

Public Agency Legal Services

PROPOSAL PREPARED FOR

SANTA YNEZ BASIN EASTERN MANAGEMENT AREA
GROUNDWATER SUSTAINABILITY AGENCY

meyers | nave

Adam Lindgren, Principal
Municipal and Special District Law Practice Group

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JULY 26, 2024

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Letter of Interest



Randy Murphy
City of Solvang
1644 Oak Street
Solvang, CA 93463
randym@cityofsolvang.com

Re: Response to RFQ for Legal Services re: Transition to JPA and Implementation of GSP

On behalf of Meyers Nave, I am pleased to submit the enclosed proposal to provide Santa Ynez Basin Eastern Management Area Groundwater Sustainability Agency (“the Agency”) with legal services related to governance amid the Agency’s effort to transition to a Joint Powers Authority (“JPA”) to more effectively implement its Groundwater Sustainability Plan (“GSP”).

I will serve as the point of contact for this introduction. As a principal of the firm, I am authorized to represent Meyers Nave and am based in our Sacramento office. My contact information is as follows:

Adam Lindgren, Principal
Meyers Nave
555 Capitol Mall, Suite 1200
Sacramento, CA 95814
Tel: 916-556-1531
Email: alindgren@meyersnave.com

Meyers Nave leads the way in public law across California, the founding practice area of our firm, by integrating over three decades of multidisciplinary expertise into a robust legal practice. Our firm is renowned for its comprehensive approach, including a highly specialized water law practice, setting benchmarks in legal excellence for the hundreds of public agencies we have served since our founding.

From day-to-day operations to long-term policy issues, we represent our clients in all matters affecting local governance and decision-making. When we serve as counsel to a public agency, our goal is to become a strategic partner in helping that agency implement its public service mission, goals and mandate. We have the well-proven expertise and specialty experience required to serve governmental agencies in the most efficient and cost-effective manner.

Our team excels at guiding public entities through the complexities of forming and operating JPAs, including essential infrastructure development. Our distinguished expertise in land use, environmental, and water law enables us to provide efficient, high-quality implementation of GSPs through JPAs under the Sustainable Groundwater Management Act, in addition to the other services outlined in the scope of the Agency's RFQ for counsel.

For this engagement, we propose that Palmer Hilton, Senior Associate, serve as lead counsel with my direct oversight. I bring nearly three decades of municipal law experience, including ongoing roles as City Attorney for Rancho Cordova since 2006 and Special Counsel to numerous cities and districts. Palmer is well-suited for this leadership role, with his extensive background advising on public works, economic development, environmental law, land use, water law, and compliance issues. His current advisory roles include significant projects in cities such as Rancho Cordova, Manteca, Salinas, and serving as General Counsel of Bear Valley Community Services District.

Supporting Palmer and myself will be Greg Newmark, Chair of Meyers Nave's Water Law Practice. Greg's career spans significant roles, including serving as Deputy Attorney General where he represented key natural resource agencies. His combined government and private sector experience equips him with unique perspectives that will be crucial for our team and the Agency.

As requested in the Agency's RFQ for counsel, this proposal offers a clear overview of our firm, our relevant experience in public agency and water law, representative cases with client references, proposed team, and a cost proposal with discounted public agency rates. We intend to deliver the vast majority of our services, including most Board meetings, remotely, with travel costs included in the cost proposal. Additionally, we are offering a **10% discount on our lead attorney's remote attendance at regular board meetings**, underscoring our commitment to providing the Agency with efficient and effective services. We look forward to the opportunity to partner with Santa Ynez Basin EMA GSA.

Sincerely,



Adam Lindgren, Principal
Municipal and Special District Law Practice Group

General Firm Information

Founded in 1986, Meyers Nave is a leading mid-sized, full-service California law firm helping clients resolve their most complex and highest priority litigation, transactional, and regulatory compliance challenges. We are the 'go-to' California firm serving corporations, public entities, non-profit organizations and public-private partnerships located throughout California, as well as clients based in other states that have interests in California. We offer a wide range of legal services under one roof, providing comprehensive support and unparalleled institutional knowledge.

For more than 35 years, our success has come from an unwavering commitment to quality and client service. We currently have 111 employees serving clients in the following practice areas:

- CEQA/NEPA
- Climate Change and Green Initiatives
- Commercial Litigation
- Construction and Facilities
- Crisis Management
- Economic Development
- Eminent Domain and Inverse Condemnation
- Energy, Public Power and Telecommunications
- Environmental Law
- First Amendment
- Housing
- Labor and Employment
- Land Use
- **Municipal and Special District Law**
- Public Contracts
- Public Finance
- Real Estate
- Transportation and Infrastructure
- Trial and Litigation
- **Water Law**
- Workplace Investigations
- Writs and Appeals

Firm Office Locations

Oakland (headquarters office)

1999 Harrison Street, 9th Floor
Oakland, California 94612
510.808.2000 | fax 510.444.1108

San Diego

600 B Street, Suite 1650
San Diego, California 92101
619.330.1700 | fax 619.330.1701

Sacramento

555 Capitol Mall, Suite 1200
Sacramento, California 95814
916.556.1531 | fax 916.556.1516

Los Angeles

707 Wilshire Blvd., 24th Floor
Los Angeles, California 90071
213.626.2906 | fax 213.626.0251

Public Agency & Water Law Experience

Meyers Nave has nearly four decades of experience in public law, integrating multiple disciplines under one roof to comprehensively support our public sector clients. We collaborate with elected leaders, senior staff, legislative committees, regulators, agencies, boards, and commissions across various levels of government to deliver practical solutions that guide a broad spectrum of clients through California's complicated regulatory environment.

Our involvement ranges from advising on daily governance issues and exercises of power to representing clients in complex transactions and litigation. We help clients adhere to governance laws so they maintain openness and transparency with the public while also protecting documents and other information deemed confidential.

Our firm covers the California Public Records Act, Ralph M. Brown Act, Public Resources Code, conflicts of interest, and the general organic laws under which cities must operate. Our firm has advised upon thousands of Public Records Act requests for cities, counties, special districts, fire districts, school districts, successor agencies, transit districts and joint powers authorities – including those that provide essential services such as transportation, community services, and sewer management. In addition, we act as City Attorney, reflecting the founding practice area of our firm. Our attorneys:

- Advise on finance and fee issues;
- Advise on annexations and changes of organization;
- Advise staff and elected/appointed officials on legal issues, including those that regulate public meetings;
- Attend board meetings, including response to “on the fly” questions;
- Advise on the California Environmental Quality Act (CEQA), the Clean Water Act and other environmental/water law issues;
- Prepare resolutions and ordinances;
- Represent clients in litigation, excluding tort and workers compensation; and
- Review and approve legal documents.

Conflicts of Interest

Issues relating to conflicts of interest are among the matters that must be dealt with on a day-to-day basis. We regularly provide advice to cities and other public agencies on conflicts under the Political Reform Act, Government Code section 1090, and other conflicts of interest laws.

Joint Powers Authority

Meyers Nave has a deep history of advising, representing, and working with Joint Powers Authorities. We are well acquainted with the options available to public entities in forming, establishing, and working with JPAs, and have enabled JPA clients to accomplish everything

from coordinating emergency communication systems to building critical transportation and utility-related infrastructure.

Public Records

The California Public Records Act is the public's primary tool for accessing information to monitor the functioning of government agencies. Meyers Nave helps public agencies understand the law's requirements, exemptions, and penalties; establish plans and protocols for efficient and cost-effective compliance; and develop strong defenses in the event of a courtroom challenge. We have handled *thousands* of Public Records Act requests on behalf of cities, counties, special districts, and joint powers authorities.

Ralph M. Brown Act

We advise clients regarding issues relating to open meetings, often being called upon after hours and "on the fly" to provide immediate and urgent Brown Act direction. Along with our advisory role—reviewing agendas for Brown Act conformity, confirming items are permissible topics of discussion in closed session, and advising elected officials on their obligations under the Brown Act—we litigate Brown Act claims and constantly monitor emerging issues that have Brown Act implications, and provide training for local officials and city staff.

Water Law

Meyers Nave has a particularly strong specialty practice in water law issues, counseling clients on water rights acquisition and defense, recycled water, water quality, NPDES and water reclamation permitting, aquifer storage and recovery projects, and other groundwater issues. We cover all significant state and federal environmental and natural resource laws, including state and federal endangered species acts, the law of water rights, the Sustainable Groundwater Management Act, the Clean Water Act, Comprehensive Environmental Response, Compensation, and Liability Act, Resource Conservation and Recovery Act, Clean Air Act, Porter-Cologne Water Quality Control Act, Sustainable Groundwater Management Act, Toxic Substances Control Act, Safer Consumer Products Regulations, Water Recycling Act of 1991, and the Urban Water Management Planning Act.

Our experience also includes deep familiarity with negotiations and investigations involving the State Water Resources Control Board and the California Regional Water Quality Control Boards, as well as special acts, like the Orange County Water District Act, and physical solutions imposed by judgments.

We have handled many water quality matters controlled by the Clean Water Act ("CWA"), including 404 wetlands permitting and issues concerning the scope of "waters of the United States." We help clients obtain and comply with CWA permits and administrative orders, and defend them in administrative appeals, regulatory enforcement actions, and state and federal litigation, including citizen suits, as both plaintiffs and defendants. One of our proposed attorneys for this matter, Greg Newmark, argued the first CWA case ever reviewed by the

California Supreme Court. We advise on water supply assessments and verifications, and management, planning and control of resources (i.e., stormwater, wastewater, recycled water).

Our water law and natural resources expertise includes:

- Adjudications
- Contaminated Site Groundwater Issues
- Enforcement Defense
- Groundwater Rights/Sustainable Groundwater Management Act
- Species and Wetlands Mitigation
- Stormwater Permits
- Wastewater Change Petitions
- Water Rates, Charges, Assessments
- Water Rights Acquisition and Defense
- Water Supply Agreements
- Water Transfers

Representative Client Experience and References

No one has better authority to speak about the quality of our work and delivery of our services than our clients, so we encourage you to contact our references.

Sand City

Vibeke Norgaard, City Manager and Fmr. City Attorney
Phone: (831) 394-3054 ext. 212
Email: vibeke@sandcityca.org
Meyers Nave is City Attorney.

City of Rancho Cordova

Cyrus Abhar, Fmr. City Manager
Phone: (916) 496-6657
Email: Cyrus.abhar@gmail.com
Served as City Attorney during his service from 2003 to 2022.

City of Salinas

Christopher A. Callihan, Esq., City Attorney
Phone: (831) 758-7418
Email: chrisc@ci.salinas.ca.us
Our attorneys have provided advice on various complex land use and fiscal issues, and litigation, including a housing element update, rent stabilization, a potential tax measure, land use transactional advice regarding specific plan mixed use and warehouse development, and public infrastructure litigation.

City of Monterey

Christine Davi, Esq.
Main: (831) 646-3915
Direct: (831) 646-1562
Email: davi@monterey.org
Represented city in responding to Clean Water Act citizen suit and MS4 enforcement order, along with other water issues.

City of Vacaville

Melinda C. H. Stewart, City Attorney
Main: (707) 449-5105
Direct: (707) 449-5137
Email: melinda.stewart@cityofvacaville.com
Represented city in defending citizen suit claims under Clean Water Act as well as RCRA.

Bear Valley Community Services District

Wesley Shryock, Interim General Manager
Main: (661) 570-7450
Direct: (661) 342-2489
Email: wshryock@bvcsd.org
Meyers Nave is General Counsel.

Conflicts of Interest

As counsel to the Agency, it is our obligation to practice “preventative” law and help the Agency minimize its risk in its day-to-day and long-range activities to avoid costly legal problems. This commitment to excellence in transparency is reflected within the structure of our firm. We have a dedicated team of staff who diligently verify that we follow the correct procedures for identifying and managing conflicts while protecting attorney-client confidentiality.

In any instances of potential adversity to the Agency, or conflict of interest, we promptly identify such conflicts and obtain the concurrence of the Agency as to the manner in which the conflict will be resolved. Depending upon the nature of the conflict or potential conflict, this may take the form of an ethical wall; written and knowing consent of the Agency; recusal from a matter; or withdrawal from representation.

At this time we do not have or are aware of any conflicts adverse to the Agency. The firm can commit to not taking on matters legally adverse to the Agency and its affiliates, and to notifying the Agency of representations where the firm’s lawyers working for the same are aware of a representation involving an issue that those lawyers know may be important to the Agency, so long as such notification is consistent with our ethical obligations to other clients.

Proposed Project Team

A hallmark of Meyers Nave is our ability to deploy a team of attorneys with issue-specific knowledge. Our team includes a thoughtful blend of attorneys with concentrated experience in issues of governance, public agency law, and water law.

While we have identified a team to primarily serve the Agency, we have a deep bench from which to enlist additional experienced attorneys should the Agency demand those resources. We will ensure that attorneys who are assigned have the background and knowledge to advise the Agency, as well as the time to carefully strategize and thoroughly delve into the issue. If we envision the need for another attorney who has the appropriate background and availability, we will only proceed with prior consent. As our client, the Agency will have access to all Meyers

Nave attorneys. For full resumes detailing our proposed team's experience, please see **APPENDIX A.**



Adam Lindgren, Principal [Providing Direct Supervision]

Education:

Georgetown University Law Center, JD, Public Interest Law Scholar, 1993
Columbia University, BA, *cum laude*, 1990

California Bar Number: 177476

Years of Experience: 29

Adam Lindgren is the Principal in Charge of Meyers Nave's Sacramento office. He has nearly 30 years of experience in municipal law and complex land use development. Adam has served as the City Attorney for the City of Rancho Cordova since 2006 and serves as Special Counsel to cities and special districts statewide, as well as representing private parties on complex land use matters. He served for six years as the City Attorney for the City of Modesto (population 215,000) where he managed a hybrid office of five in-house staff and outside counsel.

His recent private projects include advising a large Northern California ranch on a variety of land use issues including land use permitting, environmental compliance, and wild fire recovery and prevention strategies.

Adam's recent public projects include supporting the City of Salinas to initiate development of a large agricultural-industrial logistics development, and assisting the City of Manteca to finance and develop major regional flood control improvements. Adam also continues to work on processing land use and development approvals and permits for thousands of acres of subdivisions, mixed-use and commercial projects for the City of Rancho Cordova.



Gregory J. Newmark, Principal [Providing Support]

Education:

University of California College of the Law, San Francisco, JD, 1997
University of New Mexico, BA, History and Biology, *cum laude*, 1994

California Bar Number: 190488

Years of Experience: 27

Gregory (Greg) Newmark leads the Los Angeles office. He represents public and private entity clients in litigation and compliance matters regarding water quality, water rights, water rates, environmental contamination, inverse condemnation, and brownfields. Greg also advises public entities on land use laws, including the California Environmental Quality Act and the National Environmental Policy Act, and reviews environmental documents. Greg has extensive litigation experience, including complex multiparty disputes.

At Meyers Nave, Greg represents clients in a broad array of environmental and land use matters, he often serves as counsel in administrative permitting and enforcement proceedings before the State Water Resources Control Board and the California Regional Water Quality Control Board. He works closely with his clients and with water board staff and counsel to negotiate the terms of permits and orders. When necessary, he litigates administrative appeals and civil actions on behalf of waste discharge and NPDES permittees.

Greg has handled numerous cases involving groundwater contamination issues. These matters range from regulatory cleanup orders to cost recovery actions against responsible parties. Greg often strategizes with expert consultants to develop the best solution for each matter.

Prior to joining Meyers Nave, Greg was a Deputy Attorney General for the California Department of Justice. In this role, he represented natural resources agencies (e.g., the State Water Resources Control Board, the Department of Forestry and Fire Protection, the Department of Water Resources, and the Department of Fish and Wildlife) in trial court and appellate litigation regarding air and water pollution, inverse condemnation, CEQA, exotic species and endangered species, and fire suppression cost recovery.

As Deputy Attorney General, Greg presented oral argument in the first Clean Water Act case reviewed by the California Supreme Court (*Burbank v. State Water Resources Control Board*). He also argued the first California reported decision to adjudicate a challenge to the merits of a total maximum daily load (TMDL) under the Clean Water Act and California's Porter-Cologne Water Quality Control Act (*City of Arcadia, et al. v. State Water Resources Control Board, et al.*).

Greg received commendations from the State Water Resources Control Board and the California Regional Water Quality Control Board, Los Angeles Region, for his representation of those agencies in water quality litigation. The U.S. Department of Justice also commended him "for outstanding performance and invaluable assistance" in a water quality case.

Prior to joining the Attorney General's Office, Greg represented nonprofit groups in environmental citizen suits under Proposition 65, NEPA, the Clean Water Act and the Endangered Species Act.



Palmer Hilton, Senior Associate [Proposed Lead Attorney]

Education:

University of North Carolina School of Law, JD, 2018

Bucknell University, BA, Political Science and History, 2014

California Bar Number: 324846

Years of Experience: 5

Palmer Hilton is a Senior Associate in Meyers Nave’s Municipal and Special District Law Practice Group. He currently advises the cities of Rancho Cordova, Manteca, Salinas, and serves as General Counsel to Bear Valley Community Services District.

Palmer’s practice is focused on advising his clients on a wide range of matters including public works, economic development, environmental law, land use, water law and water rights litigation, the Brown Act, and general contract compliance. In connection with these matters, Palmer currently advises the cities of Rancho Cordova and Manteca on public works issues and economic development, the City of Salinas on planning issues, serves as lead counsel for the Planning Commission of Rancho Cordova, and serves as the General Counsel to Bear Valley Community Services District. Palmer has former experience advising cities on water rights issues related to State Water Board curtailment order compliance on the Russian River and litigation experience representing the State of Texas in a water rights interstate compact dispute brought as an original action before the United States Supreme Court.

While in law school, Palmer served on the Executive Board of the University of North Carolina Environmental Law Project and participated in pro-bono legal work for Southern Environmental Law Center. He also served as a staff member for the University of North Carolina Community Development Law Clinic. In this role he provided corporate and transactional legal assistance to nonprofit organizations. Prior to law school, Palmer was an intern for the Nevada Attorney General’s Office/Colorado River Commission in Las Vegas, Nevada and performed research in areas of environmental, water, and land use law.

STAFFING

We offer a strong pool of legal assistants and paralegals who work side-by-side with our attorneys. In addition, the firm employs human resources, accounting, marketing, docketing, conflicts, records, information technology, and facilities staff. We are fully staffed to support the Agency, as all of our personnel have experience in public law and many possess a background that would well serve the Agency based on the services outlined in this RFQ.

Cost Proposal

Meyers Nave has built its reputation for integrity and client commitment by proposing hourly rates that provide the best value based on the experience, qualifications and specialty expertise of our proposed attorneys. We offer only highly experienced attorneys.

Our rates reflect the fact that we offer significant value added. This is evident as we keep our clients for decades — even generations — because in the long-run we save money through efficiency, accuracy, strategy, **staying within approved budgets**, and delivering industry-leading value. This helps our clients capitalize on opportunities and avoid costly litigation and mistakes.

The hourly rates charged by attorneys and paralegals at Meyers Nave varies depending on the individual’s level of experience and their area of expertise. We substantially discount our rates to municipal entities and other public agencies compared to our rates for private clients. The following discounted public agency rates provided below represent a significant savings to the Agency:

Attorneys	Discounted Public Agency Hourly Rate
Senior Principal (Adam Lindgren, Greg Newmark)	\$525
Principal	\$515
Senior Of Counsel	\$460
Of Counsel	\$430
Senior Associate (Palmer Hilton, Lead Attorney)	\$390
Mid-Level Associate	\$350
Junior Associate	\$325
Law Clerk	\$275
Senior Paralegal	\$235
Paralegal	\$215

Discount for Remote Participation in Regular Board Meetings

We propose a further 10% discount on the services of our lead attorney, Palmer Hilton, for remote attendance of regular board meetings. All other work performed under the contract will be billed at the above discounted rates.

Applicable rates reflect the individual’s seniority level and may be adjusted during the lifetime of the contract. Our hourly billing rates, which shall be incurred in 0.10-increments, include all administrative costs, including word processing, office support services, telephone, and facsimile charges. We propose to charge the costs of mileage at current IRS rates, postage at

current USPS rates, and the actual cost of any third-party expenses, such as expert witness fees, court reporter fees, and electronic legal research.

Expense	Billing Rate
Mileage	Current IRS rate
Photocopy	\$0.25 per page
Postage	Current USPS rate
Third-Party Expenses	Actual costs

We propose to adjust our rates on an annual basis/beginning of each fiscal year, by the relevant local U.S. Department of Labor’s Consumer Price Index (CPI) increase over the prior 12-month period.

TRACKING AND MANAGING LEGAL COSTS/BUDGET

At Meyers Nave, our decades of experience in handling complex matters for hundreds of California public agencies enables us to provide these legal services with maximum efficiency and cost-effectiveness. We know public agency law and we are experts in it. We do not need to “reinvent the wheel”. Our job is to work within the Agency’s budget for legal services and make sure that it is not surprised by costs.

We have developed specific protocols to meet clients’ expectations. For example, our billing department notifies the lead attorney when expenditures are at 60% and 80% of the budget, and we can tailor additional benchmarks. We also issue monthly billing statements that clearly state the type of activity performed and the length of time spent performing the activity.

We create and use different cost containment strategies, developed in coordination with the client. We strive for a proactive work approach with clients such that, if a client asks us to research a particularly complex issue, we may advise the client of the possible cost so that the client may decide the scope of the research, and whether there are cost efficient approaches to finding the information. We also offer clients opportunities to enhance their understanding of legal issues and ability to handle them independently if appropriate.

We can cut to the core of issues and resolve them quickly and cost-effectively. Furthermore, our firm is prepared to respond at a moment’s notice to crucial legal issues—which can crop up at any time. We ensure that attorneys who are assigned have not only the background and experience to advise our client, but also the time to carefully strategize and thoroughly delve into the issues. Attention to team assignments and time management has been *key* to our success in representing public entities.



General Administrative Information

Proprietary Statement

We confirm that this submittal contains no proprietary information. All content provided is non-confidential and suitable for public disclosure and review.

Insurance

Meyers Nave can secure insurance coverage with a waiver of subrogation for the Santa Ynez Basin Eastern Management Area Groundwater Sustainability Agency as follows. Evidence in the form of Acord® documents are included as attachments.

Type of Insurance	Limits
Commercial General Liability	EACH OCCURRENCE – \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) – \$300,000 MED EXP (Any one person) – \$10,000 PERSONAL & ADV INJURY – \$1,000,000 GENERAL AGGREGATE – \$2,000,000 PRODUCTS – COMP/OP AGG – \$2,000,000
Automotive Liability	\$1,000,000
Umbrella Liability	\$10,000,000
Workers Compensation	\$1,000,000
Cyber	\$3,000,000
Professional Liability	\$5,000,000
<i>Policies Expire</i>	5/1/2025

Appendix A – Attachments (Attorney Resumes)



Adam U. Lindgren
Principal

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Sacramento, CA 95814

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F: 916.556.1516
alindgren@meyersnave.com

Practice Groups

Municipal and Special District Law
Environmental Law
Climate Change and Green Initiatives
Land Use

California Bar Number

177476

Education

Georgetown University Law Center, JD,
Public Interest Law Scholar, 1993

Columbia University, BA, *cum laude*, 1990

Practicing Since: 1995

Adam Lindgren is the Principal in Charge of Meyers Nave's Sacramento office. He has over 25 years of experience representing public agencies and private clients on complex government and regulatory issues and land use development.

He serves as special counsel to cities and special districts statewide and representing private parties on complex land use matters. He has served as City Attorney for Rancho Cordova since 2006. Adam also served for six years as the City Attorney for Modesto (population 215,000) where he managed a hybrid office of five in-house staff and outside counsel, and a total annual legal services budget in excess of \$2 million. He is an experienced, creative, solution-focused land use attorney and general counsel with expertise in California's legal landscape.

Through a client-forward approach, Adam adapts to the style, needs, objectives and culture of the public agencies or private clients he represents. He communicates with his clients whenever and however it best meets their needs—often through regular video calls with project teams, and in-person meetings for sensitive, strategic issues. Adam is loyal to his clients and fully committed to their success, helping them build their relationships with boards and subordinates. He understands how to give legal advice in a way that achieves the client's immediate objectives and advance the organization.

Adam's land use practice includes representing clients to secure land use entitlements. He has also recently been focused on climate change crisis land use projects related to flood control, wildfires, and sea-level rise. His experience involves comprehensive general plan updates and annexations, processing of entitlements for mixed-use developments, complex subdivision map approvals, negotiating development agreements for large-scale planned unit projects, advising on development impact fees, and managing property related issues and leasing for large-scale agricultural properties.

His private sector projects include advising a large Northern California ranch on a variety of land use issues, including land use permitting, environmental compliance, and wildfire recovery and prevention strategies. He also assisted a leading national real estate investor in conducting comprehensive land use due diligence, for a proposed data center and IT facility in Silicon Valley.

As a longtime and regular contributor to advancing California's legal community, Adam is the managing co-editor and an update coauthor for numerous chapters of *California Land Use Practice*. This leading comprehensive publication on land use law has been published and updated annually since 2006 by Continuing Education of the Bar. Adam has written and lectured extensively on a wide array of land use and municipal law topics, including the Subdivision Map Act, development arrangements, the Brown Act, conflicts of interests, due process, Proposition 218, takings and exactions, zoning, district formation, the Coastal Act, geologic hazard abatement districts, and ethics. He speaks statewide for the legal community, including groups such as the League of California Cities, State Bar of California, American Bar Association, California Association of Local Agency Formation Commissions, and California Special Districts Association, among others.

After earning his B.A. at Columbia University and his J.D. at Georgetown University Law Center, Adam began his legal career in Washington, D.C. as a legislative assistant to a member of the United States House of Representatives. On Capitol Hill, he focused on land use, environmental and local government issues. In his personal time, he is an avid hiker and car buff. Adam and his wife Dede are active in their local food bank and community farm. They have been married for over 25 years and are proud parents of two children. In his legal practice, Adam's clients know he is genuinely focused on their success.

Honors

- *The Best Lawyers in America*, Municipal Law, 2016-2024
- "Top Lawyers," State, Local & Municipal Law, *Sacramento Magazine*, 2017, 2018, 2020, 2021, 2022
- *Proclamation* honoring expertise and service, City of Rancho Cordova, 2015
- *Resolution* honoring expertise and service, 8th District Assemblyman Ken Cooley, 2015
- "Northern California Super Lawyer," *Super Lawyers Magazine*, State, Local & Municipal Law, 2005

Professional Affiliations

- Member, The State Bar of California
- Member, Sacramento County Bar Association
- Member, Central Valley City Attorneys' Association

- Past Member, Legal Advocacy Committee, City Attorneys' Department, League of California Cities
- Past Chair and Editorial Board Member, Municipal Law Handbook Committee, League of California Cities' City Attorneys Department
- Past Member, Ad Hoc Committee on Practice Management and Ethical Standards, League of California Cities' City Attorneys Department
- Former Co-Chair, American Bar Association Section on State and Local Government, Subcommittee on Vested Rights
- Past Member, Toast Masters International
- Past Member, Rotary International

Publications and Presentations

- Managing Co-editor, *California Land Use Practice*, CEB, 2006-2020
- Update Coauthor, *California Land Use Practice*, Chapters 3, 4, 8, 9, 10, 15 and 16, CEB, 2020
- Presenter, "California Land Use and Zoning: Overview and Recent Developments," Lorman Education Services, 2016
- Presenter, "Subdivision Map Act 101: Recent Case Law and Current Topics Impacting Development," San Diego County Bar Association, 2015
- Presenter, "Administrative Hearing Procedures and Practice," Continuing Education of the Bar (CEB), 2014
- Presenter, "Overview of Zoning, Subdivision and Land Development Law in California," 2014
- Presenter, "Proposition 218," Northern California City Clerks Association, 2014
- Presenter, "Common Issues for Quasi-Judicial Hearings," LOCC Annual Conference, 2013
- Presenter, "Mastering the Map Act," CEB, 2013
- Presenter, "Untangling the Web of Fair Political Practices (FPPC) Regulations," Northern California City Clerks Association (NCCCA), 2012
- Presenter, "Rezoning and Refinancing: Municipal Opportunities for Non-residential Development," Sacramento County Bar Association – Real Estate Section, 2010
- Presenter, "All You Ever Wanted to Know About Land Use Planning ... But Were Afraid To Ask," Municipal Management Association of Northern California (MMANC), 2009
- Presenter, "Rising to the 'Promise' of Transit Oriented Development," World Jurist Association (WJA), Kiev, Ukraine, 2009
- Presenter, "Development Approval Process," Lorman Education Services, 2007 and 2008

- Presenter, “Nuts and Bolts of the Entitlement Process,” State Bar Annual Meeting, 2008
- Presenter, “Land Use: Major and Minor Subdivisions; Rules & Laws,” Sonoma County Bar Association Real Property Practice Series, 2008
- Presenter, “Show Me the Water! How the Regulatory Drought and California’s Water & Planning Laws Demand New Partnerships among Landowners/Property Developers, Water Agencies and Land-Use Agencies ... A City Attorney’s Perspective,” State Bar – Real Property Retreat, 2008
- “Presenter, Zoning, Subdivision & Land Use Law,” Lorman Education Services, 2007 and 2008
- Presenter, “Advanced Zoning & Land Use,” Lorman Education Services, 2007
- Presenter, “Hidden Land Use Fees,” The State Bar of California Annual Meeting, 2007
- Presenter, “CEQA,” CALAFCO Annual Seminar, 2007
- Presenter, “Subdivision Map Act,” CEB, 2007
- Author, “Land Use Update,” League of California Cities Annual Conference, City Attorneys’ Department, September 2006
- Presenter, “Land Use Entitlement Process in a Nutshell,” The State Bar of California Annual Meeting – Real Property Law Section, 2006
- Author, “California Zoning Practice,” CEB Update, 2002, 2003 and 2004
- Author, “Practicing Ethics: A Handbook for Municipal Lawyers,” League of California Cities, 2004
- Author, “What Do You Mean I Can’t Build? A Comparative Analysis of When Property Rights Vest,” Recent Developments in Land Use, Planning and Zoning Law, American Bar Association, *Urban Lawyer*, Vol. 31, No. 4, Fall 1999



Gregory J. Newmark
Principal

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Practice Groups

Environmental Law
Land Use
Trial and Litigation
Water Law
Writs and Appeals

California Bar Number

190488

Education

Hastings College of the Law, JD, 1997

University of New Mexico, BA in History
and minor in Biology, *cum laude*, 1994

Practicing Since: 1997

Gregory (Greg) Newmark leads the Los Angeles office. He represents public and private entity clients in litigation and compliance matters regarding water quality, water rights, water rates, environmental contamination, inverse condemnation, and brownfields. Greg also advises public entities on land use laws, including the California Environmental Quality Act and the National Environmental Policy Act, and reviews environmental documents. Greg has extensive litigation experience, including complex multi-party disputes.

Prior to joining Meyers Nave, Greg was a Deputy Attorney General for the California Department of Justice. In this role, he represented natural resources agencies (e.g., the State Water Resources Control Board, the Department of Forestry and Fire Protection, the Department of Water Resources, and the Department of Fish and Wildlife) in trial court and appellate litigation regarding air and water pollution, inverse condemnation, CEQA, exotic species and endangered species, and fire suppression cost recovery.

At Meyers Nave, Greg represents clients in a broad array of environmental and land use matters, he often serves as counsel in administrative permitting and enforcement proceedings before the State Water Resources Control Board and the California Regional Water Quality Control Board. He works closely with his clients and with water board staff and counsel to negotiate the terms of permits and orders. When necessary, he litigates administrative appeals and civil actions on behalf of waste discharge and NPDES permittees.

Greg has handled numerous cases involving groundwater contamination issues. These matters range from regulatory cleanup orders to cost recovery actions against responsible parties. Greg often strategizes with expert consultants to develop the best solution for each matter.

As Deputy Attorney General, Greg presented oral argument in the first Clean Water Act case reviewed by the California Supreme Court (*Burbank v. State Water Resources Control Board*). He also argued the first California reported decision to adjudicate a challenge to the merits of a total maximum daily load (TMDL) under the Clean Water Act and California's Porter-Cologne Water Quality Control Act (*City of Arcadia, et al. v. State Water Resources Control Board, et al.*).

Greg received commendations from the State Water Resources Control Board and the California Regional Water Quality Control Board, Los Angeles Region, for his representation of those agencies in water quality litigation. The U.S. Department of Justice also commended him "for outstanding performance and invaluable assistance" in a water quality case.

Prior to joining the Attorney General's Office, Greg represented nonprofit groups in environmental citizen suits under Proposition 65, NEPA, the Clean Water Act and the Endangered Species Act. During law school, he served as a judicial extern to the Honorable A. James Robertson II in San Francisco Superior Court.

Greg is admitted to the U.S. Court of Appeals, Ninth Circuit, and the U.S. Northern, Eastern and Central district courts in California.

Honors and Awards

- Recipient, Certificate of Commendation, U.S. Department of Justice
- Southern California Super Lawyers list: Environmental Litigation, Super Lawyers Magazine, 2023

Professional Affiliations

- Member, Board of Directors, Urban Water Institute
- Member, Executive Committee, Environmental Law Section, California Lawyers Association (Appointed by the Board of Governors)
- Past Co-Chair, Legislation Committee, Environmental Law Section, California Lawyers Association
- California Delegate, National Association of Attorneys General Clean Air Act Conference
- Associate Editor, *Hastings West-Northwest Journal of Environmental Law and Policy*
- Participant, Hastings Public Interest Law Foundation

Presentations and Publications

- Author, “Appellate Court Finds Certain State-Mandated Stormwater Permit Requirements Imposed on Local Governments Are Subject to Cost Reimbursement,” Meyers Nave Client Alert, January 28, 2021
- Quoted, “Group Asks 9th Circ. For 2nd Shot At Calif. Water Case,” *Law360*, November 30, 2020
- Author, “Records Retention Policies and CEQA Compliance,” Urban Water Institute newsletter, October 2020
- Author, “Clean Water Act Update: SCOTUS’ New ‘Functional Equivalent’ Test and *County of Maui* vs. EPA’s New Navigable Waters Protection Rule,” Meyers Nave Client Alert, May 7, 2020
- Author, “US Supreme Court Expands CERCLA Jurisdiction and PRP Definition,” Meyers Nave Client Alert, April 29, 2020
- Author, “New WOTUS Rule Attempts to End 40 Years of Ambiguity,” Meyers Nave Client Alert, January 29, 2020
- Presenter, “It’s the Wild West: A PFAS Update from California,” California Lawyers Association Environmental Law Conference at Yosemite, 2019
- Panel Moderator, “Getting Stuck with the Teflon Contaminant - How PFAS will Affect Water Agencies,” 26th Annual Water Conference, Urban Water Institute, 2019
- Quoted, “City, Environmentalists Duke Out Chromium 6 Water Woes,” *Courthouse News Service*, April 11, 2019
- Author, “EPA’s New PFAS Action Plan: Urgent Next Steps for the Regulated Community,” Meyers Nave Client Alert, February 19, 2019
- Presenter, “Creative Non-Litigation Solutions to Regional Groundwater Contamination Problems,” Los Angeles County Bar Association Environmental Law Section’s Spring Symposium, 2018
- Panel Moderator, “To Litigate or Not To Litigate,” Urban Water Institute’s Spring Water Conference, 2018
- Author, “EPA Proposes Rescinding ‘Waters of the United States’ Rule: Comments Due August 28,” Meyers Nave Client Alert, 2017
- Author, “Bills Respond to Rollback of Environmental Laws,” *Daily Journal*, March 20, 2017
- Author, “Forecast for the ‘Waters of the US’ Rule? Very Muddy,” Meyers Nave Client Alert, 2017
- Author, “California Senators Introduce Environmental Bills to Counter Potential Rollbacks from Trump Administration,” Meyers Nave Client Alert, 2017
- Author, “State Water Board Extends Water Conservation Regulations and Makes Minor Amendments,” Meyers Nave Client Alert, 2017

- Author, “TSCA Reform Close to Reality, But at the Expense of California’s Green Chemistry Regulations?,” Meyers Nave Client Alert, 2016
- Presenter, “Unfunded Mandate Test Claims: Status, Results, and Implications,” California Stormwater Quality Association, 2016
- Author, “California Supreme Court Opens Door for State Reimbursing Local Agencies for Unfunded Mandates,” Meyers Nave Client Alert, 2016
- Author, “Stormwater Discharge: Avoid Enforcement Actions,” *Facility Executive*, September 29, 2016
- Panel Moderator, “The Future of Water Conservation Regulations – With or Without Drought,” Urban Water Institute’s Spring Water Conference, 2016
- Author, “State Water Board Adopts New Approach to Urban Water Conservation in Extended Emergency Regulations,” Meyers Nave Client Alert, 2016
- Quoted, “State May Have to Pay Local Water Agencies Millions,” *SFGate*, August 29, 2016
- Panelist, “Enforcement of Water Conservation Mandates: Requirements, Risks and Responses for Water Suppliers,” Urban Water Institute’s Annual Conference, 2015
- Panel Moderator, “Legislating Groundwater Sustainability- Will It Work & At What Price?” Urban Water Institute’s Spring Water Conference, 2015
- Author, “Application of the California Construction Storm Water General NPDES Permit to Oil and Gas Projects,” *The Override*, September 15, 2010
- Panel Moderator, “Storm Water Update: Two Decades Down the Drain?,” Environmental Law Conference at Yosemite, 2010
- Speaker, “Southern California Stormwater Water Quality,” Law Seminars International, 2010
- Speaker, “Federal and California Water Quality Regulation,” Western Area Counsel Office Environmental Law Conference, 2010
- Instructor, “California Water Quality: An Introduction to Regulation under State and Federal Law,” Environmental Law Conference at Yosemite, 2009
- Panelist, “Acquiring and Preserving Water Rights,” Lorman Education Services, 2008
- Panelist, “The Perfect Stormwater: Where is the Finish Line for Urban Runoff Control?,” Sonoma County Bar Association, 2008
- Panel Moderator, “Smelt Down: Endangered Species and Water Supply in Crisis,” Environmental Law Conference at Yosemite, 2008
- Panelist, “The Perfect Stormwater: Where is the Finish Line for Urban Runoff Control?,” City Attorneys Association of Los Angeles County Annual Conference, 2008
- Panelist, “Current Issues in Stormwater Regulation,” Lorman Education Services, 2007
- Guest Lecturer, “Municipal Sewage Spill Litigation,” UCLA Environmental Law Clinic, 2003

- Panelist, “Sewage Happens, Hot Environmental Legal Issues on the California Central Coast,” Santa Barbara, California, 2002 (discussion on application of state and federal water quality laws to sewage spills from municipal wastewater collection systems). [Transcript published at Environmental Law Section of the State Bar of California, “Sewage Happens,” *Environmental Law News*, 2003
- Speaker, “Avoiding Legal Pitfalls When Investigating Forest Fire Cause and Origin,” Office of the State Fire Marshal, 2001

Representative Experience

Water Quality, Water Rights and Water Rates

- *San Diego County Water Authority v. Metropolitan Water District of Southern California*
Meyers Nave is defending the City of Los Angeles’ Department of Water and Power (LADWP) as a real party in interest in this complex litigation challenging the Metropolitan Water District of Southern California’s (MWD) rates and charges for imported water under a variety of legal theories including Proposition 26 and common law. Hundreds of millions of dollars of past and future rates and charges are involved in the case. In June 2017, the First District Court of Appeal ruled in favor of MWD (and LADWP) on the primary issue of whether State Water Project transportation costs are appropriately recovered in MWD’s transportation rate, but the San Diego County Water Authority prevailed on some issues as well.
- *Irvine Ranch Water District v. Orange County Water District*. Meyers Nave represents three groundwater pumpers in litigation initiated by a competing groundwater producer (IRWD) challenging the Orange County Water District’s administration of an unadjudicated basin. In the current phase of the litigation, we are opposing IRWD’s allegation that an OCWD surcharge was not adopted in compliance with Proposition 26.
- *State Water Project Contract Extension Amendment Validation Action*. We represent the Santa Clara Valley Water District (Valley Water) in this 23-party litigation initiated by the Department of Water Resources to validate amendments to the State Water Project Contract. Valley Water entered the action to support validation and to oppose other parties that answered the complaint contesting the validity of the amendments.
- *City of Burbank, et al. v. State Water Resources Control Board, et al.* Defended the State Water Resources Control Board and the California Regional Water Quality Control Board, Los Angeles Region, in a challenge to wastewater discharge permits by the cities of Burbank and Los Angeles. Issues involved the California Porter-Cologne Water Quality Control Act, the federal Clean Water Act, the state Administrative Procedure Act, CEQA and fee recovery under Code of Civil Procedure § 1021.5. Assisted lead trial counsel in superior court, and was lead counsel on appeal and remand. Presented oral argument in California Supreme Court.
- *People of the State of California v. AlSCO, Inc.* Meyers Nave defended AlSCO, Inc., a uniform and linen rental and commercial laundry business, against civil and administrative enforcement

claims by the Sonoma County District Attorney and the City of Santa Rosa, respectively, for alleged violations of wastewater pretreatment requirements and releases of wastewater to a nearby creek. We conducted a comprehensive investigation into the prosecutor's claims, and forcefully presented Alco's defense. Settlements were reached with the District Attorney, by stipulated judgment, and with the City, by consent order.

- *Orange County Water District v. Northrop Corp., et al.* Currently representing the cross-defendant, Metropolitan Water District of Southern California, in a groundwater contamination lawsuit regarding volatile organic compounds (VOC) and perchlorate in groundwater within the North Basin of the Orange County Aquifer.
- *Santa Barbara Channelkeeper v. City of Santa Barbara.* Defending the City of Santa Barbara in a federal Clean Water Act citizen suit regarding sanitary sewer overflows from the city's sewage collection system.
- *In re County of Stanislaus, Geer Road Landfill.* Defended the County of Stanislaus in administrative enforcement proceedings initiated by the California Regional Water Quality Control Board, Central Valley Region, to issue a cease and desist order regarding corrective actions related to groundwater at a closed landfill.
- *City of Barstow, Negotiations in Groundwater Contamination Matter.* Representing the City of Barstow in negotiations with the California Regional Water Quality Control Board, Lahontan Region, and in an administrative appeal to the State Water Resources Control Board's orders to investigate groundwater contamination, develop a remediation plan and supply replacement drinking water.
- *City of Dixon Wastewater Treatment Plant, Administrative Proceedings.* Represented the City of Dixon in proceedings before the California Regional Water Quality Control Board, Central Valley Region, challenging the complaint for administrative civil liability and cease and desist order relating to alleged reporting violations and groundwater contamination.
- *County of Mariposa, Ben Hur Road Site, Bartlett Petroleum Groundwater Contamination.* Represented the County of Mariposa regarding replacement drinking water supply and cleanup negotiations with an underground storage tank owner. The tank caused methyl tertiary-butyl ether (MTBE) contamination in a county drinking water well.
- *United States of America, et al. v. City of Alameda, et al.* Representing the Stege Sanitary District, in collaboration with other operators of sewage collections systems, in a federal court enforcement action by the U.S. Environmental Protection Agency and intervener plaintiff San Francisco Baykeeper regarding alleged unlawful discharges of primary treated wastewater and sanitary sewer overflows. The plaintiffs are seeking injunctive relief requiring infrastructure improvements to regional sewage collection and treatment systems.
- *United States of America, et al. v. East Bay Municipal Utility District.* Representing the Stege Sanitary District, joining other operators of satellite sewage collection systems, in negotiations with the U.S. Environmental Protection Agency and Department of Justice regarding federal court enforcement action seeking injunctive relief requiring infrastructure improvements to regional sewage collection and treatment systems.

- *San Francisco Baykeeper v. City of South San Francisco*. Representing the City of South San Francisco in a federal Clean Water Act citizen suit regarding sanitary sewer overflows from the city's sewage collection system.
- *City of Sebastopol, Clean Water Act Action*. Representing the City of Sebastopol in settling claims asserted in a 60-day notice of intent to sue under the federal Clean Water Act from the Northern California River Watch regarding sanitary sewer overflows and force main failure. Also, defending the city against related administrative civil liability proceedings initiated by the California Regional Water Quality Control Board, North Coast Region.
- *California Sportfishing Protection Alliance v. City of Chico*. Representing the City of Chico to settle a federal Clean Water Act citizen suit regarding alleged violations of industrial stormwater regulations for run-off from a municipal airport.
- *Our Children's Earth Foundation v. City of Pacifica*. Representing the City of Pacifica in a federal Clean Water Act citizen suit and in related enforcement proceedings by the California Regional Water Quality Control Board, San Francisco Bay Region. The plaintiffs alleged that sanitary sewer overflows and a bypass of partially treated wastewater violated NPDES permit requirements.
- *United States, et al. v. City of Los Angeles*. Represented the plaintiff, California Regional Water Quality Control Board, Los Angeles Region, in an enforcement action under the California's Porter-Cologne Water Quality Control Act and the federal Clean Water Act against the City of Los Angeles for over 4,000 sewage spills. Acted as lead trial counsel for the state in close collaboration with co-plaintiffs, the federal government and environmental groups. After intensive discovery, law and motion practice, and lengthy negotiations, the parties agreed to settle. The settlement provided substantial penalties and millions of dollars in injunctive relief to improve the wastewater infrastructure.
- *Palmdale Water District v. City of Palmdale*. Defending the City of Palmdale in a lawsuit brought by a local water district seeking to enjoin the city's efforts to obtain and utilize recycled water and alleging claims under the Water Recycling Act of 1991.
- *Mt. View Sanitary District, Sanitary Sewer Overflow*. Represented the Mt. View Sanitary District in negotiations and preparation of a formal response to an administrative civil liability complaint for penalties from the California Regional Water Quality Control Board, San Francisco Bay Region, regarding sanitary sewer overflow in Contra Costa County.
- *City of Healdsburg, Alleged NPDES Violations*. Represented the City of Healdsburg in settlement negotiations and administrative proceedings regarding a civil liability complaint from the California Regional Water Quality Control Board, North Coast Region, alleging violations of NPDES permit effluent limitations.
- *Water Replenishment District of Southern California, Alleged NPDES Violations*. Represented the Water Replenishment District in response to a threat of administrative civil liability penalties for alleged violations of general NPDES permit reporting requirements.
- *City of Inglewood, Alleged NPDES Violations*. Represented the City of Inglewood in administrative petition to the State Water Resources Control Board, challenging a Notice of

Violation and Water Code §13383 Order issued by the Regional Water Quality Control Board. The order alleged MS4 NPDES permit violations for exceeding the Santa Monica Bay Beaches Bacteria Dry Weather TMDL.

- *City of Healdsburg, NPDES Permitting Proceedings*. Representing the City of Healdsburg in NPDES permitting proceedings before the California Regional Water Quality Control Board, North Coast Region. This matter involves proper interpretation of the Basin Plan and calculation of effluent limitations.
- *Cities of Dublin and San Leandro, NPDES Permit Challenge*. Representing the cities of Dublin and San Leandro in an administrative appeal of the California Regional Water Quality Control Board, San Francisco Bay Region, Municipal Regional Stormwater NPDES Permit. The cities challenged both administrative procedures for permit adoption as well as improper substantive requirements imposed in violation of state and federal laws.
- *Southern California Regional Rail Authority, Waste Discharge Matter*. Representing the Southern California Regional Rail Authority (Metrolink) in preparing a response to a directive from the California Regional Water Quality Control Board, Los Angeles Region, to submit a report of waste discharge for groundwater pumped out of Tunnel 26 near Chatsworth, Calif.
- *Los Angeles River Trash TMDL Litigations (Cities of Arcadia, et al. v. State Water Resources Control Board, et al.; City of Los Angeles Bureau of Sanitation v. State Water Resources Control Board, et al.; County of Los Angeles, et al. v. State Water Resources Control Board, et al.)*. Represented the defendants, State Water Resources Control Board and California Water Quality Control Board, Los Angeles Region, in actions challenging regulations adopted to control the amount of trash discharged through stormwater drains into the Los Angeles River Watershed. Acted as lead trial and appellate counsel. The cases brought by the City of Los Angeles and the County of Los Angeles resulted in a mutually satisfactory settlement. In *Cities of Arcadia, et al.*, the superior court issued split judgment after trial, adjudicating some issues in favor of each side. The published appellate opinion (*City of Arcadia, et al. v. State Water Resources Control Board, et al.* (2006) 135 Cal.App.4th 1392) resolved all water quality issues in favor of the water boards, but found the Los Angeles River Trash TMDL had not been adopted in compliance with CEQA.
- *Confidential Municipality, Pre-1914 Appropriative Water Rights Assessment*. Representing a Northern California municipality in its effort to research, investigate and substantiate the priority and scope of its pre-1914 appropriative water rights in response to correspondence from the enforcement staff at the State Water Resources Control Board.
- *Confidential Municipality, Water Rights to Treated Wastewater Assessment*. Providing water rights counsel to a Central Valley municipality regarding competing water rights claims to treated wastewater.
- *Analysis of Surface Water Rights in Adjudicated Basin*. Researching and analyzing regulatory compliance obligations and water rights transfer in an adjudicated basin in Northern California.
- *Cities of Arcadia, et al. v. State Water Resources Control Board, et al.* Defended the State Water Resources Control Board and California Regional Water Quality Control Board, Los Angeles

Region, in an action challenging a regulation adopted to control the amount of trash discharged through stormwater drains into the Los Angeles River Watershed. Acted as lead trial counsel and filed a demurrer resulting in dismissal because the regulation was not final.

- *Cemex, Inc., et al. v. California Regional Water Quality Control Board*. Defended the California Regional Water Quality Control Board, Los Angeles Region, in an action brought by a mining company challenging wastewater discharge permits. Acted as lead attorney in negotiations resulting in a mutually satisfactory resolution.
- *County Sanitation District No. 2 of Los Angeles County v. State Water Resources Control Board, et al.* Represented the defendants, State Water Resources Control Board and California Regional Water Quality Control Board, Los Angeles Region, in an action challenging wastewater discharge permits. Acted as lead attorney during initial motions, defeating application for stay of challenged permit conditions and successfully moving for change of venue.
- *City of Thousand Oaks v. State Water Resources Control Board, et al.* Defended the State Water Resources Control Board and California Regional Water Quality Control Board, Los Angeles Region, in an action challenging a \$2.3 million civil penalty assessed against the plaintiff, City of Thousand Oaks, for spilling 86 million gallons of raw sewage. Settled for payment of reduced penalty.
- *County Sanitation District No. 20 of Los Angeles County v. California Regional Water Quality Control Board, Lahontan Region*. Represented the defendant, California Regional Water Quality Control Board, Lahontan Region, in an action challenging the cease and desist order issued to abate groundwater contamination by wastewater.
- *County Sanitation District No. 14 of Los Angeles County v. California Regional Water Quality Control Board, Lahontan Region*. Defended the California Regional Water Quality Control Board, Lahontan Region, in an action challenging cease and desist order issued to abate a nuisance created by the flooding of a dry lake with wastewater.

Contaminated Sites / Environmental Litigation

- *Bach v. Yoelin, et al.*. Defending an oil and gas operator against claims by surface rights owner alleging trespass, environmental contamination and seeking to quiet title. Obtained a temporary restraining order and preliminary injunction securing continued access to oil and gas production assets. Currently, preparing for trial in Ventura County Superior Court.
- *Catlin Insurance, et al. v. Yoelin*. Defending an oil and gas operator in a declaratory relief action filed by an insurer in U.S. district court seeking to deny coverage, and counterclaim against an insurer alleging insurance bad faith.
- *Redevelopment Agency of the City of Pittsburg v. Marine Express, Inc.* Represented the Pittsburg Redevelopment Agency in a civil action to recover costs of investigating and remediating contaminated property under the Polanco Redevelopment Act and to compel the property owner to take remedial actions.
- *Confidential Redevelopment Agency, Clean-up/Cost Recovery Action*. Represented a Southern California redevelopment agency in negotiations with responsible parties to compel clean-up

or cost recovery for properties contaminated by petroleum production facilities and underground storage tanks.

- *Attorney General, Proposed Glamis Imperial Gold Mine*. Represented the Attorney General in his independent capacity to evaluate and comment on actions of the U.S. Department of Interior's decision to reverse the previous administration's decision regarding a proposed cyanide heap-leach gold mine.
- *Ironite Products Company v. California Department of Food and Agriculture*. Defended the California Department of Food and Agriculture and its secretary in a manufacturer's challenge to regulations requiring labeling of heavy metal content in fertilizers and restricting levels of certain heavy metals. Successfully defended the regulation in trial court and appellate proceedings, and negotiated a favorable settlement after a denial of writ of supersedeas.
- *People of State of California Ex Rel. Air Resources Board, et al v. Pacific Custom Material*. Represented the Attorney General in his independent capacity, the Air Resources Board and the Ventura County Air Pollution Control District as plaintiffs in an enforcement action against an aggregate manufacturing facility for violating air pollution permitting requirements.
- *People of State of California, et al. v. Mesa Exhaust Products, Inc., et al.* Represented the Attorney General in his independent capacity and the Air Resources Board as plaintiffs in an enforcement action against an aftermarket automobile exhaust products manufacturer alleging violations of the Health and Safety Code and Business and Professions Code §17200 and §17500. Obtained \$505,500 in civil penalties by a default judgment.
- *People of State of California, et al. v. Bug Motors, Inc., et al.* Represented the Attorney General in his independent capacity and the Air Resources Board as plaintiffs in an enforcement action against an automobile re-manufacturer and related businesses alleging violations of the Health and Safety Code and Business and Professions Code §17200 and §17500. Obtained settlements and default judgments totaling over \$1.4 million in civil penalties.
- *People of State of California Ex Rel. Air Resources Board v. Ultra Acquisition Corporation, et al.* Represented the plaintiff, Air Resources Board, in an enforcement action against a motorcycle manufacturer and retailers, prosecuting violations of the Health and Safety Code. This action was settled to the client's satisfaction.

Inverse Condemnation / CEQA

- *Speights v. City of Oceanside, et al.* Defending the City of Oceanside in an inverse condemnation suit brought by a developer seeking \$12 million in damages for alleged unreasonable pre-condemnation conduct (a *Klopping* claim) and improper exactions.
- *Malibu Canyon L.P. v. County of Los Angeles*. Representing the County of Los Angeles in a Subdivision Map Act and inverse condemnation lawsuit filed by a developer seeking \$80 million in damages after the county rejected the developer's final subdivision map's filing application.

- *Eliopoulos v. City of Palmdale*. Represented the City of Palmdale in post-trial motions and on appeal in a developer's action for breach of contract, inverse condemnation, and petition for writ of administrative mandate. The city prevailed on the merits and recovered attorneys' fees.
- *People of State of California, Ex Rel. Attorney General Bill Lockyer and State Park and Recreation Commission v. Foothill/Eastern Transportation Corridor Agency, et al.* Represented the California State Park and Recreation Commission in an action alleging that the environmental analysis of toll road project violated CEQA.
- *Munari v. City of El Paso De Robles, et al.* Defended the Department of Fish and Wildlife as lead counsel on CEQA issues in a developer's action challenging the City of El Paso De Robles' denial of a development application and mitigation requirements imposed by the department relating to endangered species. Successfully resolved by summary judgment, which the court of appeal affirmed.
- *Southern California Bass Council, et al. v. State Of California, et al.* Defended the Department of Water Resources on remand from a court of appeal judgment finding CEQA violation of a seismic retrofit of a state water project. Successfully negotiated a settlement agreement, ending nine years of litigation.
- *Teasdale v. California Department of Food and Agriculture*. Represented the Department of Food and Agriculture in an inverse condemnation action arising from the enforcement of a red imported fire ant quarantine against the plaintiff, a nursery owner. Prevailed by motion for summary judgment and successfully defended on appeal.
- *Lee Vinocur v. California Integrated Waste Management Board*. Successfully defended the California Integrated Waste Management Board in an appeal of a favorable judgment rejecting regulatory takings claims.

First Amendment

- *La Habra v. Gammob*. Defended the City of La Habra in superior court litigation of a cross-complaint for civil rights damages allegedly arising from city's regulation of a fully nude adult cabaret.
- *In Plain Sight, et al. v. William H. Jackson, et al.* Defended the Community Redevelopment Agency of Los Angeles Board of Commissioners against an action to invalidate ordinances regulating the placement of signs in the Hollywood Redevelopment Area.
- *City of Santa Fe Springs v. Foxz Corporation, Los Angeles County Superior Court*. Represented the City of Santa Fe Springs in an action to enjoin the operation of a fully nude adult cabaret in an incorrect zone. Prevailed at trial.

Other Matters

- *California Department of Forestry and Fire Protection v. Caulfield*. Represented the Department of Forestry and Fire Protection in an action seeking to recover \$800,000 in fire suppression costs in a six-day jury trial.
- *Phenomenal Properties v. City of Desert Hot Springs*. Successfully defended the City of Desert Hot Springs in an action challenging a business license denial.
- *Smith et.al v. Southern California Edison Company (and Related Actions)*. Represented the plaintiff, California Department of Forestry and Fire Protection, in a fire suppression cost recovery case, which resulted in a \$6.55 million settlement after extensive law and motion activity.
- *California Department of Parks And Recreation v. Darian Construction Company/ Accent Builders Incorporated*. Represented the Department of Parks and Recreation in an interpleader action regarding payments on a construction contract for reconstruction of Malibu Pier; dispute between the partners precluded payment to either. A favorable settlement resolved the case.
- *Department of Parks and Recreation v. Stephen Harper*. Represented the Department of Parks and Recreation in a trademark infringement action against an individual who acquired internet domain names related to the Malibu Pier and attempted to register its trademark in his name.
- *FSY Architects, Inc. v. Cobasset Manor Apartments, L.P., et al.* Defended the Department of Housing and Community Development in a mechanic's lien litigation regarding a property subject to the department's security interest.
- *Sullivan v. Galoia, et al., Los Angeles County Superior Court*. Defended the Department of Housing and Community Development in a lien holder's action for damages allegedly resulting from the department's failure to indicate existence of a lien on a mobile home title.
- *People of State of California Ex Rel. Dale T. Geldert, Director of the California Department of Forestry and Fire Protection v. Ian Fawnmeade*. Represented the plaintiff, Department of Forestry and Fire Protection, in an action seeking to recover \$2.2 million in fire suppression costs.



Palmer Hilton
Associate

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Practice Groups
Municipal & Special District Law

California Bar Number
324846

Education
University of North Carolina School
of Law, JD, 2018

Bucknell University, BA, Political Science
and History, 2014

Palmer Hilton is an Associate in Meyers Nave's Municipal and Special District Law Practice Group. He currently advises the cities of Rancho Cordova, Manteca, Salinas, and serves as General Counsel to Bear Valley Community Services District.

Palmer's practice is focused on advising his clients on a wide range of matters including public works, economic development, environmental law, land use, water law and water rights litigation, the Brown Act, and general contract compliance. In connection with these matters, Palmer currently advises the cities of Rancho Cordova and Manteca on public works issues and economic development, the City of Salinas on planning issues, serves as lead counsel for the Planning Commission of Rancho Cordova, and serves as the General Counsel to Bear Valley Community Services District. Palmer has former experience advising cities on water rights issues related to State Water Board curtailment order compliance on the Russian River and litigation experience representing the State of Texas in a water rights interstate compact dispute brought as an original action before the United States Supreme Court.

While in law school, Palmer served on the Executive Board of the University of North Carolina Environmental Law Project and participated in pro-bono legal work for Southern Environmental Law Center. He also served as a staff member for the University of North Carolina Community Development Law Clinic. In this role he provided corporate and transactional legal assistance to nonprofit organizations.

Prior to law school, Palmer was an intern for the Nevada Attorney General's Office/Colorado River Commission in Las Vegas, Nevada and performed research in areas of environmental, water, and land use law.

Professional and Community Affiliations

- Member, Sacramento County Bar Association

Presentations and Publications

- Contributing author, *Legal Tides*
- Contributing author, *Coast Watch*
- Contributing author, *North Carolina's Blue Economy*
- Staff Member, *North Carolina Journal of Law & Technology*

Representative Experience

- Represented a state in the United States Supreme Court regarding water rights issues.
- Represented a California water district in litigation regarding an irrigation canal easement and other land use issues.
- Represented a California county in proceedings before the California State Water Resources Control Board.
- Represented an Oregon water association in an Endangered Species Act matter.
- Advised a Joint-Powers Agency in legislative and policy matters.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 04/23/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement.

PRODUCER: Ahern Insurance Brokerage, 1615 Murray Canyon Rd Ste 1050, San Diego, CA 92108, Shawn M. Royle, 858-514-7123. CONTACT NAME: Shawn M. Royle, PHONE: 858-514-7123, FAX: 858-571-9010, E-MAIL ADDRESS: sroyle@acrisure.com. INSURER(S) AFFORDING COVERAGE: Ascot Specialty Insurance Comp, NAIC #: 45055. INSURED: Meyers Nave, A Professional Corporation, 1999 Harrison Street, 9th Fl, Oakland, CA 94612.

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES.

Table with columns: INSR LTR, TYPE OF INSURANCE, ADDL INSD, SUBR WVD, POLICY NUMBER, POLICY EFF (MM/DD/YYYY), POLICY EXP (MM/DD/YYYY), LIMITS. Includes sections for Commercial General Liability, Automobile Liability, Umbrella Liab, Excess Liab, Workers Compensation and Employers' Liability, and Professional Liab.

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required) DEDUCTIBLE (EACH CLAIM): \$100,000 DEDUCTIBLE (AGGREGATE): \$200,000

CERTIFICATE HOLDER EVIDENCE OF INSURANCE CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/1/2025

4/22/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Lockton Insurance Brokers, LLC 777 S. Figueroa Street, 52nd Fl. CA License #0B99399 Los Angeles CA 90017 (213) 689-0065	CONTACT NAME: PHONE (A/C. No. Ext): _____ FAX (A/C. No): _____ E-MAIL ADDRESS: _____													
	<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A: Hartford Fire Insurance Company</td> <td>19682</td> </tr> <tr> <td>INSURER B: Trumbull Insurance Company</td> <td>27120</td> </tr> <tr> <td>INSURER C: Arch Specialty Insurance Company</td> <td>21199</td> </tr> <tr> <td>INSURER D: Hartford Casualty Insurance Company</td> <td>29424</td> </tr> <tr> <td>INSURER E: --- SEE ATTACHMENT ---</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </tbody> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Hartford Fire Insurance Company	19682	INSURER B: Trumbull Insurance Company	27120	INSURER C: Arch Specialty Insurance Company	21199	INSURER D: Hartford Casualty Insurance Company	29424	INSURER E: --- SEE ATTACHMENT ---		INSURER F:
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INSURER F:														
INSURED 1491388 Meyers Nave, a Professional Corporation 1999 Harrison St., 9th Floor Oakland CA 94612														

COVERAGES

CERTIFICATE NUMBER: 17726155

REVISION NUMBER: XXXXXXXX

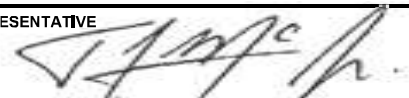
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC OTHER: _____	N	N	72 UUN CG6803	5/1/2024	5/1/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
B	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY	N	N	72 UEN CG6791	5/1/2024	5/1/2025	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ XXXXXXXX BODILY INJURY (Per accident) \$ XXXXXXXX PROPERTY DAMAGE (Per accident) \$ XXXXXXXX Comp/Coll Ded. \$ 1,000
D	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED _____ RETENTION \$ _____	N	N	72 RHU CG6773	5/1/2024	5/1/2025	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 SIR \$ 10,000
E	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	72 WE AR7AWY	5/1/2024	5/1/2025	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
C	Cyber	N	N	C-4LRK-047359-CYBER-2024	5/1/2024	5/1/2025	\$3,000,000; \$10,000 Deductible

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Additional Named Insured: Meyers Nave Riback Silver & Wilson A Professional Corp.

CERTIFICATE HOLDER**CANCELLATION** See Attachment

17726155 Evidence of Insurance	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

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Worker's Compensation Carriers	NAIC #
1. Sentinel Insurance Company	11000
2. Twin City Fire Insurance Company	29459
3. Property & Casualty Insurance Company of Hartford	34690
4. Nutmeg Insurance Company	39608



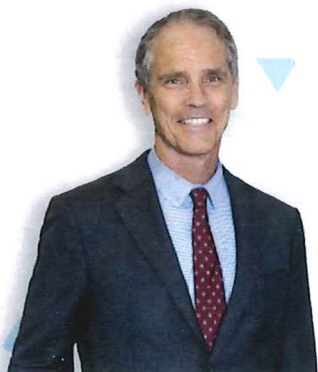
Statement of Qualifications to Provide Legal Counsel Services

Prepared for:

Santa Ynez Basin Eastern Management Area Groundwater
Sustainability Agency



August 9, 2024



Prepared by:

Steven O'Neill

Partner

t: 805.409.2682

f: 929.223.1180

e: soneill@awattorneys.com



Aleshire & Wynder

2659 Townsgate Road

Suite 226

Westlake Village, CA 91361

Re: Legal Counsel Services

Via Federal Express

Randy Murphy, City Manager
randym@cityofsolvang.com

City of Solvang
1655 Oak Street.
Solvang, CA 93463

Dear Mr. Murphy:

On behalf of the law firm of Aleshire & Wynder, LLP (“A&W”), we are pleased to have the opportunity to provide legal counsel services to the Santa Ynez Basin Management Area Groundwater Sustainable Groundwater Sustainability Agency (“EMA GSA” or “Agency”). Attached is our Statement of Qualifications (“SOQ”) in response to the Request for Qualifications for Legal Counsel (“RFQ”).

A&W is a uniquely and exceptionally qualified public law firm possessing not only the required experience and knowledge of water and wastewater, but also the added experience of being the appointed city attorney in many cities, and general counsel in many special districts, throughout California. This expertise allows A&W to provide a more complete perspective on public agency law. We have experienced great success, growing from 10 attorneys to nearly 70; from one office in Irvine to seven offices throughout California. A&W is organized as a California Limited Liability Partnership.

Our water practice attorneys serve as general counsel or special counsel to a number of water districts, special districts, and groundwater sustainability agencies. We also represent our clients in litigation, administrative processes, and project development as well as in matters involving water rights and supply, water quality, and water and sewer rates.

As general counsel for numerous public entities throughout California, we advise and advocate for water districts and municipalities in the operation of municipal water systems, development and use of recycled water projects and wastewater treatment plants, acquisition and defense of water rights, and other special projects unique to the proper management of water resources.

We routinely negotiate water supply and water rights transfer agreements. In addition, we advocate for our clients in complex litigation including groundwater adjudications. Such representation requires a thorough understanding of the applicable State, Federal, and administrative law governing all aspects of water use, which our attorneys have acquired.

In addition to having depth of experience in all areas affecting public agencies, the attorneys at A&W abide by the highest standard of integrity and ethics in all interactions with clients, as well as in internal operations of the firm (from executive leadership to support staff), and in the clients’ best interests.

I am the proposed Lead Counsel and the contact person for this SOQ and I am authorized to represent A&W for these purposes. My title and contact information are set forth above.

We look forward to addressing any questions you may have concerning our Statement of Qualifications.

Respectfully submitted,



Steven O’Neill
Partner



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MEET ALESHIRE & WYNDER



MEET ALESHIRE & WYNDER, LLP

A full-service public agency law firm, Aleshire & Wynder, LLP (“A&W”) offers a deep bench of public law attorneys who support, advise, and represent public agencies across California. We share our clients’ deeply held beliefs on the importance of public service, integrity, and accountability. These principles have propelled our notable five-fold growth since the Firm’s founding in 2003 in Irvine, California. The Firm’s additional locations include Westlake Village, Los Angeles, Oakland, Fresno, Riverside, and San Diego. Appreciated for the strategic value we bring to engagements and long-term client relationships that we build, A&W serves as creative and resourceful members of public agency teams and trusted counselors. Our representation of public entities is broad and sophisticated, and includes these entities:



CITIES



WATER
DISTRICTS



HOUSING
AUTHORITIES



SUCCESSOR
AGENCIES



PUBLIC
FINANCE



JOINT POWER
AUTHORITIES



SPECIAL
DISTRICTS



FIRM FOCUS

The more than 60 attorneys of A&W are bound by an unwavering commitment: a deep appreciation for democratic values and processes at the local government level. This tenet attracts attorneys and professionals to the Firm, and is evident in every client engagement.

Many of our attorneys have over 20 years of public service, with several having closer to 30 and 40 years.

Our public service mindset guides A&W's practical approach, along with our depth of experience and knowledge, in areas such as:

- Appeals
- Labor and Employment
- Land Use and Zoning
- Conflicts of Interest and Elections
- Contracts and Public Construction
- Environmental and Toxics
- Franchising and Telecommunications
- Fire, Tort Claims, and Governmental
- Immunity
- Mining
- Refuse and Recycling
- Municipal Elections
- Affordable Housing
- Legal and Regulatory Compliance
- Real Property Acquisition, Disposition, and Development
- Law Enforcement and Nuisance Abatement
- Civil Rights and First Amendment Law
- Successor Agency and Housing
- Rent Control
- Public Finance, Bonds and Prop 218
- Condemnation
- Water and Stormwater

We love public service, particularly the complexity and unique issues that arise in land use, constitutional, employment, and environmental law, to name a few specialty areas. We also enjoy the dynamics of the political process and collaborating with elected officials and professional staff.

A focus on creativity coexists with a drive to deliver results. Our legal services form valuable resources for problem-solving teams. As team members, it is our obligation to find winning solutions, rather than simply seek legal cover and give reasons why something can't be achieved.



I. GENERAL FIRM INFORMATION

A&W is a limited liability partnership formed in February 2003 when ten attorneys left a large and well-known municipal law firm to form a new law firm dedicated to public agency law and public service. Our main office started in Irvine, and the firm now has nearly 70 attorneys in seven offices, which makes us one of the fastest growing public law firms in the state. We have more public lawyers than all but a few public agency law firms, and we pride ourselves in having exceptional legal capabilities to serve our public clients in an efficient and cost-effective manner.

We also have a highly experienced team of full-time support staff, including certified paralegals, legal secretaries, litigation documentation and research analysts, as well as billing and administrative staff; all of whom are dedicated to serving the Firm's clients. We further utilize video conference and mobile communication vendors to provide even more seamless and cost-effective service and support to our clients.

II. APPLICABLE EXPERIENCE/POTENTIAL CONFLICTS

A. Qualifications

Lead Counsel, Steven O'Neill and assistant partner Keith Lemieux enjoy over 50 years' combined experience in the following subject areas:

- General counsel to municipal water districts; irrigation districts; county water districts; city water departments; community services districts; sustainable groundwater agencies; financing authorities; and joint powers authorities
- Ralph M. Brown Act
- California Public Records Act
- Drafting, reviewing, and adoption of ordinances and resolutions relating to the operations as well as specialized ordinances such as those relating to water conservation, emergency drought regulations, landscape ordinances and those ordinances and resolutions relating to rate-setting for potable and recycled water as well as sewer service
- Development of fees and charges for water, wastewater, recycled water that comply with statutes for such fees and charges, including Proposition 218 and the exceptions to Proposition 26, and including the adoption process
- Elections law
- Right to serve issues
- Water connection and other charges (including issues relating to customer bankruptcy)
- Laws and regulations governing potable water, recycled water and sewer infrastructure
- Public works construction contracts – including, but not limited to, the bidding, awarding, contracting, and construction of public works and improvements
- Real property contracts, including, but not limited to, purchase/sale agreements, leases, deeds, easements, licenses, encroachment permits, rights-of-way, promissory notes, and deeds of trust
- Joint Powers Agreements
- Groundwater adjudications (both pre and post Judgment proceedings)
- Groundwater contamination issues, including emerging contaminants (perchlorate, PFOS)
- Groundwater management including the Sustainable Groundwater Management Act and formation of Groundwater Sustainability Agencies
- Water System Master Plan development
- Water supply development, including water supply assessment, recycled water, desalination, treatment, and reclaimed water plants
- Water supply and transfer agreements
- Water rights acquisition, permit applications, and water leases



➤ Urban Water Management Plans

B. Relevant Prior Experience

The Firm has extensive experience advising public agency clients on a broad range of issues. The Firm’s experience with public agencies allows us to address the many unique and often unexpected challenges that confront local governments, particularly during very challenging economic times when agencies have been forced to do more with less.

The Firm specializes in the representation of special districts, and we currently represent numerous municipal water districts, county water districts, and irrigation districts in Southern California. Mr. O’Neill regularly attends the public meetings of these clients and has a unique expertise in all aspects of water district operations.

The Firm’s General Counsel public agency responsibilities include, among other things, drafting ordinances, resolutions, staff reports, presentations, legal opinions, procurement and professional services contracts, bidding documents, real estate instruments and development documents, franchise agreements, and waivers and releases. We also assist with daily operations and provide counsel regarding agenda items, public comment, and other confidential issues.

C. Legal Services Performed for Other Public Agencies/Conflicts

1. Representative Water Related Special District Clients

Client	Description of Services	Personnel/Responsibilities
Eastern Municipal Water District P.O. Box 8300 Perris, CA 92572-8300 Joe Mouawad, General Manager	General Counsel Services	Steven O’Neill, General Counsel
Upper San Gabriel Valley Municipal Water District 602 E. Huntington Drive, Suite B Monrovia, CA 91016 Thomas Love, General Manager	General Counsel Services	Steven O’Neill, General Counsel
San Gabriel County Water District 8366 Grand Avenue Rosemead, CA 91770 Jim Prior, General Manager <i>p:</i> 626- 287-0341	General Counsel Services	Keith Lemieux, General Counsel
Valley County Water District 4521 E. Ramona Blvd. Baldwin Park, CA 91706 Jose Martinez, General Manager	General Counsel Services	Keith Lemieux, General Counsel
Fillmore Piru Basin GSA P.O. Box 1110 Fillmore, CA 93016 Kris Sofley	General Counsel Services	Steven O’Neill, General Counsel
Indian Wells Valley GSA 1115 Truxtun Avenue, 5 th Floor Bakersfield, CA 93301 Alan Christen Chief Deputy CAO for Water Resources <i>p:</i> 661- 868-3183	General Counsel Services	Keith Lemieux, General Counsel



<p>Las Virgenes – Triunfo Joint Powers Authority 4232 Las Virgenes Road Calabasas, CA 91302 David Pedersen p: 818- 251-2100</p>	<p>General Counsel Services</p>	<p>Keith Lemieux, General Counsel</p>
<p>Bear Valley Basin GSA 40524 Lake view Drive Big Bear Lake, CA 92315 Mike Stephenson</p>	<p>General Counsel Services</p>	<p>Keith Lemieux, General Counsel</p>
<p>Bedford-Coldwater Groundwater Sustainability Agency 22646 Temescal Valley Road Temescal Valley, CA 92883 Michael Cruikshank, Administrator e: mcruikshank@wsc-inc.com p: 714-721-7298</p>	<p>General Counsel Services</p>	<p>Steven O’Neill, General Counsel</p>
<p>Littlelock Creek Irrigation District 35141 87th Street East Littlelock, CA 93542 James Chaisson e: jchaisson@lrcid.com p: 661- 917-8224</p>	<p>General Counsel Services</p>	<p>Keith Lemieux, General Counsel</p>

2. Potential Conflicts

We have no present or contemplated employment which is adverse to the Agency. We will not represent clients in matters either in litigation or non-litigation against the Agency. In fact, we do not represent private clients in litigation against cities. However, we may have past and present clients or may have future clients, which, from time to time, may have interests adverse to the Agency, and we reserve the right to represent such clients in matters not connected with our representation of the Agency.

If a potential conflict of interest arises in our representation of two clients, if such conflict is only speculative or minor, we seek waivers from each client with regards to such representation. However, if real conflicts exist, we will withdraw from representing either client in the matter and assist them in obtaining outside special counsel.

We are aware of no affiliations or interests which would conflict in any manner with the performance of services pursuant to this Proposal. We take pride in the fact that we do not represent developers or others likely to have interests adverse to our municipal clients. We are not aware of any other public law firms willing to give up this lucrative private practice where higher rates are available. We have adopted this practice so that our municipal clients can be assured that their General Counsel and his or her firm has undivided loyalty to them.

D. Areas of Competency

1. Brown Act, Public Record Act Requests & Board Governance

Our Firm specializes in the representation of special districts, and we currently serve as general counsel for numerous municipal water districts, county water districts, groundwater sustainability agencies, and irrigation districts in Southern California. Messrs. O’Neill and Lemieux regularly attend the public meetings of these clients and are intimately familiar with all aspects of water districts’ operations.



One of the most significant parts of our job as general counsel for water agencies is representing the District at public meetings. We attend dozens of public meetings each month and are very familiar with the issues that arise at such meetings. For example, we are experts in the application of the Brown Act, as well as Robert's Rules of Order, and other procedural considerations that may occur at a public meeting. The Firm is proud of its ability to explain in straightforward terms what is and is not permissible under this often confusing and misunderstood body of law.

More importantly, we are also keenly aware that as general counsel we are part of the "publicly facing" staff. We are always mindful that we are appearing before the public. For some of our smaller clients that lack a dedicated public outreach department, we have offered suggestions regarding public outreach.

Our attorneys frequently speak at and attend seminars and conferences on the Brown Act to ensure we are up to date on any new developments in the law. We are also well-versed in the kinds of conflict of interest rules and other issues that regularly arise when a board takes legal action.

The Firm regularly assists clients in responding to Public Records Act requests, briefing the custodian of records and helping the custodian draft response letters, review documents prior to production, and advising on statutory exclusions. Our attorneys work closely with staff to determine whether information requested is subject to disclosure or falls within one of the designated exceptions.

2. Political Reform Act and Conflict of Interest

The Firm has extensive experience advising public agency clients on compliance with conflict of interest and transparency laws, including the Political Reform Act, Government Code sections 1090 and 1099, the Public Records Act, revolving door restrictions, and economic interest reporting. We have developed codes of conduct for most of our clients' boards and staff, establishing clear rules to ensure compliance with all requirements.

We have also successfully litigated conflict of interest matters. One such matter, *City of Vernon v. Central Basin Municipal Water District* (1999) 69 Cal.App.4th 508, resulted in a published opinion that made new law in California. In Vernon, the City sought injunctive relief against our client in order to prevent a board member from participating in district's future decisions setting rates for reclaimed water and setting standby assessments for water conservation programs alleging a conflict of interest. The Court held that implied contracts, if any, to deliver water to purveyor were within Government Code exception for "public services generally provided" by a public agency. This became new law to the benefit of all government entities.

Our success in this area has come from developing clear and concise policies, and by adopting a proactive approach of vetting potential conflicts with staff in advance of these issues getting before the board. Training and education of the board and staff is an important part of our job as general counsel. Our offices provide annual ethics training for our elected boards so that they can meet the statutory requirements. (We have also provided training seminars to our various clients on topics as diverse as how to properly handle and process a government claim and groundwater contamination issues.)

3. Litigation

We have extensive litigation experience defending public entities and, particularly, water districts. The topics of such litigation range from construction defect cases, inverse condemnation claims, water rates and fees litigation, and even defending alleged civil rights violations. We have litigated cases involving the California Environmental Quality Act, the Clean Water Act, the Government Claims Act, those provisions of the California Constitution related to water rights, as well as the setting of water, sewer, and other fees and charges (such as Proposition 26 and Proposition 218).

We have represented our clients at both the trial and appellate level and have even appeared at the California Supreme Court defending public water suppliers in a toxic tort lawsuit involving alleged groundwater contamination.

In the event of litigation, we would treat each litigation matter as a separate task order. Our offices would provide an initial review and budget for matters that are sufficiently within the Firm's expertise for review by the Board. Mr. O'Neill



will oversee any litigation assigned to our offices. In the event the subject of the litigation falls out of the expertise of the Firm, or requires a volume of work that the Firm is currently insufficient to handle, we will provide a reference to outside counsel at the time we present the initial evaluation and budget

Representative cases include:

- *In re Groundwater Cases, Santamaria Group* (2007) 144 Cal.App.4th 659: This was a toxic tort lawsuit filed by approximately 2,400 plaintiffs, claiming they had contracted cancer as the result of the delivery of water alleged to have contained approximately 13 toxic chemicals. Included among these claims were dozens of claims for wrongful death. Each claimant alleged 27 separate causes of action against each of the public entities. The claimed damages were well in excess of \$100 million. As a result of this published opinion, it is now established law throughout the state that public entities may not be liable for the condition of their delivered water unless it can be shown that the delivery was in violation of state regulations.
- *Hartwell Corp. v. Superior Court* (2002) 27 Cal.4th 256: This published opinion also arose from the same toxic tort litigation described above. It stands for the proposition that the California Public Utilities Commission retains exclusive jurisdiction over regulated entities that deliver allegedly contaminated water.
- *N.L. Nielson v. City of California City* (2006) 133 Cal.App.4th 1296: A taxpayer challenged a flat rate parcel tax on the grounds that taxes based on the ownership of property are constitutionally required to be ad valorem taxes. The Court of Appeal held that the California Constitution did not prohibit a tax on the mere ownership of property provided the tax otherwise met the definition of a special tax.
- *In Calabasas Park Estates v. Las Virgenes Municipal Water District*. A homeowners association brought an inverse condemnation lawsuit alleging that a water district water line caused soil movement that damaged four different residences, as well as the common areas and streets. Mr. Lemieux successfully resolved the case through mediation by demonstrating the movement was caused by expanding soil. Not only did the District avoid any payment but, since the homeowners association was a successor-in-interest to the developer by contract, Mr. Lemieux was able to secure payment on behalf of the District for repairs to the District's pipeline.
- *Charles Weber v. Las Virgenes Municipal Water District*: Five landowners asserted liability through inverse condemnation against the District claiming a break in the District's pipeline washed out a road that provided access to their properties. At mediation, Mr. Lemieux was able to successfully demonstrate that the destruction of the road was caused by the developer for one of the property owners. Again, the District not only avoided any payment but instead obtain approximately \$100,000 from the insurance company of the property owners in order to pay for the cost of the District's pipeline.
- *Raleigh v. Law Virgenes Municipal Water District*: Prior to the application of Proposition 218 to water rates, Mr. Lemieux was able to successfully defend the water rates of Las Virgenes Municipal Water District against a challenge that these rates were not related to the cost of providing service. The lawsuit had been brought by a local winery that demanded the District establish special agricultural rates. After a brief trial, Mr. Lemieux obtained a court order upholding the District's rates.
- *Benz v. City of Ridgecrest*: This dispute between the City of Ridgecrest and its franchise trash hauler at the time, Benz Sanitation District, alleged breach of a franchise agreement based on certain modifications to the agreement requested by the city council. After investigation, Mr. Lemieux's defense team determined the waste hauler had been defrauding both the City of Ridgecrest, as well as the County of Kern, as a result of certain unlawful practices. Mr. Lemieux brought this information to the attention of the California Attorney General, who then used the information generated by Mr. Lemieux to file a criminal complaint against the owner of the company, Paul Benz. Paul Benz subsequently pled guilty to fraud and agreed to pay in restitution more than \$2,000,000 to the County of Kern and approximately \$750,000 to the City of Ridgecrest, and dismissed the civil case.

4. Public Contracting and Procurement Processes

The Firm attorneys have significant experience with the Public Contracts Code, the bidding process, bid disputes, change orders, bonding, and related subjects, such as project labor agreements. A&W uses its contract templates for simple and



complex construction projects, consultants, and independent contractors. These form agreements have been refined over time in response to changes in the law and our experience in litigating claims.

Many of the Firm clients have been involved in large construction projects under our legal supervision. The West Basin Reclaimed Water Projects, the Main San Gabriel Basin Groundwater Remediation Projects and Temecula Valley Treatment Plant are examples. These projects included legal evaluation and support related to the acquisition of encroachment permits and other related legal issues, such as the acquisition of property through eminent domain and negotiation with affected neighboring landowners.

The Firm's attorneys have for many years advised their public agency clients on a wide range of public works bid packages and contract documents. The Firm works closely with public agency staff throughout the process, from preparing notices of invitation, to award, and beyond. The Firm makes itself available to its clients throughout the process to ensure compliance and avoid bid-related disputes. When disputes do arise, the Firm is ready to lend its considerable experience to public bidding issues including disagreements surrounding bid award, rejection, protest, bid security, and subcontractor substitution.

The Firm's attorneys have drafted and reviewed thousands of public contracts, as well as crafted security documents, deeds of trust, leases, and contracts for public works projects, large and small. Additionally, our attorneys have drafted escrow documents and overseen the escrow closing process for a variety of real estate transactions. The Firm has also negotiated franchise and license agreements for solid waste hauling services and wireless telecommunications facilities. The Firm's attorneys can also lend their expertise and experience to prevailing wage law and labor compliance matters that arise when public works projects go out to bid.

A&W's clients include several agencies who are regular applicants and recipients of state and federal grants. Recently, we have been assisting some of our clients with state revolving fund loans, and grants from the U.S. Army Corps of Engineers.

5. Labor and Employment Matters

The Firm has provided advice and representation in personnel and employment law, management rights, labor negotiations, working conditions, layoffs, reduction in force disputes, administrative and disciplinary matters, terminations, and work-related injuries, including advice and consult regarding compliance with federal and state employment laws.

The Firm has represented its clients in hundreds of disciplinary and termination proceedings and handles sensitive negotiations with recognized employee bargaining groups (unions). The Firm also provides advice, counseling and representation on proper employment practices, including harassment, hostile work environment, discrimination, wrongful termination and wage and hour law.

The Firm has handled nearly every type of employment litigation matter including wrongful termination, racial discrimination, gender discrimination, age discrimination, sexual harassment, hostile work environment, unfair employment practices, civil rights violations, First Amendment violations, claims related to violations of the Family Leave Act, HIPAA, the Americans With Disabilities Act, and violations of both the federal and state wage and hour claims.

Our attorneys have appeared before all types of public agencies in defense of employment claims, including the Department of Labor, the Equal Employment Opportunity Commission, the Department of Fair Employment and Housing and related tribunals and administrative hearing boards.

6. Joint Powers Authorities

We are well-versed in the operational aspects of managing joint powers authorities, water districts, and municipalities. We currently represent seven Joint Powers Authorities ("JPA"): Las Virgenes-Triunfo JPA; Calleguas-Las Virgenes JPA; Indian Wells Valley Groundwater Sustainability Agency; Fillmore Piru Basins Groundwater Sustainability Agency; Bear Valley Groundwater Agency; Delta Conveyance Finance Authority, and the Bedford-Coldwater Groundwater Sustainability



Agency. We also represent the Eastern Municipal Water District Financing Corporation. These are non-profit public benefit corporations created to assist in financing certain district projects.

The Firm has experience in drafting JPA agreements, MOU's, and creating bylaws and administrative codes for its various agencies. On behalf of our clients, we have formed joint powers authorities designed to act as the groundwater sustainability agencies for the Indian Wells and Big Bear Basins. Through this process, we have gained insight as to how to best work with other government agencies and stakeholder groups to build the consensus necessary to implement the Act.

7. Sustainable Groundwater Management Act

A&W is very well situated to advise the District's board on SGMA issues as we have been working to implement SGMA's provisions since its passage. We have formed joint powers authorities designed to act as the groundwater sustainability agencies for the Indian Wells and Bear Valley Basins. We have also been retained to serve as counsel for the Fillmore-Piru GSA, Bedford-Coldwater GSA in Lake Elsinore, and the San Jacinto Basin GSA. Through this process, we have gained insight on how to best work with other government agencies and stakeholder groups to build the consensus necessary to implement the Act.

We have also helped to develop and adopt a Groundwater Sustainability Plan for the Indian Wells Valley Basin, a severely over drafted basin in Kern County. That experience has given us unique insight into the issues that can arise when developing such plans.

8. Water Rights

We currently represent surface rights holders (Littlerock Creek Irrigation District), groundwater agencies (Upper San Gabriel Valley Municipal Water District, Palm Ranch Irrigation District, San Gabriel County Water District, Valley County Water District, Foothill Municipal Water District), and several agencies at the forefront of recycled water development (Eastern Municipal Water District and Las Virgenes Municipal Water District). As counsel for five different Metropolitan member agencies and two state water project contractors, the firm has experience with the issues challenging State Project and Colorado River supplies. We have represented the Main San Gabriel Watermaster and Chino Basin Watermaster. We currently represent the Raymond Basin Watermaster and assist the Antelope Valley Watermaster on behalf of our clients. We also represent three groundwater sustainability agencies as general counsel.

We take great pride in having played an active role in most of the significant groundwater adjudications, including the Main San Gabriel, Central Basin, Goleta, Santa Maria, and Antelope Valley. Several of our current clients are groundwater centric agencies: Foothill Municipal Water District, Valley County Water District, San Gabriel County Water District, Palm Ranch Irrigation District, Quartz Hill Water District, North Edwards Water District, and Desert Lake Community Services District. Recent activities include helping draft proposed rules for conjunctive use in the West Basin, analyzing proposed amendments to the Main San Gabriel Basin Judgment, and playing a lead role in negotiating the settlement agreement in a San Gabriel Basin Superfund site. We also have a lead role in the Antelope Valley Groundwater cases and the formation of its watermaster.

9. State Water Resources Control Board and Regulatory Matters

Many of our clients maintain discharge permits and other permits with the Department of Water Resources and our firm regularly represents their interests before the Regional Board and the State Water Resources Control Board. Several of our agencies are involved in wastewater treatment. One of our clients developed a sophisticated wastewater treatment regimen, which incorporates wastewater discharge to a local creek, and solids composting. Much of our wastewater work involves working with regulators on compliance and permitting issues.

Water transfer and related agreements are a regular part of our practice. We have negotiated such agreements for various water districts. We recently negotiated a water transfer agreement involving the Metropolitan Water District, the Eastern



Municipal Water District, the federal government, and the Pechanga Indian Tribe. This involves a complex constellation of local and federal contracts, resolutions and statutes.

Because we represent state water contractors, we are knowledgeable in the unique issues involving the State Water Project. We are also involved in the various lawsuits filed on behalf of or against the State Water Contractors in recent years.

10. Public Trust Doctrine

As one of the few firms that have played a significant role in all of the major groundwater adjudications in Southern California, we have a unique understanding of the valuation and transferability issues that can present in a water rights transaction. Our experience includes negotiating surface water issues in the context of the competing demands proposed by municipal and industrial users in relation to agricultural demands. Recent developments include analyzing the proposed application of the Public Trust Doctrine to municipal supply.

III. PROJECT TEAM INFORMATION

A. Introduction to Team

Although all attorneys in the Firm may, at one time or another, work on matters for the Agency, the following attorneys are expected to be the principal attorneys involved in representing EMA GSA.

- Steven O’Neill Lead Counsel*
- Keith Lemieux..... Assistant Counsel*
- Michael Linden..... Assistant Counsel*

The following are summaries of the qualifications of the members of the above team. Attorney Profiles of each attorney are attached.

1. Steven O’Neill, Proposed Lead Counsel



Mr. O’Neill serves as general counsel for the following agencies: Eastern Municipal Water District; Upper San Gabriel Valley Municipal Water District; San Gabriel County Water District; Fillmore/Piru Groundwater Sustainability Agency; Delta Conveyance Finance Authority; Los Olivos Community Services District and the Bedford Coldwater Groundwater Sustainability Authority. He also serves as special litigation counsel for Western Municipal Water District. In 2021 he served as Interim County Counsel for San Bernardino County, managing a staff of 60 Deputy County Counsel and overseeing all the County’s legal affairs. Mr. O’Neill started as a Deputy District Attorney in Los Angeles County, working in the Environmental Crimes and Workplace Safety office. He then joined the Law Offices of Wayne Lemieux as litigation associate, representing a variety of water agencies and municipalities in Southern California. Mr. O’Neill’s practice for the last 30 years has been serving as general counsel and litigation counsel for water districts, joint powers authorities, and other special districts. His practice has focused on water supply and water quality issues with an emphasis developing alternative supplies, primarily in recycled water projects.



2. Keith Lemieux, Proposed Assistant Counsel



Mr. Lemieux currently serves as general counsel for the Las Virgenes Municipal Water District, Foothill Municipal Water District, Valley County Water District, and Camrosa Water District. He also is general counsel for the Indian Wells Valley Groundwater Sustainability Agency, which is the sole GSA for a critically over drafted basin that spans three counties. While doing that work, he has been involved in the complex issues surrounding the implementation of a Groundwater Sustainability Plan in the context of an active groundwater adjudication that involves Federal water rights pitted against various public and private local interests. In addition, he also represents the Upper Ventura River Groundwater Sustainability Agency which has just adopted a Groundwater Sustainability Plan in the context of an active general groundwater adjudication. It is likely that one or both instances will establish the first case law on the relationship between SGMA and the Streamlined Adjudication Act.

3. Michael Linden, Proposed Assistant Counsel



Mr. Linden has represented public entities for over twenty years. Mr. Linden is currently District Counsel for Del Rey Community Services District and General Counsel for Herlong Public Utility District. He also represents numerous public entities throughout the state, including the counties of Fresno and Madera. Prior to joining Aleshire & Wynder, Mr. Linden served as a Deputy County Counsel for the County of Madera from 2016-2023. He also served as a Deputy County Counsel for the County of Merced from 2015-2016, and the County of Fresno from 2010-2015. Mr. Linden also served as the City Attorney for the City of Dos Palos, as well as an assistant City Attorney for the cities of Clovis, Lemoore, Chowchilla, and Hollister. In addition, Mr. Linden has served as General Counsel for the South Kings Groundwater Sustainability Agency and the County of Madera's Groundwater Sustainability Agencies. As a Deputy County Counsel, City Attorney, and General Counsel, Mr. Linden was responsible for advisory and transactional legal services.

As litigation counsel, Mr. Linden has represented numerous public entities and public employees at the trial and appellate level in cases involving torts, contracts, CEQA, civil rights, water, eminent domain, and Proposition 218. Also, Mr. Linden is an Adjunct Professor at San Joaquin College of Law in Clovis, where he teaches classes in land use and public entity liability. Please see attached Attorney Profile for Mr. Linden.

IV. PROPRIETARY STATEMENT

Nothing contained in this Proposal or any subsequent interview is proprietary.



V. INSURANCE

Error & Omissions/Professional Liability	\$3,000,000 per occurrence – Self Insurance up to \$5,000,000 with insurance
Liability	\$1,000,000 per occurrence \$2,000,000 aggregate \$3,000,000 umbrella
Automobile Liability	\$1,000,000 for Bodily Injury and Property Damages \$3,000,000 umbrella applicable
Employer’s Liability Insurance	Includes Bodily Injury coverage
Workers Compensation	As required by California law

The Firm maintains liability insurance and errors & omissions/professional liability insurance in the amount of one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) in general aggregate, with an umbrella policy in the amount of three million dollars (\$3,000,000.00). The Firm’s automobile liability insurance coverage provides coverage of one million dollars (\$1,000,000.00) for bodily injury and property damages, with the umbrella applicable. The Firm’s employer’s liability insurance includes bodily injury coverage. The Firm carries workers compensation insurance as required by California law. Our errors and omissions/professional responsibility insurance coverage is in the amount of self-insurance of three million dollars (\$3,000,000.00) per occurrence with insurance more than this amount up to five million dollars (\$5,000,000.00). Proof of insurance can be provided on request.



VI. CONSULTING RATES AND OTHER COSTS

Unless otherwise arranged, we charge on an hourly basis for all time expended in 6-minute increments. We bill monthly with payment due within 30 days after the invoice date. Hourly rates are reviewed annually, and when appropriate, adjusted to reflect increases in seniority and experience as well as inflationary factors. Costs and expenses incurred on behalf of clients (e.g., litigation, delivery fees, reproduction, travel, lodging) are billed separately, with travel at actual cost or the IRS mileage rate, as applicable, with a breakdown of the work performed.

Past-due amounts (beyond 30 days) will incur interest in the amount of ten percent per annum. This Proposal is valid for 90 days following submission date. For most of our work performed, we charge the following hourly rates:

GENERAL	LITIGATION & SPECIAL SERVICES
Partner \$350	Partner \$360
Associate \$300	Associate \$315
Law Clerk \$180	Law Clerk \$180
Paralegal \$180	Paralegal \$180
Document Clerk \$110	Document Clerk \$110

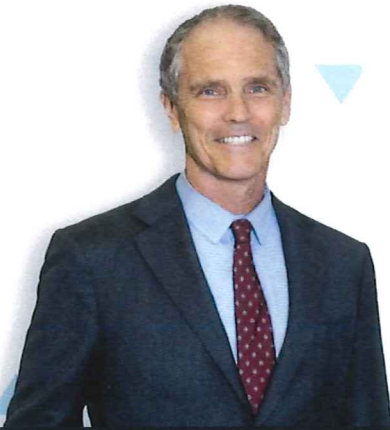
Some unique services, such as bond financing work, are typically charged at \$415 for Attorneys. There will be an annual adjustment of the greater of \$15 per hour or CPI rounded to the nearest dollar.



ATTORNEY PROFILE

STEVEN O'NEILL

PARTNER



2659 Townsgate Road #226
Westlake Village, CA 91361

P | (805) 495-4770

F | (949) 223-1180

soneill@awattorneys.com

Steven O'Neill is a Partner in the Westlake Village Office. Steven O'Neill oversees legal matters for a wide variety of public entities and private sector clients. He currently serves as general counsel for Eastern Municipal Water District, Delta Conveyance Finance Authority, Upper San Gabriel Valley Municipal Water District, and several other water agencies in Southern California.

Mr. O'Neill represents both public and private entities, emphasizing water law, environmental law, and municipal law. Mr. O'Neill guides the Firm's natural resource management practice, including CEQA, water rights, and water quality issues. He regularly advises clients on alternative water supply issues, including the development and sale of recycled water.

Mr. O'Neill also provides legislative and policy support, drafting proposed statutes and regulations concerning a wide range of issues, from water quality issues to rate setting.

PRACTICE AREAS

- ▶ Environmental & Natural Resources

PUBLIC OFFICES

General Counsel:

- ▶ Eastern Municipal Water District
- ▶ Delta Conveyance Finance Authority
- ▶ Upper San Gabriel Valley Municipal Water District
- ▶ San Gabriel County Water District
- ▶ Fillmore/Piru Basins Groundwater Sustainability Agency
- ▶ Bedford Coldwater Groundwater Sustainability Authority

EDUCATION

- ▶ Loyola Law School, JD 1985
- ▶ Dartmouth College, BA 1980

ADMISSIONS

- ▶ State Bar of California



ATTORNEY PROFILE



2659 Townsgate Road #226
Westlake Village, CA 91361

P | (805) 495-4770
F | (949) 223-1180

klemieux@awattorneys.com

W. KEITH LEMIEUX, JR.

EQUITY PARTNER

W. Keith Lemieux, Jr. chairs Aleshire & Wynder's Water practice. A recognized expert on matters of water, environmental and public agency law, Lemieux currently serves as City Attorney for the cities of Ridgecrest and San Gabriel. Lemieux represents municipal and county water districts throughout California, irrigation districts, and groundwater sustainability agencies including the Indian Wells Valley Groundwater Authority and the Upper Ventura River Agency. Lemieux has had extensive litigation experience defending public entities and, particularly, water districts. He has appeared in all levels of court, including the California Supreme Court and the Court of Federal Claims in Washington, D.C. Issues litigated range from construction defect cases, inverse condemnation claims, water rates and fees litigation, and even defending alleged civil rights violations. Additionally, he has litigated cases involving the California Environmental Quality Act, the Clean Water Act, the Government Claims Act, those provisions of the California Constitution related to water rights, as well as the setting of water, sewer, and other fees and charges (such as Proposition 26 and Proposition 218). He has served as chief spokesperson in a variety of labor negotiations, and represents employers in grievance and disciplinary arbitrations, and unfair practice and representation matters before the California Public Employment Relations Board.

Professional Experience

Lemieux has drafted several sections of the Public Agency Officials' Complete Source Book. He has contributed articles and lectured on the California Tort Claims Act, Proposition 218, and California conflict of interest law. He pioneered litigating the law of water rate setting when he tried one of the first cases to interpret Proposition 218 in the context of water rates. He has also had particular success in representation of cities and police officers in civil rights matters and other disputes.

PRACTICE AREAS

- ▶ Labor & Employment
- ▶ Litigation
- ▶ Public Safety

PUBLIC OFFICES

City Attorney:

- ▶ City of Ridgecrest
- ▶ City of San Gabriel

General Counsel:

- ▶ Foothill Municipal Water District
- ▶ Las Virgenes Municipal Water District
- ▶ Big Bear Municipal Water District
- ▶ Valley County Water District
- ▶ Littlerock Creek Irrigation District
- ▶ Palm Ranch Irrigation District
- ▶ Indian Wells Valley Groundwater Authority
- ▶ Upper Ventura River Groundwater Agency
- ▶ Desert Lakes

EDUCATION

- ▶ Pepperdine University School of Law, JD
1992
- ▶ University of California, Santa Barbara, BA
1989

ADMISSIONS

- ▶ State Bar of California



ATTORNEY PROFILE



2440 Tulare Street #410
Fresno, CA 93721

P | (559) 445-1580

F | (949) 223-1180

mlinden@awattorneys.com

PRACTICE AREAS

- ▶ Litigation & Appellate Law
- ▶ First Amendment/Constitutional Law
- ▶ Code Enforcement
- ▶ Land Use & Zoning
- ▶ Public Safety
- ▶ Public Contracts
- ▶ Eminent Domain/Regulatory Takings
- ▶ Water
- ▶ Public Construction/Prevailing Wages

PUBLIC OFFICES

District Counsel

- ▶ Del Rey Community Services District

General Counsel

- ▶ Herlong Public Utility District

EDUCATION

- ▶ John F. Kennedy University School of Law, JD 1997
- ▶ California Polytechnic State University-San Luis Obispo, BA 1990

ADMISSIONS

- ▶ State Bar of California
- ▶ Supreme Court of the State of California
- ▶ US Court of Appeals, 9th Circuit
- ▶ US District Court, Central District of California
- ▶ US District Court, Eastern District of California
- ▶ US District Court, Northern District of California

MICHAEL LINDEN

PARTNER

Michael Linden has represented public entities for over twenty years. He currently serves as District Counsel for Del Rey Community Services District and General Counsel for Herlong Public Utility District. Mr. Linden has served as Deputy County Counsel for the counties of Fresno, Madera, and Merced. Mr. Linden has also represented several cities and special districts. He has served as the City Attorney for the City of Dos Palos, as well as an assistant City Attorney for the cities of Clovis, Lemoore, Chowchilla, and Hollister. Mr. Linden has served as general counsel for the South Kings Groundwater Sustainability Agency, as well as the County of Madera Groundwater Sustainability Agency.

Mr. Linden has also represented numerous public entities and public employees in state and federal litigation, involving torts, contracts, CEQA, civil rights, water, eminent domain, and Proposition 218.

In addition, Mr. Linden is an Adjunct Professor at San Joaquin College of Law in Clovis, where he teaches classes in land use and public entity liability.



Santa Ynez Basin Eastern Management Area Groundwater Sustainability Agency

**Response to Request for Qualifications for
Legal Counsel**

August 6, 2024





ATTORNEYS AT LAW
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Los Angeles, CA 90017
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Alfred E. Smith, II
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asmith@nossaman.com
Admitted only in California

August 6, 2024

Randy Murphy
City of Solvang
1644 Oak Street
Solvang, CA 93463

Re: RFQ for Legal Counsel

Dear Mr. Murphy,

On behalf of Nossaman LLP (Nossaman), thank you for the opportunity to submit this proposal to provide legal services to the Santa Ynez Basin Eastern Management Area Groundwater Sustainability Agency (Agency).

We are keenly aware of the Agency's important role in further implementing its Groundwater Sustainability Plan (GSP) through the new Joint Powers Agreement (JPA). To achieve its goals, the Agency needs an experienced firm with extensive water law and public agency expertise. Nossaman is a California-based law firm with more than 140 professionals and 75 years of experience representing public agencies and water agencies in water issues, litigation, joint powers agreements, general governmental procedures and compliance, the Brown Act, Public Records Act, contracts and transactions, environmental laws, labor and employment matters and government grants.

We appreciate the opportunity to outline our experience and show why we are the best choice to act as your legal counsel. Among the specific advantages, our team offers:

- **A Leader in California's Water Industry.** We recognize that the long-term, diversified supply of groundwater, surface water, reclaimed water and desalinated water is critical as resources become scarce throughout the State. Our team understands California and federal laws and regulations that impact water from every possible perspective, which enables us to serve clients' diverse needs effectively. We have extensive experience in water rights, including the Sustainable Groundwater Management Act; groundwater adjudications; Colorado River

water rights, State Water Project and Pueblo water rights; recycled water programs; stormwater capture and re-use; the Clean Water Act; water and energy resource development; water planning and management; and conservation mandates applicable to water agencies. Additionally, members of our Water Group are actively involved in and frequently serve on panels for industry and professional organizations, such as:

- Association of California Water Agencies (ACWA)
- California Special Districts Association (CSDA)
- California Water Association
- American Water Works Association
- American Groundwater Trust
- Water Education Foundation
- Groundwater Resources Association
- Association of Ground Water Agencies
- Urban Water Institute
- California Association of Storm Water Quality Agencies

For more than 20 years, as Nossaman's Water Group Chair, I have served as an appointed member of ACWA's Legal Affairs Committee in addition to its programs committee. I prepare an annual summary of appellate case law and regularly speak on matters of interest to ACWA's membership. I am also an appointed member of the Legal Advisory Committee for CSDA, where I prepare an annual summary of case law and legislative developments relevant to local government agencies, and *amicus curiae* briefs on matters of local and statewide importance to water districts. I also serve on the Board of Directors of the Water Education Foundation.

- **Special Counsel and General Counsel to Water and Other Public Agencies.** Nossaman has broad experience acting as both General and Special Counsel to numerous California water agencies and other public entities, including Sustainability Groundwater Management Act (SGMA) and groundwater sustainability planning work for the Eastern Tule Groundwater Sustainability Agency, Olivenhain Municipal Water District, Rainbow Municipal Water District, City of Ontario, City of Santa Monica, and Main San Gabriel Basin Watermaster, along with many others. As a key member of Nossaman's Water Practice Group and leader of the Firm's team submitting this proposal I have served water industry and other public clients for more than 28 years as Special and General Counsel, and I have represented many clients in complex water resource management issues and litigation involving the adjudication of water rights. Other members of our team have acted in the same capacity and are widely respected for their expertise in the water sector.
- **Unparalleled Expertise in Issues Relating to SGMA.** Our proposed team members have represented multiple water districts and agencies in connection with complex SGMA issues and have spoken and written extensively on the matter. Members of our team, for instance, helped prepare a template joint powers agreement for use in streamlining the formation of Groundwater Sustainability Agencies (GSAs) under SGMA. In addition, I wrote a

comprehensive [primer](#) on SGMA: *Water Rules: California's Sustainable Groundwater Management Act*, *Los Angeles Lawyer Magazine*, February 2015.

- **Extensive Knowledge of Groundwater Rights and Adjudications.** Nossaman attorneys have been involved in essentially every major groundwater adjudication in California, and our proposed team is well-versed in the myriad litigation issues that can stem from water rights and adjudications. For example, representing Apple Valley Ranchos Water Company, we served as one of the lead trial and appellate attorneys in the Mojave River Basin adjudication, helping achieve a judgment covering an area the size of Connecticut to which a vast majority of the parties stipulated. We were actively involved in the implementation of the judgment, which is the subject of the Supreme Court decision, *Barstow v. Mojave Water Agency* (2000) 23 Cal.4th 1224, in which we obtained a judgment confirming our clients water rights valued at over \$50 million. Representing the cities of Arroyo Grande, Grover Beach, Pismo Beach and Oceano Community Services District, we successfully represented these public water suppliers in the water rights adjudication in the Santa Maria Valley Groundwater Basin, an adjudication involving over 1,000 parties. We were successful in defeating claims designed to impair the water rights of these clients and prevailed on our clients' cross-claims by obtaining declaratory relief and a physical solution to manage the groundwater basin.

On behalf of the City of Santa Monica, we served as special litigation counsel in the adjudication of the Charnock Basin which resulted in a negotiated stipulated judgment giving the Agency total ownership of basin waters. In addition, we have acted as General or Special Counsel to the Main San Gabriel Basin Watermaster, the Upper Los Angeles River Area Watermaster, the Chino Basin Watermaster, and the Raymond Basin Management Board, all of whom are court-appointed entities charged with implementing and administering a judgment resulting from a water rights adjudication. As a result, our firm is extremely well-versed in the complexities of sustainable groundwater management planning and implementation, water rights adjudication, and the myriad issues arising once a water rights judgment or joint powers agreement to facilitate the management of water resources is put in place.

- **Trusted Advisor on Proposition 26 and 218 Issues.** We are well suited to represent the Agency on complex issues arising out of California's tax, regulatory fee and assessment statutes, particularly the limitations measures arising in Propositions 26 and 218. Cities, special districts and other public agencies seek our assistance in complying with those laws, including conducting majority protest hearings. We also are experienced in trial and appellate matters involving the imposition of fees, assessments, and special taxes for various purposes. Our background, for instance, includes successfully defending Imperial Irrigation District's water rates from attack pursuant to Proposition 218, and we successfully defended the Rainbow Municipal Water District in litigation involving Propositions 218 and 26, among many other issues. Claims relating to Proposition 26 and 218 could well arise in the context of the development and implementation of a Groundwater Sustainability Plan.

- **A Competitive Value Position.** We understand the importance of keeping our legal services within clients' budgets and take the steps necessary to ensure that we do not exceed our estimated costs for projects. To that end, we assign the appropriate attorneys to matters, handle them efficiently and communicate frequently with our clients to avoid budgeting surprises. Our lean staffing approach, using experienced practitioners and making effective use of paralegals minimizes cost for our clients.

We appreciate your consideration of our proposal and look forward to the opportunity to work together. If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alfred E. Smith, II".

Alfred E. Smith, II

Nossaman LLP

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FIRM QUALIFICATIONS

1. GENERAL FIRM INFORMATION

Nossaman LLP (Nossaman), a mid-sized law firm, is a limited liability partnership established in 1942. We have more than 250 employees including approximately 130 attorneys and other legal professionals who work seamlessly across ten offices in the U.S., including: Los Angeles, Irvine, San Francisco and Sacramento, California; Phoenix and Tucson, Arizona; Denver, Colorado; Austin, Texas; Seattle, Washington; Denver, Colorado; and Washington, DC. Matters for the Santa Ynez Eastern Management Area Groundwater Sustainability Agency (Agency) would be led from our Los Angeles office, with specialized resources always available from any of Nossaman's other offices as needed. With a strong foundation in California, we have built nationally recognized practices in Water, Corporate, Eminent Domain & Valuation, Employment, Environment & Land Use, Government Relations & Regulation, Healthcare, Infrastructure, Insurance Recovery, Intellectual Property, Litigation; Public Pensions & Investments and Real Estate.

Nossaman has been a leader in California's water industry for more than 75 years. For decades, we have provided legal services to public agencies for some of the largest water projects and water rights adjudications in California. Our representation has covered a variety of services in addition to water rights matters, including land use, environmental law and public financing.

2. APPLICABLE EXPERIENCE/POTENTIAL CONFLICTS

Nossaman represents well over 100 California public agencies and governmental entities at the local, state, and federal levels, and has deep expertise with joint power authorities (JPAs). Key aspects of our practice which are essential to the scope of the Request for Qualifications (RFQ) include:

Sustainable Groundwater Management Act (SGMA) Compliance

Nossaman has had its finger on the pulse of the SGMA since its inception, advising numerous water agencies on its implementation. Because of our experience representing such agencies, as well as special districts, municipalities and other public entities, we are deeply familiar with all of the facets involved with being a highly effective advisor to the Agency. Nossaman attorneys also have broad expertise in State provisions that relate to all stages of the public works procurement and contracting process. In addition, members of Nossaman's team are intimately involved with California legislation, federal legislation and regulations affecting public agencies and groundwater. Several members of our proposed team have represented water districts and agencies in connection with complex SGMA issues and have spoken and written extensively on the matter. Proposed team lead Alfred Smith and proposed team member Gina Nicholls assisted in preparing a template joint powers agreement for use in streamlining the formation of JPAs to serve as Groundwater Sustainability Agencies (GSAs) under the SGMA, including legal research regarding governance issues.

We are also well-versed in the funding of JPAs and special projects related to SGMA implementation, such as Propositions 218 and 26. We advise agencies on the complex issues arising out of California's tax, regulatory fee and assessment statutes, particularly the limitations measures arising under Propositions 26 and 218. We help special districts, cities and other public agencies comply with those laws, including cost of service studies and conducting majority protest hearings. Nossaman also provides financing advice and representation, including assisting in identifying, seeking and obtaining funding for projects and programs from state, local and federal funding sources as well as private sources of funding, including serving as issuer, disclosure and bond counsel for all aspects of municipal finance needs.

Below are selected descriptions of our experience in matters involving SGMA and Propositions 218 and 26 from the past five years.

- **Olivenhain Municipal Water District.** Nossaman serves as General Counsel and Special Counsel to this municipal water district, providing advice and counsel on all aspects of its operations including the provision of water, wastewater services, recycled water, hydroelectricity, and operation of the Elfin Forest recreational reserve. We are representing this public agency on a variety of issues under the SGMA, including development, formation, governance issues, basin boundary modification and recycled water and groundwater recharge projects to improve the sustainability of local water resources. We engaged in mediation with other parties that resulted in a \$13.5 million settlement for our client. In addition, we are advising our client in the production of recycled water and the collection and treatment of wastewater pursuant to CCR Titles 17 and 22, and multiple issues involving Propositions 218 and 26.
 - **Contact Person:** Kimberly Thorner, Esq. | General Manager | 760.753.6466 | kthorner@olivenhain.com

- **Main San Gabriel Basin Watermaster.** Nossaman has served as General Counsel for more than 30 years to the Main San Gabriel Basin Watermaster, the agency appointed by the Court to administer the basin judgment through a nine-member board, which sets up a management system for water in the Main San Gabriel Basin. We provide both general and special counsel services regarding all aspects of the operation and management of the basin, including SGMA compliance, the delivery of water to over a million people, development of large-scale water infrastructure projects such as recycled water, treatment and storage facilities, and the interpretation and implementation of the water rights settlement agreement among dozens of parties in the Basin. This includes State Water Resources Control Board proceedings, determination of safe operating yield, evaluation of proposed assessments, analysis of operations affecting water quality and documentation of transfers of rights. We also advise on a variety of water rights and environmental issues. Nossaman successfully negotiated a landmark \$650 million settlement from eight companies responsible for contaminating the Main San Gabriel Basin in Southern California, allowing for the implementation of a series of treatment plants to restore this valuable source of potable water.
 - **Contact Person:** Russ Bryden | Executive Officer | 626.815.1300 | russ@watermaster.org

- **Fontana Union Water Company.** Nossaman is serving as special counsel to this client, one of the oldest mutual water companies in California, on a wide range of water issues, including the preparation of water right opinions and the impact of the SGMA on pre-1914 surface and groundwater rights.
 - **Contact Person:** Alejandro Reyes Esq. | General Counsel | 626.774.2287 | arreyes@sgywater.com
- **Eastern Tule GSA.** Nossaman serves as litigation Special Counsel representing this groundwater sustainability agency (GSA) in a lawsuit brought by the Friant Water Authority and Arvin-Edison Water Storage District pertaining to SGMA implementation in the Central Valley. Plaintiffs' lawsuit alleges breaches of an agreement to address land subsidence along the Friant-Kern Canal through penalties imposed on excessive groundwater pumping. A counter suit alleges that the agreement is working as intended to address the problem of land subsidence in a manner consistent with the GSA's authority and responsibility under SGMA.
 - Contact Person: Rogelio Caudillo | General Manager | 559.781.7660 | rcaudillo@easterntulegsa.com
- **Rainbow Municipal Water District.** Nossaman serves as General Counsel to this municipal water district on all aspects of its operations involving the delivery of water and sewer services to an 80-square-mile area in Northeast San Diego County. We are representing this client in water-rights issues under the SGMA, including analysis regarding the effect of import return flows, federal reserved rights and groundwater recharge and pre-1914 water rights.
 - **Contact Person:** Tom Kennedy | (Formerly) General Manager | 760.445.0000 | tom@kennedywaterconsulting.com
- **California Water Association.** We serve as general and special counsel to the California Water Association, which represents the interests of investor-owned water utilities in the State of California. Nossaman prepared the template joint powers agreement that has been used throughout the State for streamlining the formation of Groundwater Sustainability Agencies under the SGMA, including strategies regarding governance and implementation issues, the formation of joint-powers authorities and issues under Propositions 218 and 26.
 - **Contact Person:** Jennifer Capitolo | Executive Director | 916.402.1155 | jmcapitolo@gmail.com

Water Rights

Nossaman has deep experience in the area of water rights. We represent clients in major groundwater adjudications and the interpretation and implementation of water rights settlement agreements. Our attorneys have handled numerous proceedings before the California State Water Resources Control Board.

We work with clients to create strategies that avoid costly and disruptive disputes. When litigation is unavoidable, we have a successful record of accomplishment in litigating a wide range of water law and other environmental issues. These include groundwater regulation disputes, traditional water rights

adjudications, comprehensive adjudications under SGMA, contested water quality matters, groundwater contamination, disputes over the exportation of water, defense of and challenges to state enforcement actions, toxic tort lawsuits and private cost recovery actions and disputes over water charges and California Proposition 218.

Consider our representation of the Apple Valley Ranchos Water Company, in which Alfred successfully represented this water utility in water-rights litigation in the Mojave River System. We represented this client at trial and in proceedings before both the California Court of Appeal and the California Supreme Court. The Supreme Court's decision confirmed our client's water rights valued at over \$50 million. We also represented the cities of Arroyo Grande, Grover Beach, Pismo Beach and the Oceano Community Services District, where we successfully represented these public water suppliers in the water rights adjudication of the Santa Maria Valley Groundwater Basin. Nossaman defeated landowners' claims that their water rights were superior to our clients' rights. We also prevailed on our clients' cross-claims by obtaining declaratory relief of their superior rights and a physical solution to manage the groundwater basin in the future. The litigation involved more than 1,000 parties. We also recently achieved a major trial court victory on behalf of the Goleta Water District in a groundwater-rights adjudication in Santa Barbara County.

Below is a selected description of our experience in matters involving water rights from the past five years.

- **City of Ontario.** We are advising the City on an ongoing basis in connection with a wide range of water-related legal issues, including water rights, recycled water and contamination issues in the Chino Basin. We have represented the City in the development of the Chino Basin desalination facilities, which treat and produce 14 million gallons of water per day. We are also currently advising the City on the Phase 3 expansion of the desalter facilities, an estimated \$130 million project that will provide 10.5 million gallons of water per day for 1.5 million people.
 - **Contact Person:** Scott Burton | Utilities General Manager | 909.721.7172 | sburton@ontarioca.gov

Public Agency Law

We represent public entities in the water industry throughout California in matters of general public agency law. Our services include compliance with the Ralph M. Brown Act and the Public Records Act, conflicts of interest, elections law and construction law. We regularly provide advice to boards and staff on notice and agenda requirements; regular, special and emergency meeting legal requirements and assistance in preparation for Board of Directors meetings, as well as addressing issues arising during meetings.

Clients turn to us for assistance in numerous areas:

- Performing complex analyses pursuant to the Political Reform Act and Government Code Section 1090 regarding financial conflicts of interest.

- Preparing policies on a variety of subject matters, including purchasing policies, Public Records Act compliance and document retention policies, investment policies, collection policies, and personnel policies.
- Representing clients in proceedings before Local Agency Formation Commissions (LAFCOs), including the creation and formation of various types of special districts, as well as annexations, detachments and the expansion of district powers.
- Assisting in public agency's efforts in lobbying at the state or federal level for legislative amendments.
- Assisting in the qualification, application, authorization and appropriation for state and federal grant funds.
- Representing cities and special districts in negotiations with employee unions governed by the Meyers-Milias-Brown Act.
- Prosecuting municipal code violations, including criminal matters, as deputy city attorney for cities.
- Preparing resolutions, ordinances, staff memos, public hearing notices, consultant agreements and related documents.
- Assisting with public works projects, including preparation of bid specifications, bidding disputes, bidder compliance, due diligence, bid awards and construction contracts.
- Representing public agencies in construction contract disputes and settlement negotiations.
- Assisting with prevailing wage determinations and applicability.
- Preparing numerous ordinances and related documentation for levying and collection of various types of charges.
- Assisting cities and special districts with compliance with California Propositions 13, 62 and 218, including conducting majority protest hearings.
- Representing public agencies in trial and appellate matters involving the imposition of fees (Proposition 13, 62 and 218) for water supply projects.
- Advising on matters related to elections, including preparation of ballot measures and supporting materials, initiatives and referenda, campaign finance matters, permissible campaign activities by public employees and public officials and prosecution and defense of *quo warranto* actions.

Below are selected descriptions of our experience in matters involving public agency law from the past five years.

- **Olivenhain Municipal Water District.** Please see description of matter and identification of contact person in the section titled “Sustainable Groundwater Management Act (SGMA) Compliance” on page 1.

- **Rainbow Municipal Water District.** Representation includes advice on water rights, groundwater and imported return flow rights, supply, transfers and exchanges, water quality management and compliance, litigation, Propositions 218 and 26, real estate, labor and employment, joint powers agreements, the formation and operation of community facilities districts, and proceedings before the LAFCO.
 - **Contact Person:** Please see identification of contact person in the section titled “Sustainable Groundwater Management Act (SGMA) Compliance” on page 1.
- **Main San Gabriel Basin Watermaster.** Please see description of matter and identification of contact person in the section titled “Sustainable Groundwater Management Act (SGMA) Compliance” on page 1.

Potential Conflicts

Nossaman has completed a thorough conflicts check and has no potential conflicts to report.

When Nossaman’s conflict system identifies a potential conflict based upon client, related parties, opposing parties or matter information, the potential conflict must either be cleared by the partners responsible for the matters, or the partner proposing the new representation must obtain written waivers for the conflict identified. Alternatively, they must seek resolution of the matter with the Firm’s General Counsel or Assistant General Counsel. Partners typically have any written conflict waiver letters reviewed by the Firm’s General Counsel.

In some cases, clients considering whether to retain the Firm insist upon describing confidential information related to the matter in order to help them evaluate the Firm’s response. The Firm decides on a case-by-case basis whether it will review confidential client information prior to an unqualified acceptance of the client. Only in exceptionally rare instances where extremely urgent emergency work is being performed for the client would the Firm run a preliminary digital database conflict check via the Firm’s Client Management System before circulating the Conflicts Memorandum to all attorneys and policy advisors firm-wide.

3. PROJECT TEAM INFORMATION

With such a strong and experienced team, the Agency will benefit not only from our legal expertise, but also from quality, useful strategic advice regarding SGMA compliance, groundwater supply, water rights, water quality, stormwater capture and reuse, drinking water safety, district governance, rate setting, municipal finance, environmental, real estate, eminent domain and employment issues, to name a few. Our proposed team members have extensive backgrounds assisting clients and are accustomed to navigating the complexities of water/wastewater and other public works projects in California, the U.S. and globally. For complete resumes of our team, please see **Appendix A: Resumes**.

CORE TEAM

Alfred Smith | Partner | Lead. Alfred Smith, Chair of Nossaman's Water Group, is a recognized expert in water and environmental law. A graduate of the Harvard Law School, Alfred possesses in-depth knowledge of issues involving water-related state and federal laws and inter-agency agreements for complex water projects. He is particularly well-versed in water rights, including the Sustainable Groundwater Management Act, water rights issues relating to groundwater sustainability plans, acquisition of water rights and cooperative

agreements for the development and operation of large surface water infrastructure projects, the Clean Water Act, stormwater compliance, water rights applications and hearings before the State Water Resources Control Board, and providing legal support to water agencies seeking to increase and develop water supplies. Alfred wrote a comprehensive [primer](#) on *SGMA: Water Rules: California's Sustainable Groundwater Management Act*, *Los Angeles Lawyer Magazine*, February 2015.

As a result of Alfred's 28 years of experience providing counsel to multiple water districts, he is intimately familiar with the laws and regulations governing off-stream surface water storage facilities that conserve storm water flows, including the satisfaction of water rights and regulatory requirements for subsequent release for environmental, domestic, agricultural and commercial uses. Alfred's General Counsel and Special Counsel experience to multiple regional water agencies has given him demonstrated extensive experience advising groundwater sustainability agencies, joint powers agencies and large boards of directors on the water law requirements and inter-agency agreements for acquiring, constructing, financing, managing, governing and operating large water storage and related facilities.

An experienced General Counsel to multiple government agencies, Alfred is an expert on all aspects of public agency governance and operations, including the Brown Act, Public Records Act, ethics and political law compliance, the California Environmental Quality Act (CEQA), public contracting, construction claims and disputes and related litigation. Alfred's accomplishments include securing more than \$750 million worth of contamination settlements in favor of his public water agency clients; winning a unanimous decision from the U.S. Supreme Court; and successfully litigating water rights in the Mojave River System before the California Supreme Court, confirming the client's water rights valued at over \$50 million.

Alfred is an appointed member of the Association of California Water Agencies (ACWA) Legal Affairs Committee and to the Legal Advisory Committee for the California Special Districts Association (CSDA). Alfred serves on the Board of Directors for the Water Education Foundation. He was listed as one of Los Angeles's Top 100 Lawyers by the Los Angeles Business Journal and has been selected to the Super Lawyers environmental litigation list every year since 2008. In 2022, the National Association of Black Lawyers named Alfred one of the Top 100 Black Attorneys in the country. In 2022, *U.S. News* named Alfred one of the Best Lawyers in America© for Water Law.

Gina Nicholls | Counsel. Gina’s practice focuses on water rights, litigation and other legal issues faced by California public agencies. Among her experience, Gina serves as water rights counsel and general counsel to the San Lorenzo Water District. Her background also includes advising the Olivenhain Municipal Water District, the Rainbow Municipal Water District, the Central Basin Municipal Water District and the City of Ontario, among others, regarding water rights and public agency legal issues.



Gina has represented water entities in complex water rights litigation, including the Imperial Irrigation District, Fox Canyon Groundwater Management Agency, San Gabriel Valley Water Company and Fontana Union Water Company. She has actively monitored and advised clients about developments under the SGMA. She represents entities in proceedings before the State Water Resources Control Board and local watermasters and has successfully negotiated and documented water rights transactions in a variety of contexts. Gina completed the Water Education Foundation’s Water Leaders course in 2017 and has been named a Super Lawyers Southern California Rising Star since 2016 by Los Angeles magazine.

Prior to joining Nossaman, Gina practiced litigation and real estate finance at a large, international law firm. She also worked as an attorney in the office of general counsel of a federally funded research laboratory and institute of higher education. Before attending law school, Gina was a consulting environmental engineer and served in the United States Navy.



Raven McGuane | Associate. Raven focuses her practice on state and federal water industry issues. She assists in preparing legal briefs and advising clients on regulatory compliance and complex water rights issues. Raven’s experience includes preparation for trial in water pollution tort cases.

Prior to joining Nossaman, Raven served as an extern at the United States Attorney’s Office for the Central District of California.

Alex Van Roekel | Associate. Alex Van Roekel is an associate in Nossaman’s Water Law Group. He provides counsel to clients on state and federal water law issues including water rights, groundwater management and public policy within the water sector. During law school, Alex worked as a summer associate at Nossaman assisting with matters involving analysis of water rights permits, researching Public Utilities Commission precedent decisions and reviewing changes to the County Water Authority Act with regard to detachment. Alex also gained experience as an extern for the California Attorney General’s Office, Land Law Section, where he focused on ongoing litigation for the section’s clients including the State Lands Commission, the State Coastal Conservancy and the Department of Housing and Community Development. Prior to attending law school, Alex had a successful sales career and served as a Legislative Affairs Intern for the Office of California Governor Edmund G. Brown Jr.



RESOURCE TEAM



Fred Fudacz | Partner. Fred is one of the foremost water lawyers in California. With more than three decades of experience, he has significant trial and negotiating skills. Fred has secured more than \$700 million worth of contamination settlements in two of the largest groundwater perchlorate pollution cases in California, has represented significant clients in landmark water rights adjudications, has been involved in establishing successful groundwater storage programs and provides knowledgeable advice to

developers on water reliability strategies.

Fred advised Paramount Farming on all aspects of the Kern Water Bank transaction, including the formation of a new public entity, relinquishment of entitlements, water rights, and all related environmental issues, to create a successful groundwater storage scheme. He served as special counsel to a judicial entity implementing the Raymond Basin water rights adjudication judgment and represented the Management Board in negotiations of a comprehensive conjunctive use agreement with the MWD of Southern California.

GENERAL ADMINISTRATIVE INFORMATION

4. PROPRIETARY STATEMENT

Nossaman states that nothing contained in this submittal or subsequent interview is proprietary.

5. INSURANCE

Consistent with industry practice, Nossaman’s E&O insurance will not waive subrogation rights. Please see the table below for details:

Policy	Nossaman Coverage
General Liability	Nossaman maintains professional liability coverage
Automotive Liability	Our automobile liability insurance is limited to hired and non-owned vehicles. Nossaman does not own any vehicles
Workers’ Compensation	We purchase workers’ compensation at the statutory limits
Errors and Omissions	Nossaman maintains professional liability coverage

6. CONSULTING RATES AND OTHER COSTS

Personnel Rates

Nossaman understands the importance of delivering top-tier, extraordinary counsel and expertise within a budget that public agencies require. Our attorneys look for every possible way to add value and provide high quality service to help clients achieve their goals while minimizing legal costs.

Hourly rates are fully burdened and include all administrative and overhead costs, such as secretarial assistance, word processing and local telephone charges. The rates will be in effect for 2024 and shall increase on January 1 of each year, commencing January 1, 2025, by three to six percent over the prior year’s rates. Please note if an attorney changes title and/or associate level, their rate should increase to the rate assigned for their new category.

Attorney	Position	Rate
Raven McGuane	Associate	\$350
Alex Van Roekel	Associate	\$350

Gina Nicholls	Counsel	\$450
Fred Fudacz	Partner	\$550
Alfred Smith	Partner	\$550

Reimbursable Expenses

In addition to the rate information provided above, we also charge the following reimbursable costs:

Travel	We charge for reasonable travel expenses in accordance with the Agency’s reimbursement policies.
Computer Research	We charge for computer assisted research expenses at the actual cost. However, in instances where Nossaman maintains a fixed subscription contract with the vendor, we prorate the cost for the fixed subscription charges among all of our clients using computerized research during the research period.
Postage	We pass onto the Agency postage-related charges at the actual cost.
Court Filings	We pass onto the Agency the direct cost of any filing fees charged by outside vendors for court filings, including fees for electronic court filings.
Photocopying & Printing Services	We charge for reproductions at the following rates: black & white printing/photocopying (\$0.10/page), color printing/photocopying (\$0.35/page).
Faxes	We charge \$1.00/page for outgoing faxes.

APPENDIX A: TEAM RESUMES

Alfred E. Smith II

Partner | Los Angeles

asmith@nossaman.com | 213.612.7831



Alfred Smith, chair of Nossaman's Water Group, is a recognized expert in water, environmental, transportation and public agency law. A graduate of the Harvard Law School, he has successfully litigated multiple water right adjudications, and he has secured more than \$750 million worth of contamination settlements in favor of his public agency clients.

He is a trusted advisor on matters involving water rights, the Sustainable Groundwater Management Act (SGMA), Colorado River and Pueblo rights, recycled water, water resource development, contamination remediation, groundwater adjudications, water transfers, desalination, conjunctive use, climate change and environmental regulatory compliance. Alfred has also developed Urban Water Management Plans, water supply assessments and environmental impact reports for a wide range of residential and commercial developments.

An experienced General Counsel to multiple government agencies, Alfred is an expert on all aspects of public agency governance and operations, including the Brown Act, Public Records Act, ethics and political law compliance, CEQA, public contracting, construction claims and disputes and related litigation.

Alfred has successfully litigated at all levels. His accomplishments include helping negotiate one of California's largest water contamination mitigation settlements in favor of his clients and winning a unanimous decision from the U.S. Supreme Court.

Alfred serves on the Board of Directors for the Water Education Foundation. He is an appointed member of both the Association of California Water Agencies' (ACWA) Legal Affairs Committee and the Legal Advisory Board for the California Special Districts Association (CSDA). Alfred was listed as one of Los Angeles's Top 100 Lawyers by the *Los Angeles Business Journal* and has been named a *Super Lawyer* every year since 2008. In 2016, the *Los Angeles Business Journal* named Alfred one of the Most Influential Minority Lawyers in the Los Angeles region. The National Black Lawyers Association named Alfred one of the Top 100 Black Lawyers in the United States. In 2022, U.S. News and World Report named Alfred one of *The Best Lawyers in America*®.

EXPERIENCE

Olivenhain Municipal Water District. General Counsel to this municipal water district on all aspects of its operations including the provision of water, wastewater services, recycled water, hydroelectricity and operation of the Elfin Forest recreational reserve. Representation includes a variety of issues under SGMA, including development, formation, governance issues, basin boundary modification and recycled water and groundwater recharge projects to improve the sustainability of local water resources. Successfully represented client regarding dispute with regional water supplier regarding

potential water transfers. Participated in regulatory proceedings and development of legal strategy. Engaged in mediation with other parties resulting in a \$13.5 million settlement for client.

Main San Gabriel Basin Watermaster. General Counsel to the Watermaster on all aspects of operation and management of the vast San Gabriel Groundwater Basin. Representation includes a variety of issues under the SGMA, including water rights, groundwater sustainability planning efforts and governance issues for this public agency which administers the groundwater basin through a nine-member board for a basin which is the source of water to over 1.5 million people. Successfully negotiated a landmark \$650 million water quality settlement with eight companies responsible for contaminating the Basin's water supplies. Worked with the U.S. Army Corps of Engineers in developing remediation plans and treatment facilities for the treatment of contaminated soil and groundwater. Also advised client in connection with water rights, water resource development, climate change and greenhouse gas emissions issues.

Rainbow Municipal Water District. General Counsel to this municipal water district on all aspects of its operations involving the delivery of water and sewer services to an 80 square mile area in Northeast San Diego County. Representation includes advice on water rights, supply, transfers and exchanges, water quality management and compliance, SGMA, Urban Water Management Plans, litigation, Propositions 218 and 26, real estate, labor and employment, joint powers agreements, the formation and operation of community facilities districts, and proceedings before LAFCO.

City of San Diego. Water and environmental law panel counsel to the City. Scope of panel representation involves water rights, including SGMA, Colorado River water rights and Pueblo water rights. Panel representation includes water quality matters and stormwater compliance under NPDES permits, including the statewide industrial general permit and municipal separate storm sewer system permits. Panel counsel representation also includes water quality matters involving the Clean Water Act, CERCLA environmental contamination litigation and mediation, Integrated Regional Water Management Planning and California water quality standards, CEQA and NEPA review related to water and energy projects, and regulatory proceedings involving the Regional Water Quality Control Board and the State Water Resources Control Board. Litigation and negotiations involving public-private partnerships related to water, sewer, stormwater and energy resource development.

City of Los Angeles. Water and environmental law counsel to the City. Representation includes advice on water rights, including pueblo rights, adjudicated groundwater rights, import return flows and SGMA. Advising the City on CEQA, NEPA, Clean Water Act, Safe Drinking Water Act, the Endangered Species Act, CERCLA, contamination remediation, water transfers, recycled water, conjunctive use and environmental regulatory compliance.

City of Ontario. Representing the City with respect to water rights, recycled water and contamination issues in the Chino Basin. Represented the City in the development of the Chino Basin desalination facilities, which treat and produce 14 million gallons of water per day. Also advising the City on the Phase 3 expansion of the desalter facilities, an estimated \$130 million project that will provide 10.5 million gallons of water per day for 1.5 million people.

San Diego Association of Governments ("SANDAG"). Special counsel to SANDAG on public agency and open government law issues. Representation includes advice regarding the California Public Records Act, the Ralph M. Brown Act, the Political Reform Act, campaign and election law, ethics, gifts

and honoraria to public officials, parliamentary procedures for public meetings, records disclosure, third-party subpoenas and related litigation.

Upper Los Angeles River Area (ULARA) Watermaster. Special counsel to the Watermaster on the full range of water issues relating to the ULARA, which provides approximately 15 percent of the City of Los Angeles' total water supply needs. Successfully represented the Watermaster in litigation concerning chromium VI contamination in the San Fernando Valley and in preventing the waste of water valued at over \$10 million. Prepared a comprehensive legal opinion confirming the City of Los Angeles' Pueblo water rights dating back to the Treaty of Guadalupe Hidalgo. The legal opinion was used to defeat a secession attempt by the San Fernando Valley.

Castaic Lake Water Agency, Newhall County Water District, Valencia Water Company, and Santa Clarita Water Company. Represented four water agencies in a federal action to force a cleanup of perchlorate contamination in the Santa Clarita Valley. Obtained summary judgment against defendants establishing their liability for cleanup costs in a decision reported at 272 F.Supp.2d 1053 (2003). The settlement agreement provided the agencies with an estimated \$100 million for cleanup. Worked with the U.S. Army Corps of Engineers in developing water quality remediation plans and treatment facilities for the treatment of contaminated soil and groundwater.

Association of California Water Agencies ("ACWA"). Represented ACWA, the National Association of Water Companies, the California Water Association, the California State Association of Counties and several other parties before the United States Supreme Court in *U.S. v. Atlantic Research*, a CERCLA cost recovery action. Obtained a unanimous decision from the Supreme Court in favor of these clients.

Rincon Del Diablo Municipal Water District. General Counsel to this special district providing water, sewer, recycled water and fire protection services to the cities of Escondido, San Marcos, San Diego and various unincorporated areas of San Diego County. Representation includes advising on the Brown Act, parliamentary procedures for running meetings, public official conflict requirements, joint powers agreements, LAFCO, public finance, labor law and legislative updates on laws affecting the District.

Sites Reservoir Project. Representing this agency on water and intergovernmental agreements for the Sites Reservoir, a proposed \$5.2-billion offstream reservoir project to capture and store stormwater flows from the Sacramento River for release and beneficial uses in dry and critical years. The project is expected to pump 470,000 to 640,000 acre-feet per year of the winter flood flow from the Sacramento River upstream of the Sacramento – San Joaquin River Delta through existing canals to an artificial lake 14 miles away.

Freeport Seawater Desalination Project. Advising client on the water and environmental issues for this desalination project with an estimated capital cost of \$255,000,000. The project will generate 33,600 acre-feet per year of reliable, high-quality water.

Apple Valley Ranchos Water Company. Served on the appellate team that successfully litigated water rights in the Mojave River System before the California Supreme Court. Confirmed client's water rights valued at over \$50 million. Advised client in the preparation of its Urban Water Management Plan, Integrated Regional Water Management Plans and SB 610 water supply assessments for major commercial developments. Also advising on rights to reclaimed water discharged to the Mojave River in a matter before the State Water Resources Control Board. Representation includes advising on Safe

Drinking Water Act standards, land and water resource development, and handling water rights transfers.

City of Santa Monica. Served as water rights counsel to the City in groundwater litigation involving MTBE contamination in the Charnock Basin. Matter settled favorably for the client.

California Water Association. Assisted with the preparation of a template joint powers agreement for use in streamlining the formation of Groundwater Sustainability Agencies under the Sustainable Groundwater Management Act, including legal research regarding governance issues.

Cities of Pismo Beach, Grover Beach, Arroyo Grande and the Oceano Community Services District. Successfully represented these public water suppliers in the water rights adjudication of the Santa Maria Valley Groundwater Basin. Defeated landowners' claims that their water rights were superior to clients' rights and prevailed on clients' cross-claims by obtaining declaratory relief and a physical solution to manage the groundwater basin in the future. The litigation involved more than 1,000 parties.

Standard Pacific Homes. Assisted client with land use entitlements, environmental due diligence and SB 221 water supply assessments for large residential developments.

Southern California Edison. Advised client on its water rights associated with the successful sale of its 26 hydroelectric plants throughout California. Reviewed documentation from as early as 1887, including contracts, notices of appropriation and judgments relating to water rights associated with each project. Successfully represented client in a multi-party water rights litigation involving several creeks, lakes, and hydroelectric facilities in Mono County.

INSIGHTS

SPEAKING ENGAGEMENTS

Speaker, "Groundwater Adjudications and Litigation Alternatives in the Era of the Sustainable Groundwater Management Act (SGMA)," Nossaman's 2018 Water Webinar Series, 06.07.2018

Speaker, "Where Do We Go From Here? Sustainable Groundwater Management Act (SGMA) Implementation Update," Nossaman Webinar, 08.15.2017

Speaker, "Implementation of the Sustainable Groundwater Management Act (SGMA)," Nossaman Drought Solutions Webinar Series, 09.20.2016

Speaker, "The Sustainable Groundwater Management Act (SGMA)," CLE International's California Water Law Conference, San Francisco, CA, 10.08.2015

"2014 Crocker Symposium on Real Estate Law and Business," 11.06.2014

Speaker, "Chromium 6 Standard: Too Low, Too High or Just Right?" CLE International's California Water Law Conference, San Diego, CA, 06.12.2014

Presenter, "Groundwater Contamination Litigation: Proving and Defending Against Liability - Demonstrating Nexus, Causation and Injury to Recover Cleanup Costs and Other Damages," 10.10.2013

Speaker, "Perchlorate Update: Allegations of Contamination from Colorado River Water in the South El Monte Operable Unit (San Gabriel Groundwater Basin) Litigation," CLE International's California Water Law Conference, Los Angeles, CA, 01.24.2013

Speaker, "The Clean Water Act: EPA's Water Transfer Rule and Recent Congressional Developments," Association of California Water Agencies, San Diego, CA, 12.03.2009

Speaker, "External Utility Stewardship: Conjunctive Use," California Water Association's 68th Annual Conference, Monterey, CA, 11.10.2009

Speaker, "Current Urban Water Use Issues," California Water Association Spring Conference, Sacramento, CA, 06.05.2008

Speaker, "Water Supply: Turning Case Law into a CEQA Analysis," Association of Environmental Professionals, 05.12.2008

Speaker, "Is There Trouble in the Delta?" 6th Annual California Water Law Conference, Pasadena, CA, 11.02.2007

Speaker, "Litigation and Emerging Contaminants," American Water Resources Association Summer Conference on Emerging Contaminants of Concern in the Environment, Vail, CO, 06.26.2007

Speaker, "Urban Water Management Plans - What Can Go Wrong? Some Case Studies," Urban Water Institute's Urban Water Management Plan Update for 2005, Riverside, CA, 01.24.2005

PUBLICATIONS

Co-Author, "Back to the Boardroom: California Local Agency Teleconferencing Rules for 2023 and Beyond," *Nossaman eAlert*, 10.25.2022

Co-Author, "Everything Local Public Agencies Need to Know About California's New Rules on Virtual Meetings During the Pandemic," *Nossaman eAlert*, 09.17.2021

Author, "Coronavirus Updates for the Water Sector," *Nossaman eAlert*, 03.13.2020

Featured, "WaterRules – California's Sustainable Groundwater Management Act provides a Comprehensive Set of Tools for Local Agencies to Implement Groundwater Management Plans," *Los Angeles Lawyer*, 02.20.2015

Author, "Historic California Groundwater Bills are Dry on Specifics," *Law360*, 09.17.2014

Co-Author, "Will Court Ruling Increase Government Superfund Liability?" *WLF Legal Opinion Letter*, 07.08.2011

Author, "The Federal Government's Liability in Cost Recovery Actions," *Daily Journal*, 04.01.2011

Author, "No Crystal Ball for Predicting Water Supplies," *Daily Journal*, 10.27.2010

Co-Author, "Prescriptive Water Rights Confirmed," *The Friday Letter, California Water Association*, 05.23.2008

Author, "Legislation Introduced to Amend Key Provisions of the Clean Water Act," *American Bar Association Environmental Section Newsletter*, 08.01.2005

Author, "Supreme Court Rules that Water Pumps Not Generating Pollutants are Point Sources Under the Clean Water Act," *California Environmental Law Reporter*, 07.01.2004

Author, "Groundwater Management and Conjunctive Use," *Water Education Foundation*, 11.01.1999

COMMUNITY & PROFESSIONAL

Water Education Foundation, Board Member
California Special Districts Association, Legal Advisory Committee
Association of California Water Agencies, Legal Affairs Committee
American Bar Association, Water Resources Committee
Association of Groundwater Agencies, Pro Bono Special Counsel
Southern California Water Committee Inc., Member
American, California State and Los Angeles County Bar Associations, Environmental Sections
Triedstone Church, Board of Trustees
Water Education Foundation Alumni Association, Member

HONORS

Los Angeles Times, B2B Publishing, "Legal Visionary," 2023
Listed, *The Legal 500 United States*, Industry Focus - Environment - Litigation, 2022-2024
Selected for inclusion on the "Top 100" list by The National Black Lawyers, 2022
Included in *The Best Lawyers in America*® for Water Law, 2022-2024
Named to the Minority Leaders of Influence: Attorneys list by the *Los Angeles Business Journal*, 2021
Recognized on the "Thriving In Their 40s" list by the *Los Angeles Business Journal*, 2020
Selected to the Southern California Super Lawyers list, 2013-2021
Named one of the Most Influential Minority Lawyers honoree, *Los Angeles Business Journal*, 2016
Selected to the Southern California Rising Stars list, 2008-2012
Named one of Los Angeles's Top 100 Lawyers by the *Los Angeles Business Journal*, 2009

EDUCATION

Harvard Law School, J.D., 1996
University of California, Berkeley, B.A., 1993, Phi Beta Kappa

ADMISSIONS

California
U.S. Supreme Court

Gina Nicholls

Counsel | Los Angeles

gnicholls@nossaman.com | 213.612.7815



Gina Nicholls represents public agency clients and investor-owned utilities. She has litigation, regulatory, and transactional experience. Her practice focuses on water rights, California public agencies, and limitations imposed by the state constitution on water-related rates, fees, and charges. She has been named a Super Lawyers Southern California Rising Star since 2016 by *Los Angeles* magazine.

Prior to joining Nossaman, Gina practiced complex litigation at a large international law firm. She also worked as an attorney in the office of general counsel of a federally funded research laboratory and institute of higher education. Before attending law school, Gina worked as a consulting environmental engineer and served in the United States Navy.

EXPERIENCE

Imperial Irrigation District. Assisting with the District's defense to a writ of mandate brought by agricultural water users to challenge the District's water distribution plan.

City of Ontario. Advising the City on ongoing basis in connection with a wide range of water-related legal issues including regional water and sewer system management and proceedings seeking to amend the Chino basin judgment.

San Lorenzo Valley Water District. General counsel to the San Lorenzo Valley Water District on all aspects of its operations involving the provision of drinking water and wastewater collection in Santa Cruz County.

Goleta Water District. Assisted with a water rights lawsuit brought by the District in Santa Barbara Superior Court against a private water user.

California Water Association. Assisted with the preparation of a template joint powers agreement for use in streamlining the formation of Joint Powers Authorities to serve as groundwater sustainability agencies under SGMA. Assisted with preparing public comment letters to state agencies including the Department of Water Resources and the State Water Resources Control Board.

Proposition 218. Provided legal advice to several public agency clients regarding potential changes to water or sewer fees and charges.

INSIGHTS

SPEAKING ENGAGEMENTS

Speaker, "Taking the Plunge: Lessons Learned from Water System Consolidations," Nossaman's 2021 Water Webinar Series, 03.23.2021

"Preparedness, Relief, and Recovery: Developments in Disaster Management for California Water Providers," International Right of Way Association/Nossaman Webinar, Webinar, 05.15.2019

Speaker, "Preparedness, Relief, and Recovery: Regulatory Developments in Disaster Management for Water Providers," Nossaman's 2019 Water Webinar Series, 02.28.2019

Speaker, "Groundwater Adjudications and Litigation Alternatives in the Era of the Sustainable Groundwater Management Act (SGMA)," Nossaman's 2018 Water Webinar Series, 06.07.2018

Speaker, "Will Water Rights Conflicts Rupture SGMA Collaboration?" Groundwater Resources Association of California 2017 Fall Conference, 10.03.2017

Speaker, "Where Do We Go From Here? Sustainable Groundwater Management Act (SGMA) Implementation Update," Nossaman Webinar, 08.15.2017

Speaker, "Rate Issues and Design; Proposition 218 and Proposition 26," Nossaman's Drought Solutions Webinar Series, 01.12.2017

Speaker, "Drought, Conservation Pricing, and the Law," Association of California Water Agencies 2016 Fall Conference & Exhibition, 11.30.2016

Speaker, "Stormwater Capture: Water Supply Issues and Opportunities," Nossaman Drought Solutions Webinar Series, 10.13.2016

Speaker, "Implementation of the Sustainable Groundwater Management Act (SGMA)," Nossaman Drought Solutions Webinar Series, 09.20.2016

Speaker, "Water Rights in California," National Business Institute Water Law Conferences, 09.13.2016

Speaker, "The Role of County Counsels in Sustainable Groundwater Management," Nossaman Webinar, 07.28.2016

Speaker, "Proposition 218, Conservation Pricing and SGMA," CLE International's California Water Law Conference, San Francisco, CA, 10.08.2015

PUBLICATIONS

Co-Author, "Executive Order that Seeks to Undo Obama Administration's "Waters of the United States" Rule has more Limited Immediate Impacts," *Nossaman White Paper*, 04.01.2017

Co-Author, "California Groundwater Pumpers May Be Subject to Proposed "State Intervention Fees" Under SGMA," *Nossaman eAlert*, 03.20.2017

Co-Author, "Wheeling & Dealing with California Water: "Fair Compensation" under the Wheeling Statute," *Nossaman eAlert*, 02.13.2017

Co-Author, "Newhall Case Applies Proposition 26 to Wholesale Water Rates," *Nossaman eAlert*, 03.03.2016

Author, "Are Groundwater Pumping Fees or Charges Subject to Proposition 218? California Supreme Court to Resolve Conflicting Precedent," *Nossaman eAlert*, 01.14.2016

Co-Author, "Deadlines Fast Approaching to Modify Groundwater Basin Boundaries Under New Regulation," *Nossaman eAlert*, 12.01.2015

HONORS

Selected to the Southern California Rising Stars list, 2016-2020

Selected for the California Water Education Foundation's Water Leaders Program, 2017

EDUCATION

University of California, Los Angeles School of Law, J.D., 2009, Senior Editor, *UCLA Law Review*, UCLA Moot Court Honors Advocate

Massachusetts Institute of Technology, B.S., 2000

ADMISSIONS

California

U.S. Court of Appeals, Ninth Circuit

U.S. District Court, Central District of California

Frederic A. Fudacz

Partner | Los Angeles

ffudacz@nossaman.com | 213.612.7823



Fred Fudacz is one of the foremost water lawyers in California. His work includes representing water users in complex litigation involving the adjudication of water rights, representing water purveyors with contaminated groundwater supplies and providing a wide range of legal advice to court appointed watermasters. With more than three decades of experience, he has significant trial and negotiating skills.

Fred has secured more than \$700 million worth of contamination settlements in two of the largest groundwater perchlorate pollution cases in the State. He has represented significant clients in landmark water rights adjudications, has been involved in establishing successful groundwater storage programs and provides knowledgeable advice to developers on water reliability strategies.

Fred has been an expert witness on water issues in the courtroom and before the State Water Resources Control Board. He is a frequent speaker on water and groundwater contamination issues to key business and water industry groups and has been named a Southern California Super Lawyer for Environmental Law from 2005-2016.

He is AV Preeminent® Peer Review Rated by Martindale-Hubbell.

EXPERIENCE

Main San Gabriel Basin Watermaster. Serving as general counsel to the Watermaster, a court-appointed agency charged with implementation of the Main San Gabriel Basin adjudication judgment. Negotiated a landmark settlement of \$650 million with eight companies responsible for groundwater contamination in the San Gabriel Valley. Advising on the determination of safe operating yield, evaluation of proposed assessments, analysis of operations affecting water quality, issues relating to reclaimed water and documentation of transfers of rights.

Apple Valley Ranchos Water Company. Served as one of the lead trial and appellate attorneys in the Mojave River Basin adjudication, helping achieve a judgment covering an area the size of Connecticut to which a vast majority of the parties stipulated. Handled proceedings in Riverside Superior Court respecting implementation of the Supreme Court decision in *Barstow v. Mojave Water Agency*. Also advised on rights to reclaimed water discharged to the Mojave River in a matter before the State Water Resources Control Board. Representation includes advising on Safe Drinking Water Act standards and handling water rights transfers.

Cities of Arroyo Grande, Grover Beach, Pismo Beach and the Oceano Community Services District. Successfully represented these public water suppliers in the water rights adjudication of the Santa Maria Valley Groundwater Basin. Defeated claims that impairing water rights were superior to clients'

rights and prevailed on clients' cross-claims by obtaining declaratory relief and a physical solution to manage the groundwater basin in the future. The litigation involved more than 1,000 parties.

City of Santa Monica. Served as counsel to the City in the adjudication of the Charnock Basin. Negotiated a stipulated conclusion to the litigation, which gave Santa Monica total ownership of Basin waters. Served as water rights counsel in the City's successful cost recovery efforts relating to MTBE contamination of Basin supplies.

Paramount Farming. Advised on all aspects of the Kern Water Bank transaction, including the formation of a new public entity, relinquishment of entitlements, water rights and all related environmental issues, to create a successful groundwater storage scheme.

Castaic Lake Water Agency, Newhall County Water District, Santa Clarita Water Company and Valencia Water Company. Served as lead counsel to a group of water purveyors, successfully obtaining a summary judgment and negotiating a \$100 million settlement for clean up of perchlorate contamination in the Upper Santa Clara River basin. Summary judgment decision against defendants establishing their liability for clean-up costs was published. (272 F.Supp.2d 1053 (2003)).

Imperial Irrigation District. Successfully represented the District in an attack on its Equitable Distribution Plan, *Abatti v. IID* (2020) 52 Cal.App.5th 236 and a Proposition 218 challenge to its rate structure, *Morgan v. IID* (2014) 223 Cal.App.4th 892.

Upper Los Angeles River Area Watermaster. Provided counsel on issues relating to the water rights judgment for the San Fernando Valley (*Los Angeles v. California*, Los Angeles Superior Court, Case No. 650079). Lead counsel in litigation terminating the pumping of water on a large ranch in Little Tujunga Canyon that violated the San Fernando Basin judgment. Also provided legal counsel on determination of water rights, groundwater contamination, reclaimed water and other issues.

San Gabriel Valley Protective Association. Represented the Association before the State Water Resources Control Board with regard to rights to reclaimed water discharged to the San Gabriel Basin.

City of Ontario. Representing the City with respect to water rights in the Chino Basin under a Judgment administered by a Court appointed watermaster.

Santa Paula Water Works. Acted as special water rights counsel to Santa Paula Water Works, formerly a large municipal and industrial water producer in the County of Ventura. Represented it with respect to a water rights adjudication in which that utility was involved. Also dealt with valuing all kinds of water rights, both groundwater and surface and evaluating the client's rights relative to agricultural interests and other municipal and industrial water purveyors.

Mutual Water Companies. Served as special counsel to San Antonio Water Company and Fontana Union Water Company, two of the oldest mutuals in California, on a wide range of water issues.

California Water Service. Represented this public utility in litigation to amend the water rights Judgments in Southern California's Central and West Basins.

INSIGHTS

SPEAKING ENGAGEMENTS

Speaker, "Groundwater Adjudications and Litigation Alternatives in the Era of the Sustainable Groundwater Management Act (SGMA)," Nossaman's 2018 Water Webinar Series, 06.07.2018

Conference Co-Chair, "The Drought, the Delta & the Future," CLE International's California Water Law Conference, San Francisco, CA, 10.08.2015

Conference Co-Chair, "Balancing Interests in a Time of Drought," CLE International's California Water Law Conference, San Francisco, CA, 11.03.2014

Conference Co-Chair, "Recent Cases & Water in the 21st Century," CLE International's California Water Law Conference, San Diego, CA, 06.12.2014

Speaker, "Basin Adjudication: A Powerful Groundwater Management Tool," Association of Water Agencies of Ventura County Water Symposium, 04.24.2014

Conference Co-Chair, "California Water Law: All Points of View," Water Law Institute and CLE International Conference, San Francisco, CA, 10.28.2013

Conference Co-Chair, "Colorado River: Focus on California," CLE International's California Water Law Conference, Los Angeles, CA, 01.24.2013

Conference Co-Chair, "Legal, Environmental & Regulatory Perspectives," CLE International's California Water Law Conference, San Diego, CA, 05.03.2012

Conference Co-Chair, "8th Annual California Water Law Conference," CLE International's California Water Law Conference, Palm Springs, CA, 11.05.2009

HONORS

Included in *The Best Lawyers in America*® for Water Law, 2024

Named to *The National Law Journal's* list of "Top 50 Litigation Trailblazers," 2016

Selected to the Southern California Super Lawyers list, 2005-2016

AV Preeminent® Peer Review Rated by Martindale-Hubbell

EDUCATION

Harvard Law School, J.D., 1971, *cum laude*

Stanford University, B.A., 1968, *with distinction*, Phi Beta Kappa

ADMISSIONS

California

U.S. Supreme Court

Raven McGuane

Associate | Los Angeles

rmcguane@nossaman.com | 213.612.7819



Raven McGuane focuses her practice on state and federal water industry issues. She assists in preparing legal briefs and advising clients on regulatory compliance and complex water rights issues. Raven's experience includes preparation for trial in water pollution tort cases.

Prior to joining the Firm, Raven was a water quality specialist at a water utility company where she managed and conducted environmental quality projects. During law school, she served as an extern at the United States Attorney's Office for the Central District of California

INSIGHTS

SPEAKING ENGAGEMENTS

Moderator, "Living on the Edge: Managing Sea Level Rise in California," Nossaman's 2021 Water Webinar Series, 05.27.2021

PUBLICATIONS

Co-Author, "Challenges Facing California's Proposed Coastal Property Law," *Law360*, 06.22.2021

EDUCATION

University of California, Los Angeles School of Law, J.D., 2020
University of California, Berkeley, B.S.

ADMISSIONS

California
U.S. Court of Appeals, Ninth Circuit
U.S. District Court, Central District of California
U.S. District Court, Southern District of California

Alexander J. Van Roekel

Associate | Los Angeles

avanroekel@nossaman.com | 213.612.7834



Alex Van Roekel provides counsel to clients on state and federal water law issues, including compliance with statutory and regulatory requirements, litigation strategy in both state and federal court and public policy within the water sector. Alex also tracks and reports upon developments affecting the water industry.

Alex advises public agency clients as general counsel and outside special counsel on all aspects of water and government law, including the Brown Act and the Public Records Act. He assists in developing strategy on how to best adapt to new legislation and regulations as well as changing factual circumstances. He also assists his public agency clients in litigation, including both bringing and defending against claims against other public agencies or private parties.

Alex further supports his clients in regulatory and administrative proceedings. For investor-owned water utility companies, Alex assists in every type of California Public Utilities Commission (CPUC) matter, including ratemakings, rulemakings and investigations. He has experience assisting in representing clients on complex matters before the CPUC, including costs of capital, general rate cases and appeals, including to the California Supreme Court. Alex also has worked on permitting and other matters in front of the State Water Resources Control Board.

Alex defends litigation in both state and federal court. Alex has experience defending against common law claims, including trespass and nuisance actions. He also has experience defending against statutory claims, including those brought under the Clean Water Act, the Resource Conservation and Recovery Act (RCRA), the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the Porter-Cologne Water Quality Control Act.

Prior to attending law school, Alex served as a Legislative Affairs Intern for the Office of California Governor Edmund G. Brown Jr.

INSIGHTS

PUBLICATIONS

Contributor, "California Water Views - 2024 Outlook," *Nossaman Periodical*, 05.01.2024

Co-Author, "EPA's Enforcement Discretion and Settlement Policy for its PFAS CERCLA Rule | Part II: A Salve or Hot Air?" *Nossaman eAlert*, 04.23.2024

Co-Author, "EPA Designates Two PFAS as Hazardous Substances Under CERCLA | Part I: Impacts on Potentially Responsible Parties," *Nossaman eAlert*, 04.22.2024

Co-Author, "Keeping America's Water Safe to Drink – EPA Announces PFAS MCL," *Nossaman eAlert*, 04.10.2024

Author, "LAO Issues Report Criticizing the "Make Conservation a California Way of Life" Framework – Are Changes Coming?" *Nossaman eAlert*, 01.16.2024

Contributor, "California Water Views - 2023 Outlook," *Nossaman Periodical*, 04.01.2023

Co-Author, "EPA Releases Long-Awaited Proposed PFAS Standards," *Nossaman eAlert*, 03.15.2023

Author, "Newsom Announces Budget Proposal Which Includes \$6 Billion in Cuts to Environmental/Climate Change Programs," *Nossaman eAlert*, 01.12.2023

Author, "Court Decision Limits State Water Resources Control Board's Authority Over Pre-1914 Appropriative Rights," *Nossaman eAlert*, 09.22.2022

Author, "EPA Proposes Listing Two PFAS as Hazardous Substances," *Nossaman eAlert*, 09.01.2022

Co-Author, "California's Water Supply Strategy: Adapting to Climate Change, One State at a Time," *Nossaman eAlert*, 08.16.2022

Author, "Ninth Circuit Reverses Itself – New Opinion Removes Potential for RCRA "Transporter" Liability for Water Providers," *Nossaman eAlert*, 07.13.2022

Author, "Newsom Issues Executive Order N-7-22 Outlining California's New Drought Strategies," *Nossaman eAlert*, 04.14.2022

EDUCATION

University of California, Los Angeles School of Law, J.D., 2021; *Order of the Coif*; Masin Family Academic Excellence Gold Award; Articles Editor, *Journal of Environmental Law and Policy*
University of Southern California, B.A., 2013

ADMISSIONS

California
U.S. District Court, Southern District of California