00 a.m.~~
Rescheduled for October 4, 2017, 2:00 p.m.


ADJOURN: 10:07 a.m.



LAKE SHASTINA COMMUNITY SERVICES DISTRICT

TO: LSCSD BOARD OF DIRECTORS

MEETING DATE: October 18, 2017

FROM: Mike Wilson, Acting General Manager 

SUBJECT: Consideration of proposal received from five law firms to perform legal services for the Lake Shastina Community Services District

BACKGROUND:

During the Regular Lake Shastina CSD Board meeting on September 20, 2017, the Board of Directors directed staff to send out RFPs for legal services as soon as possible with a 15-day submittal deadline date.

On September 22, 2017 staff mailed out RFP packets to thirty-eight firms within Siskiyou County and twenty-five firms outside of Siskiyou County.

FINDINGS:

At the conclusion of the deadline (October 11, 2017 at 10:00 A.M.) the LSCSD office had received a total of five proposals from various legal firms.

The proposals in alphabetical order include the following firms or attorneys:

- Atkinson, Andelson, Loya, Ruud & Romo (AALRR) A Professional Law Corporation.
- David Hicks, APLC A California Professional Law Corporation
- Kenny & Norine A Law Corporation
- Kirsher, Winston & Boston Law Corporation
- Prentice, Long and Epperson PC Attorneys at Law

Upon review of the proposals, I have determined each proposal provides a breakdown of costs and fees. The following are a breakdown of the fees from each firm / attorney:

Atkinson, Andelson, Loya, Ruud & Romo (AALRR) A Professional Law Corporation:

Hourly rate billed in .10 increments:

- Senior Partner \$295
- Partners/Of Counsel \$285
- Senior Associates \$260
- Associates \$250
- Paralegal/Law Clerks \$185
- Photocopying \$0.20 per page
- Long Distance telephone calls At cost
- Mileage IRS mileage rate
- Overnight mail Standard FedEx rate
- Computer legal research Standard Westlaw rate

David Hicks, APLC A California Professional Law Corporation

All rates are negotiable. Hourly

- Senior Attorney \$320
- Certified Paralegal Assistant \$0 included above
- Support Staff \$0 never billed
- Out of Pocket Costs actual, including insurance for benefit of district.
- Photocopies \$0.50 per page
- Mileage \$0.65 per mile no travel time charges for trips
Between Lake Shastina and Dunsmuir.

Kenny & Norine A Law Corporation

Per hour at tenth of an hour

- Partner Rates \$200
- Associate Rates \$175
- Paralegal \$75
- Travel Expense Current IRS rate

Kirsher, Winston & Boston Law Corporation

1/10 hour intervals

- Attorney Time \$200
- Paralegal/Assistant \$100
- Other Staff \$50
- Travel \$0 to Mt. Shasta or Weed; other \$0.54 per mile and
\$100 per hour
- Mileage \$0
- Office Expense 3% of monthly billing
- Other fees actual cost

Prentice, Long and Epperson PC Attorneys at Law

Hourly

- Attorney \$175
- Paralegal \$70
- Reasonable Travel Expenses Applicable IRS rate
- Duplication/Reproduction Fee Actual cost if performed by outside service; no
Charge if in-house
- Any other expense Actual Cost
- 2% administrative fee in lieu of Based on amount of fees billed during month
separate charges for phone, fax and copies

RECOMMENDATION:

By motion, select the law firm or attorney to provide legal services for the LSCSD.

In the event the firm selected is one other than Kirsher, Winston & Boston Law Corporation, provide staff direction to provide written notice to Kirsher, Winston & Boston Law Corporation to terminate the existing contract.

ATTACHMENTS:

Proposals from: Atkinson, Andelson, Loya, Ruud & Romo (AALRR) A Professional Law Corporation, David Hicks, APLC A California Professional Law Corporation, Kenny & Norine A Law Corporation, Kirsher, Winston & Boston Law Corporation and Prentice, Long and Epperson PC Attorneys at Law.



aa|rr Atkinson, Andelson
Loya, Ruud & Romo
A Professional Law Corporation

ATKINSON, ANDELSON, LOYA, RUUD & ROMO
RESPONSE TO
Lake Shastina Community Services District
Request for Proposal for
Legal Services
Due: Wednesday, October 11, 2017 at 10:00 A.M.

Lake Shastina Community Services District

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A PROFESSIONAL LAW CORPORATION

ATTORNEYS AT LAW

2485 NATOMAS PARK DRIVE, SUITE 240
SACRAMENTO, CALIFORNIA 95833-2937
(916) 923-1200

FAX (916) 923-1222
WWW.AALRR.COM

CERRITOS
(562) 653-3200

FRESNO
(559) 225-6700

IRVINE
(949) 453-4260

MARIN
(628) 234-6200

PASADENA
(626) 583-8600

PLEASANTON
(925) 227-9200

RIVERSIDE
(951) 683-1122

SAN DIEGO
(858) 485-9526

OUR FILE NUMBER:

October 10, 2017

Mr. Mike Wilson
Acting General Manager
Lake Shastina Community Services District
16320 Everhart Drive
Weed, CA 96094

RE: Response to Request for Proposal for Legal Services

Dear Mr. Wilson:

Atkinson, Andelson, Loya, Ruud & Romo ("AALRR") is pleased to respond to the Lake Shastina Community Services District's ("District" or "Lake Shastina") Request for Proposal for Legal Services. AALRR has had the distinct and long-standing privilege of providing quality legal services and strategic advice to public agencies throughout the state, and we appreciate the opportunity to offer our services to Lake Shastina.

As detailed in the attached response, AALRR has extensive expertise in the areas identified in the Request for Proposal and will be able to effectively serve as legal counsel to the District on all matters, from day-to-day issues to complex disputes. We are confident that AALRR is the right choice for Lake Shastina for the following reasons:

Proven track record – We have successfully represented California's public agencies, including many special districts, for well over thirty-five years. Over this extended time period, AALRR has become intimately familiar with the legal needs of these agencies and adept at serving them in multiple capacities.

Specialization – We have a team of attorneys that specialize in public sector representation. Based on our collective experience, we will be able to efficiently and effectively handle the District's legal issues.

Budget-minded – We understand the budgetary constraints faced by public agencies. We work to ensure that our clients' resources are utilized in the most efficient manner.

Responsiveness – We take pride in our demonstrated commitment to respond promptly to all client inquiries and have a firm-wide policy that our attorneys respond to communications from our clients within 24 hours. Our attorneys will be available at any time to field questions, including on the weekends and evenings. Our team's priority is to ensure that they are always accessible to you.

AALRR's corporate headquarters is located at 12800 Center Court Drive, Suite 300, Cerritos, CA 90703. However, the District will be served mainly from our Sacramento office.

AALRR feels it has a good understanding of the work as described in the Request for Proposal and makes this firm and irrevocable offer to District, good for 60 days from the date of this letter.

Should you have any additional questions or if you would like to schedule a meeting where we can provide further information to assist in the selection process, please do not hesitate to contact me. I can be reached at (916) 923-1200 or jdietrich@aalrr.com.

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

Regards,

A handwritten signature in black ink, appearing to read 'John W. Dietrich', written over a horizontal line.

John W. Dietrich
Partner



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Firm Organization/Credentials/Professional Experience



Atkinson, Andelson, Loya, Ruud & Romo ("AALRR" or "firm") is recognized for its experience and success in handling public agency matters. Throughout the past 38 years, AALRR has represented a wide variety of California public entities including special districts, municipalities, counties, superior courts, school districts, community college districts, and universities. AALRR is a full-service law firm with 170 attorneys and multiple offices strategically positioned throughout California. The firm began its law practice in 1979 with one office and five attorneys in Long Beach, California. Today, the number of offices and locations has grown to provide a local presence throughout the state. Currently, AALRR maintains offices in Cerritos, Pasadena, Irvine, Riverside, San Diego, Fresno, Sacramento, Marin, and Pleasanton.

The firm is an active affiliated member of the Association of California Water Agencies (ACWA) and the California Special Districts Association (CSDA), and its attorneys frequently present at their various conferences on topics that include: SGMA, labor and employment, construction, governance, technology, and more. Our attorneys are also involved with various committees and subcommittees in each of these organizations, including CSDA's Legislative Committee.

Firm Capabilities

The firm's philosophy is rooted in understanding the broad spectrum of legal issues that affect our clients. We deliver a full range of services and represent a variety of public entities throughout California. We focus on client partnerships and bring together the experience of trusted general counsel, capable litigators, knowledgeable water representation, insightful employment counsel, and innovative industry specialists to provide clients with comprehensive legal services to address issues effectively, efficiently, and with integrity.

Our attorneys specialize in providing legal services to public entities. We welcome the opportunity to provide legal counsel services to the District. Below is a brief overview of our various areas of practice.

Applicable Areas of Experience	
Governance	Board Policy Development, Parliamentary Procedures, Resolutions and Ordinances, The Brown Act, Board Relations, Public Records Act Requests, Fair Political Practices Act and FPPC Regulations, Conflicts of Interest, Elections Code Requirements, LAFCO Procedures, Training on New Laws and Regulations, Contracts, Memorandums of Understanding, Joint Powers Agreements, Federal and State Grant Processing, Assessments and Fees (Propositions 218 & 26)
Water	Environmental Regulation, Federal and State Endangered Species Acts, Water Rights and SGMA, Water Transfer and Storage Agreements, State Water Contracts, CEQA, NEPA

Labor Relations and Personnel Management	Collective Bargaining, Grievance Processing, Arbitrations, Mediation, Fact-finding, Litigation, Layoffs, Contract Administration, Wage and Hour, Leaves, Workers' Compensation, Unemployment Insurance, Employment Discrimination, Dismissals, Employee Discipline, and Discrimination Complaints
Construction/ Public Works Contracting	Contracts and Bids - Contract Preparation, Bid Specification, Breach of Contract, Bid Protests Construction Claims - Construction Defects, Builder Liability, Engineering and Design Failures, Soil Erosion, Stop Notices, Bond Claims, Delay Claims
Real Property	Real Property - Developer Fees, CEQA, NEPA, Eminent Domain, Joint Use Facility Agreements, Leases, Sales & Exchanges, Contracts, Easements, Property Acquisition and Disposition
Litigation	Administrative Hearings, Federal and State Court Proceedings, Trials, Appeals, Torts, Land Use, CEQA, Ordinance Enforcement, Contract Disputes, Employee Discharge and Discrimination, Construction Contract Disputes, Eminent Domain and Inverse Condemnation, Water Quality and Rights

Brown Act/Public Records Act/Legislative Body Meetings

AALRR advises its clients in all aspects of public agency law. We regularly provide legal interpretations and advice concerning elected official relations issues, including advising and training legislative bodies on the Brown Act. AALRR had significant involvement in drafting and reviewing the 1994 amendments to the Brown Act and has provided numerous workshops and training sessions on the implementation of these provisions.

We have also litigated a number of issues relating to the Brown Act, including questions on the definition of a meeting, the propriety of closed-session discussions, and the obligation to announce certain actions taken in closed sessions.

Our deep understanding of the law and our ability to advise clients proactively reduces exposure to challenges based on violations of the Brown Act. However, when our clients do require representation after the fact, we have extensive experience litigating issues related to the Brown Act.

With respect to the Public Records Act, we regularly provide public agencies with advice and counsel regarding the processing of and response to Public Records Act requests. We have been involved in litigation relating to whether a party to pending litigation against a public agency may still attempt to obtain documents by way of the Public Records Act.

Our attorneys are available to attend regular Board and Board Committee meetings to provide advice and counsel on matters facing the District. Prior to such meetings, lead counsel is available to review any documents that may be considered at the meeting. The firm is also available to review and comment on Board policies and administrative regulations to ensure compliance with state and federal law. Additionally, we can work with the District to prepare new policies and regulations.



Sustainable Groundwater Management Act

AALRR is very familiar with the SGMA and is currently serving as general counsel to a GSA located in a groundwater basin designated as a high-priority groundwater basin that is critically overdrafted. Further, we are assisting with the development of a GSP due by January 31, 2020. Thus, AALRR is providing legal assistance in the development of one of the first GSPs that will be submitted to the Department of Water Resources for review. In addition, our firm is assisting the GSA with various public agency requirements including the Brown Act and conflict of interest laws.

We are well versed in the requirements of SGMA, including the requirements involving the formation of a locally controlled GSA and the development and implementation of a GSP, and our attorneys are frequently asked to speak on these issues.

Water Rights Matters

AALRR recognizes that the long-term supply of surface water, groundwater, reclaimed water, and desalinated water is critical as resources have been scarce throughout the state. Our attorneys have represented wholesale and retail public water agencies on a wide range of environmental, financing, water law, and water utility issues, including related litigation. We understand the California water institutional structure, and the state and federal law and regulations that impact water from every possible perspective, which enables us to serve our clients' diverse needs effectively. This includes experience representing public agencies on current drought law and regulations, the UWMPPA, and on issues related to water rights and adjudications, supply and planning (SB 610 & 221), storage and transfers, and quality. Attorneys at AALRR have successfully represented public agency water right holders in six separate groundwater basin adjudications.

We have in-depth transactional and regulatory experience in water law, and have been privileged over the years to represent, on a federal and state level, our numerous public agency clients in all aspects of the regulation of water. AALRR regularly advises our water district clients to address the ongoing and emerging legal issues posed by the water industry. We focus on the legal principles involved in securing, allocating, transferring, managing, and adjudicating water rights for public and private uses. Our practice includes advising our clients on compliance with state and federal regulations and issues with state mandated programs, negotiating and drafting complex regulatory ordinances and agreements, and defending complex litigation. We regularly advise on administrative law, environmental issues and policy, and land use planning, among others.

Our public agency clients sometimes become involved in administrative hearings and civil litigation disputes. These encompass the full range of public law issues, including water rights, land use disputes, ordinance enforcement, construction contract disputes, allocation of water resources, eminent domain and inverse condemnation, fees and charges under Articles XIII C and D of the California Constitution (Propositions 218 & 26), and validation of bond issuances.



Fees, Taxes and Assessments

The ability of public agencies to raise revenues for infrastructure and services is significantly constrained by the adoption of a series of ballot propositions: Propositions 218 and 26. They limit property tax rates, require voter approval of general and special taxes, and impose substantive limitations on structuring rates and charges, and the use of their revenues and procedural requirements for their adoption.

AALRR helps its public clients determine the revenue sources available to them and counsels them on how to impose such assessments lawfully under the procedural and substantive requirements of Propositions 218 and 26. This can mean assisting throughout the process or advising on a particular legal issue. We also defend clients in court from challenges to taxes and other revenue sources. AALRR's attorneys are well versed in the interplay between the revenue generating provisions under SGMA and the requirements of Propositions 218 and 26.

CEQA/Environmental Law


AALRR has experience in all facets of state and federal environmental and hazardous substances regulation. The firm has advised numerous public agencies on compliance measures for the California Environmental Quality Act ("CEQA"), including preparation, review, and certification/adoption of environmental impact reports, initial studies, and mitigated negative declarations. We have also counseled clients on effective use of CEQA exemption findings and mitigation measures and have helped several public entities to defuse potential challenges through public involvement and shrewd planning. Despite our proactive approach, CEQA challenges occur from time to time. The firm has experience in both defending and prosecuting CEQA challenges on behalf of public entities.

In addition to CEQA, the firm has extensive experience with specific areas of environmental regulation, including hazardous substances, clean air and water, pipeline risk, natural resources, seismic studies, and CERCLA (Superfund) enforcement. We work regularly with agencies charged with environmental oversight and enforcement, including the United States Environmental Protection Agency ("EPA"), California Department of Toxic Substances Control ("DTSC"), and various air quality management districts. The firm regularly interacts with various other federal and state government oversight agencies, including the State and Regional Water Boards, Department of Water Resources, U.S. Fish and Wildlife Service and the National Marine Fisheries Services ("NMFS").

Administrative Law

AALRR has extensive experience in California's administrative law practice. The firm's practice of administrative law encompasses not only the state and local licensing and permitting needs of our clients, but involves the ongoing development of our clients' ability to operate in compliance with all state and local laws and regulations.

Members of the firm have appeared before the State and Regional Water Boards and have worked with a variety of state and federal administrative agencies on issues involving endangered species, clean water and environmental remediation.



The firm will represent the District in all judicial and/or administrative proceedings within the specific service areas in which the District or Board members, in their official capacities, may be a party or have an interest, and in any other manner as directed.

Statutory Interpretation

Firm attorneys frequently review and provide comment on policies and administrative regulations to ensure both full compliance with federal and state laws and appropriate adherence by an agency, its board, and staff. Additionally, we prepare new policies and regulations as requested.

We are regularly asked to interpret provisions of the Water Code, Government Code, Public Utilities Code, Commercial Code, Public Resources Code, Public Contract Code and others. Our experience not only allows us to render valuable legal opinions, but to also advise clients with respect to how best to apply the law, and to make ambitious operational changes where there are arguments supporting a more nuanced interpretation of the law.

Our attorneys understand the parameters of Proposition 218 and the taxpayer protections limiting the methods by which local governments can create or increase taxes, fees and charges without taxpayer consent. We can guide the District through the stricter rules, increased notification requirements and appropriate use of fees.

Ethics

AALRR attorneys understand the ethical requirements for government officials when dealing with certain transactions, compensation and reimbursements and can advise the District to implement certain conflict of interest rules to address when public officials may be required, for example, to divest their business interests prior to taking office or recuse themselves from certain government decisions where they have a private interest at stake, or, at the minimum, disclose the nature of their interest publicly.

We also offer a training titled *Ethics for Local Government Officials*. Training highlights include: (a) principles of ethics and conflicts of interest, (b) prerequisites of office, and (c) government transparency. Our training complies with the requirements of AB1234.

Conflicts of Interest

We counsel clients on the full range of conflict of interest issues facing public officials and public employees, including issues arising under the Political Reform Act ("PRA"), Government Code section 81000 *et seq.*, and Government Code section 1090 *et seq.* In this regard, we have drafted required policies implementing the PRA and section 1090, as well as policies relating to incompatible activities. We are frequently asked to prepare opinion letters on complex conflict of interest issues relating to, for example, a board member's receipt of retiree health benefits and the employment of a board member's spouse. We also assist clients in obtaining opinion letters from the FPPC and the California Attorney General's Office.

Firm attorneys also understand the requirements under Government Code section 1090 as it relates to Board members or employees receiving a financial interest in a contract made by them in their official capacity. We also advise clients on the disclosure

statements and reporting requirements of meals and gifts received in excess of \$50 under the PRA.

Litigation

Our public agency clients often become involved in various administrative proceedings and civil litigation disputes. This litigation encompasses the full range of public law issues, including compliance with the Brown Act, Public Records Act, conflict of interest laws, tort litigation, land use disputes, ordinance enforcement, construction contract disputes, allocation of water resources, eminent domain and inverse condemnation, fees and charges under Articles XIII C and D of the California Constitution (Propositions 218 & 26), and validation of bond issuances. It also includes disputes over water rights and water supply.

As counsel for public agencies, our litigators have thwarted repeated Federal and State Endangered Species Act, CEQA, NEPA, CERCLA and other complicated environmental challenges. AALRR's attorneys have both the experience and expertise in all aspects of federal and state civil, administrative, and local ordinance enforcement litigation practices and procedures to effectively and successfully represent public entities. We have represented public agency clients in administrative hearings before state and federal agencies, mediations, arbitrations, civil litigation, trials-bench and jury, and appeals in all substantive areas of law.

Age Discrimination

We counsel employers in handling individual terminations and reductions in force to minimize age discrimination claims. Our attorneys structure settlement agreements to comply with the special rules applicable to age cases imposed by the Older Workers Benefits Protection Act.

Disability Discrimination


We offer employers advice to ensure they are in compliance with the Americans with Disabilities Act and state disability discrimination laws. We help ensure the reasonable accommodation process is followed and employment decisions are not subject to challenge. We also assist in developing policies and procedures designed to prevent disability discrimination and failure to accommodate claims.

Gender, Race, National Origin, and Religious Discrimination

Our attorneys prepare responses to Equal Employment Opportunity Commission and Department of Fair Employment and Housing charges, and litigate federal and state lawsuits alleging discrimination on the basis of gender, race, national origin, religion, and other protected classifications. We advise employers on how to avoid claims of discrimination or minimize liability for such claims.

Family and Medical Leave

The Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA) generally require covered employers to provide eligible employees with up to 12 weeks of unpaid leave for specified medical reasons. We routinely advise employers regarding the laws' significant restrictions on an employer's treatment of employees who request, take, and return from leave. We focus on the interplay between state and federal



regulations, including the Americans with Disabilities Act, Workers' Compensation, and pregnancy and military leaves, in order to implement preventative policies for our clients.

Workers' Compensation

AALRR defends all aspects of Workers' Compensation claims including §132(a) discrimination claims, claims for serious and willful misconduct, and subrogation claims. We also coordinate defenses pertaining to the Fair Employment and Housing Act and the Americans with Disabilities Act. Our attorneys regularly make appearances at all Workers' Compensation Appeals Boards throughout California.

Whistleblower/Retaliation

The firm has handled many cases involving "whistleblower" claims brought pursuant to provisions of the Government, and Labor Codes. These claims require particularized handling due to the different burden of proof standards. We also regularly advise and represent our clients in dealing with claims of retaliation brought by employees.

Privacy Issues

Our attorneys routinely counsel employers with respect to employee privacy matters. We assist in developing or evaluating personnel policies dealing with privacy issues, including employee drug testing procedures, monitoring of employees' telephone, email, and Internet use, and employer use of consumer, credit, motor vehicle, and criminal background reports during the hiring or promotion process.

Harassment

Our attorneys draft and assist with the implementation of effective policies against harassment. We also conduct management and supervisory training to prevent unlawful harassment and can guide employers through independent workplace investigations. Our attorneys have decades of experience representing management in administrative and court proceedings involving claims of harassment based on sex, race, national origin, age, religion, and disability.

Occupational Health and Safety Laws

We counsel clients in prevention of workplace health and safety issues with an eye toward achieving practical compliance with applicable federal and state requirements. We also represent employers during safety and health inspections by federal OSHA and state occupational safety agencies. We handle litigation before courts and government agencies relating to workplace health and safety issues. One of our attorneys, Jonathan Vick, exclusively represents employers in all aspects of public construction, employment law, and labor relations matters. With over thirty years of experience in sophisticated litigation involving OSHA matters, Mr. Vick is often called upon to advise public sector employers when there are serious injuries, including deaths in the workplace, to work with CalOSHA and federal OSHA.

FLSA/Wage and Hour

We are frequently requested to provide advice on a wide range of issues relating to the Fair Labor Standards Act and California's Wage Orders and to represent our clients in state and federal litigation involving these issues. We also conduct preventative audits of employers' compliance with these laws as well as represent employers in



investigations conducted by the United States Department of Labor's Wage and Hour Division and California's Division of Labor Standards Enforcement.

Below are three illustrative matters that we have litigated in the wage and hour area for public agency clients:

Johnson v. Arvin Edison Water Storage District

The Arvin Edison Water Storage District was sued in a purported class action for its alleged failure to properly compensate its employees for overtime and meal and rest periods. These allegations were premised not upon the Fair Labor Standards Act, the federal statute governing wage and hour law for public agencies, but rather upon various provisions of the California Labor Code and California Wage Orders.

Kern County Superior Court Judge Arthur Wallace dismissed the lawsuit in August 2008, ruling that the Labor Code and Wage Order provisions cited by the Plaintiff did not apply to the District as a public agency. In our motion to dismiss, we demonstrated that the California Legislature did not intend for these provisions of California wage and hour law to apply to public agencies. Because there is no appellate authority directly on point, we shepherded a host of related authorities, including principles of statutory construction, California Attorney General Opinions, and regulatory history from the California Department of Industrial Relations.

ATU v. Long Beach Transit

In this writ of mandate matter, heard by Judge Yaffee in Los Angeles Superior Court, the plaintiff, Amalgamated Transit Union, sought compensation for bus drivers who allegedly incur "return time" after driving routes that begin and end in different locations. Judge Yaffee denied the writ and the Court of Appeal approved the denial.

Godfrey v. Oakland Port Services Corporation (Case Number RG 08-379099)

In this case, we successfully dismissed at trial various wage & hour and overtime claims filed by class plaintiffs against a local private transportation company. We were also successful in having various alleged violations of the Oakland Minimum Wage Ordinance dismissed at trial.

PERS/PEPRA/PEHMCA

The legal issues involved in public employee retirement law are unique and often complex. Adhering to the various regulations outlined by CalPERS and other government pension organizations requires a partner with a thorough understanding of public employee retirement benefits and law. AALRR has extensive experience and success in representing public sector clients regarding their 403(b), 457 and other qualified plans, including drafting plan amendments, interpreting plan provisions and preparing submissions to the IRS voluntary compliance program. Our attorneys also have experience assisting clients through PERS audits. We have also been instrumental in assisting various clients in negotiating changes to retiree health benefits and navigating the myriad of issues involved with PEHMCA. We are knowledgeable regarding the PEPRA pension reform changes and work with clients to ensure compliance.

State Disability/Unemployment Insurance Laws

There are a growing number of appeals of decisions by the Employment Development Department granting or denying unemployment compensation benefits. AALRR attorneys are available to advise or represent clients in these administrative proceedings.

Health Insurance Portability and Accountability Act

AALRR attorneys understand the history of the law and can provide guidance on the Act as well as the three key concepts that affect employers: the employer mandate, the individual mandate, and the insurance marketplace.

Civil Rights

Complex civil rights, discrimination, and harassment cases comprise a significant portion of the firm's practice. We have handled a wide range of civil rights cases brought in state and federal courts pursuant to 42 U.S.C. sections 1981, 1983, and 1985, as well as claims based on the California Constitution and applicable statutes (e.g., the Fair Employment and Housing Act and the Unruh Civil Rights Act).

Employee Related Investigations/Discipline and Grievances

AALRR attorneys can also serve as investigators to fulfill a client's obligation to take preventative and corrective action. In our experience, the quality of an investigation can easily become the deciding factor in resolving an internal complaint, or become the solid evidence you need if your case goes to court. AALRR is adept at handling high-level, critical investigations that require sensitivity and focus. Each client receives a written analysis of the credibility of every witness, findings of fact, and transcripts of recorded interviews.

Employee Discipline

Our attorneys have over two decades of experience in handling all aspects of employee discipline, including drafting *Skelly* notices, and preparing for and presenting the client's case in dismissal and other disciplinary hearings. We also represent clients through further legal proceedings on disciplinary matters, including writs of mandate and appeals of disciplinary decisions, and litigation related to allegations of discrimination in employment. We represent a number of clients that operate with a personnel commission.

Termination v. Housing Authority

A Housing Authority employee was terminated after requesting sexual favors from female applicants for public housing. We located the applicants and convinced them to testify against the employee. An arbitrator upheld his termination, despite the absence of progressive discipline.

Termination v. City

Grievant was terminated from employment with the City for violating the City's drug policies after he tested positive for cocaine. The matter was appealed before the City's five-person Civil Service Commission. He claimed his urine sample was contaminated and there were reporting errors. After a three-day hearing, the Commission unanimously voted that the discharge was justified.

Termination v. County

After a probationary correctional officer alleged she was bullied by the Grievant, a correctional officer, the Grievant was terminated. Grievant denied the allegations and there were no other witnesses. The arbitrator sustained the termination, finding the subject of the bullying credible and the Grievant's denials not credible.

Termination v. Superior Court of California

An Accounting Specialist was terminated after sleeping at her desk many times and making numerous accounting errors. She claimed these problems stemmed from her poor health. The arbitrator sustained the termination, noting that our client had tried to accommodate the employee's health problem for four years without success and that the evidence did not satisfy the disability criteria of either the FEHA or ADA.

Termination v. Superior Court of California

The employee was terminated for ethics and internal policy violations after surreptitiously scheduling and canceling his personal court hearings and making misrepresentations about his sick time and vacation time. He argued that termination was too harsh and a violation of due process. The Hearing Officer upheld the termination.

Termination v. Superior Court of California

An employee with 21 years of service was terminated for excessive absenteeism. She argued that her absences were covered by the Family Medical Leave Act. We argued the FMLA did not apply because, among other reasons, the paperwork was turned in late. The arbitrator upheld the termination.

Termination v. Water District

When a District employee was due back to work from a leave of absence, all of his co-workers circulated a petition demanding that he not be allowed to return, citing his corrosive effect on the workplace. Consequently, the District transferred him to another facility, without any loss in pay and with better opportunities for promotion. Nevertheless, the employee complained of a longer commute and asserted that the transfer was in retaliation for his protected speech. The arbitrator concluded that the transfer was made for legitimate reasons and that the District took the only reasonable course of action to resolve the workplace conflict.

Monterey Peninsula Unified School District, (1997) 57 Cal.App.4th 655.

School district instituted administrative termination proceedings against a permanent employee when it learned that the employee admitted to local police that he engaged in sexual intercourse with a 15 year old female student 3 years earlier. The employee challenged the termination in superior court claiming the statute of limitations in Ed. Code section 45113 (2 years to bring an action against an employee for misconduct) had passed and precluded his termination. On appeal, the California Supreme Court agreed that the school district had every right to terminate the employee. The employee's civil rights were not violated because he was read his "Miranda rights" prior to his admission to local authorities of the sexual misconduct. Moreover, the 2 year statute of limitations contained in Section 45113 did not start to run until the school district "knew or should have known" of the incident. Because the

school employee (a mandated reporter under California law) failed to disclose the incident until confronted about the issue by police three years after the incident, the Supreme Court held the statute was tolled during that time period of non-disclosure. Dismissal upheld.

Investigations

AALRR attorneys serve as investigators to fulfill a client's obligation to take preventative and corrective action. In our experience, the quality of an investigation can easily become the deciding factor in resolving an internal complaint, or become the solid evidence you need if a claim proceeds to litigation. AALRR is adept at handling high-level critical investigations that require sensitivity and focus. The comprehensive investigative report includes assessments of the credibility of every witness, findings of fact, and transcripts of recorded interviews. Firm investigators have experience with municipal law, regulations, and ordinances, including municipal ethics rules and regulation experience. We have conducted hundreds of investigations in a wide-range of employment-related matters.

AALRR's investigative team provides impartial, thorough, efficient, and prompt investigations. The quality of an investigation can easily become the deciding factor in resolving an internal complaint. Investigating internal employee complaints often involves complicated and sensitive issues. An improperly conducted investigation can cause significant problems, including loss of employee morale, destruction of confidentiality, unwanted media attention, and potential litigation against the organization. Our investigators have extensive experience in conducting effective investigations using established steps that focus on proper mechanics along with laws, policies, regulations, or procedures. Our attorney investigators provide thorough evaluation of evidence and precise analysis of credibility to ensure the highest quality investigative report. Many of our team members are bilingual in English and Spanish.

Labor Relations/Collective Bargaining

Members of our proposed legal team have been lead negotiators and are familiar with many of the unions in California. Our attorneys have provided a broad range of services in the labor negotiations arena, from serving as chief labor negotiator, "behind the scenes" advice and counsel to the bargaining team, and review of MOU language after a deal has been reached. Our attorneys have bargained dozens of MOU's and side agreements with various bargaining units, including: ATU, SEIU, AFSCME, Teamsters, IBEW, CEA, POA's, FFA's, management, and Engineers and Architects.

Since negotiations are a fluid process, firm attorneys will work diligently to communicate with the District management and Board in a timely manner. The following are examples of bargaining matters in the last year:

Long Beach Transit: Served as lead negotiator with ATU in 2014 and 2016. Reached agreements within established time frames.

City of Commerce: Served as lead negotiator with the City of Commerce Employee Associations. Achieved three-year contracts for both full-time and part-time units. (2016-2018)

City of Vernon: Served as the City's chief negotiator with its IBEW and Teamsters bargaining units. We reached a three-year agreement. (2016-2019)

City of Anaheim: Represented the City in its negotiations with its Police and Fire Associations. Two-year agreement reached with Fire from July 2015 to June 2017 and four-year agreement with Police reached from July 2015 to June 2019. Currently negotiating contracts with IBEW and Teamsters.

Our firm also represents public agencies in the defense of unfair labor practice complaints and proceedings before the Public Employment Relations Board ("PERB"). The firm has litigated hundreds of cases before PERB and has established some of its most important precedents over the last three decades. In fact, one of our partners helped to establish PERB in 1976 and served as its initial Associate General Counsel and later as Supervising Administrative Law Judge. The following cases illustrate the breadth and depth of our labor relations litigation practice.

Council of Housing Professionals v. Housing Authority of County of Los Angeles, PERC ¶ (2010)

The union claimed that the Housing Authority failed to engage in effects bargaining related to layoffs. A PERB Administrative Law Judge dismissed the charge based on contemporaneous emails and credible hearing testimony.

AFSCME Local 1902 v. Metropolitan Water District, 32 PERC ¶ 65 (2008)

The union filed an unfair practice charge with PERB, alleging that MWD violated its duty to bargain in good faith when it changed a job description to reflect a license requirement recently imposed by the State. After a two-day hearing, a PERB Administrative Law Judge ruled that the union waived its right to bargain over MWD's decision to change the job description.

Riverside Sheriffs' Association v. Riverside County, 29 PERC ¶ 21 (2004)

Unfair practice charges were filed with PERB, alleging that the County failed to bargain in good faith. A PERB Administrative Law Judge dismissed the charges after a four-day hearing and the full PERB Board upheld the decision.

In addition to assisting employers in collective bargaining negotiations, the firm represents clients in grievance proceedings culminating in arbitration, as well as unfair labor practice and representational proceedings before the National Labor Relations Board ("NLRB"). Several of our attorneys formerly practiced at the, providing us with the advantage of an insider's perspective on the law. Our labor relations practice covers all aspects of the relationship between employers, employees, and labor unions. We also provide in-service training in contract implementation and interpretation, and in grievance processing.



Metropolitan Water District

We represent and advise the District in connection with grievance arbitrations. The grievance arbitrations involve issues of contract interpretation, implementation of contract provisions, and procedural and substantive arbitrability. Additionally, we recently served as outside counsel in connection with MWD's labor negotiations with its rank-and-file union, preparing pleadings, briefs and declarations to seek injunctive relief in the event of a strike.

Claremont Police Officers Association v. City of Claremont

AALRR filed an amicus brief with the California Supreme Court. The case concerns the scope of the duty to bargain and the management prerogative doctrine under the Meyers-Milias-Brown Act.

Property Rights

Our real estate attorneys have broad experience in real estate matters, including real property acquisitions and sales, leases, ground leases, exchanges, construction and permanent financing, zoning and land use, environmental issues and CEQA and NEPA compliance, development agreements, owner participation agreements, licenses, easements, and a wide variety of contracts relating to the acquisition, development and construction of large public projects. The firm represents public agencies with respect to all aspects of property acquisition, disposition, and use. Available services include regulatory site approval, negotiated acquisitions, sale or lease of surplus property, purchase and escrow agreements, leases and licenses, joint use and occupancy agreements, and eminent domain. The firm also has extensive experience in environmental and land use law. Our services in the real property area include both transactional and litigation assistance.

Other Areas - Public Works and Construction Law

AALRR provides comprehensive legal guidance and counseling to clients at every stage of the construction process to assist clients in carrying out successful projects. AALRR attorneys have extensive experience in virtually every type of construction and public works project.

The ability to handle all aspects of public works projects from conception to completion is a hallmark of our firm. We pride ourselves in assisting public agencies in proactively planning and managing their projects and capital improvement programs to ensure that they are delivered both on time and within budget. In fact, over the years our firm has represented more than 200 public agencies in construction/facilities work and general business services.

Project Team

	John W. Dietrich Partner jdietrich@aalrr.com 3450 Fourteenth Street, Suite 420 Riverside, California 92501 951.683.1122 Fax 951.683.1144	Practice Areas Education law Employment law Real Estate and Financing Construction – School/Facilities Bar Admissions California and Nevada
Education J.D., University of Southern California B.A., California State University, San Bernardino	Court Admissions California state courts Nevada state courts	

Experience

John Dietrich joined the firm in January 1998. Mr. Dietrich represents private sector clients, California school districts, and community college districts in education law and labor relations matters, focusing on employee discipline and termination, discrimination claims, unfair practice charges, and negotiations. He also represents private sector clients, California school districts and community college districts regarding real property, land use, and environmental law, with an emphasis on eminent domain and litigation of real property matters.

Prior to law school, Mr. Dietrich was employed in private sector management for 10 years. He also served as a Squad Leader and Jumpmaster in the U.S. Army 82nd Airborne Division.

Education

Mr. Dietrich received his Juris Doctor from the University of Southern California and his Bachelor of Arts degree in business administration from California State University, San Bernardino.

Admission

California state courts
Nevada state courts

Memberships

State Bar of California
State Bar of Nevada
Riverside County Bar Association

Publications and Speaking Engagements

Mr. Dietrich is a contributor to the firm's many publications.



Meredith E. Brown

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Practice Areas

General Litigation
Construction – Public Sector
Construction – Private Sector

Bar Admissions

California

Education

J.D., Boston University School of Law
B.A., Cornell University

Court Admissions

U.S. District Court, Northern District of California
California Supreme Court

Experience

Meredith Brown has more than 25 years of experience representing public agencies and private institutions. Ms. Brown's principal areas of specialization are:

- General litigation
- Construction law (including hospital construction)
- Business law for private and public entities
- Contracts and public procurement
- Local government law for California public agencies
- Business litigation
- Environmental law

Ms. Brown has developed general conditions and special provisions for multi-million-dollar construction projects. She has also provided claims avoidance counseling and defense for public entities conducting large capital programs involving multiple complex construction and joint development projects. Ms. Brown drafted procurement procedures; analyzed and resolved construction bid protests; and drafted and trained school district staff on the use of Requests for Proposals and contract templates. She has experience drafting and negotiating leases, joint use agreements, and memoranda of understanding for public entity clients with a heavy construction and procurement volume.

Ms. Brown provides advice to both private and public clients. She has defended private clients in land use nuisance and California Environmental Quality Act claims. She has negotiated public and private partnerships relating to shared fund and maintenance of sports fields and a public library that allowed youth sports groups and local communities' access to public facilities that otherwise would be unavailable due to funding shortfalls.

Ms. Brown served on the board of a private independent school accredited through the Western Association of Schools and Colleges and has developed policies and procedures for public and private educational and community service organizations. She currently serves as a member of the board of trustees for a public community college. She has practiced construction and business litigation on behalf of nationally recognized public and private clients, and has represented a number of large and small public entities in the San Francisco Bay Area.

Ms. Brown has served as legal counsel in numerous public agency board meetings, court proceedings, and administrative hearings, including hearings before the City of Oakland and the Fair Political Practices Commission. She has also served as a member of the Alameda County Transportation Commission Advisory Committee.

In addition to serving as an advocate, Ms. Brown has extensive adjudicative experience, having served as an Alameda County Limited Jurisdiction Judge Pro Tem from 2009 until 2013. As a Judge Pro Tem, Ms. Brown managed a courtroom setting, accepted testimony, and reviewed evidence in reaching her decisions. In 2013, Ms. Brown was elected to serve on the trustee board of her local community college district.

Ms. Brown is well versed in Brown Act compliance issues and also provides training to educational institutions on Title IX compliance.

Education

Ms. Brown earned her Juris Doctor at Boston University School of Law. While in law school, she served as a clerk for United States Magistrate Joyce London Alexander, First Circuit in Boston, Massachusetts. She received her Bachelor of Science degree from Cornell University.

Memberships

State Bar of California
Alameda County Bar Association

Publications

Ms. Brown is the co-author of "Recent Legislation Implementing Dual Enrollment Partnership Agreements," published in the fall 2016 newsletter of the Association of Chief Human Resource Officers/Equal Employment Officers (ACHRO/EEO);

- Sanctuary Jurisdictions, Immigration and State Sovereignty;
- Topical Legal Issues for Executive Assistants;
- Creating a safe and Supportive Environment for All Students Irrespective of Immigration Status.

Community Involvement

- Pacific Region Diversity Committee Representative for the Association of Community College Trustees.
- President of the African American Community College Trustees Caucus of the California Community College League
- President of the Alameda County Democratic Lawyers Club. Delegate to the 2008 National Democratic Party Convention in Denver, Colo. Member of the Metropolitan Greater Oakland Democratic Organization, and a board member of the National Women's Political Caucus, Alameda County.
- Member of the Oakland Chamber of Commerce, the Oakland African-American Chamber of Commerce, and the Oakland East Bay Small Business Council.
- President of the Oakland Montclair Soccer Club, a coach of its girls' Under-10 team and a former coach of the Oakland Grass Valley Soccer Club. Coaches the girls' U-10 Skyline Lacrosse Club (serving Oakland, Piedmont and Alameda).
- Member of the Junior League service club and has been an annual volunteer for the Junior League literacy program "Shooting Stars" implemented in Oakland public schools.
- Junior Classical League Chaperone/Volunteer for Certamen and State Convention.



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Practice Areas

Construction Law
Environmental, Land Use & Zoning
Natural Resources Water Rights

Bar Admissions

California and Alabama

Education

J.D., The University of Alabama School of Law
B.S., *cum laude*, Bowling Green State University

Court Admissions

U.S. Court of Appeals for the Eleventh Circuit
U.S. Court of Appeals for the Ninth Circuit
U.S. District Court for the Central, Southern and Eastern
Districts of California
U.S. District Court for the Middle District of Alabama

Experience

David Boyer has more than 20 years of success as litigation counsel for government agencies throughout California. Mr. Boyer has litigated civil actions involving water rights and supply, state water contracts, environmental and natural resources, public construction, public agency, eminent domain and inverse condemnation, land use, insurance coverage, and employment law. He has been successful in representing public and private clients before federal and state regulatory and administrative tribunals on a variety of water and environmental matters. Mr. Boyer has also advised wholesale and retail water agencies on governance issues that involve due process hearings, conflicts of interest, and transparency in government.

Mr. Boyer has significant experience handling claims involving the federal Clean Water Act (CWA) and California Porter-Cologne Water Quality Control Act (Porter-Cologne), CEQA, NEPA, Urban Water Management Planning Act (UWMPA), CERCLA, RCRA, and the federal and California Endangered Species Acts (ESA & CESA).

Education

David Boyer earned his Bachelor of Science, *cum laude* from Bowling Green State University, and his Juris Doctor from The University of Alabama School of Law.

Memberships

State Bar of California
State Bar of Alabama
American Bar Association
California Association of Local Agency Formation Commission (CALAFCO)
Los Angeles County Bar Association
Orange County Bar Association
Mandatory Fee Arbitration Committee-OCBA
American Water Works Association
California Stormwater Quality Association
Orange County Water Association
Water Advisory Committee of Orange County (WACO)
WaterReuse Association

Awards and Recognitions

AV® Peer Rating from Martindale-Hubbell, Rated Top Lawyers of 2014 by Martindale-Hubbell, Rated Top Lawyers of Southern California by *Los Angeles Times*, Listed in *Who's Who in American Law*

Representative Matters

General Environmental

- ***Brewster v. City of Yorba Linda* (OCSC Case No. 00 CC01745):** Represented adjacent property owner in CEQA challenge to a redevelopment project and the negative declaration for the project.
- ***Elsinore Water District v. Elsinore Valley Municipal Water District* (RCSC Case No. RIC 325436):** Represented petitioner in CEQA challenge to EVMWD's approval of drilling the Joy and Machado Street wells.
- ***National Environmental Waste Corporation v. City of Riverside* (RCSC Case No. RIC 355200):** Represented major trash hauler as real party in interest in CEQA challenge to City's negative declaration concerning its adoption of two waste collection contracts.

CERCLA, RCRA, Hazardous Waste and Site Remediation

- ***Macklanburg-Duncan v. Alexander* (USDC Central District Case No. 93-CV-07723-RAP):** Represented potentially responsible party ("PRP") in Puente Valley Operable Unit of the San Gabriel Valley Superfund Site in cost recovery action under CERCLA against prior property owners.
- ***Meijer v. Hogg Bros. Transportation, et al.* (SBCSC Case No. RVC 25666):** Defended one of three major trash haulers in environmental challenge and site remediation consolidated actions concerning the alleged contamination of over 100 acres in San Bernardino County.
- ***PNL KWP, LLC, v. Waste Recovery & Recycling, Inc.* (OCSC Case No. 02 CC05283):** Defended one of three commercial waste material recovery facilities ("MRFs") in action seeking recovery of costs for site remediation of farmland.

Public Finance, Fees and Services

- ***Crow Winthrop Development Limited Partnership v. Orange County Sanitation District*: (OCSC Case No. 00 CC02012):** Represented developer in challenge to sewage connection fee assessment in excess of \$1 million by county sanitation district.
- ***City of Corona v. Western Municipal Water District of Riverside County, et al.* (RCSC Case No. 339247):** Represented City of Corona in action filed against state water contractor, regional wastewater authority, and several municipalities and special districts challenging transfer of capacity rights in regional sewer line valued in excess of \$20 million and assessed fees and costs.
- ***Klajic v. Castaic Lake Water Agency* (LASC Case No. BS 058871):** Defended Castaic Lake Water Agency in challenge to Agency's acquisition of the Santa Clarita Water Company and to its ability to provide retail water services within the former service area of the Water Company.
- ***Plambeck v. Stone & Youngberg* (LASC Case No. BC 249168):** Defended Castaic Lake Water Agency in "reverse validation" action challenging Agency's issuance of certificates of participation ("COPs") of \$75 million to refinance its acquisition of the Santa Clarita Water Company.

Water Supply

- ***In re Bay-Delta Programmatic EIR Coordinated Proceedings (Judicial Council Coordinated Proceedings Case No. 4152)***: Represented Municipal Water District of Orange County ("MWDOC") in statewide litigation involving environmental challenges of the CalFed Sacramento Bay-Delta Program Action; coordinated and consolidated with challenges brought by the California Farm Bureau Federation and by the Regional Council of Rural Counties.
- ***Planning and Conservation League v. California Department of Water Resources (SCSC Case No. 95 CS03216)***: Defended state water contractor as real party in interest in challenge to Monterey Amendment to the SWP water supply contracts and EIR.
- ***California Water Network v. Castaic Lake Water Agency (VCSC Case No. CIV 215327) and Friends of the Santa Clara River v. California Department of Water Resources (SCSC Case No. 03-CS 00258)***: Defended Castaic Lake Water Agency in multi-jurisdictional environmental challenges to its 2002 Groundwater Storage Project involving the Semitropic Groundwater Storage Program. Challenges involved causes of action for "reverse validation," and for violations of CEQA, NEPA, Public Trust Doctrine, and UWMPA.

Water and Land Use Planning

- ***City of Huntington Beach v. Orange County Water District (OCSC Case No. 815921) and City of Fountain Valley v. Orange County Water District (OCSC Case No. 818852)***: Defended Yorba Linda Water District in environmental action challenging the adoption of master basin plan by Orange County Water District and the annexation of portions of Yorba Linda Water District into Orange County Water District.
- ***County of Ventura v. Castaic Lake Water Agency (KCSC Case No. CIV 245365-NFT)***: Defended Castaic Lake Water Agency in consolidated action involving challenges to its 2000 UWMP. First challenge brought under UWMPA and first action to raise issues under SB 221 and SB 610.
- ***California Water Impact Network v. Castaic Lake Water Agency (LASC Case No. BS 103295)***: Defended Castaic Lake Water Agency in challenge to its 2005 UWMP. One of the first environmental actions in California raising issues of climate change.
- ***California Water Impact Network v. Castaic Lake Water Agency (LASC Case No. BS 106546)***: Defended Castaic Lake Water Agency in CEQA challenge of its 2006 Water Acquisition Project involving the Buena Vista Water Storage District and Rosedale-Rio Bravo Water Storage District Water Banking and Recovery Program. Action challenged Agency's ability to engage in water planning in advance of amendment to applicable general plan.

Water Rights

- ***City of Barstow v. Mojave Water Agency (RCSC Case No. 208568)***: Represented City of Barstow and Southern California Water Company in action adjudicating water rights for the entire Mojave River Basin.
- ***Chino Basin Municipal Water District v. City of Chino (SBCSC Case No. RCV 51010)***: Represented Monte Vista Water District in various post-adjudication issues, including proceedings to replace the watermaster and to impose a water management plan in the Chino Basin.
- ***Southern California Water Co. v. City of La Verne, et al. (LASC Case No. KC 029152)***: Represented the City of La Verne in adjudication and physical solution for six groundwater basins in the Pomona, La Verne, Upland and Claremont areas. The parties successfully negotiated a settlement of their water rights dispute involving a physical solution and stipulated judgment.



Scott K. Holbrook

Partner

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Practice Areas

Public Sector Law
Labor and Employment Law

Bar Admissions

California
Hawaii

Education

J.D., University of the Pacific-McGeorge School of Law
B.S., Brigham Young University

Court Admissions

U.S. District Court, Eastern District of California

Experience

Scott Holbrook is a partner in the Sacramento office. Mr. Holbrook provides representation and legal counsel to school districts, county offices of education, and community college districts in labor and personnel matters, including certificated/classified employee discipline and dismissal, responses to EEOC and DFEH complaints, responses to unfair practice charges before the PERB, and collective bargaining. He advises clients in all aspects of charter school law, including petitions and appeals, forming "dependent" charter schools, operating agreements, and Prop 39 facility requirements. In addition, Mr. Holbrook handles matters involving litigation, student discipline and expulsion, the ADA, FERPA, the Brown Act, interscholastic athletics and collegiate sports law, special education, and general school law issues.

Mr. Holbrook also serves as Legal Counsel to the City of Roseville Personnel Board, the City of Davis Personnel Board, and to the Dixon Public Library District. He serves as a Hearing Officer for other public agencies in personnel matters.

Before practicing education law, Mr. Holbrook spent twelve years working as a counselor and teacher in public and private schools. In addition, he served as a high school track and field coach and as a junior league football coach.

Education

Mr. Holbrook received his Bachelor of Science degree from Brigham Young University, where he was a recipient of the Prince Jonah Kuhio Scholarship. He received his Juris Doctor from the University of the Pacific-McGeorge School of Law. While in law school, Mr. Holbrook served on the Executive Committee of the International Moot Court Honors Board and as a member of the Phillip C. Jessup Moot Court Team, which received High Honors at a regional competition.

Memberships

State Bar of California
Hawaii State Bar
Sports Lawyers Association
California Council of School Attorneys
Native Hawaiian Bar Association

Publications and Speaking Engagements

Mr. Holbrook is a frequent presenter at ACSA regional conferences and a contributor to the firm's publications.



Theodore Lieu

Associate

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Practice Areas

Construction – School Facilities
Construction – Private
Charter Schools

Bar Admissions

2009, California

Education

J.D., University of California, Hastings College of the Law
B.A., University of California, Los Angeles

Court Admissions

U.S. District Court, Eastern District of California

Experience

Theodore Lieu advises public and private sector clients on a wide variety of transactional and litigation matters. Mr. Lieu represents California community college districts, universities and school districts in education-related matters, providing advice and counsel concerning business, construction, public works, procurement, and technology related matters. In addition, Mr. Lieu provides counsel for a full range of legal issues relating to charter schools, including petitions and appeals, operating agreements, and Proposition 39 charter school facilities requests.

He also offers advice to public entities on the legal aspects of technology licensing, cell phone tower agreements, negotiation of software agreements, and other transactional matters. Mr. Lieu also has extensive experience representing developers, general contractors and subcontractors in all aspects of complex construction defect litigation matters from their inception through settlement.

Prior to law school, Mr. Lieu managed the planning and implementation of comprehensive tutoring programs at a number of New York City public school sites.

Education

Theodore Lieu graduated *cum laude* from the University of California, Los Angeles, in 2004 with a Bachelor of Arts in sociology and a minor in education. He received his Juris Doctor from the University of California, Hastings College of the Law, in 2008. During law school, he volunteered at the Hastings Civil Justice Clinic in the Community Economic Development Program and served as a teaching assistant and a Judicial Extern for the Honorable Cheryl Mills, Superior Court of California, Contra Costa County. Mr. Lieu was selected as an inaugural member of Education Pioneers' Los Angeles Fellowship Core, a highly competitive education leadership program with graduate students from top law, business, education, policy and urban planning institutions. As a fellow, he worked with Green Dot Public Schools to create a strategic teacher health and retirement benefits plan. Mr. Lieu also worked with the Asian Law Caucus to create a limited equity housing cooperative for low-income residents of the "Fong Building" in San Francisco.

Memberships

State Bar of California, Sacramento County Bar Association

Publications and Speaking Engagements

Mr. Lieu contributes to the firm's publications and blog.



Relevant Clients

AALRR serves thousands of clients throughout the state. Below is a representative sample of a few of the special district clients we represent.

- Antelope Valley – Eastern Kern Water Agency
- Arvin Edison Water Storage District
- Bellflower Summerset Mutual Water Company
- Coachella Water District
- Dixon Library District
- Fresno Housing Authority
- Groveland Community Services District
- Groveland Community Services District
- Housing Authority for the City of Los Angeles
- Housing Authority of San Bernardino
- Metropolitan Water District
- North Kings Groundwater Sustainability Agency
- Santa Cruz County Housing Authority
- Santa Ynez Community Services District
- United Water Conservation District
- Yucaipa Valley Water District

Financial/Insurance

Our firm is always mindful of the budgetary realities facing public agencies. Our firm resources offer the ability to work on projects with a team approach allowing project completion in a cost-effective manner. At the City's discretion, specific charges and fees in addition to the hourly rates may be approved on a case-by-case basis, in advance of fees being incurred.

Hourly rates billed in .10 increments

Senior Partners	\$295
Partners/Of Counsel	\$285
Senior Associates	\$260
Associates	\$250
Paralegals/Law Clerks	\$185

Additional expenses associated with our legal services are as follows:

Expense	Cost
Photocopying	\$.20 per page
Long distance telephone calls	At cost
Mileage	IRS mileage rate
Overnight mail	Standard FedEx rate
Computerized legal research	Standard Westlaw rate

Professional Liability Insurance

AALRR carries general liability insurance coverage of \$1,000,000.

Client References

Jennifer Dawson; HR Director
**Housing Authority of the County of
San Bernardino**
715 E. Brier Drive
San Bernardino, CA 92408
(909) 332-6332
jdawson@hacsb.com

Scott Fetterhoff, Director of Human
Resources & Organizational
Development
Fresno Housing Authority
1331 Fulton Mall
Fresno, California 93721
(559) 443-8405
sfetterhoff@fresnohousing.org

Caroline Chung, HR Director
Housing Authority of the City of Los Angeles

2600 Wilshire Blvd. 3rd Floor
Los Angeles, CA 90057
(213) 252-5387
Caroline.Chung@hacla.org

Gary Serrato, Executive Officer
North Kings GSA

2907 South Maple Ave.
Fresno, CA 93725
(559) 233-7161
GSerrato@fresnoirrigation.com

License to Practice in California

All AALRR attorneys are licensed to practice in California, and in good standing with the California State Bar Association.

DAVID HICKS, APLC

A California Professional Law Corporation

David Keith Hicks, SBN 053750

Admitted Before the United States Supreme Court & the U.S. District
Courts for Maine & California (Northern, Central & Eastern Districts),
and the States of New York [ret.] & California

Mail: Post Office Box 562
Dunsmuir CA 96025-0562
Telephone 530-235-0235
Fax 530-239-4301

Sylvia Charvez, Administrative Assistant
Lake Shastina Community Services District
16320 Everhart Drive
Weed, CA 96094



Response to Request for Proposal for Legal Services, due by Oct. 11, 2017
Attention: Legal RFP

Dear Ms. Charvez,

Thank you for your kind assistance last week. Would you please pass on this package to your District General Manager or Acting DGM, in response to LSCSD's request for proposals for legal services? It would be much appreciated.

The attached response to the Request for Proposals is to perform the work within the time period, and the proposal is a firm and 60 day irrevocable offer.

As requested, I have personally prepared this Response. I understand fully the RFP's scope of work to be performed and am ready, willing and able to provide the requested services.

The proposal's rate sheet is a firm offer, but reasonableness on the part of an attorney requires that all fees terms be negotiable. This is because legal fees must always be conscionable, and should always be reasonable.

Your applicant attorney lives 25 minutes away and can attend emergency meetings on short notice weather permitting.

Kind regards,

David Hicks, Attorney at Law, California State Bar Number 053750.
David Hicks, APLC, a California Professional Law Corporation
Confidential Private Cell phone 510 517 2622

**RESPONSE TO REQUEST FOR
PROPOSAL FOR LEGAL SERVICES**

[General Counsel, Term: One Year]

Prepared By David Keith Hicks, David Hicks, APLC

Please accept this Response to RFP for the Board's consideration. This letter will track the RFP *seriatim* for the Board's convenience. Three copies of this letter proposal are lodged with the original. This response/proposal was prepared by David Hicks, your applicant attorney.

Firm Organization/Credentials/Professional Experience

Mr. Hicks's two resumés are readily available at North State Mediation, **nsmediation.us**, and **dhickslaw.com**.

David Hicks, APLC, a California Professional Law Corporation is a highly qualified law firm, with a high caliber law practice history of work on cutting edge cases; such cases impose a steep learning curve and mastering the laws to the degree of prevailing over lawyers in their own specialties. We have prevailed very frequently in cases of types new to us, but in which our opponents specialize narrowly.

Experience is discussed below and detailed in the resumes at the websites listed above. Mr. Hicks undoubtedly possesses an uncommon comprehensive knowledge of the law, and practiced from coast to coast.

This corporation was formed in 1980, originally under the name General Counsel Services, Inc., but is now named David Hicks APLC, becoming a subchapter S corporation for tax reasons.

General Counsel Services, Inc. served as general counsel for numerous business entities doing business nationally and internationally. Previous office locations are Oakland, Emeryville, Beverly Hills, Vallejo, and Portland, Maine, as required by client needs.

Firm Resources, Availability & Relevant Clients

He has sufficient availability to meet the time requirements and needs of the District because last year Mr. Hicks settled all of his pending litigation matters, including two larger than a half million dollar settlements (a business interference and slander case in Siskiyou County, and an elder financial abuse case in Oakland). Presently he has two medical malpractice cases in which he is

the sole, binding arbitrator, and controls the scheduling of hearings and trial of those matters.

David Hicks APLC has always been a full service legal firm. Mr. Hicks is experienced in providing formal legal opinions and legal advice by phone. He is well able to represent the district in legal matters, to provide regular attendance at District Board and committee meetings.

If retained, he would expect to be regularly and faithfully assisting with Special District issues, fire, police, wastewater and water matters, human resources and personnel matters, reviewing and preparing documents and contracts as requested. Mr. Hicks's reputation includes a consistency in promptly responding to his clients in a timely manner.

The corporation has had up to two dozen employees in the past, but presently has 3 employees. The corporation has no debt and is current, as is Mr. Hicks, on all taxes. Mr. Hicks's only debt is a 1st mortgage on his home. North State Mediation is a filed dba for this corporation. Last year

Project Team

We do not use a team approach. Mr. Hicks does not send in a junior associate to sit and listen and report back. He will attend all meetings that the Board may from time to time request of him. When he uses his certified paralegal in the office he does not bill for the paralegals' time because nothing the paralegal does is sent out without revisions after close review. This proposal envisions Mr. Hicks personally providing all billed legal services—backed by over 40 years of his serving as lead counsel and as court-room counsel for many other client law firms—a lawyers' lawyer.

Response to specific items enumerated in the RFP:

1) Special District laws, regulations and codes. Although he has not represented a special district, he has served as a city attorney and attended many hours of training for lawyers provided by the League of California Cities. In that capacity he did consult with Special District counsel at the state level.

Mr. Hicks has qualified and testified as an expert witness in statutory construction, legal ethics and more. This requires full understanding of laws, regulations and codes, where to get the legislative history, and what are the real authorities respected by the Courts.

He has written provisions of law currently in the California Administrative Code.

In his private practice, he has prevailed over the State of California, Municipalities and School Districts against lawyers immersed in public entity laws at issue. One reason is he actually reads and understands, statutes, codes, regulations enough to come to know the law better than his opponents; another is he is a quick learner.

2) Fire, Police, Wastewater and Water agencies' regulations, issues and trends. Your applicant has sued municipalities successfully over ordinances and issues, and was briefly employed by the California Dept. of Water Resources, assigned the monitoring of federal legislation, pending and enacted, affecting state agencies.

3) California Government Code, including The Brown Act. Very familiar with the Brown Act, He has, among other things, prevailed in action before the Fair Political Practices Commission involving city council Brown Act for violations resulting in a turnover of city council memberships, and was later recruited to serve as their City Attorney by a subsequent council.

4) Human Resources. He has advised numerous businesses (such as Esprit de Corps, AVRI—a food flavor and fragrance company doing business overseas) on how to avoid legal conflicts in employment matters, and prevailed in HR cases requiring use of HR experts. He has prevailed in employment cases against a major telephone company, the State Labor Commissioner, and many others.

5) Public agency laws, regulation and issues. He wrote a published Attorney General Opinion written while Deputy Attorney General in that office. These are followed by Courts in the absence of on point statutes and case law. He prepared confidential advisory memos to the City Council that had recruited me to serve as their City Attorney. He has drafted laws and set policies designed to minimize issues and resolve problems. He has helped with and authored numerous code changes, including Cal. Administrative Regulations, and assisted the Nevada Attorney General in drafting proposed regulations and laws relating to labor matters.

6) Real Estate and Contract negotiations. For about 30 years he was on the referral conflicts panel for the Calif. Assoc. of Realtors. He negotiated or reviewed and approved numerous real estate contracts, commercial and residential, and represented dozens of brokers, agents, buyers and sellers.

Last year he took a state bar accredited 40 hour course to refresh his skills in negotiation and mediation. He drafted a labor contract for an airline pilots' organization.

7) Pensions (i.e. CalPERS). No experience in this area (yet).

8) Labor / Union negotiations. He has drafted a successful labor agreement involving airline pilots, and have represented employers and employees in numerous contexts, including litigation over municipal taxation of hotels.

Also mentioned in other sections of the RFP:

Thorough knowledge of contract law, including Public Works project contracts and implementation. While he has successfully tried numerous contract cases and written many hundreds of contracts, he would have to immediately get work (on his own time) getting up to speed on public works contracts. The topic can be quickly mastered. Contracts can be at once simple and extremely subtle. He has that negotiating and drafting experience in depth, except in that subset. (The board wants frank and candid advice, sometimes on the fly, and it is acknowledged that some up front study needs being done to address that. The law is fluid and ever changing, requiring continual study and attention.)

No Conflict of Interest

Mr. Hicks does not currently represent any firm in contract with or doing business with the District, nor are there any known possible conflicts of interest as to the District.

Professional Standing

See more detail in the website resumes identified (p1 above). He has been invited to and did serve as a Temporary Superior Court Judge in the Superior Courts in *five* counties. He was paid judicial salary amounts in Alameda County and has done the others as community service.

He is and has been at all times in good standing in every Court in which he has appeared, including in the U.S. District Court for Maine; the Chancery Courts for Delaware and Tennessee.

Mr. Hicks passed the bar exams and was duly admitted to practice in State Courts in New York, and all state and federal courts in California. His

Very few lawyers in this area have, as Mr. Hicks, been rated in the top 5 percent of all California attorneys by two principle rating agencies. Martindale Hubbell, and SuperLawyers. These agencies seek input from judges, opposing counsel and the bar generally.

This year, as an example of his standing, he was awarded \$660 per hour by the United States District Court in the Bay Area for his work in successfully

mediating a class action case, and received payment from the defendants. This award is from a federal judge who only knows Mr. Hicks from appearing in just that case.

Mr. Hicks has never been sanctioned by a court for violation of its rules and never been the subject of any state bar disciplinary matter. Fairly stated, not backing down can be done with grace and civility, essential qualities for a trial lawyer.

District's Desired Knowledge & Experience

Lawyers with the breadth and depth of experience such as that possessed by your applicant are few and far between. At Mr. Hicks's lawyer website you will find numerous pages showing the work done by Mr. Hicks. Therefore, brevity seems apt here, if accompanied by this invitation to review the resume at dhickslaw.com for further detail.

Mr. Hicks, having served as the City Attorney for Dunsmuir and taken attorney courses from the League of California Cities is well aware of the nature and status of Special Districts. See additional comments above, not repeated here.

Mr. Hicks has Experience representing Public Agencies, including serving as the City Attorney for Dunsmuir; representation of the Superior Court of California in the Court of Appeal (prevailing over his opposition presented by his immediately previous employer, the California Attorney General's office) while he was a Deputy District Attorney in Alameda County (where he was the only lawyer to actually try any of the 33 defendants in what Time Magazine called the "Wolf Pack" cases (guilty findings on all counts).

Mr. Hicks has presented successful oral arguments in 5 of the 6 California Courts of Appeal, winning more than 60 appeals.

Mr. Hicks has some limited familiarity with government contract law but as a trial lawyer regularly cutting new trails through fresh snow, he knows how to get the information he needs to be able to overcome specialists in their narrow fields.

He has prevailed in cases in actions he brought against several Cities in California, including San Diego and Oakland.

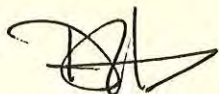
Four Recent Clients Who Have Agreed to Serve as References

- Terry Eilers, Mt. Shasta, 925-4315 (private cell) (known since 1974)
- Danny Drew, M.D., Mt. Shasta, 859-0439 (private cell)

- Carl H. Arvold, President AVRI Companies, Inc., Richmond CA, 510 290-3082 (private cell)—International Food, Flavor, Fragrance business. (since the 1980s)
- Gary Benson, Benson Roofing, 925-4716 (private cell)
- Peter Laanen (Overseas: Blokklaan 22A-eg13, 1231 AZ Loosdrecht, the Netherlands, Mobile: +31 (0) 6 12 171 911) (client since 2005, presently travelling with his wife in the U.S. to visit their sons). Formerly Netherlands Business Support Office, and CEO for Ex'pression College for Digital Arts

Additional information the Board or any member may request will be provided promptly.

Respectfully submitted this October 10, 2017.

A handwritten signature in black ink, appearing to be 'DH' with a stylized flourish.

David Hicks
David Hicks APLC

Appendix One

Rate Sheet (all rates are negotiable)

- Senior Attorney (David Hicks) \$320 hourly (usual *Siskiyou Co.* rate is \$440, Bay Area \$660 since 2004.) **
- Certified Paralegal Assistant \$0/hour (included in above)
- Support Staff \$0/hour (never billed)
- Out of Pocket Costs actual, including insurance for benefit of District. ***
- Photocopies \$0.50 per page
- Mileage \$0.65 per mile (no travel time charges for trips between Lake Shastina and Dunsmuir)

**This year Mr. Hicks was awarded a fee by the United States District Court for the Northern District of California for successfully mediating to settlement a federal class action against a multi-national corporation. The Court allowed all of his hours through the settlement agreement's signing and set his reasonable hourly rate at \$660.00 per hour based upon results obtained, benefit conferred, and his general professional standing.

***Insurance: Mr. Hicks carried legal malpractice for decades when he had younger employee attorneys on staff. He stopped carrying insurance after decades of no merited claims. Insurance is not required by law, but Mr. Hicks is insurable and he can obtain such insurance to benefit the District as a cost. He has never had a successful claim against him for malpractice or negligence of any kind, so his premium should be at the low end of current rates if the District requires insurance for its benefit. Mr. Hicks has been doing mediations since about 1982 and has never carried insurance for that, and no claims have ever been made. If retained, Mr. Hicks will acquire a million dollar umbrella policy supplement at his own expense.

KENNY & NORINE

JOHN SULLIVAN KENNY
JONZ NORINE
LINDA R. SCHAAP

A LAW CORPORATION
www.lawnorcal.com

REDDING LANDING
2701 PARK MARINA DRIVE
REDDING, CA 96001
T: 530-225-8990
F: 530-225-8944

October 4, 2017



Lake Shastina Community Services District
Attn: Legal RFP
16320 Everhart Drive
Weed, CA 96094

Re: Response to Request for Proposal for Legal Services

Dear Sir/Madam:

Please find enclosed Kenny & Norine's response to the District's recent Request for Proposal for Legal Services. We understand the services that would be expected to be performed and believe we are fully competent and capable of providing those services promptly and professionally in a cost efficient manner. This letter constitutes an offer to provide those services on the terms set forth in the response and that offer remains open for sixty (60) days or longer if so requested.

If you have any questions or require further information, please advise.

Very truly yours,

KENNY & NORINE


JOHN SULLIVAN KENNY
JSK:jll/0524
Enclosure(s)
4832-1469-0129, v. 1

Kenny & Norine
2701 PARK MARINA DRIVE
REDDING, CA 96001
(530) 225-8990

RESPONSE TO REQUEST FOR PROPOSAL
FOR LEGAL SERVICES
LAKE SHASTINA COMMUNITY SERVICES DISTRICT



RESPONSE TO REQUEST FOR PROPOSAL FOR LEGAL SERVICES LAKE SHASTINA COMMUNITY SERVICES DISTRICT

FIRM HISTORY:

The forerunner of the present firm, Kenny & Norine, was formed in Redding in the early 1970's and has been providing a wide range of legal services in the North State since that time. The firm has achieved the highest Martindale Hubbell Peer Rating and its principal partner has had the highest peer rating for more than 20 years. The firm provides a broad spectrum of legal services which includes litigation and appellate work. The firm provides full legal services to a wide range of public agencies.

EXPERIENCE/KNOWLEDGE:

The firm is well versed in all relevant areas of municipal and public agency law. As you can see from the list of representative clients, the firm represents community services districts, water districts, cities and counties. The firm regularly advises clients regarding federal and state laws and regulations, personnel issues, labor negotiations, Brown Act issues, CEQA compliance and contract matters. We routinely provide human resources and litigation support in the unhappy event that support is necessary. We provide mandatory ethics and sexual harassment training. We provide advice and negotiating assistance with employment contracts and MMB related issues. We are knowledgeable in the matters of public contracts and have successfully litigated on behalf of our clients on construction and other contract matters. We provide regular advice on land use issues as well matters relating to compliance with Proposition 218 and Proposition 26. We have also been employed by public agencies to conduct eminent domain proceedings and have been employed by property owners to defend such proceedings and to initiate inverse condemnation actions. The firm believes it possesses the background and experience necessary to provide a full range of legal services to the District.

FIRM PHILOSOPHY:

As General Counsel to the Lake Shastina Community Services District, Kenny & Norine would endeavor to work as a member of the management team. We would work on an as-needed basis and would be available by telephone or email, or in person when advice is needed. We believe that addressing issues as they arise and before problems develop provides the best avenue for smooth District operations. We believe, generally speaking, the best litigation is litigation avoided. We believe in anticipating and avoiding problems before they develop. Our goal would be to provide the District with sound legal advice in a timely manner and a reasonable expense. We are mindful the District does not have unlimited resources to devote to unnecessary legal services.

REPRESENTATION:

If Kenny & Norine were selected, John Kenny would be primarily responsible for providing services to the District. (Firm Resume enclosed.) He would be assisted by Rob Taylor. If necessary, assistance from other members of the firm would be made available. The firm also provides paralegal services.

RATES PROPOSED:

The firm would provide services at the following rates:

1. Partner's Rates: \$200.00 per hour.
2. Associate' Rates: \$175.00 per hour.
3. Paralegal Rates: \$75.00 per hour.

The District would be billed on a monthly basis showing time spent on a tenth of an hour basis. The firm also charges travel expenses to be reimbursed at the current IRS reimbursement rate.

If the District is interested in having services provided on a retainer rate or another method, we would be willing to discuss that with the District. Our experience, however, shows that billing on an hourly rate normally provides the most economic method for our clients to compensate for legal services. The Request for Proposal suggests a contract for one year. It also states that the contract can be terminated by either party with written notice. We believe the termination on written notice is a good policy. We wonder why a contract that could be terminated at any time would have a term.

GENERAL BACKGROUND:

Kenny & Norine is a Limited Liability Corporation. It consists of four (4) attorneys, one paralegal, and four (3) full-time clerical employees. The firm carries \$2 million in professional liability insurance.

REFERENCES/REPRESENTATIVE CLIENTS:

City of Mt. Shasta

Contact Person: Bruce Pope, City Manager
530-926-7510

Bella Vista Water District

Contact Person: David Coxey, General Manager
530-241-1085

Rio Alto Water District

Contact Person: Martha Slack, General Manager
530-347-3835

McCloud Community Services District

Contact Person: Kimberly Paul, General Manager
530-964-2017

Shasta Community Services District

Contact Person: Chris Koeper, General Manager
530-241-6264

City of Shasta Lake

Contact Person: John Duckett, City Manager
530-275-7411

Other references will be made available upon request.

FIRM RÉSUMÉ

KENNY & NORINE is widely recognized as one of the premier civil defense law firms in Northern California, having enjoyed a reputation for maintaining both a successful and quality practice. It is the Firm's commitment to both professional excellence and client responsiveness which has been primarily responsible for this success and which has attracted the prestigious clientele the Firm services.

PRACTICE

KENNY & NORINE has a long-established civil defense practice. However, over the last several years, the Firm has expanded its practice so that today, the Firm has expertise in a broad range of areas. The Firm's practice can be summarized as follows:

Litigation

The Firm maintains an outstanding litigation practice, with special emphasis on civil defense related matters. Representing clients in local, state and federal courts, the Firm has demonstrated an expertise in such matters as personal injury litigation, products liability, wrongful termination, harassment/discrimination, professional errors and omissions (including medical practitioners and hospitals), contract and construction disputes. The Firm has also represented a variety of businesses in various business disputes including ADA litigation and unfair business practice claims.

Land Use

The Firm represents both developers and public agencies in processing of applications for zoning, land use and related environmental matters. The Firm's representation includes working with the staff of public agencies, making appearances before administrative bodies and handling the litigation challenging land use decisions. The Firm's representation includes processing eminent domain actions.

Municipal Law

In addition to litigation the Firm provides general counsel to governmental entities regarding personnel matters, labor negotiations, land use, taxation construction projects, contract drafting and general legal advice.

CLIENTS

KENNY & NORINE has a diverse clientele. In addition to its many nationally known insurance companies, the Firm represents numerous small to mid-size companies. Geographically, although the Firm's clients are headquartered predominantly in Northern California, Representative clients of the Firm are:

Insurance Companies:

AIG Claim Services; Allstate Insurance Companies; California Casualty Management Company; Dignity Health; Esuarnee; Hanover Insurance Company; Liberty Mutual Insurance Services, Inc.; Mercury Insurance Company; Nautilus Insurance Company; Navistar; One Beacon Insurance; Progressive Companies; QBE AGRI; St. Paul Fire & Marine Insurance Company; St. Paul Traveler's; Safeco Insurance; Sentry Insurance Company; USAA Property & Casualty; USLI; Vela Insurance Company; Zurich Group.

Public Agency Clients:

Bella Vista Water District; City of Dorris; City of Dunsmuir; City of Etna; City of Mt. Shasta; City of Montague; City of Shasta Lake; County of Glenn; County of Shasta; County of Tehama; Lassen County LAFCO; McCloud Community Services District; Rio Alto Water District; Shasta Community Services District; Shasta Regional Transportation Agency; Transmission Agency of Northern California;

Corporate & General Business Clients:

Costco Wholesale Corporation; Conair Corporation; Freese & Gianelli Claim Services; Les Schwab Tire Centers of California, Inc.; Owens Healthcare; Phoenix Spa Corporation; Save-Mart Corporation; St. Elizabeth Community Hospital; Trex Company; Wachovia Mortgage Bank; Wells Fargo Bank and West Coast Paper.

PROFESSIONAL ORGANIZATIONS

KENNY & NORINE encourages its members to actively participate in professional and industry-related organizations. Some of the organizations in which the Firm is represented are:

American Bar Association; State Bar of California; Shasta-Trinity Counties Bar Association; Northern California Association of Defense Counsel; Defense Research Institute; American Board of Trial Advocates; Association of Defense Trial Attorneys; American College of Trial Lawyers.

MEMBERS

JOHN SULLIVAN KENNY, admitted to Bar, 1966, California; 1980, U.S. Supreme Court. Preparatory education: University of San Francisco (B.A., 1963); Legal education: Hastings College of Law, University of California (LL.B., 1966). Deputy City Attorney, San Francisco, 1970-1978. County Counsel, Shasta County, 1977-1986. Member: State Bar of California (Member, Public Law Section); Shasta-Trinity County Bar Association. Member, Panel of Arbitrators, American Arbitration Association. (Capt. U.S. Army, 1967-1969)

JONZ C. NORINE, admitted to Bar, 1996, California. Preparatory education: California Lutheran University and Philipps University, Marburg, Germany, Dean's List, B.A. 1992; Hamline University School of Law, St. Paul, MN, Dean's List, J.D. 1995; Primary Editor, Hamline Journal of Public Law & Policy, 1994-1995; Author: *Boundary Waters Canoe Area Wilderness: Paradise Doesn't Come Easy*, Vol. 15, No. 2 Hamline Journal of Public Law & Policy; Member State Bar of California, Admitted U.S. District Courts Northern and Eastern Districts, Shasta-Trinity Counties Bar Association (President 2003).

ASSOCIATES

LINDA R. SCHAAP, admitted to Bar, 1994, California. Preparatory education: Napa College School of Nursing, Napa (Top Student Award, Lifetime Academy of Science Award, 1976). Legal education: Empire College School of Law, Santa Rosa (J.D., 1994). Member: Treasurer State Bar of California, Shasta-Trinity (Treasurer 2008), Sonoma, Los Angeles, Solano and Napa Counties Bar Association, American Bar Association, the Attorney Nurse Association, Napa Valley Inns of Court, California Board of Registered Nursing, Missouri Board of Registered Nursing and Washington Board of Registered Nursing.

ROB J. TAYLOR, admitted to Bar, 2012, California. Preparatory education: University of California Santa Barbara (B.A. with High Honors, College Honors, 2008). Legal Education: Creighton University School of Law, Omaha, NE (J.D. *Cum Laude*, Vice-President Creighton Environmental Law Society, Member Creighton Business Law Society, Member Creighton Moot Court Board, Member Creighton National Moot Court Team, 2011). Teaching Assistant at University of California Davis, Department of Economics for CSU Sacramento Charity of Economics, Mark Siegler (2011-2012). Admitted U.S. District Courts Northern and Eastern Districts (2012).



LAKE SHASTINA COMMUNITY SERVICES DISTRICT

Robert D. Winston, District Counsel

PO Box 177 Mt. Shasta, CA 96067

(530) 926 3444, Fax: (530) 926 3599

Email: RWINSTON@KWB-LAW.NET



October 6, 2017

Mike Wilson, Gen. Mgr.
Lake Shastina CSD
16420 Everhart Drive
Weed, CA 96094

Re: Request for Proposal for Legal Services

Dear Mike:

This responds to the R.F.P. sent to my office.

As you know, I have served as District Counsel to the Lake Shastina C.S.D., continuously, for some thirty (30) years, so please consider this letter as an offer to continue to do so. As a result of my long-term service, the District must already be well aware of my ability to perform its legal work economically, competently, and expeditiously. However, for the benefit of the newer Board members, I offer the following summary of my professional background.

I began the practice of law in 1978 and opened my first office in Siskiyou County in 1979. Our firm has had as many as three attorneys - Wray Kirsher, Robert Boston, and myself, but since the passing of Wray we now have only two. Our support staff includes experienced law clerks.

My legal work has emphasized public agency representation. Over four decades, I have served as City Attorney in the Siskiyou County cities of Weed, Mt. Shasta, Dorris, and Fort Jones, in addition to my work for special districts such as the Lake Shastina CSD. I have also been regularly engaged to do both litigation (including appeals) and transactional work in real estate, contracts, employment, homeowners associations, and business matters.

Our regular hourly rate for most of our client is \$280.00 per hour, but if our agreement is renewed with LSCSD, we would continue to serve at the discounted rate of \$200.00 per hour, and we would continue to waive charges for travel time and mileage for meetings at Lake Shastina. We would agree to make no changes to that discounted rate for two (2) years.

M. Wilson, LSCSD / 10-6-17 / P.2
Re: Legal Services RFP

My firm's offices in Siskiyou County have made it convenient and economical for our public agency clients to have us attend their board meetings and for the agency's officers to meet with us.

I look forward to continuing to serve as legal counsel to the Lake Shastina C.S.D. A proposed form of Legal Services Agreement is enclosed. It is virtually identical to the one approved by the LSCSD Board in 2015.

Sincerely,



Robert D. Winston

RDW/
Encl.

LEGAL SERVICES AGREEMENT

This Legal Services Agreement ("Agreement") is made and entered into on the date last written below, by and between LAKE SHASTINA COMMUNITY SERVICES DISTRICT, a California community services district ("DISTRICT"), ROBERT D. WINSTON ("WINSTON"), and KIRSHER, WINSTON & BOSTON, LAW CORPORATION ("KWB").

Recitals. WINSTON is an attorney at law, duly licensed to engage in that profession by the State of California, and is employed as such by KWB. WINSTON has served as DISTRICT's General Counsel since approximately 1985. DISTRICT desires to continue to engage the services of WINSTON as such on the terms and conditions set forth herein, and WINSTON desires to be so engaged.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. APPOINTMENT. DISTRICT hereby re-affirms and renews its appointment of WINSTON as its General Counsel. WINSTON shall at all times be an independent contractor, and not an employee, of DISTRICT, but may be employed by KWB.

1.1. STATUS; SDRMA Insurance. As District Counsel, WINSTON shall be deemed to be a public official and in regard to liability to third parties he shall be entitled to the usual defenses and liabilities as such. However, for purposes of DISTRICT's liability insurance coverage with SDRMA, neither WINSTON nor KWB shall be covered unless both DISTRICT and SDRMA agree to do so.

2. DUTIES. Except insofar as DISTRICT may be obligated to accept legal representation pursuant to insurance or self-insurance agreements to which it is a party, or in the event of a conflict-of-interest or other situations where WINSTON determines he is unable to represent DISTRICT, WINSTON shall be the exclusive provider of legal services to DISTRICT and its officers while acting in their official capacity. WINSTON's specific duties and responsibilities may be prescribed from time to time by DISTRICT's Board of Directors, either directly or acting through DISTRICT's General Manager and/or the President of its Board of Directors, provided, however, that nothing herein shall prohibit WINSTON from providing services to other DISTRICT officers or employees in their official capacities unless DISTRICT's Board of Directors expressly prohibits him from doing so. WINSTON agrees to perform such services diligently and competently. DISTRICT's Board of Directors may

designate the officers and other personnel who are authorized to request legal opinions or other work from WINSTON on behalf of DISTRICT. At all times, and regardless of what information may be imparted to him, and what advice might be sought from him, in his role as District General Counsel WINSTON shall be deemed to be acting solely as the attorney for the DISTRICT and not for the DISTRICT's General Manager or any other employee, nor for the DISTRICT Board of Directors or any member thereof. At all times, the DISTRICT's Board of Directors shall exercise ultimate control over WINSTON in regard to his work under this Agreement.

3. TERM.

3.1. Effective Date; Renewal. This Agreement shall be effective as of its execution date, and shall continue and remain in effect from month to month thereafter unless written notice of non-renewal (termination of this Agreement) is given by a party to the other. Such notice shall be effective thirty (30) days after such notice is given.

3.2. Termination With or Without Cause. WINSTON may not terminate this Agreement without cause unless he becomes unable to provide the services required of him hereunder. DISTRICT may terminate this Agreement at any time, with or without cause, upon not less than thirty (30) days' notice to WINSTON. If a party is in material breach of this Agreement, no notice of termination need be given to it.

4. COMPENSATION. As compensation for the services of WINSTON and KWB, DISTRICT shall pay the following to WINSTON or KWB:

4.1. No Retainer or Monthly Minimum Charge. There shall be no retainer or minimum monthly charge.

4.2. Hourly Services. All other services shall be billed as specified Exhibit A, attached hereto, except that the hourly rates shall be adjusted as follows: \$200.00 for attorney time, \$100.00 per hour for paralegal/legal assistant time, and \$50.00 per hour for other staff time, calculated in 1/10th hour intervals. There shall be no billings for travel time or mileage to meetings or other functions at the Lake Shastina development. These discounted hourly rates are given in consideration of DISTRICT's agreement that WINSTON shall be its exclusive provider of legal services, as stated above, and DISTRICT's other covenants under this Agreement. The attached Exhibit A explains WINSTON's billing practices and the same is

incorporated herein by this reference. However, the hourly rate shall be discounted as provided in this Agreement.

4.3. Monthly Billing. KWB shall issue to DISTRICT a monthly statement of services rendered and expenses incurred pursuant to this Agreement. DISTRICT agrees to pay the same within thirty (30) days of its receipt of the statement.

4.4. Office Expenses. In addition to the hourly rate, DISTRICT shall pay a sum equal to 3% of the Monthly Billing to cover photocopying, printing, phone, ordinary postage, and fax charges.

4.5. Automobile Expenses. WINSTON shall not charge a mileage expense for meetings at Lake Shastina. For other mileage, he shall be reimbursed at the IRS rate.

4.6. Other Expenses. DISTRICT shall reimburse WINSTON and KWB for their actual out-of-pocket expenses required in order to perform services hereunder, including but not limited to any court and other governmental fees; court reporter fees; express, priority, and certified mail charges; courier services; process server charges, travel expenses, investigative fees and expenses, and, except as waived above, auto mileage (at the IRS reimbursement rate)

4.7. Payment by Third Parties. The parties agree that WINSTON's regular hourly rates as specified in Exhibit A, attached hereto, are reasonable compensation to WINSTON and KWB and if such fees are to be paid by a third party pursuant to court order or any other circumstance, those regular hourly rates shall apply.

5. KWB STAFF. In order to reduce the fees it charges to its clients, KWB employs staff to assist its attorneys, including WINSTON, with his work. KWB also employs one or more other attorneys, in addition to WINSTON. WINSTON reserves the right to designate one or more of such assistants and any other attorneys employed by KWB, to assist him, under his supervision, with the performance of his duties under this Agreement. WINSTON and KWB shall be responsible for the work done by any person whom he so designates.

6. EXPENSES. WINSTON and/or KWB shall be solely responsible for paying the following expenses: payment of wages and benefits for KWB attorneys and legal assistants, professional liability insurance, law library resources, professional memberships, office space and equipment, utilities, internet, and continuing education.

7. MEDICAL INSURANCE. Upon request of WINSTON, and at his or KWB's sole expense, he may purchase and become covered by the same medical insurance which is from time to time provided to DISTRICT employees, subject to the eligibility rules for such insurance.

8. ENTIRE AGREEMENT; AMENDMENT. This Agreement constitutes the entire agreement between the parties on its subject matter. There are no other agreements, understandings, or representations between the parties. Any amendments to this Agreement must be in writing, signed by the party to be bound, and in order to bind the DISTRICT, shall be approved by action of its Board of Directors.

9. TAXES. All income and employment taxes related to compensation under this Agreement shall be paid by WINSTON and/or KWB, who shall indemnify and defend DISTRICT from the same.

This Agreement was approved by a majority of the members of the DISTRICT Board of Directors at a duly called and conducted meeting thereof held on _____, 2017.

Dated: _____

Robert D. Winston

Kirsher, Winston & Boston, LC:

Dated: _____

by Robert Winston, Sec./Treas.

Lake Shastina Community Services District
(by Board President or General Manager):

Dated: _____

(Rev. 10-6-17)

WEED OFFICE
150 Alamo, Suite 103
(530) 938-3438

YREKA OFFICE
216 Lane St.
(530) 842-3552

www.kwb-law.net



WRAY E. KIRSHER (1922-2003)
U.S. Magistrate Judge, Retired

ROBERT D. WINSTON
ROBERT B. BOSTON

Attorneys' Assistants:
SARA E. COLLINS
AMY S. HALL

Please Respond To:

205 N. Mt. Shasta Blvd., Suite 400
P.O. Box 177, Mt. Shasta, CA 96067
(530) 926-3444, Fax (530) 926-3599

Dear Client:

You will be billed for our attorney services at the rate of \$280.00 per hour, plus out-of-pocket costs and expenses. However, the following minimum charges will apply:

Phone Calls:	Minimum of 0.2 hrs. (\$56.00) #40-
Letters:	Minimum of 0.3 hrs. (\$84.00) #60-
Correspondence Received:	Minimum of 0.1 hrs. (\$28.00) #20-
Court Appearances:	Minimum of 1.0 hr. (\$280.00) #200-
Office Visits:	Minimum of 0.5 hrs. (\$140.00) #100-
Travel:	No charge for travel to Mt. Shasta or Weed. Other travel will be billed at \$.54 per mile, and \$140.00 per hour. #100-
Email and Text Messages:	Minimum of 0.1 hrs. (\$28.00) #20-

Some document preparation and other work may be billed on a flat-rate basis using typical time in lieu of actual time keeping. The flat rates for particular tasks will be made known to you upon request as they arise.

For certain work, our firm will sometimes utilize an attorney's assistant who works under the supervision of our attorneys. You will be billed ~~between \$90.00 and \$140.00~~ per hour for their services. Except in family law matters, we do not charge for ordinary secretarial work. Extraordinary secretarial services will be billed at ~~\$70.00~~ per hour. **#50-**

In addition to out-of-pocket costs, a surcharge of ~~3%~~ **30%** of the total attorney and attorney's assistant time billed will be added to your monthly charges to cover ordinary photocopies and printing, phone tolls, facsimile charges, ordinary postage, scanning and other ordinary secretarial services. Priority, express and certified mail, and any overnight delivery services will be billed at actual costs.

All charges are payable at the time services are rendered unless other arrangements are made. Open accounts are due and payable in full within 30 days of billing, after which they accrue interest at 10% per annum.

Please see the reverse side of this sheet for further information.

Thank you,

Kirsher, Winston & Boston, L.C.
Revised 12/06/16

Exh. A

ADDITIONAL TERMS AND CONDITIONS

Set forth below are additional terms and conditions for charges and billings from Kirsher, Winston & Boston, Law Corporation. These should be considered to be a part of your Contract with us.

Accounts Ordinarily Due at Time Services are Rendered

Charges for services rendered and for expenses incurred are due and payable immediately. If you are seeing us for the first time on a half-hour consultation basis you will be asked to pay in advance, for the simple reason that this allows our staff to avoid multiple interruptions and work more efficiently.

If you wish to be billed for our charges you will be asked for your social security number and other identifying information. If you do not want to provide that information, please tell us and we will arrange to have you pay our charges in cash as they are incurred instead.

A report from a credit bureau may be required as a condition of allowing you to defer payment of our charges. By deferring your payment to us, or asking to do so, you will be deemed to have authorized us to obtain such a report.

Monthly Billing

Most clients who will be deferring their payment to us will receive a periodic statement for services rendered and expenses incurred. Other clients will instead receive only a single statement when services are complete, or statements requesting progress payments as major portions of the work are completed.

We use a calendar-month billing cycle which ends at the end of each month. Occasionally, all of the charges for a given month might not be reflected in a particular statement. In that case, they will ordinarily be included in the next statement.

You will usually receive your monthly statement between the 5th and the 15th of the month. If you pay it in full before the end of the month in which it is received, you will not be charged interest. If such interest appears anyway, please let us know about the error as soon as possible.

We currently accept the following credit cards for the for payment of our charges: Mastercard and VISA. If contemplating bankruptcy, please do not pay us with a credit card without discussing that with us first.

Fees Not Set by Law

An Attorney's fees are not set by law or by any professional organization. They are always a matter negotiated between the attorney and the client.

Fees and Payment Policies Are Subject to Change

Our hourly fees and our policies regarding their payment may change from time to time. If that occurs, we will notify you beforehand.

Discounts

Other than the attorney who serves you, no one at this firm has the authority to reduce or discount charges billed to you. Sometimes the attorney may determine that a discount is appropriate. If you have been notified of such a discount, it should be accurately reflected in your monthly statement. If it is not, please contact our office administrator regarding an adjustment.

Hourly Flat Rates

The time billed for certain standardized tasks might be based on an "hourly flat rate" (sometimes known as "value billing"), which is not the actual time expended on the task but is, instead, the time which would be typically and ordinarily expended. In such instances, your bill will reflect only the latter. Such tasks include the preparation of certain contracts, leases, and forms.

Your attorney or other personnel of the firm will ordinarily notify you beforehand when you will be billed in this manner for work to be done on your behalf.

Dishonored Checks or Credit Cards

If your check to us for payment of services rendered or expenses incurred is not honored by the bank for any reason, any resulting additional bank charges will be added to your outstanding balance. If we are required to take legal action to collect on a dishonored check or credit card, you agree to pay such collection charges including, but not limited to attorney's fees, to other lawyers that we employ for that purpose.

Minimum Charges

The other side of this paper specifies some tasks for which we will usually impose a minimum charge. These minimum charges, or hourly charges, for tasks which are at the same time also being performed for the benefit of other clients. As examples, the minimum charges for court appearances and travel may be billed to you even if we also made the appearance, or traveled, on behalf of another client on the same occasion.

Venue

Proper venue for any court action between attorneys and client related to this agreement or to the services provided by attorneys to client shall be only in Siskiyou County, California.

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Set forth below are additional terms and conditions for charges and billings from Kirsher, Winston & Boston, Law Corporation. These should be considered to be a part of your contract with us.

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If you are seeing us for the first time on a "half-hour consultation" basis you will be asked to pay in advance, for the simple reason that this allows our staff to avoid multiple interruptions and work more efficiently.

If you wish to be billed for our charges you will be asked for your social security number and other identifying information. If you do not want to provide that information please tell us and we will arrange to have you pay our charges in cash as they are incurred, instead.

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If your check to us for payment of services rendered or expenses incurred is not honored by the bank for any reason, any resulting additional bank charges will be added to your outstanding balance.

If we are required to take legal action to collect on a dishonored check or credit card, you agree to pay such collection charges including, but not limited, to attorney's fees, to other lawyers that we employ for that purpose.

Minimum Charges

The other side of this paper specifies some tasks for which we will usually impose a minimum charge. There may be others. Occasionally, you may be billed these minimum charges, or hourly charges, for tasks which are at the same time also being performed for the benefit of other clients. As examples, the minimum charges for court appearances and travel may be billed to you even if we also made the appearance, or traveled, on behalf of another client on the same occasion.

Venue

Proper venue for any court action between attorneys and client related to this agreement or to the services provided by attorneys to client shall be only in Siskiyou County, California.

Exh. A.



Proposal for Legal Services



Lake Shastina Community Services District

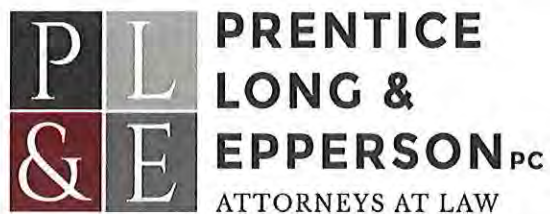


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1: Cover Letter



Redding Office
1716 Court Street,
Suite B
Redding, CA 96001
530-691-0800

Fresno Office
5424 N. Palm Ave.
Suite 108
Fresno, CA 93704
559-500-1600

Margaret E. Long
margaret@plelawfirm.com

October 6, 2017

Lake Shastina Community Service District
Attn: Legal RFP
16320 Everhart Drive
Weed, CA 96094

Re: Response to Request for Proposal for Legal Services

Dear LSCSD:

Prentice, Long & Epperson, PC respectfully submits this proposal to Lake Shastina Community Service District for legal services. Prentice, Long & Epperson, PC has offices in both Redding and Fresno. In addition to LCTC, we currently provide the full services to a number of public agencies, including the community service districts. We are pleased to provide this proposal, which highlights the breadth and depth of experience we can offer you.

Lake Shastina Community Service District would be personally serviced out of our Redding office. Prentice, Long & Epperson, PC prides itself on its quality of service and personal relationships it develops with its municipal clients. As your lead attorney, I would be personally available to you to answer any questions and assist your agency in all of its legal needs.

If you have any questions, please feel free to contact me at (530) 691-0800 or via email at margaret@plelawfirm.com. Also, feel free to visit our website at www.plelawfirm.com.

Thank you for considering our proposal for legal services and we very much look forward to the possibility of serving you.

Yours very truly,

A handwritten signature in black ink, appearing to be 'MEL', enclosed within a large, loopy oval.

Margaret E. Long
PRENTICE, LONG & EPPERSON, PC

2. Firm Organization/Credentials/Professional Experience

Prentice, Long & Epperson, PC is a law firm founded on the principle of service. Our firm is comprised of seasoned and experienced attorneys with a proven track record of success as advice and litigation counsel. The attorneys of Prentice, Long & Epperson are dedicated to the welfare of our clients. We pride ourselves on being knowledgeable, and, importantly, understanding our clients' needs. This depth of experience and concern for our clients allows us to truly serve, not just represent.

Prentice, Long & Epperson was established by David Prentice, Margaret Long and Jason Epperson, seasoned municipal attorneys who share the goal of providing first-rate, full-service representation to public clients. David Prentice, Margaret Long and Jason Epperson have worked together for many years, and have a combined 50+ years of service to municipal clients. In addition, the firm is also comprised of litigation partner Kelly Snowden, three very talented associate attorneys, paralegal staff and clerical and professional support staff, all of whom are available to serve our municipal clients.

Prentice, Long & Epperson PC specializes in providing full service to small municipal clients, alleviating the need to hire outside counsel. Below are just some of the areas in which attorneys may provide assistance to the District.

General Municipal Matters

Prentice, Long & Epperson PC has an exceptional depth of experience in the full range of legal issues affecting public agencies. We routinely advise on matters involving public contracts, labor and employment, constitutional restrictions on local government, municipal finance, the California Public Records Act, municipal liability and immunities, and police/fire department operations. We regularly advise boards and commissions, and have extensive experience in the myriad laws governing public agency proceedings, such as the Ralph M. Brown Act, Political Reform Act, and restrictions on conflicts of interest.

Personnel, General Liability and Employee Relations

Our firm has exceptional breadth of experience in all aspects of personnel. We have advised our public agency clients on virtually all aspects of employee relations, up to and including employee separation and discipline, *Skelly* hearings, and employee arbitrations. When necessary, we have successfully defended public agencies in litigation filed by both current and former employees. We have handled all types of municipal employment litigation, defense of Department of Fair Employment and Housing (DFEH) claims, Civil Service Commission claims, proceedings before the Public Employee Relations Board (PERB), defense of actions arising from claims before the Equal Employment Opportunity Commission (EEOC) and the State Personnel Board, and actions under the Family Medical Leave Act (FMLA) and the Fair Labor Standards Act (FLSA). Our experience in state and federal court has produced exceptional results for our clients, particularly in matters involving disability discrimination and alleged violations of the interactive process.

Preparation of Ordinances, Resolutions, Orders and Written Memoranda

Prentice, Long & Epperson PC regularly prepares ordinances, resolutions and orders for its public agency clients. Whether requested by the public agency or suggested by counsel, we have drafted ordinances to assist our clients in pursuing their legislative policies, including code enforcement, land use, resolutions of necessity for eminent domain, and environmental and water-related issues. Prentice, Long & Epperson PC also regularly prepares advice memoranda, status letters, and other written information to advise and inform its public agency clients.

Public Records Act, Brown Act, and Elections Code

Prentice, Long & Epperson PC has extensive experience with Public Records Act, Ralph M. Brown Act and Elections Code compliance. The firm has assisted newly formed public agencies establish policies and procedures to comply with the Ralph M. Brown Act from inception. We have also developed an interactive training seminar which we offer to educate our clients as to recent developments in the Ralph M. Brown Act and the legislatively or judicially enacted modifications. On behalf of our public agency clients, we regularly and routinely respond to requests made pursuant to the Public Records Act.

Water Districts and Wastewater Treatment Facilities

Prentice, Long & Epperson PC attorneys have represented multiple water districts throughout Californian and are very versed in water-related issues. Water-related issues are a concern to every municipality in California, and Prentice, Long & Epperson PC has the expertise and technical knowledge to provide effective representation on these issues, including issues relating to wastewater treatment facilities.

Municipal Litigation

Prentice, Long & Epperson PC attorneys have distinguished ourselves as public agency litigators and have extensive experience in bench and jury trials, as well as administrative hearings. We are well-versed in the issues that commonly face special districts, as well as rules of procedure. Prentice, Long & Epperson PC attorneys are pleased to report a very high rate of success on litigation matters.

3. Project Team

Proposed General Counsel: Margaret E. Long (State Bar No: 227176, admitted in 2003)

Margaret Engelhardt Long is an experienced municipal attorney, who has served a number of counties, cities and special districts throughout her career. She is currently County Counsel for both Modoc County and Trinity County, and is Assistant County Counsel for Alpine County and Sierra County. In addition, Ms. Long is Deputy County Counsel for Lassen County regarding dependency matters and Deputy County Counsel for Lake County in employment matters.

Prior to forming Prentice, Long & Epperson, PC, Ms. Long was the managing partner of Cota Cole's Redding office. From 2005-2013, Ms. Long was an associate with the law firm of Kenny,

Snowden & Norine in Redding, California. While at Kenny, Snowden & Norine, Ms. Long served as Assistant City Attorney for the cities of Dorris, Dunsmuir, Etna, Mt. Shasta, Montague, and Shasta Lake City, and as Assistant County Counsel for Modoc County. From 2003-2005, Ms. Long worked at Legal Services of Northern California, where she was the Managing Attorney.

Ms. Long has considerable experience in advising municipalities and public agencies on issues relating to employment, labor, public nuisance, law enforcement, land use, code enforcement, eminent domain, housing, public contracting, unlawful detainer, medical marijuana abatement, Proposition 218, and the Brown Act. Ms. Long's expertise includes facilitating local elections and initiatives, and engaging in labor negotiations on behalf of the local entity. Ms. Long also has experience in providing advice to planning commissions, water districts, community service districts, municipal airports and local transportation authorities. Ms. Long provides training to public entities on the Brown Act, and training to a variety of clients on sexual harassment prevention under AB 1825. In addition, Ms. Long represents four counties on their child dependency and Public Guardian matters.

Ms. Long received her Bachelor of Arts degree with honors from Wesleyan University in 2000. She received her Juris Doctorate from University of California, Davis in 2003, where she received the prestigious honor of becoming a member of The Order of the Barristers.

Ms. Long is a member of the California State Bar Association and Shasta-Trinity Counties Bar Association. Ms. Long has served as the Treasurer of the Shasta-Trinity Counties Bar Association, and she presently serves as the President of the Shasta County Women's Refuge Board of Directors, and as a Board Member for Habitat for Humanity.

Admissions:

California Bar (2003)

United States District Court, Eastern District of California

Ninth Circuit Court of Appeals

Proposed Litigation Counsel: Kelly J. Snowden (State Bar Number 166055, admitted in 1993)

Kelly J. Snowden is a partner at Prentice, Long & Epperson, PC. He is a 1990 graduate of San Diego State University, with a B.A. in economics, and a 1993 graduate of the University of San Francisco School of Law. After a brief stint in solo private practice, focusing on criminal defense and appeals, in association with noted criminal defense and appellate specialist John Philipsborn, he took an associate position with Goldstein & Phillips and its successor firm, Phillips and Erlewine LLP. In 2000, he accepted an associate position with Moss & Enochian in Redding, California, becoming a partner and shareholder in its successor, Enochian, Kenny & Snowden, in 2006, which is now Kenny, Snowden & Norine.

Mr. Snowden's practice has encompassed civil litigation in a variety of legal fields, including appellate practice, maritime, employment, entertainment and contract law matters. Currently, Mr. Snowden's practice focuses on medical malpractice defense, tort, personal injury, employment and insurance defense, and general civil litigation. His clients include three North State hospitals in the Dignity Health/Catholic Healthcare West system, Costco Wholesale, Inc., and insured clients

living in the North State who are insured by USAA, Mercury Insurance and other nationwide insurers.

Mr. Snowden is admitted to practice before the United States District Court for the Northern and Eastern Districts, as well as the California Supreme Court. He is a member and past president of the Shasta-Trinity Counties Bar Association, as well as a member of the Association of Defense Counsel (ADC) and the Association of Defense Trial Attorneys (ADTA). Because of his extensive trial experience, he was invited by his peers to join the prestigious American Board of Trial Advocates (ABOTA) where he is a fellow member in the Sacramento Valley Chapter.

Proposed Assistant General Counsel: Sophia R. Meyer (Bar No. 278378, admitted 2011)

Sophia R. Meyer is an associate attorney in the Redding office of Prentice, Long & Epperson PC. Ms. Meyer's practice includes municipal law, dependency law, civil litigation, labor and employment law and business law.

Ms. Meyer's previous experience includes a position as Assistant District Attorney for Modoc County. As a prosecutor, Ms. Meyer handled a variety of misdemeanor and felony cases including child sexual abuse, domestic violence, juvenile offenders, dependency matters and public administration. Her knowledge of the law, litigation procedure and trials assist Ms. Meyer to resolve conflicts while avoiding traumatic and expensive time in court. When mediation and settlement are not possible, Ms. Meyer is a zealous litigator and will fight for her clients in the courtroom.

Ms. Meyer serves as Deputy County Counsel for Alpine County, Modoc County, Sierra County and Trinity County and Deputy City Attorney for the City of Ione. She is actively involved in providing these clients with a full range of services, and has developed an expertise in a number of areas, including code enforcement, labor negotiations, public administration, marijuana abatement issues and dependency law.

Ms. Meyer completed her undergraduate degree in Agriculture Business at California State University, Chico in Chico, California and her Juris Doctor at Cal Northern School of Law in Chico, California. She is a member of the California State Bar Association and presently serves as the Member-At-Large of the Shasta-Trinity Counties Bar Association.

Admissions:

- California State Bar (2011)

4: Firm Resources and Relevant Clients

Prentice, Long & Epperson, PC's attorneys understand that the role of a general counsel to a special district is to provide timely, accurate and effective legal advice. We have created a firm that specializes in providing the highest quality of service to smaller municipal clients. We are a full service law firm, with attorneys who specialize in everything from general counsel services, training, labor negotiations, litigation, human resources, law enforcement, and water issues, amongst others.

Public Agency Clients

Alpine County	County Counsel/Labor/Litigation
Sierra County	General Counsel/Labor/Litigation
Trinity County	County Counsel/Labor/Litigation
Modoc County	County Counsel/Labor/Litigation
Lassen County	Special Counsel/CPS/Litigation
Lake County	Labor Negotiation/Labor
City of Lakeport	Labor Negotiation/Labor Relations
City of Ione	City Attorney
City of Shasta Lake	Special Projects/Labor
City of Taft	City Attorney
El Dorado County	Special Counsel/Investigations
First Five Alpine County	General Counsel
Housing Authority County of Merced	Special Counsel/Labor
Lassen County Transportation District	General Counsel
Hayfork Fire Protection District	General Counsel
Southern Cascade Community Services District	General Counsel
Cameron Park Community Services District	General Counsel
Sierra Valley Groundwater Management District	General Counsel
Adin Cemetery District	General Counsel
Del Puerto Health Care District	General Counsel/Labor
Fresno Kings Madera Health Authority (CalViva Health)	General Counsel
Health Plan of San Joaquin	Special Counsel

5: Financial/Insurance

Attorney Rates: Prentice, Long & Epperson PC is pleased to offer the following rates to Lake Shastina Community Services District:

Attorney: \$175
Paralegal: \$70

In the alternative, Prentice, Long & Epperson PC is willing to negotiate with the City to structure a professional services schedule which accommodates the needs of the District.

Cost Recovery: In addition to the Attorney Fees, Prentice, Long & Epperson PC will charge the following costs incurred in the course of services, which will be invoiced monthly. The following list of litigation charges is included by way of example:

Reasonable travel expenses (mileage)

Applicable IRS rate per mile
x number of miles

Duplication/reproduction fees	Actual cost if performed by outside service; no charge if in-house
Any other expense not listed above that becomes necessary for the successful resolution of a client matter	Actual Cost
2.0% administrative fee in lieu of separate charges for phone, fax and copies	Based on the amount of fees billed during the month

The proposed fee structure and hourly rates are subject to further negotiation or revision, depending on the District's needs.

Insurance: Prentice, Long & Epperson PC maintains professional errors and omissions coverage through Lloyd's of London in the amount of \$5,000,000 per occurrence and in the aggregate. Prentice, Long & Epperson PC maintains Comprehensive General Liability ("CGL") coverage in the amount of \$1,000,000 per occurrence of bodily injury, personal injury, or property damage; automotive liability coverage in the same amount (coverage for which is provided under the firm's CGL policy); and workers' compensation liability coverage in the amount \$1,000,000 per accident. The firm will maintain coverage at or above these amounts for the duration of legal services it provides the District.

Comparable Fees for Other Special District Clients:

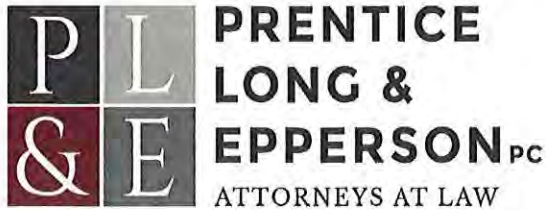
First Five Alpine County	\$200/hour
Housing Authority County of Merced	\$200/hour
Monterey Peninsula Airport District	\$165/hour
Del Puerto Health Care District	\$190/hour
Fresno Kings Madera Health Authority (CalViva Health)	\$180/hour
Lassen County Transportation District	\$175/hour
Hayfork Fire Protection District	\$175/hour
Southern Cascade Community Services District	\$175/hour
Cameron Park Community Services District	\$180/hour
Adin Cemetery District	\$175/hour
Health Plan of San Joaquin	\$180/hour

6: Client References

Prentice, Long & Epperson considers all of its clients as excellent references, and encourages the District to contact any of them. For your convenience, the following five are provided:

Wendy Tyler County Administrative Officer County of Colusa 250 Fifth St Colusa, CA 95932	Phone: 530-458-0737 Email: wtyler@countyofcolusa.com
Chester Robertson County Administrative Officer County of Modoc 204 South Court Street Alturas, CA 961010	Phone: 530-133-7600 Email: chesterrobertson@co.modoc.ca.us
Sarah Simis Deputy County Administrative Officer County of Alpine P.O. Box 158 Markleeville, CA 96120	Phone: 560-694-2287 Email: ssimis@alpinecountyca.gov
Richard Tippet, P.E., T.E. Director of Transportation/Public Works Trinity County PO Box 2490 31301 State Highway 3 Weaverville, CA 96093	Phone: 530-623-1365 Email: rtippet@trinitycounty.org
Craig Jones City Manager City of Taft 209 E. Kern Street Taft CA 93268	Phone: 661-763-1222 x 11 Email: cjones@cityoftaft.org

7: Transmittal Letter and License to Practice



Redding Office
2240 Court Street
Redding, CA 96001
530-691-0800
530-691-0700

Fresno Office
5424 N. Palm Ave.
Suite 108
Fresno, CA 93704
559-500-1600

Margaret Long, Partner
margaret@plelawfirm.com

October 6, 2017

Lake Shastina Community Services District
Attn: Legal RFP
16320 Everhart Drive
Weed, CA 96094

Re: Transmittal Letter and License to Practice

To Whom it May Concern:

Please accept this as confirmation from Prentice, Long & Epperson PC that we understand the work that is to be done as General Counsel for Lake Shastina Community Services District. In our attorneys' 50 years of experience as municipal lawyers, we have had the privilege of working closely with community services district and understand the unique problems they face. We are committed to perform the work within the time stated within the Request for Proposal. All of our attorneys are properly licensed within the State of California.

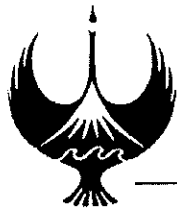
Please accept our response as an irrevocable offer for 60-days.

Thank you for your consideration and we look forward to serving your legal needs.

Yours very truly,

A handwritten signature in black ink, appearing to be 'ML', written over a horizontal line.

Margaret Long
PRENTICE, LONG & EPPERSON PC



LAKE SHASTINA COMMUNITY SERVICES DISTRICT

8.

STAFF REPORT MEMO

TO: LSCSD Board of Directors

FROM: Debbie Nelle, Senior Accounting Clerk

Meeting Date: October 18, 2017

RE: Quarterly Budget Amendment Recommendations

After review of the year to date LSCSD Budget, the Finance Committee, staff and department heads are recommending the following changes to the various budgets for Fiscal Year 2017-2018:

General Fund

- Admin Overhead Allocation is adjusted to account for the expenditures over the revenues in the General Fund. This overhead is spread to all other CSD Departments
- Capital Improvement/Reserve Expense quote has been received from FundBalance for AR and Billing programs approved in original Budget
- Contract Services adjusted lower to remove balance estimated for prior GM as independent contractor
- Advertising increased per Board approval 8/28/17
- Insurance adjusted to actual with GSRMA
- CalPERS Unfunded Accrued Liability (UAL) adjusted to match percentage of payroll for Admin staff and Public Works staff as done in prior year by CPAs.
- Workers Comp adjusted to actual with GSRMA
- Payroll Reimbursement adjusted for amount paid to Police Department for Acting GM payroll costs (est. \$35,000 to pay to PD, \$113,508 from LSPOA for Admin staff)
- Medical Clinic Contract Services added for lawn care service, adjusted Repair & Maintenance lower for this amount
- Medical Clinic Insurance adjusted to actual with GSRMA
- Medical Clinic loan Principle and Interest expense adjusted closer to actual projections

Sewer Department

- Admin Overhead Allocation changes per General Fund expenditures
- Capital Improvement/Reserve Expense adjusted for B-114 additional costs approved by Board 7/19/17
- Insurance adjusted to actual with GSRMA
- CalPERS Unfunded Accrued Liability (UAL) adjusted to match percentage of payroll for Admin staff and Public Works staff as done in prior year by CPAs.
- Workers Comp adjusted to actual with GSRMA

Water Department

- Interest Earned Reserves adjusted to reflect amount paid for loan payment interest on Clinic loan and added to Dept. 22 Medical Clinic (Sub Dept.)
- Admin Overhead Allocation changes per General Fund expenditures
- Insurance adjusted to actual with GSRMA

Police Department

- Revenue added for sale of old/surplus vehicles/equipment
- Admin Overhead Allocation changes per General Fund expenditures
- Insurance adjusted to actual with GSRMA
- Workers Comp adjusted to actual with GSRMA
- Payroll Reimbursement adjusted for amount paid to Police department for Acting GM payroll costs (est. \$35,000 to pay to PD from General and \$1200 to pay to Public Works)

COPS Grant

- **For 2016/2017 Budget:** Per notification from the County on 10/3/17, 16/17 Growth Allocation is now \$39,416 and must be added to Budget and approved before funds can be disbursed to agencies
- Workers Comp adjusted to actual with GSRMA

Fire Department

- Donation Revenue adjusted to reflect actual received YTD
- Grant Revenue adjusted to reflect increase to VFA Grant to \$9500 and CSFA Grant to \$8000
- Strike Team Revenues increased to reflect actual amounts due from State
- Admin Overhead Allocation changes per General Fund expenditures
- Insurance adjusted to actual with GSRMA
- Workers Comp adjusted to actual with GSRMA
- Strike Team Payroll, Taxes and WC adjusted to reflect actual YTD

Additional adjustments may be necessary in future quarters prior to fiscal year end. At the time this report was prepared, staff feels these revenue and expenditure adjustments are represented accurately for the anticipated needs and activities of the District.

The Board may approve these Budget Amendments as presented or they may make individual line item adjustments or changes as desired for the 17/18 Fiscal Year LSCSD Budget and approve the COPS Grant Budget amendments for the 16/17 Fiscal Year LSCSD Budget.

**LAKE SHASTINA COMMUNITY SERVICES DISTRICT
2017-2018**

BUDGET APPROVED: 6/21/2017	GENERAL	SEWER	WATER	POLICE	COPS GRANT	FIRE	TOTAL All Funds
PROPOSED AMENDMENTS: 10/18/2017							
REVENUES							
4001.1 - Assmt/Revenue - Residential		473,198	332,912	136,070		49,480	991,660
4001.2 - Assmt/Revenue - Standby		66,060	103,920	285,560		64,900	520,440
4001.3 - Assmt/Revenue - Commercial		4,939	14,293	3,410		1,060	23,702
4003.0 - Late Payment Revenue		2,800	9,000	5,700		2,500	20,000
4055.0 - Misc. Operational Income	500						500
4056.0 - Misc. Non-Op. Income				3,200			3,200
4070.0 - Antenna Lease Revenue	22,655						22,655
4075.0 - Water Capacity Expansion Fee			960				960
4076.0 - Fire Suppression Expansion Fee						316	316
5004.0 - Sewer Hook Up Fee		21,746					21,746
5005.0 - Sewer Payment Contracts		252					252
5006.0 - Water Hookup Fee			795				795
5040.0 - Gain on Sale of Equipment				3,500		25,000	28,500
5050.0 - Transfer Fees	3,000						3,000
5054.0 - Animal Control Fee - Other				300			300
5055.0 - Animal License Fee				4,200			4,200
5056.0 - Warrant				1,500		5,000	6,500
5062.0 - Donations				500		5,000	5,500
5075.0 - Grant Revenue					100,000	17,500	117,500
5080.0 - Interest earned - Ops	200						200
5081.0 - Interest Earned - Rsv (Savings)	750	2,800	8,925	625		400	13,500
Dept. 22 - Medical Clinic - General Fund Sub Dept.							-
4053.0 - Medical Clinic Revenue	60,264						60,264
4054.0 - Loan Principle Revenue			39,825				39,825
5081.0 - Interest Earned - Rsv (Savings)			4,175				
Dept. 23 - Green Waste Site - Sewer Fund Sub Dept.							-
4055.0 - Misc. Operational Income		3000					3,000
Dept. 45 - Mutual Aid Strike Team - Fire Sub Dept.							-
4080.0 - Strike Team Revenues						80,000	80,000
TOTAL INCOME 2017-2018 projected	87,369	574,795	514,805	444,565	100,000	251,156	1,968,515
EXPENSES							
7001.0 - Accounting Audit		4,375	4,125	3,125		875	12,500
7002.0 - Admin Overhead Allocation	(365,981)	153,712	153,712	29,278		29,278	-
7005.0 - Depreciation							-
7010.0 - Capital Improvement/Reserve Exp.	6,750	227,000	244,000	35,500		3,000	516,250
7026.0 - Contract Services	42,500	20,000	16,100	3,000		2,000	83,600
7032.0 - Filing Fees	250						250
7033.0 - Licenses, Permits & Fees	3,000	8,000	6,000	1,600		350	18,950
7034.0 - Dues & Subscriptions	5,100	500	1,300	2,600		925	10,425
7035.0 - Advertising	2,000			500			2,500
7040.0 - Insurance (property & liability)	479	13,261	16,242	2,979		5,687	38,648
7041.0 - Legal	35,000	1,000	5,000	1,000		1,000	43,000
7041.001 - Special Legal - Moller	25,000						25,000
7050.1 - Office Exp Supplies	5,000	400	650	1,000		650	7,700
7050.2 - Office Exp Postage	6,000	100	800	400		100	7,400
7050.4 - Office Exp Maintenance	4,800			1,850			6,650
7051.0 - Public Safety Supplies (PD/Fire)						500	500
7051.1 - Mandatory Safety Equipment						4,000	4,000
7061.0 - Rental equipment		500					500
7062.0 - Repair & Maintenance	3,500	20,000	45,000	1,300		2,000	71,800
7063.0 - Fuel		5,000	5,000	7,500		5,000	22,500
7064.0 - Materials, Supplies & Small Tools	500	5,000	4,000	2,000		2,500	14,000
7065.0 - Vehicle Repair/Maintenance		5,000	3,000	4,000		10,000	22,000
7067.0 - Vehicle Replacement				5,000			5,000
7075.0 - VFA Grant Equipment						15,000	15,000
7080.0 - Interest Expense (Sewer Pond Loan)		23,400					23,400
7085.0 - Municipal Finance (Principle)		37,626					37,626
7100.0 - Lease/Rent Expense		1,775	1,775				3,550
7101.0 - Property Taxes	140						140
7105.0 - Utilities - CSD	1,000			600		850	2,450
7105.1 - Utilities - Telephone	2,300	490	2,900	5,000		2,600	13,290
7105.2 - Utilities - Electric	4,200	52,000	97,000	2,860		3,300	159,360
7105.3 - Utilities - Waste		510	510	480		480	1,980
7105.4 - Utilities - Propane	500			1,000		1,000	2,500
7204.0 - Events	500			500		500	1,500
7245.0 - Election							-
7501.0 - Payroll Expense	206,875	176,897		210,974	48,330	33,660	676,735
7513.0 - Payroll Taxes	5,170	4,301		17,585	4,131	2,866	34,052
7514.0 - Payroll Benefits	53,469	63,679		73,344	19,727	19,727	229,945
7516.1 - Pension (EJ)				11,537	2,355	2,059	15,951
7516.2 - Pension (CalPERS)	16,202	13,805					30,007
7516.5 - CalPERS UAL Expense	28,191	24,014					52,205
7518.0 - Workers Comp	17,869	15,339		18,594	4,156	9,366	65,324
7530.0 - Payroll Reimbursement (to Sewer)		(112,792)	112,792	(33,800)		500	(33,300)
7530.1 - Payroll Reimbursement (to Admin)	(78,508)						(78,508)
7549.0 - Volunteer FF Stipend						14,000	14,000
7550.0 - Travel & Training	1,500	1,500	2,000	6,000	4,000	2,000	17,000
7551.0 - Meals	500	400	350	1,000	500	1,500	4,250
7552.0 - Employee Physical Exams/Shots		500		1,000	300	600	2,400
7556.0 - Uniforms		1,200	1,200	3,000	500	1,000	6,900
Dept. 22 - Medical Clinic - General Fund Sub Dept.							-
7026.0 - Contract Services	1,000						
7040.0 - Insurance (Property/Liability)-Med Clinic	650						650
7062.0 - Repair & Maintenance (Med Clinic)	4,000						4,000
7080.0 - Interest Expense (Med Bldg)	4,175						4,175
7084.0 - Loan Principle Expense	39,825						39,825
7530.0 - Payroll Reimbursement (Med Clinic)	2,500						2,500
Medical Clinic Reserves	8,164						8,164
Dept. 23 - Green Waste Site - Sewer Fund Sub Dept.							-
7063.0 - Fuel		200					200
7064.0 - Materials, Supplies & Small Tools		200					200
7530.0 - Payroll Reimbursement (GWS)		5,000					5,000
Dept. 45 - Mutual Aid Strike Team - Fire Sub Dept.							-
7063.0 - Fuel							-
7065.0 - Vehicle Repair/Maintenance							-
7501.0 - Payroll Expense						37,000	37,000
7513.0 - Payroll Taxes						4,200	4,200
7518.0 - Workers Comp						3,200	3,200
TOTAL EXPENSE 2017-2018 projected	94,119	773,891	723,456	422,306	83,999	223,273	2,320,045
Reimbursement for Cap. Exp. from Reserves	6,750	227,000	244,000	35,500		3,000	516,250
Net Expense	87,369	546,891	479,456	386,806	83,999	220,273	1,803,795
Sewer Pond principle applied to Liability paydown		37,626					37,626
NET PROFIT (LOSS) 2017-2018 projected	(0)	65,530	35,348	57,759	16,001	30,883	202,346

LAKE SHASTINA COMMUNITY SERVICES DISTRICT
2017-2018

Notes:

Administrative Overhead Allocation Calculation used for this budget period: Sewer 42%, Water 42%, Police 8%, Fire 8%.
Worker's Comp includes the Board coverage.
2017-2018 Audit - Aiello, Goodrich & Teuscher \$12,500

Payroll for 2017-2018 includes:

- Anticipated current staffing level Step increases
- 3% COLA for Teamsters Union member employees
- CalPERS increase 0.041% for Classic members and decrease 0.02% for PEPRA members per Actuarial
- Workers Comp EMOD rates increased per notification

Capital Improvements/Expenditures:

As of
September 30, 2017

<u>General Fund:</u>		<u>Current Balance in LAIF Reserves:</u>	\$	179,478
Capital Improvements from Reserves-	\$ 6,750	FundBalance modules Billing & AR	\$	6,750
		Desktop computers for Admin - 6 new		TBD
<u>Sewer Department:</u>		<u>Current Balance in LAIF Reserves:</u>	\$	425,747
Capital Improvements from Reserves-	\$ 227,000	Sewer Pond Containment/Drying Beds Design/Engineering	** \$	35,000
		Sewer Lift Station B-107 Refit/Refurbishment	\$	45,000
		Sewer Lift Station B-114 Refit/Refurbishment (updated 7/19/17)	\$	109,000
Items marked ** may be paid through Planning Grant if approved		Sewer Rate Study	** \$	23,000
		Planning Grants - construction	\$	15,000
<u>Water Department:</u>		<u>Current Balance in LAIF Reserves:</u>	\$	993,424
Capital Improvements from Reserves-	\$ 244,000	Hydrant Replacement (4 per year)	\$	20,000
		Meter Replacement (150 per year)	\$	21,000
		Test wells for new well	\$	100,000
Items marked ** may be paid through Planning Grant if approved		Water Rate Study - to complete immediately	\$	23,000
		B-50 Juniper Peak & B56 Stonecrest Tank/Pumps Engineering design & specs	\$	10,000
		Tank Lining Planning - Bypass #3	\$	15,000
		Supervisory Control and Data Acquisition (SCADA)	\$	55,000
<u>Police Department:</u>		<u>Current Balance in LAIF Reserves:</u>	\$	295,163
Capital Improvements from Reserves-	\$ 35,500	New insulated windows (1 way glass)	\$	3,000
		Building Improvements	\$	7,500
		Replacement vehicles	\$	25,000
<u>Fire Department:</u>		<u>Current Balance in LAIF Reserves:</u>	\$	84,349
Capital Improvements from Reserves-	\$ 3,000	New insulated windows	\$	3,000

**LAKE SHASTINA COMMUNITY SERVICES DISTRICT
2016-2017**

BUDGET AMENDMENTS APPROVED: 2/15/2017	GENERAL	SEWER	WATER	POLICE	COPS GRANT	FIRE	TOTAL All Funds
BUDGET AMENDMENTS PROPOSED: 10/4/2017							
REVENUES							
4001.1 - Assmt/Revenue - Residential		470,207	325,220	108,150		49,360	952,937
4001.2 - Assmt/Revenue - Standby		66,204	104,320	227,675		65,150	463,349
4001.3 - Assmt/Revenue - Commercial		4,909	14,261	2,713		1,060	22,943
4003.0 - Late Payment Revenue		4,250	8,700	5,700		2,500	21,150
4055.0 - Misc. Operational Rev		2,000					2,000
4056.0 - Misc. Non-Op. Inc				3,200		-	3,200
4070.0 - Antenna Lease Revenue	22,067						22,067
4075.0 - Water Capacity Expansion Fee			640				640
4076.0 - Fire Suppression Expansion Fee						316	316
5004.0 - Sewer Hook Up Fee		14,498					14,498
5005.0 - Sewer Payment Contracts		252					252
5006.0 - Water Hookup Fee			530				530
5040.0 - Gain on Sale of Equipment			750	1,500		20,000	22,250
5050.0 - Transfer Fees	3,000						3,000
5054.0 - Animal Control Fee - Other				300			300
5055.0 - Animal Control Fee				4,000			4,000
5056.0 - Warrant				2,500		5,000	7,500
5062.0 - Event - Donations				500		1,000	1,500
5075.0 - Grant Revenue					139,416	5,500	144,916
5080.0 - Interest earned - Ops	200						200
5081.0 - Interest Earned - Rsv (Savings)	395	1,500	8,500	625		400	11,420
Dept. 22 - Medical Clinic - General Fund Sub Dept.							-
4053.0 - Medical Clinic Revenue	60,264						60,264
4054.0 - Loan Principle Revenue			41,804				41,804
Dept. 45 - Mutual Aid Strike Team							-
4080.0 - Strike Team Revenues						124,234	124,234
Less Rsv Int, Water Expans & Sewer Hookup	(395)	(15,998)	(9,670)	(625)		(400)	(27,088)
TOTAL INCOME 2016-2017 projected	85,531	547,822	495,055	356,238	139,416	274,120	1,898,182
EXPENSES							
7001.0 - Accounting Audit		4,200	3,960	3,000		840	12,000
7002.0 - Admin Overhead Allocation	(400,403)	168,169	168,169	32,032		32,032	-
7005.0 - Depreciation							-
7010.0 - Capital Improvement/Reserve Exp.	9,000	277,000	343,530	3,000		113,000	745,530
7026.0 - Contract Services	96,500	10,000	12,000	3,000		1,000	122,500
7032.0 - Filing Fees	250						250
7033.0 - Licenses, Permits & Fees	3,000	8,000	6,000	1,600		350	18,950
7034.0 - Dues & Subscriptions	5,100	500	1,300	2,600		925	10,425
7035.0 - Advertising	500			500			1,000
7040.0 - Insurance (property & liability)	600	18,000	20,000	8,500		7,500	54,600
7041.0 - Legal	95,000	1,000	5,000	1,000		1,000	103,000
7050.1 - Office Exp Supplies	6,500	400	650	1,000		650	9,200
7050.2 - Office Exp Postage	6,400	100	800	400		100	7,800
7050.4 - Office Exp Maintenance	3,500			1,850			5,350
7051.0 - Public Safety Supplies (PD/Fire)						2,000	2,000
7051.1 - Mandatory Safety Equipment						5,000	5,000
7061.0 - Rental equipment		500					500
7062.0 - Repair & Maintenance	3,500	20,000	25,000	1,300		1,500	51,300
7063.0 - Fuel		5,000	5,000	10,000		8,000	28,000
7064.0 - Materials, Supplies & Small Tools	500	5,000	4,000	1,500		2,000	13,000
7065.0 - Vehicle Repair/Maintenance		5,000	3,000	2,500		25,000	35,500
7067.0 - Vehicle Replacement				5,000			5,000
7075.0 - VFA Grant Equipment						11,000	11,000
7080.0 - Interest Expense (Sewer Pond Loan)		25,543					25,543
7085.0 - Municipal Finance (Principle)		35,483					35,483
7100.0 - Lease/Rent Expense		1,800	1,800				3,600
7101.0 - Property Taxes	150						150
7105.0 - Utilities - CSD	1,000			600		850	2,450
7105.1 - Utilities - Telephone	2,200	490	2,900	5,000		2,100	12,690
7105.2 - Utilities - Electric	4,000	49,325	97,000	2,860		4,400	157,585
7105.3 - Utilities - Waste		510	510	480		480	1,980
7105.4 - Utilities - Propane	500			1,000		1,000	2,500
7204.0 - Events	750			500		500	1,750
7245.0 - Election	2,000						2,000
7501.0 - Payroll Expense	189,978	166,638		94,428	98,961	29,095	579,099
7513.0 - Payroll Taxes	4,925	4,152		8,235	7,876	2,797	27,985
7514.0 - Payroll Benefits	55,982	66,755		27,619	19,429	6,384	176,169
7516.1 - Pension (EJ)				5,652	2,570		8,222
7516.2 - Pension (CalPERS)	14,680	12,262					26,942
7516.5 - CalPERS UAL Expense	26,596	18,482					45,078
7518.0 - Workers Comp	1,757	20,329		9,148	8,629	11,456	51,320
7530.0 - Payroll Reimbursement (to Sewer)		(112,334)	112,334	1,200		500	1,700
7530.1 - Payroll Reimbursement (to Admin)	(114,297)						(114,297)
7549.0 - Volunteer FF Stipend						14,000	14,000
7550.0 - Travel & Training	2,000	1,500	2,000	6,000	4,000	1,500	17,000
7551.0 - Meals	750	400	350	1,000	500	1,200	4,200
7552.0 - Employee Physical Exams/Shots		500		500	300	1,200	2,500
7556.0 - Uniforms		1,200	1,200	3,000	500	2,000	7,900
Dept. 22 - Medical Clinic - General Fund Sub Dept.							-
7040.0 - Insurance (Property/Liability)-Med Clinic	600						600
7053.0 - Medical Bldg Loan (Principle)	-						-
7062.0 - Repair & Maintenance (Med Clinic)	6,500						6,500
7080.0 - Interest Expense (Med Bldg)	2,196						2,196
7084.0 - Loan Principle Expense	41,804						41,804
7530.0 - Payroll Services Billed (Med Clinic)	4,250						4,250
Medical Clinic Reserves	16,264						16,264
COPS Grant Shortfall (to Dept 25 Police)				13,441			13,441
Dept. 45 - Mutual Aid Strike Team							-
7501.0 - Payroll Expense						80,285	80,285
7513.0 - Payroll Taxes						7,010	7,010
7518.0 - Workers Comp						8,253	8,253
TOTAL EXPENSE 2016-2017 projected	94,531	815,903	816,503	259,445	142,765	386,907	2,516,056
Reimbursement for Cap. Exp. from Reserves	9,000	277,000	343,530	3,000		113,000	745,530
Net Expense	85,531	538,903	472,973	256,445	142,765	273,907	1,770,526
Sewer Pond principle applied to Liability paydown		35,483					35,483
NET PROFIT (LOSS) 2016-2017 projected	0	44,402	22,082	99,793	(3,349)	212	163,139

Notes:

Administrative Overhead Allocation Calculation used for this budget period: Sewer 42%, Water 42%, Police 8%, Fire 8%.

Worker's Comp includes the Board coverage.

2015-2016 Audit - Aiello, Goodrich & Teuscher \$12,000

Payroll for 2016-2017 includes:

- Anticipated current staffing level Step increases
- No COLA
- CalPERS increase 0.374 % per Actuarial
- Increase WC per notification, Decrease Ins Benefits due to lower premiums with Teamsters Plan

LAKE SHASTINA COMMUNITY SERVICES DISTRICT
2016-2017

As of
March 31, 2016

Capital Improvements/Expenditures:

<u>General Fund:</u>		<u>Current Balance in LAIF Reserves:</u>	\$	168,755
Capital Improvements from Reserves-	\$ 9,000	New printer for Admin approved 7/20/2016 by Board	\$	9,000
<u>Sewer Department:</u>		<u>Current Balance in LAIF Reserves:</u>	\$	438,248
Capital Improvements from Reserves-	\$ 277,000	Sewer Pond Containment/Drying Beds Design/Engineering	\$	35,000
		Sewer Lift Station B-107 Refit/Refurbishment	\$	45,000
		Sewer Lift Station B-113 Refit/Refurbishment	\$	45,000
		Sewer Lift Station B-114 Refit/Refurbishment	\$	100,000
		Sewer Rate Study	\$	23,000
		New Sewer Camera (delivered)	\$	14,000
		Planning Grants - construction	\$	15,000
<u>Water Department:</u>		<u>Current Balance in LAIF Reserves:</u>	\$	1,110,223
Capital Improvements from Reserves-	\$ 343,530	Water Rate Study	\$	23,000
		New Well (test wells)	\$	100,000
		Well #4 Rehab	\$	100,000
		Hydrant Replacement (4 per year)	\$	20,000
		Meter Replacement (150 per year)	\$	21,000
		Tank Lining Planning - Bypass #3	\$	15,000
		B-50 Juniper Peak & B56 Stonecrest Tank/Pumps Engineering design and specs	\$	10,000
		Tank Diving Inspection - 4 tanks	\$	6,000
		Planning Grants - construction	\$	15,000
		Emergency Repairs Well #3	\$	33,530
<u>Police Department:</u>		<u>Current Balance in LAIF Reserves:</u>	\$	192,780
Capital Improvements from Reserves-	\$ 3,000	New insulated windows	\$	3,000
<u>Fire Department:</u>		<u>Current Balance in LAIF Reserves:</u>	\$	156,932
Capital Improvements from Reserves-	\$ 113,000	New insulated windows	\$	3,000
		Replacement Type 1 Fire Enging	\$	50,000
		Garage/Bay Improvements	\$	25,000
		Replacement Chief Truck	\$	35,000



LAKE SHASTINA COMMUNITY SERVICES DISTRICT

Item 9

DRAFT RESOLUTION ____-17

A RESOLUTION OF THE BOARD OF DIRECTORS RESCINDING RESOLUTION 6-15 REGARDING CENSURING OF A BOARD MEMBER.

WHEREAS, on May 20, 2015, the Board of Directors of the Lake Shastina Community Services District adopted Resolution 6-15, directing staff to remove Director Mitchell as a signer on District bank accounts.

NOW, THEREFORE, BE IT RESOLVED, with the October 11, 2017 Board appointment of Paula Mitchell to fill a vacancy on the Board, the Board of Directors hereby rescinds Resolution 6-15 in its entirety.

CERTIFICATION

I do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the Board of Directors of the Lake Shastina Community Services District held on October 18, 2017.

AYES:
NOES:
ABSENT:

Carol Cupp, President of the Board

ATTEST:

Mike Wilson, Secretary of the Board



LAKE SHASTINA COMMUNITY SERVICES DISTRICT

Item 10

(Exhibit A – pending Closed Session Item B)

DRAFT RESOLUTION ____-17

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LAKE SHASTINA COMMUNITY SERVICES DISTRICT APPROVING LETTER OF UNDERSTANDING (LOU) BETWEEN THE REPRESENTATIVES OF THE DISTRICT AND REPRESENTATIVE OF THE GENERAL TEAMSTERS, PROFESSIONAL, HEALTH CARE AND PUBLIC EMPLOYEES, LOCAL 137.

WHEREAS, the Lake Shastina Community Services District (District) Board negotiators, District union stewards, and Teamsters representatives have engaged in good faith negotiations to prepare proposed LOU; and

WHEREAS, a final LOU document regarding Exhibit C to 2017 – 2021 Memorandum of Understanding (MOU), has been completed and is now ready for approval (attached hereto as Exhibit A).

NOW, THEREFORE BE IT HEREBY RESOLVED that the Board of Directors of the District approves the LOU document regarding Exhibit C to 2017 – 2021 MOU between the District and Teamster, as presented hereto as Exhibit A.

CERTIFICATION

I do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the Board of Directors of the Lake Shastina Community Services District held on October 18, 2017.

AYES:

NOES:

ABSENT:

ATTEST:

Carol Cupp, President of the Board

Mike Wilson, Secretary of the Board